



June 21, 2019

Halifax Regional Municipality
Planning & Development, Development Approval
PO BOX 1749
Halifax, NS B3J 3A5

Attention: Maggie Holms, Principal Planner – Urban Enabled Applications

Dear Maggie:

**Subject: Application for a Non-Substantive Amendment to the Development Agreement of the Carlton Terrace
Rationale Letter**

INTRODUCTION

On behalf of our client, Killam Apartment REIT (Killam), WSP Canada Inc. (WSP) is applying for a non-substantive amendment to an existing Development Agreement (DA No. 108139420) for a proposed residential development at 5885 Spring Garden Road, Halifax. This amendment intends to allow for a time extension to the development completion date.

On May 13, 2015, Halifax and West Community Council approved a Development Agreement to allow for a multiple unit residential building consisting of an existing eleven-storey tower and a new eighteen-storey tower, inclusive of a single storey podium. The proposed addition is to be located to the rear of the property which is currently used for surface parking.

To assist with this application, the following supporting materials are enclosed as attachments:

- Completed Planning Application Form
- \$330 Application Fee and \$450 Advertising Deposit
- Appendix A: Signed Development Agreement No. 108139420
- Appendix B: Detailed Site and Floor Plans re-issued for Development Permit submitted on June 12, 2018
- Appendix C: Detailed Site and Floor Plans re-issued for Development Permit revised on July 11, 2018
- Appendix D: Development Permit, HRM File Number 164224, issued on October 1, 2018

1 Spectacle Lake Drive
Dartmouth, NS
Canada B3B 1X7

T: +1 902-835-9955
F: +1 902-835-1645
wsp.com

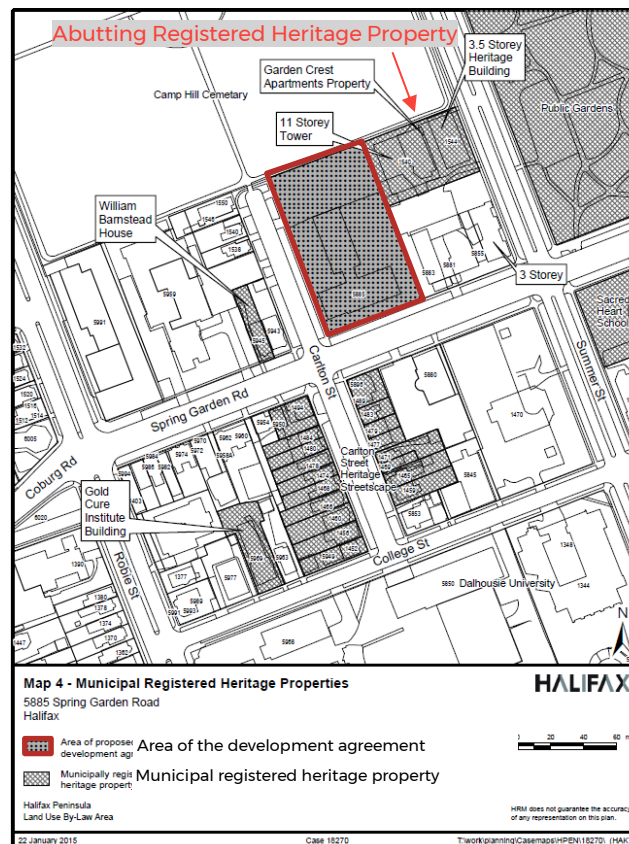
NEIGHBOURING HERITAGE PROPERTIES

As illustrated on Figure 1, the surrounding area includes several registered heritage properties:

- the Garden Crest property, which abuts the subject property, is comprised of a 3 1/2 storey heritage building which fronts Summer Street and an 11-storey apartment building that was built in 2002. It is also a provincially registered heritage property;
- houses along Carlton Street, south of Spring Garden Road, that are designated as a municipal heritage streetscape;
- individual heritage property designations over a house at 5945 Spring Garden Road (William Barnstead House) and an apartment building at 5969 College Street (Gold Cure Institute Building); and
- the Public Gardens and Sacred Heart School, which are east of Summer Street.

The property is bordered by Camp Hill Cemetery and is a block away from the Public Gardens. Camp Hill Cemetery is not a registered heritage property, although it is recognized for its historic importance and the presence of noteworthy grave sites. Beyond the historical significance of the surrounding area, the character of the area is also defined by the presence of relatively tall residential, office and institutional buildings.

Figure 1 – Neighbouring Heritage Properties



Source: Case 18270, Staff report dated March 12, 2015.

In 2015, through a detailed staff review of Policy CH-16 of the Regional Plan and the Halifax MPS, Planning staff advised the Heritage Advisory Committee that the proposed development was likely to have little impact to the

Garden Crest Apartments property. The Heritage Coordinator of the Province reached a similar conclusion. Based on these findings, the Heritage Advisory Committee recommended that Halifax and West Community Council approve the proposed Development Agreement without conditions relating to the abutting registered heritage property.

PROPOSED AMENDMENTS AND RATIONALE

Section 7.3.1 of the Agreement stipulates that the development must commence within three (3) years from the date of registration, thereby establishing a commencement date of November 23, 2018. This provision has been respected as a Development Permit has been issued on October 1st, 2018 (HRM File Number 164224).

Section 7.5 of the Agreement stipulates that if the developer fails to complete the development after five (5) years from the date of registration of the Agreement, thereby establishing a completion date of November 23, 2020, Council may retain the Agreement, negotiate a new Agreement, or discharge the Agreement.

- The applicant proposes to amend the existing Development Agreement to allow for a time extension to the discharge of Agreement. The request is to extend the completion date by five (5) years resulting in a completion date on November 23, 2025. The applicant is applying for this time extension on behalf of the owner due to a recent issuance of a Development Permit and the need to: revise the underground parking layout, which may affect the structure of the building;
- plan a permanent new driveway and parking entrance into the existing building on site
- complete the associated detailed engineering plans; and
- get the approvals needed.

PLANNING RATIONALE

Considering that the Development Permit was issued in October 2018, it leaves a short period of time to execute the subsequent phases of the project. As the revision of the underground parking may significantly alter the structure of the building, and consequently require an additional non-substantive amendment to the DA, it is not possible for the development to be completed by November 2020.

A five-year extension to Section 7.5 of the Agreement would give more time to properly modify the parking plans, seek approval of those plans, design and seek approval for a new permanent driveway into the existing building on site and to do the associated engineering plans necessary for the construction of the new building. Although Council may retain the Agreement after 2020, the applicant prefers to proceed with a non-substantive amendment now. Obtaining a time extension at this stage would provide reassurance to the owner and its stakeholders so it can continue with the project's planning.



CLOSING

Killam is committed to delivering high-quality buildings in the exceptional neighborhood of downtown Halifax. To build a better community for the long term, our client hopes to reach an agreement with the Council to develop the Carlton Terrace in a judicious manner.

The proposed non-substantive amendment is consistent with the intent of the DA approved in 2015 and applicable municipal policies. We appreciate your timely review to determine the fastest and most efficient path for this application. Should you have any questions or comments at this time regarding this application, please do not hesitate to contact me.

Yours sincerely,
Originally Signed

Jessika Brosseau
Senior Planner

cc: Andrew Kent, Associate Director, Developments, Killam Apartment REIT

WSP ref.: 191-03797-01