



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 9.2
Heritage Advisory Committee
January 31, 2019

TO: Chair and Members of the Heritage Advisory Committee

-Original Signed-

SUBMITTED BY:

Kelly Denty, Director of Planning and Development

-Original Signed-

Jacques Dubé, Chief Administrative Officer

DATE: December 20, 2018

SUBJECT: Case 20928: Development Agreement for 5720-5722 Inglis Street, Halifax.

ORIGIN

An application by RHAD Architects for a development agreement at 5720-5722 Inglis Street, Halifax to allow a twelve unit residential building.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development.

RECOMMENDATION

It is recommended that the Heritage Advisory Committee recommend that Halifax and West Community Council:

1. Give notice of motion to consider the proposed development agreement, as set out in Attachment A, to allow a twelve unit residential building located at 5720-5722 Inglis Street and schedule a public hearing;
2. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A; and
3. Require the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

RHAD Architects, on behalf of the property owner College Realty Ltd., have applied to enter into a development agreement for 5720-5722 Inglis Street to permit the construction of a new three storey, twelve unit residential building in the currently undeveloped side yard of the subject property. The existing registered heritage building on the property, the Uniacke-Sawyer House, would be maintained in its current location and no changes to its use or appearance are proposed.

This application is being considered under Policy 6.8 of the Halifax Municipal Planning Strategy (MPS) which allows uses other than those permitted under the existing land use bylaw specifically for registered heritage properties to encourage the retention, conservation and viability of those properties.

Subject Site	5720-5722 Inglis Street
Location	South-East corner of Inglis Street and Ivanhoe Street, South End Halifax
Regional Plan Designation	Urban Settlement
Community Plan Designation (Map 1)	Medium Density Residential
Zoning (Map 2)	Single Family Dwelling (R-1)
Size of Site	670 square metres (7200 square feet)
Street Frontage	27.8 metres (91 feet) on Inglis Street
Current Land Use(s)	5 unit residential building
Surrounding Use(s)	Low/medium density residential

Proposal Details

The applicant is requesting the ability to construct a second multi-unit residential building on the subject property. The major aspects of the proposal are as follows:

- New three storey apartment building with up to twelve residential units;
- New building to be located in the side yard of the subject property currently used for parking; and
- Existing heritage building to be maintained in its current location, appearance and form.

Heritage

The subject property is listed on the Registry of Heritage Property for the Halifax Regional Municipality and as such, is protected under the *Nova Scotia Heritage Property Act*. No alterations to the Uniacke-Sawyer House are proposed in order to accommodate the new building and no character defining elements of the structure will be removed or obscured from public view. The portion of the property where the new building would be located does not have any identified heritage value and the design of the new building is consistent with the *Standards and Guidelines for the Conservation of Historic Places in Canada*. The proposed development agreement requires ongoing maintenance to preserve the integrity and heritage value of the property.

Enabling Policy and LUB Context

This proposal is being considered under Policy 6.8 of the Halifax MPS. This policy allows owners of registered heritage properties to apply for a development agreement to permit a use not allowed by the underlying zone. In this case, the proposed multi-unit residential use is not permitted under the existing zoning.

The subject property is designated Medium Density Residential in the South End Plan Area of the Halifax Municipal Planning Strategy. This designation encourages a mix of family and non-family dwellings. Buildings are limited to a maximum of four storeys and fourteen dwelling units.

The property is currently zoned Single Family Dwelling (R1) by the Halifax Peninsula Land Use By-law which permits single detached dwellings, home occupations and professional offices, parks, churches, day

care facilities and special care homes. The existing heritage building on the subject property is a five unit apartment dwelling. This legal non-conforming use was established prior to the adoption of the existing zoning.

COMMUNITY ENGAGEMENT

The community engagement process for this application is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject property, letters mailed to property owners within the notification area and a public information meeting held on February 15, 2018. Attachment B contains a copy of the minutes from the meeting. The public comments received included concerns about:

- The intensity of the use of the building;
- The building design and setback along Ivanhoe Street;
- The lack of parking for residents; and
- The potential for crowded or disruptive student housing.

A public hearing must be held by Halifax and West Community Council before they can consider approval of the proposed development agreement. Should Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail.

DISCUSSION

Staff have reviewed the proposal relative to all relevant policies and advise that it is consistent with the intent of the MPS. Attachment C provides an evaluation of the proposed development agreement in relation to the relevant MPS policies.

Proposed Development Agreement

Attachment A contains the proposed development agreement for the subject property and the conditions under which the development may occur. The proposed development agreement addresses the following matters:

- The proposed uses on the property;
- The design of the proposed new building and its location on the property;
- Requirements for landscaping and screening; and
- Requirements for the maintenance of the heritage character of the property.

The proposed development agreement also identifies amendments that would be considered non-substantive and may be amended by resolution of Council. In this case, non-substantive amendments include changes to the footprint of the new building as long as the setbacks from property lines and the heritage building are not reduced, changes to the interior of the new building, and extensions to the date of commencement or the time for completion.

The attached development agreement would permit the construction of a new three storey, twelve unit residential building in the westerly side yard of the subject property, subject to the controls identified above. Of the matters addressed by the proposed development agreement to satisfy the MPS criteria as shown in Attachment C, the following have been identified for detailed discussion.

Land Use Impacts

The Halifax MPS recognizes the important role that heritage buildings and sites play in defining Halifax's character and identity. In order to support the retention, preservation and rehabilitation of heritage buildings

in Halifax, Policy 6.8 of the Halifax MPS allows for the consideration of land uses which are not permitted by the underlying zone for municipally registered heritage properties, subject to certain criteria. One of these criteria is that any development does not unduly disrupt adjacent uses, especially residential uses. The proposal will potentially impact local residents and property owners. Some residents on Ivanhoe Street have expressed concern regarding the number of units proposed for the new building. However, the subject property is located in an area designated Medium Density Residential under the Halifax Secondary Municipal Planning Strategy. As outlined in Attachment C, the form of the building and the number of units proposed is consistent with the policies for properties with this designation. In addition, Inglis Street features a number of comparable medium density residential developments. To mitigate concerns regarding the impact of the proposed development on the residential properties on Ivanhoe Street, the design of the side wall facing Ivanhoe Street has been amended to feature additional architectural detailing and articulation, and the building has been set back further from the property line in order to provide a more appropriate transition.

Heritage Impacts

Under Policy 6.8 of the Halifax MPS any development approved must not alter the registered heritage building in any way to diminish its heritage value and must maintain the integrity of any registered heritage property, streetscape or conservation area of which it is part. As discussed above, no alterations to the heritage building on the property are proposed and the development agreement will require the ongoing maintenance of the building in order to preserve its heritage character.

The design of the new building is consistent with the *Standards and Guidelines for the Conservation of Historic Places in Canada*. The new building would be visually compatible with, subordinate to and distinguishable from the heritage building on the property. The design of the new building is influenced by the Uniacke-Sawyer House through the proportions and rhythm of the façade, the height of the building, the mansard roof, cornice line, and the fenestration pattern. However, the building's design and materiality is simplified and contemporary so that it complements the heritage building without competing with it visually.

Halifax Peninsula Planning Advisory Committee

On March 26, 2018, the Halifax Peninsula Planning Advisory Committee (PAC) recommended that Halifax and West Community Council approve the application. However, the PAC expressed some concern regarding the design of the Ivanhoe Street side wall of the proposed building. Based on these comments, the design of this portion of the building was updated to include additional architectural elements and articulation.

Conclusion

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is reasonably consistent with the intent of the MPS. The main intent of Policy 6.8 is to incentivize the retention and restoration of heritage properties through additional land use flexibility. In this case, the proposed development represents appropriate infill development that will be compatible with the heritage character of the subject property and surrounding area. Therefore, staff recommend that the Heritage Advisory Committee recommend that Halifax and West Community Council approve the proposed development agreement as contained in Attachment A.

FINANCIAL IMPLICATIONS

There are no budget implications. The applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this proposed development agreement. The administration of the proposed development agreement can be carried out within the approved 2018-2019 budget and with existing resources.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application is being considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed development agreement are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications have been identified.

ALTERNATIVES

1. The Heritage Advisory Committee may recommend that the Halifax and West Community Council choose to approve the proposed development agreement subject to modifications. Such modifications may require further negotiation with the applicant.
2. The Heritage Advisory Committee may recommend that the Halifax and West Community Council refuse the proposed development agreement.

ATTACHMENTS

Map 1: Generalized Future Land Use
Map 2: Zoning and Notification Area

Attachment A: Proposed Development Agreement
Attachment B: Public Information Meeting Minutes
Attachment C: Review of Relevant MPS Policies

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Kathleen Fralic, Planner II, 902.490.4904

Report Approved by: ***-Original Signed-***

Kurt Pyle, Acting Manager, Heritage Property Program, 902.490.6011

-Original Signed-

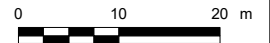
Eric Lucic, Manager, Regional Planning, 902.430.3954



Map 1 - Generalized Future Land Use
5720-5722 Inglis Street
Halifax

HALIFAX

 Subject Site



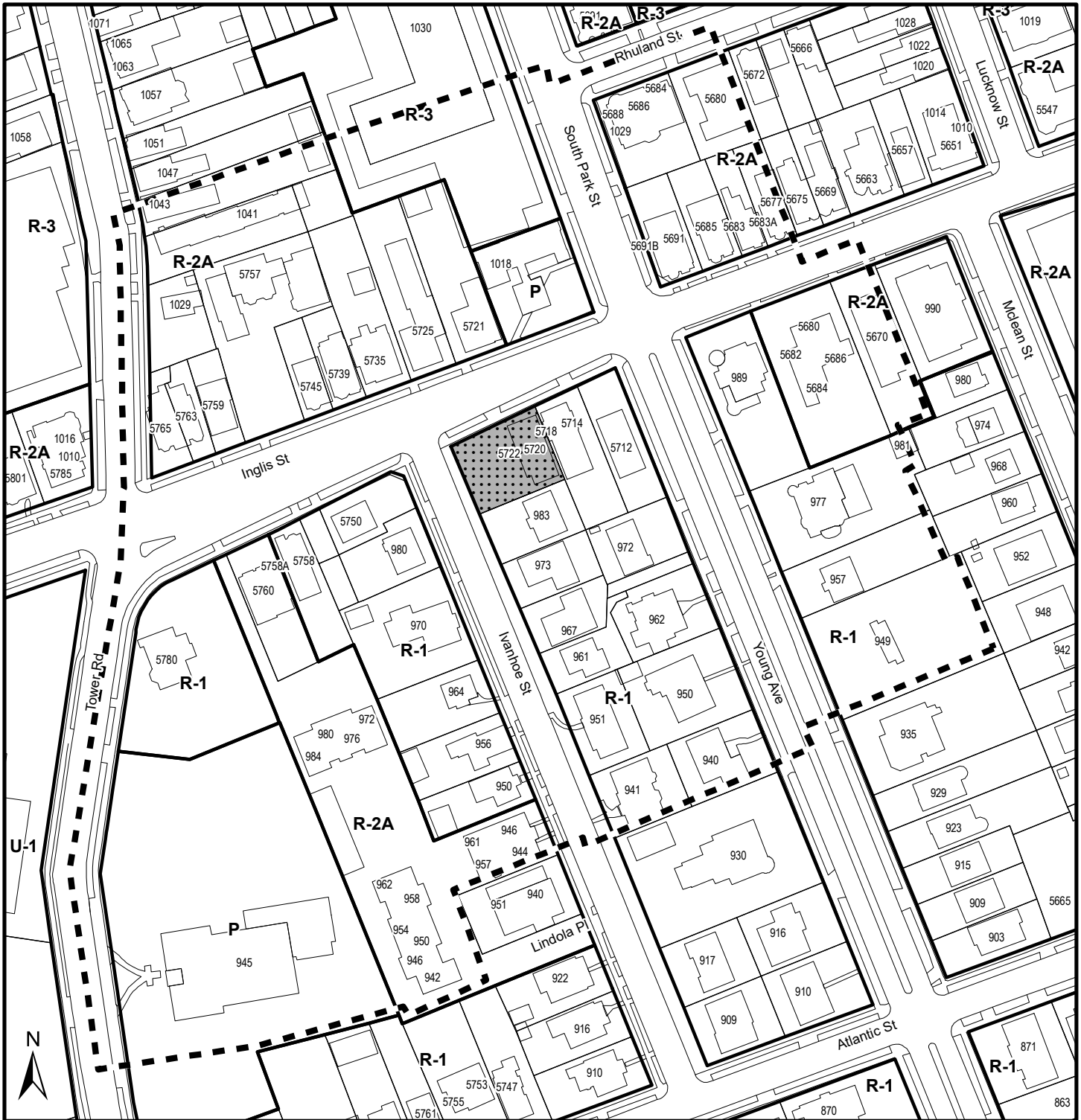
Designation

- LDR Low Density Residential
- MDR Medium Density Residential
- HDR High Density Residential

This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.



The accuracy of any representation on this plan is not guaranteed.

Halifax Plan Area



Map 2 - Zoning & Notification
5720-5722 Inglis Street,
Halifax



-  Subject Site
-  Area of notification

Halifax Peninsula Land
 Use By-Law Area
 South End Secondary
 Planning Area

Zone

- R-1 Single Family Dwelling
- R-2A General Residential Conversion
- R-3 Multiple Dwelling
- U-1 Low-Density University
- P Park and Institutional



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

Attachment A

THIS AGREEMENT made this ___ day of _____, 20___,

BETWEEN:

[Insert Name of Corporation/Business LTD.]

a body corporate, in the Province of Nova Scotia
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY

a municipal body corporate, in the Province of Nova Scotia
(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at 5720-5722 Inglis Street, Halifax and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Lands have been registered as a municipal heritage property pursuant to the provisions of the Municipality's Heritage Property By-law (By-law H-200) as amended from time to time;

AND WHEREAS the Developer has requested that the Municipality enter into a Development Agreement to allow the construction of a three storey, 12 unit residential building on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policy 6.8 of the Halifax Municipal Planning Strategy;

AND WHEREAS the Halifax and West Community Council for the Municipality approved this request at a meeting held on **[Insert - Date]**, referenced as Municipal Case Number 20928;

THEREFORE, in consideration of the benefits accrued to each party from the covenants herein contained, the Parties agree as follows:

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

The Developer agrees that the Lands shall be developed and used only in accordance with and subject to the terms and conditions of this Agreement.

1.2 Applicability of Land Use By-law and Subdivision By-law

1.2.1 Except as otherwise provided for herein, the development, use and subdivision of the Lands shall comply with the requirements of the Land Use By-law for Halifax Peninsula and the Regional Subdivision By-law, as may be amended from time to time.

1.2.2 Variances to the requirements of the Land Use By-law for Halifax Peninsula shall be permitted in accordance with the *Halifax Regional Municipality Charter* as shown on Schedule B.

1.3 Applicability of Other By-laws, Statutes and Regulations

1.3.1 Further to Section 1.2, nothing in this Agreement shall exempt or be taken to exempt the Developer or any other person from complying with the requirements of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement), or any statute or regulation of the Provincial/Federal Government and the Developer or Lot Owner agree(s) to observe and comply with all such laws, by-laws and regulations, as may be amended from time to time, in connection with the development and use of the Lands.

1.3.2 The Developer shall be responsible for securing all applicable approvals associated with the on-site and off-site servicing systems required to accommodate the development, including but not limited to sanitary sewer system, water supply system, stormwater sewer and drainage system, and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of the Municipality and other approval agencies. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer. All design drawings and information shall be certified by a Professional Engineer or appropriate professional as required by this Agreement or other approval agencies.

1.4 Conflict

1.4.1 Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail.

1.4.2 Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.

1.5 Costs, Expenses, Liabilities and Obligations

The Developer shall be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement and all Federal, Provincial and Municipal laws, by-laws, regulations and codes applicable to the Lands.

1.6 Provisions Severable

The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other

provision.

PART 2: DEFINITIONS

2.1 Words Not Defined under this Agreement

All words unless otherwise specifically defined herein shall be as defined in the applicable Land Use By-law and Subdivision By-law, if not defined in these documents their customary meaning shall apply.

2.2 Definitions Specific to this Agreement

The following words used in this Agreement shall be defined as follows:

“New Building” means the twelve-unit apartment building to be constructed on the Lands pursuant to this Development Agreement.

“Uniacke-Sawyer House” means the existing registered heritage building located on the easterly portion of the Lands.

PART 3: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS

3.1 Schedules

The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, conforms with the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case Number 20928:

Schedule A	Legal Description of the Lands
Schedule B	Site Plan
Schedule C	Building Elevations

3.2 Requirements Prior to Approval

Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Lands for any of the uses permitted by this Agreement unless an Occupancy Permit has been issued by the Municipality. No Occupancy Permit shall be issued by the Municipality unless and until the Developer has complied with all applicable provisions of this Agreement and the Land Use By-law (except to the extent that the provisions of the Land Use By-law are varied by this Agreement) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.

3.3 General Description of Land Use

3.3.1 The use(s) of the Lands permitted by this Agreement are the following:

- (a) an apartment house with a maximum of 5 units within the Uniacke-Sawyer House; and
- (b) an apartment house with a maximum of 12 units; or
- (c) any uses permitted by the underlying zone applied to the Lands subject to the provisions contained within the Land Use By-law for Halifax Peninsula as amended from time to time.

- 3.3.2 The Development Officer may permit unenclosed structures attached to the New Building such as verandas, decks, porches, steps, mobility disabled ramps and architectural detailing to be located within the required minimum front, side, flankage and rear yards in conformance with the provisions of the Land Use By-law for Halifax Peninsula as amended from time to time.

3.4 Heritage

Rights to Alter

- 3.4.1 The Developer agrees not to alter the exterior appearance of or demolish the Uniacke-Sawyer House, as provided for under Sections 16, 17 and 18 of the *Heritage Property Act*, in the event that an application for a deregistration, substantial alteration or demolition is denied by the Municipality.

Character Defining Elements

- 3.4.2 Character defining elements of the Second Empire and Italianate styles of architecture of the Uniacke-Sawyer House include, but are not limited to, three storey height, bell-cast mansard roof, asymmetrical front façade with corner tower, bay window with copper roof, raised first floor level, tall entrance steps, iron stone foundation, paired segmental arched windows with sandstone trim, wooden sash windows, segmental arched dormer, quoined corners on second floor of the tower, bracketed eaves, white stucco exterior, visible side elevation, corbelled chimneys and modern rear addition. All character defining elements shall be maintained and/or repaired but not removed without approval from the Municipality.

Non Substantial Alterations

- 3.4.3 Any non-substantial alteration to the exterior appearance of the Uniacke-Sawyer House in accordance with the requirements of the *Heritage Property Act* and By-law H-200, shall be submitted to the Development Officer for review and approval in consultation with a Heritage Planner.

Maintenance

- 3.4.4 All maintenance and repair of the Uniacke-Sawyer House shall be conducted with the approval of the Heritage Planner, and in accordance with the *Standards and Guidelines for the Conservation of Historic Places in Canada, 2nd ed.*
- 3.4.5 The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the interior and exterior of buildings, fencing, walkways, parking areas and driveways, and the maintenance of all landscaping including the replacement of damaged or dead plant stock, trimming and litter control, garbage removal and snow removal/sanding of walkways and driveways.

3.5 Building Siting

- 3.5.1 The New Building shall be located on the Lands as shown on Schedule B.
- 3.5.2 The New Building shall be:
- (a) located no closer to the front lot line than the streetwall established by the front façade of the Uniacke-Sawyer House;
 - (b) a minimum of 1.2 metres (4 feet) from the flanking lot line;
 - (c) a minimum of 4.3 metres (14.2 feet) from the rear lot line;
 - (d) a minimum of 2.2 metres (7.3 feet) from the Uniacke-Sawyer House; and

(e) no taller than the height of the flat roof of the Uniacke-Sawyer House.

3.6 Architectural Requirements

3.6.1 The façade of the New Building facing Inglis Street shall be designed and detailed as the primary façade. Architectural treatment shall be continued around all sides of the New Building as shown on Schedule C.

3.6.2 The exterior walls of the New Building shall be clad in natural, high quality materials of a substantially similar colour and design as shown on Schedule C. Such materials shall include wood, stucco, masonry or brick.

3.7 Parking

3.7.1 No on-site parking shall be required for residents. An access driveway shall be located at the rear of the Lands as shown on Schedule B.

3.7.2 The access driveway shall be hard surfaced or gravelled.

3.8 Outdoor Lighting

All exterior lighting shall be directed to driveways, parking areas, loading areas, building entrances and walkways and shall be arranged so as to divert the light away from streets, adjacent lots and neighbouring buildings.

3.9 Landscaping

3.9.1 All portions of the Lands not included in the building foot prints, entranceways, walkways or driveway, as shown on Schedule B, shall be grassed or landscaped.

3.9.2 Fencing shall be included between the front of the Uniacke-Sawyer House and the New Building and along a portion of the southerly property line, as shown on Schedule B.

3.10 Maintenance

3.10.1 The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the exterior of the buildings, fencing, walkways, recreational amenities, parking areas and driveways, and the maintenance of all landscaping including the replacement of damaged or dead plant stock, trimming and litter control, garbage removal and snow and ice control, salting of walkways and driveways.

3.10.2 All disturbed areas shall be reinstated to original condition or better.

PART 4: STREETS AND MUNICIPAL SERVICES

4.1 General Provisions

All design and construction of primary and secondary service systems shall satisfy the most current edition of the Municipal Design Guidelines and Halifax Water Design and Construction Specifications unless otherwise provided for in this Agreement and shall receive written approval from the Development Engineering prior to undertaking the work.

4.2 Off-Site Disturbance

Any disturbance to existing off-site infrastructure resulting from the development, including but not limited to, streets, sidewalks, curbs and gutters, street trees, landscaped areas and utilities, shall be the responsibility of the Developer, and shall be reinstated, removed, replaced or relocated by the Developer as directed by the Development Officer, in consultation with the Development Engineer.

PART 5: AMENDMENTS

5.1 Non-Substantive Amendments

The following items are considered by both parties to be not substantive and may be amended by resolution of Council:

- (a) changes to the footprint of the New Building as detailed in Schedule B as long as the setbacks from property lines and the Uniacke-Sawyer House are not reduced;
- (b) the granting of an extension to the date of commencement of construction as identified in Section 6.3 of this Agreement; and
- (c) the length of time for the completion of the development as identified in Section 6.4 of this Agreement.

5.2 Substantive Amendments

Amendments to any matters not identified under Section 5.1 shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Halifax Regional Municipality Charter*.

PART 6: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

6.1 Registration

A copy of this Agreement and every amendment or discharge of this Agreement shall be recorded at the Registry of Deeds or Land Registry Office at Halifax, Nova Scotia and the Developer shall incur all costs in recording such documents.

6.2 Subsequent Owners

- 6.2.1 This Agreement shall be binding upon the parties hereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the Lands which are the subject of this Agreement until this Agreement is discharged by Council.
- 6.2.2 Upon the transfer of title to any lot(s), the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot(s).

6.3 Commencement of Development

- 6.3.1 In the event that development on the Lands has not commenced within **three (3)** years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law.
- 6.3.2 For the purpose of this section, commencement of development shall mean the issuance of a Building Permit for the construction of the New Building.

- 6.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 5.1, if the Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the commencement of development time period.

6.4 Completion of Development and Discharge

If the Developer fails to complete the development, or phases of this development, after **five (5)** years from the date of registration of this Agreement at the Land Registration Office Council may review this Agreement, in whole or in part, and may:

- (a) retain the Agreement in its present form;
- (b) negotiate a new Agreement;
- (c) discharge this Agreement; or
- (d) for those portions of the development which are completed, discharge this Agreement and apply appropriate zoning pursuant to the Halifax Municipal Planning Strategy and Land Use By-law for the Halifax Peninsula, as may be amended from time to time.

PART 7: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

7.1 Enforcement

The Developer agrees that any officer appointed by the Municipality to enforce this Agreement shall be granted access onto the Lands during all reasonable hours without obtaining consent of the Developer. The Developer further agrees that, upon receiving written notification from an officer of the Municipality to inspect the interior of any building located on the Lands, the Developer agrees to allow for such an inspection during any reasonable hour within twenty-four hours of receiving such a request.

7.2 Failure to Comply

If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer **sixty (60)** days written notice of the failure or default, then in each such case:

- (a) The Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defence based upon the allegation that damages would be an adequate remedy;
- (b) The Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the Agreement, whereupon all reasonable expenses whether arising out of the entry onto the Lands or from the performance of the covenants or remedial action, shall be a first lien on the Lands and be shown on any tax certificate issued under the *Assessment Act*;
- (c) The Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; or
- (d) In addition to the above remedies, the Municipality reserves the right to pursue any other remedy under the *Halifax Regional Municipality Charter* or Common Law in order to ensure compliance with this Agreement.

IN WITNESS WHEREAS the said parties to these presents have hereunto set their hands and affixed their seals the day and year first above written.

SIGNED, SEALED AND DELIVERED in the presence of:

(Insert Registered Owner Name)

Witness

Per: _____

HALIFAX REGIONAL MUNICIPALITY

SIGNED, DELIVERED AND ATTESTED to by the proper signing officers of Halifax Regional Municipality, duly authorized in that behalf, in the presence of:

Witness

Per: _____

MAYOR

Witness

Per: _____

MUNICIPAL CLERK

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this _____ day of _____, A.D. 20____, before me, the subscriber personally came and appeared _____ a subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that _____, _____ of the parties thereto, signed, sealed and delivered the same in his/her presence.

A Commissioner of the Supreme Court
of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this _____ day of _____, A.D. 20____, before me, the subscriber personally came and appeared _____ the subscribing witness to the foregoing indenture who being by me sworn, made oath, and said that Mike Savage, Mayor and Cathy Mellett, Clerk of the Halifax Regional Municipality, signed the same and affixed the seal of the said Municipality thereto in his/her presence.

A Commissioner of the Supreme Court
of Nova Scotia

Attachment B

**HALIFAX REGIONAL MUNICIPALITY
Public Information Meeting
Case 20928**

The following does not represent a verbatim record of the proceedings of this meeting.

**Thursday, February 15, 2018
6:30 p.m.**

Halifax Central Library, 5440 Spring Garden Road, Lindsay's Children's Room

STAFF IN

ATTENDANCE: Kathleen Fralic, Planner, HRM Planning
Aaron Murnaghan, Principal Planner, HRM Planning
Holly Kent, Planning Technician, HRM Planning
Genevieve Hachey, Planning Controller, HRM Planning

ALSO IN

ATTENDANCE: Deputy Mayor, Waye Mason, District 7
Rayleen Hill, Architect with RHAD Architects
Darren Burke, property owner

PUBLIC IN

ATTENDANCE: Approximately 8

The meeting commenced at approximately 6:31 p.m.

Call to order, purpose of meeting – Kathleen Fralic

Ms. Fralic introduced themselves as the Planner and Facilitators for the application. They also introduced; Aaron Murnaghan - Principal Planner, Heritage; Waye Mason – Deputy Mayor and Councilor for District 7, Genevieve Hachey - Planning Controller; Holly Kent - Planning Technician and Rayleen Hill - Architect with RHAD Architects

Case 20928 - Application by RHAD Architects requesting a development agreement for a property located at 5720-5722 Inglis Street, Halifax to allow for a 12-unit residential building on the same property as an existing heritage building.

Kathleen Fralic explained; the purpose of the Public Information Meeting (PIM) is: a) to provide information about this application to the public; b) to explain the process involved; c) an opportunity for Staff to receive public feedback regarding the proposal. No decisions are made at this PIM.

1. Presentation of Proposal – Kathleen Fralic

Kathleen Fralic provided a brief introduction to the application and then made a presentation to the public outlining the purpose of the meeting, status of the application and the developer's request. They outlined the context of the subject lands and the relevant planning policies.

Applicants Presentation – Rayleen Hill

Rayleen Hill explained their history working with Heritage projects, what they were looking to do on this site, the history of the site, what is in the surrounding area and examples of similar architecture locally and globally. They also explained that in talking with HRM staff previously, during a Pre Planning Application Process, that it was recommended that the aim should not be creating a false historical building but to create a sensitive, well designed new structure of its time that is compatible with the character of the district. They presented their design, explained their plans and design choices.

2. Questions and Comments

Maureen Reid - Ivanhoe Street: Is the intent that this building be geared towards student housing, would they be condos or apartments? This can change the fabric of the community in terms of noise levels. They believe that from Ivanhoe Street this design looks like a square box with windows in it.

Darren Burke replied that he shares the concerns of the neighbours and hopes that this building will be occupied by young professionals.

Rayleen Hill thanked them for their feedback and replied that the façade of the building facing Ivanhoe street could have some added articulation.

John Reid – Ivanhoe Street: They do not believe that a 12 unit building belongs on Ivanhoe Street, the frontage on Ivanhoe Street is large and out of keeping with the rest of the street. This street is small but has significant traffic due to the school and parking issues due to the proximity of the hospital; they question how you can have a 12 unit building with no additional parking.

Kathleen. Fralic responded that their comments would be on record.

Stephen Bloom – Ivanhoe Street: How many parking spaces will be displaced by this development and the corner at Ivanhoe is not a right angle and will cause visibility issues, how close will the building be to the edge of the property?

Rayleen Hill – From the property line it is about 3 feet however there is a 10 foot right-of-way to the curb.

Darren Burke replied there are currently 4 cars that park on the site, we are looking at alternatives for these people to park in the area.

Catherine Lazier – Inglis street: They like the idea of the design being sympathetic to the heritage buildings surrounding it, they think this was well achieved except on the south side. Their big concern is about parking, perhaps not all 12 units will have cars however some will. They would like to know how long the construction phase would be.

Darren Burke replied in their experience more people are looking at walking and transit and many people do not have vehicles. The lack of parking is a concern however the future of our city will be creating nice spaces for the community where people will be walking. They believe that construction of this size would take 6 to 8 months.

3. Closing Comments

Ms. Fralic thanked everyone for coming and expressing their comments.

4. Adjournment

The meeting adjourned at approximately 7:10 p.m.

Attachment C
Review of Relevant Policies from the Halifax MPS

REGIONAL MUNICIPAL PLANNING STRATEGY

CHAPTER 7: CULTURAL AND HERITAGE RESOURCES	
7.3 Protection of Heritage Resources	
Policy	Staff Comment
<p>CH-5 <i>HRM shall consider the retention, preservation, rehabilitation and restoration of those buildings, public building interiors, streetscapes, cultural landscapes, areas and districts of historic, architectural or cultural value in both urban and rural areas and encourage their continued use.</i></p>	<p>The existing registered heritage building on the property, the Uniacke-Sawyer House, will be maintained in its current location and no changes to its use or appearance are proposed.</p>
7.4 Development Abutting Registered Heritage Properties	
Policy	Staff Comment
<p>CH-16 <i>For lands abutting federally, provincially or municipally registered heritage properties, HRM shall, when reviewing applications for development agreements, rezonings and amendments pursuant to secondary planning strategies, or when reviewing the provision of utilities for said lands, consider a range of design solutions and architectural expressions that are compatible with the abutting federally, provincially or municipally registered heritage properties by considering the following:</i></p> <p>a) <i>the careful use of materials, colour, proportion, and rhythm established by surface and structural elements should reinforce those same aspects of the existing buildings;</i></p> <p>b) <i>ensuring that new development is visually compatible with yet distinguishable from the abutting registered heritage property. To accomplish this, an appropriate balance must be struck between mere imitation of the abutting</i></p>	<p>The proposed development involves the construction of a new twelve unit residential building on a registered heritage property. The new building will be located in the side yard of the property next to a registered heritage building, the Uniacke-Sawyer House.</p> <p>The design of the new building is consistent with Policy CH-16. Specifically:</p> <p>a) The façade of the new building has been designed to reflect the proportions of the Uniacke-Sawyer House. The building’s fenestration pattern, mansard roof and cornice line are also influenced by the abutting heritage building.</p> <p>b) While the new building has been designed to reflect a number of features of the Uniacke-Sawyer House, its design, materiality and colour are simplified and contemporary to ensure that it complements the heritage building without competing with it visually.</p>

<p><i>building and pointed contrast, thus complementing the abutting registered heritage property in a manner that respects its heritage value;</i></p> <p>c) <i>ensuring that new developments respect the building scale, massing, proportions, profile and building character of abutting federally, provincially or municipally registered heritage structures by ensuring that they:</i></p> <p>i) <i>incorporate fine-scaled architectural detailing and human-scaled building elements.</i></p> <p>ii) <i>reinforce, the structural rhythm (i.e., expression of floor lines, structural bays, etc.) of abutting federally, provincially or municipally registered heritage properties; and</i></p> <p>iii) <i>any additional building height proposed above the pedestrian realm mitigate its impact upon the pedestrian realm and abutting registered heritage properties by incorporating design solutions, such as stepbacks from the street wall and abutting registered heritage properties, modulation of building massing, and other methods of massing articulation using horizontal or vertical recesses or projections, datum lines, and changes in material, texture or colour to help reduce its apparent scale;</i></p>	<p>c) The proposed building reflects the scale and massing of the Uniacke-Sawyer House in a number of ways. The central entranceway of the new building has been designed to be the same width as the tower of the Uniacke-Sawyer House, while the portions on either side of the entranceway are the same height and width as the Uniacke-Sawyer House to the right of the tower. The roof and floor lines of the new building are also aligned to match the Uniacke-Sawyer House.</p> <p>d) The front wall of the new building is in line with the the streetwall established by the front façade of the Uniacke-Sawyer House. The proposed setbacks from the property lines are comparable with existing development in the surrounding area.</p> <p>e) There are no concerns regarding shadowing as a result of the proposed development.</p> <p>f) The subject property is located in an area which features a number of registered heritage properties, including the Victorian and Late Victorian Streetscapes located across the street on Inglis Street. The proposed building would be compatible with the heritage character of the neighbourhood. The massing and setbacks of the proposed building would be consistent with the medium density development in the surrounding area.</p> <p>g) The portion of the subject property where the new building would be located is currently used for parking. As a result, there will be no significant loss of landscaped open space as a result of the development.</p> <p>h) No parking for residents is proposed as part of the development.</p>
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<p>d) <i>the siting of new developments such that their footprints respect the existing development pattern by:</i></p> <p>i) <i>physically orienting new structures to the street in a similar fashion to existing federally, provincially or municipally registered heritage structures to preserve a consistent street wall; and</i></p> <p>ii) <i>respecting the existing front and side yard setbacks of the street or heritage conservation district including permitting exceptions to the front yard requirements of the applicable land use by-laws where existing front yard requirements would detract from the heritage values of the streetscape;</i></p> <p>e) <i>not unreasonably creating shadowing effects on public spaces and heritage resources;</i></p> <p>f) <i>complementing historic fabric and open space qualities of the existing streetscape;</i></p> <p>g) <i>minimizing the loss of landscaped open space;</i></p> <p>h) <i>ensuring that parking facilities (surface lots, residential garages, stand-alone parking and parking components as part of larger developments) are compatible with abutting federally, provincially or municipally registered heritage structures;</i></p> <p>i) <i>placing utility equipment and devices such as metering equipment, transformer boxes, power lines, and conduit equipment</i></p>	<p>i) Utility equipment will be required to be screened from view by vegetation and fencing.</p> <p>j) The proposed development is consistent with all applicable heritage policies and guidelines.</p> <p>k) N/A</p>
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<p><i>boxes in locations which do not detract from the visual building character or architectural integrity of the heritage resource;</i></p> <p>j) <i>having the proposal meet the heritage considerations of the appropriate Secondary Planning Strategy, as well as any applicable urban design guidelines; and</i></p> <p>k) <i>any applicable matter as set out in Policy G-14 of this Plan.</i></p>	
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HALIFAX MUNICIPAL PLANNING STRATEGY

SECTION II - CITY-WIDE OBJECTIVES AND POLICIES	
2. Residential Environments	
Policy	Staff Comment
<p>Policy 2.1.1 <i>On the Peninsula, residential development should be encouraged through retention, rehabilitation and infill compatible with existing neighbourhoods; and the City shall develop the means to do this through the detailed area planning process.</i></p>	<p>The availability of vacant land on the subject property provides an appropriate opportunity for infill development in an established residential neighbourhood. The proposed building has been designed to be compatible with the character of the Uniacke-Sawyer House.</p>
<p>Policy 2.2 <i>The integrity of existing residential neighbourhoods shall be maintained by requiring that any new development which would differ in use or intensity of use from the present neighbourhood development pattern be related to the needs or characteristics of the neighbourhood and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</i></p>	<p>The proposed development will be a three storey, 12 unit residential building. The height of the new building is modelled to reflect the height and proportions of the existing heritage building on the subject property and would be consistent with the building heights in the surrounding area. The property fronts on Inglis Street, which features multi-unit residential uses at varying densities.</p> <p>Policy 3.1 – Repealed Policy 3.2 – N/A</p>
<p>Policy 2.4 <i>Because the differences between residential areas contribute to the richness of Halifax as a city, and because different neighbourhoods exhibit different characteristics through such things as their location, scale, and housing</i></p>	<p>The subject property fronts on Inglis Street, which features a number of registered heritage properties, including Victorian and Late Victorian Streetscapes directly across the street. The proposed building is a modern design that reflects the proportions, massing,</p>

<p><i>age and type, and in order to promote neighbourhood stability and to ensure different types of residential areas and a variety of choices for its citizens, the City encourages the retention of the existing residential character of predominantly stable neighbourhoods, and will seek to ensure that any change it can control will be compatible with these neighbourhoods.</i></p>	<p>fenestration pattern and cornice line of the existing heritage building. The design of the new building is consistent with the <i>Standards and Guidelines for the Conservation of Historic Places in Canada</i>.</p> <p>Inglis Street features comparable medium density residential uses. The neighbourhood transitions to lower density residential on Ivanhoe Street. Setbacks from the street and articulation along the Ivanhoe Street façade of the building minimize the impact of this transition.</p>
<p>Policy 2.4.1 <i>Stability will be maintained by preserving the scale of the neighbourhood, routing future principal streets around rather than through them, and allowing commercial expansion within definite confines which will not conflict with the character or stability of the neighbourhood, and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</i></p>	<p>The proposed building would be consistent with the height and scale of development in the surrounding area.</p> <p>Policy 3.1 – Repealed Policy 3.2 – N/A</p>
<p>Policy 2.6 <i>The development of vacant land, or of land no longer used for industrial or institutional purposes within existing residential neighbourhoods shall be at a scale and for uses compatible with these neighbourhoods, in accordance with this Plan and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</i></p>	<p>The westerly portion of the subject property is currently vacant and used for parking. Comparable medium density residential development currently exists on Inglis Street. The height and massing of the new building will be a compatible transition from Inglis Street to the low density residential development on Ivanhoe Street.</p> <p>Policy 3.1 – Repealed Policy 3.2 – N/A</p>
<p>Policy 2.7 <i>The City should permit the redevelopment of portions of existing neighbourhoods only at a scale compatible with those neighbourhoods.</i></p> <p><i>The City should attempt to preclude massive redevelopment of neighbourhood housing stock and dislocations of residents by encouraging infill housing and rehabilitation.</i></p>	<p>The existing heritage building on the subject property will not be impacted as a result of the proposed development. The new building will be located on a vacant portion of the property as infill development.</p> <p>The proposed new building will be of a scale that is compatible with surrounding buildings and which provides appropriate infill</p>

<p><i>The City should prevent large and socially unjustifiable neighbourhood dislocations and should ensure change processes that are manageable and acceptable to the residents. The intent of this policy, including the manageability and acceptability of change processes, shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</i></p>	<p>development while not resulting in a dislocation of existing buildings or residents.</p> <p>Policy 3.1 – Repealed Policy 3.2 – N/A</p>
<p>Policy 2.10 <i>For low and medium density residential uses, controls for landscaping, parking and driveways shall ensure that the front yard is primarily landscaped. The space devoted to a driveway and parking space shall be regulated to ensure that vehicles do not encroach on sidewalks.</i></p>	<p>The subject property's front yard on Inglis Street and side yard on Ivanhoe Street will continue to be maintained for landscaping. No parking is proposed for residents on the subject property. A small driveway will be located at the rear of the new structure for access purposes.</p>
<p>6. Heritage Resources</p>	
<p>Policy</p>	<p>Staff Comment</p>
<p>Policy 6.1 <i>The City shall continue to seek the retention, preservation, rehabilitation and/or restoration of those areas, sites, streetscapes, structures, and/or conditions such as views which impart to Halifax a sense of its heritage, particularly those which are relevant to important occasions, eras, or personages in the histories of the City, the Province, or the nation, or which are deemed to be architecturally significant. Where appropriate, in order to assure the continuing viability of such areas, sites, streetscapes, structures, and/or conditions, the City shall encourage suitable re-uses.</i></p>	<p>The subject property is a municipally registered heritage property. The Uniacke-Sawyer House is located on the easterly side of the property. The proposed development would not result in any alteration of the heritage building or the removal or obstruction of any character defining features of the structure or property.</p>
<p>Policy 6.4 <i>The City shall attempt to maintain the integrity of those areas, sites, streetscapes, structures, and/or conditions which are retained through encouragement of sensitive and complementary architecture in their immediate environs.</i></p>	<p>The subject property is located on Inglis Street across the street from the Late Victorian Streetscape. The design of the new building is consistent with the <i>Standards and Guidelines for the Conservation of Historic Places in Canada</i>.</p>

<p>Policy 6.8 <i>In any building, part of a building, or on any lot on which a registered heritage building is situated, the owner may apply to the City for a development agreement for any development or change in use not otherwise permitted by the land use designation and zone subject to the following considerations:</i></p> <ul style="list-style-type: none"> i) <i>that any registered heritage building covered by the agreement shall not be altered in any way to diminish its heritage value;</i> ii) <i>that any development must maintain the integrity of any registered heritage property, streetscape or conservation area of which it is part;</i> iii) <i>that any adjacent uses, particularly residential use are not unduly disrupted as a result of traffic generation, noise, hours of operation, parking requirements and such other land use impacts as may be required as part of a development;</i> iv) <i>that any development substantially complies with the policies of this plan and in particular the objectives and policies as they relate to heritage resources.</i> 	<p>The subject property was included in the Registry of Heritage Property for the Halifax Regional Municipality in 2012.</p> <p>No alterations to the heritage building on the property are proposed in order to accommodate the new building and no character defining elements of the structure will be removed or obscured from public view. The portion of the property that the new building would be located on does not have any identified heritage value.</p> <p>The design of new building is consistent with the <i>Standards and Guidelines for the Conservation of Historic Places in Canada</i>.</p> <p>Staff do not anticipate that the new development would have any significant land use impacts on the adjacent residential area.</p> <p>The proposal generally complies with the policies of this plan.</p>
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SECTION V - SOUTH END AREA PLAN OBJECTIVES AND POLICIES	
1. Residential Environments	
Policy	Staff Comment
<p>Policy 1.1 <i>Residential neighbourhoods shall be maintained and expanded by encouraging retention and rehabilitation of existing structures and units and by permitting new stock through infill and complementary redevelopment.</i></p>	<p>The availability of vacant land on the subject property provides an appropriate opportunity for infill development in an established residential neighbourhood. The proposed building has been designed to be compatible with the character of the existing heritage building located on the property.</p>
<p>Policy 1.1.1 <i>Several forms of infill housing shall be encouraged by the City as appropriate to the</i></p>	<p>The construction of the proposed building on a sizeable vacant portion of the subject property represents a form of infill permitted in the South End. The building would be</p>

<p><i>diverse physical characteristics of the individual districts and neighbourhoods.</i></p> <p>Policy 1.1.1.1 <i>Forms of infill housing which shall be permitted in the South End include:</i></p> <ul style="list-style-type: none"> <i>a) the interior conversion of existing structures;</i> <i>b) addition to existing structures, either through infilling between existing structures or additions to the rear of existing structures;</i> <i>c) building on vacant lots in the forms prescribed by this Section of the Plan; and</i> <i>d) low-rise housing within the densities prescribed by this Section of the Plan</i> 	<p>consistent with the required densities outlined in this Plan for properties located in Medium-Density Residential Areas.</p>
<p>Policy 1.3 <i>The City shall encourage the retention and creation of family-type housing accommodation in the South End.</i></p>	<p>Four of the twelve units in the new development would meet the criteria for family-type dwelling units in Medium-Density Residential areas.</p>
<p>Policy 1.4.2 <i>Areas shown as Medium-Density Residential on the Future Land Use Map of this Plan shall be regarded as residential environments which provide a mix of family and non-family dwelling units in buildings of not more than four storeys. For such areas, the City shall amend its Zoning By-law in accordance with Policies 1.4.2 to 1.4.2.3 inclusive. In any building a minimum of 50 percent of the units shall be family-type dwelling units.</i></p>	<p>Policy 6.8 of the MPS permits appropriate land use flexibility in order to encourage the preservation and retention of heritage assets. While the proposed development would not meet the 50 percent minimum for family-type dwelling units, the new building is consistent with the heritage character of the subject property and promotes a wider variety of housing options in the neighbourhood.</p>
<p>Policy 1.4.2.1 <i>The forms of infill housing permitted in Medium Density Residential Areas shall include:</i></p> <ul style="list-style-type: none"> <i>a) interior conversion;</i> <i>b) additions to existing structures;</i> <i>c) infilling between existing structures; and</i> 	<p>The construction of the proposed building on a sizeable vacant portion of the subject property represents a form of infill permitted in Medium-Density Residential areas. The building would be consistent with the densities outlined in this Plan for properties located in Medium-Density Residential Areas.</p>

<p>d) <i>small-scale development on vacant lots.</i></p>	
<p>Policy 1.4.2.2 <i>In Medium-Density-Residential areas, family type dwelling units shall be a minimum of 800 square feet.</i></p>	<p>Based on this standard, four of the twelve dwelling units proposed for the new building would be considered to be family type dwelling units.</p>
<p>Policy 1.4.2.3 <i>In Medium-Density Residential areas, the City shall not permit any building to be converted or added to such that more than 14 dwelling units are contained within the building.</i></p>	<p>The proposed new building would have a total of twelve dwelling units.</p>