

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

Item No. 8.1
Halifax and West Community Council
April 9, 2019

TO: Chair and Members of Halifax and West Community Council

-Original Signed-

SUBMITTED BY:

For Jenny Lugar, Chair, Heritage Advisory Committee

DATE: March 28, 2019

SUBJECT: Case 20417: Development Agreement for 2267 Brunswick Street, Halifax

ORIGIN

- Motion from the March 27, 2019 meeting of the Heritage Advisory Committee, Item 9.2.

LEGISLATIVE AUTHORITY

HRM By-law No. H-200 - Heritage Property By-law:

4. The [Heritage Advisory] Committee shall, within the time limits prescribed by Council or the [Heritage Property] Act, advise the Region respecting:
.....
(h) applications for heritage agreement, development agreements or amendments to a Land Use Bylaw which may affect a registered heritage property or amendments to a Municipal Planning Strategy affecting heritage policies;

RECOMMENDATION

It is recommended that Halifax and West Community Council not enter into a development agreement for an eight (8) storey residential building at 2267 Brunswick Street, Halifax, due to heritage concerns relating to:

- the height of the proposed building, which should not exceed the roofline of St. Patrick's Church;
- the lack of clarity in the proposed development agreement in relation to the colour and materials permissible for use on the façades;
- the lack of congruency in the design elements of the proposed development in relation to the surrounding heritage properties; and
- the blank north façade of the proposed building, which is not in keeping with the heritage characteristics of the neighbourhood.

BACKGROUND

On November 14, 2018, Halifax and West Community Council held a public hearing to consider the proposed development agreement for 2267 Brunswick Street as contained in the staff recommendation report dated September 14, 2018 (Attachment 2). Following the public hearing, Community Council deferred consideration of the matter and directed staff to consult with the Developer to seek amendments to the proposed development agreement to limit the height of the proposed development so that it does not exceed the roofline of St. Patrick's Church. They also directed that staff return with a supplementary report outlining the terms of any revised development agreement.

At their March 27, 2019 meeting, the Heritage Advisory Committee received the supplementary staff report on Case 20417, dated March 13, 2019, as well as a staff presentation on the item.

For further information on the background of this item, refer to the supplementary staff report dated March 13, 2019 (Attachment 1).

DISCUSSION

After receiving the staff presentation and considering the supplementary staff report dated March 13, 2019, a discussion on the revised development agreement was held among members of the Committee and staff.

It was noted that while the supplementary staff report dated March 13, 2019 sets out several options for potential recommendations with regards to Case 20417 and the revised development agreement, it does not specifically set out a staff recommendation. However, staff confirmed that the recommendation set out on the March 27, 2019 Heritage Advisory Committee meeting agenda reflects staff's recommendation on the item with regards to the revised development agreement, with the recommendation reading:

That the Heritage Advisory Committee recommend that Halifax and West Community Council:

1. Give notice of motion to consider the revised development agreement, which shall be substantially of the same form as set out in Attachment A of the supplementary staff report dated March 13, 2019, to permit an 8 storey residential building at 2267 Brunswick Street, Halifax and schedule a new public hearing;
2. Approve the proposed revised development agreement, which shall be substantially of the same form as set out in Attachment A of the supplementary staff report dated March 13, 2019, conditional upon approval of a final plan of subdivision as required in the development agreement; and
3. Require the agreement be signed by the property owner within 180 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.

Committee members expressed concerns with the revised development agreement relating to the protection of the heritage aspects of neighbouring heritage properties, as well as the heritage characteristics of the neighborhood. In particular, members of the Committee highlighted the following:

- The revised development agreement only brings the building down from nine (9) storeys, to eight (8) storeys, which is still well above the roofline of St. Patrick's Church. This causes the church to appear 'hidden' and overwhelmed by the proposed development;
- The revised development agreement does not specify in sufficient detail the materials and colours that are permissible for the building's cladding. The Committee's concern being that this ambiguity could lead to the use of colours and materials that are inconsistent with the heritage aspects of the building's surroundings;
- The design aspects of the proposed development are not congruent with the existing heritage structure and surrounding heritage buildings; with one example being the lack of arched or pointed design features, which are character defining elements of St. Patrick's Church; and

- The blank north façade of the proposed development is not in keeping with the heritage characteristics of the neighborhood.

Following a discussion of these concerns, the Committee voted on the staff recommendation, as noted above, which was defeated. The Committee then passed an alternative motion as outlined in the "Recommendation" section of this report.

For further information, please refer to the supplementary staff report dated March 13, 2019 (Attachment 1).

FINANCIAL IMPLICATIONS

Refer to the March 13, 2019 supplementary staff report (Attachment 1), for information on financial implications.

RISK CONSIDERATION

Refer to the March 13, 2019 staff report (Attachment 1) for information on risk consideration.

COMMUNITY ENGAGEMENT

Meetings of the Heritage Advisory Committee are open to the public. The agenda, reports, and minutes of the Committee are posted online at Halifax.ca.

For further information on Community Engagement as it relates to Case 20417, refer to the supplementary staff report dated March 13, 2019 (Attachment 1), as well as the staff recommendation report dated September 14, 2018 (Attachment 2).

ENVIRONMENTAL IMPLICATIONS

None identified.

ALTERNATIVES

The Committee did not provide alternatives.

Refer to the March 13, 2019 staff report (Attachment 1) for further information on alternatives.

ATTACHMENTS

Attachment 1 – Supplementary staff report dated March 13, 2019

Attachment 2 – Staff report dated September 14, 2018

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: David Perusse, Legislative Assistant, Office of the Municipal Clerk 902-490-6732



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

Item No. 9.2
Heritage Advisory Committee
March 27, 2019
Halifax and West Community Council
April 9, 2019

TO: Chair and Members of the Halifax and West Community Council

SUBMITTED BY: *-Original Signed-*

Kelly Denty, Director of Planning and Development

-Original Signed-

Jacques Dubé, Chief Administrative Officer

DATE: March 13, 2019

SUBJECT: Case 20417: Development Agreement for 2267 Brunswick Street, Halifax

SUPPLEMENTARY REPORT

ORIGIN

- Application by Studio Works International Inc.
- On November 14, 2018 Halifax and West Community Council held a public hearing to consider the proposed development agreement for 2267 Brunswick Street, however no decision was made.
- HWCC directed staff to consult with the developer to seek amendments to the proposed development agreement to limit the height of the proposed development so that it not exceed the roofline of St. Patrick's Church, and to return with a supplementary report outlining the terms of any amended development agreement.

LEGISLATIVE AUTHORITY

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

BACKGROUND

On November 14, 2018 Halifax and West Community Council held a public hearing to consider a proposed development agreement to permit a nine (9) storey, 51 dwelling unit multiple unit residential building at 2267 Brunswick Street in Halifax. Minutes from the public hearing can be found in Attachment B.

St. Patrick's Church abuts the subject site, and is both a municipally and provincially registered heritage property. The Church's steeply pitched roof and steeple are some of the character defining architectural elements listed in the *Notice of Recommendation to Register a Municipal Heritage Property*.

The motion for Community Council's consideration after the closing of the public hearing was:

MOVED by Councillor Smith, seconded by Councillor Zurawski

That Halifax and West Community Council approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A of this report, conditional upon approval of a final plan of subdivision as required in the development agreement.

Community Council chose instead to exercise its right to defer a final decision on the motion above and the following motion was adopted:

MOVED by Councillor Smith, seconded by Councillor Mason

THAT Halifax and West Community Council direct staff to consult with the developers to seek amendments to the proposed development agreement for Case 20417 to limit the height of the proposed development so that it does not exceed the roofline of St. Patrick's Church, and return with a supplementary staff report outlining the terms of any amended development agreement.

DISCUSSION

The applicant has considered the motion from Community Council and have indicated they are agreeable to an amended proposal as follows (Attachment B):

- Building height was reduced from nine (9) floor levels to eight (8) floor levels;
- Dwelling units were reduced from 51 units to 42 units;
- Motor vehicle parking spaces were reduced from eight (8) to four (4);
- Subdivision of lands is not required to accommodate a proposed smaller building footprint (6792 square feet was reduced to 5964 square feet);
- Brick, similar in colour to the Rectory, is now proposed on the Brunswick Street and two interior lot elevations (east and west elevations);
- Stone masonry is now the proposed material for first and second floor level exterior;
- Light coloured cladding and aluminum curtain walls are proposed materials for third floor level to penthouse; and
- Protruding balconies removed from the elevation facing the Church (east elevation).

Height, Scale and Massing

It is important to consider that buildings are three dimensional forms having height as just one of their characteristics. Height, along with massing and scale all form an essential consideration for a building and its relationship with its context. Building design, including height, is considered in relation to the wider urban context, the more immediate urban context, and finally to the site itself.

The revised proposed building (Attachment B) is still higher than the abutting St. Patrick's Church's roofline but not substantially taller so that it will cause a significant change to the skyline. The vertical elements of the building are intuitively organized following the rhythm of the vertical windows and bays of neighbouring buildings and refer to the grain of the local context and the Rectory itself. These vertical elements activate the general volume and break the mass of the structure. To provide a connection to the pedestrian, the presence of human scaled elements such as windows, balconies and floor levels will be clearly perceived from the exterior of the structure. Staff advise that the proposed 8 storey building is not excessively tall or bulky and could serve to benefit the character and appearance of the wider townscape.

For more information, please see the November 14, 2018 staff report at the following link:

<https://www.halifax.ca/sites/default/files/documents/city-hall/community-councils/181114hwcc1012.pdf>

Conclusion

The revised 8 storey building is significantly different from the 9 storey building previously shared with the public and advertised for the November 14, 2018 public hearing; therefore, staff advise that a new public

hearing must be held if Council wishes to consider the new proposal. As such, the following options are available to Council at this time:

1. Adopt the motion presented for consideration at the November 14, 2018 public hearing which would approve the originally proposed nine storey development previously advertised.
 - This option would require no additional Council or staff action, and could be completed immediately given the previously held public hearing.
2. Give notice of motion to consider the revised development agreement, which shall be substantially of the same form as set out in Attachment A of this report, to permit an 8 storey residential building at 2267 Brunswick Street, Halifax and schedule a new public hearing;
 - This option would require a second public hearing given the extent of change proposed to this new development concept as compared to the development shown at the November 14, 2018 public hearing.
3. Deny the motion presented for consideration at the November 14, 2018 public hearing which would refuse the originally proposed nine storey development previously advertised.
 - This option would require Halifax and West Community Council to provide reasons why the proposed agreement does not reasonably carry out the intent of the MPS.
4. Direct staff to work with the applicant on further modifications to the development proposal for the site.
 - The modifications requested by Community Council may require further negotiation with the applicant and may require an additional supplementary report or another public hearing.

Staff advise the newly proposed 8 storey building remains reasonably consistent with the intent of the Halifax MPS.

COMMUNITY ENGAGEMENT

The community engagement process 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 site, letters mailed to property owners within the notification area, a public information meeting held on November 30, 2017 and a public hearing held on November 14, 2018.

FINANCIAL IMPLICATIONS

There are no financial 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 development agreement. The administration of the development agreement can be carried out within the approved 2019-2020 budget with existing resources.

RISK CONSIDERATION

There are no significant risks associated with the information contained within this report. This development proposal may be 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 the November 14, 2018 report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

ATTACHMENTS

Attachment A	Revised Proposed Development Agreement
Attachment B	Halifax and West Community Council Minutes

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: Darrell Joudrey, Planner II, 902.490.4181

Attachment A – Revised Proposed Development Agreement

THIS AGREEMENT made this day of **[Insert Month]**, 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 2267 Brunswick Street, Halifax and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a Development Agreement to allow for an 8 storey residential addition to an existing building on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policies 6.1, 9.3.2 and 9.3.2.1 of the Peninsula North Secondary Municipal Planning Strategy and Sections 76(1), 76(2) and 77 of the Halifax Land Use By-law;

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 20417;

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

- 1.1.1 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.

1.3 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, lot owner 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

- 1.5.1 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

- 1.6.1 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

- 2.1.1 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.

PART 3: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS

3.1 Schedules

- 3.1.1 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 20417:

Schedule A	Legal Description of the Lands
Schedule B	Site Plan
Schedule C	1 st Level Floor Plan (Parking)
Schedule D	1 st Level Floor Plan
Schedule E	2 nd to 4 th Level Floor Plan
Schedule F	5 th to 6 th Level Floor Plan
Schedule G	7 th Level Floor Plan
Schedule H	Penthouse Level Floor Plan
Schedule I	Roof Plan
Schedule J	West Elevation (Brunswick Street)
Schedule K	East Elevation
Schedule L	South Elevation
Schedule M	West Elevation

3.2 Requirements Prior to Approval

- 3.2.1 Prior to the commencement of any site work the Developer shall provide to the Development Officer in accordance with section 5.1 of this Agreement:
- (a) Letter from the Curator of Special Places attesting the Developer has complied with all the requirements of Heritage Division of Nova Scotia Communities, Culture and Heritage;
 - (b) Site Disturbance Plan;
 - (c) Erosion and Sedimentation Control Plan; and
 - (d) Site Grading and Stormwater Management Plan.
- 3.2.2 Prior to the issuance of a Development Permit, the Developer shall provide to the Development Officer:
- (a) A Site Servicing Plan prepared by a Professional Engineer and acceptable to the Development Engineer in accordance with Section 4.1 of this Agreement.
- 3.2.3 Prior to the issuance of the first Occupancy Permit, the Developer shall provide the Development Officer with certification from a member in good standing of the Canadian Society of Landscape Architects indicating that the Developer has complied with the landscaping provisions of this Agreement.
- 3.2.4 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) multiple unit residential building;
- (b) ground level parking located at 1st Level (Parking) under the multiple unit building;
- (b) any accessory uses permitted within the existing 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;
- (c) The habitable floors shall include, in addition to the residential use, a common amenity terrace of 500 square feet (46.45 square metres) at the roof level;
- (d) A minimum of 1200 square feet (111.48 square metres) of outdoor landscaped open space shall be provided at ground level at the northeast area of the Lands as generally shown at Schedule B;
- (e) A minimum of 4 parking spaces shall be provided at the 1st Level (Parking) of the multiple unit residential building;
- (f) A 5-stream source separation area shall be provided at the 1st Level (Parking); and
- (g) A maximum of 42 residential dwelling units shall be permitted within the multiple unit residential building.

3.3.2 The Development Officer may permit unenclosed structures attached to a main building such as steps and mobility disabled ramps to be located within the required minimum front, side 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 Archeological Resources

3.4.1 The Lands at 2267 Brunswick Street falls within the High Potential Zone for Archaeological Sites identified by the Province. The Developer shall contact the Curator of Special Places with the Heritage Division of Nova Scotia Communities, Culture and Heritage of the Province of Nova Scotia prior to any disturbance of the site and the Developer shall comply with requirements set forth by the Province in this regard.

3.5 Siting and Architectural Requirements

3.5.1 The building's siting, bulk and scale shall comply to the following:

- (a) lot coverage shall not exceed 70%;
- (b) the building, at 1st Level (Parking), 1st Level, 2nd Level, 3rd Level and 4th Level, shall be a minimum of 60 feet from the front lot line;
- (c) the maximum permitted height of the building shall not exceed 87.5 feet measured from the floor of the 1st Level (Parking);
- (d) the maximum permitted height may be exceeded to accommodate appurtenances extending from the surface of the roof but shall not include habitable living space;
- (e) where minimum or zero-lot line sideyard setbacks are permitted, they are subject to a detailed review by the Development Officer to ensure compliance with all relevant building codes and by-laws; and
- (f) any excavation, construction or landscaping will be carried out in a safe manner, with the appropriate measures put into place to ensure the protection and preservation of the adjacent properties.

- 3.5.2 The multiple unit residential building will be accessed from the interior of the existing St. Patrick's Rectory building by an enclosed pedestrian walkway. Service entrances shall be integrated into the design of the building and shall not be a predominant feature.
- 3.5.3 The façades facing St. Patrick's Church, Barrington Street and the Heustis House shall be designed and detailed as the Brunswick Street primary façade. Further, the same architectural treatment of windows, balconies/terraces and surfaces shall be continued around all sides of the building as identified on the Schedules.
- 3.5.4 Large blank walls that deteriorate the scale of the pedestrian environment shall not be permitted. The scale of large walls shall be tempered by details in the proposed cladding creating texture, wall patterns and colour/tonal change as identified on the Schedules. The landscape plan may provide for textured plantings and treillage and distinctive landscape features in front of the façades.
- 3.5.5 Any exposed foundation in excess of two feet in height and 10 square feet in total area shall be architecturally detailed, veneered with stone or brick or treated in an equivalent manner acceptable to the Development Officer.
- 3.5.6 Exterior building materials shall not include vinyl siding.
- 3.5.7 All mechanical vents, down spouts, flashing, electrical conduits, metres, service connections, and other functional elements shall be treated as integral parts of the design. Where appropriate these elements shall be painted to match the colour of the adjacent surface, except where used expressly as an accent.
- 3.5.8 Buildings shall be designed such that the mechanical systems (HVAC, exhaust fans, etc.) are not visible from Brunswick Street, Barrington Street or the abutting Registered Heritage Properties on either side. Furthermore, no mechanical equipment or exhaust fans shall be located between the building and the adjacent residential properties unless screened as an integral part of the building design and noise reduction measures are implemented. This shall exclude individual residential mechanical systems.
- 3.5.9 All windows shall be vertical in proportion, or square. The framing of the curtain walls, mullions and muntin bars shall all be considered to create vertical proportioned windows. Windows should be framed with prefinished metal.
- 3.5.10 All roof mounted mechanical or telecommunication equipment shall be visually integrated into the roof design or screened from public view.

3.6 Parking, Circulation and Access

- 3.6.1 Four (4) parking spaces shall be provided at grade at the rear of the building, and accessed as shown on Schedule B. The parking area and parking access shall maintain setbacks from the property lines as shown on the plan.
- 3.6.2 The parking area shall provide a minimum of four (4) automobile parking spaces and 24 Class A bicycle parking stalls.
- 3.6.3 The driveway shall be hard surfaced.
- 3.6.4 The limits of the parking area shall be defined by a concrete curb.
- 3.6.5 It is the responsibility of the Developer to maintain all required rights-of-way over the abutting St. Patrick's Church property as shown on Schedule C in written agreements.

- 3.6.6 The access from the Lands onto the public sidewalk shall be demarcated, for the purpose of pedestrian safety, by a landscape design element.

3.7 Outdoor Lighting

- 3.7.1 Lighting shall be directed to driveways, parking areas, loading area, building entrances and walkways and shall be arranged so as to divert the light away from streets, adjacent lots and buildings.

3.8 Landscaping

- 3.8.1 All plant material shall conform to the Canadian Nursery Trades Association Metric Guide Specifications and Standards and sodded areas to the Canadian Nursery Sod Growers' Specifications.
- 3.8.2 Prior to the issuance of a Development Permit, the Developer agrees to provide a Landscape Plan which provides 460 square feet of Landscaped Open Space as shown on Schedule B, and that complies with the provisions of this section and as generally shown on Schedule B. The Landscape Plan shall be prepared by a Landscape Architect (a full member, in good standing with Canadian Society of Landscape Architects).
- 3.8.3 Prior to issuance of the first Occupancy Permit the Developer shall submit to the Development Officer a letter prepared by a member in good standing of the Canadian Society of Landscape Architects certifying that all landscaping has been completed according to the terms of this Development Agreement.
- 3.8.4 Notwithstanding Section 3.8.3, where the weather and time of year do not allow the completion of the outstanding landscape works prior to the issuance of the Occupancy Permit, the Developer may supply a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping. The cost estimate is to be prepared by a member in good standing of the Canadian Society of Landscape Architects. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the work as described herein and illustrated on the Schedules, and as approved by the Development Officer. Should the Developer not complete the landscaping within twelve months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping as set out in this section of the Agreement. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.

3.9 Maintenance

- 3.9.1 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 building, 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.
- 3.9.2 All disturbed areas shall be reinstated to original condition or better.

3.10 Signs

- 3.10.1 The sign requirements shall be accordance with the Land Use By-law for Halifax Peninsula as amended from time to time.

3.10.2 Signs depicting the name or corporate logo of the Developer shall be permitted while a sales office is located on the site.

3.10.3 Signs shall only be externally illuminated.

3.11 Temporary Construction Building

3.11.1 A building shall be permitted on the Lands for the purpose of housing equipment, materials and office related matters relating to the construction and sale of the development in accordance with this Agreement. The construction building shall be removed from the Lands prior to the issuance of the last Occupancy Permit.

3.12 Screening

3.12.1 Propane tanks and electrical transformers shall be located on the site in such a way to ensure minimal visual impact from Brunswick Street and residential properties along the St. Patrick's Church and Huestis House property lines. These facilities shall be secured in accordance with the applicable approval agencies and screened by means of opaque fencing or masonry walls with suitable landscaping.

3.12.2 Mechanical equipment shall be permitted on the roof provided the equipment is screened and not visible from Brunswick Street or incorporated in to the architectural treatments and roof structure.

3.12.3 Any mechanical equipment shall be screened from view from Brunswick Street or Barrington Street with details such as a combination of fencing and landscaping or building elements.

PART 4: STREETS AND MUNICIPAL SERVICES

4.1 General Provisions

4.1.1 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

4.2.1 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.

4.3 Solid Waste Facilities

4.3.1 The building shall include designated space for five stream (refuse, recycling and composting) source separation services in accordance with By-law S-600 as amended from time to time. This designated space for source separation services shall be shown on the building plans and approved by the Development Officer and Building Inspector in consultation with Solid Waste Resources.

4.3.2 Refuse containers and waste compactors shall be confined to the loading areas of each building, and shall be screened from public view where necessary by means of opaque fencing or masonry walls with suitable landscaping.

- 4.3.3 All refuse and recycling materials shall be contained within the building. Further, consideration shall be given to locating of all refuse and recycling material to ensure minimal effect on abutting property owners by means of opaque fencing or masonry walls with suitable landscaping.

PART 5: ENVIRONMENTAL PROTECTION MEASURES

5.1 Stormwater Management Plans and Erosion and Sedimentation Control Plan

- 5.1.1 Prior to the commencement of any site work on the Lands, including earth movement or tree removal other than that required for preliminary survey purposes, or associated off-site works, the Developer shall:
- (a) Submit to the Development Officer a detailed Site Disturbance Plan, prepared by a Professional Engineer indicating the sequence and phasing of construction and the areas to be disturbed or undisturbed;
 - (b) Submit to the Development Officer a detailed Erosion and Sedimentation Control Plan prepared by a Professional Engineer in accordance with the Erosion and Sedimentation Control Handbook for Construction Sites as prepared and revised from time to time by Nova Scotia Environment. Notwithstanding other sections of this Agreement, no work is permitted on the Lands until the requirements of this clause have been met and implemented. The Erosion and Sedimentation Control Plan shall indicate the sequence of construction, all proposed detailed erosion and sedimentation control measures and interim stormwater management measures to be put in place prior to and during construction; and
 - (c) Submit to the Development Officer a detailed Site Grading and Stormwater Management Plan prepared by a Professional Engineer.

5.2 Sulphide Bearing Materials

- 5.2.1 The Developer agrees to comply with the legislation and regulations of the Province of Nova Scotia with regards to the handling, removal, and disposal of sulphide bearing materials, which may be found on the Lands.

PART 6: AMENDMENTS

6.1 Non-Substantive Amendments

- 6.1.1 The following items are considered by both parties to be not substantive and may be amended by resolution of Council.
- (a) Changes to the architectural requirements/details as shown on the attached Schedules or as detailed in Section 3.5 which, in the opinion of the Development Officer, do not conform with Schedules J, K, L or M;
 - (b) Changes to the design, layout and positioning of the building, provided that plans are submitted for any changes to the building design and that such changes, in the opinion of the Development Officer, are minor;
 - (c) An increase in the floor area of the building;
 - (d) The granting of an extension to the date of commencement of construction as identified in Section 7.3 of this Agreement;
 - (e) The length of time for the completion of the development as identified in Section 7.5 of this Agreement.

6.2 Substantive Amendments

- 6.2.1 Amendments to any matters not identified under Section 6.1 shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Halifax Regional Municipality Charter*.

PART 7: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

7.1 Registration

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

7.2 Subsequent Owners

- 7.2.1 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.
- 7.2.2 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).

7.3 Commencement of Development

- 7.3.1 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 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.
- 7.3.2 For the purpose of this section, commencement of development shall mean installation of the footings and foundation for the proposed building.
- 7.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 6.1, 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.

7.4. Completion of Development

- 7.4.1 Upon the completion of the whole development or complete phases of the development, 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 Municipal Planning Strategy and Land Use By-law for Halifax, as may be amended from time to time.

7.5 Discharge of Agreement

- 7.5.1 If the Developer fails to complete the development after seven (7) 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; or
- (c) discharge this Agreement.

PART 8: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

8.1 Enforcement

- 8.1.1 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.

8.2 Failure to Comply

- 8.2.1 If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer 30 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

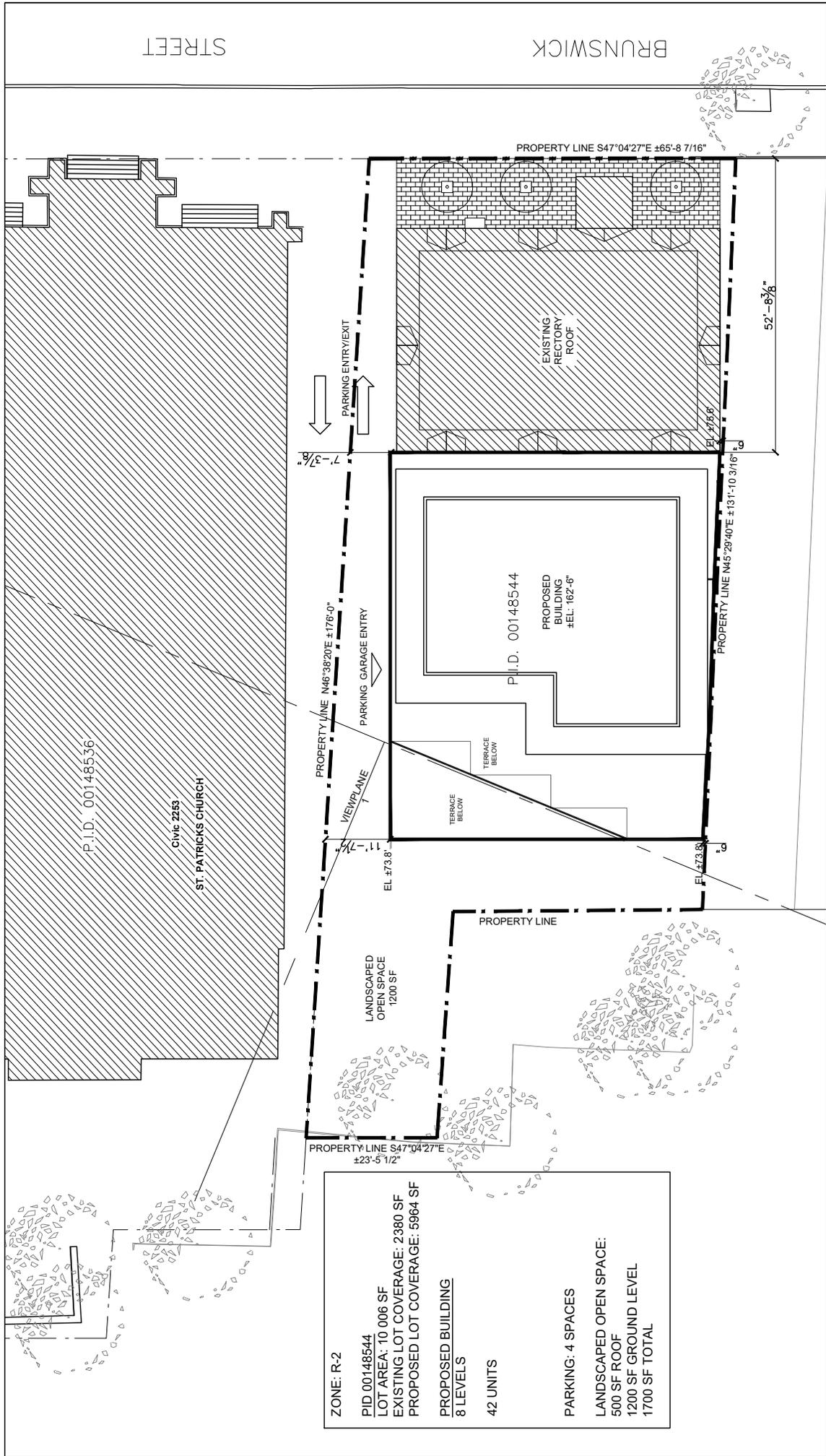
On this _____ day of _____, A.D. 20____, before me, the subscriber personally came and appeared _____ a subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that _____, _____ of the parties thereto, signed, sealed and delivered the same in his/her presence.

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 Kevin Arjoon, Clerk of the Halifax Regional Municipality, signed the same and affixed the seal of the said Municipality thereto in his/her presence.

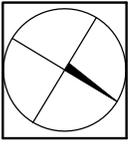
A Commissioner of the Supreme Court
of Nova Scotia



ZONE: R-2
 PID 00148544
 LOT AREA: 10,006 SF
 EXISTING LOT COVERAGE: 2,380 SF
 PROPOSED LOT COVERAGE: 5,964 SF
 PROPOSED BUILDING
 8 LEVELS
 42 UNITS
 PARKING: 4 SPACES
 LANDSCAPED OPEN SPACE:
 500 SF ROOF
 1,200 SF GROUND LEVEL
 1,700 SF TOTAL

dwg no: S01
 rev: 5 (JAN 7 2019)

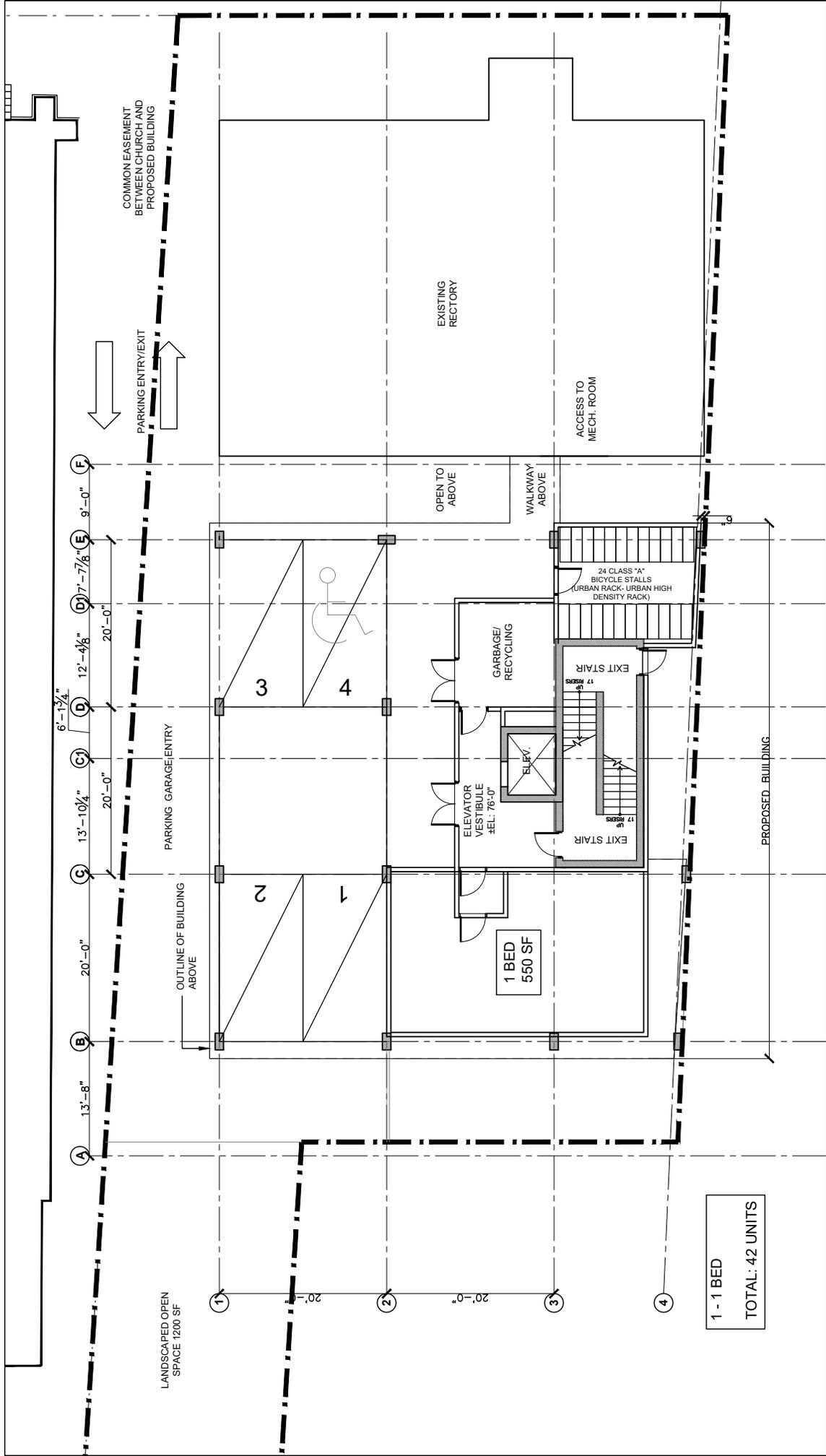
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 proj: SP1501



Schedule B

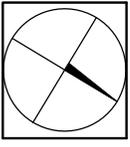
**ST. PATRICK'S RECTORY
 SITE PLAN**
 location: 2267 BRUNSWICK ST. HALIFAX, N.S.

STUDIO WORKS
 INTERNATIONAL INC.
 2150 QUINCY ROAD, SUITE 200
 HALIFAX, NS B3K 2R7
 TEL: 902-429-1022
 FAX: 902-429-1023
 WWW.STUDIOWORKS.COM



dwg no: A01
rev: 5 (JAN 7 2019)

scale: 3/32"=1'-0"
date: 11/02/15
drawn: LG
proj: SP1501



Schedule C

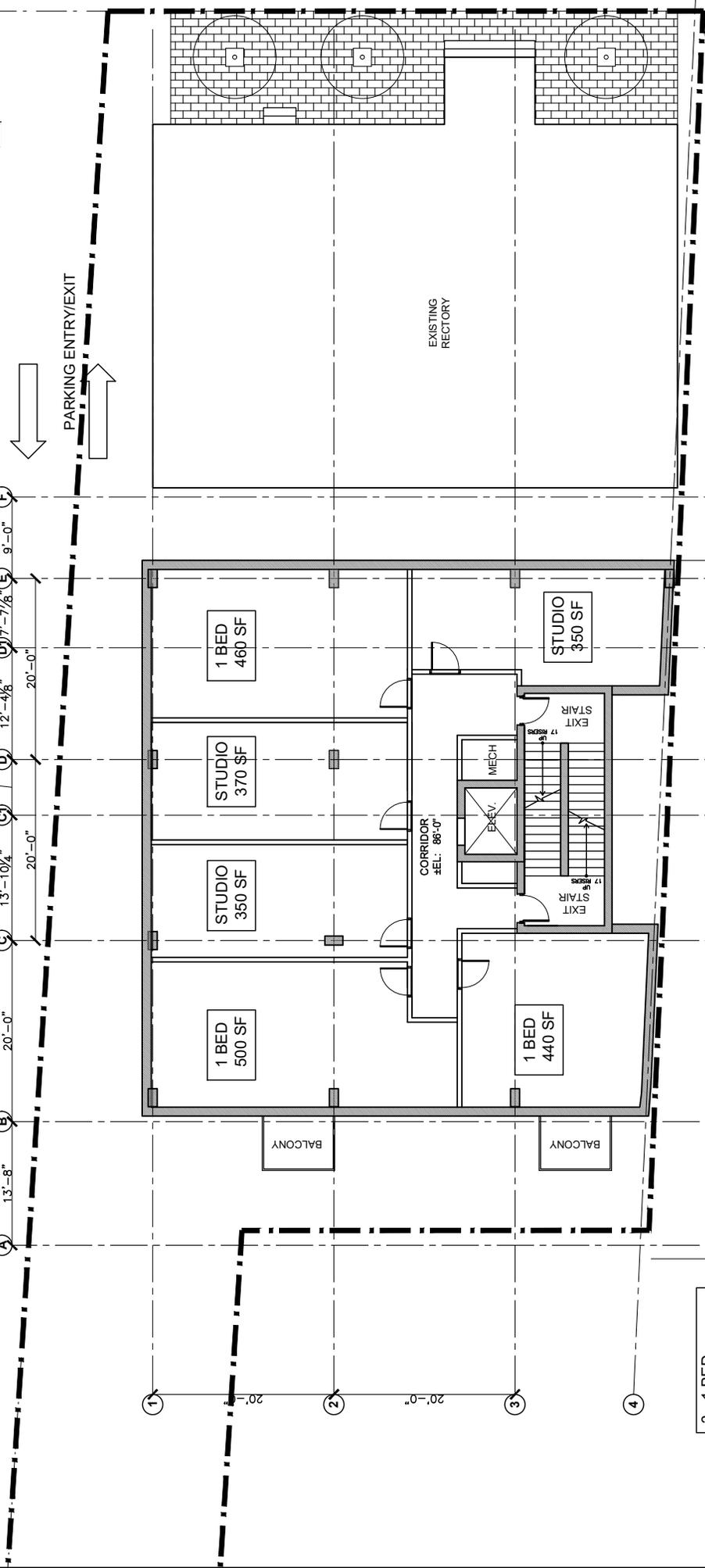
title: ST. PATRICK'S RECTORY
1ST LEVEL FLOOR PLAN (PARKING)
location: 2267 BRUNSWICK ST. HALIFAX, N.S.

STUDIO WORKS
INTERNATIONAL INC.
ARCHITECTS
1150 GARDNER STREET
HALIFAX, NS B3H 2R2
902.492.1022
www.studioworks.com

1 - 1 BED
TOTAL: 42 UNITS

ST. PATRICK'S CHURCH

6'-1 3/4" (D) 12'-4 1/8" (D) 7'-7 7/8" (E) 9'-0" (F)
20'-0" (C) 13'-10 1/4" (C) 20'-0" (B) 13'-8" (A)



3 - 1 BED
3 - STUDIO
TOTAL: 42 UNITS

PROPOSED BUILDING

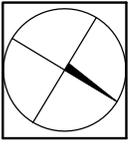
EXISTING RECTORY

PARKING ENTRY/EXIT

STUDIO WORKS
INTERNATIONAL INC.
11500 Old Chapel Road
Suite 100
Halifax, Nova Scotia
B3K 1A3
www.studioworks.com

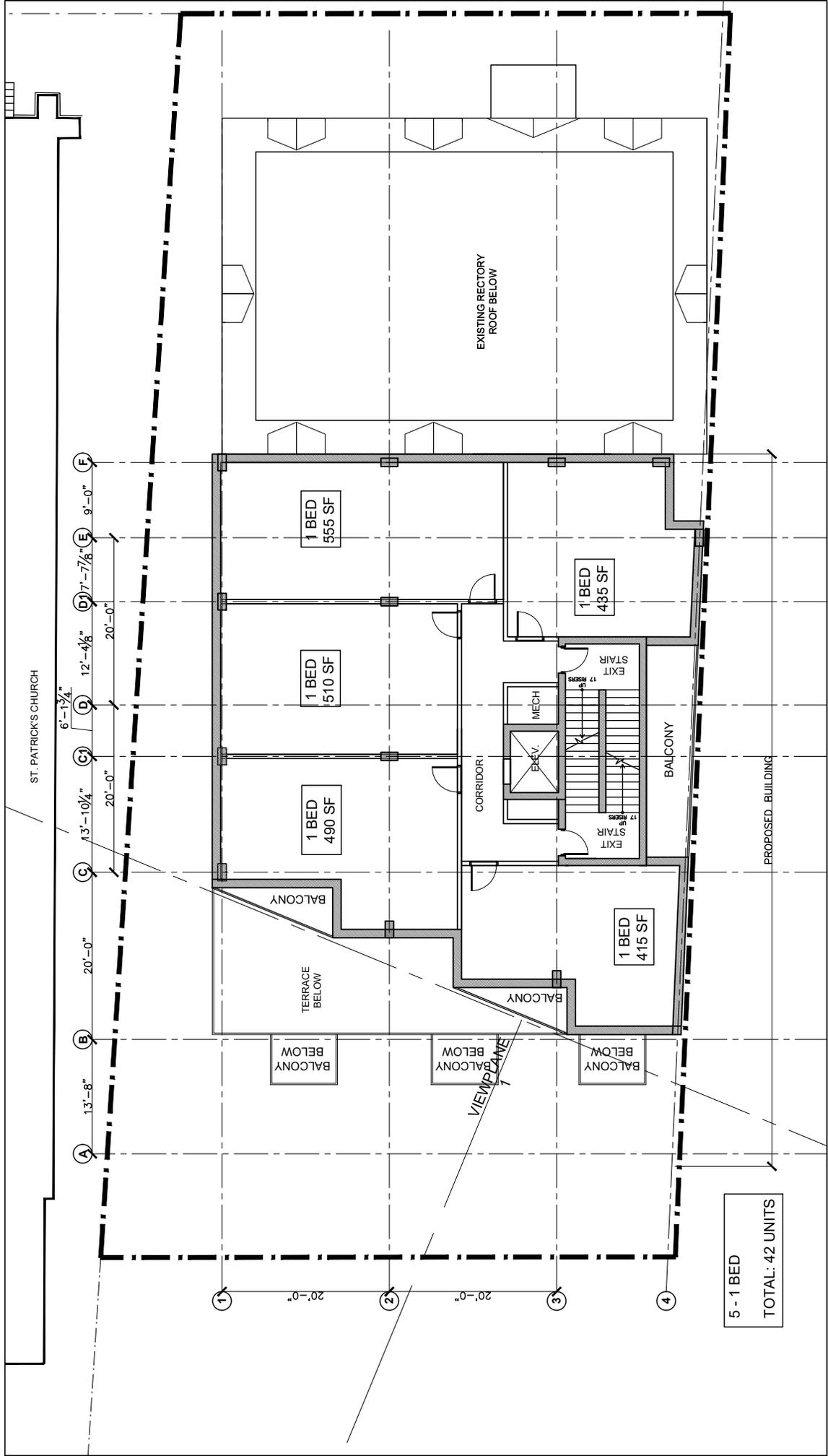
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2ND-4TH LEVEL FLOOR PLAN
location: 2267 BRUNSWICK ST. HALIFAX, N.S.

Schedule E



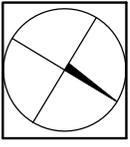
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dwg no.: A03
rev: 5 (JAN 7 2015)



dwg no: A06
rev: 5 (JAN 7 2019)

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proj: SP1501



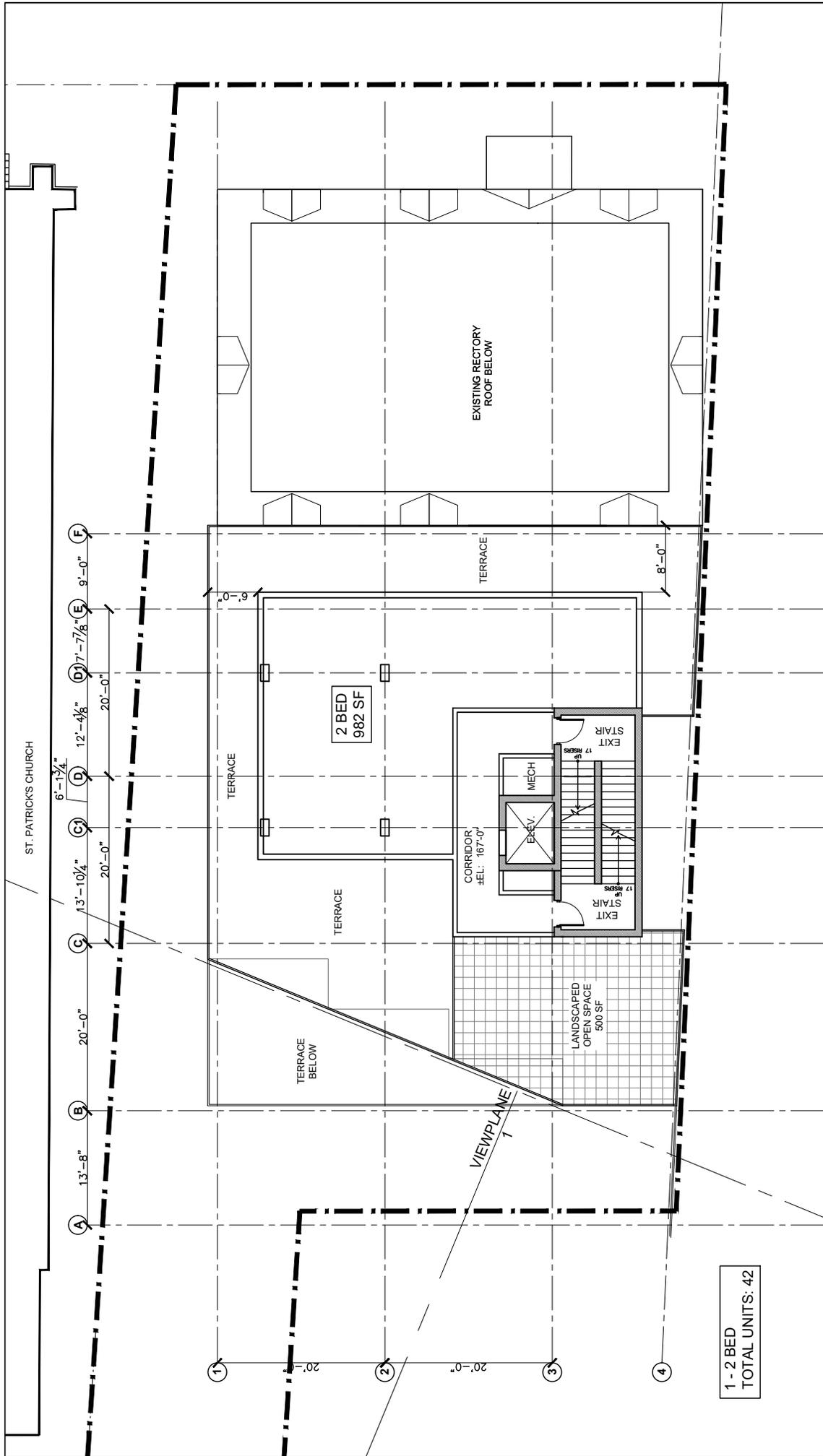
Schedule G

title: ST. PATRICK'S RECTORY
7TH LEVEL FLOOR PLAN

location: 2267 BRUNSWICK ST. HALIFAX, N.S.

STUDIO WORKS
INTERNATIONAL INC.

1000-10000 - Suite 100 - Industrial Estate - Project: 15030-0001
4150 Chignecto Road - Halifax, NS B3H 2P9, Canada
902.429.1029
1000-10000 - Suite 100 - Project: 15030-0001
www.studioworks.com



ST. PATRICK'S CHURCH

ST. PATRICK'S RECTORY
PENTHOUSE LEVEL FLOOR PLAN
2267 BRUNSWICK ST. HALIFAX, N.S.

STUDIO WORKS
INTERNATIONAL INC.
1100-12000 100th Ave. S.W.
Edmonton, Alberta T6E 4P1, CANADA
Tel: 780-429-1222
Fax: 780-429-1223
www.studioworks.com

title
location

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date 11/02/15
drawn LG
proj. SP1501

dwg no: A07
rev. 5 (JAN 7 2015)

Schedule H

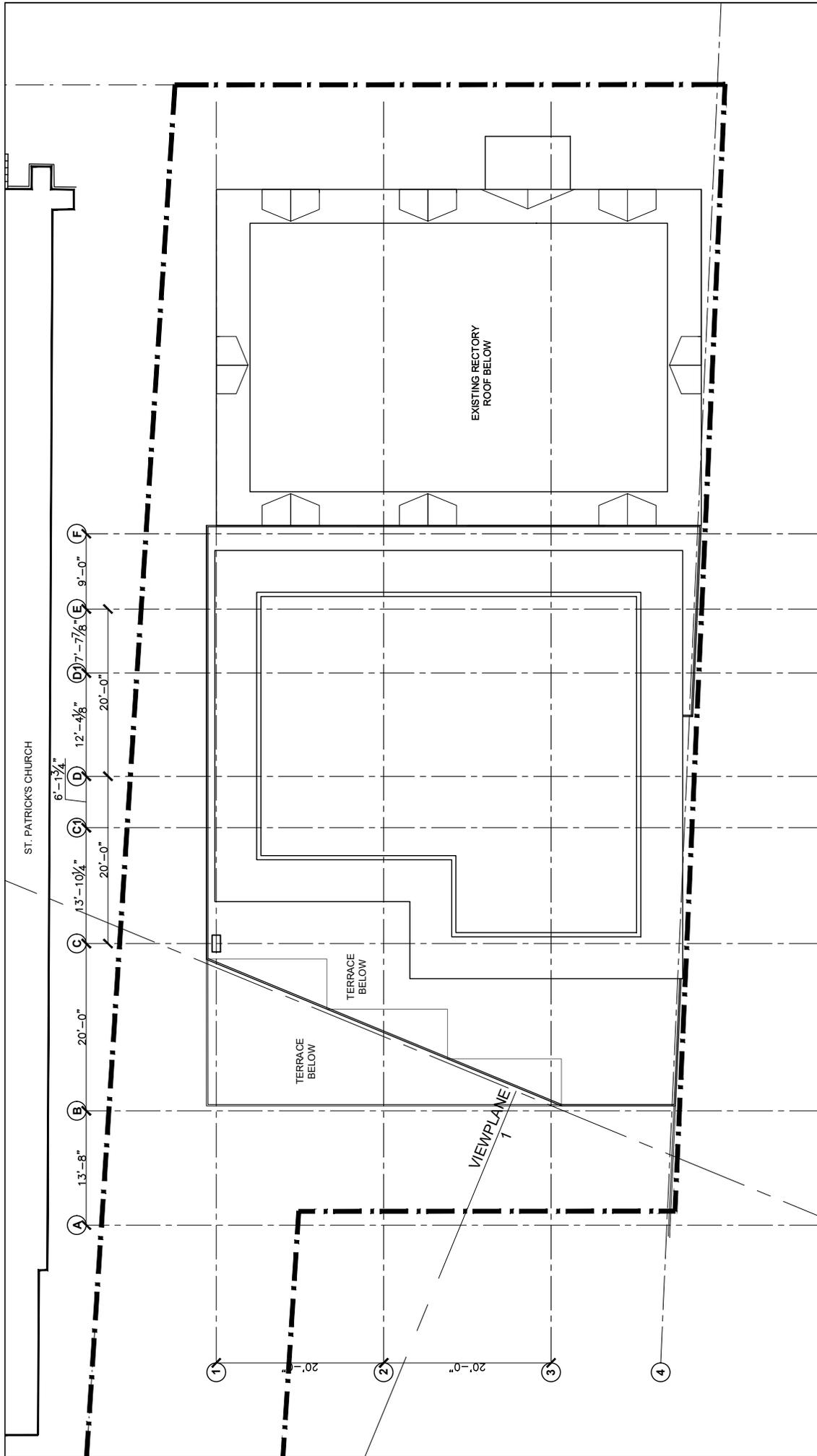
1 - 2 BED
TOTAL UNITS: 42

ST. PATRICK'S RECTORY
PENTHOUSE LEVEL FLOOR PLAN
2267 BRUNSWICK ST. HALIFAX, N.S.

STUDIO WORKS
INTERNATIONAL INC.
1100-12000 100th Ave. S.W.
Edmonton, Alberta T6E 4P1, CANADA
Tel: 780-429-1222
Fax: 780-429-1223
www.studioworks.com

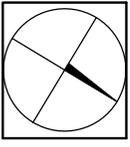
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drawn LG
proj. SP1501

dwg no: A07
rev. 5 (JAN 7 2015)



STUDIO WORKS
 INTERNATIONAL INC.
 ARCHITECTURE • PLANNING • INTERIORS • PROJECT MANAGEMENT
 4150 Chesapeake Road
 Suite 200
 Baltimore, MD 21215
 Tel: 410.528.1300
 Fax: 410.528.1301
 www.studioworks.com

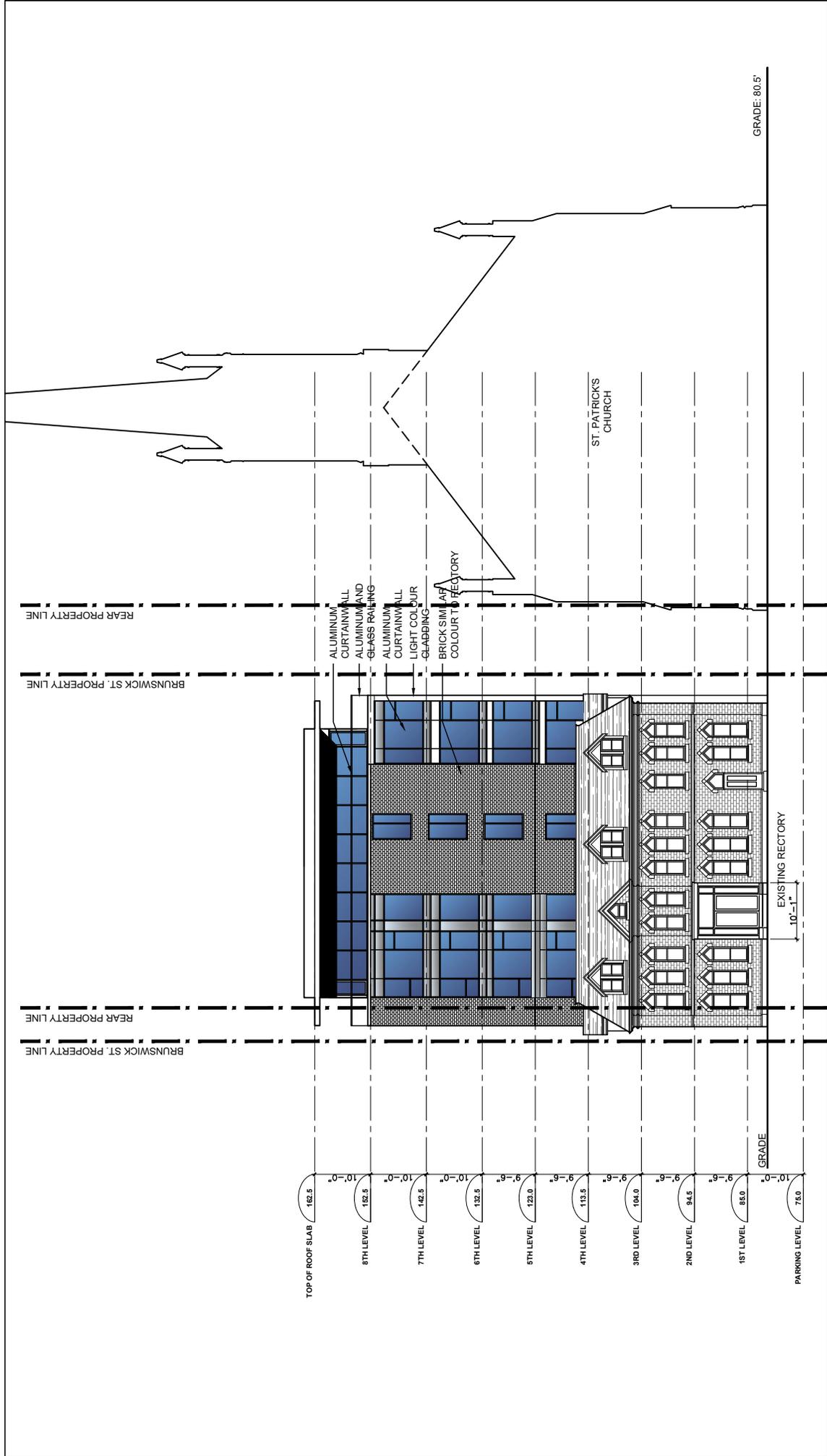
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 location **2267 BRUNSWICK ST. HALIFAX, N.S.**



scale **3/32"=1'-0"**
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 drawn **LG**
 proj. **SPT1501**

dwg no: **A08**
 rev. **5 (JAN 7 2015)**

Schedule I



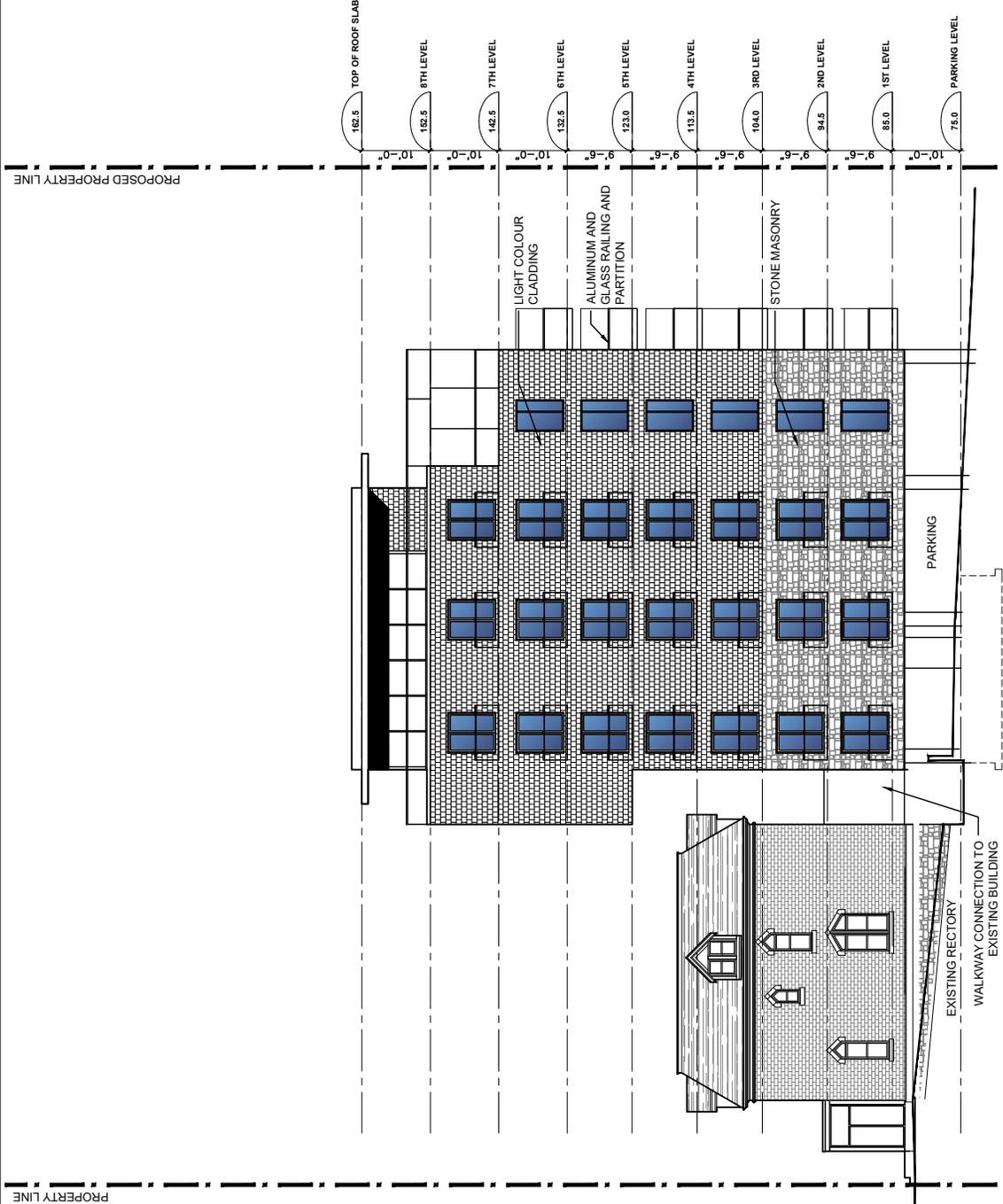
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rev: 5 (JAN 7 2019)

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date: 11/02/15
drawn: LG
proj: SP1501

Schedule J

ST. PATRICK'S RECTORY
WEST ELEVATION (BRUNSWICK ST.)
2267 BRUNSWICK ST. HALIFAX, N.S.

STUDIO WORKS INTERNATIONAL INC.
140-12302 74 Ave N.E. Edmonton, Alberta T6C 1B4
403-479-1429
www.studioworks.com



dwg no: A10
rev: 5 (JAN 7 2019)

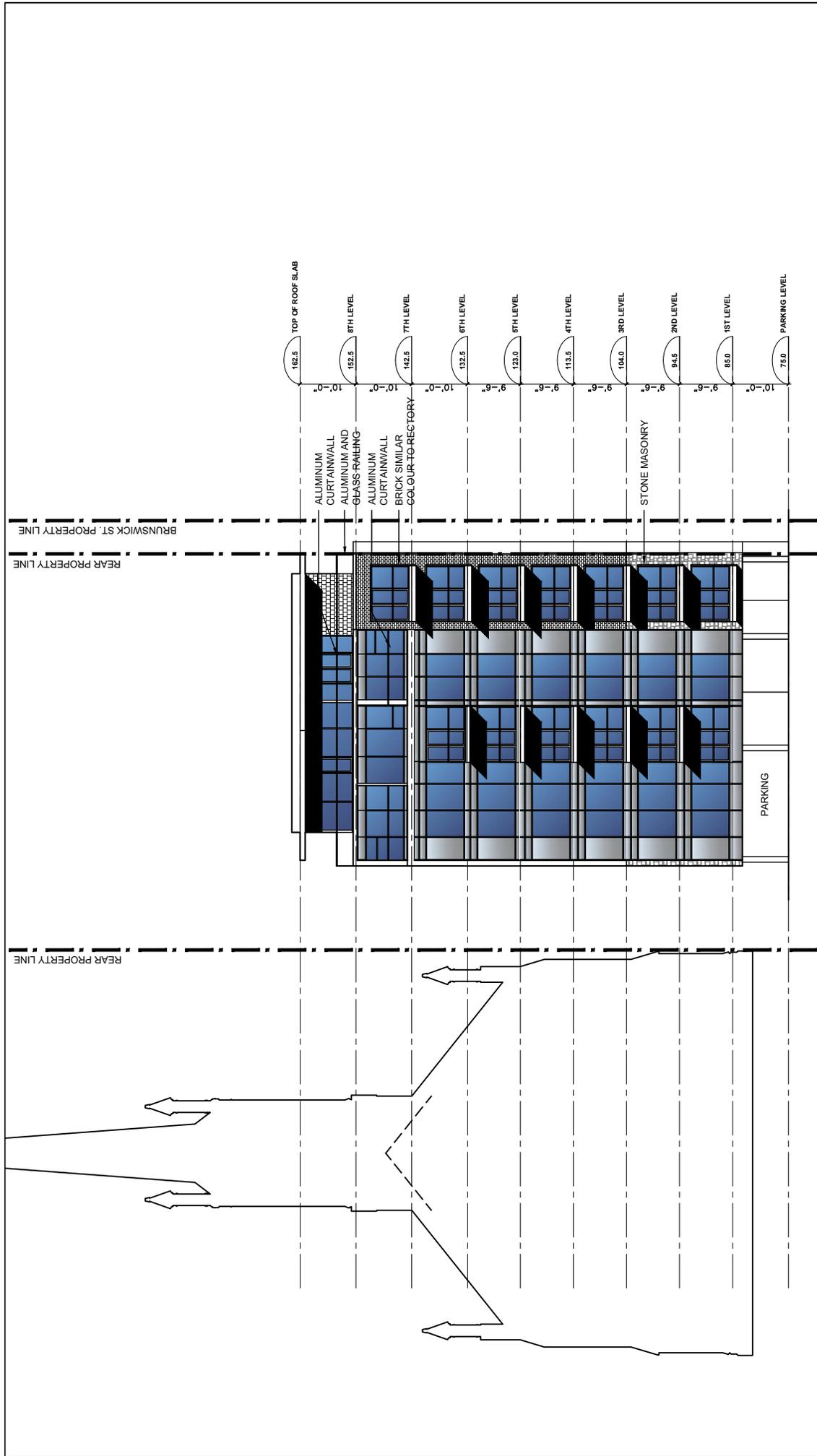
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date: 11/02/15
drawn: LG
proj: SP1501

Schedule K

ST. PATRICK'S RECTORY
EAST ELEVATION
2267 BRUNSWICK ST. HALIFAX, N.S.

STUDIO WORKS INTERNATIONAL INC.
ARCHITECTS • ENGINEERS • INTERIORS • PROJECT MANAGEMENT
1150 Quispel Road • Suite 201 • Halifax, NS B3H 2Y1, CANADA
902.479.1222
www.studioworks.com

STUDIO WORKS INTERNATIONAL INC.
ARCHITECTS • ENGINEERS • INTERIORS • PROJECT MANAGEMENT
1150 Quispel Road • Suite 201 • Halifax, NS B3H 2Y1, CANADA
902.479.1222
www.studioworks.com



scale 1/16"=1'-0"
 date 11/02/15
 drawn LG
 proj. SP1501

dwg no: A11
 rev. 5 (JAN 7 2015)

ST. PATRICK'S RECTORY
 SOUTH ELEVATION

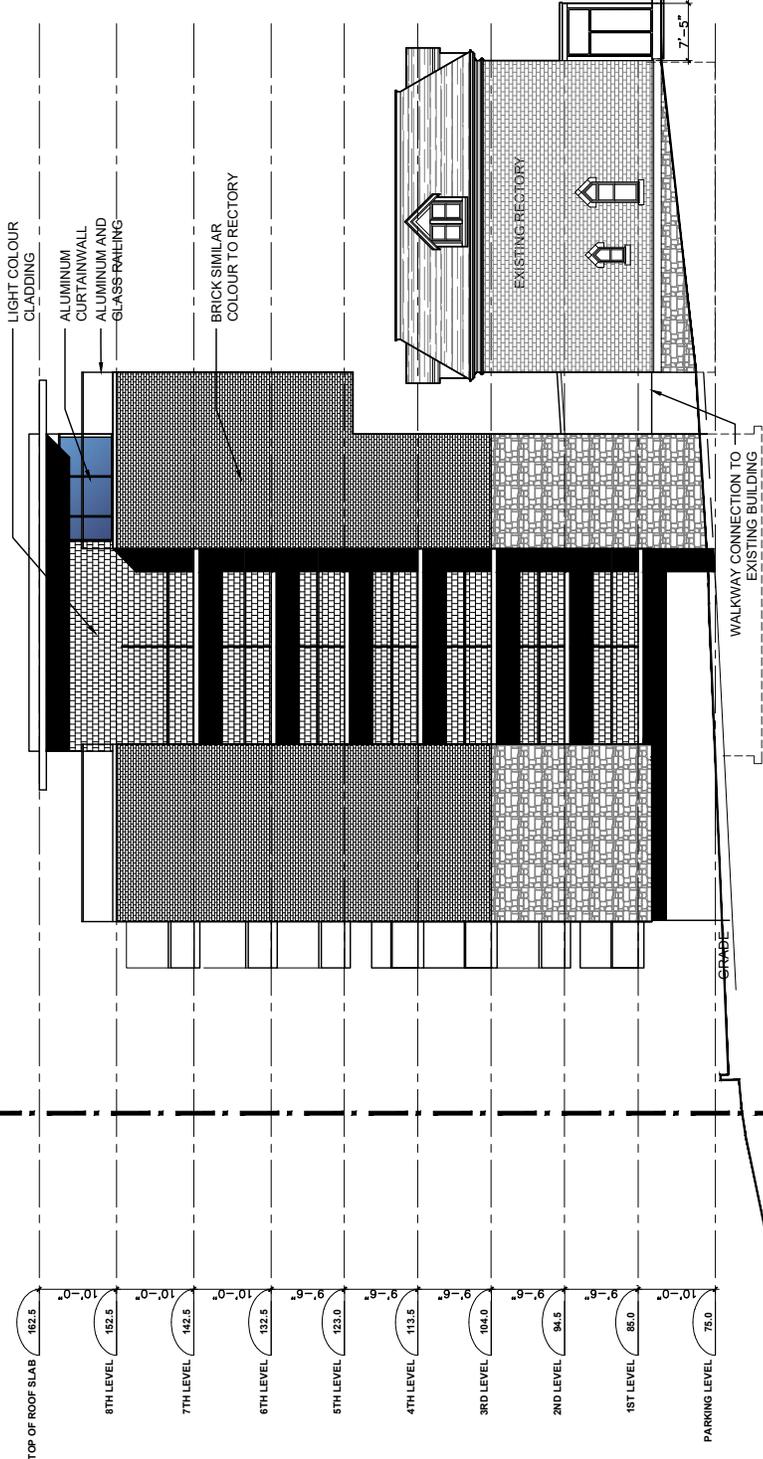
location 2267 BRUNSWICK ST. HALIFAX, N.S.

STUDIO WORKS INTERNATIONAL INC.
 ARCHITECTS • PLANNERS • INTERIORS • PROJECT MANAGEMENT
 4150 Chesapeake Road
 Suite 202, 4th Floor
 Halifax, Nova Scotia B3K 3A3
 www.studioworks.com

title ST. PATRICK'S RECTORY
 SOUTH ELEVATION
 location 2267 BRUNSWICK ST. HALIFAX, N.S.

PROPERTY LINE

PROPERTY LINE



dwg no: A12
 rev: 5 (JAN 7 2019)

scale: 1/16"=1'-0"
 date: 11/02/15
 drawn: LG
 proj: SP1501

ST. PATRICK'S RECTORY
 WEST ELEVATION

Schedule M

title: ST. PATRICK'S RECTORY
 WEST ELEVATION
 location: 2267 BRUNSWICK ST. HALIFAX, N.S.

STUDIO WORKS
 INTERNATIONAL INC.
 ARCHITECTS PLANNERS INTERIORS
 41-52 Chesapeake Road
 Suite 201
 St. John's, NL A1B 3X3
 Tel: (709) 462-4721
 Fax: (709) 462-4722
 www.studioworks.com

Attachment B: Halifax and West Community Council Minutes

HALIFAX AND WEST COMMUNITY COUNCIL MINUTES November 14, 2018

PRESENT: Councillor Stephen D. Adams, Chair
Councillor Lindell Smith, Vice Chair
Councillor Waye Mason
Councillor Shawn Cleary
Councillor Richard Zurawski
Councillor Russell Walker

STAFF: Donna Boutilier, Solicitor
David Perusse, Legislative Assistant
Simon Ross-Siegel, Legislative Support

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

The agenda, reports, supporting documents, and information items circulated are online at halifax.ca.

The meeting was called to order at 6:00 p.m., and recessed at 7:29 p.m. Community Council reconvened at 7:31 p.m. and moved into an In Camera (In Private) session at 9:39 p.m. and reconvened at 9:50 p.m. Community Council adjourned at 9:51 p.m.

1. CALL TO ORDER

The meeting was called to order at 6:00 p.m. in Halifax Hall, 2nd Floor City Hall, 1841 Argyle Street, Halifax.

2. APPROVAL OF MINUTES – October 9, 2018

MOVED by Councillor Cleary, seconded by Councillor Zurawski

THAT the minutes of October 9, 2018 be approved as presented.

MOTION PUT AND PASSED.

3. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS

The Chair requested that correspondence be addressed following notice of tabled matters and prior to the public hearings.

MOVED by Councillor Zurawski, seconded by Councillor Smith

THAT the agenda be approved as amended.

Two-third majority vote required.

MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES – NONE

5. CALL FOR DECLARATION OF CONFLICT OF INTERESTS – NONE

6. MOTIONS OF RECONSIDERATION – NONE

7. MOTIONS OF RESCISSION – NONE

8. CONSIDERATION OF DEFERRED BUSINESS – NONE

9. NOTICES OF TABLED MATTERS – NONE

10. HEARINGS

10.1 Public Hearings

10.1.1 Case 19532: (Part 2): Stage I Development Agreement - The Mainland Commons Area, Halifax

The following was before Community Council:

- A staff recommendation report dated August 15, 2018
- A staff presentation for Case 19532
- Correspondence submitted by Charlie Lush, and John Faddoul

Dali Salih, Planner II, provided a staff presentation on Case 19532: (Part 2) for a Development Agreement in the Mainland Commons Area, Halifax, consisting of residential and commercial uses. The development involves three (3) parcels of land and anticipates nine (9) phases.

Responding to questions from members of Community Council, Salih noted that the ratio of commercial to residential space had been negotiated throughout the development process and that currently commercial uses are limited to areas located on Regency Drive. Members requested that staff continue to

take note of traffic calming strategies and traffic planning on an ongoing basis to ensure that traffic concerns are appropriately addressed in further planning stages.

The Chair opened the hearing and invited the Applicant to come forward and address Community Council.

Cesar Saleh, WM Fares Architects, on behalf of the Applicant, Septra Incorporated and the Halifax Regional Water Commission, provided Community Council with a presentation on Case 19532 (Part 2) for a Development Agreement in the Mainland Commons Area, Halifax, consisting of residential and commercial uses. Saleh noted that there were earlier discussions with staff regarding whether to prioritize between office and residential space and following discussions the developer decided to prioritize residential. Saleh stated that the Applicant believes some efforts can be made to introduce traffic calming measures throughout stage 2 and the Applicant is eager to further work with engineering staff to achieve these objectives. Regarding Schedule K parking spaces, Saleh stated that development on parcel 2 will be limited to preserving vegetation and a trail line, and parcel 1 will contain a neighbourhood community park.

The Chair then called for anyone wishing to address Community Council on this matter.

Jessica Boyd, representing the Halifax North West Trails Association, expressed concerns regarding wetlands preservation, and inquired if staff or the developer have considered runoff and pollution from parking lots in the area during construction.

Maggie MacDonald, a resident of Clayton Park West expressed concerns about the piecemeal development of the community and the lack of a vision document for growth, traffic, transit and parking challenges, and the risk of debris from construction being deposited in the nearby trail and park system.

Ron MacDonald, a resident of Clayton Park West expressed support for trail additions and connectors and inquired whether these would be built by the municipality, the developer, or in combination.

Cesar Saleh replied to concerns expressed regarding wetlands conservation. Saleh stated that the Applicant previously hired a wetland consultant who advised the Applicant. The wetlands located across from the school are not likely to be affected given their remoteness to construction sites, and other wetlands adjacent to the development related to later stages in the development and for which the Applicant has obtained a wetland report. In response to questions from Council members, Saleh confirmed that the developer is responsible for service improvements to handle water runoff should they become necessary. Saleh also confirmed that the developer is building the trails, not the municipality.

The Chair then called three times for anyone wishing to address Community Council on this matter; there being none, it was MOVED by Councillor Mason, seconded by Councillor Cleary

THAT the public hearing be closed.

MOTION PUT AND PASSED.

MOVED by Councillor Zurawski, seconded by Councillor Walker

THAT Halifax and West Community Council:

1. **Approve the Stage I Development Agreement, which shall be substantially of the same form as provided in Attachment A of the staff report dated August 15, 2018; and**
2. **Require the Stage I Development 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.**

Councillor Mason proposed an amendment to consider directing staff to reconsider the requirement for the connector road to be limited to necessary width based on NATCO and TAC standards.

MOVED by Councillor Mason, seconded by Councillor Cleary

THAT the motion be amended to add the following:

- 3. Request a supplementary staff report examine options for developing of road guidelines for Case 19532 with NATCO and TAC minimum standards.**

MOTION TO AMEND PUT AND PASSED.

The motion before Community Council was as follows:

MOVED by Councillor Zurawski, seconded by Councillor Walker

THAT Halifax and West Community Council:

- 1. Approve the Stage I Development Agreement, which shall be substantially of the same form as provided in Attachment A of the staff report dated August 15, 2018; and**
- 2. Require the Stage I Development 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.**
- 3. Request a supplementary staff report examine options for developing of road guidelines for Case 19532 with NATCO and TAC minimum standards.**

MOTION PUT AND PASSED.

10.1.2 Case 20417: Development Agreement for 2267 Brunswick Street, Halifax

The following was before Community Council:

- A staff recommendation report dated September 14, 2018
- Correspondence submitted by Allan Johnson, Blair Beed, and Ann MacLeod

Darrell Joudrey, Planner II, provided a staff presentation on Case 20417 for a Development Agreement to enable a nine (9) storey building located at the rear of St. Patrick's Rectory at 2267 Brunswick Street in Halifax.

Responding to questions from members of Community Council, Joudrey noted that it is the developer's responsibility to contact the Curator of Special Places to obtain a signed letter certifying appropriate consultation has occurred. Members requested staff and Community Council remain diligent in ensuring the developer undertakes to contact the Curator in a timely manner.

The Chair opened the hearing and invited the Applicant to come forward and address Community Council.

Ron Smith, Studio Works International Inc., provided Community Council with a presentation on Case 20417 for a Development Agreement to enable a nine (9) storey building located at the rear of St. Patrick's Rectory at 2267 Brunswick Street in Halifax. Smith noted that the rectory was a heritage building, but not a registered heritage building. Smith provided rationales for the height of the development. The development is located far from the street and it is important to increase the volume to manage the pro-forma requirements of the development, including restrictions to accommodate the viewplane requirements. Smith expressed that though affordable housing considerations are outside of the scope of the Development Agreement, the developer desires to aim for 10% affordable units within the development.

The Chair then called for anyone wishing to address Community Council on this matter.

Blaire Reid, Halifax, detailed the history of the church's relationship with the property. St. Patrick's Church sought to sell the property as an asset to support the parish. In 2012, Ron Smith was hired to prepare a design of the property. The design was for a nine-story building, but two stories were lowered by grade such that the building height was not higher than the roof line of the church. Smith expressed concern for the present design relating to the overall height of thirteen stories, an insufficiently wide access driveway which would limit the parish's ability to maintain and service the church property, needs for a subdivision approval and balconies claimed to abut adjacent property lines.

Amanda Craig, Halifax, described a lack of notice regarding the proposed development. Craig expressed concern regarding the appropriateness of the height, built-form, and character of the development given the heritage qualities of the rectory and the development's location in a Heritage Conservation District. Craig confirmed that the speaker's property is a registered heritage property.

Patrick Murphy, Halifax, member of St Patrick's congregation and a resident of Young Street, expressed concern regarding the appropriateness of the development's character and materials as they relate to adjacent brick faced buildings.

Andrew Murphy, a resident of Purcell's Cove representing Heritage Trust of Nova Scotia, discussed the church's and the streetscape's historical character while identifying the concerns that the proposed development does not integrate into the historical district. Murphy further expressed that were the centre plan in place, the proposed development could not be built in it's current form due to height setback requirements and location in a higher order residential zone. Murphy also expressed that the building would impede sightlines to the church steeple.

Margot Gavin, Dartmouth, an owner of a building in the Brunswick Street Heritage Conservation Area, expressed concern about a lack of protections in the development building for the rectory, as well as a concern that the development would not be capable of being constructed under the current draft of the centre plan. Gavin was also concerned about the requirement for a pending subdivision and the process should the subdivision not be approved.

Jenna Worth, property owner on Portland Place and member of the Heritage Conservation Society, expressed concern that the faith community's interests have not been appropriately addressed by the development as currently proposed, as well as general concerns about height.

Ezra Epstein, a property owner on Brunswick Street, expressed doubt regarding claims for the developer regarding the affordability of the development with a height of less than nine stories, and described several developments on Gottingen St with similar restrictions and challenging lot sizes.

Ron Smith replied to concerns expressed regarding the subdivision requirement. They noted that the development does not include sections which abut the church or the rectory and balconies are all within the property line of the development. They further noted that the development design ensures the building does not extend into the viewplanes. Smith restated that the parish deregistered the property as a heritage building and this is the reality that permits the development in its current form.

The Chair then called three times for anyone wishing to address Community Council on this matter; there being none, it was MOVED by Councillor Mason, seconded by Councillor Smith

THAT the public hearing be closed.

MOTION PUT AND PASSED.

MOVED by Councillor Smith, seconded by Councillor Zurawski

THAT Halifax and West Community Council:

- 1. Approve the proposed Development Agreement, which shall be substantially of the same form as set out in Attachment A of the staff report dated September 14, 2018, conditional**

upon approval of a final plan of subdivision as required in the Development Agreement;
and

2. **Require the agreement be signed by the property owner within 180 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.**

In response to questions from members of Community Council, Joudrey confirmed that the property is located in the Brunswick Street Heritage Conservation Area. Heritage Conservation Areas are recognized under Schedule H1 of the Halifax Peninsula Municipal Planning Strategy and predate the heritage conservation district policy. Staff confirmed that the development has not been referred to heritage staff for a heritage review. Joudrey confirmed that the building does not enter the viewplanes. Though an earlier design included a part of the building in violation of the viewplane, the design has been revised and there are no violations.

A discussion ensued among members of Community Council on whether the matter should be referred to the Heritage Advisory Committee for a full heritage review. Several members questioned whether Community Council has authority to refer the matter to the Heritage Advisory Committee. Carl Purvis, Planning Applications Program Manager, noted that there is some ambiguity in the Terms of Reference of the Heritage Advisory Committee in this regard.

MOVED by Councillor Smith, seconded by Councillor Mason

THAT the motion be amended to include the following:

3. **Request a supplementary staff report outlining the heritage impact of the development and request a heritage review.**

MOTION TO AMEND PUT AND DEFEATED.

Members of Community Council expressed concerns about the proposed height of the development. Donna Boutillier, Solicitor, clarified that a motion to request limits to the development's height would likely constitute a substantial amendment to the Development Agreement and would require a supplementary report, consultation, and a further public hearing.

MOVED by Councillor Smith, seconded by Councillor Mason

THAT Halifax and West Community Council direct staff to consult with the developers to seek amendments to the proposed development agreement for Case 20417 to limit the height of the proposed development so that it does not exceed the roofline of St. Patrick's Church, and return with a supplementary staff report outlining the terms of any amended development agreement.

MOTION PUT AND PASSED.

10.1.3 Case 21472: Halifax Mainland LUB Amendment (Rezoning) for PID 00299768, Halifax, Mainland

The following was before Community Council:

- A staff recommendation report dated September 4, 2018
- A staff presentation on Case 21472

Scott Low, Planner II, provided a staff presentation on Case 21472: Halifax Mainland Land Use By-law Amendment (Rezoning) for PID 00299768, Halifax, to rezone PID 00299768 from R-1 (Single Family Dwelling Zone) to R-2 (Two-Family Dwelling Zone).

The Chair opened the hearing and invited the Applicant to come forward and address Community Council.

Hector Johnston, a relative of the property owner, provided Community Council with a presentation on Case 21472: Halifax Mainland Land Use By-law Amendment (Rezoning) for PID 00299768, Halifax, to rezone PID 00299768 from R-1 (Single Family Dwelling Zone) to R-2 (Two-Family Dwelling Zone). Johnston confirmed for Community Council that the reason for the rezoning application is to enable the property owner to engage in potential future renovation or development.

The Chair then called three times for anyone wishing to address Community Council on this matter; there being none, it was MOVED by Councillor Mason, seconded by Councillor Walker.

THAT the public hearing be closed.

MOTION PUT AND PASSED.

MOVED by Councillor Cleary, seconded by Councillor Walker

THAT Halifax and West Community Council adopt the amendment to the Land Use By-law for Halifax Mainland, as set out in Attachment A of the staff report dated September 4, 2018.

MOTION PUT AND PASSED.

10.2 Variance Hearings

10.2.1 Case 21249: Appeal of Variance Refusal - 2548 Oxford Street, Halifax

The following was before Community Council:

- A staff recommendation report dated October 9, 2018
- A staff presentation on Case 21249
- Correspondence submitted by John Mersereau, Jane Mersereau, John O'Brien, Matt Neville, Kevin Abreu, Christine Abreu, Susan Laing and Thomas Laing

Sean Audas, Development Officer, provided a presentation on Case 21249: Appeal of Variance Refusal for 2548 Oxford Street, Halifax, to construct a third-floor addition to create a third dwelling unit within an existing two-unit dwelling.

The Solicitor reviewed the rules of procedure for variance hearings and the Chair invited the Appellants to come forward and address Community Council.

Kevin Abreu and Christine Abreu, the Appellants, spoke to Community Council on Case 21249: Appeal of Variance Refusal for 2548 Oxford Street, Halifax, to construct a third-floor addition to create a third dwelling unit within an existing two-unit dwelling. They detailed their desire to renovate the property to create an in-law suite for their parents. The appellants confirmed that they have not considered an addition on the backyard due to concerns that this would also require a variance and a desired to protect their backyard.

The Chair then called for anyone in the notification area wishing to address Community Council on this matter.

Pat Daniel, a resident of Cline Street and adjoining property owner, expressed support for the appellants and the granting of a variance for increasing density in the area.

John Grisham, a resident of Oxford Street and an adjoining property owner, expressed opposition to the appeal, noting that they would like to avoid setting a precedent of three-story buildings on Oxford Street.

Patrick Connors, a resident of Oxford Street and property owner, expressed opposition to the appeal, noting that they would like to avoid setting a precedent of three-story buildings on Oxford Street.

The Chair called three times for anyone wishing to address Community Council on this matter; there being none, it was MOVED by Councillor Mason, seconded by Councillor Zurawski

THAT the public hearing be closed.

MOTION PUT AND PASSED.

A discussion ensued among Community Council, with some members noting that in light of the anticipated densification in higher order residential communities under the centre plan and the exceptional access to transit in the area, the Applicant's proposed development was not inappropriate for the area. Some members stated that while this was certainly inconvenient for the appellants, they can always relocate to a community in which planning permits developments like the one before Community Council.

Staff confirmed that if the variance were granted, the proposed renovation would still not exceed 35 feet.

MOVED by Councillor Cleary, seconded by Councillor Mason

THAT Halifax and West Community Council allow the appeal.

MOTION PUT AND PASSED. (Development Officer's decision overturned.)

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

The Legislative Assistant noted that correspondence was received for items 10.1.1, 10.1.2, 10.2.1, and 13.1.2. This correspondence was circulated to Community Council.

For a detailed list of correspondence received, refer to the specific agenda item.

11.2 Petitions - None

11.3 Presentations - None

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS

13.1 STAFF

13.1.1 Case 21446: Twelfth Amendment to Brunello Estates Development Agreement, Timberlea

The following was before Community Council:

- A staff recommendation report dated September 25, 2018

MOVED by Councillor Zurawski, seconded by Councillor Walker

THAT Halifax and West Community Council:

- 1. Approve, by resolution, the proposed twelfth amending Development Agreement, which shall be substantially of the same form as set out in Attachment A of the staff report dated September 25, 2018, for the development of alternative housing sites on Blocks 1, 2, and 3 of Brunello Estates; and**
- 2. Require the twelfth amending Development Agreement be signed by the property owners 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.**

MOTION PUT AND PASSED.

13.1.2 Case 21847: Time Extension to existing Development Agreement for PID 40306730, property adjacent to 1300 Prospect Road, Goodwood

The following was before Community Council:

- A staff recommendation report dated September 25, 2018
- Correspondence submitted by Kristi Walker and Heather Richards

MOVED by Councillor Walker, seconded by Councillor Mason

THAT Halifax and West Community Council give notice of motion to consider the proposed amending Development Agreement, as set out in Attachment A of the staff report dated September 25, 2018, to permit a four-year extension to the deadline for commencement of development and a five (5) year time extension for development completion for lands at PID 40306730, Prospect Road, Goodwood and schedule a public hearing.

MOTION PUT AND PASSED.

13.1.3 Case 20936: MPS/ LUB Amendments and Development Agreement for Long Lake Village, at Cowie Hill Road and Northwest Arm Drive, Halifax

The following was before Community Council:

- A supplementary staff recommendation report dated July 20, 2018

Paul Samson, Planning and Development, provided information to Community Council regarding enhancing the privacy buffer for properties abutting the development.

MOVED by Councillor Cleary, seconded by Councillor Mason

THAT Halifax and West Community Council:

- 1. Approve the proposed amending Development Agreement to allow amendments to the Long Lake Village mixed-use development at Cowie Hill Road and Northwest Arm Drive, Halifax, which shall be substantially of the same form as contained in Attachment A of the staff report dated July 20, 2018; and**
- 2. 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.**

Councillor Smith proposed alternate wording for the motion in relation to the enhanced buffer.

MOVED by Councillor Smith, seconded by Councillor Mason

THAT the motion be amended to read as follows:

- 1. Approve the proposed amending Development Agreement to allow amendments to the Long Lake Village mixed-use development at Cowie Hill Road and Northwest Arm Drive, Halifax, which shall be substantially of the same form as contained in Attachment A of the staff report dated July 20, 2018, with the exception that Subsection 2.6.9 will be amended to read as follows:**
 - 2.6.9 Notwithstanding subsection 2.6.2, on Lot N3A, the landscaped area between the parking lot and the northeast property line, abutting the townhouse property at 652 Cowie Hill Road, shall include an opaque privacy fence or screening structure, with attached vines or climbing cover, which has a minimum height of six feet and is located along or near the property line, in combination with tree planting (at least**

50 percent of which shall be coniferous) above the retaining wall structure for screening purposes.

2. 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.

MOTION TO AMEND PUT AND PASSED.

The motion before Community Council was as follows:

MOVED by Councillor Cleary, seconded by Councillor Mason

THAT Halifax and West Community Council:

1. Approve the proposed amending Development Agreement to allow amendments to the Long Lake Village mixed-use development at Cowie Hill Road and Northwest Arm Drive, Halifax, which shall be substantially of the same form as contained in Attachment A of the staff report dated July 20, 2018, with the exception that Subsection 2.6.9 will be amended to read as follows:
 - 2.6.9 Notwithstanding subsection 2.6.2, on Lot N3A, the landscaped area between the parking lot and the northeast property line, abutting the townhouse property at 652 Cowie Hill Road, shall include an opaque privacy fence or screening structure, with attached vines or climbing cover, which has a minimum height of six feet and is located along or near the property line, in combination with tree planting (at least 50 percent of which shall be coniferous) above the retaining wall structure for screening purposes.
2. 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.

MOTION PUT AND PASSED AS AMENDED.

13.1.4 Case 21321: LUB Amendment and Development Agreement Amendment 2856 Gottingen Street, 5517 Bilby Street, and 5519 Bilby, Street Corner of Gottingen Street and Bilby Street, Halifax.

The following was before Community Council:

- A staff recommendation report dated August 27, 2018

MOVED by Councillor Smith, seconded by Councillor Cleary,

THAT Halifax and West Community Council:

1. Approve the proposed amending Development Agreement, which shall be substantially of the same form as set out in Attachment B of the staff report dated August 27, 2018; and
2. Require that the amending Development 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.

MOTION PUT AND PASSED.

13.1.5 Formal Point Pleasant Park Operations Plan

The following was before Community Council:

- A staff recommendation report dated June 4, 2018

MOVED by Councillor Mason, seconded by Councillor Cleary

THAT Halifax and West Community Council request a formal Point Pleasant Park Operations Plan to be prepared for use by the Point Pleasant Park Advisory Committee in fulfilling its mandate.

MOTION PUT AND PASSED.

13.1.6 Halifax and West Community Council 2019 Meeting Schedule

The following was before Community Council:

- A staff recommendation report dated November 5, 2018

MOVED by Councillor Mason, seconded by Councillor Walker

THAT Halifax and West Community Council approve the 2019 meeting schedule as outlined in Attachment 1 of the staff report dated November 5, 2018.

MOTION PUT AND PASSED.

14. MOTIONS – NONE

15. IN CAMERA (IN PRIVATE)

Community Council moved into an In Camera (In Private) session at 9:39 p.m. to deal with the following items:

15.1 Personnel Matter – Halifax Peninsula Planning Advisory Committee Appointments

This item was dealt with In Camera (In Private), and the following was ratified by Community Council in public session:

MOVED by Councillor Mason, seconded by Councillor Cleary

THAT Halifax and West Community Council:

- 1. Appoint up to four residents to the Halifax Peninsula Planning Advisory Committee for a term to November 30, 2020 as outlined in Attachment 1 of the private and confidential report dated November 5, 2018;**
- 2. Nominate an alternative for first consideration when/if a vacancy occurs during the term;**
- 3. Direct that the names of the successful appointees be released to the public following ratification and notification of Applicants; and**
- 4. Direct that the private and confidential report dated November 5, 2018 not be released to the public.**

MOTION PUT AND PASSED.

15.2 Personnel Matter – Point Pleasant Park Advisory Committee Appointments

This item was dealt with In Camera (In Private), and the following was ratified by Community Council in public session:

MOVED by Councillor Mason, seconded by Councillor Cleary

THAT Halifax and West Community Council:

1. **Appoint one resident to the Point Pleasant Park Advisory Committee for a term to November 30, 2019, to fill a vacancy as outlined in Attachment 1 of the private and confidential report dated November 5, 2018;**
2. **Appoint up to five residents to the Point Pleasant Park Advisory Committee for a term to November 30, 2020 as outlined in Attachment 1 of the private and confidential report dated November 5, 2018;**
3. **Nominate an alternative for first consideration when/if a vacancy occurs during the term;**
4. **Direct that the names of the successful appointees be released to the public following ratification and notification of Applicants; and**
5. **Direct that the private and confidential report dated November 5, 2018 not be released to the public.**

MOTION PUT AND PASSED.

15.3 Personnel Matter – Western Common Advisory Committee Nominations

This item was dealt with In Camera (In Private), and the following was ratified by Community Council in public session:

MOVED by Councillor Cleary, seconded by Councillor Zurawski

THAT Halifax and West Community Council:

1. **Appoint residents to the Western Common Advisory Committee for a term to November 30, 2020, as outline in Attachment 1 of the private and confidential report dated November 5, 2018, as follows:**
 - a. **One representative of the local business community;**
 - b. **One representative of an Environmental Non-Governmental Organization (NGO); and**
 - c. **One resident of the Beechville/ Timberlea area.**
2. **Nominate an alternative for first consideration when/if a vacancy occurs during the term;**
3. **Direct that the names of the successful appointees be released to the public following ratification and notification of Applicants; and**
4. **Direct that the private and confidential report dated November 5, 2018, not be released to the public.**

MOTION PUT AND PASSED.

16. ADDED ITEMS - NONE

17. NOTICES OF MOTION - NONE

18. PUBLIC PARTICIPATION

No one came forward to address Community Council during public participation.

19. DATE OF NEXT MEETING – December 12, 2018

20. ADJOURNMENT

The meeting was adjourned at 9:51 p.m.

David Perusse
Legislative Assistant



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

Item No. 10.1.2
Halifax and West Community Council
First Reading October 9, 2018
November 14, 2018

TO: Chair and Members of Halifax and West Community Council

-Original Signed-

SUBMITTED BY:

Kelly Denty, Director, Planning and Development

-Original Signed-

Jacques Dubé, Chief Administrative Officer

DATE: September 14, 2018

SUBJECT: Case 20417: Development Agreement for 2267 Brunswick Street, Halifax

ORIGIN

Application by Studio Works International Inc.

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that Halifax and West Community Council:

1. Give notice of motion to consider the proposed development agreement, as set out in Attachment A of this report, to construct a 9 storey residential apartment building at 2267 Brunswick Street in Halifax 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 of this report, conditional upon approval of a final plan of subdivision as required in the development agreement; and
3. Require the agreement be signed by the property owner within 180 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

Studio Works International Inc. has applied to enter into a development agreement to enable a 9 storey building located at the rear of St. Patrick's Rectory at 2267 Brunswick Street in Halifax. The subject lands are within the Brunswick Street Heritage Area (Map 3) that guides both new buildings and changes to existing buildings within a historic context. The proposal entails a 9 storey building with 51 dwelling units that uses a contrasting design approach to locate a new building behind an historic building and abutting two registered heritage properties.

Subject Site	St. Patrick's rectory - 2267 Brunswick Street, Halifax
Location	East side of Brunswick Street, north of Cornwallis Street
Regional Plan Designation	Urban Settlement
Community Plan Designation (Map 1)	Medium Density Residential (MDR) under the Peninsula North Secondary Municipal Planning Strategy
Zoning (Map 2)	R-2 (General Residential) under the Halifax Peninsula Land Use By-law
Size of Site	929.59 square metres (10,006 square feet)
Street Frontage	20.02 metres (65.66 feet)
Current Land Use(s)	St. Patrick's rectory occupies the front of the site and the vacant land at the rear is currently utilized as parking.
Surrounding Use(s)	The proposed addition will be surrounded by the existing rectory, St. Patrick's church and the Huestis House Heritage property that is a single unit dwelling. There are undeveloped lands to the east between the rear of the rectory and Barrington Street.

Proposal Details

The applicant is proposing to build a 9 storey residential apartment building at 2267 Brunswick Street. The major aspects of the proposal are as follows:

- The proposed building will be located about nine feet from the rear wall of St. Patrick's rectory;
- The proposed building height is 102 feet from the floor of the parking level to top of roof slab; this is one level of parking and 9 floors of residential units;
- 51 residential units;
- At-grade parking level for 8 vehicles and 24 Class "A" bicycle parking stalls;
- 144.93 square metres (1,560 square feet) common private interior amenity space; and
- Connected to St. Patrick's rectory by pedestrian bridge.

Heritage

The proposed building will be located behind the existing St. Patrick's Rectory. The Rectory is not a Registered Heritage property but the abutting properties on both sides of the Rectory, St. Patrick's Church and Heustis House, are registered heritage properties. The proposal is subject to HRM Regional Municipal Planning Strategy (RMPS) Policy CH-16 for new buildings which abut registered heritage properties. This application is a local plan-led approach to allow change within a historical area while preserving character and appearance of the area by ensuring the impact of new buildings in the area is mitigated.

Enabling Policy and LUB Context

Halifax MPS Policy 9.3.2 permits new apartment buildings with over four dwelling units in areas zoned general residential (R-2) by development agreement in the area identified in the LUB pursuant to Policy 9.3. This policy is intended to support the preservation of historic properties and municipally registered heritage buildings and allow new development that achieves preservation of the character and appearance of existing heritage structures. The policy further suggests that the historic streetscape of Brunswick Street be retained through specific architectural controls and standards for building placement.

Land Use By-law and Zoning Context

The subject lands are zoned R-2 (General Residential) which permits R-1 dwelling units, semi-detached or duplex dwellings, apartments of up to 4 units and accessory uses. Conversions to multiple unit dwellings, such as the St. Patrick's rectory conversion, are permitted within the Brunswick Street Heritage Area (Map

3) subject to specific provisions, to encourage the retention of existing buildings in this area which contribute to the heritage streetscape.

COMMUNITY ENGAGEMENT

The community engagement process 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 site, letters mailed to property owners within the notification area and a public information meeting held on November 30, 2016. Attachment C contains a summary of the minutes from the meeting. The public comments received include the following topics:

- 13 storey height is overly tall;
- Limited on-site parking creates off-street parking issues;
- Will HRM right-of-way always exist to act as setback; and
- Blank wall facing Heustis House is unattractive.

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. Notification will also be mailed to any names added to the sign-in list at the PIM.

The proposal will potentially impact local residents and property owners.

DISCUSSION

Staff has reviewed the proposal relative to all relevant policies and advise that it is reasonably consistent with the intent of the MPS. Attachment B 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 site and the conditions under which the development may occur. The proposed development agreement addresses the following matters:

- A landscape plan is required before a Development Permit may be issued;
- Permits multiple unit building land use;
- Prior to site disturbance, the Curator of Special Places with Heritage Division of Nova Scotia Communities must be contacted;
- Siting requirements;
- Architectural requirements;
- Access from lands to public realm to be demarcated for safety;
- Subdivision of the lands to occur in accordance with site plan;
- Screening of propane tanks and transformers to ensure minimal impact from Brunswick Street, St. Patrick's Church and Heustis House;
- Non-substantive amendments include changes to architectural requirements, design layout, positioning of the building and an increase in the building floor area; and
- Non-substantive amendments also include extensions to the date of commencement of construction and time of completion of the development.

The attached development agreement will permit a 9 storey multiple unit building, subject to the controls identified above. Of the matters addressed by the proposed development agreement to satisfy the MPS criteria as shown in Attachment B, the following have been identified for detailed discussion.

Surrounding Context

In considering a development agreement to allow a new apartment building Policy 9.3.2.1(a) states the building shall be complementary to adjacent registered heritage buildings. The Brunswick Street Heritage Area contains registered heritage properties as well as supporting historic buildings. As noted previously, there are registered heritage properties on each side of the subject lands. These heritage properties, grouped with other adjacent and nearby buildings of similar scale, materials and shared architectural motifs, create a distinctive area. In areas with such a strong group value, the scale and height of new buildings should respect these characteristics given the impact new proposals could have upon them. The proposed agreement provides for the retention of the Rectory building, while creating a contemporary addition that uses architectural elements to relate to the architectural surroundings and to the human scale.

A portion of the subject site lies within View Plane 1 and the proposed building will meet all applicable requirements under the Halifax Peninsula Land Use By-law.

Building Design

The proposed building addition will contrast with the historic building with its contemporary style. The building addition connects to the rear elevation of the Rectory by means of pedestrian bridge. This allows the Rectory to form the base and streetwall for the proposed building addition, but also creates a safe and convenient access to the building. This design approach also preserves the character and appearance of the conservation area by facilitating for development which leaves the character or appearance of existing buildings unaffected. Such contemporary architecture, using present day techniques and materials, fits into historic groups of buildings without affecting the structural and aesthetic qualities of the existing historic setting with appropriate use of mass, scale, rhythm and articulation. By avoiding imitation of the historical rectory or neighbouring groups of buildings, their authenticity is maintained. This approach does not affect neighbouring buildings aesthetic or historical value, and does not result in a parody of the original style. The proposed development agreement allows for use of contemporary materials on a building that does not contribute to the formal street edge and draws upon the local identity to provide scale, grain and legibility.

Height, Scale and Massing

The proposed building addition is a vertically oriented rectangular volume with 9 storeys of residential levels above the parking level. The addition is located to the rear of the Rectory, on a secondary façade instead of the front or over the Rectory, and reduces the prominence of the addition. This presents a building that is higher than the Rectory and the neighbouring Heustis house but aligning with the tower height of St. Patrick's Church. Terminating below the steeple, and having a setback on the top floor facing the church, will ensure the iconic steeple form remains visible on the skyline.

The vertical elements of the building are organized following the rhythm of the vertical windows and bays of the Rectory and neighbouring buildings and refer to the grain of the local context. These vertical elements activate the general volume and break the massiveness of the structure. This sense of verticality is related directly to the Rectory and creates a close relationship with the architectural context but does not sufficiently mitigate the impact of the height on the pedestrian realm. To provide a connection to the pedestrian, the presence of scale elements such as windows and floor levels, that are clearly perceivable from the exterior of the structure, give a sense of human scale to the building. The horizontal lines of the cladding system and the change in materials at level 5 also contribute to a perceived reduction of scale.

Parking

Apartment buildings constructed with low numbers of parking spaces but with other amenities like bike storage are intended to attract tenants who use alternate forms of transportation or do not own a car. The Integrated Mobility Plan promotes development of safe, convenient and sustainable transportation modes designed to reduce reliance on the automobile which can in turn reduce the need for off-street parking and demand for on-street parking as well as result in local and regional air quality benefits and reduce fossil fuel dependence.

The development agreement requires a minimum of 8 interior vehicle parking spaces, which equates to approximately 0.156 parking spaces per unit, and 24 class A bicycle parking spaces. Staff consider the need for parking in a building based on its location in relation to transit connections, opportunities for active transportation and the community desire for less costly housing. This building is well located with bus service provided every 15 minutes on Gottingen Street and Cornwallis Street as well as Barrington Street. Minimizing the required number of parking spaces can materially reduce construction costs which can contribute to less costly units. Under these circumstances, staff support the proposed parking requirements.

Subdivision

The proposal is currently shown on lands at 2263 Brunswick Street and a small portion of an abutting rear property. There is an agreement between the property owners for the applicant to make a final subdivision application which would adjust the rear property boundaries to match those shown on the schedules of the development agreement. Additional time has been provided for the signing of the development agreement to allow for the final subdivision to be approved and filed before the proposed development agreement can be registered. Additionally, the development agreement requires this final subdivision application to be approved prior to any work on the lands.

Halifax Peninsula Planning Advisory Committee

On May 29, 2017, the Halifax Peninsula Planning Advisory Committee (PAC) recommended that the application be rejected because the concept as presented was not acceptable and that the applicant explore an alternative design. The applicant has revised the proposal based on comments received from PAC and the responses are discussed below. A report from the PAC to Community Council will be provided under separate cover.

Adverse Effect on Abutting Heritage Property

The proposed building is within the Brunswick Street Heritage Area and abuts municipally registered heritage properties on both sides. Development on lands abutting municipally registered heritage properties are subject to Policy CH-16 of the RMPS where a range of design solutions and architectural expressions that are compatible with the abutting registered heritage property are to be considered.

The architectural design of the proposed building does not reference features similar to adjacent residential buildings or the registered heritage church, but is a distinct contemporary design. Rather than replicate past building forms and styles such as roofs, entrances and dormers, the contrasting proposal avoids competition between the existing Rectory and the new building. The proposal places the new building to the rear of the site to avoid drastic changes in the historic view of the Rectory and uses surface articulation to relate to the historic rectory and adjacent heritage buildings and to the pedestrian realm. Surface articulations are used in contemporary buildings to give a sense of scale and establish a close relationship between the building and the spectator.

Height

In an effort to select a building height relatable to nearby residential buildings and the church, the proposal height is between the height of the neighbouring buildings. By creating a stepping sequence between 2275 Brunswick Street (Heustis House) and St. Patricks Church and positioning the proposal height closer to the taller volume of the church, the top of the tower, visually mitigates the building height and allows the steeple to maintain its prominence. Building height above the public realm is mitigated by incorporating design solutions such as setting the building addition back from the streetwall to preserve the view of the Rectory, visually reducing the building massing using vertical and horizontal articulation, and creating a sense of human scale through clearly perceived interior levels and scalable elements such as windows.

The church steeple is a recognizable local landmark and its iconic value to the skyline will be respected by the proposal.

Parking

There are mobility benefits to denser urban living in terms of car ownership and the need for parking spaces. More and more residents are expressing a strong preference to live close to a wide range of amenities,

social activities and employment opportunities that are accessed with short travel times. Residents in the Regional Centre, an area of denser urban living, are nearly 3 times more likely to use transit or active transportation and less likely to use motorized transport than average HRM or NS residents. On-site parking also can be the difference between an apartment's rent being affordable and out-of-reach. In light of the above the perception remains that the impact from buildings with low parking ratios is stressing existing on-street parking because of visitor parking and the fact that even low-car lifestyle tenants' own cars that require parking.

The proposed development agreement requires a minimum of 8 parking spaces for the development which is a ratio of 0.156 parking spaces for every one residential unit. In this locality of the Peninsula, the subject site has good access to Halifax Transit and is within walking distance to the downtown. This proximity to the downtown provides access to employment, shopping, cultural venues and entertainment. Options such as car-share and cycling exist for residents in the proposed building. Constructing apartment buildings with limited parking – but requiring other amenities like bike storage - will attract tenants who use alternative forms of transportation, are looking for reasonable rent and do not own a car.

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 proposed building achieves a positive contribution to preserving the Brunswick Street Heritage Area by minimizing the impact to the character and appearance of the conservation area. The contrasting architectural composition is respectful of the historic Rectory as well as the abutting heritage properties, allowing St. Patrick's Church steeple to retain its prominence on the skyline. The proposal uses architectural elements to reduce the building mass and to relate to the scale of the pedestrian realm. The proposed reduction from the standard number of parking spaces of 1:1.25, to a proposed 1:0.156 is appropriate given the proximity of the proposed building to jobs, a wide range of amenities and personal services in the area, the small average unit size (471,5 square feet), convenient transit access, safe cycling routes and car-share services and reduces or eliminates the need for parking spaces and permanently owned cars. Therefore, staff recommend that the Halifax and West Community Council approve the proposed development agreement.

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 2018-19 budget and with existing resources.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application may be 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 are identified.

ALTERNATIVES

1. Halifax and West Community Council may choose to approve the proposed development agreement subject to modifications. Such modifications may require further negotiation with the applicant and may require a supplementary report or another public hearing. A decision of Council to approve this development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Halifax and West Community Council may choose to refuse the proposed development agreement, and in doing so, must provide reasons why the proposed agreement does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

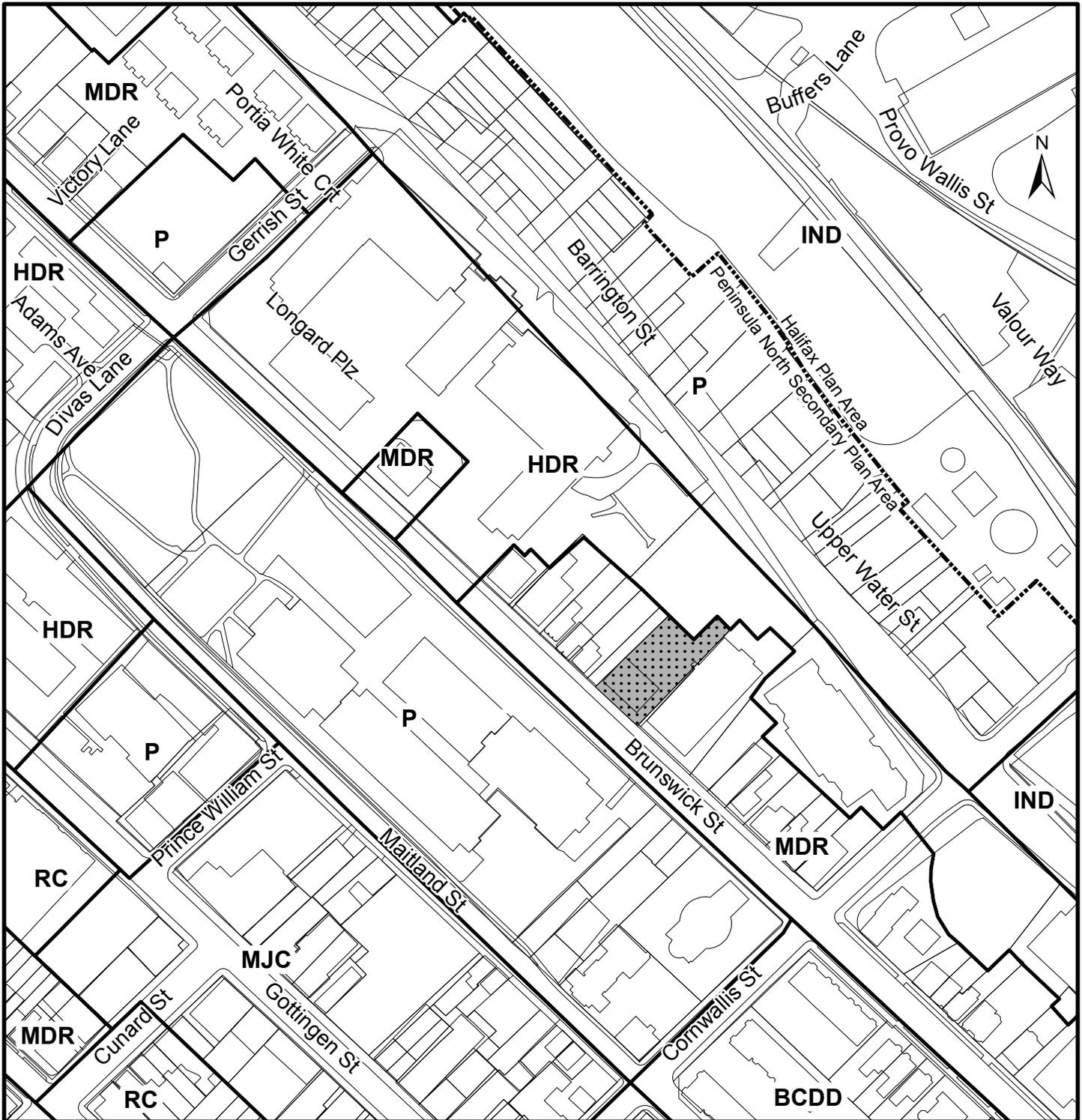
Map 1:	Generalized Future Land Use
Map 2:	Zoning and Notification Area
Map 3:	Brunswick Street Heritage Area
Attachment A:	Proposed Development Agreement
Attachment B:	Review of Relevant MPS Policies
Attachment C:	Summary of Public Meeting Notes

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: Darrell Joudrey, Planner II, 902.490.4181

-Original Signed-

Report Approved by: Steve Higgins, Manager, Current Planning, 902.490.4382



Map 1 - Generalized Future Land Use

2267 Brunswick Street
Halifax

 Subject Property

Peninsula North Designations

- MDR Medium Density Residential
- HDR High Density Residential
- RC Residential/Commercial Mix
- MJC Major Commercial
- P Park and Institutional
- IND Industrial
- BCDD Brunswick Comprehensive Development District

Halifax Designations

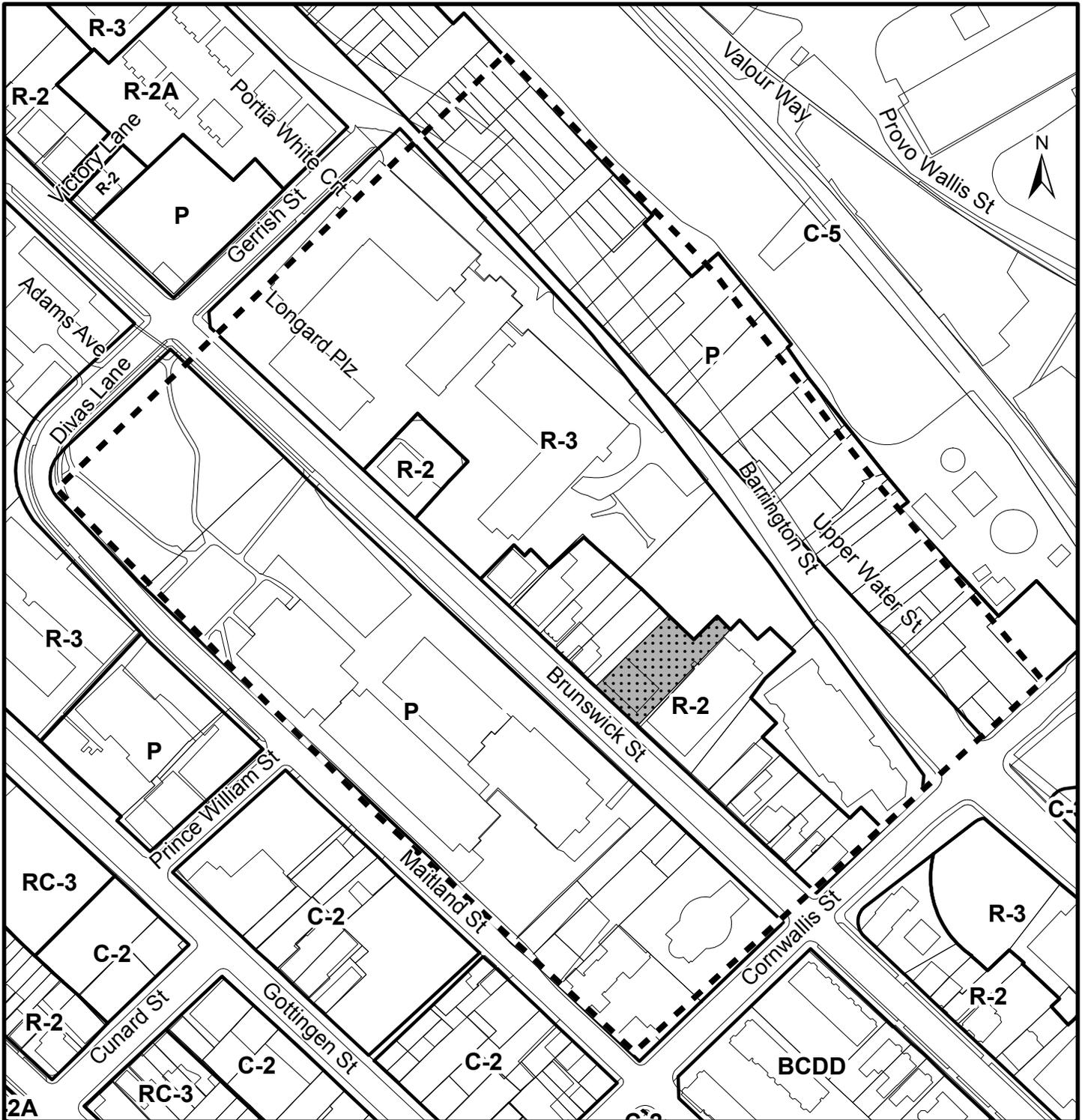
- IND Industrial

HALIFAX



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

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



Map 2 - Zoning and Notification

2267 Brunswick Street
Halifax

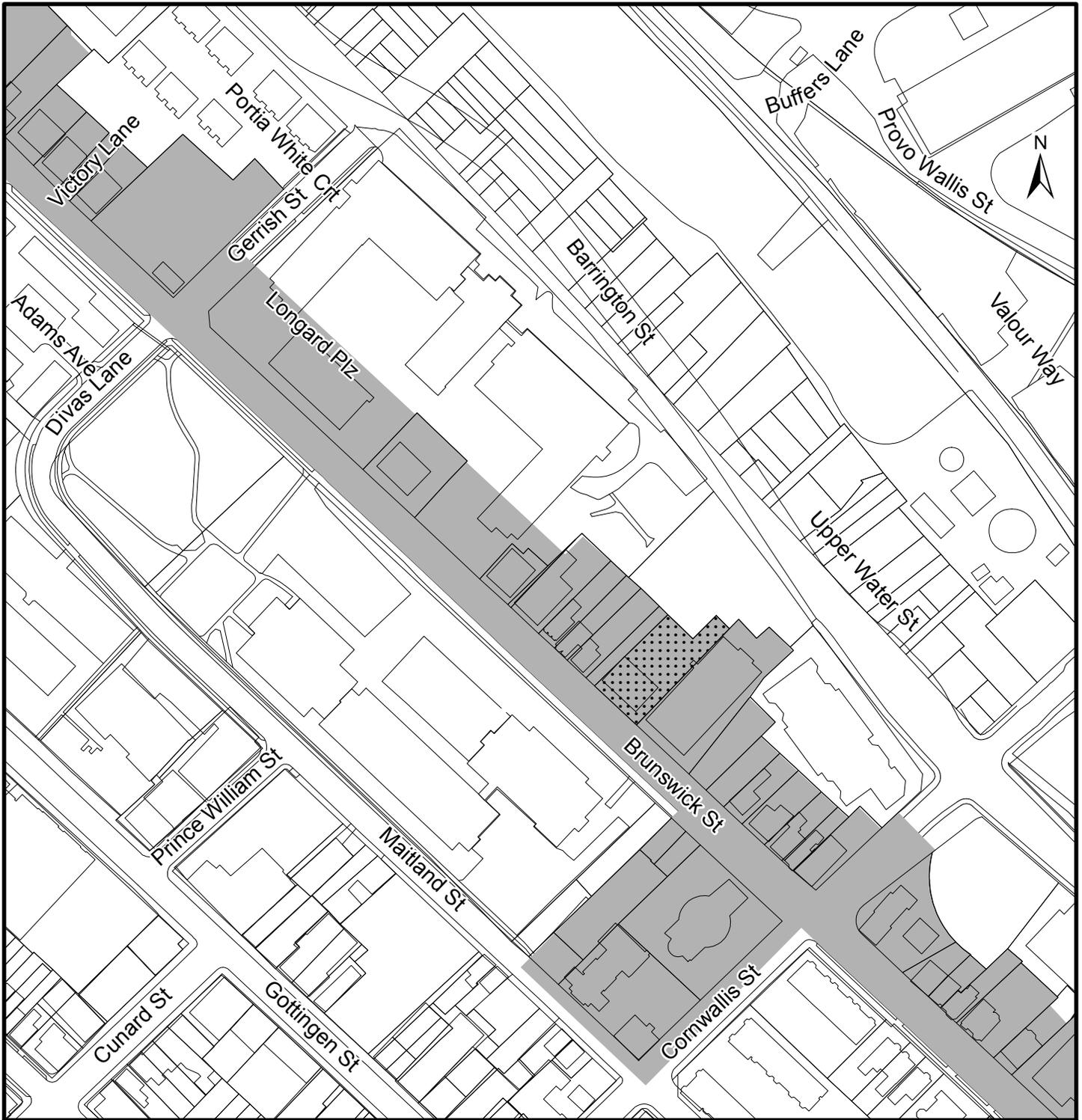
HALIFAX

-  Subject Property
-  Area of Notification

Zone	
R-2	General Residential
R-2A	General Residential Conversion
R-3	Multiple Dwelling
RC-3	High Density Residential Minor Commercial
P	Park and Institutional
C-2	General Business
C-5	Harbour-Related Industrial
BCDD	Brunswick Comprehensive Development District



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.



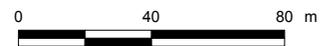
Map 3 - Brunswick Street Heritage Area

2267 Brunswick Street
Halifax

HALIFAX

 Subject Property

 Brunswick Street Heritage Area



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

Halifax Peninsula
Land Use By-Law Area

Attachment A – Proposed Development Agreement

THIS AGREEMENT made this day of **[Insert Month]**, 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 2267 Brunswick Street, Halifax and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a Development Agreement to allow for a 9 storey residential addition to an existing building on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policies 6.1, 9.3.2 and 9.3.2.1 of the Peninsula North Secondary Municipal Planning Strategy and Sections 76(1), 76(2) and 77 of the Halifax Land Use By-law;

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 20417;

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

- 1.1.1 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.

1.3 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, lot owner 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

- 1.5.1 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

- 1.6.1 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

- 2.1.1 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.

PART 3: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS

3.1 Schedules

- 3.1.1 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 20417:

Schedule A	Legal Description of the Lands
Schedule B	Site Plan
Schedule C	1 st Level Floor Plan (Parking)
Schedule D	1 st Level Floor Plan
Schedule E	2 nd to 4 th Level Floor Plan
Schedule F	5 th Level Floor Plan
Schedule G	6 th Level Floor Plan
Schedule H	7 th to 8 th Level Floor Plan
Schedule I	Penthouse Level Floor Plan
Schedule J	Roof Plan
Schedule K	West Elevation (Brunswick Street)
Schedule L	East Elevation
Schedule M	South Elevation
Schedule N	West Elevation

3.2 Requirements Prior to Approval

- 3.2.1 Prior to the commencement of any site work the Developer shall provide to the Development Officer in accordance with section 5.1 of this Agreement:

- (a) Site Disturbance Plan;
- (b) Erosion and Sedimentation Control Plan; and
- (c) Site Grading and Stormwater Management Plan.

- 3.2.1 Prior to the issuance of a Development Permit, the Developer shall provide to the Development Officer:

- (a) A detailed Landscape Plan prepared by a Landscape Architect in accordance with Section 3.8 of this Agreement; and
- (b) A Site Servicing Plan prepared by a Professional Engineer and acceptable to the Development Engineer in accordance with Section 4.1 of this Agreement.
- (c) An approved final plan of subdivision which generally meets Schedule B of this Agreement, and any requirements of the Land Use Bylaw for Halifax Peninsula and the Regional Subdivision By-law.

- 3.2.2 Prior to the issuance of the first Occupancy Permit, the Developer shall provide the Development Officer with certification from a member in good standing of the Canadian Society of Landscape Architects indicating that the Developer has complied with the landscaping provisions of this Agreement.
- 3.2.3 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) multiple unit residential building;
 - (b) ground level parking located at 1st Level (Parking) under the multiple unit building;
 - (d) any accessory uses permitted within the existing 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;
 - (e) The habitable floors shall include, in addition to the residential use, a common amenity terrace of 102.19 square metres (1100 square feet) and interior amenity space of 83.61 square metres (900 square feet) at the 5th Level;
 - (f) A minimum of 42.74 square metres (460 square feet) of outdoor landscaped open space shall be provided at ground level at the northeast area of the Lands as generally shown at Schedule B;
 - (g) A minimum of 8 parking spaces shall be provided at the 1st Level (Parking) of the multiple unit residential building;
 - (h) A 5-stream source separation area shall be provided at the 1st Level (Parking); and
 - (i) A maximum of 51 residential dwelling units shall be permitted within the multiple unit residential building.
- 3.3.2 The Development Officer may permit unenclosed structures attached to a main building such as steps and mobility disabled ramps to be located within the required minimum front, side 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 Archeological Resources

- 3.4.1 The Lands at 2267 Brunswick Street falls within the High Potential Zone for Archeological Sites identified by the Province. The Developer shall contact the Curator of Special Places with the Heritage Division of Nova Scotia Communities, Culture and Heritage of the Province of Nova Scotia prior to any disturbance of the site and the Developer shall comply with requirements set forth by the Province in this regard.

3.5 Siting and Architectural Requirements

- 3.5.1 The building's siting, bulk and scale shall comply to the following:
- (a) lot coverage shall not exceed 70%;
 - (b) the building, at 1st Level (Parking), 1st Level, 2nd Level, 3rd Level and 4th Level, shall be a minimum of 60 feet from the front lot line;
 - (c) the maximum permitted height of the building shall not exceed 102 feet measured from the floor of the 1st Level (Parking);
 - (d) the maximum permitted height may be exceeded to accommodate appurtenances extending from the surface of the roof but shall not include habitable living space;
 - (e) where minimum or zero-lot line sideyard setbacks are permitted, they are subject to a detailed review by the Development Officer to ensure compliance with all relevant building codes and by-laws; and
 - (f) any excavation, construction or landscaping will be carried out in a safe manner, with the appropriate measures put into place to ensure the protection and preservation of the adjacent properties.
- 3.5.2 The multiple unit residential building will be accessed from the interior of the existing St. Patrick's Rectory building by an enclosed pedestrian walkway. Service entrances shall be integrated into the design of the building and shall not be a predominant feature.
- 3.5.3 The façades facing St. Patrick's Church, Barrington Street and the Heustis House shall be designed and detailed as the Brunswick Street primary façade. Further, the same architectural treatment of windows, balconies/terraces and surfaces shall be continued around all sides of the building as identified on the Schedules.
- 3.5.4 Large blank walls that deteriorate the scale of the pedestrian environment shall not be permitted. The scale of large walls shall be tempered by details in the proposed cladding creating texture, wall patterns and colour/tonal change as identified on the Schedules. The landscape plan may provide for textured plantings and treillage and distinctive landscape features in front of the façades.
- 3.5.5 Any exposed foundation in excess of two feet in height and 10 square feet in total area shall be architecturally detailed, veneered with stone or brick or treated in an equivalent manner acceptable to the Development Officer.
- 3.5.6 Exterior building materials shall not include vinyl siding.
- 3.5.7 All mechanical vents, down spouts, flashing, electrical conduits, metres, service connections, and other functional elements shall be treated as integral parts of the design. Where appropriate these elements shall be painted to match the colour of the adjacent surface, except where used expressly as an accent.
- 3.5.8 Buildings shall be designed such that the mechanical systems (HVAC, exhaust fans, etc.) are not visible from Brunswick Street, Barrington Street or the abutting Registered Heritage Properties on either side. Furthermore, no mechanical equipment or exhaust fans shall be located between the building and the adjacent residential properties unless screened as an integral part of the building design and noise reduction measures are implemented. This shall exclude individual residential mechanical systems.

- 3.5.9 All windows shall be vertical in proportion, or square. The framing of the curtain walls, mullions and muntin bars shall all be considered to create vertical proportioned windows. Windows should be framed with prefinished metal.
- 3.5.10 All roof mounted mechanical or telecommunication equipment shall be visually integrated into the roof design or screened from public view.

3.6 Parking, Circulation and Access

- 3.6.1 Eight (8) parking spaces shall be provided at grade at the rear of the building, and accessed as shown on Schedule B. The parking area and parking access shall maintain setbacks from the property lines as shown on the plan.
- 3.6.2 The parking area shall provide a minimum of eight (8) automobile parking spaces and 24 Class A bicycle parking stalls.
- 3.6.3 The driveway shall be hard surfaced.
- 3.6.4 The limits of the parking area shall be defined by a concrete curb.
- 3.6.5 It is the responsibility of the Developer to maintain all required rights-of-way over the abutting St. Patrick's Church property as shown on Schedule C in written agreements.
- 3.6.6 The access from the Lands onto the public sidewalk shall be demarcated, for the purpose of pedestrian safety, by a landscape design element.

3.7 Outdoor Lighting

- 3.7.1 Lighting shall be directed to driveways, parking areas, loading area, building entrances and walkways and shall be arranged so as to divert the light away from streets, adjacent lots and buildings.

3.8 Landscaping

- 3.8.1 All plant material shall conform to the Canadian Nursery Trades Association Metric Guide Specifications and Standards and sodded areas to the Canadian Nursery Sod Growers' Specifications.
- 3.8.2 Prior to the issuance of a Development Permit, the Developer agrees to provide a Landscape Plan which provides 460 square feet of Landscaped Open Space as shown on Schedule B, and that complies with the provisions of this section and as generally shown on Schedule B. The Landscape Plan shall be prepared by a Landscape Architect (a full member, in good standing with Canadian Society of Landscape Architects).
- 3.8.3 Prior to issuance of the first Occupancy Permit the Developer shall submit to the Development Officer a letter prepared by a member in good standing of the Canadian Society of Landscape Architects certifying that all landscaping has been completed according to the terms of this Development Agreement.
- 3.8.4 Notwithstanding Section 3.8.3, where the weather and time of year do not allow the completion of the outstanding landscape works prior to the issuance of the Occupancy Permit, the Developer may supply a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping. The cost estimate is to be prepared by a member in good standing of the Canadian Society of Landscape Architects. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the work

as described herein and illustrated on the Schedules, and as approved by the Development Officer. Should the Developer not complete the landscaping within twelve months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping as set out in this section of the Agreement. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.

3.9 Subdivision of the Lands

3.9.1 A subdivision application shall be submitted to the Development Officer as required in Section 3.2.1(c) of this agreement, and the Development Officer shall grant subdivision approval subject to and in accordance with the Regional Subdivision By-law. The subdivision shall be filed at the Registry of Deeds prior to any work on the Lands as described in this agreement.

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 building, 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.

3.11 Signs

3.11.1 The sign requirements shall be in accordance with the Land Use By-law for Halifax Peninsula as amended from time to time.

3.11.2 Signs depicting the name or corporate logo of the Developer shall be permitted while a sales office is located on the site.

3.11.3 Signs shall only be externally illuminated.

3.12 Temporary Construction Building

3.12.1 A building shall be permitted on the Lands for the purpose of housing equipment, materials and office related matters relating to the construction and sale of the development in accordance with this Agreement. The construction building shall be removed from the Lands prior to the issuance of the last Occupancy Permit.

3.13 Screening

3.13.1 Propane tanks and electrical transformers shall be located on the site in such a way to ensure minimal visual impact from Brunswick Street and residential properties along the St. Patrick's Church and Huestis House property lines. These facilities shall be secured in accordance with the applicable approval agencies and screened by means of opaque fencing or masonry walls with suitable landscaping.

3.13.2 Mechanical equipment shall be permitted on the roof provided the equipment is screened and not visible from Brunswick Street or incorporated in to the architectural treatments and roof structure.

3.13.3 Any mechanical equipment shall be screened from view from Brunswick Street or Barrington Street with details such as a combination of fencing and landscaping or building elements.

PART 4: STREETS AND MUNICIPAL SERVICES

4.1 General Provisions

- 4.1.1 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

- 4.2.1 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.

4.3 Solid Waste Facilities

- 4.3.1 The building shall include designated space for five stream (refuse, recycling and composting) source separation services in accordance with By-law S-600 as amended from time to time. This designated space for source separation services shall be shown on the building plans and approved by the Development Officer and Building Inspector in consultation with Solid Waste Resources.
- 4.3.2 Refuse containers and waste compactors shall be confined to the loading areas of each building, and shall be screened from public view where necessary by means of opaque fencing or masonry walls with suitable landscaping.
- 4.3.3 All refuse and recycling materials shall be contained within the building. Further, consideration shall be given to locating of all refuse and recycling material to ensure minimal effect on abutting property owners by means of opaque fencing or masonry walls with suitable landscaping.

PART 5: ENVIRONMENTAL PROTECTION MEASURES

5.1 Stormwater Management Plans and Erosion and Sedimentation Control Plan

- 5.1.1 Prior to the commencement of any site work on the Lands, including earth movement or tree removal other than that required for preliminary survey purposes, or associated off-site works, the Developer shall:
- (a) Submit to the Development Officer a detailed Site Disturbance Plan, prepared by a Professional Engineer indicating the sequence and phasing of construction and the areas to be disturbed or undisturbed;
 - (b) Submit to the Development Officer a detailed Erosion and Sedimentation Control Plan prepared by a Professional Engineer in accordance with the Erosion and Sedimentation Control Handbook for Construction Sites as prepared and revised from time to time by Nova Scotia Environment. Notwithstanding other sections of this Agreement, no work is permitted on the Lands until the requirements of this clause have been met and implemented. The Erosion and Sedimentation Control Plan shall indicate the sequence of construction, all proposed detailed erosion and sedimentation control measures and interim stormwater management measures to be put in place prior to and during construction; and

- (c) Submit to the Development Officer a detailed Site Grading and Stormwater Management Plan prepared by a Professional Engineer.

5.2 Sulphide Bearing Materials

- 5.2.1 The Developer agrees to comply with the legislation and regulations of the Province of Nova Scotia with regards to the handling, removal, and disposal of sulphide bearing materials, which may be found on the Lands.

PART 6: AMENDMENTS

6.1 Non-Substantive Amendments

- 6.1.1 The following items are considered by both parties to be not substantive and may be amended by resolution of Council.
 - (a) Changes to the architectural requirements/details as shown on the attached Schedules or as detailed in Section 3.5 which, in the opinion of the Development Officer, do not conform with Schedules H, I, J or K;
 - (b) Changes to the design, layout and positioning of the building, provided that plans are submitted for any changes to the building design and that such changes, in the opinion of the Development Officer, are minor;
 - (c) An increase in the floor area of the building;
 - (d) The granting of an extension to the date of commencement of construction as identified in Section 7.3 of this Agreement;
 - (e) The length of time for the completion of the development as identified in Section 7.5 of this Agreement.

6.2 Substantive Amendments

- 6.2.1 Amendments to any matters not identified under Section 6.1 shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Halifax Regional Municipality Charter*.

PART 7: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

7.1 Registration

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

7.2 Subsequent Owners

- 7.2.1 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.
- 7.2.2 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).

7.3 Commencement of Development

- 7.3.1 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 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.
- 7.3.2 For the purpose of this section, commencement of development shall mean installation of the footings and foundation for the proposed building.
- 7.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 6.1, 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.

7.4. Completion of Development

- 7.4.1 Upon the completion of the whole development or complete phases of the development, 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 Municipal Planning Strategy and Land Use By-law for Halifax, as may be amended from time to time.

7.5 Discharge of Agreement

- 7.5.1 If the Developer fails to complete the development after seven (7) 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; or
 - (c) discharge this Agreement.

PART 8: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

8.1 Enforcement

- 8.1.1 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.

8.2 Failure to Comply

- 8.2.1 If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer 30 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

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.

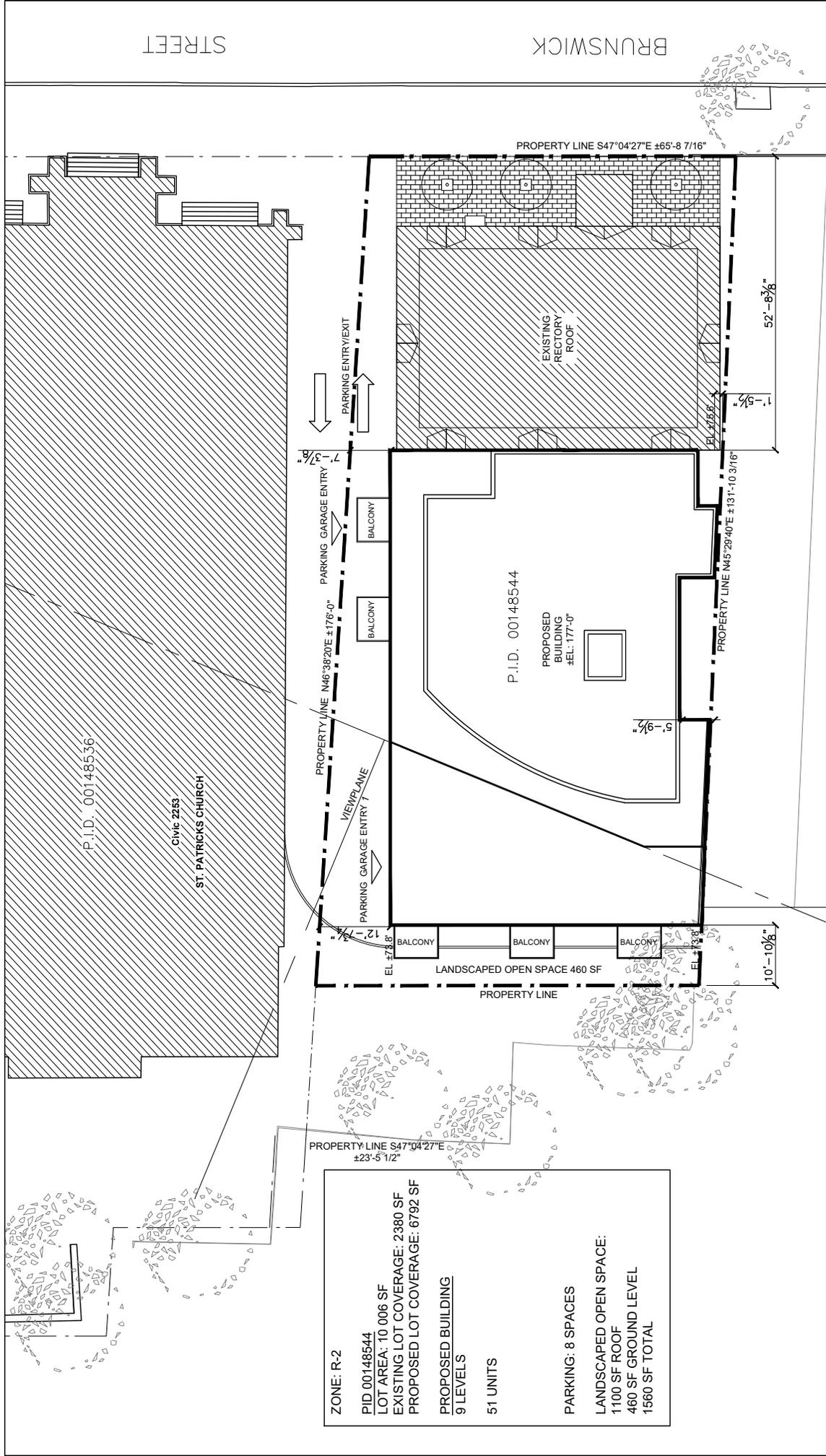
A Commissioner of the Supreme Court
of Nova Scotia

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 Kevin Arjoon, 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

Schedule B: Site Plan



ZONE: R-2
 PID 00148544
 LOT AREA: 10,006 SF
 EXISTING LOT COVERAGE: 2,380 SF
 PROPOSED LOT COVERAGE: 6,792 SF

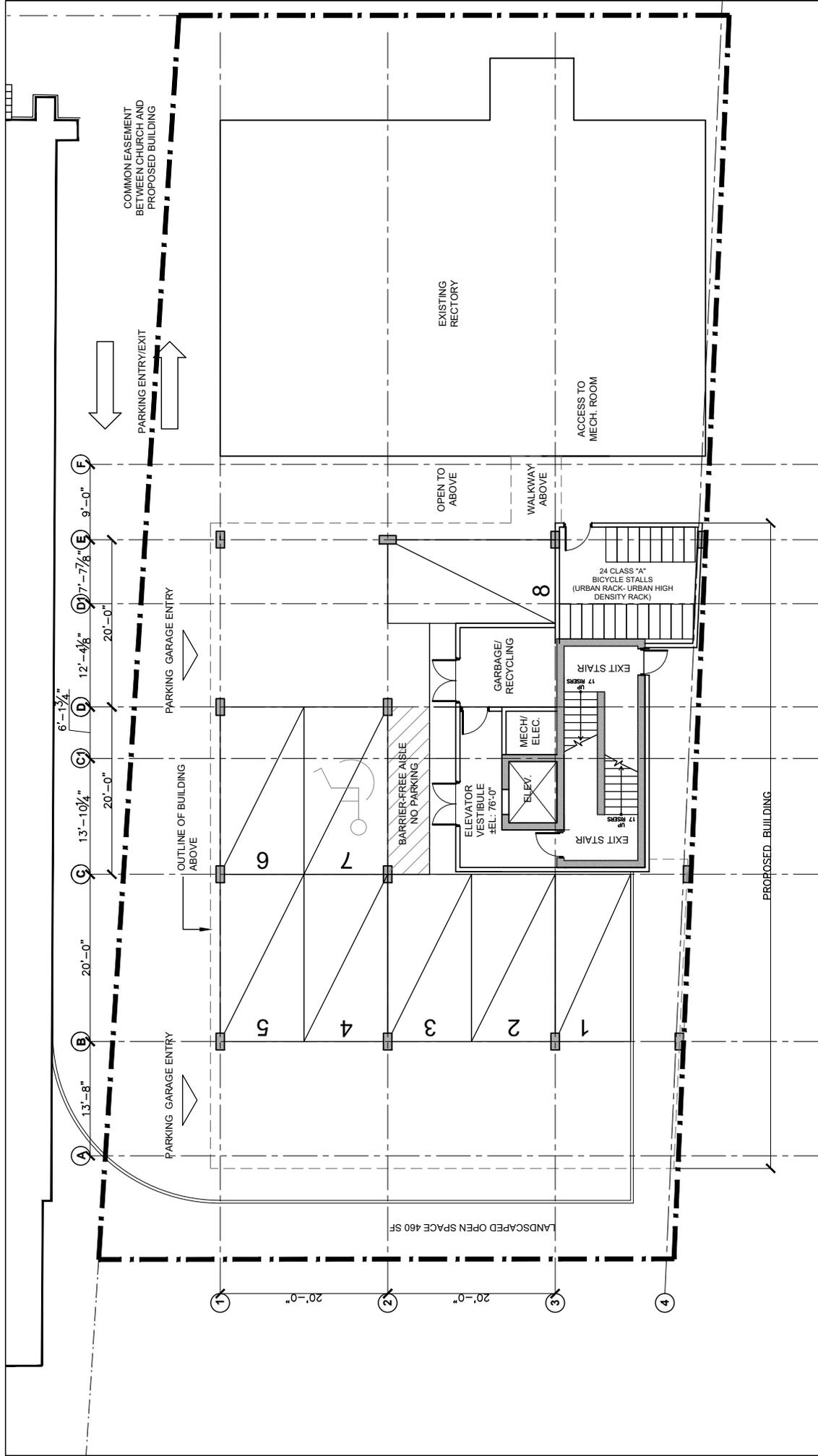
PROPOSED BUILDING
 9 LEVELS
 51 UNITS

PARKING: 8 SPACES

LANDSCAPED OPEN SPACE:
 1,100 SF ROOF
 460 SF GROUND LEVEL
 1,560 SF TOTAL

	scale	1/16"=1'-0"
	date	11/02/15
	drawn	LG
	proj.	SP1501
ST. PATRICK'S RECTORY SITE PLAN		
location 2267 BRUNSWICK ST. HALIFAX, N.S.		
STUDIO WORKS INTERNATIONAL INC. <small>1100 UNIVERSITY DRIVE, SUITE 100, HALIFAX, NS B3H 2R9, CANADA TEL: 902.429.7022 FAX: 902.429.7023 INFO: 902.429.7024 WWW.STUDIOWORKS.COM</small>		
dwg no.	S01	rev. 4 (SEP.26.2016)

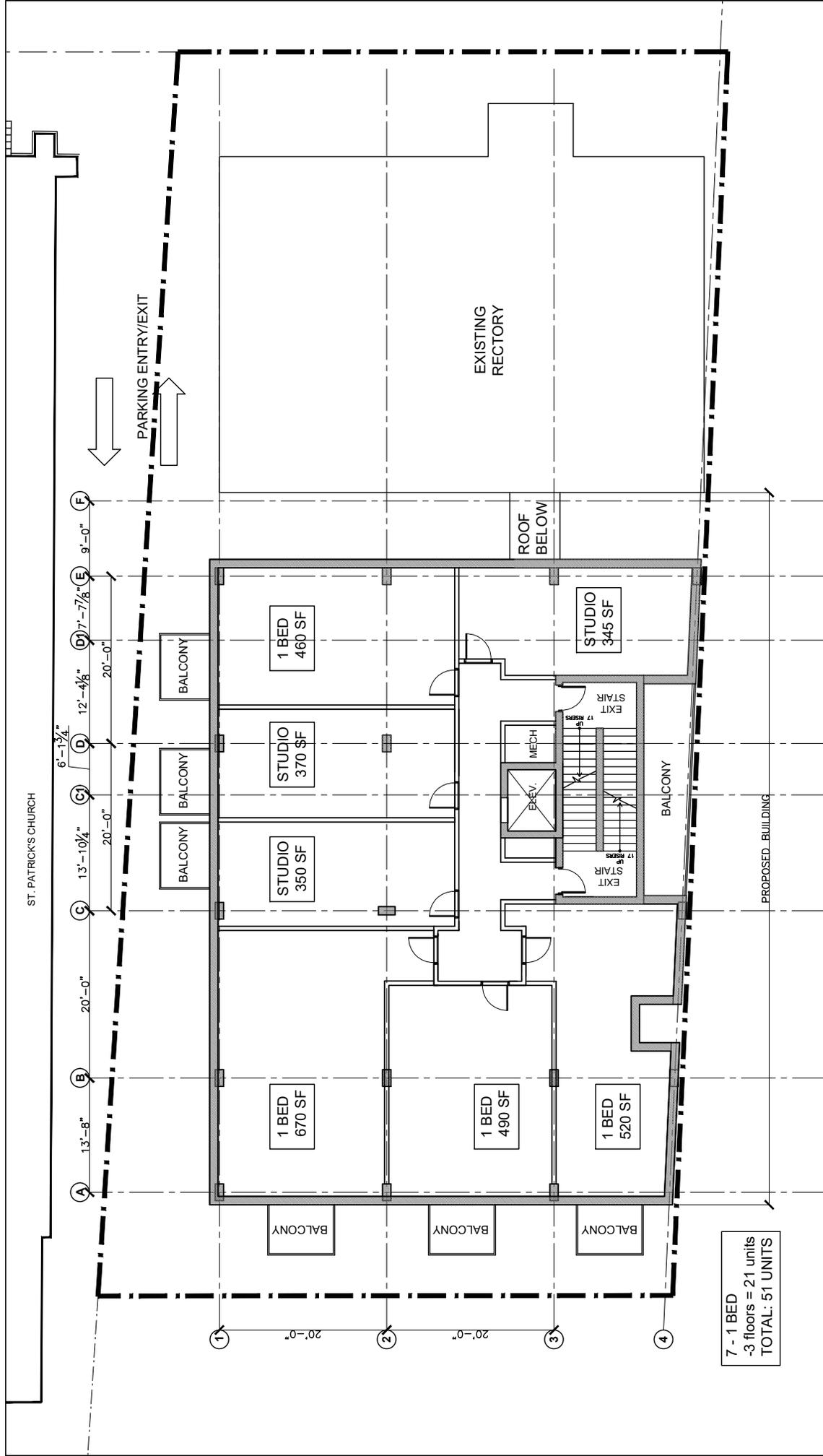
Schedule C: 1st Level Floor Plan (Parking)



	scale	3/32"=1'-0"	dwg no: A01
	date	11/02/15	
title ST. PATRICK'S RECTORY 1ST LEVEL FLOOR PLAN (PARKING)		drawn	LG
location 2267 BRUNSWICK ST. HALIFAX, N.S.		proj.	SPT 501

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 INTERNATIONAL INC.
 ARCHITECTS • ENGINEERS • INTERIORS DESIGNERS • PLANNERS • LANDSCAPE ARCHITECTS
 2150 Campbell Road • Suite 101 • Halifax, NS B3L 1A3
 Tel: 902.429.1022 • Fax: 902.429.1023
 www.studioworks.com

Schedule E: 2nd to 4th Level Floor Plan

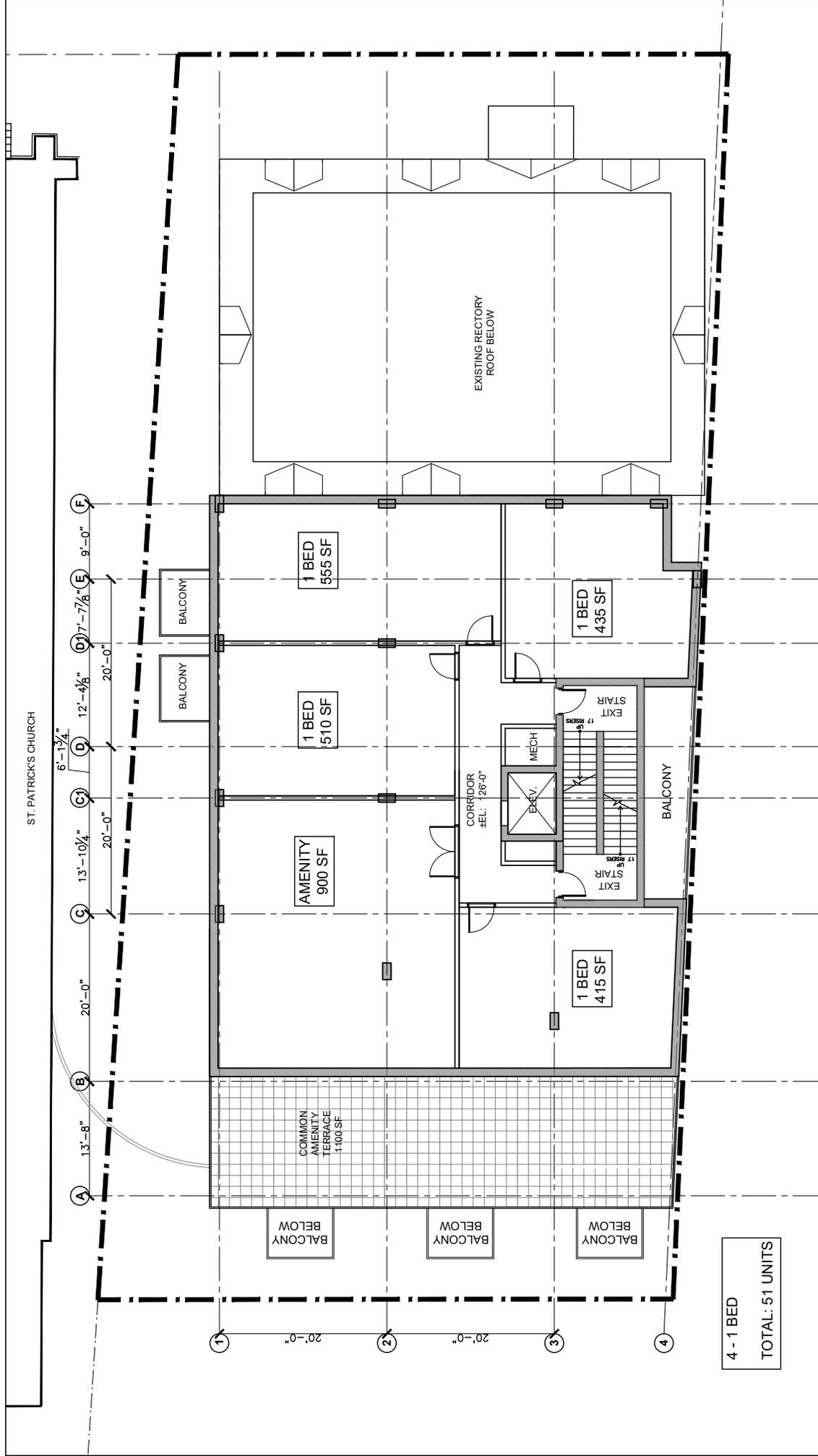


	scale	3/32"=1'-0"	dwg no:	A03
	date	11/02/15	rev.	4 (SEP. 26, 2016)
title ST. PATRICK'S RECTORY 2ND-4TH LEVEL FLOOR PLAN		drawn	LG	
location 2267 BRUNSWICK ST. HALIFAX, N.S.		proj.	SPT 501	

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INTERNATIONAL INC.

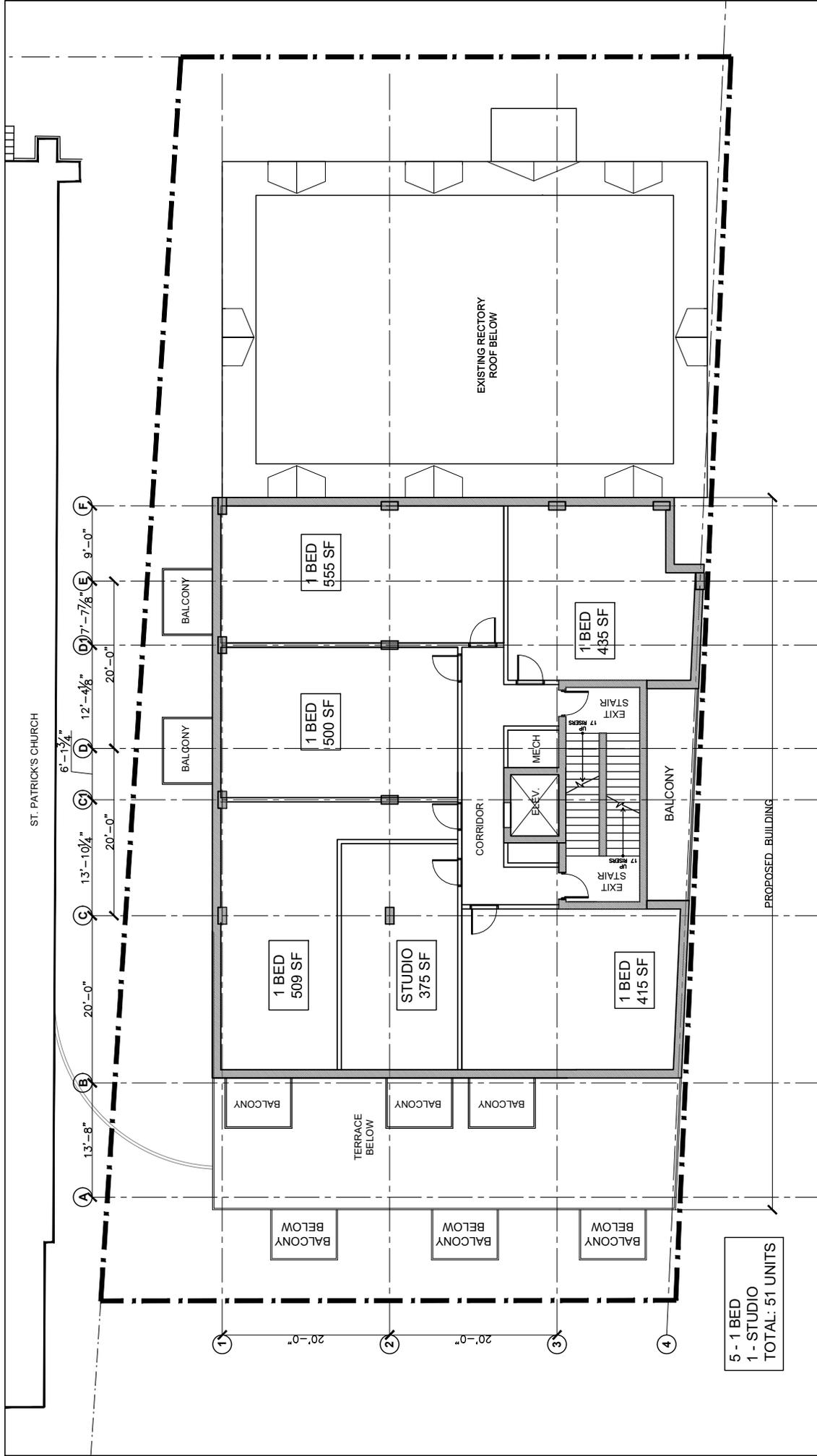
1100-12000 - Suite 100 - Fredericton, NB
 1100-12000 - Suite 100 - Fredericton, NB
 1100-12000 - Suite 100 - Fredericton, NB
 1100-12000 - Suite 100 - Fredericton, NB

Schedule F: 5th Floor Level Plan



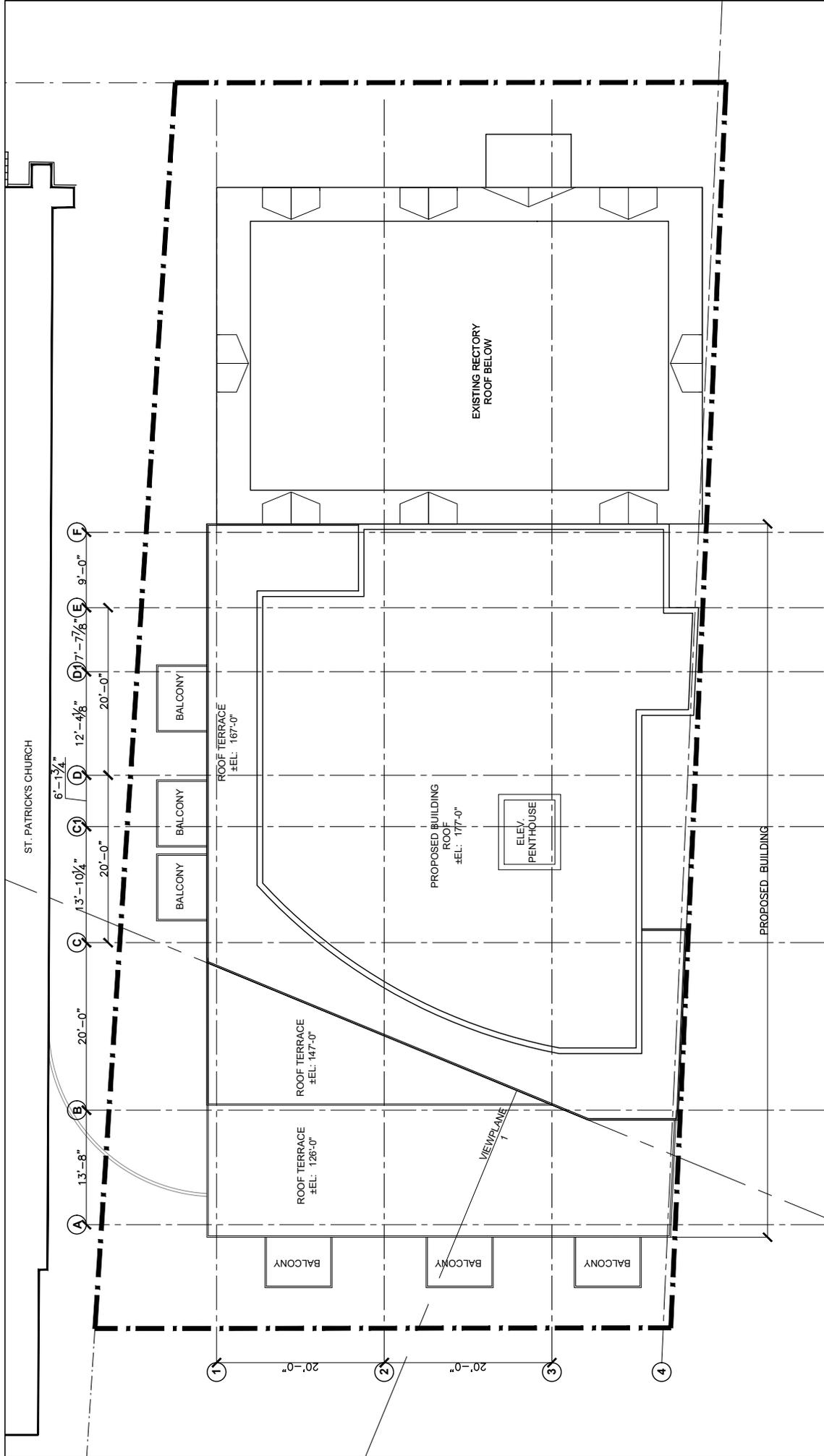
<p>STUDIO WORKS INTERNATIONAL INC. <small>INTERNATIONAL</small> 4150 Chesapeake Road Suite 201 Norfolk, VA 23502 USA</p>	<p>ST. PATRICK'S RECTORY 5TH LEVEL FLOOR PLAN</p>		<p>scale 3/32"=1'-0"</p>
	<p>location 2267 BRUNSWICK ST. HALIFAX, N.S.</p>		<p>date 11/02/15</p>
			<p>drawn LG</p>
			<p>proj. SP1501</p>
			<p>dwg no. A04</p>
			<p>rev. 4 (SEP.26.2016)</p>

Schedule G: 6th Floor Level Plan



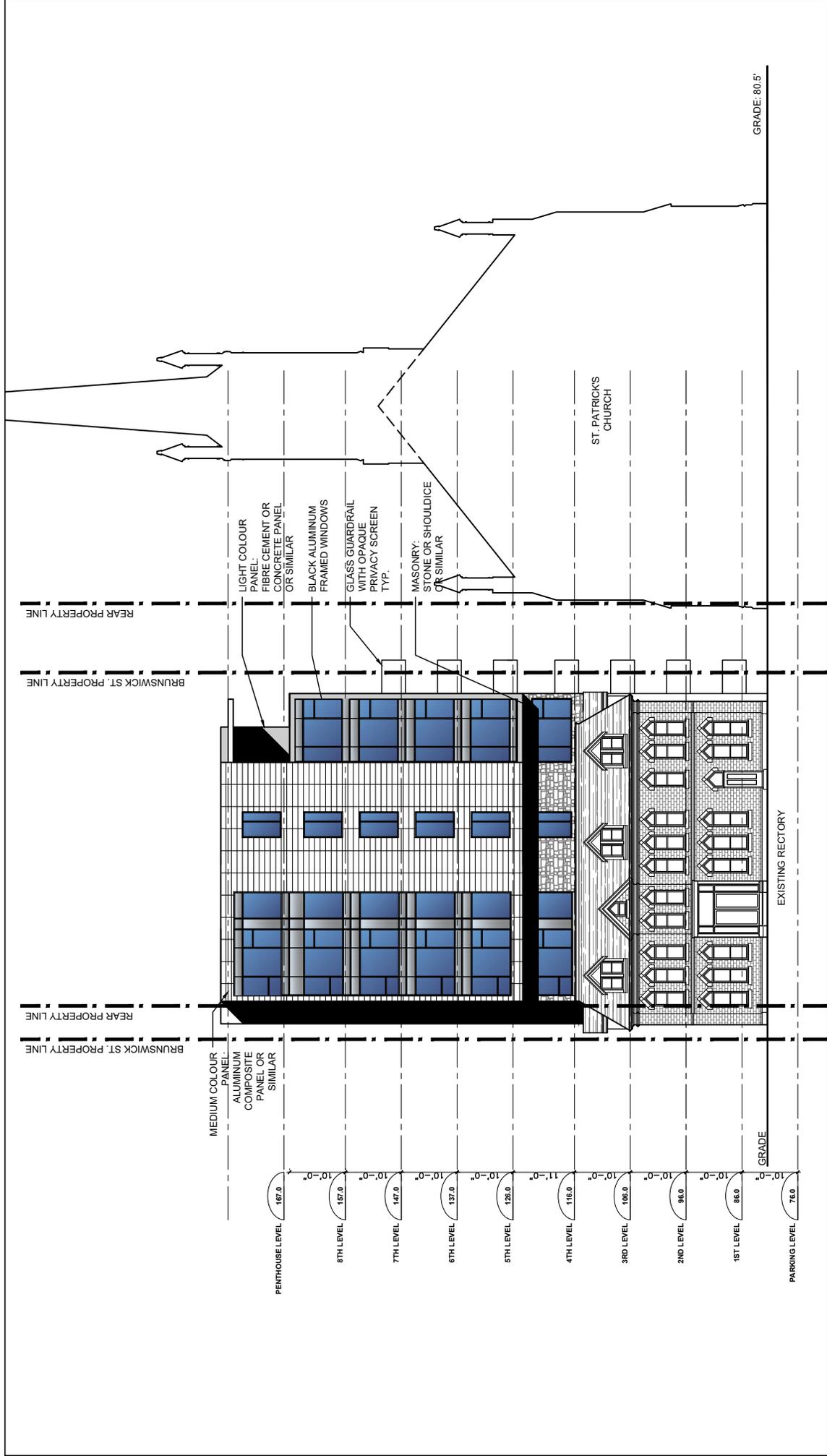
	scale: 3/32"=1'-0"	dwg no: A05
	date: 11/02/15	rev: 4 (SEP. 26, 2016)
drawn: LG proj: SP1501		
title: ST. PATRICK'S RECTORY 6TH LEVEL FLOOR PLAN		
location: 2267 BRUNSWICK ST. HALIFAX, N.S.		

Schedule J: Roof Plan



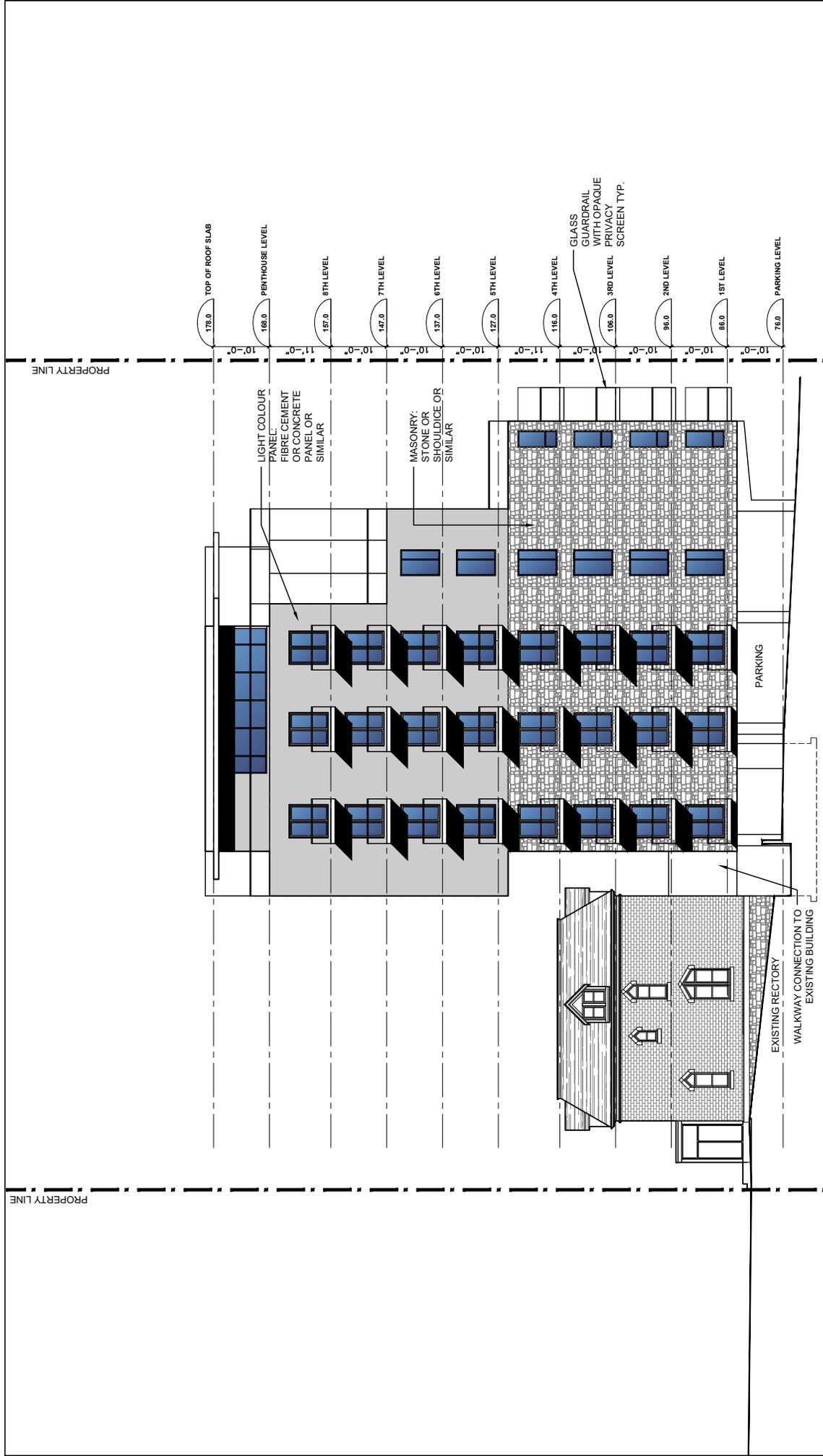
	ST. PATRICK'S RECTORY ROOF PLAN		title
	2267 BRUNSWICK ST. HALIFAX, N.S.		
STUDIO WORKS INTERNATIONAL INC. 4150 Quispel Road Suite 101 Halifax, Nova Scotia B3K 3A3 www.studioworks.com		scale 3/32"=1'-0" date 11/02/15 drawn LG proj. SP1501	dwg no: A08 rev. 4 (SEP 26 2016)

Schedule K: West Elevation (Brunswick Street)



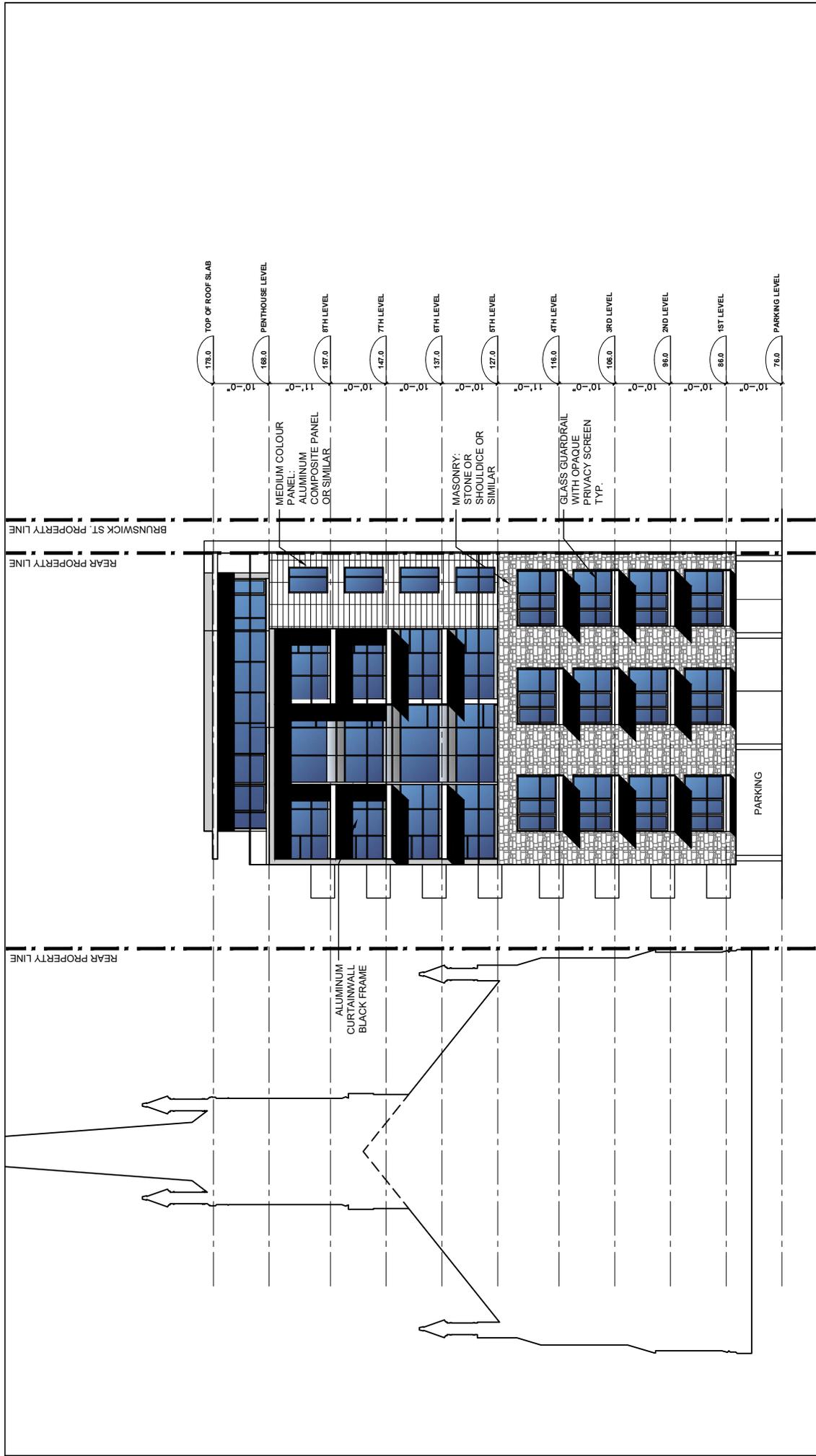
STUDIO WORKS INTERNATIONAL INC. <small>ARCHITECTURE • PLANNING • INTERIOR DESIGN • PROJECT MANAGEMENT</small> 4150 Chesapeake Road Suite 201 28K JAX, Norfolk, VA 23502 Phone: 757.247.1222 Fax: 757.247.1223 www.studioworks.com	ST. PATRICK'S RECTORY WEST ELEVATION (BRUNSWICK ST.)		title	scale: 1/16"=1'-0" date: 11/02/15 drawn: LG proj.: SP1501	dwg no: A09 rev: 2 (MAR. 27 2016)
	location 2267 BRUNSWICK ST. HALIFAX, N.S.				

Schedule L: East Elevation



<p>STUDIO WORKS INTERNATIONAL INC. <small>INTERNATIONAL DESIGN - PROJECT MANAGEMENT</small> 4150 Chesapeake Road Suite 202, 4th Floor Halifax, Nova Scotia B3K 3A3 www.studioworks.com</p>	<p>title: ST. PATRICK'S RECTORY EAST ELEVATION</p> <p>location: 2267 BRUNSWICK ST. HALIFAX, N.S.</p>		<p>scale: 1/16"=1'-0"</p> <p>date: 11/02/15</p> <p>drawn: LG</p> <p>proj: SP1501</p>	<p>dwg no: A10</p> <p>rev: 2 (MAR.27.2016)</p>
	<p>EXISTING RECTORY</p> <p>WALKWAY CONNECTION TO EXISTING BUILDING</p> <p>PARKING</p>			

Schedule M: South Elevation



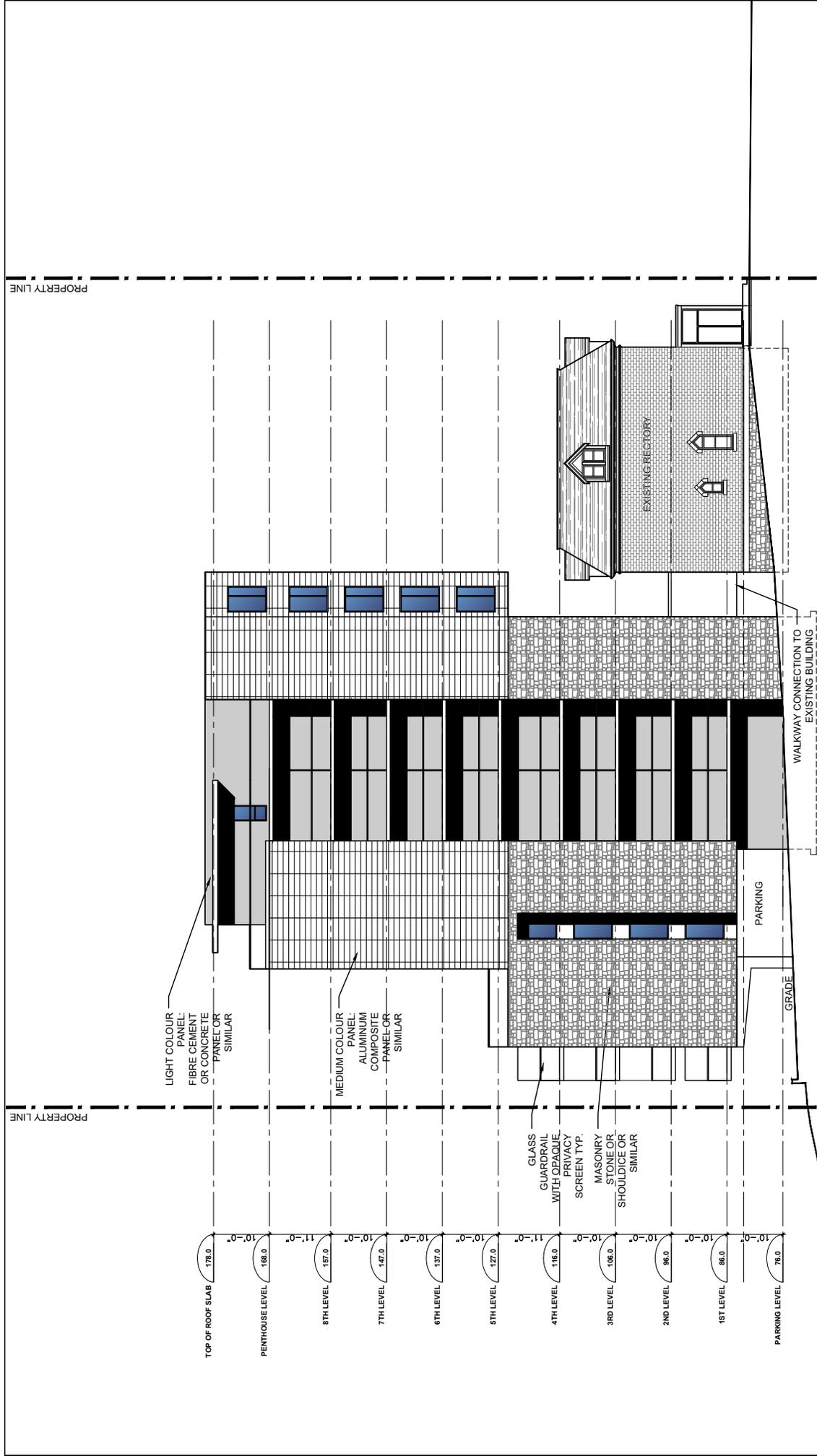
STUDIO WORKS
 INTERNATIONAL INC.
 ARCHITECTURE • INTERIOR DESIGN • PROJECT MANAGEMENT
 4150 Chesapeake Road
 Suite 201
 10000 Woodlands
 TX 75380
 Phone: 281.433.1222
 Fax: 281.433.1223
 www.studioworks.com

title: **ST. PATRICK'S RECTORY
 SOUTH ELEVATION**
 location: 2267 BRUNSWICK ST. HALIFAX, N.S.

scale:	1/16"=1'-0"
date:	11/02/15
drawn:	LG
proj.:	SP1501

dwg no: **A11**
 rev. 4 (SEP.26.2016)

Schedule N: West Elevation



STUDIO WORKS <small>INTERNATIONAL INC.</small> <small>REGISTERED ARCHITECTS</small> <small>1150 Sheppard Road East</small> <small>Scarborough, Ontario</small> <small>M1S 1T7</small> <small>Canada</small> <small>www.studioworks.ca</small>	ST. PATRICK'S RECTORY WEST ELEVATION		title
	location 2267 BRUNSWICK ST. HALIFAX, N.S.		scale 1/16"=1'-0" date 11/02/15 drawn LG proj. SP1501
		dwg no. A12 rev. 4 (SEP 26 2016)	

Attachment B: Review of Relevant Halifax MPS Policies

SECTION XI PENINSULA NORTH SECONDARY PLANNING STRATEGY	
<u>OVERALL OBJECTIVE</u>	
To create a lively and interesting environment in Peninsula North with a mixture of land uses and a physical environment that is aesthetically pleasing, safe, and well-maintained.	
<u>1. RESIDENTIAL ENVIRONMENTS</u>	
Objective: Stable residential communities in Peninsula North that offer a variety of housing types to meet the needs of a range of income and age groups.	
1.1 To foster stable residential areas and to preserve the character of Peninsula North, the retention and rehabilitation of structurally sound housing units shall be encouraged.	St. Patrick's rectory was internally converted to 12 residential units while retaining the existing structure. This desirable rehabilitation of an historic building maintains community stability and preserves the character and appearance of the area.
1.1.1 Where redevelopment is proposed for sites with structurally sound housing units, the retention and rehabilitation of such existing units and the integration of new structures with these shall be encouraged.	The proposed multiple unit structure will be located at the rear of the rehabilitated rectory and entered from that structure by a pedestrian bridge. So as to meet the intent of policy, the integration of a proposed new structure should be a positive enhancement within the Brunswick Street Heritage Area with no adverse effect or harm to the character of the area.
1.1.4 In the area bounded by North, Robie, Cogswell and Barrington Streets, with exception of the portion falling outside of Peninsula North Area, housing options for all income levels will be encouraged; developments that address the needs of surrounding community and help promote neighbourhood stability shall also be encouraged. (RC-Jun 16/09; E-Oct 24/09)	The conversion of the rectory to residential units and the proposed residential addition speak to neighbourhood stability and responds to some housing needs of the surrounding community by providing greater diversity in unit type and unit age.
1.2 In this Section, residential environments means:	

(i) low-density residential;	n.a.
(ii) medium-density residential; and	The subject site is designated MDR, Medium Density Residential, under the Peninsula North Secondary Planning Strategy of the Halifax MPS.
(iii) high density residential.	n.a.
1.3 In areas shown as medium-density residential on the Generalized Future Land Use Map of Section XI, residential development in the following forms shall be permitted:	
(i) single family dwellings;	n.a.
(ii) duplex housing;	n.a.
(iii) semi-detached housing; and	n.a.
(iv) buildings containing three or four units.	n.a.
1.3.5 Notwithstanding the Medium Density Residential designation and Policy 1.3, certain properties within Area 7 of this Section shall be zoned as general residential conversion and townhouse to maintain the conformity of some existing developments and to allow limited redevelopment potential for other properties.	The existing rectory on the subject property was permitted a residential conversion in accordance with Halifax MPS Policy 9.3 and the LUB under the R-2 Zone General Residential Zone, sec. 43L Multiple Unit Conversions – Schedule HA-1. The proposed addition to the rectory may be considered under Halifax MPS Policy 9.3.2 that allows for new apartment buildings beyond four dwelling units.

4. RECREATION

Objective: The increase and improvement of the variety and useability of recreation land and facilities in Peninsula North.

4.6 The City shall provide opportunities for the participation of people living within a one-half kilometre radius of a neighbourhood park and for community parks, within a one kilometre radius in the planning of facilities for small-scale City-owned recreation spaces.	There are existing parks in vicinity to the proposed addition, namely Murray Warrington Park on Brunswick Street, George Dixon Community Centre/Dixon Field and Barrington Street AT Greenway to provide opportunities to future residents.
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5. TRANSPORTATION

Objective Transportation facilities in Peninsula North that will decrease the negative effects of through traffic on residential streets, facilitate the movement of vehicles

associated with light-industrial, business and service uses, and minimize traffic conflicts.

<p>5.2 The traffic implications of proposals for any large-scale developments shall be assessed and developers encouraged to take measures to alleviate or avoid potential traffic problems, particularly on residential streets.</p>	<p>A Traffic Impact Statement was submitted in support of this application and prepared in accordance with HRM guidelines. The concerns identified included site development related issues such as safe egress/ingress, limited parking, delineation of private vs. public realm (for pedestrian safety reasons) and the shared driveway.</p>
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6. ENVIRONMENT

Objective: An energy-efficient lifestyle in Peninsula North and an aesthetically pleasing environment for the activities that take place in the area.

<p>6.2 The City shall continue its tree-planting program to ensure that all streets benefit.</p>	<p>The proposed development agreement will require adherence to HRM Urban Forest Master Plan.</p>
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<p>6.3 The City should consider, wherever appropriate, the use of coniferous trees in its tree-planting or landscaping programs.</p>	<p>The proposed development agreement requires a landscape plan be prepared by a landscape architect who will determine appropriate tree species and their location in the design at the time of permitting.</p>
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<p>6.4 In all cases in which landscaping or buffering is required, the use of coniferous trees on the north, west and east sides of the property, and deciduous trees on the south side shall be encouraged unless inappropriate to the specific use or site.</p>	<p>The proposed development agreement will encourage location of coniferous trees on the north, west and east aspects and deciduous trees on the southern aspect of the site as the landscape architect deems appropriate.</p>
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9. HERITAGE RESOURCES

Objective: The preservation, maintenance and enhancement of buildings, areas, streetscapes and conditions which contribute to the heritage character of certain areas of Peninsula North.

<p>9.2 All new buildings shall be located so that the views to the Harbour from Citadel Hill, as specifically delineated in the City of Halifax land use by-law regarding viewplanes, are maintained.</p>	<p>A portion of the subject property is within View Plane 1 as delineated in the Halifax LUB. All requirements under LUB sections 76(1), 76(2) and 77 shall apply.</p>
---	--

<p>9.3 In order to preserve existing structures which are not registered heritage properties, and to promote new development which reflects the</p>	<p>The subject site is designated Medium Density Residential and lies within the Brunswick Street Heritage Area. The existing rectory building on the site will be</p>
---	--

<p>architectural character of existing heritage structures and maintains the streetscapes of Brunswick Street, the city shall, through the land use by-law, identify areas where specific architectural controls, standards for building placement, and criteria for building conversion would be desirable.</p>	<p>retained while the proposed multiple unit building will be located behind the existing building. Policy 9.3.2 allows an apartment building in the Brunswick Street Heritage Area by development agreement and provides applicable criteria, that is evaluated in this table, under Policy 9.3.2.1</p>
<p>9.3.1 In the area identified in the land use by-law pursuant to Policy 9.3 above, and shown on Map 3: Brunswick Street Heritage Area, the conversion of a building existing on the date of approval of this section into a converted multiple dwelling house, in the Medium Density Residential Area, shall be permitted in order to encourage the retention of existing buildings in the Brunswick Street area which contribute to the heritage streetscape.</p>	<p>The existing former rectory on the subject site is an example of Victorian Gothic Revival (1889) but is not a registered heritage building. It has been recently refurbished and converted to contain 12 apartment units and will effectively function as the entrance and as the base or streetwall to the proposed building. The retention and adaptive reuse of this distinctive building is a positive contribution to the heritage streetscape.</p>
<p>9.3.1.1 In the area identified in the land use by-law pursuant to Policy 9.3.1 above, the conversion of an existing building, which is not a registered heritage property or an accessory use, to a converted multiple dwelling house shall be permitted provided that:</p>	
<p>(i) there is no increase in the height or volume of the building;</p>	<p>The rectory conversion complies.</p>
<p>(ii) there are not major changes to the facade of the existing building;</p>	<p>The rectory façade has not been changed.</p>
<p>(iii) at least one unit for every five in the converted building contains two or more bedrooms.</p>	<p>The unit type mix has been met.</p>
<p>9.3.2 In the area identified in the land use by-law pursuant to Policy 9.3 above, a new apartment house with over four dwelling units, or an addition to an existing building which produces an apartment house with over four dwelling units, may be permitted in areas zoned as general residential by development agreement; any such residential development in the area zoned as general residential conversion and townhouse, multiple dwelling, or general business, shall only be by development agreement.</p>	<p>The proposed multiple unit building will be located and developed behind the existing building.</p>

<p>9.3.2.1 In considering agreements pursuant to Policy 9.3.2, Council shall consider the following:</p>	
<p>(a) the building or addition shall complement adjacent properties and uses, particularly any adjacent registered heritage buildings;</p>	<p>Staff believe the proposed 9 storey building is complementary to the localised character or appearance of the Brunswick Street Heritage Area and is appropriately scaled in comparison to the adjacent St. Patrick's church heritage property.</p> <p>The height, massing and rhythm of the proposed contemporary building is sensitive and responsive to the neighbouring context. The proposal places a strong vertical emphasis and considerable mass against the "background" grain of small scale vertical bays and gaps. These vertical lines give the building a sense of verticality that breaks the massiveness of the structure. The organization of horizontal elements, primarily the emulation of horizontal lines from the rectory and the perceivable interior lines of the floor levels give a human scale to the building that reduces the impact on the pedestrian realm.</p>
<p>(b) the impact of vehicle access and egress and parking on adjacent properties and uses shall be minimized;</p>	<p>Development Engineering and Traffic Services have provided comments on the submitted site plan and TIS. One of the concerns noted was the shared easement between the proposed building and the church. The proposed development agreement requires this be managed by an agreement between both bodies. Staff suggested that the access onto Brunswick Street should be designed such that drivers emerging from the parking area are aware when their vehicle is approaching the public sidewalk for the safety of pedestrians. The DA requires that landscape elements delineate the transition from private onto public lands.</p> <p>A limited number of parking spaces is being proposed with a total of 8 spaces being provided. Staff believe the low</p>

	<p>dwelling unit to parking space ratio is appropriate. The development agreement requires a minimum of 8 interior vehicle parking spaces which equates to approximately 0.16 parking spaces per unit and 24 class A bicycle parking spaces. Staff consider the need for parking in a building based on it's location in relation to transit connections, opportunities for active transportation and the community desire for less costly housing. This building is well located with bus service provided every 15 minutes on Gottingen Street and Cornwallis Street as well as Barrington Street. Minimizing the required number of parking spaces can materially reduce construction costs which can contribute to less costly units.</p>
<p>(c) the new development shall complement or maintain the existing heritage streetscape of Brunswick Street, by ensuring that features, including but not limited to the following, are similar to adjacent residential buildings particularly any registered heritage properties in the area identified in the land use by-law pursuant to Policy 9.3 above, on which Council shall specify conditions to be met in the development agreement:</p>	
<p>(i) architectural design including building forms such as roofs, entrances, porches and dormers;</p>	<p>The contrasting architectural design of the proposed building does not imitate features similar to adjacent residential buildings or the registered heritage church. Rather than replicate past building forms and styles such as roofs, entrances and dormers the proposal seeks visual compatibility, but still distinguishable, that complements the character and appearance of the heritage area in a manner that respects its heritage value. The building will relate in a sensitive and contemporary manner to the rectory, neighbouring Victorian housing and the church building, responding to them in height, massing and rhythm as</p>

	discussed in the following conditions below.
(ii) height, scale and massing;	To create an appropriate height to the residential buildings and the church the proposal mediates between the heights of the neighbouring buildings and aligns with the base of the steeple or spire of the church. This allows the church steeple, a recognizable local landmark, to retain its iconic value to the skyline. Additional building height above the public realm is mitigated by utilizing design solutions such as setting the building back from the streetwall, perceptually reducing the building massing using vertical and horizontal articulation and creating a sense of human scale through clearly perceivable interior levels and scale elements such as windows.
(iii) location and style of building details such as doors, windows and exterior walls;	The vertical style windows relate to the vertical proportions of the fenestration in neighbouring buildings and brings a suggestion of the street grain to the wall surface. The windows articulate the building skin and help reduce apparent scale. Entrance doors are contained within the rectory and are not visible on the new addition.
(iv) front and side yard setbacks;	The front yard is setback from the continuous building edge and has been used as a landscaping opportunity. The side yard setback between the church property and the rectory/proposed addition is a shared right-of-way easement. Staff recommend an agreement between both parties respecting management and maintenance.
(v) building materials.	The applicant's intent for the proposed new architecture in this Heritage Area is to achieve distinction and be complementary to the neighbouring local buildings and the abutting church while mitigating impact on

	<p>the public realm and the abutting heritage properties. The proposed building skin materials are modern and distinguishable from surrounding traditional materials and provide appropriate surface articulation to convey human scale and yet do not strongly contrast with local character. The sheathing and balcony materials are modest in nature and contribute to the subordinate relationship of the proposal to the rectory and the adjacent church.</p>
<p>(d) open space and landscaped areas shall be provided where appropriate;</p>	<p>Because site development opportunities beyond the building footprint are constrained by the small site there is only a proposed landscaped area of 1096 sq. ft. located at the rear of the property. The required minimum open space area under the LUB for Multi Unit Dwellings is 4680 sq. ft. of which 4000 sq. ft. is to be landscaped, compared to the total 1638 sq. ft. open space on the site plan. Usually in urban situations where site development is tight private amenity space in the building provides the deficit required area.</p> <p>Private amenity space is provided in the form of balconies at all levels and roof terraces for one 6th level unit and penthouse level. Common interior amenity space (880 sq. ft.) and a landscaped terrace (542 sq. ft.) are proposed at the penthouse level. The minimum requirement under the LUB for common landscaped space is 600 sq. ft..</p>
<p>(e) other relevant land use considerations which are based on the policy guidance of this Section.</p>	<p>High quality urban design is key to achieving a more attractive and green city.</p>

SECTION II

CITY-WIDE OBJECTIVES AND POLICIES

6. HERITAGE RESOURCES

Definitions

"Heritage Property" means an area, site, structure or streetscape of historic, architectural or cultural value registered in the Halifax Registry of Heritage Property.

"Heritage Conservation Area" means an area of concentration of properties unified by similar use, architectural style or historical development, which retains the atmosphere of a past era and which is registered in the Halifax Registry of Heritage Property.

Objective: The preservation and enhancement of areas, sites, structures, streetscapes and conditions in Halifax which reflect the City's past historically and/or architecturally.

6.1 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.

This proposal for a residential building located at the rear of a non-registered heritage property, St. Patrick's rectory, can make a positive contribution to the visual quality of the local townscape and the abutting St. Patrick's church while effecting the preservation of the rectory.

The skyline will be preserved by requiring the proposed height of the addition to respect the height of the church's iconic tower and spire and ensure it remains the visual landmark it has always been.

6.1.2 The City should designate those properties which meet the adopted criteria as registered heritage properties or registered heritage conservation areas and protect them within the terms of the Heritage Property Act.

The rectory is not a registered Heritage Property but the abutting St. Patrick's church is a registered Heritage Property. The proposed addition to the Rectory is subject to Policies and Guidelines for development abutting Heritage Properties. The subject property is within the Brunswick Street Heritage Area (Schedule HA-1) which provides policy criteria to enable consideration of re-development of non-registered heritage properties while preserving the character and appearance of the area. There is no Heritage Conservation District in Area 7.

<p>6.2 The City shall continue to make every effort to preserve or restore those conditions resulting from the physical and economic development pattern of Halifax which impart to Halifax a sense of its history, such as views from Citadel Hill, public access to the Halifax waterfront, and the street pattern of the Halifax Central Business District.</p>	<p>Views from the Citadel will be protected in accordance with the requirements of the LUB pertaining to View Plan 1.</p>
<p>6.3 The City shall maintain or recreate a sensitive and complimentary setting for Citadel Hill by controlling the height of new development in its vicinity to reflect the historic and traditional scale of development.</p>	<p>The proposal is partially within View Plane 1 and shall meet all requirements of the LUB. In addition to regulating the building height View Plane requirements under sec. 77 of the LUB do not allow sides of the proposed building, outside of the view plane, to be parallel to the view plane.</p> <p>View Plane attestation is required in the form of surveyor certification on site and elevation plans submitted for construction permit and surveyor confirmation prior to issuance of Occupancy Permit.</p>
<p>6.4 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.</p>	<p>The integrity of the immediate streetscape is maintained by retention of the rectory building that serves as the access to the proposed building at the rear of the rectory. The proposed addition should be complementary to the locality and neighbouring buildings as opposed to a strong contrast. This does not preclude an innovative contemporary design and such an approach is acknowledged under the Regional Plan Policy CH-16; which gives guidance for development abutting heritage properties.</p>

HALIFAX REGIONAL MUNICIPALITY
Public Information Meeting
Case 20417

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

Wednesday, November 30, 2016
7:06 p.m.
Saint Josephs-Alexander McKay Elementary School

STAFF IN

ATTENDANCE: Melissa Eavis, Planner II, HRM Development Approvals
Ian Grant, Planning Technician, HRM Development Approvals
Jennifer Purdy, Planning Controller, HRM Development Approvals

ALSO IN

ATTENDANCE: Councillor Lindell Smith
Ronald V Smith, Applicant

PUBLIC IN

ATTENDANCE: Approximately 10

The meeting commenced at approximately 7:06 p.m.

1. Call to order, purpose of meeting – Planner

Ms. Melissa Eavis introduced herself as the Planner and Facilitator for the application and noted that the applicant has not yet arrived. She introduced Councillor Lindell and fellow staff from HRM Development Approvals.

Ms. Eavis explained that the Planner who holds the file, Darrell Joudrey, could not be here tonight so she would be filling in and explained that she may not have all of the answers but will take all questions back to Darrell for response.

Case 20417: Application by Studioworks to enter into a development agreement to allow a 13 storey, 49 unit building as an addition to the existing rectory at 2267 Brunswick Street, Halifax.

The purpose of the Public Information Meeting (PIM) is to: a) identify the proposal site; b) look at the current planning approach in the neighborhood; c) highlight the proposal; d) explain the process from the Municipal Planning Strategy (MPS) that allows this to be considered; e) give the applicant an opportunity to present the proposal; and f) receive public feedback and input regarding the proposal that will be used to prepare the staff report and go forward with this application. No decisions are made at this PIM.

2. Presentation of Proposal – Melissa Eavis

Ms. Eavis presented the proposal outlining the site and explained that HRM has received an application from Studioworks International to enter into a development agreement at 2267

Brunswick street for a 13 storey multi unit residential building as an addition to the existing rectory. Currently there are 49 units proposed, 7 underground parking spaces and 1093 square feet of ground level landscaped open space.

Reviewing a slide of the subject site, Ms. Eavis explained that the site is located within the North End of Halifax, north of Cornwallis St., along the east side of Brunswick. The site itself is currently home to St. Patrick's Rectory. Immediately to the east is of the subject site is St. Pat's Church. To the north are a number of 2 storey mixed use properties. At the north east is a vacant property which is currently zoned R-3. Across the street to the west is the St. Pats Alex site.

The property is zoned R-2 under the Halifax Peninsula Land Use By-law where the permitted uses are R1 uses; semi-detached and duplex dwellings; buildings containing not more than four units. The site is within Schedule HA-1. The Brunswick Street Heritage Area and a small portion at the rear of the site falls within a view plane.

Presentation of Proposal – Ronald V Smith, Applicant

The Applicant set up two display boards for reference and explained that he was asked by the Saint Patrick's Congregation to consider the whole site. He explained that they did not want to tear down the church and lose the history of the building. He explained that this proposal was a little more complicated as it is a heritage site and it needed to be de-registered as a heritage structure prior to application submission. He briefly explained that the money being profited will go back into the church to help with the up keeping of the church.

Mr. Smith explained that the developer will be keeping the glebe and will be offering 5/6 units for subsidized housing.

The development will be set back from the street leaving the streetscape to remain as is and added that they are trying to keep the steeple and that the development would be comparable in height to that.

3. Public Comments / Concerns

Mr. Blair Beed, Saint Patrick's Church, gave a brief history of the church, explained that there are currently 20 rooms that are connected to the church by underground tunnel. He explained that there is a special designation off the Brunswick Street side of the building that is considered Municipal Heritage and was successful with deregistering it. He feels that it is a bonus to have someone buy it and that the money coming in will stay with the church.

Mr. Beed added that this development will be good for heritage and good for the neighborhood.

Councillor Smith asked if the church still owns the land. It was explained that the developer bought the house and that there is no relation between the house and the church.

Michael Napier, Halifax asked about the heritage designation

Ms. Eavis explained that this is not a heritage property but, is in a heritage area which can allow for Development Agreement.

Mr. Napier explained expressed concern with this size of development at this location and feels that it is "shoe-horned" in between the other buildings and is too crowded of an area. He also expressed concern with the blank wall and feels that there are different sites within Halifax that

the developer can put 13-stories on.

Mr. Smith explained that they plan on using multiple patterns on the exterior wall on the north evaluation; and are currently working on how to make this visually pleasing.

A question surrounding the land beside the rectory asking if it is City owned and what the City's plan is with this property.

Ms. Eavis explained that the land is City owned however, she is not sure what the intentions are of the site and would follow-up with City Real Estate.

Ms. Joanne McCrae, Halifax asked how this development will interact with the Cogswell Interchange.

Ms. Eavis explained that she didn't have the answer to this question but, will forward to Darrell Joudrey, Planner for answer.

Ms. Kate Shewan, Executive Director of Youth Program explained that she is worried about the blank wall and explained that this development looks ugly and is not an attractive building for a heritage area.

She also expressed concern with this development only having seven underground parking spaces for 49 units and that there are already parking issues in area and explained that the influx of people will change the feel of the neighborhood.

Ms. Shewan expressed concern with the height of the building and doesn't feel that it fits with the neighborhood.

Ms. McCrae suggested that this development fall within the Center plan process. There are 18 other applications being discussed for changing policy.

Ezra Edelstein asked how this development will complement the area.

Mr. Smith explained that the view of the street level will not change.

Mr. Edelstein explained that he is also a developer and feels that Halifax has made a number of bad exceptions in the past that HRM By-Design is currently trying to fix. He feels that this application should be part of the Centre Plan Project and feels that this design could be more complimentary to the neighborhood.

Mr. Rick Butler, Halifax explained that he is in his first year at Saint Patrick's Church and asked why HRM is not providing comments to this proposal.

Ms. Eavis explained that this application is very early in the stages of the process.

Mr. Butler explained that the property owner has done a tremendous job with rectory however, is not in favor of this particular proposal. He requested that HRM staff and Council review this application accordingly to the Land Use and Heritage By-law.

Ian MacIntyre, working on behalf of the developer made comment on HRM allowing the developer to use the property through an easement and felt that a bigger discussion should be had

Mr. Edelstein added that the developer has done a fantastic job on the front and other low rise projects in the area, would like to see it work here as well.

4. Closing Comments

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

5. Adjournment

The meeting adjourned at approximately 8:20 p.m.