



P.O. Box 1749
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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

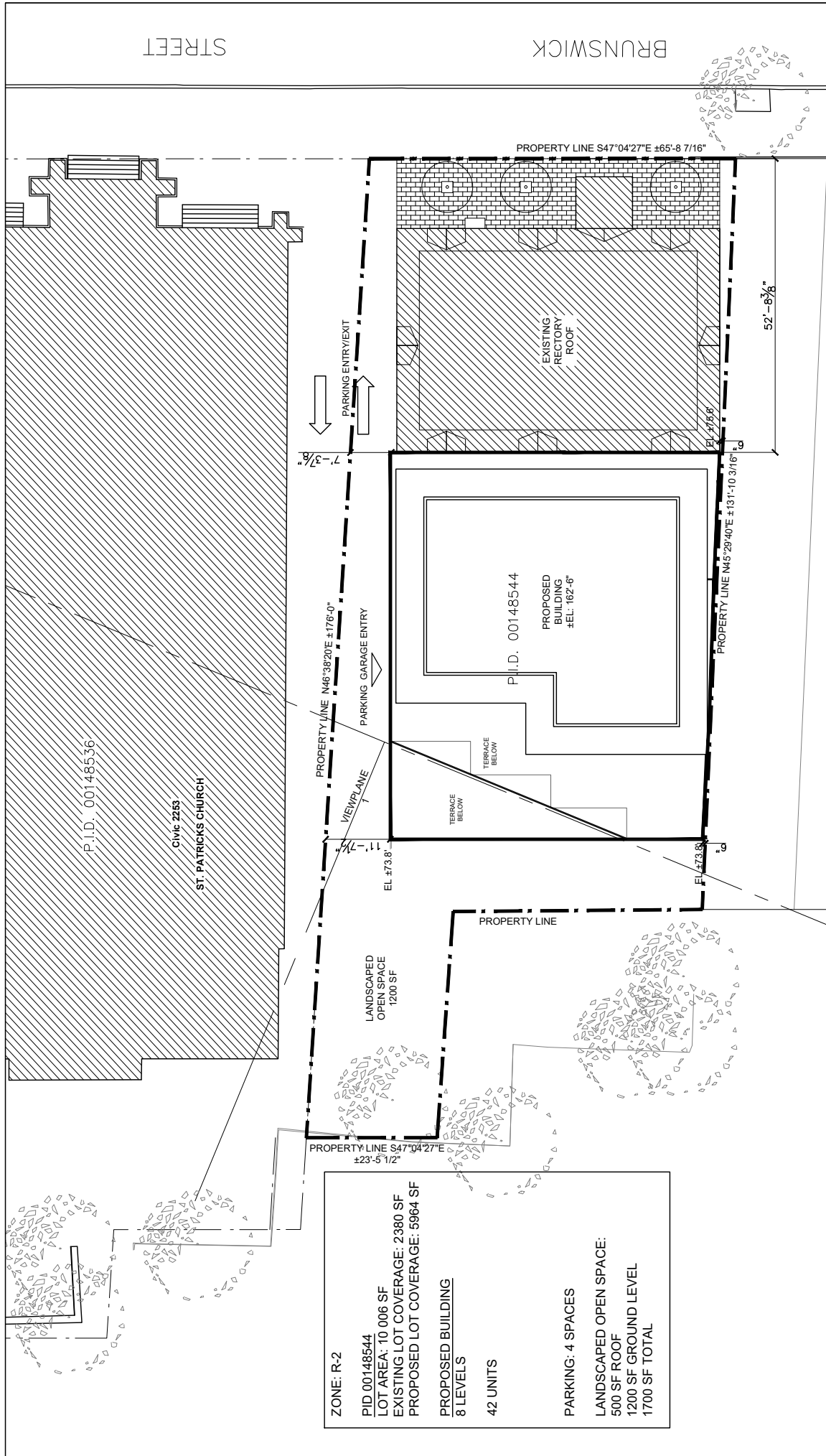
On this _____ day of _____, A.D. 20____, before me, the subscriber personally came and appeared _____ a subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that _____, _____ of the parties thereto, signed, sealed and delivered the same in his/her presence.

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.

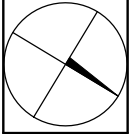
A Commissioner of the Supreme Court
of Nova Scotia



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)

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

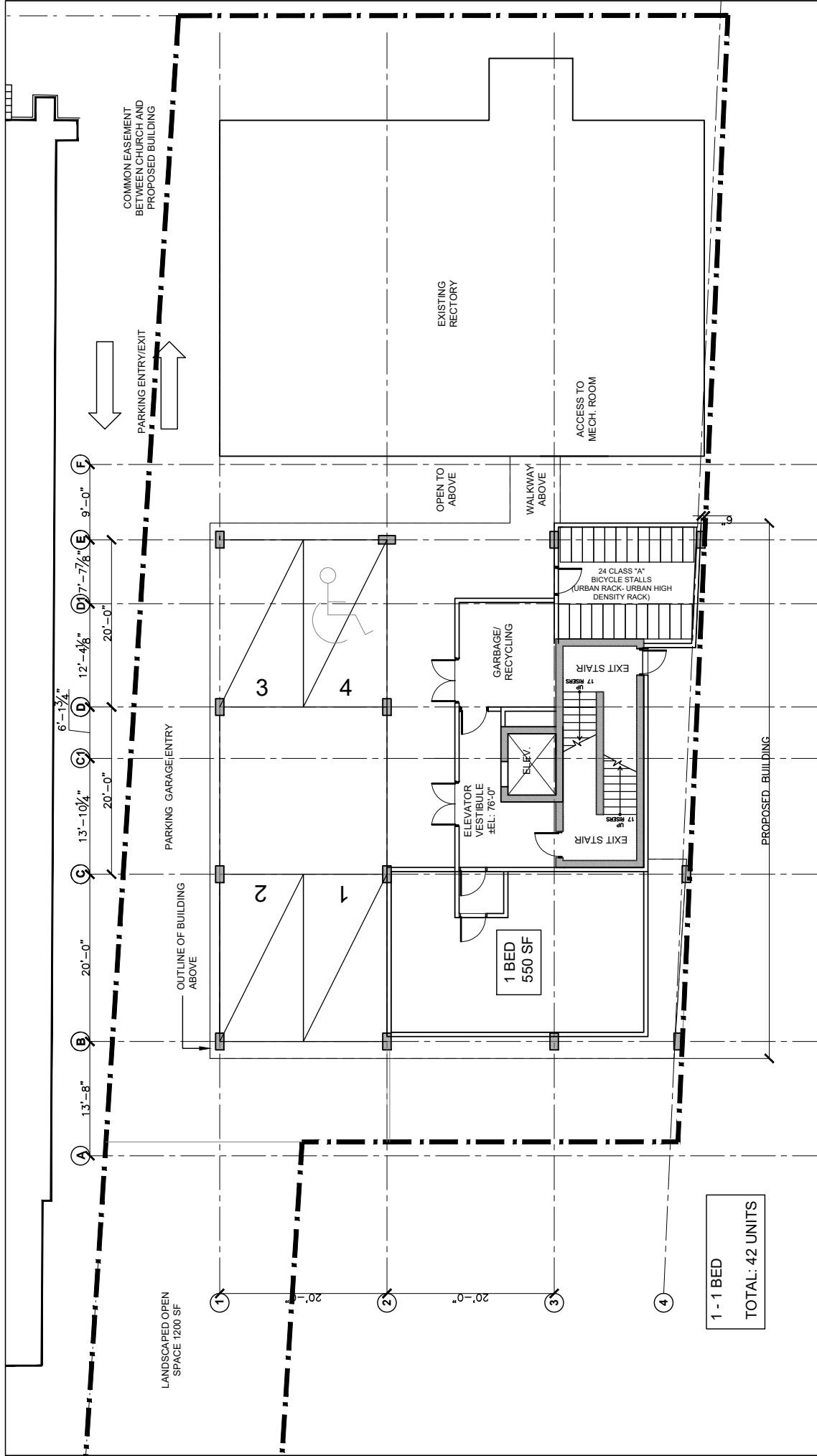


Schedule B

title: ST. PATRICK'S RECTORY
 SITE PLAN

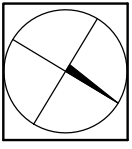
location: 2267 BRUNSWICK ST. HALIFAX, N.S.

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

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

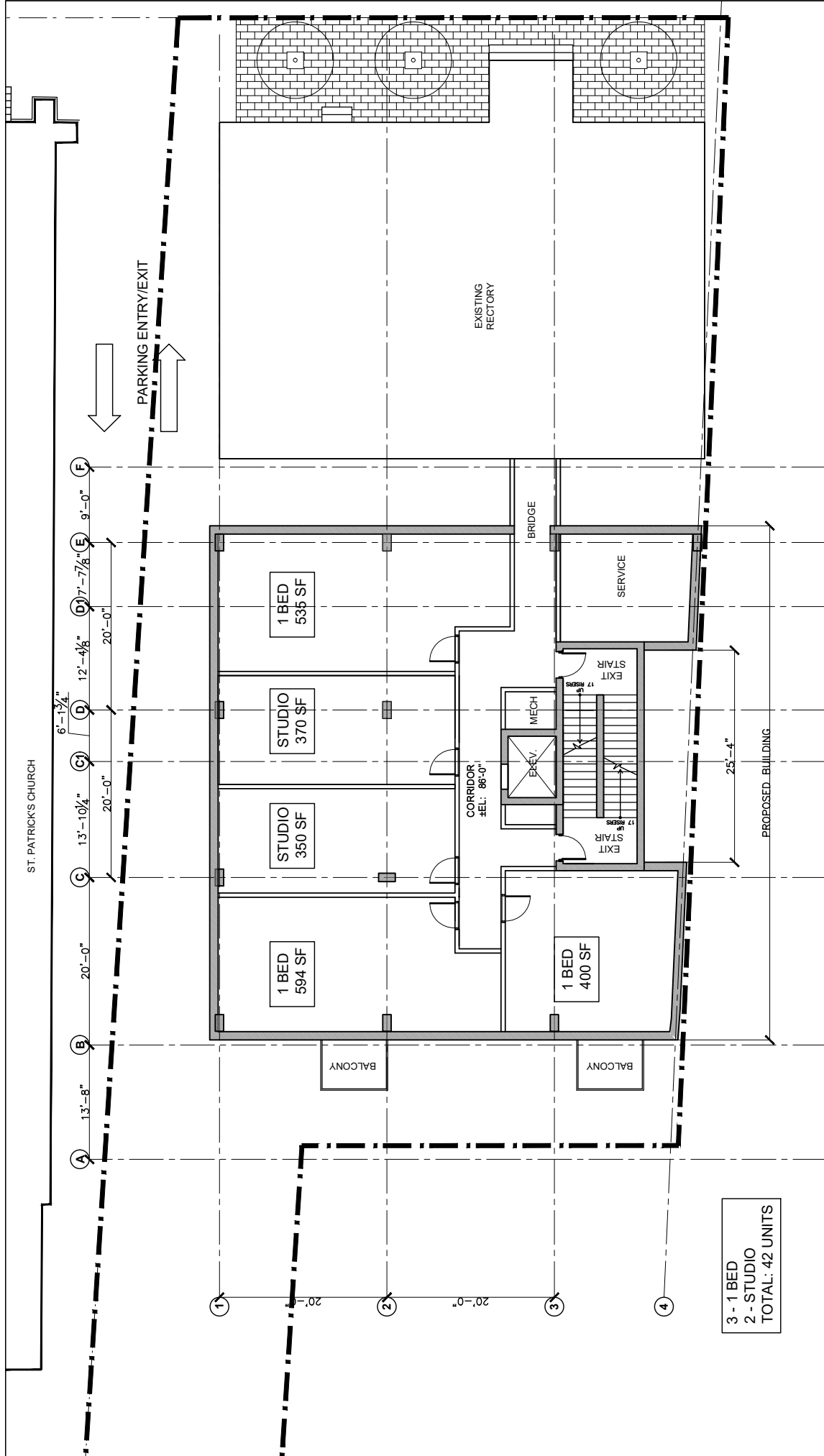


Schedule C

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

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INTERNATIONAL INC.
ARCHITECTS • ENGINEERS • PLANNERS • INTERIORS
1150 Campbell Road, Suite 101, Halifax, NS, Canada
902-426-1022
www.studioworks.com

1 - 1 BED
TOTAL: 42 UNITS



ST. PATRICK'S CHURCH

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

PARKING ENTRY/EXIT

3 - 1 BED
 2 - STUDIO
 TOTAL: 42 UNITS

EXISTING RECTORY

BRIDGE

SERVICE

STAIR

STAIR

STAIR

STAIR

STAIR

STAIR

STAIR

STAIR

STAIR

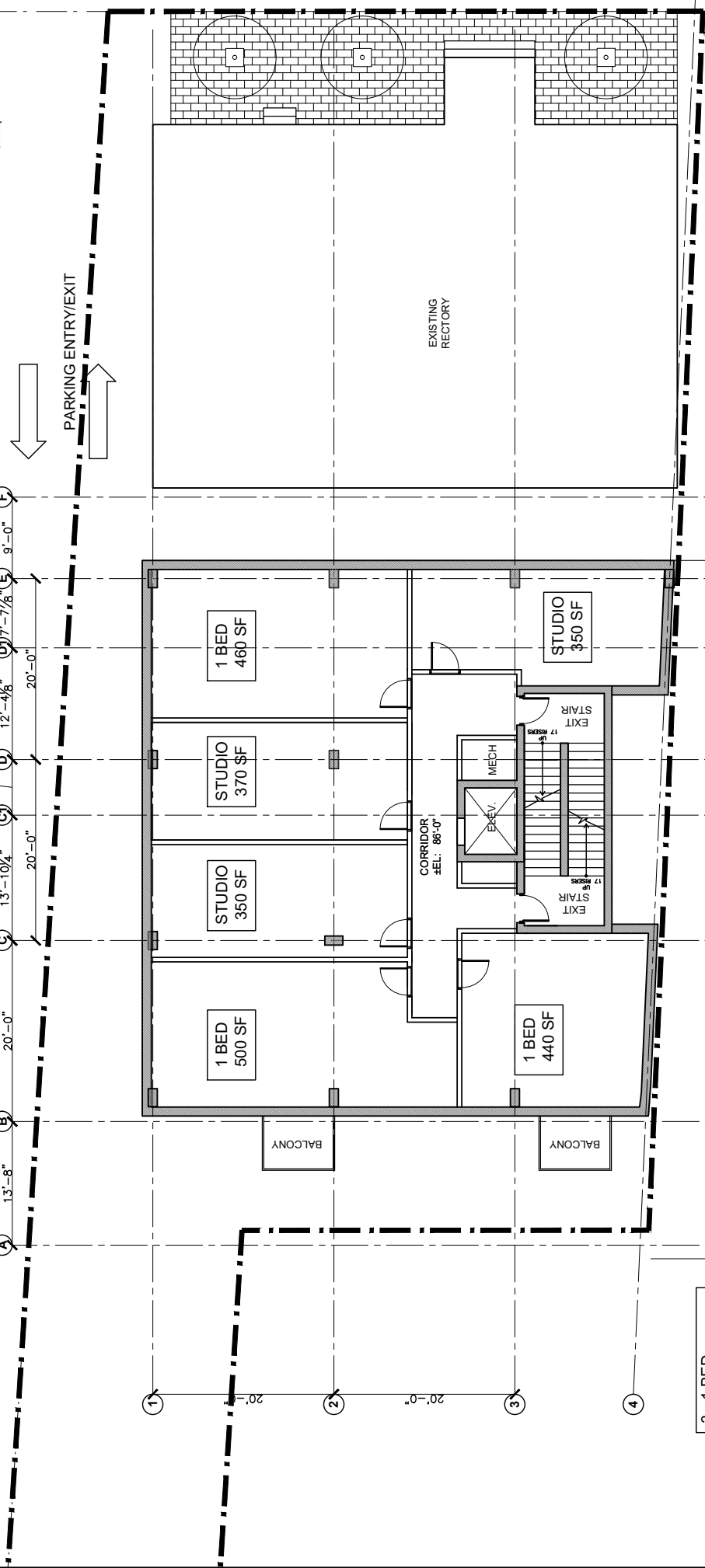
STAIR

PROPOSED BUILDING

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	date	11/02/15	rev	5 (JAN 7 2019)
title ST. PATRICK'S RECTORY 1ST LEVEL FLOOR PLAN		drawn	LG	
location 2267 BRUNSWICK ST. HALIFAX, N.S.		proj.	SF1501	

ST. PATRICK'S CHURCH

6'-1 3/4" (D) 12'-4 1/8" (D) 7'-7 1/8" (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

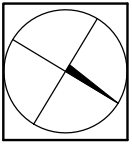
EXISTING RECTORY

PARKING ENTRY/EXIT

STUDIO WORKS
INTERNATIONAL INC.
11000 110th Ave. S. #100
Burien, WA 98148
Phone: 206.474.1222
Fax: 206.474.1223
www.studioworks.com

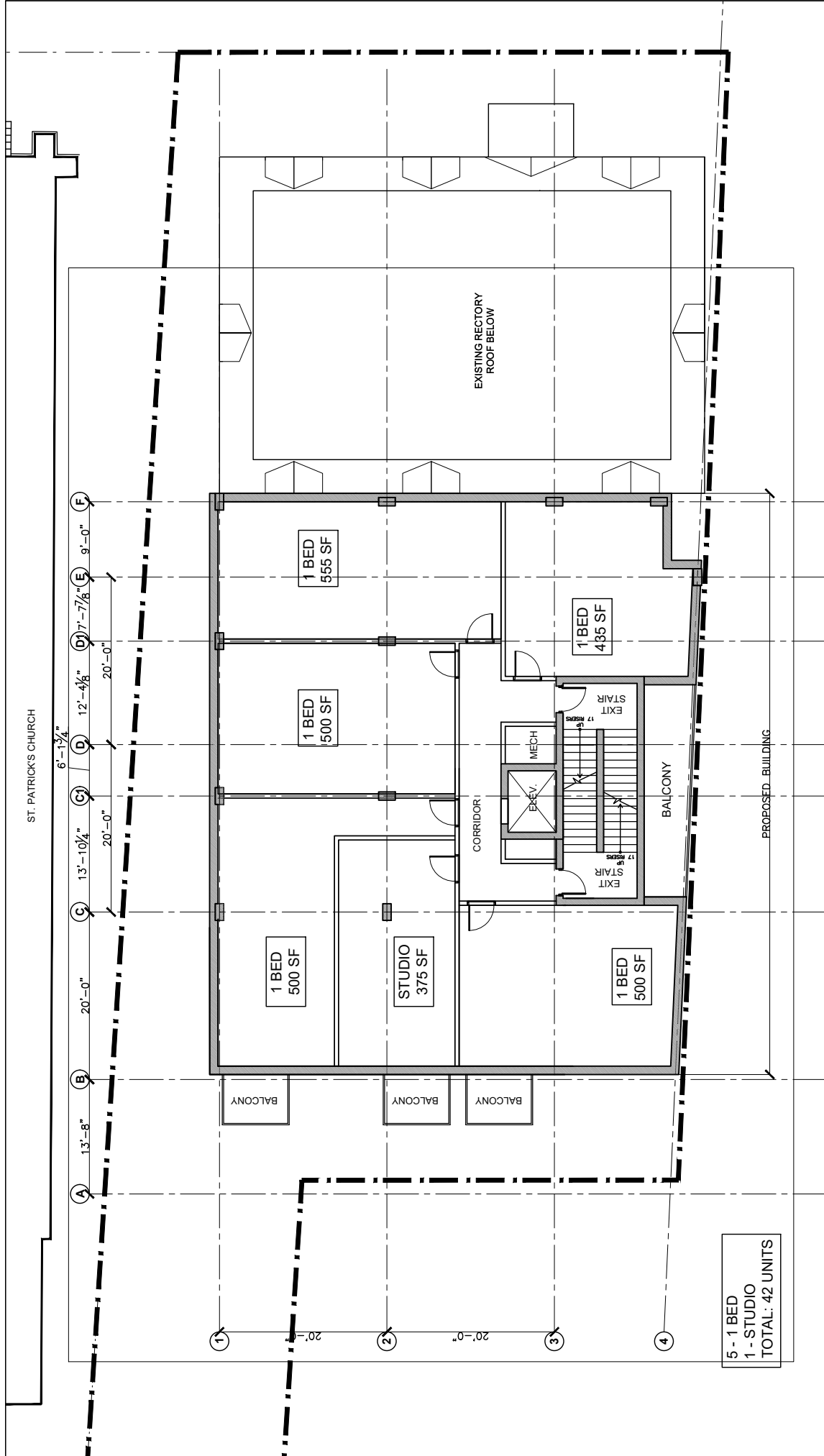
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2ND-4TH LEVEL FLOOR PLAN
location: 2267 BRUNSWICK ST. HALIFAX, N.S.

Schedule E



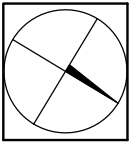
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date: 11/02/15
drawn: LG
proj: SP1501

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



dwg no: A04
rev: 5 (JAN 7 2019)

scale: 3/32"=1'-0"
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drawn: LG
proj: SP1501

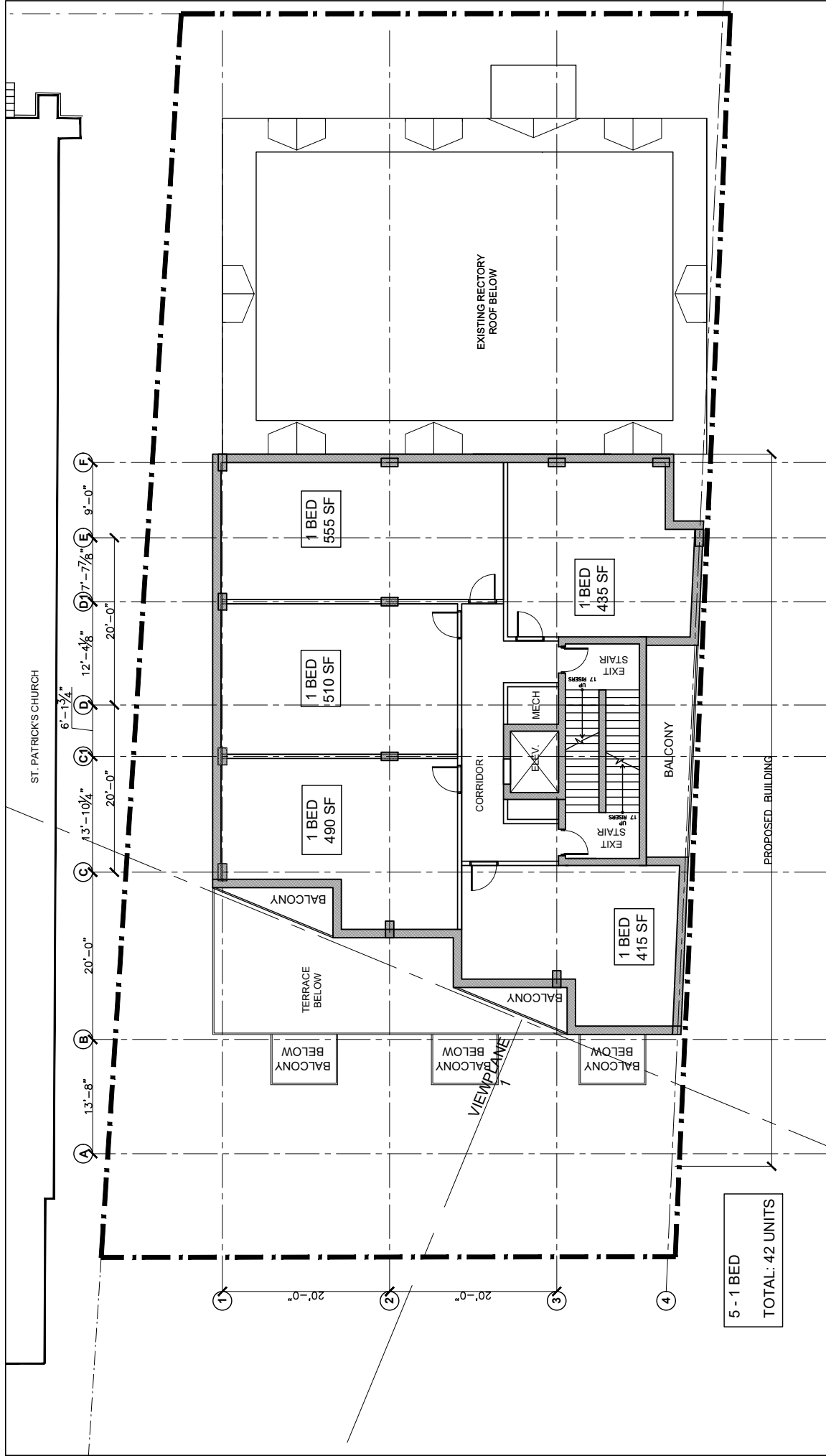


Schedule F

title: ST. PATRICK'S RECTORY
5TH-6TH LEVEL FLOOR PLAN

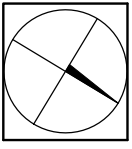
location: 2267 BRUNSWICK ST. HALIFAX, N.S.

STUDIO WORKS
INTERNATIONAL INC.
1000-10000 - Suite 100 - Halifax, NS B3H 2P9, CANADA
4150 Chignecto Road - Suite 101 - Halifax, NS B3K 3A3
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dwg no: A06
rev: 5 (JAN 7 2019)

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



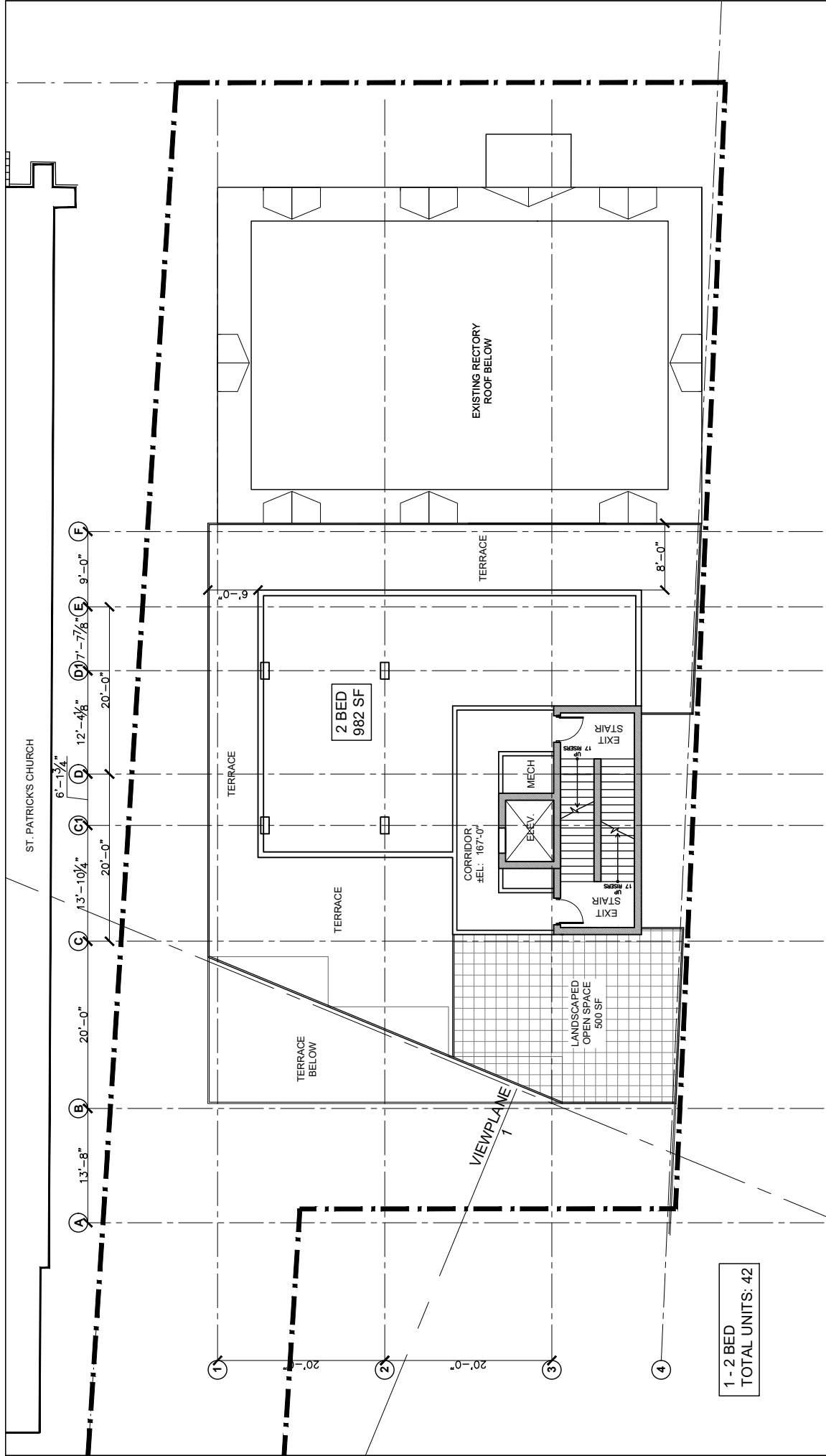
Schedule G

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

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

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INTERNATIONAL INC.

1000-10000 - Suite 100 - Industrial Estate - Project: 15030-0001
4150 Chignecto Road - Halifax, NS B3H 2P9, Canada
902.491.1029
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ST. PATRICK'S CHURCH

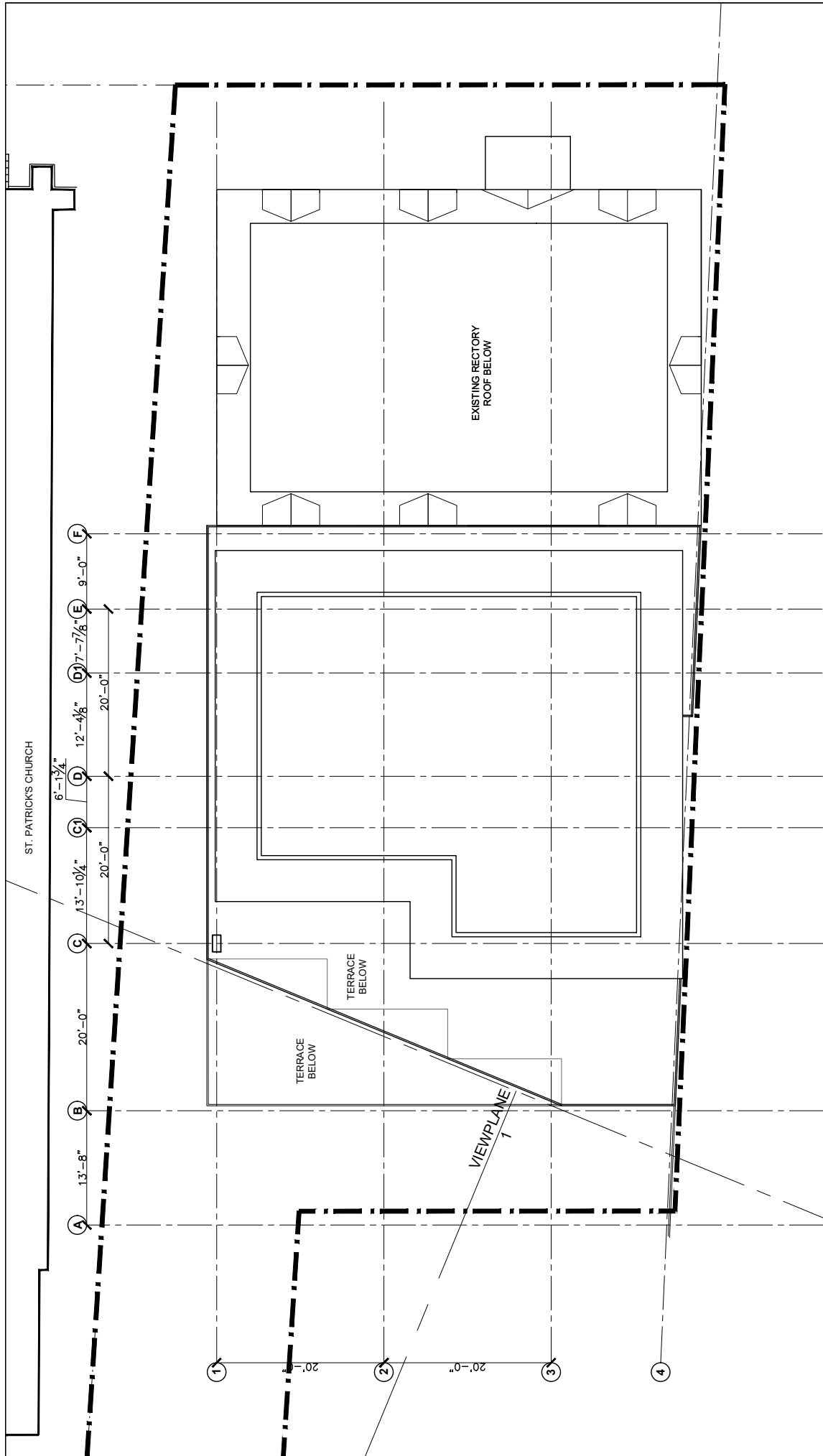
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date	11/02/15
drawn	LG
proj.	SPT 501

Schedule H

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

STUDIO WORKS
 INTERNATIONAL INC.
 4150 Quince Road
 Suite 101
 Halifax, NS B3K 3A3
 Phone: 902.421.1222
 Fax: 902.421.1223
 www.studioworks.com

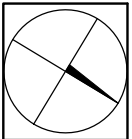
dwg no: A07
 rev: 5 (JAN 7 2015)



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 ARCHITECTURE • INTERIOR DESIGN • PROJECT MANAGEMENT
 4150 Chesapeake Road
 Suite 200
 Baltimore, MD 21215
 Tel: 410.528.1300
 Fax: 410.528.1301
 www.studioworks.com

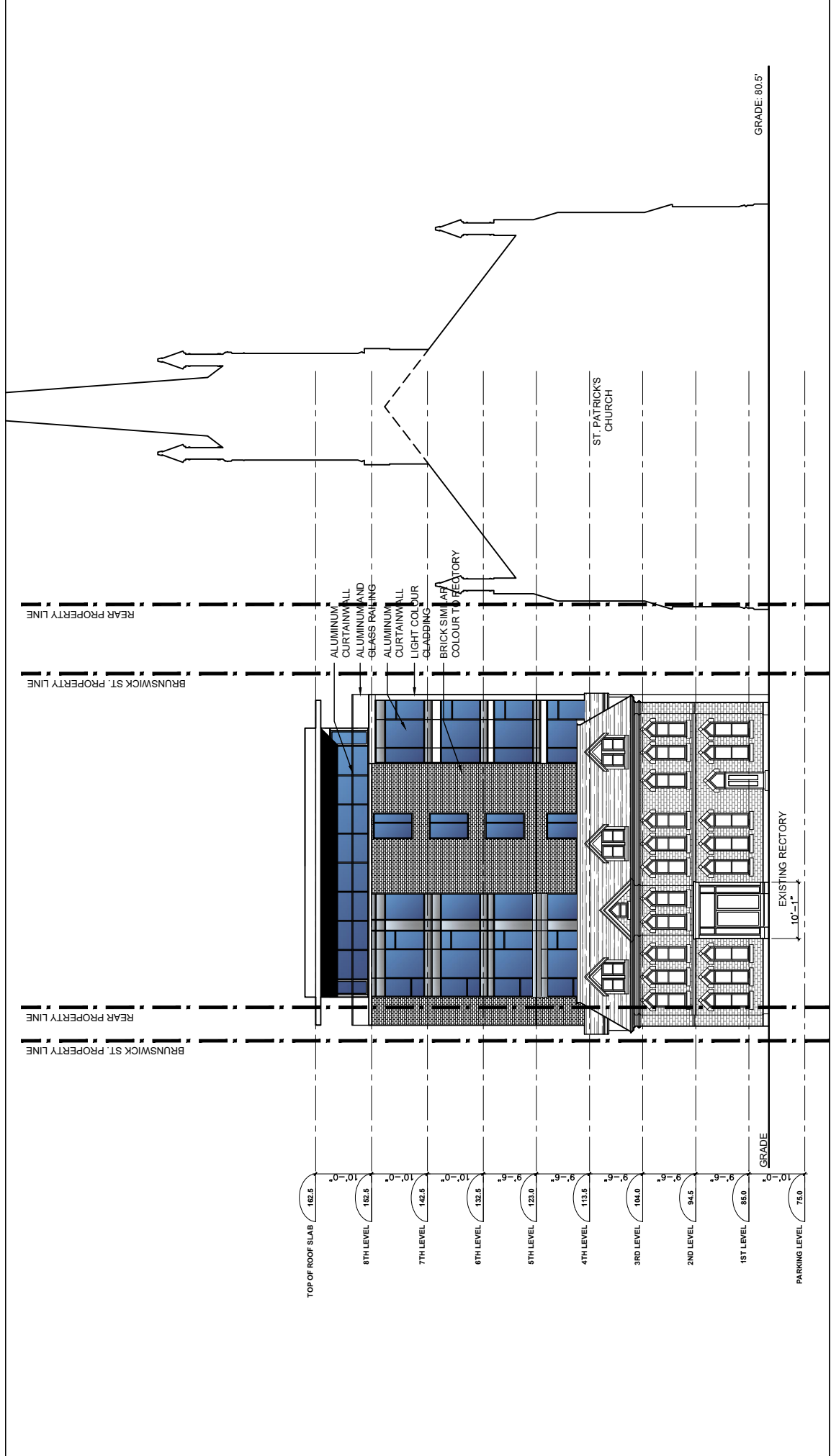
title **ST. PATRICK'S RECTORY ROOF PLAN**
 location **2267 BRUNSWICK ST. HALIFAX, N.S.**

Schedule I

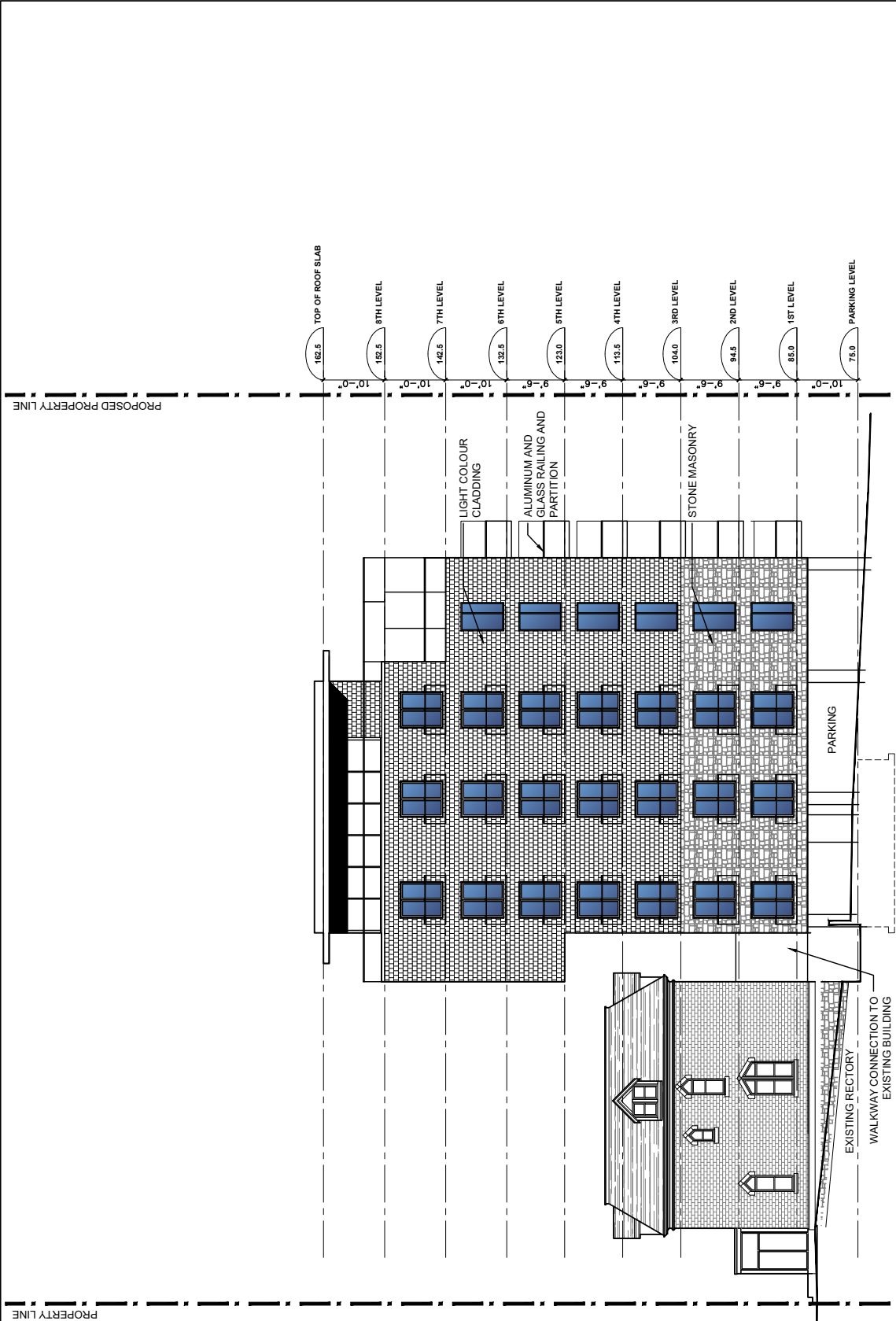


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 proj. **SPT1501**

dwg no: **A08**
 rev. **5 (JAN 7 2019)**

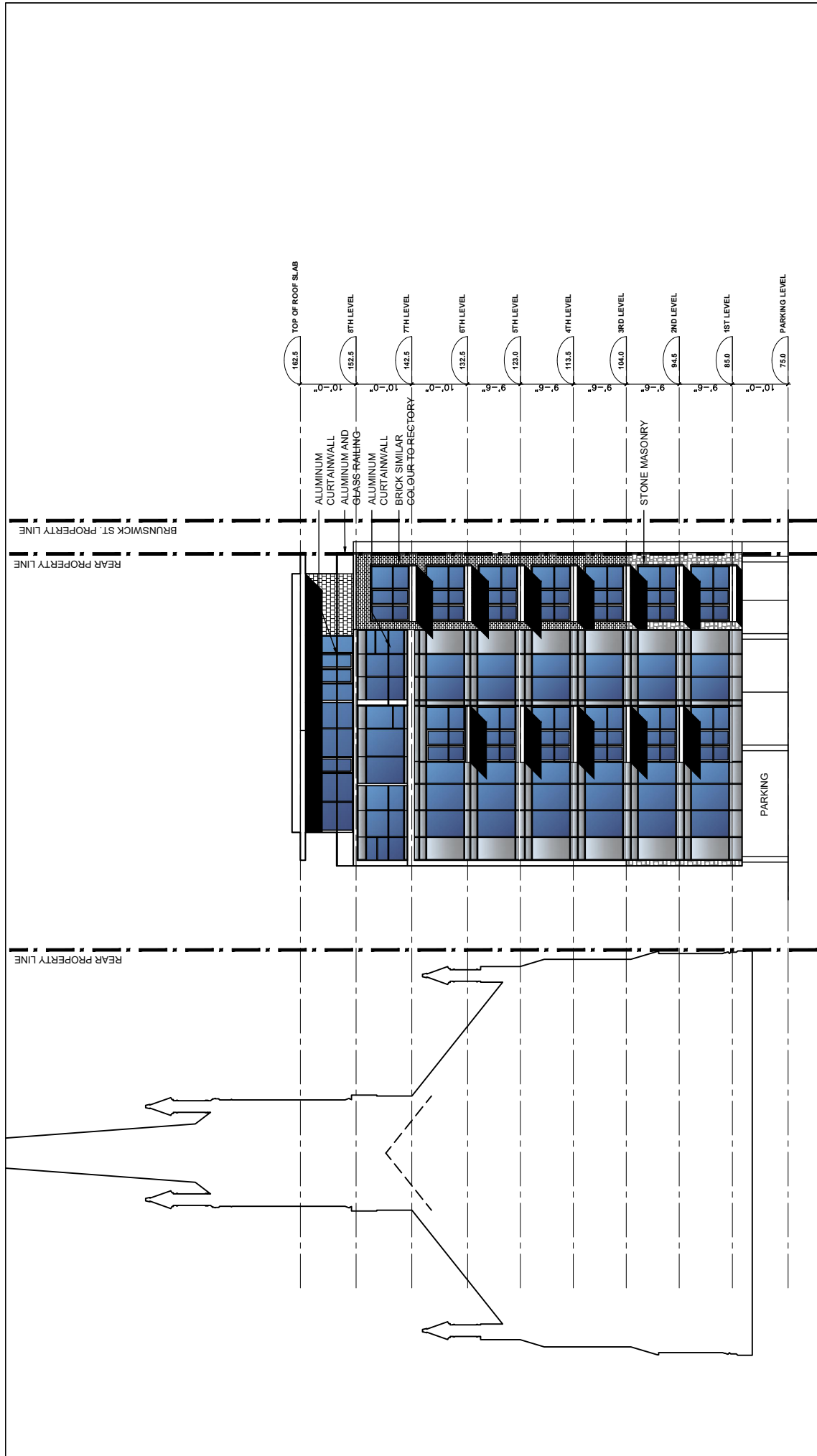


<p>STUDIO WORKS INTERNATIONAL INC. <small>ARCHITECTURE • INTERIOR DESIGN • PROJECT MANAGEMENT</small> 4150 Chalmers Road, Suite 201, Halifax, NS B3K 3A3 Tel: 902.429.1429 Fax: 902.429.1428 www.studioworks.com</p>	<p>ST. PATRICK'S RECTORY WEST ELEVATION (BRUNSWICK ST.)</p>		<p>scale 1/16"=1'-0"</p>
	<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: A09</p>			<p>rev. 5 (JAN 7 2019)</p>



	title ST. PATRICK'S RECTORY EAST ELEVATION	scale 1/16"=1'-0"	dwg no. A10
	location 2267 BRUNSWICK ST. HALIFAX, N.S.	date 11/02/15	rev. 5 (JAN 7 2015)
		drawn LG	
		proj. SP1501	

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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

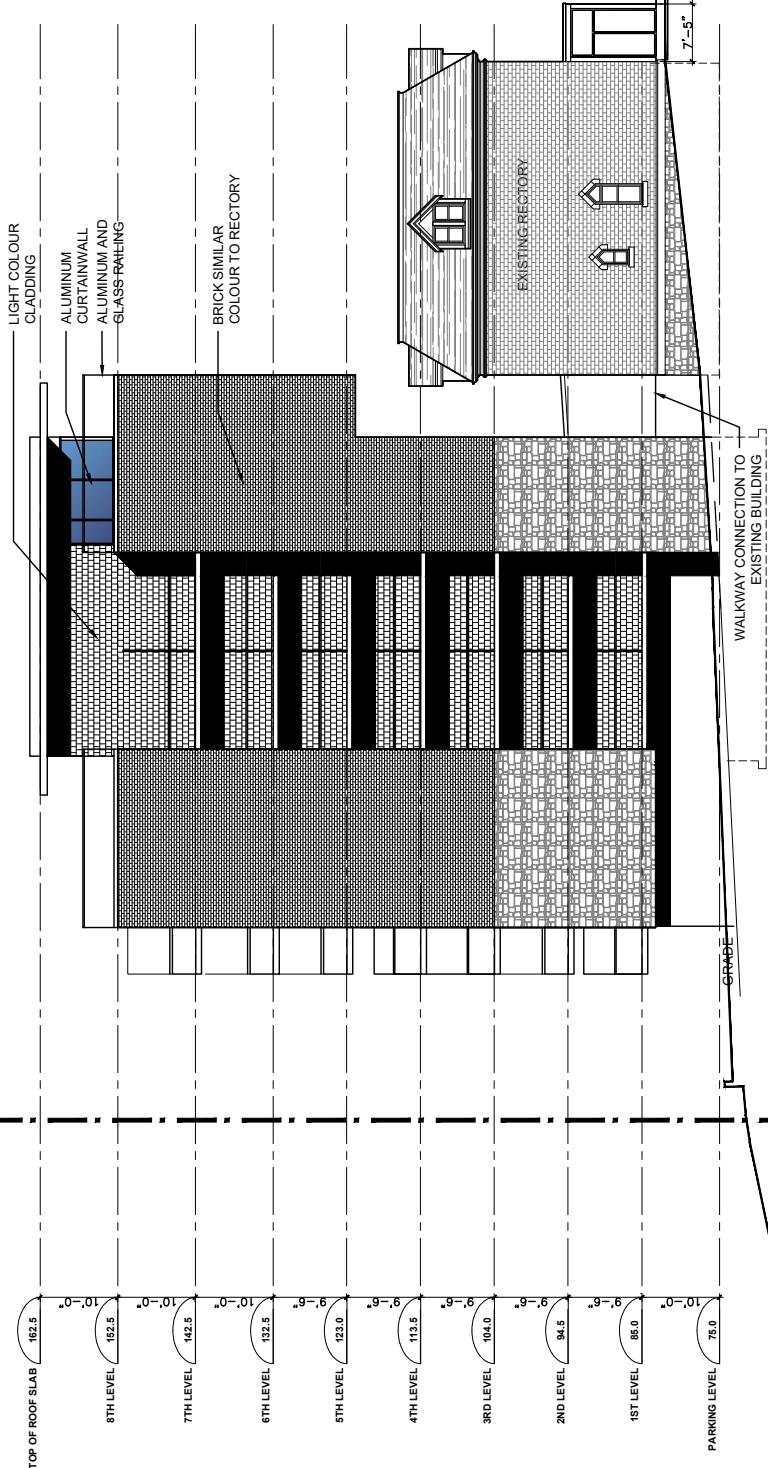
location 2267 BRUNSWICK ST. HALIFAX, N.S.

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 Suite 201
 St. John's, Newfoundland
 A1B 3X3
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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

2267 BRUNSWICK ST. HALIFAX, N.S.

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 ARCHITECTS PLANNERS INTERIORS
 41-52 Chesapeake Road
 Suite 201
 St. John's, NL A1B 1X3
 www.studioworks.ca

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

Schedule M

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, 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