



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

Item No. 10.1.1
Halifax & West Community Council
July 13, 2021
September 21, 2021

TO: Lindell Smith and Members of Halifax & West Council

SUBMITTED BY: *Original Signed*

For Jenny Lugar, Chair, Heritage Advisory Committee

DATE: June 15, 2021

SUBJECT: **Case 23186: Development Agreement to allow a multi-unit residential addition to a municipally registered heritage property at 1029 South Park Street, Halifax**

ORIGIN

June 9, 2021 special meeting of the Heritage Advisory Committee, Item 9.1.2.

LEGISLATIVE AUTHORITY

Heritage Property Act, R.S.N.S. 1989, c. 199

- 17 (1) Municipal heritage property shall not be substantially altered in exterior or public-building interior appearance or demolished without the approval of the municipality.
- (2) An application for permission to substantially alter the exterior or public-building interior appearance of or demolish municipal heritage property shall be made in writing to the municipality.
- (3) Upon receipt of the application, the municipality shall refer the application to the heritage advisory committee for its recommendation.
- (4) Within thirty days after the application is referred by the municipality, the heritage advisory committee shall submit a written report and recommendation to the municipality respecting the municipal heritage property.
- (5) The municipality may grant the application either with or without conditions or may refuse it.
- (6) The municipality shall advise the applicant of its determination.

RECOMMENDATION FOLLOWS ON PAGE 2

RECOMMENDATION

The Heritage Advisory Committee recommends that Halifax and West Community Council:

1. Give notice of motion to consider the proposed development agreement, as set out in Attachment A of the May 14, 2021 report, to allow a two and a half storey multi-unit residential addition to an existing heritage building located at 1029 South Park Street and schedule a public hearing;
2. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A; and
3. Require the development agreement be signed by the property owner within 240 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

The Heritage Advisory Committee received a staff recommendation report dated May 14, 2021, at a June 9, 2021 special meeting of the Committee respecting Case 23186: Development Agreement to allow a multi-unit residential addition to a municipally registered heritage property at 1029 South Park Street, Halifax.

For further information on the background of this item, refer to the staff report dated May 14, 2021.

DISCUSSION

The Heritage Advisory Committee reviewed the May 14, 2021 staff report and received a staff presentation at a June 9, 2021 special meeting. Following a discussion of the item, the Committee approved the recommendation as outlined in the "Recommendation" portion of this report.

For further discussion on this item, refer to the staff report dated May 14, 2020 (Attachment 1) and draft minutes from the June 9, 2021 special meeting of the Committee respecting Case 23186 (Attachment 2).

FINANCIAL IMPLICATIONS

Refer to the staff report dated May 14, 2021.

RISK CONSIDERATION

Refer to the staff report dated May 14, 2021.

COMMUNITY ENGAGEMENT

Meetings of the Heritage Advisory Committee are open to public attendance and members of the public are permitted to submit correspondence and petitions to be circulated to the Committee. The agenda, reports, and minutes of the Heritage Advisory Committee are posted on Halifax.ca.

For further information on Community Engagement as it relates to this item, refer to the staff report dated May 14, 2021.

ENVIRONMENTAL IMPLICATIONS

Refer to the staff report dated May 14, 2021.

ALTERNATIVES

The Committee did not discuss alternatives. Refer to the staff report dated May 14, 2021.

ATTACHMENTS

Attachment 1 – Staff Recommendation Report dated May 14, 2021

Attachment 2 – Extract from the draft minutes from the June 9, 2021 special meeting of the Committee respecting Case 23186.

If the report is released to the public, a copy can be obtained by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Simon Ross-Siegel, Legislative Assistant, Office of the Municipal Clerk, 902.490.6519



P.O. Box 1749
Halifax, Nova Scotia
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Attachment 1
Heritage Advisory Committee
Special Meeting
June 9, 2021

TO: Chair and Members of the Heritage Advisory Committee

-Original Signed-

SUBMITTED BY:

Kelly Denty, Executive Director of Planning and Development

-Original Signed-

Jacques Dubé, Chief Administrative Officer

DATE: May 14, 2021

SUBJECT: **Case 23186: Development Agreement to allow a multi-unit residential addition to a municipally registered heritage property at 1029 South Park Street, Halifax**

ORIGIN

An application by ZZap Consulting Inc. for a development agreement at 1029 South Park Street, Halifax.

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

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

1. Give notice of motion to consider the proposed development agreement, as set out in Attachment A, to allow a two and a half storey multi-unit residential addition to an existing heritage building located at 1029 South Park Street and schedule a public hearing;
2. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A; and
3. Require the development agreement be signed by the property owner within 240 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

ZZap Consulting Inc., on behalf of the property owner Eldorado Properties Limited, has applied to enter into a development agreement to construct a two and a half storey multi-unit residential addition to a municipally registered heritage property at 1029 South Park Street, Halifax. This application is being considered under Policy 6.8 of the Halifax Secondary Municipal Planning Strategy (SMPS), which allows the consideration of uses other than those permitted under the existing land use zone and designation, specifically for registered heritage properties, to encourage the retention, conservation and viability of those properties.

Subject Site	1029 South Park Street, Halifax
Location	The subject property is located at the corner of South Park Street and Rhuland Street. It abuts the rear property lines of two properties at the northeast corner of Inglis Street, Halifax
Regional Plan Designation	Urban Settlement
Community Plan Designation (Map 1)	Medium Density Residential (MDR) Designation
Zoning (Map 2)	General Residential Conversion (R-2A) Zone
Size of Site	Approx. 746.5 s/m (8,036 s/f)
Street Frontage	Approx. 29 m (95 ft.) on South Park Street Approx. 25 m (82 ft.) on Rhuland Street
Current Land Use(s)	Four-unit residential dwelling. A Building Permit has been issued for an internal conversion to increase the number to 10 units.
Surrounding Use(s)	A variety of residential uses, ranging from multi-unit to single-unit dwellings

Proposal Details

The existing municipally registered heritage property presently contains four dwelling units. A permit has been issued for an internal conversion to 10 units. The applicant is seeking to construct a two and a half storey, 6-unit addition to the south of the existing heritage building as per Schedule B of the Development Agreement. The applicant is also seeking to add one extra unit in the existing heritage building for a total of 17 units on the property. The only part of the existing heritage building that is proposed to be altered is an enclosed stairwell constructed in 1994 on the south side of the building. The addition will be joined to the municipally registered heritage building by a stairwell.

Heritage Planning

The subject property is listed on the Registry of Heritage Property for the Halifax Regional Municipality and as such, is protected under the Nova Scotia *Heritage Property Act*. The building at 1029 South Park Street was constructed in 1895 and is known as the Clarke-Halliston House. It abuts the Victorian Heritage Streetscape along Inglis Street in Halifax as shown on Map 2. The Victorian Streetscape is valued for the fourteen houses designed in the Late Victorian Eclectic style: a complex style that incorporates many traditional architectural styles into one design.

In 2017, Regional Council approved a substantial alteration to the Clarke-Halliston House, which included removing the enclosed south stairwell and rear addition and constructing a new rear addition and garage, but this work was never carried out. Since the current proposal will have less of an impact on the heritage elements of the building than the 2017 proposal, staff have determined that the proposal does not constitute a substantial alteration as defined under the *Heritage Property Act*. However, the HAC is being asked to review the proposal and provide a recommendation to Halifax and West Community Council based on the proposal's consistency with the *Standards and Guidelines for the Conservation of Historic Places in Canada (Standards and Guidelines)*, and other relevant municipal policies.

Enabling Policy and LUB Context

This proposal is being considered under Policy 6.8 of the Halifax SMPS which allows owners of registered heritage properties to apply for a development agreement to allow a use not permitted by the underlying zone or land use designation. In this case, the proposed 17 unit dwelling is not permitted under the existing zoning.

The subject property is designated Medium Density Residential which encourages a mix of family and non-family dwellings of not more than four storeys. The designation supports interior conversion, additions, infill between existing structures and small-scale development on vacant properties.

The property is currently zoned General Residential Conversion (R-2A) under the Halifax Peninsula Land Use By-law, which permits the construction of buildings with up to four units on properties that have a minimum of 4,000 s/f and a maximum lot coverage of 40 percent. The R-2A Zone also permits internal conversion of existing buildings and in this case, a permit has been issued for an internal conversion to increase the number of units to 10.

DISCUSSION

Staff have reviewed the proposal relative to all relevant policies and advise that it is reasonably consistent with the intent of municipal land use policy, including the *Standards and Guidelines*. Attachment B provides an evaluation of the proposed development agreement in relation to these relevant policies.

Proposed Development Agreement

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

- requires that the heritage building be maintained;
- permits the construction of a new two and a half storey addition;
- restricts the use of the property to residential;
- limits the number and location of dwelling units;
- addresses the design of the proposed addition and its location; and
- includes requirements for landscaping and maintenance of the property.

The proposed development agreement also identifies amendments that would be considered non-substantive and may be amended by resolution of Council. In this case, non-substantive amendments include:

- changes to Schedule B and C (site plan and building elevation drawings);
- changes to the footprint of the addition if the setbacks from property lines and the heritage building are not reduced; and
- extensions to the date of commencement or the time for completion.

Any future proposed amendments to the development agreement that may impact the Clarke-Halliston House such as changes to the massing, location or material of the proposed addition may require the approval of Regional Council as a substantial alteration under the *Heritage Property Act*.

Land Use Policy

To encourage the adaptive re-use of municipally registered heritage properties, Policy 6.8 of the Halifax SMPS allows for the consideration of land uses on these properties, which are not permitted by the underlying zone or land use designation subject to certain criteria. The subject property is designated Medium Density Residential (MDR) under the Halifax SMPS and the proposed form of the building, its use,

and the number of units is consistent with this designation. In addition, the neighbourhood contains several comparable medium and high-density residential developments. The design of the addition includes architectural elements and setbacks that complement existing buildings in the neighbourhood. An evaluation of the proposal under relevant municipal policies is contained in Attachment B.

In keeping with the residential policies of the South End Community Plan Area, the proposed addition introduces additional residential units to the property in the form of infill development. The proposed development will be located on an existing undeveloped side-yard and the proposed addition has been designed to be compatible with the character of the abutting heritage properties and other surrounding uses.

The proposal will conserve the Clarke-Halliston House, and the addition is complementary to the heritage character of the property and promotes a wider variety of housing options in the neighbourhood, including the provision of a range of dwelling sizes and types. At least eight of the 17 total units in the heritage building and addition would consist of family-type dwelling units of 800 square feet or more as required within the MDR designation.

Policy 6.8 includes a provision that any development substantially complies with the policies of the Halifax SMPS. Attachment B includes an evaluation of the proposed development agreement in relation to the relevant SMPS policies.

Heritage Policy

Under Policy 6.8 of the Halifax SMPS, any development approved shall not diminish the registered heritage building's heritage value and must maintain the integrity of building/property. The only part of the heritage building that is proposed to be altered is an enclosed stairwell constructed in 1994 on the south side of the building. The undeveloped side-yard on the subject property provides an opportunity for infill development in an established residential neighbourhood as per Schedule B and C of the Development Agreement. The proposed building has been designed to be compatible with the character of the registered heritage building as well as the registered heritage streetscape along Inglis Street as shown on Map 2.

Policy CH-16 of the Regional Municipal Planning Strategy requires that Council consider a range of design solutions and architectural expressions that are compatible with the abutting municipally registered heritage properties when reviewing applications for development agreements. The addition is proposed to be of a scale, form and design that is complementary to abutting heritage buildings. Attachment B includes an evaluation of the proposed development agreement in relation to the Policy CH-16.

Standards and Guidelines

Policy CH-14 of the Regional Municipal Planning Strategy requires that Council ensure that new development on a heritage property enabled by development agreement is evaluated against the *Standards and Guidelines*. Since the proposal in this case does not include changes to character defining elements of the existing building most of the Standards do not apply, however Standards 11 and 12 specifically pertain to new additions to a heritage property:

11. Conserve the heritage value and character-defining elements when creating any new additions to an historic place or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.

12. Create any new additions or related new construction so that the essential form and integrity of an historic place will not be impaired if the new work is removed in the future.

Staff advise that the new addition is of a form, scale and design that make it distinct as a clearly contemporary addition to a heritage building, while employing design features that complement both the Clarke-Halliston House, and abutting heritage properties. While the new addition shares a streetline with the existing building, its scale, simplified design and muted colours ensure that it is subordinate. Since the new addition is joined to the Clarke-Halliston house by a small breezeway at the rear of the building, it will not affect the integrity of the heritage building if it is removed in the future. As such, staff advise that the proposal is consistent with the Standards and Guidelines. A further explanation of the proposal's consistency with the Standards and Guidelines can be found in Attachment B.

Timeframe for Agreement Execution

The COVID-19 pandemic has resulted in difficulties in having legal agreements signed by multiple parties in short periods of time. To recognize this difficulty that these unusual circumstances presents, staff are recommending extending the signing period for agreements following a Council approval and completion of the required appeal period. While normally agreements are required to be signed within 120 days, staff recommend doubling this time period to 240 days. This extension would have no impact on the development rights held within the agreement, and the agreement could be executed in a shorter period of time if the situation permits.

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 SMPS. The main purpose of Policy 6.8 is to incentivize the retention and adaptive re-use of heritage properties through additional land use flexibility. This is achieved by permitting extra units, through a multi-unit addition to the municipally registered Clarke-Halliston House, which would not be permitted by the Land Use By-law. The undeveloped side yard on the property provides an appropriate opportunity for infill development in an established residential neighbourhood. The proposed addition has been designed to be compatible with the character of the Clarke-Halliston House, as well as the heritage streetscape along Inglis Street. Therefore, staff recommend that the Heritage Advisory Committee recommend that Halifax and West Community Council approve the proposed development agreement as contained in Attachment A.

FINANCIAL IMPLICATIONS

There are no budget implications. The applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this proposed development agreement. The administration of the proposed development agreement can be carried out within the approved 2021-2022 budget and with existing resources.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application is being considered under existing SMPS policies. Community Council has the discretion to make decisions that are consistent with the SMPS, and such decisions may be appealed to the NS 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.

COMMUNITY ENGAGEMENT

The community engagement process for this application is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject property, letters mailed to property owners within the notification area (Map 2) which contained a questionnaire

requesting feedback on the development proposal. Attachment C contains a summary of the feedback received from members of the public. Staff distributed 609 notification letters to residents and property owners in the notification area. Seven (7) responses were received. No respondents were in full support of the proposal.

The public comments received which expressed support:

- the proposal would maintain the heritage building;
- the new building fits with the character of the neighbourhood; and
- the proposal provides additional residential units.

The public comments received also expressed concerns about the development proposal:

- the proposal is not complementary to the registered heritage building on the property or the other buildings in the area;
- the development will impact on-street parking, which is already in short supply; and
- the construction of the addition will impact the neighbourhood through increased noise levels, increased traffic and restricted pedestrian circulation.

A full review of the comments can be viewed in Attachment C.

Halifax and West Community Council must hold a public hearing before it can consider approval of the proposed development agreement. If Community Council decides to proceed with a public hearing, staff will publish a newspaper advertisement for the hearing and send a notification letter to property owners, within the notification area shown on Map 2, regarding the public hearing by regular mail.

Halifax Peninsula Planning Advisory Committee

On January 25, 2021, the Halifax Peninsula Planning Advisory Committee (PAC) reviewed the proposal and recommended that Halifax and West Community Council approve the application. A report from PAC will be provided to Community Council under separate cover.

ENVIRONMENTAL IMPLICATIONS

No environmental implications have been identified.

ALTERNATIVES

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

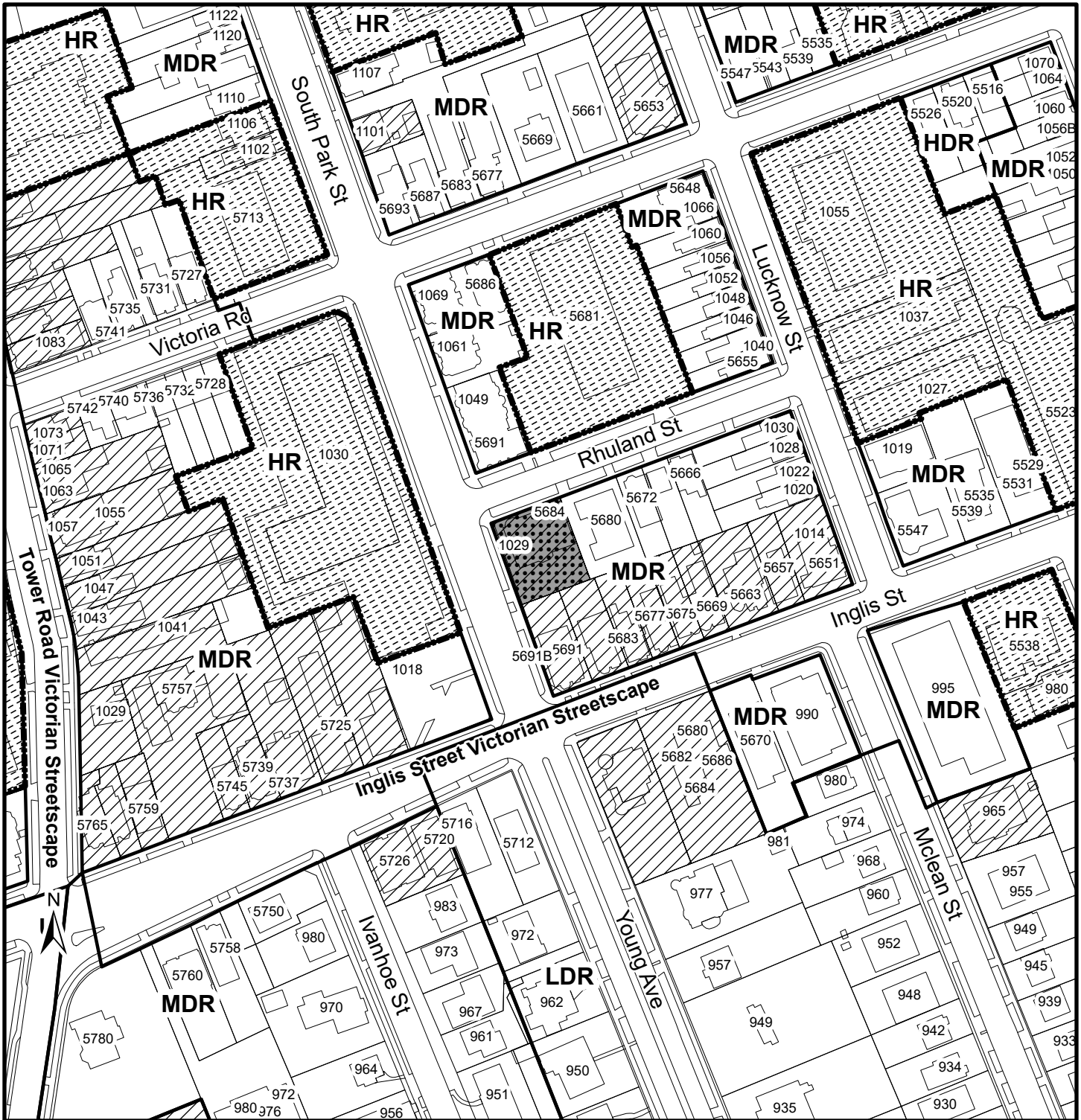
ATTACHMENTS

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

Attachment A: Development Agreement
Attachment B: Review of Relevant Policies
Attachment C: Engagement Summary

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: Paul Boucher, Planner I, 902.456.5103



Map 1 - Generalized Future Land Use

1029 South Park Street,
Halifax

HALIFAX

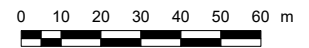
-  Subject Property
-  Registered Heritage Property
-  Regional Centre Package A Plan Area

Halifax South End Designations

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

Regional Centre Package A Designation

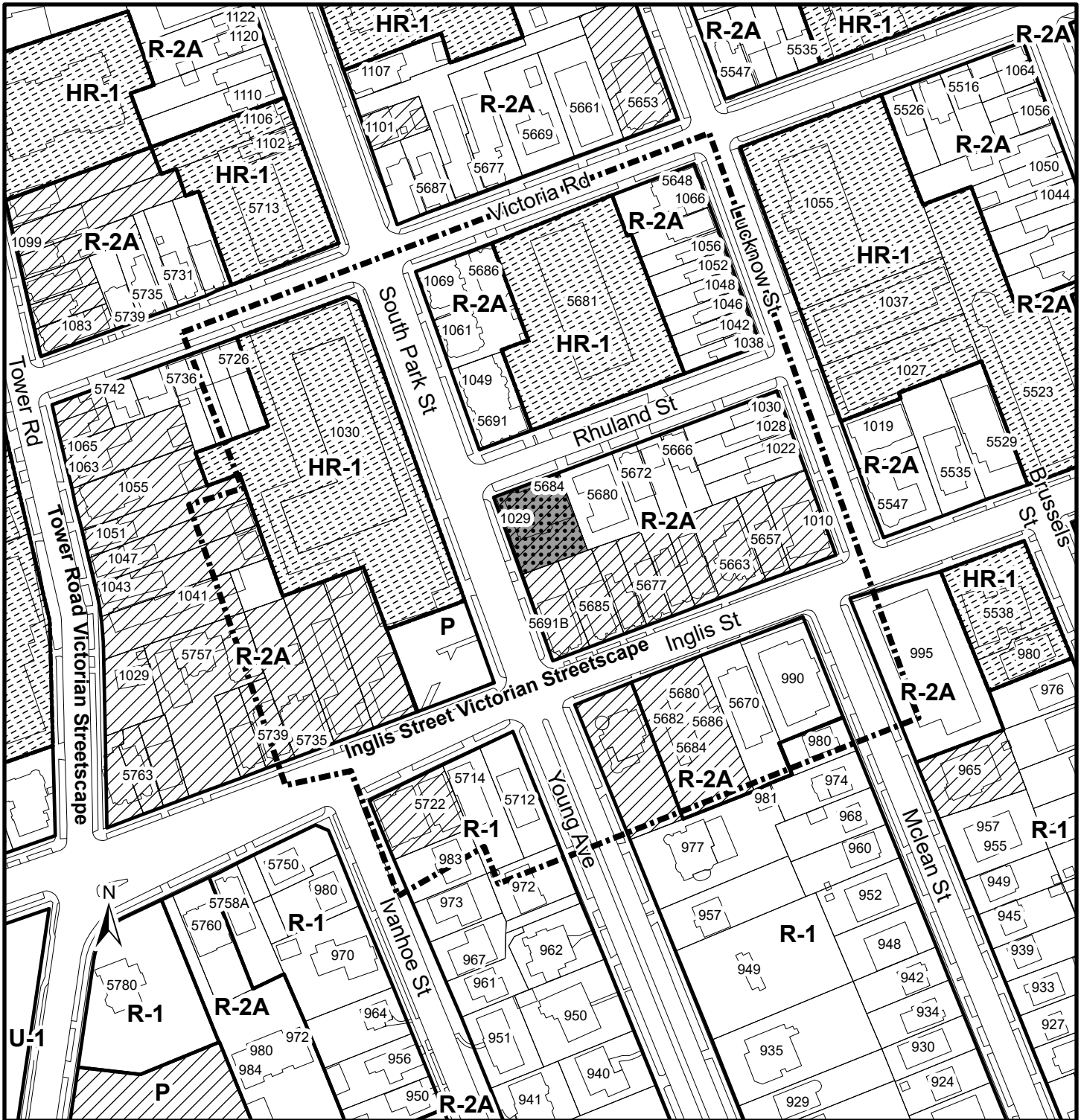
- HR Higher-Order Residential



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.





Halifax South End Detailed Plan &
Regional Centre Package A Plan Area



Map 2 - Zoning and Notification

1029 South Park Street,
Halifax

HALIFAX

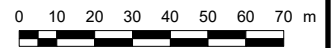
-  Subject Property
-  Registered Heritage Property
-  Regional Centre Package A By-Law Area
-  Notification Area

Halifax Peninsula Zones

- R-1 Single Family Dwelling
- R-2A Single Family Dwelling A
- P Park and Institutional

Regional Centre Package A Zone

- HR-1 Higher-Order Residential 1



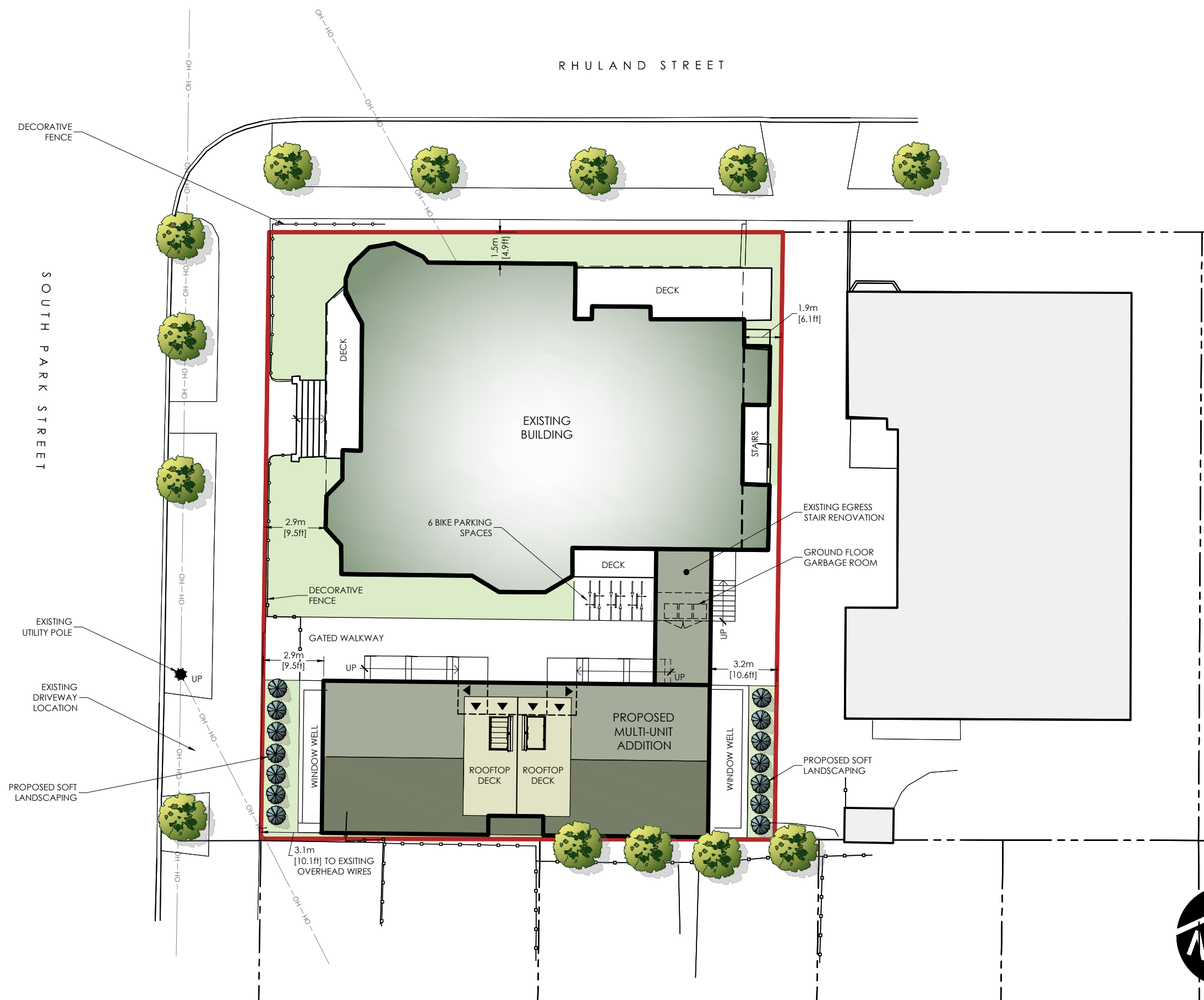
This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

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

Halifax Peninsula & Regional Centre Package A By-Law Area

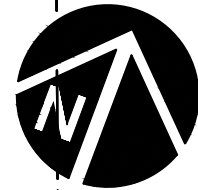
FILE: C:\Users\Ken.Zwickler\Documents\Projects - Planning\Projects - Documents\2020\20-032 Eldorado - 1029 South Park\4_PLANN\1_DWG\1_Site Plan\20-032-SITE_PLAN-SCH_B.dwg SHEET: 11x17

- LEGEND**
- Site Boundary
 - Adjacent Property Boundary
 - Building Access Point



- SITE SUMMARY:**
- PID: 00065342
 - Total Land Area: 7,854 SF
 - Existing Zone: R-2A
- NOTES:**
- Adjacent property lines and topographic features are approximate only.
 - Site subject to by-law review and regulations.

- SOURCES:**
- Based on CAD file: 1029 South Park.dwg
 - Property lines and topographic features are from provincial mapping.
- SCALE:**
- 0 1 2 5 10m
1 : 200



CLIENT

PROJECT

SOUTH PARK ADDITION

1029 South Park St., Halifax NS

DRAWING

SITE PLAN

PROJECT NO. **20-032-01**

SCHEDULE

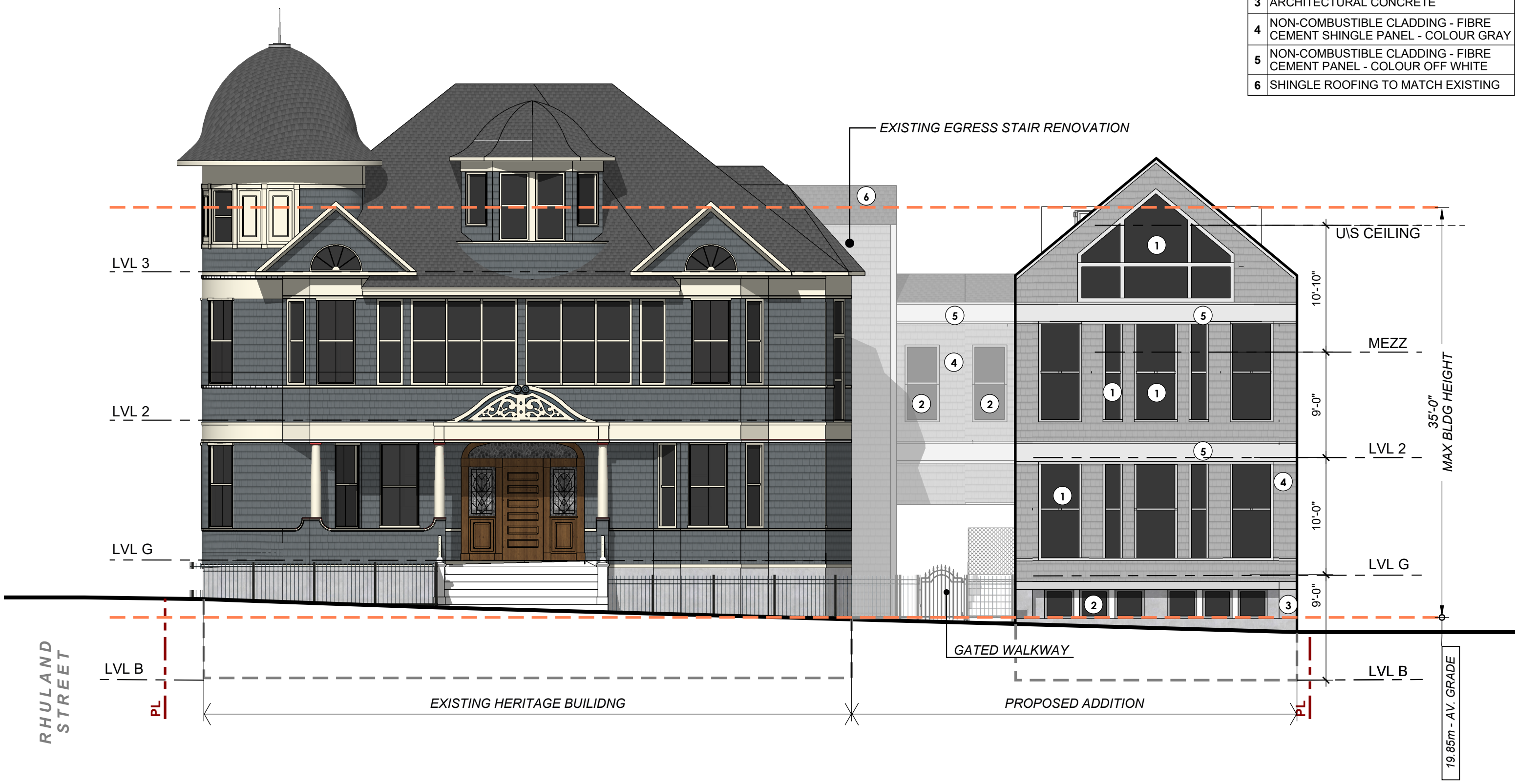
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DRAWN BY: KW

ISSUED FOR DA

DATE: APRIL 26, 2021

EXTERIOR MATERIALS LEGEND	
1	ALUMINUM FRAME GLAZING WITH SPANDREL PANELS
2	PVC WINDOW
3	ARCHITECTURAL CONCRETE
4	NON-COMBUSTIBLE CLADDING - FIBRE CEMENT SHINGLE PANEL - COLOUR GRAY
5	NON-COMBUSTIBLE CLADDING - FIBRE CEMENT PANEL - COLOUR OFF WHITE
6	SHINGLE ROOFING TO MATCH EXISTING

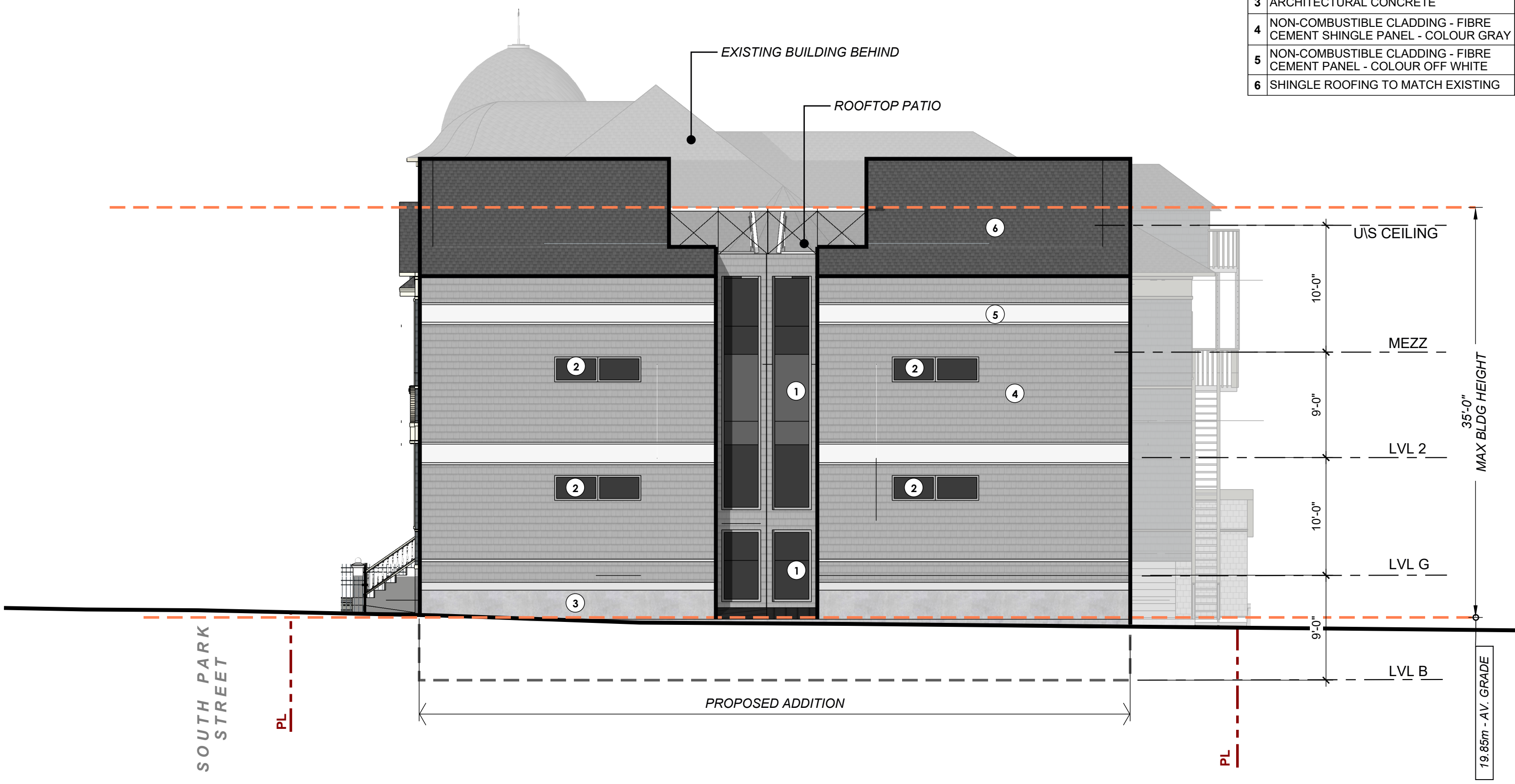


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<p>1 Canal St, Dartmouth NS B2Y 2W1 zap.ca</p>	<p>CLIENT</p>	<p>PROJECT</p> <p>SOUTH PARK - ADDITION 1029 South Park St., Halifax NS</p>	<p>DRAWING</p> <p>EAST ELEVATION - SOUTH PARK</p> <p>SCALE: 1/8" = 1'-0"</p>	<p>PROJECT NO. 20-032-01</p> <p>DRAWN BY: NC</p> <p>ISSUED FOR DA</p> <p>DATE: Apr 28, 2021</p>	<p>SCHEDULE</p> <p>C1</p>
	<p>19.85m - AV. GRADE</p>				

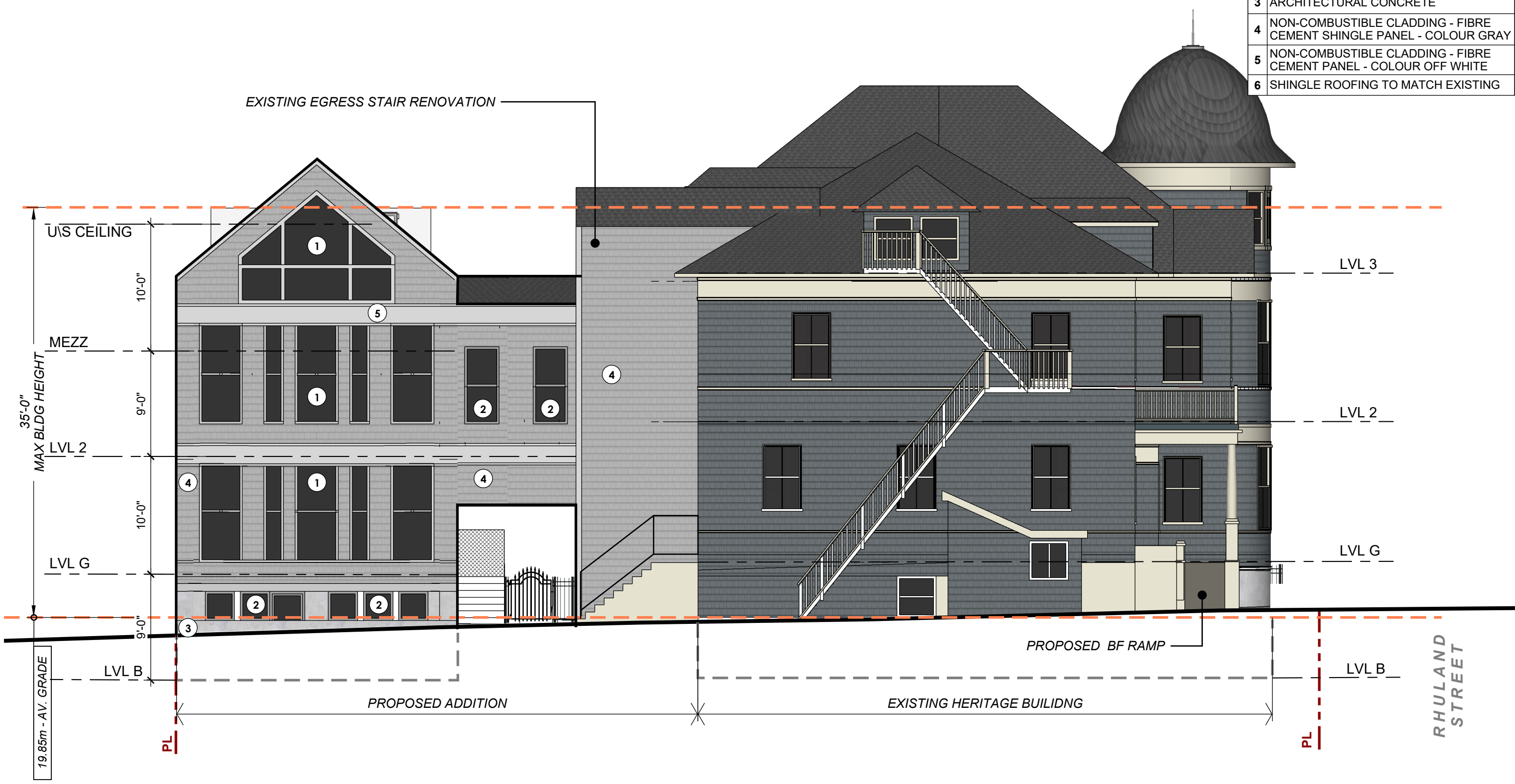
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	<p>19.85m - AV. GRADE</p>				

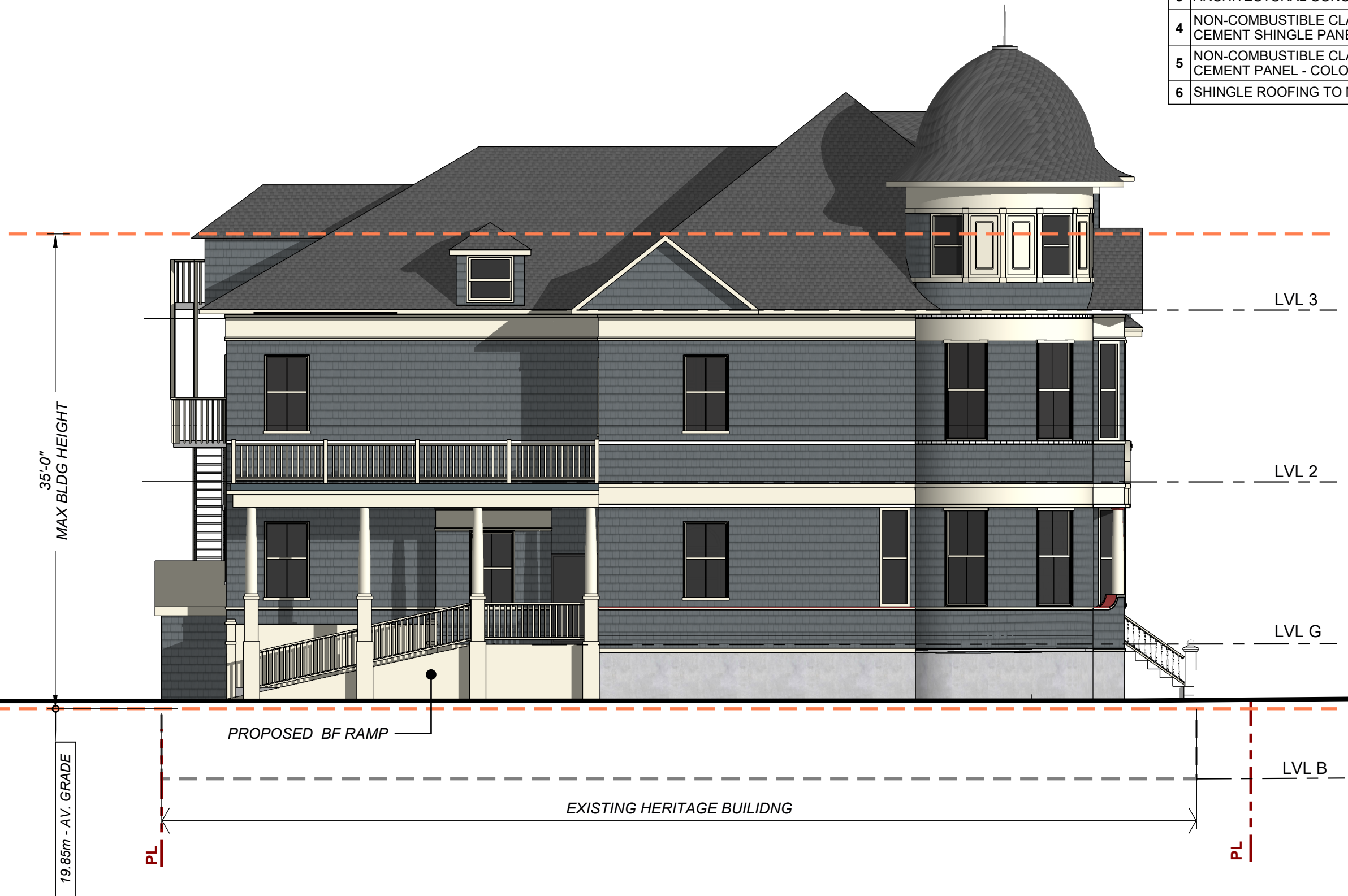
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<p>1 Canal St, Dartmouth NS B2Y 2W1 zap.ca</p>	<p>CLIENT</p>	<p>PROJECT</p> <p>SOUTH PARK - ADDITION 1029 South Park St., Halifax NS</p>	<p>DRAWING</p> <p>EAST ELEVATION</p> <p>SCALE: 1/8" = 1'-0"</p>	<p>PROJECT NO. 20-032-01</p> <p>DRAWN BY: NC</p> <p>ISSUED FOR DA</p> <p>DATE: Apr 28, 2021</p> <p>SCHEDULE</p> <p>C3</p>
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Attachment A Development Agreement

THIS AGREEMENT made this **[Insert Day]** day of **[Insert Month]**, 2021,

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 1029 South Park, and 5684, 5686, 5688 Rhuland Street, Halifax and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

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

AND WHEREAS the Developer has requested that the Municipality enter into a Development Agreement to allow for the construction of an addition containing multiple residential units on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policy 6.8 of the Halifax Secondary Municipal Planning Strategy;

AND WHEREAS the Halifax and West Community Council approved this request at a meeting held on **[Insert - Date]**, referenced as Municipal Case Number 23186; and

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

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

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

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

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

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

1.3 Applicability of Other By-laws, Statutes and Regulations

1.3.1 Further to Section 1.2, nothing in this Agreement shall exempt or be taken to exempt the Developer, 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

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

1.6 Provisions Severable

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

PART 2: DEFINITIONS

2.1 Words Not Defined under this Agreement

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

2.2 Definitions Specific to this Agreement

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

“Character Defining Elements” means the materials, forms, location, spatial configurations, uses and cultural associations or meanings that contribute to heritage value and that must be sustained in order to preserve heritage value.

“Clarke-Halliston House” means the existing municipally registered heritage building located on the northern portion of the Lands identified as 1029 South Park Street, 5684, 5686, 5688 Rhuland Street, identified as “EXISTING BUILDING” on Schedule B.

“New Addition” means the addition to be constructed on the southern portion of the Lands, pursuant to this Development Agreement, and identified as “PROPOSED MULTI-UNIT ADDITION” on Schedule B.

PART 3: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS

3.1 Schedules

The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, conforms with the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as **Case Number 23186**:

Schedule A	Legal Description of the Lands
Schedule B	Site Plan
Schedule C1	East Elevation – South Park
Schedule C2	South Elevation
Schedule C3	East Elevation
Schedule C4	North Elevation

3.2 Requirements Prior to Approval

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

3.3 General Description of Land Use

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

- (a) The Clarke-Halliston House shall contain up to a maximum of 11 dwelling units;
- (b) The New Addition shall contain up to a maximum of 6 dwelling units; and
- (c) Any uses permitted within the zone applied to the Lands subject to the provisions contained within the applicable Land Use By-law as amended from time to time.

3.3.2 A minimum of five (5) dwelling units shall contain two-or more bedrooms.

3.3.3 A minimum of eight (8) units shall be at least 800 square feet in area.

3.4 Heritage

Rights to Alter or Demolish

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

Character Defining Elements

3.4.2 All Character Defining Elements shall be maintained and/or repaired, but not removed without approval from the Municipality. The character defining elements of Clarke-Halliston House include, but are not limited to:

- (a) A 2 ½ storey wood frame structure with hipped roof;
- (b) Corner turret with a conical rounded roof topped with a finial and vertical half division wood framed window;
- (c) A five-sided central dormer with vertically oriented half sash wood framed windows;
- (d) Front central doorway;
- (e) Covered veranda with fluted pilasters on either side of the steps;
- (f) Corbel details in the turret and chimney; and
- (g) Lintels separating the floors.

Non-Substantial Alterations

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

Maintenance and Preventative Measures

3.4.4 All maintenance and repair of the character defining elements of the Clarke-Halliston House shall be conducted with the approval of the Heritage Planner at the time of permitting, and in accordance with the *Standards and Guidelines for the Conservation of Historic Places in Canada, 2nd ed.*

Archaeological Monitoring and Protection

3.4.5 The Lands fall within the High Potential Zone for Archaeological Sites identified by the Province of Nova Scotia. The Developer shall contact the Coordinator of Special Places of the Nova Scotia Department of Communities, Culture and Heritage prior to any disturbance of the Lands.

3.5 Siting of Buildings

- 3.5.1 The New Addition shall be sited on the Lands as shown on Schedule B.
- 3.5.2 The front wall of the New Addition, not including the window well, shall not be closer to the street line than the front wall of the Clarke-Halliston House.
- 3.5.3 Where no side yard setbacks are required, they are subject to a detailed review by the Development Officer and Building Official to ensure compliance with all relevant building codes and by-laws.
- 3.5.4 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.
- 3.5.5 The Development Officer may permit unenclosed structures attached to the Clarke-Halliston House such as verandas, decks, porches, steps, and mobility ramps to be located within the required minimum front and side yards, in conformance with the provisions of the applicable Land Use By-law, as amended from time to time.

3.6 Architectural Requirements

- 3.6.1 Architectural form and treatment of the New Addition shall be consistent with Schedules C1, C2, C3, and C4.
- 3.6.2 Exterior building materials shall be as shown on Schedules C1, C2, C3, and C4, and shall not include vinyl siding, plastic, plywood, concrete block, and EIFS (exterior insulation and finish systems).
- 3.6.3 All vents, down spouts, flashing, electrical conduits, metres, service connections, and other functional elements shall be screened and 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.
- 3.6.4 All roof mounted mechanical or telecommunication equipment shall be visually integrated into the roof design or screened from view from the public right of way.

3.7 Parking

No on-site parking shall be required for residents or visitors.

3.8 Outdoor Lighting

- 3.8.1 Lighting shall be directed to the building entrances and walkways, or to accentuate the architectural features of the Clarke-Halliston House and New Addition.
- 3.8.2 All exterior lighting shall be arranged to divert the light away from streets, adjacent lots and buildings.

3.9 Landscaping

- 3.9.1 All portions of the Lands not included in the building footprints, walkways or driveways be grassed or landscaped as shown on Schedule B.

3.9.2 The Developer shall maintain and keep in good repair all portions of the Lands, including but not limited to, fencing, walkways, recreational amenities, hard-surfaced areas, 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.

3.9.3 All disturbed areas of the Lands shall be reinstated to original condition or better.

3.10 Screening

Propane tanks, oil tanks, natural gas meters and mechanical equipment (including HVAC) shall be located on the Lands in such a way as to ensure minimal visual impact and, where necessary, shall be visually screened from neighbouring residential properties and the public street by opaque fencing or landscape features.

PART 4: STREETS AND MUNICIPAL SERVICES

4.1 General Provisions

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

4.2 Off-Site Disturbance

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

4.3 Solid Waste Facilities

Refuse and Recycling containers shall be screened from public view and neighbouring properties, where necessary, by means of opaque fencing or masonry walls with suitable landscaping.

PART 5: AMENDMENTS

5.1 Non-Substantive Amendments

The following items are considered by both parties to be non-substantive and may be amended by resolution of Council.

- (a) Changes to Schedules B, C1, C2, C3, and C4 of this Agreement, that do not reduce the setback from either the front and rear property line or the Clarke-Halliston House;
- (b) The granting of an extension to the date of commencement of construction as identified in Section 6.3 of this Agreement; and
- (c) The length of time for the completion of the development as identified in Section 6.4 of this Agreement.

5.2 Substantive Amendments

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

PART 6: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

6.1 Registration

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

6.2 Subsequent Owners

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

6.3 Commencement of Development

- 6.3.1 In the event that development on the Lands has not commenced within three (3) years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Lands shall conform with the provisions of the Land Use By-law.
- 6.3.2 For the purpose of this section, commencement of development shall mean the issuance of a Development Permit.
- 6.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 5.1, if the Municipality receives a written request from the Developer at least sixty calendar days prior to the expiry of the commencement of development time period.

6.4 Completion of Development

- 6.4.1 Upon the completion of the whole 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; or
 - (c) discharge this Agreement.
- 6.4.2 For the purpose of this section, completion of development shall mean the issuance of the Occupancy Permit.
- 6.4.3 In the event that development on the Lands has not been completed within five (5) years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Lands shall conform with the provisions of the Land Use By-law.

6.5 Discharge of Agreement

If the Developer fails to complete the development after five (5) years from the date of registration of this Agreement at the Registry of Deeds or 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 7: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

7.1 Enforcement

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

7.2 Failure to Comply

If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer sixty 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 Name of Corporation/Business LTD.]

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

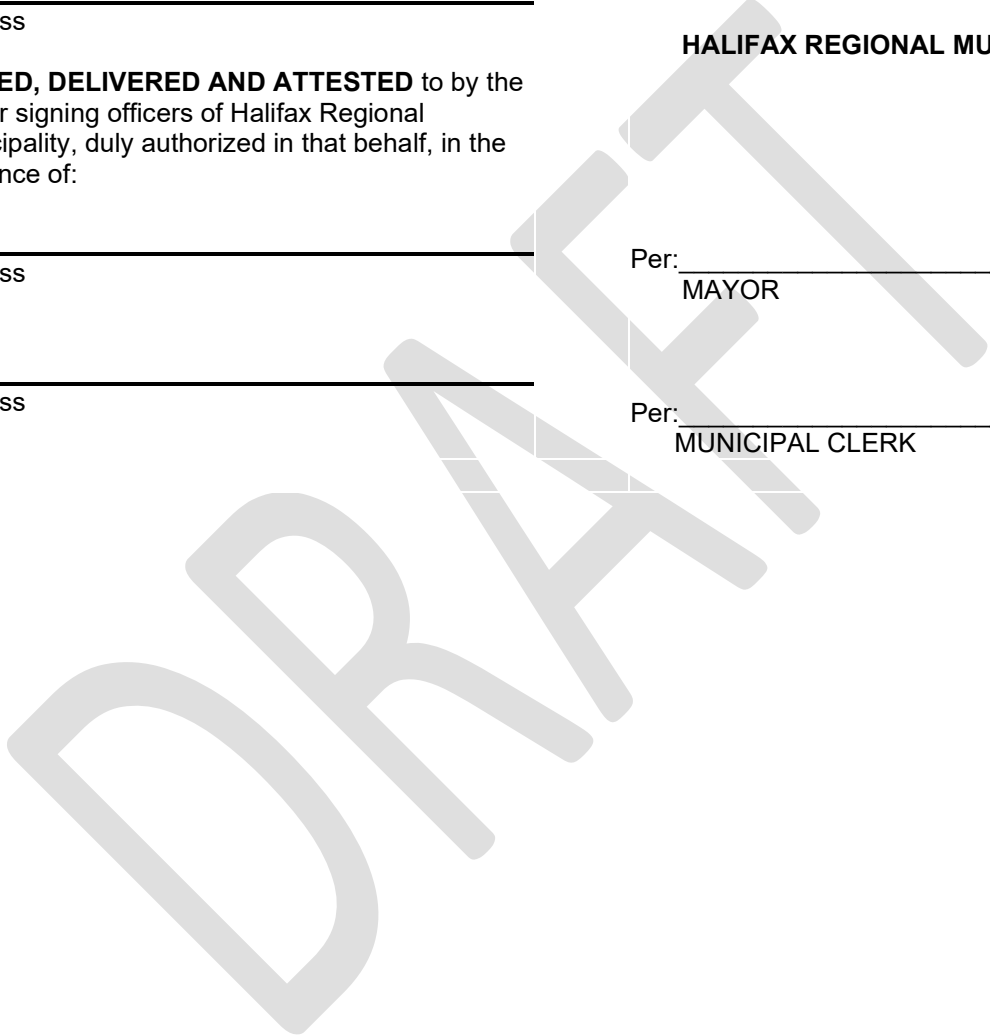
Per: _____

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

A Commissioner of the Supreme Court
of Nova Scotia

**Attachment B
Review of Relevant Policies**

REGIONAL MUNICIPAL PLANNING STRATEGY

CHAPTER 7: CULTURAL AND HERITAGE RESOURCES	
7.3 Protection of Heritage Resources	
Policy	Staff Comment
<p>CH-5 <i>HRM shall consider the retention, preservation, rehabilitation and restoration of those buildings, public building interiors, streetscapes, cultural landscapes, areas and districts of historic, architectural or cultural value in both urban and rural areas and encourage their continued use.</i></p>	<p>The existing registered heritage building, the Clarke-Halliston House, will be preserved. A 1994 enclosed stairway will be altered. The addition will be attached to the heritage building by the altered stairway. All other parts of the exterior of the Clarke-Halliston House will be preserved.</p>
7.3.5 Conservation-Standards & Guidelines	
Policy	Staff Comment
<p><i>Policy CH-14 HRM shall adopt the Standards & Guidelines for the Conservation of Historic Places in Canada, 2nd Edition (hereinafter referred to as the Standards & Guidelines) in place of its existing Heritage Building Conservation Standards and amend the Heritage Property Bylaw, Barrington Street Heritage Conservation District Bylaw, Downtown Halifax Secondary Municipal Planning Strategy, Downtown Halifax Land Use Bylaw, and other secondary planning strategies, and land use bylaws, as necessary, to effect this change. Furthermore:</i></p> <p>a) <i>The Standards set out in the Standards & Guidelines shall be used to evaluate any proposed alteration to any registered heritage property or to any property in a heritage conservation district or cultural landscape and the Guidelines set out in the Standards & Guidelines shall be used to interpret and apply the Standards.</i></p> <p>b) <i>Where substantial alterations are proposed to a registered heritage property by development agreement,</i></p>	<p>a) The Guidelines have been used to evaluate the addition to the existing Clarke-Halliston House. They have been used to interpret and apply the standards and they are listed in the following section.</p> <p>b) The proposal is an addition to the Clarke-Halliston House. It will necessitate very little change to the Clarke-Halliston House. The project has also been reviewed with the relevant Policies of the Halifax Secondary Municipal Planning Strategy and the South End Area Plan Objectives and Policies. The reviews are listed in the following sections.</p> <p>c) The addition will not substantially alter the Clarke-Halliston House. The only part of the Clarke-Halliston house which will be altered is a 1994 enclosed stairwell. No character defining elements on the Clarke-Halliston House will be removed.</p>

<p><i>the Standards & Guidelines shall be considered in addition to the criteria established by the policies guiding the development agreement under the applicable secondary planning strategy; and</i></p> <p>c) <i>In Heritage Conservation Districts and Cultural Landscapes, the Standards & Guidelines may be supplemented by additional area-specific design criteria which respond to particular heritage values or character-defining features of the district or landscape.</i></p>	
<p>7.4 Development Abutting Registered Heritage Properties</p>	
<p>Policy</p>	<p>Staff Comment</p>
<p><i>CH-16 For lands abutting federally, provincially or municipally registered heritage properties, HRM shall, when reviewing applications for development agreements, rezonings and amendments pursuant to secondary planning strategies, or when reviewing the provision of utilities for said lands, consider a range of design solutions and architectural expressions that are compatible with the abutting federally, provincially or municipally registered heritage properties by considering the following:</i></p> <p>a) <i>the careful use of materials, colour, proportion, and rhythm established by surface and structural elements should reinforce those same aspects of the existing buildings;</i></p> <p>b) <i>ensuring that new development is visually compatible with yet distinguishable from the abutting registered heritage property. To accomplish this, an appropriate balance must be struck between mere imitation of the abutting building and pointed contrast, thus complementing the abutting registered heritage property in a</i></p>	<p>The new design is complementary to neighbouring heritage properties in the following manor:</p> <ul style="list-style-type: none"> • The use of materials that complement the existing heritage buildings in the neighbourhood; • The window proportion and rhythm is compatible with those on the Clarke-Halliston House; • The front-yard setback of the addition is equal to that of the Clarke-Halliston House on the property; • The height of the addition is subordinate to the existing heritage building; and • The roof pitch of the addition matches the pitch of the dormers on the existing heritage house. <p>a) The use of material, colour and window proportions and rhythm on the addition reinforces those same aspects on the existing heritage building;</p> <p>b) the material, colour and proportions make the addition visually compatible with the Clarke-Halliston House. The street setback matches the setback of the existing heritage building on the</p>

<p>manner that respects its heritage value;</p> <p>c) ensuring that new developments respect the building scale, massing, proportions, profile and building character of abutting federally, provincially or municipally registered heritage structures by ensuring that they:</p> <ul style="list-style-type: none"> i) incorporate fine-scaled architectural detailing and human-scaled building elements. ii) reinforce, the structural rhythm (i.e., expression of floor lines, structural bays, etc.) of abutting federally, provincially or municipally registered heritage properties; and iii) any additional building height proposed above the pedestrian realm mitigate its impact upon the pedestrian realm and abutting registered heritage properties by incorporating design solutions, such as stepbacks from the street wall and abutting registered heritage properties, modulation of building massing, and other methods of massing articulation using horizontal or vertical recesses or projections, datum lines, and changes in material, texture or colour to help reduce its apparent scale; <p>d) the siting of new developments such that their footprints respect the existing development pattern by:</p> <ul style="list-style-type: none"> i) physically orienting new structures to the street in a similar fashion to existing 	<p>property. The new addition will be compatible with the existing buildings in the neighbourhood as exterior material, window proportions and rhythm will be combatable. Furthermore, the pitch of the roof will be similar to the pitch of many of the dormers on the existing heritage buildings on the property and on buildings along Inglis Street. The simple and contemporary shape of the addition as well as the clean lines distinguishes it from abutting registered heritage properties.</p> <p>c) The addition respects scale, massing, profile and building character in the following manor:</p> <ul style="list-style-type: none"> i) It incorporates siding materials that complements the existing shingles on the neighbouring buildings. The height of the building is equal or subordinate to the existing heritage building on the property. ii) The trim boards match those of the Clarke-Halliston House. Vertical windows are similar to those on the existing heritage building. The floor lines reinforce the structural rhythm; and iii) The height of the addition is less than the existing heritage building on the property. The street setback of the addition is equal to that of the Clarke-Halliston House. <p>d) The sighting of the addition respects the development pattern:</p> <ul style="list-style-type: none"> i) Both the Clarke-Halliston House and the new addition face South Park Street. The setback of the addition is equal to that of Clarke-Halliston House on the property which preserves a consistent street wall with other neighbouring buildings.
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<p>federally, provincially or municipally registered heritage structures to preserve a consistent street wall; and</p> <p>ii) respecting the existing front and side yard setbacks of the street or heritage conservation district including permitting exceptions to the front yard requirements of the applicable land use by-laws where existing front yard requirements would detract from the heritage values of the streetscape;</p> <p>e) not unreasonably creating shadowing effects on public spaces and heritage resources;</p> <p>f) complementing historic fabric and open space qualities of the existing streetscape;</p> <p>g) minimizing the loss of landscaped open space;</p> <p>h) ensuring that parking facilities (surface lots, residential garages, stand-alone parking and parking components as part of larger developments) are compatible with abutting federally, provincially or municipally registered heritage structures;</p> <p>i) placing utility equipment and devices such as metering equipment, transformer boxes, power lines, and conduit equipment boxes in locations which do not detract from the visual building character or architectural integrity of the heritage resource;</p> <p>j) having the proposal meet the heritage considerations of the appropriate Secondary Planning</p>	<p>ii) The proposed addition maintains the same street setback as the existing heritage building on the property. The setback between buildings on the property complements the proximity of existing buildings along Inglis Street and are therefore consistent with the streetscape. The addition is no closer to rear lot line than the heritage building on the property. The distance of the addition from the street line is also in keeping with the buildings along Inglis Street.</p> <p>e) The addition will be two and a half storeys and would therefore not create unreasonable shadowing.</p> <p>f) The addition will be set back from the street line in the same manor as the existing heritage building on the property giving continuity to the streetscape. The addition will be located over an existing parking area. The courtyard between the existing heritage building and the addition will be landscaped.</p> <p>g) The lot coverage of the property will increase, however the addition will be located on an existing parking area in the side yard. The remaining area between the addition and the Clarke-Halliston House will be landscaped.</p> <p>h) The property will not contain any parking.</p> <p>i) The development agreement includes a clause that regulates the location and appearance of utility equipment so that it is screened from the public right-of-way and does not detract from the character or integrity of the heritage streetscape.</p> <p>j) Heritage and urban design considerations of the Halifax SMPS are addressed herein.</p>
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<p>k) Strategy, as well as any applicable urban design guidelines; and any applicable matter as set out in Policy G-14 of this Plan.</p>	<p>k) Policy G-14 (pertaining to Regional Plan amendments requiring subsequent amendments to other planning documents for consistency), does not apply in this case.</p>
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THE STANDARDS AND GUIDELINES FOR THE CONSERVATION OF HISTORIC PLACES IN CANADA, 2nd EDITION

PRIMARY TREATMENT: PRESERVATION			
<i>Preservation is the action or process of protecting, maintaining, and/or stabilizing the existing materials, form, and integrity of an historic place, or of an individual component, while protecting the heritage value.</i>			
STANDARDS 1-9	Complies	N/A	Discussion
1. Conserve the <i>heritage value</i> of an <i>historic place</i> . Do not remove, replace or substantially alter its intact or repairable <i>character-defining elements</i> . Do not move a part of an historic place if its current location is a character-defining element.	X		The enclosed stairwell added in 1994 will be altered. The enclosed stairwell is not considered a character defining element. The character-defining elements on the existing heritage building are to remain intact or be repaired.
2. Conserve changes to historic places that, over time, have become <i>character-defining elements</i> in their own right.	X		The only part of the existing heritage building to be altered is an enclosed staircase, constructed in 1994, which is not considered a character defining element.
3. Conserve <i>heritage value</i> by adopting an approach calling for <i>minimal intervention</i> .	X		The addition will necessitate very little change to the Clarke-Halliston House. The only alteration to the municipally registered heritage building will be a staircase constructed in 1994 which has no heritage value.
4. Recognize each <i>historic place</i> as a physical record of its time, place and use. Do not create a false sense of historical development by adding elements from other historic places or other properties, or by combining features of the property that never coexisted.	X		The existing heritage building will not have its character defining elements altered. The Development Agreements also prohibits any alterations to the building without approval from the municipality.
5. Find a use for an <i>historic place</i> that requires minimal or no change to its <i>character-defining elements</i> .	X		Interior alteration to the existing heritage building will not produce any exterior changes to the character-defining elements.

<p>6. Protect and, if necessary, stabilize an <i>historic place</i> until any subsequent <i>intervention</i> is undertaken. Protect and preserve archaeological resources in place. Where there is potential for disturbing archaeological resources, take mitigation measures to limit damage and loss of information.</p>	<p>X</p>		<p>The property is located within the High Potential Zone for Archaeological Sites identified by the Province. The developer is required to contact the province prior to any disturbance on the property.</p>
<p>7. Evaluate the existing condition of <i>character-defining elements</i> to determine the appropriate <i>intervention</i> needed. Use the gentlest means possible for any intervention. Respect <i>heritage value</i> when undertaking an intervention.</p>		<p>X</p>	
<p>8. Maintain <i>character-defining elements</i> on an ongoing basis. Repair character-defining elements by reinforcing their materials using recognized conservation methods. Replace in kind any extensively deteriorated or missing parts of character-defining elements, where there are surviving <i>prototypes</i>.</p>		<p>X</p>	
<p>9. Make any <i>intervention</i> needed to preserve <i>character-defining elements</i> physically and visually compatible with the <i>historic place</i> and identifiable on close inspection. Document interventions for future reference.</p>		<p>X</p>	

<p>PRIMARY TREATMENT: REHABILITATION</p>			
<p><i>Rehabilitation is the action or process of making possible a continuing or compatible contemporary use of an historic place, or an individual component, while protecting its heritage value.</i></p>			
<p>STANDARDS 10-12</p>	<p>Complies</p>	<p>N/A</p>	<p>Discussion</p>
<p>10. Repair rather than replace <i>character-defining elements</i>. Where character-defining elements are too severely deteriorated to repair, and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound</p>		<p>X</p>	

versions of the same elements. Where there is insufficient physical evidence, make the form, material and detailing of the new elements compatible with the character of the <i>historic place</i> .			
11. Conserve <i>heritage values</i> and <i>character-defining elements</i> when creating new additions to an <i>historic place</i> or any related new construction. Make new work physically and visually compatible with, subordinate to and distinguishable from the historic place.	X		<p>The existing registered heritage building will be preserved. A 1994 enclosed stairway will be altered. The addition will be attached to the existing Clarke-Halliston House by the altered stairway. All other parts of the exterior of the Clarke-Halliston House will be preserved.</p> <p>The addition will complement the Clarke-Halliston House through its general form, articulation, window patterns and materials, while its simplified design and muted colours will ensure it is distinguishable from, and subordinate to the Clarke-Halliston House.</p>
12. Create any new additions or related new construction so that the essential form and integrity of an <i>historic place</i> will not be impaired if the new work is removed in the future.	X		The addition will be attached to the Clarke-Halliston House by a stairwell. If the addition was to be removed it would not impair the form or integrity of the registered heritage building.

HALIFAX SECONDARY MUNICIPAL PLANNING STRATEGY

SECTION II - CITY-WIDE OBJECTIVES AND POLICIES	
2. Residential Environments	
Policy	Staff Comment
Policy 2.1.1 <i>On the Peninsula, residential development should be encouraged through retention, rehabilitation and infill compatible with existing neighbourhoods; and the City shall develop the means to do this through the detailed area planning process.</i>	The undeveloped area on the property provides an opportunity for infill development in an established residential neighbourhood. The proposed addition has been designed to be compatible with the character of the registered heritage building on the property as well as the streetscape along Inglis Street.
Policy 2.2	The proposed development will be a two and a half storey addition with 6 residential units.

<p><i>The integrity of existing residential neighbourhoods shall be maintained by requiring that any new development which would differ in use or intensity of use from the present neighbourhood development pattern be related to the needs or characteristics of the neighbourhood and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</i></p>	<p>The height of the addition is modelled to reflect the height and proportions of the abutting heritage buildings within the heritage streetscape. The neighbourhood contains a range of residential uses from single unit dwellings to large multiple unit dwellings.</p> <p>Policy 3.1 – N/A Policy 3.2 – N/A</p>
<p>Policy 2.4 <i>Because the differences between residential areas contribute to the richness of Halifax as a city, and because different neighbourhoods exhibit different characteristics through such things as their location, scale, and housing age and type, and in order to promote neighbourhood stability and to ensure different types of residential areas and a variety of choices for its citizens, the City encourages the retention of the existing residential character of predominantly stable neighbourhoods, and will seek to ensure that any change it can control will be compatible with these neighbourhoods.</i></p>	<p>The Clarke-Halliston House is a municipally registered heritage property. It abuts other municipally registered heritage properties as well as a registered heritage streetscape. The addition reflects the proportions and massing of the existing heritage building in the neighbourhood. The area has varied housing types ranging from multiple residential units to single unit dwellings. The proposal is in keeping with scale, density and land uses in the area.</p>
<p>Policy 2.4.1 <i>Stability will be maintained by preserving the scale of the neighbourhood, routing future principal streets around rather than through them, and allowing commercial expansion within definite confines which will not conflict with the character or stability of the neighbourhood, and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</i></p>	<p>The proposed building is consistent with the height and scale of development in the surrounding area and does not contain commercial uses.</p> <p>Policy 3.1 – N/A Policy 3.2 – N/A</p>
<p>Policy 2.6 <i>The development of vacant land, or of land no longer used for industrial or institutional purposes within existing residential neighbourhoods shall be at a scale and for uses compatible with these neighbourhoods, in accordance with this Plan and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</i></p>	<p>The southern side yard of the property is presently vacant. Comparable medium density residential development currently exists in the area. The height and massing of the addition will be a compatible with the low to medium-density buildings in the neighbourhood.</p> <p>Policy 3.1 – N/A Policy 3.2 – N/A</p>
<p>Policy 2.7</p>	

<p><i>The City should permit the redevelopment of portions of existing neighbourhoods only at a scale compatible with those neighbourhoods.</i></p> <p><i>The City should attempt to preclude massive redevelopment of neighbourhood housing stock and dislocations of residents by encouraging infill housing and rehabilitation.</i></p> <p><i>The City should prevent large and socially unjustifiable neighbourhood dislocations and should ensure change processes that are manageable and acceptable to the residents. The intent of this policy, including the manageability and acceptability of change processes, shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</i></p>	<p>The height and the massing of the addition is compatible with the buildings in the neighbourhood.</p> <p>The existing heritage building on the property will be maintained. The addition is considered an infill.</p> <p>The addition will be of a scale compatible with surrounding buildings.</p> <p>Policy 3.1 – N/A Policy 3.2 – N/A</p>
<p>Policy 2.10 <i>For low and medium density residential uses, controls for landscaping, parking and driveways shall ensure that the front yard is primarily landscaped. The space devoted to a driveway and parking space shall be regulated to ensure that vehicles do not encroach on sidewalks.</i></p>	<p>No parking is proposed for the property. All interior courtyard space between the existing building and the addition will be landscaped. Furthermore, the front yard along South Park Street will be landscaped.</p>
6. Heritage Resources	
Policy	Staff Comment
<p>Policy 6.1 <i>The City shall continue to seek the retention, preservation, rehabilitation and/or restoration of those areas, sites, streetscapes, structures, and/or conditions such as views which impart to Halifax a sense of its heritage, particularly those which are relevant to important occasions, eras, or personages in the histories of the City, the Province, or the nation, or which are deemed to be architecturally significant. Where appropriate, in order to assure the continuing viability of such areas, sites, streetscapes, structures, and/or conditions, the City shall encourage suitable re-uses.</i></p>	<p>The Clarke-Halliston House will be maintained. The addition will compliment the heritage character of the Clarke-Halliston House as well as the registered heritage streetscape along Inglis Street. The construction of the addition will bring additional revenue which will assure the continuing viability of the Clarke-Halliston House</p>
<p>Policy 6.4 <i>The City shall attempt to maintain the integrity of those areas, sites, streetscapes,</i></p>	<p>The addition will complement the heritage characteristics of the Clarke-Halliston House as well as the registered heritage streetscape</p>

<p><i>structures, and/or conditions which are retained through encouragement of sensitive and complementary architecture in their immediate environs.</i></p>	<p>along Inglis Street. The addition reflects the proportions and massing of abutting heritage buildings. Vertical windows, cornice lines and architectural elements match that of the rhythm of existing buildings in the area. Cornice height, rhythm of bays, and floor lines reinforce the structural rhythm.</p>
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<p>Policy 6.8 <i>In any building, part of a building, or on any lot on which a registered heritage building is situated, the owner may apply to the City for a development agreement for any development or change in use not otherwise permitted by the land use designation and zone subject to the following considerations:</i></p> <ul style="list-style-type: none"> <i>i) that any registered heritage building covered by the agreement shall not be altered in any way to diminish its heritage value;</i> <i>ii) that any development must maintain the integrity of any registered heritage property, streetscape or conservation area of which it is part;</i> <i>iii) that any adjacent uses, particularly residential use are not unduly disrupted as a result of traffic generation, noise, hours of operation, parking requirements and such other land use impacts as may be required as part of a development;</i> <i>iv) that any development substantially complies with the policies of this plan and in particular the objectives and policies as they relate to heritage resources.</i> 	<p>The Clarke-Halliston House is a municipally registered heritage property:</p> <ul style="list-style-type: none"> i) Except for a non-character defining 1994 stairwell addition which will be altered to accommodate the addition, no part of the Clarke-Halliston House will be altered. ii) The development maintains the integrity of the Clarke-Halliston House as well as the abutting registered heritage streetscape in its form and character including windows, materials, massing and detailing which complement the Clarke-Halliston House. The scale and design are also generally complementary to abutting properties, while distinguishing the new construction as a modern addition through the use of simplified forms, and muted colours. iii) The development does not contain parking. The scale, density, and land-use of the development is generally consistent with the surrounding area. iv) The proposal significantly complies with the policies of this Plan.
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SECTION V - SOUTH END AREA PLAN OBJECTIVES AND POLICIES

1. Residential Environments

Policy	Staff Comment
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Policy 1.1	The undeveloped side yard on the property provides an appropriate opportunity for infill
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<p><i>Residential neighbourhoods shall be maintained and expanded by encouraging retention and rehabilitation of existing structures and units and by permitting new stock through infill and complementary redevelopment.</i></p>	<p>development in an established residential neighbourhood. The proposed addition has been designed to be compatible with the character of the existing heritage building on the property as well as the heritage streetscape along Inglis Street.</p>
<p>Policy 1.1.1 <i>Several forms of infill housing shall be encouraged by the City as appropriate to the diverse physical characteristics of the individual districts and neighbourhoods.</i></p>	<p>The new addition is considered to be infill development. The building would be consistent with the required densities outlined in this Plan for properties located in Medium Density Residential Area.</p>
<p>Policy 1.1.1.1 <i>Forms of infill housing which shall be permitted in the South End include:</i></p> <ul style="list-style-type: none"> a) the interior conversion of existing structures; b) addition to existing structures, either through infilling between existing structures or additions to the rear of existing structures; c) building on vacant lots in the forms prescribed by this Section of the Plan; and d) low-rise housing within the densities prescribed by this Section of the Plan 	<ul style="list-style-type: none"> a) The interior of the Clarke-Halliston House will be converted to 11 residential units. b) The addition will be located to the south of the Clarke-Halliston House and is considered infilling. The existing heritage building on the property fronts South Park Street. The addition will also face South Park Street complementing the streetscape. c) N/A d) This is considered a low-rise development.
<p>Policy 1.3 <i>The City shall encourage the retention and creation of family-type housing accommodation in the South End.</i></p>	<p>Policy 1.4.2.2 describes family-type housing as having a minimum of 800 square feet. Out of a possible 17 units within the development, 8 will be in excess of 800 square feet.</p>
<p>Policy 1.4.2 <i>Areas shown as Medium-Density Residential on the Future Land Use Map of this Plan shall be regarded as residential environments which provide a mix of family and non-family dwelling units in buildings of not more than four storeys. For such areas, the City shall amend its Zoning By-law in accordance with Policies 1.4.2 to 1.4.2.3 inclusive. In any building a minimum of 50 percent of the units shall be family-type dwelling units.</i></p>	<p>Policy 6.8 of the MPS permits appropriate land use flexibility in order to encourage the preservation and retention of heritage assets. The number of dwelling units in excess of 800 square feet within the project is 8 out of 17 total units.</p>
<p>Policy 1.4.2.1</p>	<p>The addition represents a form of infill permitted in Medium-Density Residential areas. The building would be consistent with</p>

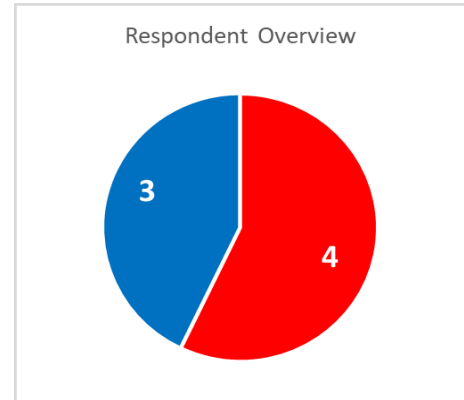
<p><i>The forms of infill housing permitted in Medium Density Residential Areas shall include:</i></p> <ul style="list-style-type: none"> a) interior conversion; b) additions to existing structures; c) infilling between existing structures; and d) small-scale development on vacant lots. 	<p>the densities outlined in this Plan for properties located in Medium-Density Residential Areas.</p> <ul style="list-style-type: none"> a) A permit has been issued to convert the existing heritage building from 4 to 10 units. The Development Agreement will permit up to a total of 11 units within the existing heritage building b) The addition is considered infilling c) This is considered a small-scale development.
<p>Policy 1.4.2.2 <i>In Medium-Density-Residential areas, family type dwelling units shall be a minimum of 800 square feet.</i></p>	<p>All family-type dwelling units within the development are over 800 square feet.</p>
<p>Policy 1.4.2.3 <i>In Medium-Density Residential areas, the City shall not permit any building to be converted or added to such that more than 14 dwelling units are contained within the building.</i></p>	<p>The proposed development will have a maximum of 17 units in total. Policy 6.8 permits development or change of use not otherwise permitted by the land use designation and zone by Development Agreement. Policy 6.8 further requires that any development substantially complies with the policy of this plan.</p>
5. Heritage Resources	
Policy	Staff Comment
<p>Policy 5.1 <i>The City shall continue to seek the retention, preservation, rehabilitation and restoration of areas, streetscapes, buildings, features and spaces in the South End area consonant with the City's general policy stance on heritage preservation (See Section II, Policy Set 6).</i></p>	<p>The proposed development is consistent with Section II, Policy Set 6 of the Municipal Planning Strategy, see above.</p>

Attachment C Engagement Summary

Overview

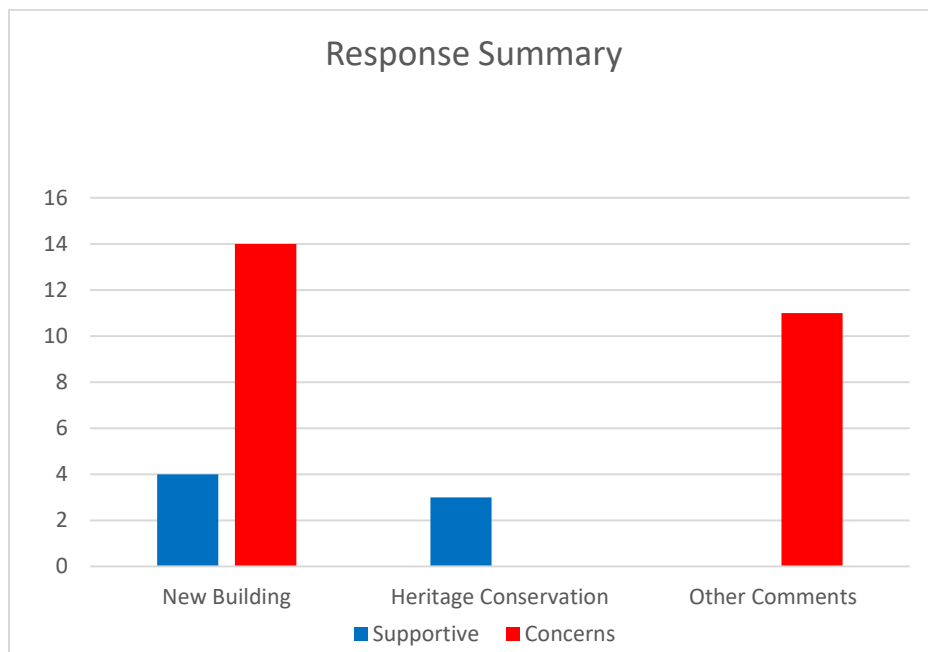
The Heritage Team requested public input on Case 23186 via a mail out and webpage notifications. At the conclusion of the four-week submission period, staff received 7 submissions regarding the applicant's proposed development:

- Three respondents offered **mixed support**; and
- Four respondents **did not support** the proposal
- No respondents were in full support of the proposal



Response Summary

The 7 respondents provided a range of comments and concerns, which are summarized in three categories below:



New Building

Supportive Comments

- One respondent expressed support for the influx of money invested in the upkeep of the heritage building;
- One respondent expressed support for the fact the proposal would maintain the same setback as the existing heritage building;
- One respondent expressed support that the dimensions of the addition are subordinate to the existing heritage building; and

- One respondent liked the walkway and proposed foliage for privacy buffer between the building and sidewalk.

Concerns

- All seven (7) respondents were concerned the project was not in keeping with the historic building on the property. Six (6) of those respondents were additionally concerned the project was not in keeping with the buildings in the area;
- One respondent felt the building was too large;
- A respondent was concerned about the loss of enjoyment due to shadowing of the addition;
- Three respondents were concerned the density was too high; and
- Two respondents had concerns that the rooftop deck would lead to increased noise and loss of privacy as residents could look in their back yard.

Heritage Conservation

Supportive Comments:

- Three respondents expressed support for the proposal as it would maintain the heritage building.

Concerns

- There were no concerns expressed about the conservation of the heritage building.

Other Comments

Supportive Comments

- There were no supportive comments.

Concerns

- Three respondents expressed concerns about the fact there was no on-site parking;
- Three respondents were concerned Rhuland Street would become more congested and street parking would become worse;
- One respondent expressed a concern the building would create more pedestrian and vehicular traffic;
- One respondent expressed concerns about residents using neighbouring driveways to enter/exist new building;
- One respondent expressed concerns about the impact of construction on noise levels, dust, debris and damage to vehicles in neighbouring properties;
- One respondent was concerned it would be conducive to student housing as it was close to university;
- One respondent felt this was skirting the zoning laws by making what is obviously two structures and that by connecting them with a breezeway seemed underhanded.

9.1.2 Case 23186: Development Agreement to allow a multi-unit residential addition to a municipally registered heritage property at 1029 South Park Street, Halifax

The following was before the Committee:

- A staff recommendation report dated May 14, 2021
- A staff presentation dated June 9, 2021

Jenny Lugar stepped away from the meeting.

Paul Boucher, Planner I, Heritage Planning, provided the presentation.

The applicant has proposed the construction of an addition to the Clark Halliston House to create a 17-unit residential building. Boucher shared the site context and zoning and noted that it is part of a municipally registered streetscape. The Committee reviewed details of the proposal and staff stated that the proposed addition does not affect any of the character defining elements of the heritage building. The proposal is being considered under Policy 6.8 of the Halifax Secondary Municipal Planning Strategy. The Standards and Guidelines for the Conservation of Historic Places, in particular standards 11 and 12 also pertain to this application. Boucher shared the results of public engagement noting that some changes were made by the applicant in response to the public's feedback, specifically in the building materials being used. The Development Agreement process for a heritage application was reviewed.

Boucher confirmed that section 6.8 of the Municipal Planning Strategy allows for no parking onsite. There is ample parking in the area for residents to access. The Committee considered the design of the addition and its relationship to Clark Halliston House. None of the Queen Ann features had been considered; the triangular windows and banding compliment the existing building design and shows a modern interpretation of the original house. It was noted that a larger setback may soften the contrast between the structures.

MOVED by Councillor Stoddard, seconded by Sandra Nowlan

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

- 1. Give notice of motion to consider the proposed development agreement, as set out in Attachment A of the May 14, 2021 report, to allow a two and a half storey multi-unit residential addition to an existing heritage building located at 1029 South Park Street and schedule a public hearing;**
- 2. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A; and**
- 3. Require the development agreement be signed by the property owner within 240 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.

Jenny Lugar rejoined the meeting at this time.