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Item 10.1.2

Public Hearing

PLANAPP-2023-00991

Heritage Development Agreement:

86 Ochterloney Street, Dartmouth

Harbour East - Marine Drive Community Council

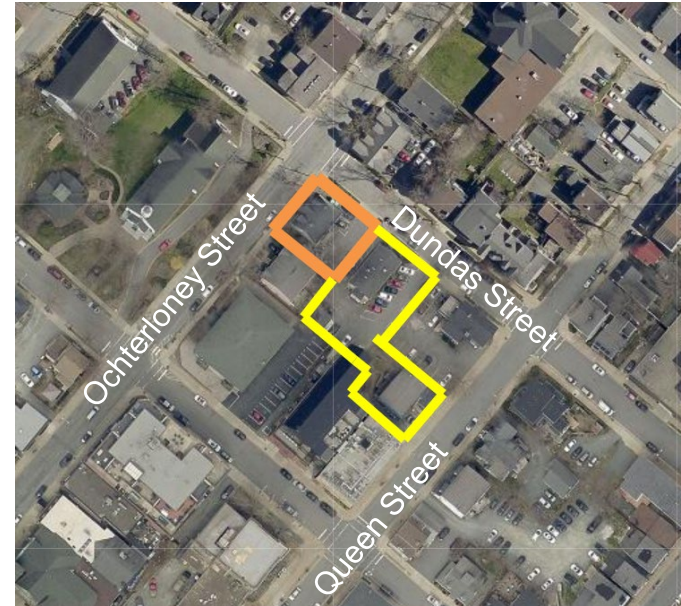
Proposed Development

Applicant: Zzap Consulting (on behalf of the property owner)

Location: 86 Ochterloney Street, Dartmouth (George Shields House; also includes 61 Queen Street (building), and 39 (vacant lot) and 43-45 Dundas Street (building)

Proposal: Enable the construction of a 15-storey plus penthouse mixed-use building behind the registered heritage property located at 86 Ochterloney Street, Dartmouth

Type of Application: Heritage Development Agreement



86 Ochterloney Street identified in **orange** with other properties subject to DA identified in **yellow**

Site Context



86 Ochterloney Street to the right and 43-45 Dundas Street to the left



Site Context



61 Queen Street (to be rehabilitated)



43-45 Dundas Street (to be demolished)

Substantial Alteration

On November 12, 2024, Regional Council approved a substantial alteration to the property at 86 Ochterloney Street, which included:

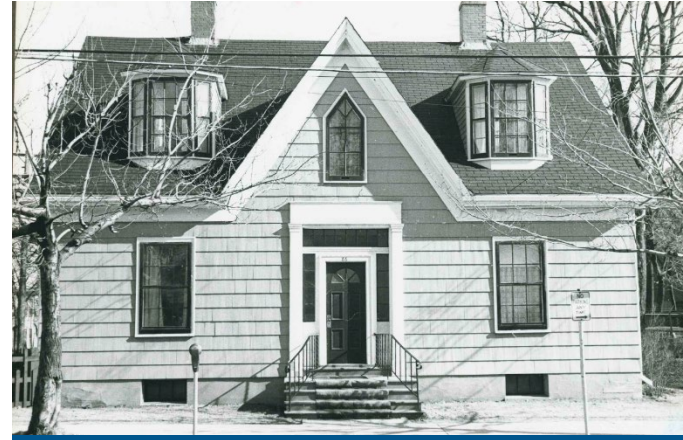
- Infill of unoriginal windows on the south and east elevations:
- One new window opening on the east elevation to reintroduce symmetry;
- Removal of a small addition on the south elevation; and
- Construct a 72.96-metre-high mixed-use development.



Rendering of 86 Ochterloney Street

Heritage Property Summary

- George Shiels House is a one-and-a-half storey, vernacular Gothic Revival style residence.
- Character defining elements include, but not limited to:
 - Steeply pitched gable with centre pointed window flanked by two Scottish dormers on the north elevation;
 - Steeply pitched gable with centre pointed window on the south elevation;
 - Partial above-ground rubblestone foundation;
 - Wood shingle cladding; and
 - Six-over-six windows with moulded trim.



George Shiels House ca. 1974

Heritage Development Agreement Process



Planning Overview



Municipal Sewer and/or Water: Yes



Zone: DD (Downtown Dartmouth)



Designation: Downtown



Existing Use: Mixed (Commercial/Residential/Vacant)



Enabling Policy: CHR-7

Policy Consideration

Enabling Policy CHR-7:

This policy enables Council to consider a development agreement on a registered heritage property for uses or forms not otherwise permitted, with certain conditions.

- Heritage value is maintained; no registered heritage buildings are demolished;
- Impacts on adjacent uses (traffic, noise, parking, etc.) are minimized;
- New construction/additions respect surrounding streetwall height, setbacks, scale, and rhythm;
- Proposal meets wind, shadow, view, and bonus zoning requirements; and,
- Unregistered historic buildings that contribute to character are preserved.

Proposal

- Rehabilitation of the George Shields House at its current location on Ochterloney Street
- Rehabilitation of the unregistered building at 61 Queen Street at its current location
- Demolition of the existing residential building at 43-45 Dundas Street



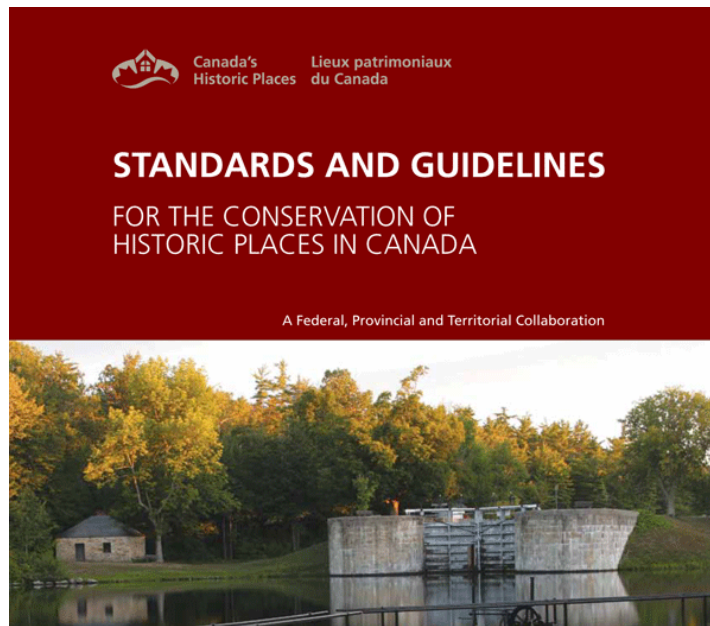
Proposal

- Consolidation of 86 Ochterloney Street, 61 Queen Street, 39 Dundas Street, and 43-45 Dundas Street into a single lot
- Construction of a new 15-storey plus penthouse mixed-use building at the current location of the residential building at 43-45 Dundas Street and the vacant property at 39 Dundas Street



Standards and Guidelines Analysis

- All character-defining elements of the George Shields House has been retained and rehabilitated; unregistered historic building at 61 Queen Street to be rehabilitated
- Minimal intervention approaches have been applied (e.g., no physical connection to heritage building)
- New construction designed to incorporate compatible building materials (clapboard siding, corner boards) and similar setback to heritage building
- Based on the conservation of character-defining elements, setbacks, and materials, the proposal satisfies Standards 1 through 12



Public Engagement Feedback

Notifications Mailed



237

Individual Calls/Emails



3

Webpage Views



878

Public Information Mtg.



25

Level of engagement completed was consultation achieved through a mail out notification and a public open house (January 15, 2024).

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Public Engagement Feedback

- Feedback from the community included supportive comments regarding:
 - Increasing housing units and types
- Feedback from the community also included concerns such as:
 - Construction impacts, heritage development agreement policy, and tree retention

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Development Agreement

- A construction mitigation plan must be provided at the permitting stage
- A tree protection plan must be accepted by HRM Urban Forestry
- Includes building and architectural requirements to align with policy (e.g., two-storey podium height on new construction, clapboard that is compatible with heritage building, etc.)



South Elevation (Left) & North Elevation (Right)

Non-Substantive Amendments

A 'Non-Substantive Amendment' is a change to the agreement which can be made without a formal Public Hearing. The Development Officer or Community Council could authorize this change by resolution. These include:

- Changes to Schedules B, D, and E that:
 - Do not affect Existing Buildings or conflict with Agreement text;
- New Construction height or width increases by no more than two percent;
- Setbacks decreased by no more than two percent; and
- Granting of extensions for construction start date or completion time.

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Staff Recommendation

The staff recommendation contained in the staff report was arrived at after a detailed analysis of all relevant policies in the Regional and local Municipal Planning Strategies.

Staff recommend that Harbour East - Marine Drive Community Council:

1. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A; 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.

Thank You

Elizabeth Cushing, LPP, MCIP, CAHP



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