



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

**Item No. 10.1.1**  
**Halifax & West Community Council**  
**July 13, 2021**  
**August 24, 2021**

**TO:** Chair Lindell Smith and Members of Halifax & West Community Council

**SUBMITTED BY:** *Original Signed*  
\_\_\_\_\_  
For Jenny Lugar, Chair, Heritage Advisory Committee

**DATE:** June 24, 2021

**SUBJECT:** **Case 22115: Development Agreement to Allow a Multi-Unit Residential Building on a Registered Heritage Property at 2438 Gottingen Street, Halifax**

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**ORIGIN**

June 23, 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**

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 June 15, 2021 report, to allow a thirteen storey, multi-unit residential building to be built on a registered heritage property located at 2438 Gottingen Street, Halifax and schedule a public hearing;
2. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A of the June 15, 2021 report; 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 June 15, 2021, at a June 23, 2021 special meeting of the Committee respecting Case 22115.

For further information on the background of this item, refer to the staff report dated June 15, 2021.

## **DISCUSSION**

The Heritage Advisory Committee reviewed the June 15, 2021 staff report and received a staff presentation at a June 23, 2021 special meeting.

Following a discussion of the item, the Committee approved the recommendation as outlined in the "Recommendation" portion of this report. The Heritage Advisory Committee approved the staff recommendation outlined above.

For further discussion on this item, refer to the staff report dated June 15, 2021 (Attachment 1) and draft minutes from the June 23, 2021 special meeting of the Committee respecting Case 22115 (Attachment 2).

## **FINANCIAL IMPLICATIONS**

Refer to the staff report dated June 15, 2021.

## **RISK CONSIDERATION**

Refer to the staff report dated June 15, 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 June 15, 2021.

### **ENVIRONMENTAL IMPLICATIONS**

Refer to the staff report dated June 15, 2021.

### **ALTERNATIVES**

The Committee did not discuss alternatives. Refer to the staff report dated June 15, 2021.

### **ATTACHMENTS**

**Attachment 1** – Staff Recommendation Report dated June 15, 2021

**Attachment 2** – Extract from the draft minutes from the June 23, 2021 special meeting of the Committee respecting Case 22115.

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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

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P.O. Box 1749  
Halifax, Nova Scotia  
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**Item No. 9.1.2**  
**Heritage Advisory Committee**  
**Special Meeting**  
**June 23, 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:** June 15, 2021

**SUBJECT:** **Case 22115: Development Agreement to Allow a Multi-Unit Residential Building on a Registered Heritage Property at 2438 Gottingen Street, Halifax**

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**ORIGIN**

An application by Fathom Studios for a development agreement at 2438 Gottingen 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 thirteen storey, multi-unit residential building to be built on a registered heritage property located at 2438 Gottingen Street, Halifax and schedule a public hearing;
2. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A; 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**

Fathom Studios, on behalf of the property owner 3273986 Nova Scotia Limited, has applied to enter into a development agreement to construct a thirteen storey multi-unit residential building in the rear yard of a municipally registered heritage property at 2438 Gottingen 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 designation and zone, specifically for registered heritage properties, to encourage the retention, conservation and viability of those properties.

|   |   |
|---|---|
| <b>Subject Site</b>                       | 2438 Gottingen Street, Halifax (PID 00148791)   |
| <b>Location</b>                           | The subject property is located mid-block on Gottingen Street, Halifax between Charles Street and Buddy Daye Street, with a secondary frontage on Creighton Street. |
| <b>Regional Plan Designation</b>          | Urban Settlement  |
| <b>Community Plan Designation (Map 1)</b> | High Density Residential (HDR) Designation*   |
| <b>Zoning (Map 2)</b>                     | Residential Multiple-Dwelling (R-3) Zone**  |
| <b>Size of Site</b>                       | Approx. 3200 s/m (35,000 s/f)   |
| <b>Street Frontage</b>                    | Approx. 47 m (153 ft.) on Gottingen Street<br>Approx. 35 m (110 ft.) on Creighton Street  |
| <b>Current Land Use(s)</b>                | thirteen-unit residential building.   |
| <b>Surrounding Use(s)</b>                 | A variety of residential uses, including single-unit dwellings, duplexes, townhouses and large multi-unit dwellings.  |

\*This is the future land use designation for the subject property under the Halifax SMPS which was still in effect for the subject property at the time of application and which has since been replaced by the Regional Centre SMPS.

\*\*This is the zoning for the property under the Halifax Peninsula Land Use By-law, which was still in effect for the subject property at the time of application. It now falls under the Regional Centre Land Use By-law.

## **Proposal Details**

The existing municipally registered heritage property (Victoria Hall) presently contains thirteen dwelling units. The applicant is seeking to construct a thirteen storey, multi-unit building containing up to 130 dwelling units to the west of the existing heritage building as per Schedule B of the Development Agreement. The applicant is also seeking to add several additional units to Victoria Hall for a maximum total of 160 units on the property. Victoria Hall will be altered and rehabilitated as part of the development, in-keeping with the March 9, 2021 approval by Regional Council for a substantial alteration under the *Heritage Property Act*.

## **Heritage Planning**

This property contains a Late Victorian institutional building known as Victoria Hall. The main portion of the building was built in 1885 and designed in the Second Empire style by renowned Halifax Architect Henry Busch. A utilitarian addition at the rear of the building designed in the Late Victorian Plain style by Herbert Gates was built in 1904, and a subsequent addition by Sydney P. Dumaresq matching the main building was built in 1914. The institution was created in 1862 in response to the growing need for elder-care, specifically for aging widows and single women in Halifax. The property was sold to the current owner in 2013 and converted into an apartment building.

On March 9, 2021, Regional Council approved a substantial alteration to Victoria Hall<sup>1</sup>, which included removing the rear wing, constructing a 13 storey building in the rear of the property, and completing a significant rehabilitation of the exterior of Victoria Hall (See Schedule E of the Development Agreement). The Heritage Advisory Committee (HAC) provided a positive recommendation to Regional Council for the

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<sup>1</sup> <https://www.halifax.ca/sites/default/files/documents/city-hall/regional-council/210309rc1141.pdf>

substantial alteration. HAC is now being asked to provide a subsequent review of the details of the development agreement and to consider its consistency with the *Standards and Guidelines for the Conservation of Historic Places in Canada (Standards and Guidelines)* and other relevant municipal heritage 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 land use designation or zone. While the property is currently designated Higher Order Residential (HOR) under the Regional Centre Secondary Municipal Planning Strategy (SMPS) and zoned Higher Order Residential 1 (HR1) under the Regional Centre Land Use By-law (LUB), the application was initiated prior to the approval of these documents and is instead being considered under the former Halifax SMPS and Halifax Peninsula LUB.

The subject property is located within Area 7 of the Peninsula North Plan Area. The High Density Residential (HDR) designation that applied to this property at the time of application, allows for low and medium density residential uses, as well as multi-unit apartment houses.

The property was zoned Multiple Dwelling (R3) under the Halifax Peninsula Land Use By-law at the time of application, which permits the construction of several types of residential and commercial uses including apartment houses with population densities of up to 250 persons per acre. Maximum building size and height under this zone are determined by angle controls and due to the size and dimensions of the subject property, a building could be permitted to rise to the Citadel rampart maximum, which is approximately 16 storeys in height. However, any building of that scale constructed to meet the requirements of the land use by-law would have a significant and detrimental impact on Victoria Hall. In order to permit the design changes required to allow the new development while conserving Victoria Hall, the proposal can only be considered through a development agreement.

### **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 the following means:

- a public open house held at the Halifax North Memorial Library on October 24, 2019 that attracted 22 attendees;
- providing information and seeking comments through the HRM website;
- signage posted on the subject property;
- postcards mailed to property owners within the notification area (Map 2), which contained information on the proposal, details on the public open house, and contact information for relevant HRM staff; and
- letters sent to 14 community organizations requesting feedback on the proposal.

Attachment C contains a summary of the feedback received from members of the public at the public open house. Staff distributed 497 notification letters to residents and property owners in the notification area. Six (6) responses were received by email.

The public comments received expressed several concerns about the development proposal including:

- the need for more affordable housing and affordable rental units in the area;
- the desire that local residents be given an opportunity to work on the new development;
- the potential impact of the proposal on the existing community, its character and its residents;
- concern about shadow and wind effects from the new high rise building on adjacent sidewalks, properties and open space; and

- the potential impacts of construction noise, dust and traffic.

It should be noted that the design of the proposed new development has changed significantly since the public engagement process was initiated. The proposed height of the new building was changed from 19 to 13 storeys, the total unit count was reduced from 174 to 160 units, and the proposed streetwall step-backs along Creighton Street were increased from 14 feet (4.2m) to 22.5 feet (6.9m).

Halifax and West Community Council must hold a public hearing before it can consider approval of the proposed development. 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 and residents within the notification area as shown on Map 2.

#### **Halifax Peninsula Planning Advisory Committee**

On June 2, 2020, the Halifax Peninsula Planning Advisory Committee (PAC) reviewed the proposal and recommended that Halifax and West Community Council approve the application. The Committee provided several comments on the proposal and suggested several changes to the design which have been considered and implemented by the applicant, including an increase to the tower step-back from Creighton Street and the provision of pedestrian access through the site from Creighton Street. Attachment D contains a copy of the memo from PAC to Halifax and West Community Council on the application.

One request made by PAC included the provision of affordable housing units within the development, which the developer has proposed to include, but which have not been included as a condition in the development agreement as the Municipality currently has no ability to ensure or enforce this matter within a private development.

### **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:

- it requires that the heritage building be maintained and rehabilitated;
- it permits the construction of a new 13 storey, multi-unit residential building with up to 130 units;
- it addresses the design of the proposed new building and its location; and
- it 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:

- extensions to the date of commencement or the time for completion so long as those changes are consistent with the transition policies under the Regional Centre SMPS.

Any future proposed amendments to the development agreement that may impact the identified character defining elements of Victoria Hall, or that contradict the previous substantial alteration approval may require subsequent approval by Regional Council under the *Heritage Property Act*.

### Land Use Policy

To encourage the revitalization and adaptive re-use of municipally registered heritage properties, Policy 6.8 of the Halifax SMPS allows for the consideration of developments on these properties that are not permitted by the underlying land use designation or zone subject to certain criteria. At the time of application, the subject property was designated High Density Residential (HDR) under the Halifax SMPS and the proposed form of the building, its use, and the number of units is generally consistent with this designation. The neighbourhood currently contains a mix of building types and residential uses including single-family, medium- and high-density, multi-storey residential buildings up to ten storeys in height. While the proposed new development is larger than adjacent buildings, its design includes architectural elements, setbacks and step-backs that transition from its 13 storey height down to the built form of the surrounding neighbourhood. An evaluation of the proposal under relevant municipal policies is contained in Attachment B.

Policy 6.8(iii) states 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;*

In reviewing the application package for potential impacts on adjacent uses and the surrounding neighbourhood, staff advise that:

- based on the proposed number of parking spaces and maximum residential units, the projected traffic impact on the surrounding street network and particularly Creighton Street will be minimal, including during peak morning and afternoon periods;
- the existing public transit and active transportation infrastructure in the area is expected to mitigate potential traffic increases from the development;
- there is proposed on-site, underground parking for 62 vehicles, which will mitigate the impact of on street parking;
- wind effects will increase moderately on neighbouring properties and along Creighton Street during periods of strong prevailing winds, especially from the northwest. Since much of the site is currently vacant, the increase in wind effect is comparably high but will be mitigated by design elements such as the proposed 22ft (6.8m) streetwall step-back; and
- shadow effects will not increase significantly beyond existing conditions caused by the neighbouring 10 storey building (Sunrise Manor), although there will be an average of an additional 1-2 hours of morning shade on Creighton Street, and an additional 1-2 hours of afternoon shade on Gottingen Street depending on the time of year. The open space of the George Dixon Centre will be minimally impacted.

In keeping with the residential policies of the North End Community Plan Area and the Halifax SMPS, the new development proposes to retain and rehabilitate Victoria Hall as a multi-unit residential building while introducing a new 13 storey multi-unit residential building to the property in the form of infill development. The proposed new development will be located on an existing undeveloped rear-yard and the podium has been designed to reflect the lower-density built form along Creighton Street through the use of townhouse style, grade-level units and a three-storey streetwall. A range of unit types are provided through the agreement, including a requirement that no less than 40% of the maximum total number of units will be two or more bedrooms.

Staff advise that the proposal is consistent with criteria IV of Policy 6.8, which requires Council to have consideration that any development substantially complies with the policies of the Halifax SMPS, especially policies relating to heritage preservation. 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, Council shall consider that any development approved shall not diminish the heritage value of the registered heritage property and must maintain its integrity. The



undeveloped rear-yard of Victoria Hall provides an opportunity for infill development while retaining and rehabilitating the existing building as shown on Schedules B and C of the development agreement. The proposed new development has been designed to be complementary, subordinate and distinct from Victoria Hall through its materials, colour scheme, massing and setbacks.

#### *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*. On July 21, 2020 Regional Council deferred a decision on a proposed substantial alteration, under the *Heritage Property Act*, to Victoria Hall, which included the construction of a 16 storey residential building on the condition that the applicant revise the design to better align with the *Standards and Guidelines*, specifically Standard 11 which states:

*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.*

In the months that followed, the applicant revised the proposal to reduce its height, simplify its design and generally reduce the visual impact of the new development as seen from Gottingen Street above Victoria Hall. Regional Council subsequently approved the substantial alteration to Victoria Hall under the *Heritage Property Act* at their meeting on March 9, 2021.

Staff advise that the new development is of a form, scale and design that makes it complementary and subordinate to and distinct from Victoria Hall based on the minimal proportion of the new development that can be seen above the roofline of Victoria Hall from the public right-of-way. The visual impact of the new development is further mitigated using muted colours and simplified articulation and materials which will contrast with the bold colours and architectural detail of Victoria Hall so as to accentuate the heritage building. The proposal also includes a significant rehabilitation of Victoria Hall and its character defining elements. 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.

#### **Regional Centre Secondary Municipal Planning Strategy**

Under the transition policies of the Regional Centre SMPS, applications for development agreements received by the Municipality prior to the date of the first publication of the notice of the intention of Council to adopt the Regional Centre SMPS were provided with two years to proceed to a public hearing under the policies of the Halifax SMPS. Under those same transition policies, the timeframe for commencing and completing a development are also limited to three and six years, respectively. These provisions have been reflected in the draft development agreement (Attachment A).

#### 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 the difficulty that these unusual circumstances present, 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 a new multi-unit residential development on a vacant portion of Victoria Hall (a municipally registered heritage property) aspects of which would not be permitted by the Halifax Peninsula Land Use By-law, which was in effect at the time of application. The undeveloped rear yard on the property provides an opportunity for infill development. The proposed new development has been designed to be complementary, subordinate and distinct from Victoria Hall through its significant setbacks, minimalist design and subdued colour and material pallet. 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 under cost centre C340 Social and Heritage Policy.

## **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.

## **ENVIRONMENTAL IMPLICATIONS**

No environmental implications were 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. In this case, the reasons for refusal will need to be indicated.

## **ATTACHMENTS**

|               |                             |
|---------------|-----------------------------|
| Map 1:        | Generalized Future Land Use |
| Map 2:        | Zoning and Notification     |
| Attachment A: | Development Agreement       |
| Attachment B: | Review of Relevant Policies |

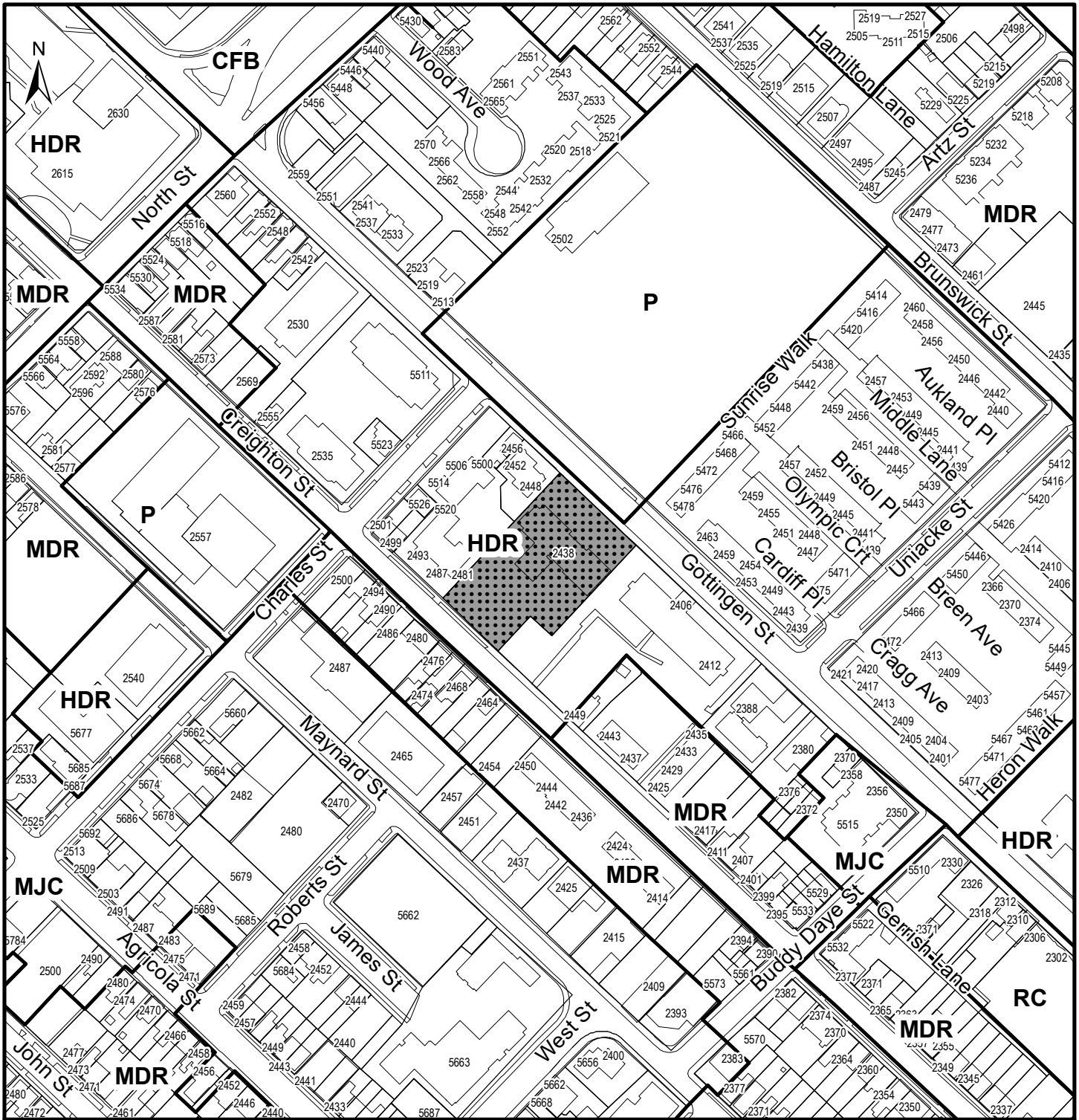
Attachment C: Public Information Meeting Summary  
Attachment D: PAC Memo to Community Council

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Aaron Murnaghan, Principal Heritage Planner, 902.292.2470

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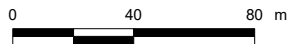
**Map 1 - Generalized Future Land Use**

2438 Gottingen St  
Halifax



 Subject Property

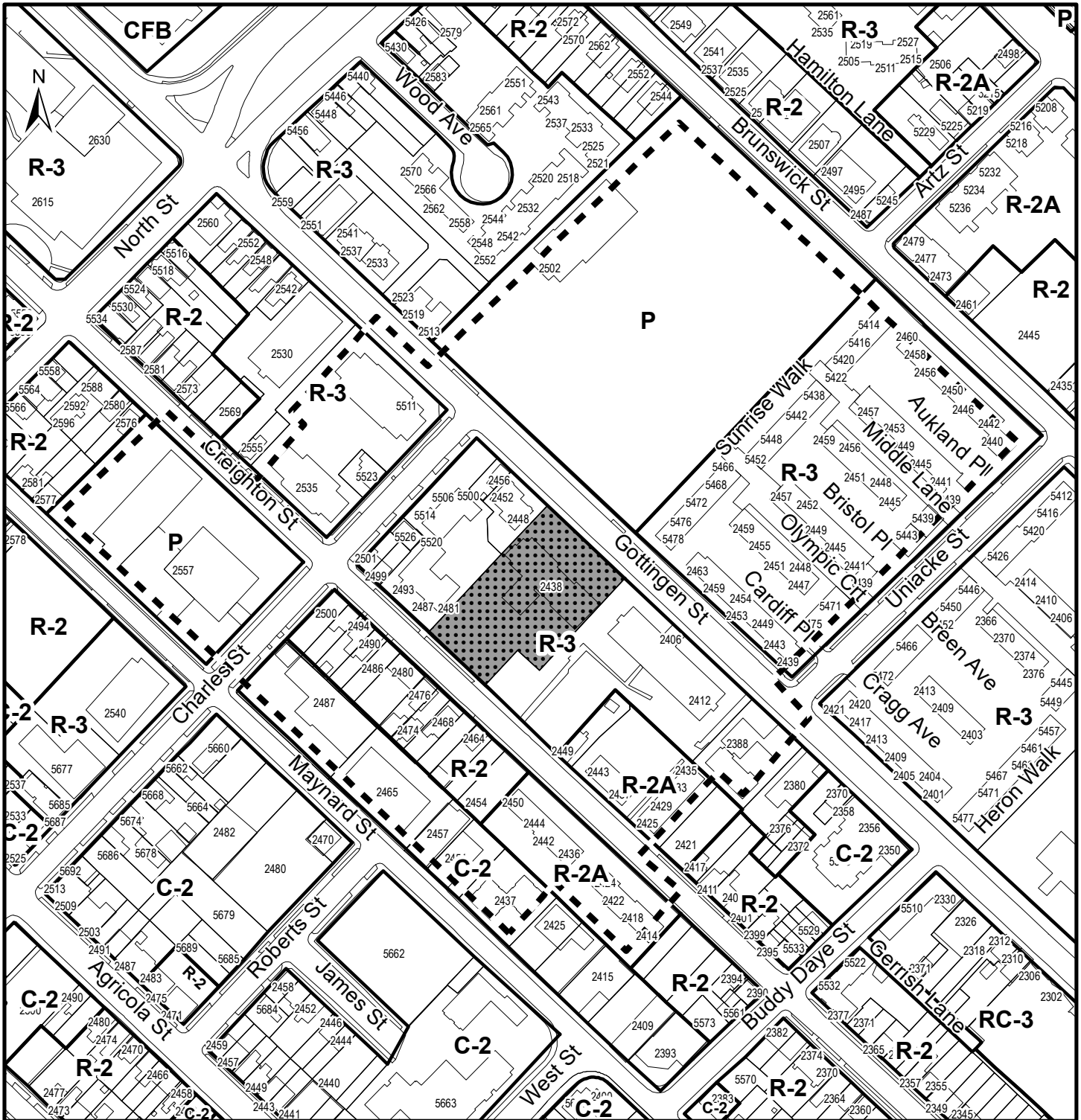
- Designation**
- CFB Canadian Forces Base
  - HDR High Density Residential
  - MDR Medium Density Residential
  - MJC Major Commercial
  - P Park and Institutional
  - RC Residential/Commercial Mix



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  
Plan Area



### Map 2 - Zoning and Notification

2438 Gottingen St  
Halifax

-  Subject Property
-  Area of Notification

Halifax Peninsula  
Land Use By-Law Area

#### Zone

- C-2 General Business
- CFB Canadian Forces Base
- P Park and Institutional
- R-2 General Residential
- R-2A General Residential Conversion
- R-3 Multiple Dwelling
- RC-3 High Density Residential Minor Commercial



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

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

## Attachment A 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 2438 Gottingen Street, Halifax (PID 00148791) 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 22115; 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 shall be sustained to preserve heritage value.

**“Victoria Hall”** means the existing municipally registered heritage building located on the eastern portion of the Lands and identified as “Victoria Hall” on Schedule B.

**“New Development”** means the structure to be constructed on the western portion of the Lands, pursuant to this Development Agreement, and identified as “13 Storey New Development” 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 22115**:

|                 |                                |
|-----------------|--------------------------------|
| Schedule A      | Legal Description of the Lands |
| Schedule B      | Site Plan                      |
| Schedule C      | Landscape Plan                 |
| Schedules D1-D5 | Building Elevations            |
| Schedules E1-E4 | Conservation Plans             |

### **3.2 Requirements Prior to Approval**

3.2.1 Prior to the commencement of any site work on the Lands, the Developer shall provide the documents required under Section 5.2 of this Agreement to the Development Officer.

3.2.2 All conservation work proposed for Victoria Hall and outlined in Schedules E1-E4 must be completed to the extent depicted in the Schedules, and inspected by an HRM Heritage Planner. The Heritage Planner will then provide written confirmation of the completion of the conservation work to the Development Officer prior to the issuance of the first occupancy permit.



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

### **3.3 General Description of Land Use**

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

- (a) Victoria Hall shall contain up to a maximum of 30 dwelling units and shall be maintained as generally shown on the schedules;
- (b) The New Development shall contain up to a maximum of 130 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 At least 40% of the total number of dwelling units, rounded to the nearest whole number, shall contain two or more bedrooms.

### **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 Victoria Hall, 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 Victoria Hall include, but are not limited to:

- (a) Asymmetric, four bay façade with central tower;
- (b) Mansard roof and cupola;
- (c) Rounded Dormers;
- (d) Wooden, two-over-two hung windows with decorative surrounds;
- (e) Wood shingle siding;
- (f) Wood trim and moldings, including wide cornerboards, dentiled cornice and deep, bracketed eaves;
- (g) Wooden Palladian window in tower;
- (h) Decorative main entrance with portico;
- (i) Wooden entrance steps and verandah in the Italianate style with narrow paired columns; and
- (j) Granite retaining wall along Gottingen Street frontage.

### *Non-Substantial Alterations*

- 3.4.3 All Character Defining Elements of Victoria Hall shall be maintained, repaired or replaced as generally shown in Schedules E1 through E4, using historical documentation and traditional materials.
- 3.4.4 Any non-substantial alteration to the identified Character Defining Elements of Victoria Hall in accordance with the requirements of the *Heritage Property Act* and the Municipal Heritage Property By-law (By-law H-200) not depicted in the schedules herein, shall be submitted to the Development Officer for review and approval in consultation with a Heritage Planner.

### *Maintenance and Preventative Measures*

- 3.4.5 All maintenance and repair of the Character Defining Elements of Victoria Hall shall be conducted with the approval of a HRM Heritage Planner at the time of permitting, and in accordance with the *Standards and Guidelines for the Conservation of Historic Places in Canada, 2<sup>nd</sup> ed.* and shall be generally consistent with Schedules E1 through E4.

### *Archaeological Monitoring and Protection*

- 3.4.6 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 Development shall be sited on the Lands as shown on Schedule B.
- 3.5.2 With the exception of exterior stairs, entryways, decks, patios and accessibility ramps, all portions of the New Development shall be set-back a minimum of sixteen (16) feet (4.9m) from Victoria Hall.
- 3.5.3 The tower stepback of the New Development shall be a minimum of fourteen (14) feet (4.2m) from any interior property lines as shown on Schedule B.
- 3.5.4 The New Development shall be set-back a minimum of three (3) feet (0.9m) from the property line fronting on Creighton Street.
- 3.5.5 On portions of the New Development where no side yard setbacks are required, the plans are subject to a detailed review by the Building Official to ensure compliance with all relevant building codes.
- 3.5.6 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.

## **3.6 Building Bulk & Scale**

- 3.6.1 Subject to Section 3.6.3 and 3.6.4, the New Development shall have a three-storey streetwall along Creighton Street, up to a maximum of 36 feet (11m) in height as shown on Schedule B, and Schedules D1 through D5.
- 3.6.2 The maximum streetwall height may be exceeded by parapets, railings and landscape elements.
- 3.6.3 The New Development shall have a tower stepback of at least twenty-two (22) feet (6.8m) above the required streetwall facing Creighton Street.

3.6.4 Subject to Section 3.6.5, the New Development shall have a maximum height of 140 feet (42.6m) above average grade and shall contain no more than thirteen (13) storeys, as generally shown on Schedule B and Schedules D1 through D5.

3.6.5 The maximum height of the New Development may be exceeded by rooftop architectural features, rooftop amenity areas, landscape elements, and a non-habitable penthouse.

### **3.7 Architectural Requirements**

3.7.1 Architectural form and treatment of the New Development shall be consistent with Schedules D1 through D5.

3.7.2 Exterior building materials shall be as shown on Schedules D1 through D5 and shall not include vinyl siding, plastic, plywood, and EIFS (exterior insulation and finish systems).

3.7.3 The primary exterior cladding material on the New Development identified as "Light Toned Cut Stone or Manufactured Stone" on Schedules D1 through D5 shall be of a light grey or white colour similar to what is depicted on the Schedules.

3.7.3 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.

3.7.4 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.

3.7.5 Large blank or unadorned walls in excess of 500 square feet (46 s/m) in area shall be tempered by the introduction of architectural detail to create shadow lines (implied windows, cornice lines, or offsets in the vertical plane), or differing colour or material treatment to provide visual interest.

### **3.8 Parking**

3.8.1 Subject to Section 3.8.2 and 3.8.3, underground vehicular parking shall be provided for no less than 62 vehicle parking spaces.

3.8.2 Access to underground vehicular parking shall be provided from Creighton Street only.

3.8.3 The dimensions of each vehicular parking space shall adhere to the requirements of the Land Use By-law as amended from time to time.

3.8.4 Surface Parking and circulation areas shall be limited to the areas east of Victoria Hall as shown on Schedule B.

3.8.5 Bicycle parking shall be provided in accordance with the Land Use By-law as amended from time to time.

3.8.6 All surface parking, loading and driveway areas shall be paved or finished with a hard surface material.

### **3.9 Outdoor Lighting**

- 3.9.1 Lighting shall be directed to the building entrances and walkways, or to accentuate the architectural features of Victoria Hall and New Development.
- 3.9.2 All exterior lighting shall be arranged to divert the light away from streets, adjacent lots and buildings.

### **3.10 Landscaping**

- 3.10.1 All portions of the Lands not included in the building footprints, walkways or driveways be grassed or landscaped and shall be consistent with Schedule C.
- 3.10.2 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.
- 3.10.3 All disturbed areas of the Lands shall be reinstated to original condition or better.

### **3.11 Temporary Construction Building**

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

### **3.12 Screening**

- 3.12.1 Propane tanks, 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 from any public right-of-way, especially as viewed from Gottingen Street, and where necessary, shall be visually screened from neighbouring residential properties and the public right-of-way by opaque fencing or landscape features.
- 3.12.2 Propane tanks, oil tanks, natural gas meters and mechanical equipment (including HVAC) shall not be placed between the front wall of Victoria Hall and Gottingen Street, or on the north façade of Victoria Hall.

## **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: ENVIRONMENTAL PROTECTION MEASURES**

#### **5.1 Private Stormwater Facilities**

All private stormwater facilities shall be maintained in good order in order to maintain full storage capacity by the owner of the lot on which they are situated.

#### **5.2 Stormwater Management Plans and Erosion and Sedimentation Control Plan**

Prior to the commencement of any site work on the Lands, including earth movement or tree removal other than that required for preliminary survey purposes, or associated off-site works, the Developer shall:

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

### **PART 6: AMENDMENTS**

#### **6.1 Non-Substantive Amendments**

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

- (a) The granting of an extension to the date of commencement of construction as identified in Section 7.3 of this Agreement, as long as the extension complies with the policies of the applicable Secondary Municipal Planning Strategy as may be amended from time to time; and
- (b) The granting of an extension to the length of time for the completion of the development as identified in Section 7.4 of this Agreement as long as the extension complies with the policies of the applicable Secondary Municipal Planning Strategy as may be amended from time to time.

#### **6.2 Substantive Amendments**

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

## **PART 7: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE**

### **7.1 Registration**

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.

### **7.2 Subsequent Owners**

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

### **7.3 Commencement of Development**

- 7.3.1 In the event that development on the Lands has not commenced within three (3) years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Lands shall conform with the provisions of the applicable Land Use By-law.
- 7.3.2 For the purpose of this section, commencement of development shall mean the issuance of a Development Permit.
- 7.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 6.1, if the Municipality receives a written request from the Developer at least sixty calendar days prior to the expiry of the commencement of development time period.

### **7.4 Completion of Development**

- 7.4.1 Upon the completion of the whole development, 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.
- 7.4.2 For the purpose of this section, completion of development shall mean the issuance of the Occupancy Permit.
- 7.4.3 For the purpose of this section, Council may consider granting an extension of the completion of development time period through a resolution under Section 6.1, 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.
- 7.4.4 Unless an extension of the completion of development time period is approved as per Section 7.4.3,

in the event that development on the Lands has not been completed within six (6) 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 applicable Land Use By-law.

## **7.5 Discharge of Agreement**

If the Developer fails to complete the development after six (6) 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 8: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT**

### **8.1 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.

### **8.2 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

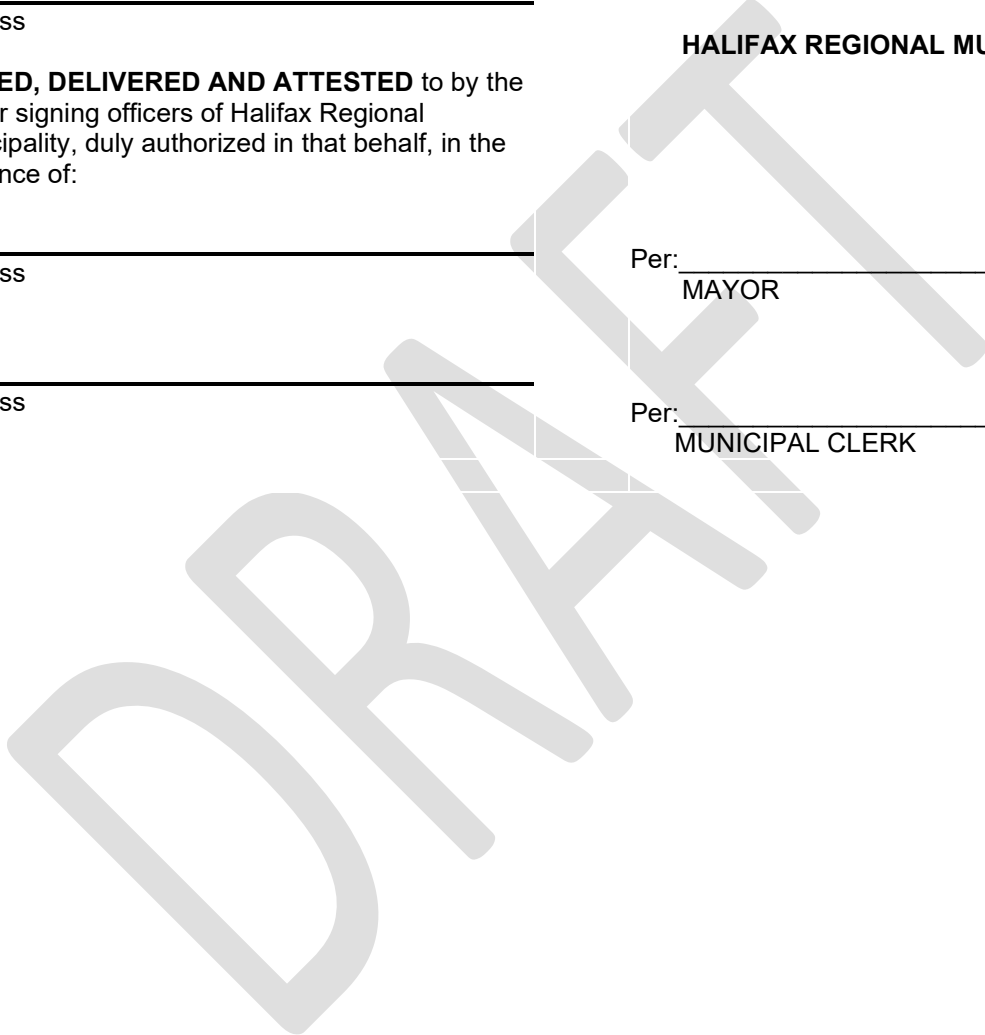
Per: \_\_\_\_\_

**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

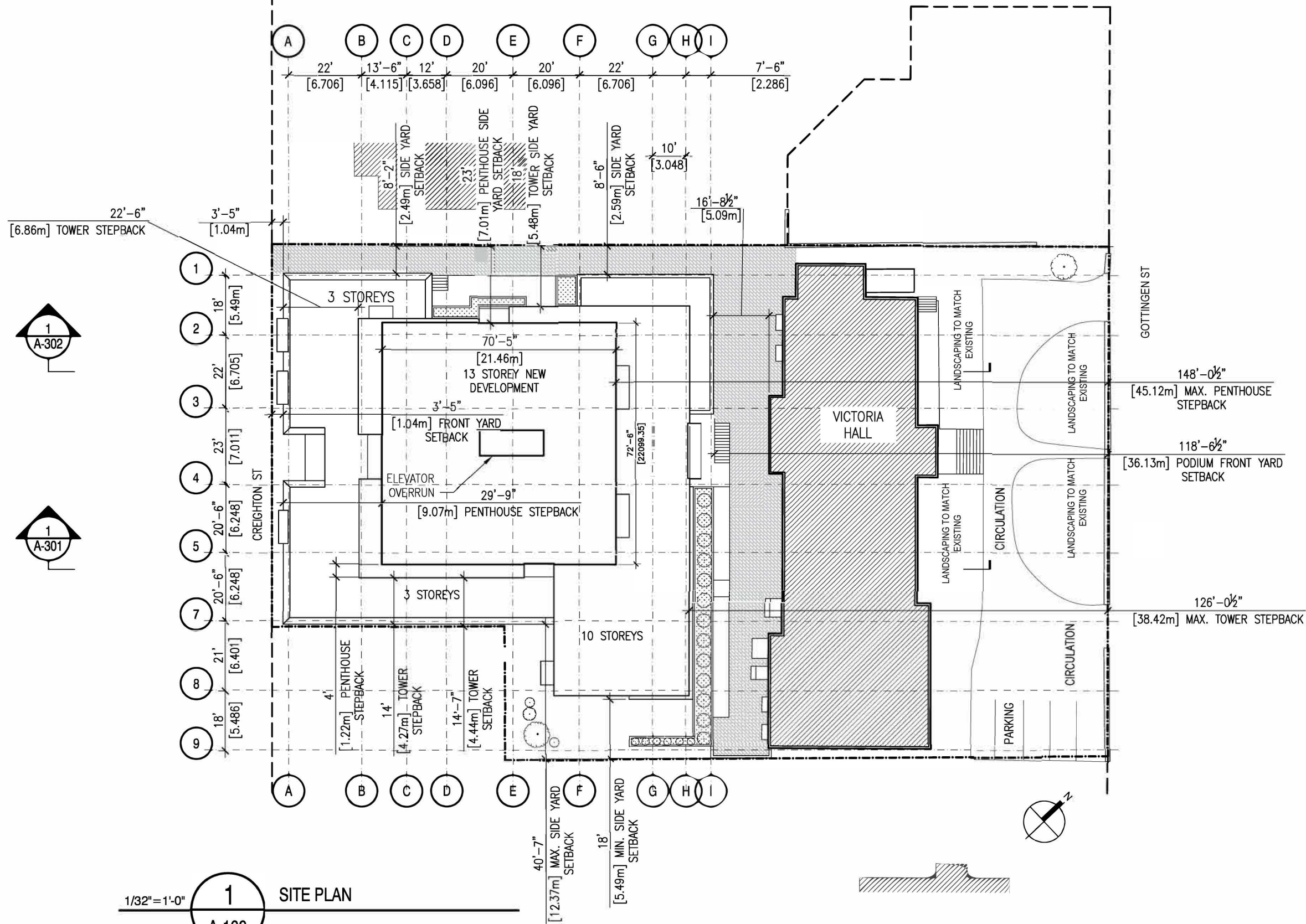
On this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_, before me, the subscriber personally came and appeared \_\_\_\_\_ the subscribing witness to the foregoing indenture who being by me sworn, made oath, and said that Mike Savage, Mayor and Iain MacLean, Municipal Clerk of the Halifax Regional Municipality, 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

# Schedule B - Site Plan

fathomstudio.ca  
1 Starr Lane  
Dartmouth, NS  
B2Y 4V7

fathom



| REVISIONS | DATE                                  |
|-----------|---------------------------------------|
| 5         | ISSUE FOR DA RE-SUBMISSION 2021-06-10 |
| 4         | ISSUE FOR DA RE-SUBMISSION 2021-05-07 |
| 3         | ISSUE FOR HAC 2021-02-10              |
| 2         | ISSUE FOR DA RE-SUBMISSION 2021-01-25 |
| 1         | ISSUE FOR DA RE-SUBMISSION 2020-12-23 |

PROJECT  
2438 GOTTINGEN STREET  
DEVELOPMENT AGREEMENT  
APPLICATION

CLIENT  
JOSEPH ARAB

|                        |                    |          |
|------------------------|--------------------|----------|
| SCALE<br>1/32" - 1'-0" | DATE<br>2021-06-10 |          |
| DRAWN BY               | CHECKED            | REVIEWED |

APPROVED

SEAL

**NOT FOR CONSTRUCTION**

DRAWING  
SITE PLAN - PROPOSED

DRAWING NO. **A-100**

# Schedule C - Landscape Plan

**Ekistics Planning & Design**  
**fathomstudio.ca**  
 1 Starr Lane  
 Dartmouth, NS  
 B2Y 4V7



**LEGEND**

- × 162.56 EG
- × 162.56 PG
- 7.96% % SLOPE
- TREE TO REMOVE
- ▨ CONCRETE SURFACE
- ▩ UNIT PAVERS
- ▧ PLANTER BED



| NO. | REVISIONS                 | DATE       |
|-----|---------------------------|------------|
| 5   | ISSUE FOR DA RESUBMISSION | 2021.06.15 |
| 4   | ISSUE FOR DA RESUBMISSION | 2021.06.01 |
| 3   | ISSUE FOR DA RESUBMISSION | 2021.05.26 |
| 2   | ISSUE FOR DA RESUBMISSION | 2019.10.01 |

**PROJECT**  
 2438 GOTTINGEN STREET  
 REDEVELOPMENT  
 DEVELOPMENT AGREEMENT  
 PLANNING APPLICATION

**CLIENT**  
 JOSEPH ARAB

**SCALE**  
 1:400

**DATE**  
 2021.06.01

**DRAWN BY**  
 LB

**CHECKED**  
 DS

**REVIEWED**

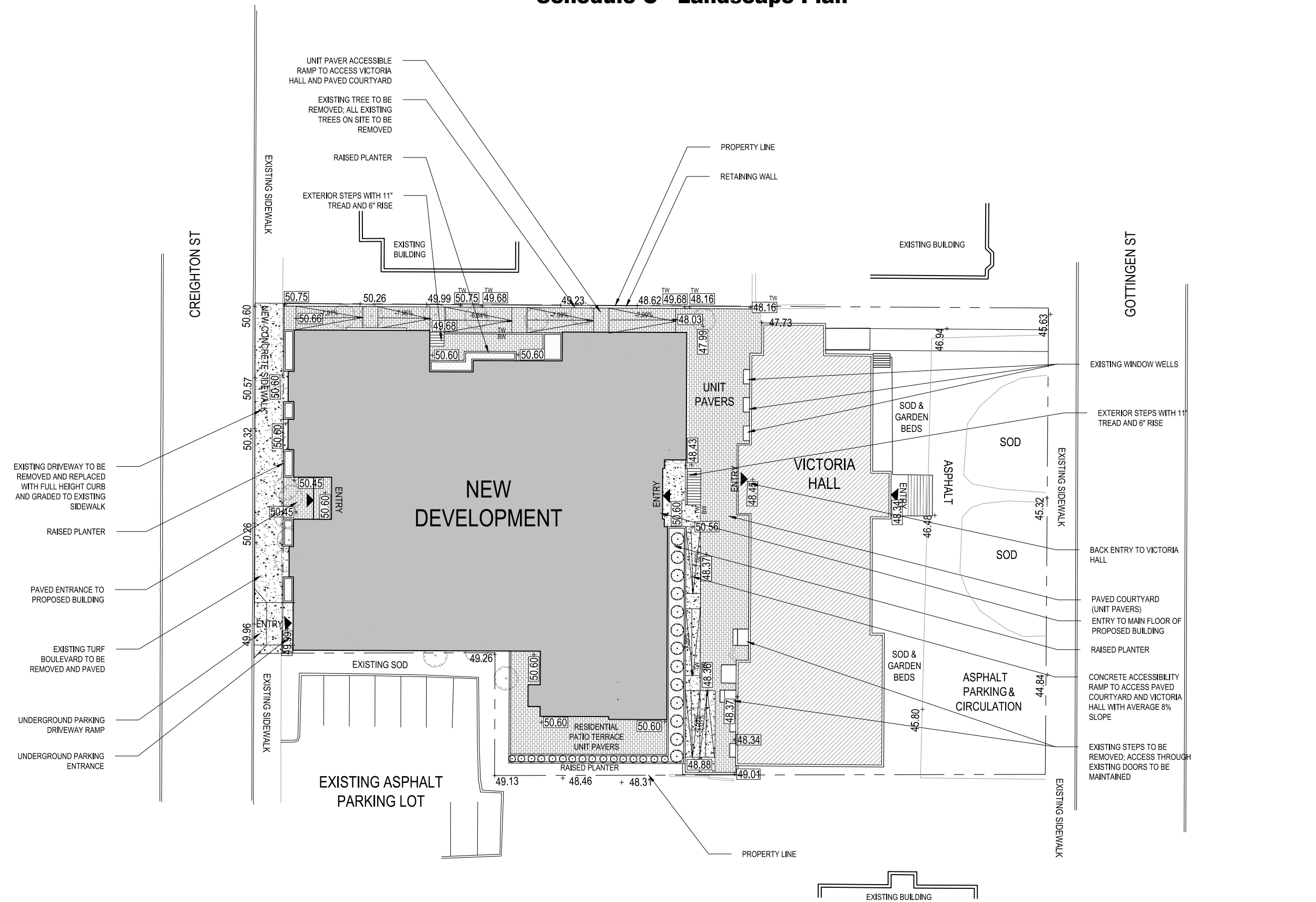
**APPROVED**

**SEAL**

**NOT FOR  
 CONSTRUCTION**

**DRAWING**  
 SITE PLAN

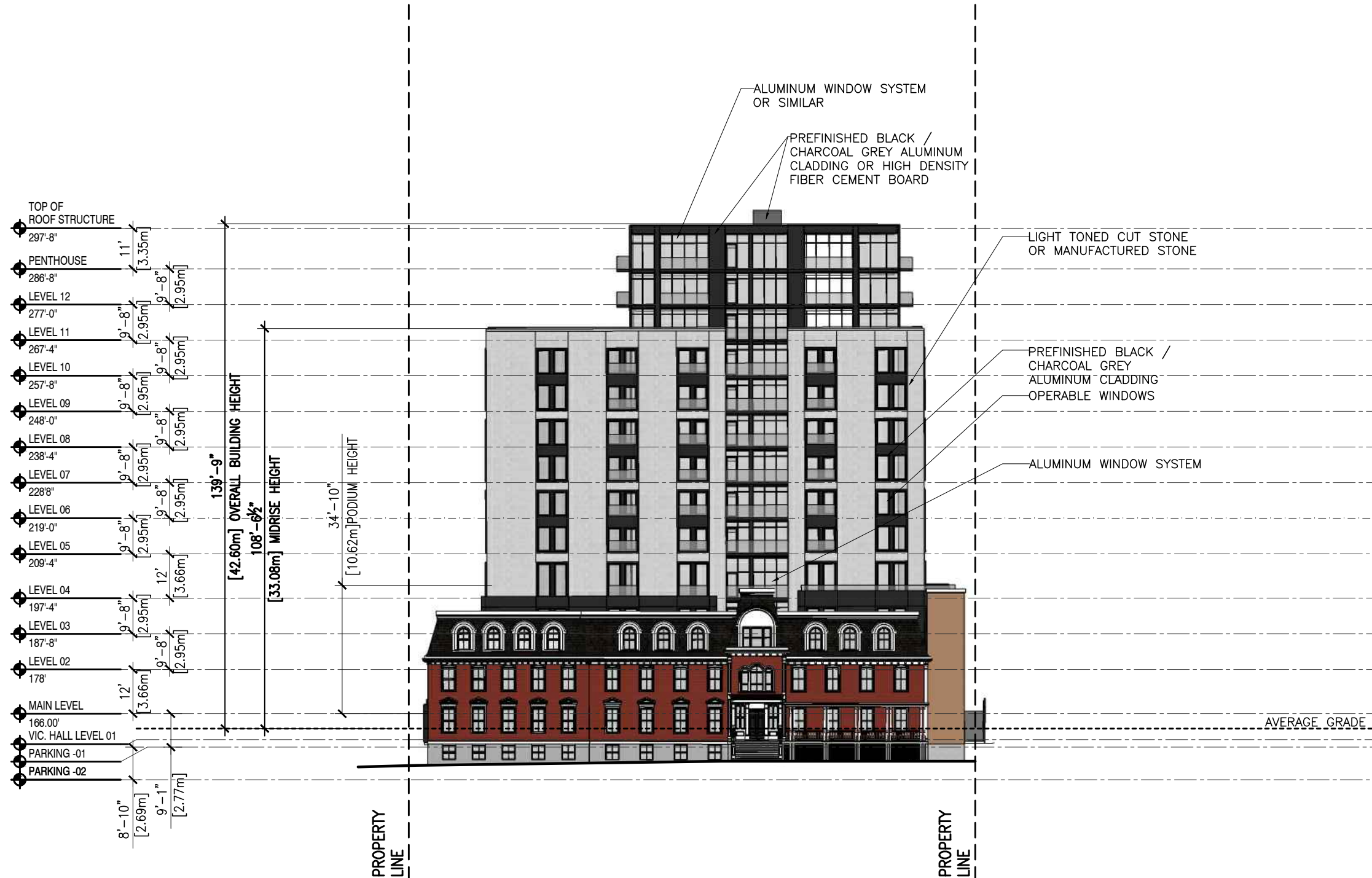
**DRAWING NO.**  
 L100



# Schedule D1 - Building Elevations

fathomstudio.ca  
 1 Starr Lane  
 Dartmouth, NS  
 B2Y 4V7

fathom



| REVISIONS | DATE  |
|-----------|---|
| 5         | ISSUE FOR DA RE-SUBMISSION METRIC DIMENSIONS 2021-06-14 |
| 4         | ISSUE FOR DA RE-SUBMISSION 2021-05-07                   |
| 3         | ISSUE FOR HAC 2021-02-10                                |
| 2         | ISSUE FOR DA RE-SUBMISSION 2021-01-25                   |
| 1         | ISSUE FOR DA RE-SUBMISSION 2020-12-23                   |

PROJECT  
 2438 GOTTINGEN STREET  
 DEVELOPMENT AGREEMENT  
 APPLICATION

CLIENT  
 JOSEPH ARAB

SCALE  
 1/32" = 1'-0"

DATE  
 2021-06-14

DRAWN BY

CHECKED

REVIEWED

APPROVED

SEAL

NOT FOR  
 CONSTRUCTION

DRAWING  
 GOTTINGEN ST ELEVATION WITH VICTORIA HALL

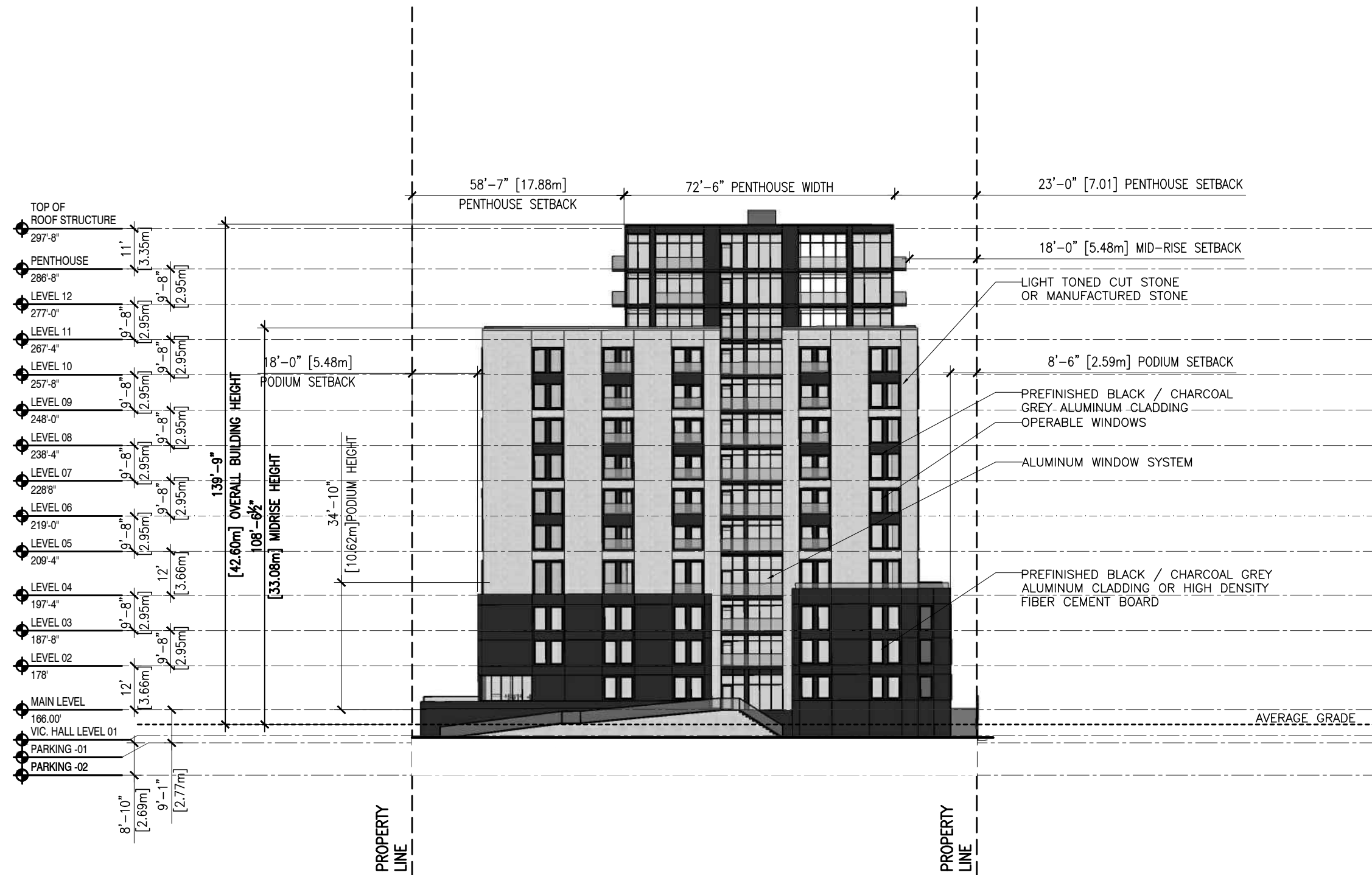
DRAWING NO. **A-201**

1/32" = 1'-0" **1** A-201  
 GOTTINGEN ST ELEVATION  
 W/ VICTORIA HALL



# Schedule D2 - Building Elevations

fathomstudio.ca  
 1 Starr Lane  
 Dartmouth, NS  
 B2Y 4V7



| REVISIONS | DATE   |
|-----------|--|
| 5         | ISSUE FOR DA RE-SUBMISSION METRIC DIMENSIONS |
| 4         | ISSUE FOR DA RE-SUBMISSION                   |
| 3         | ISSUE FOR HAC                                |
| 2         | ISSUE FOR DA RE-SUBMISSION                   |
| 1         | ISSUE FOR DA RE-SUBMISSION                   |

PROJECT  
 2438 GOTTINGEN STREET  
 DEVELOPMENT AGREEMENT  
 APPLICATION

CLIENT  
 JOSEPH ARAB

|                        |                    |
|------------------------|--------------------|
| SCALE<br>1/32" = 1'-0" | DATE<br>2021-06-14 |
| DRAWN BY               | CHECKED            |
|                        | REVIEWED           |

APPROVED

SEAL

NOT FOR  
CONSTRUCTION

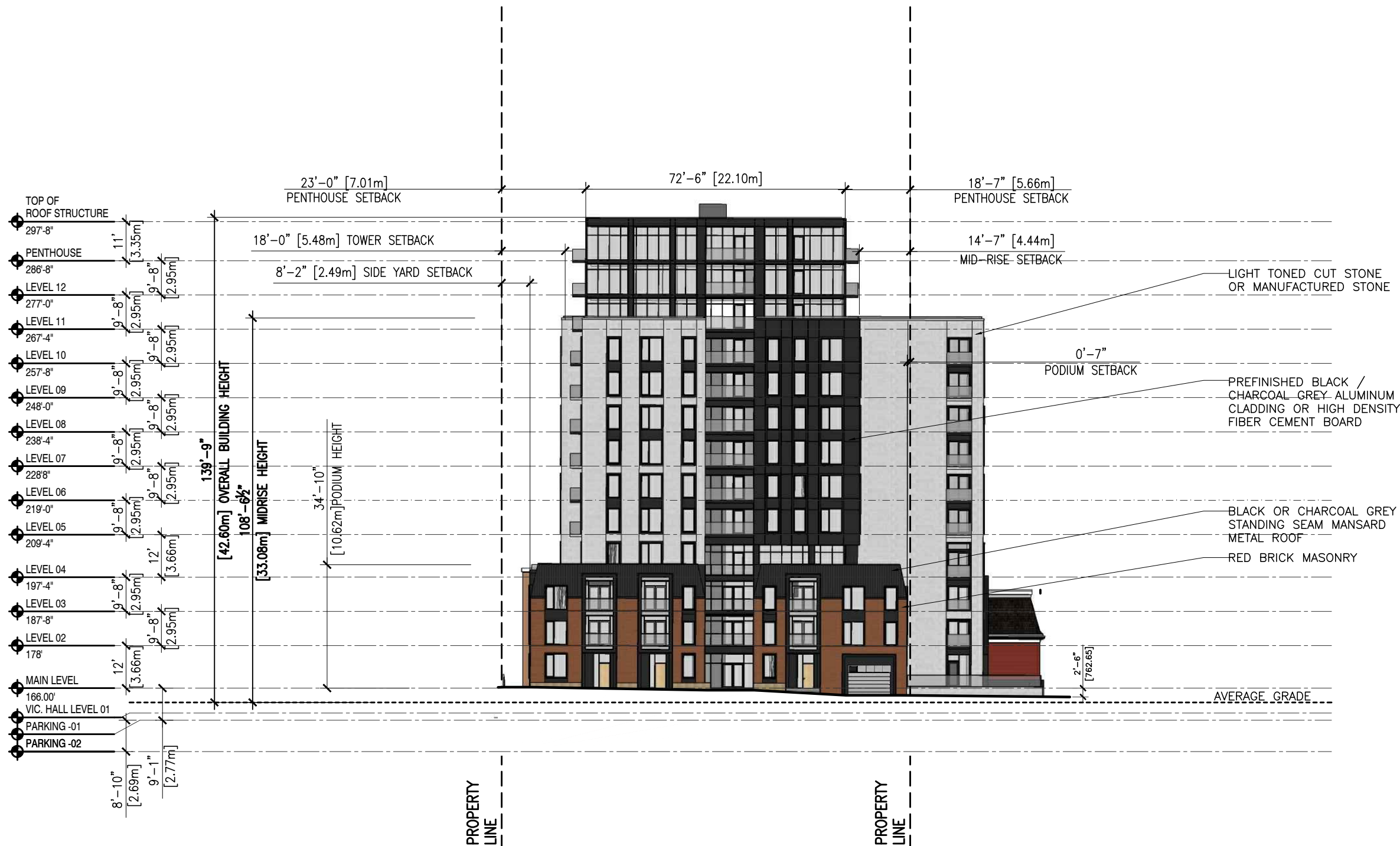
DRAWING  
 GOTTINGEN ST ELEVATION W/O VICTORIA HALL

DRAWING NO. A-202

1/32" = 1'-0" 1  
 GOTTINGEN ST ELEVATION  
 W/O VICTORIA HALL  
 A-202

# Schedule D3 - Building Elevations

fathomstudio.ca  
 1 Starr Lane  
 Dartmouth, NS  
 B2Y 4V7



| REVISIONS | DATE |
|-----------|------|
|-----------|------|

PROJECT  
 2438 GOTTINGEN STREET  
 DEVELOPMENT AGREEMENT  
 APPLICATION

CLIENT  
 JOSEPH ARAB

|                        |                    |          |
|------------------------|--------------------|----------|
| SCALE<br>1/32" = 1'-0" | DATE<br>2021-06-14 |          |
| DRAWN BY               | CHECKED            | REVIEWED |

APPROVED

SEAL

**NOT FOR  
CONSTRUCTION**

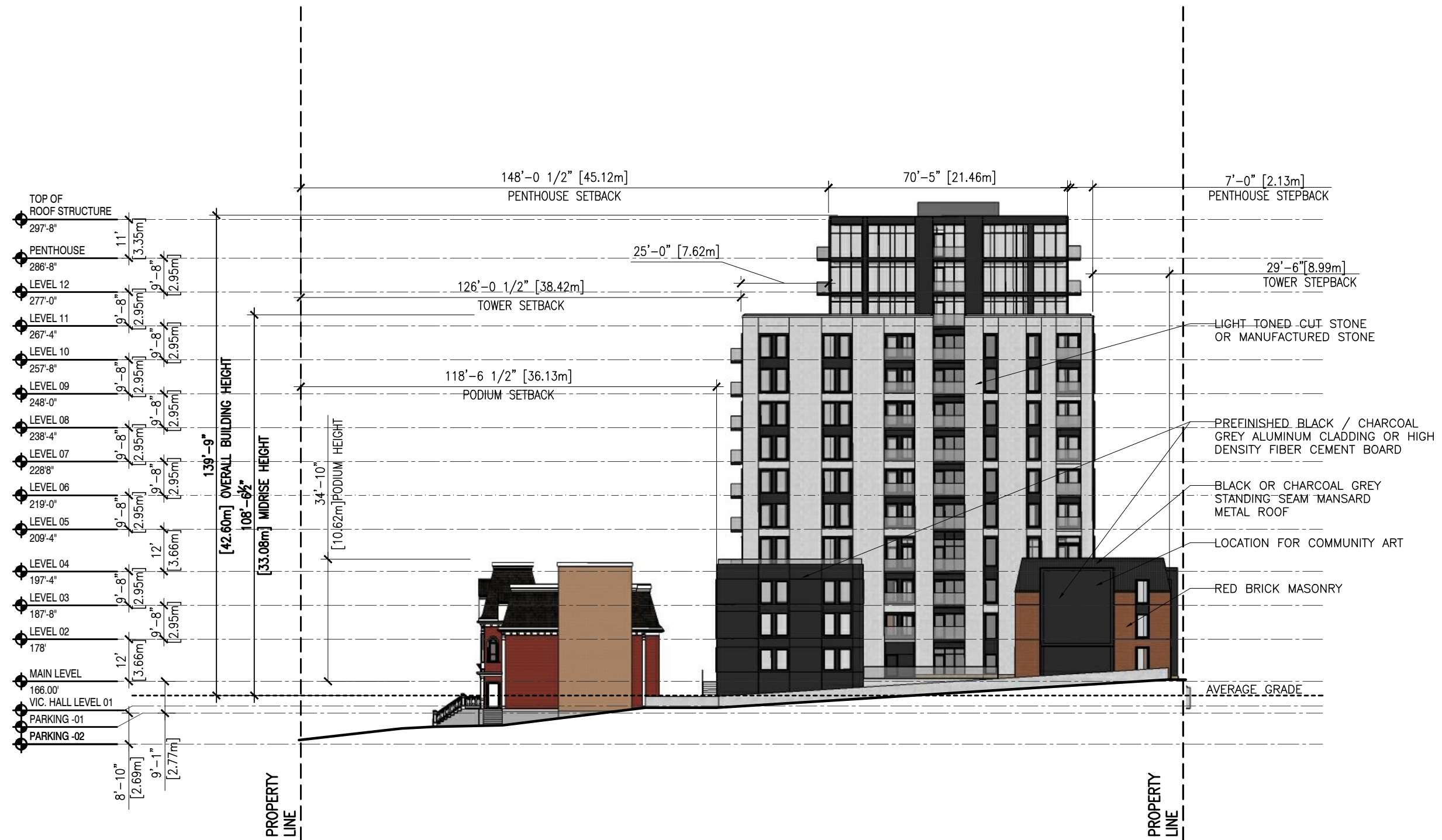
DRAWING  
 CREIGHTON ST ELEVATION

DRAWING NO. **A-203**

1/32" = 1'-0" **1** CREIGHTON ST ELEVATION  
 A-203

# Schedule D4 - Building Elevations

fathomstudio.ca  
 1 Starr Lane  
 Dartmouth, NS  
 B2Y 4V7



- LIGHT TONED CUT STONE OR MANUFACTURED STONE
- PREFINISHED BLACK / CHARCOAL GREY ALUMINUM CLADDING OR HIGH DENSITY FIBER CEMENT BOARD
- BLACK OR CHARCOAL GREY STANDING SEAM MANSARD METAL ROOF
- LOCATION FOR COMMUNITY ART
- RED BRICK MASONRY

| REVISIONS | DATE  |
|-----------|---|
| 5         | ISSUE FOR DA RE-SUBMISSION METRIC DIMENSIONS 2021-06-14 |
| 4         | ISSUE FOR DA RE-SUBMISSION 2021-05-07                   |
| 3         | ISSUE FOR HAC 2021-02-10                                |
| 2         | ISSUE FOR DA RE-SUBMISSION 2021-01-25                   |
| 1         | ISSUE FOR DA RE-SUBMISSION 2020-12-23                   |

PROJECT  
 2438 GOTTINGEN STREET  
 DEVELOPMENT AGREEMENT  
 APPLICATION

CLIENT  
 JOSEPH ARAB

SCALE: 1/32" = 1'-0"  
 DATE: 2021-06-14

DRAWN BY: [ ] CHECKED: [ ] REVIEWED: [ ]

APPROVED: [ ]

SEAL  
**NOT FOR CONSTRUCTION**

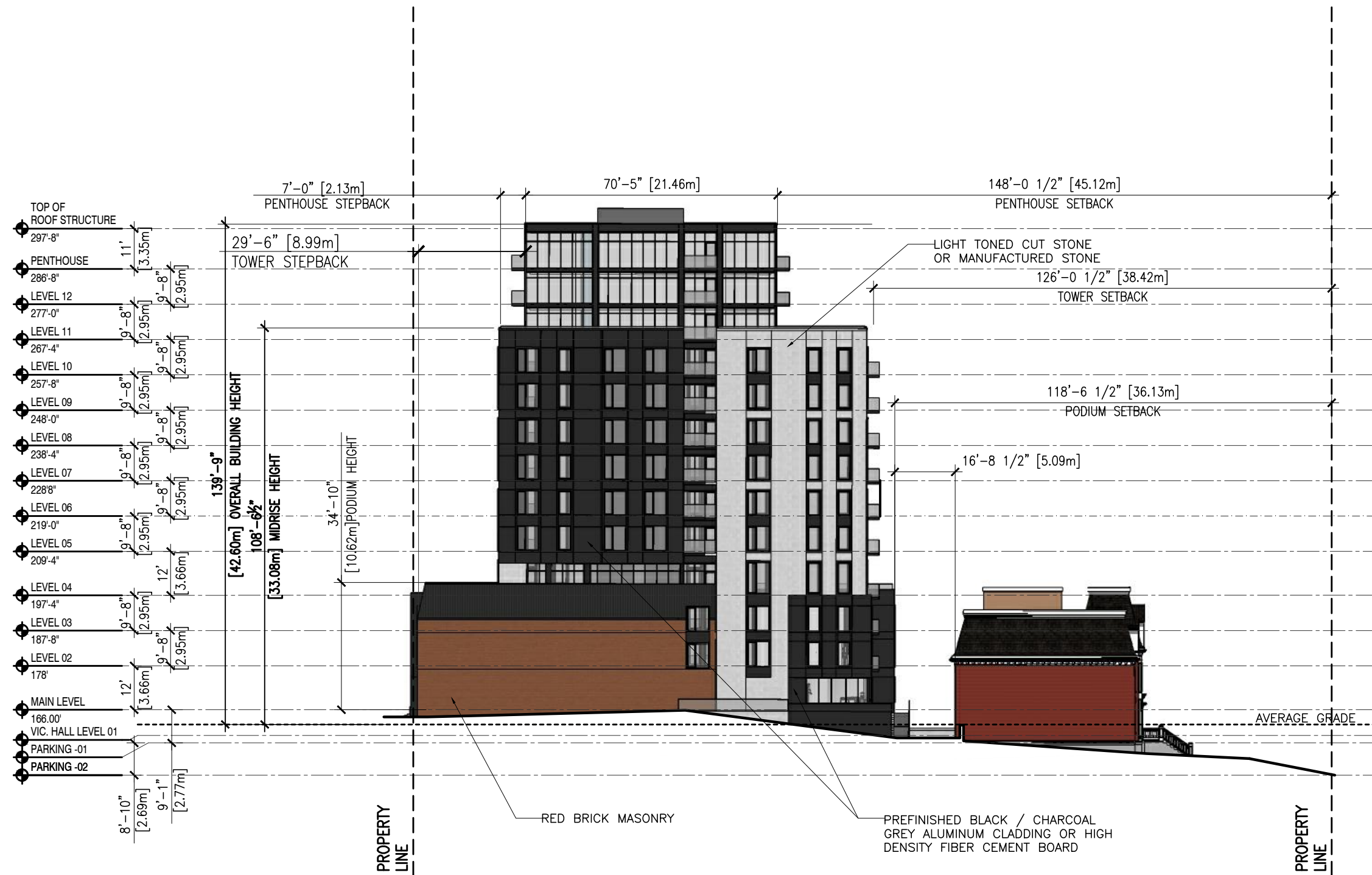
DRAWING  
 NORTHWEST ELEVATION

DRAWING NO. **A-204**

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 A-204

# Schedule D5 - Building Elevations

fathomstudio.ca  
 1 Starr Lane  
 Dartmouth, NS  
 B2Y 4V7



| REVISIONS | DATE  |
|-----------|---|
| 5         | ISSUE FOR DA RE-SUBMISSION METRIC DIMENSIONS 2021-06-14 |
| 4         | ISSUE FOR DA RE-SUBMISSION 2021-05-07                   |
| 3         | ISSUE FOR HAC 2021-02-10                                |
| 2         | ISSUE FOR DA RE-SUBMISSION 2021-01-25                   |
| 1         | ISSUE FOR DA RE-SUBMISSION 2020-12-23                   |

PROJECT  
 2438 GOTTINGEN STREET  
 DEVELOPMENT AGREEMENT  
 APPLICATION

CLIENT  
 JOSEPH ARAB

SCALE  
 1/32" = 1'-0"

DATE  
 2021-06-14

DRAWN BY

CHECKED

REVIEWED

APPROVED

SEAL

**NOT FOR  
 CONSTRUCTION**

DRAWING  
 SOUTHEAST ELEVATION

DRAWING NO. **A-205**

1/32" = 1'-0" **1** SOUTHEAST ELEVATION  
 A-205



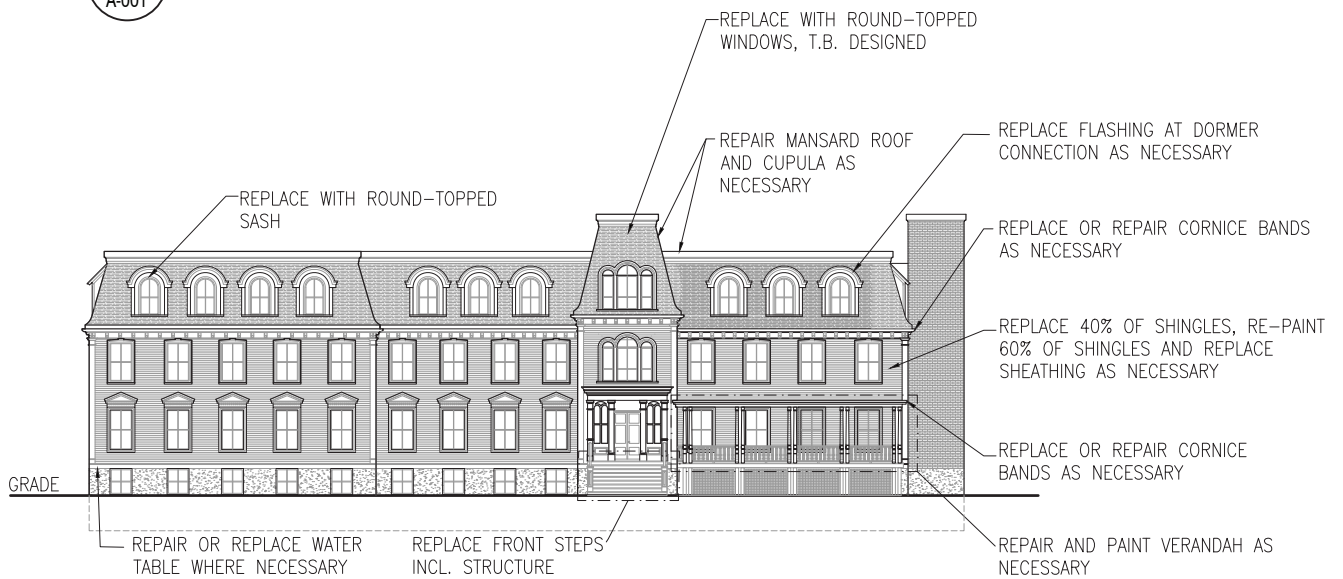
# Schedule E1 - Conservation Plans

## NOTES

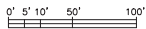
- \*REPLACE OR REPAIR GOTTINGEN ST. WALL; WROUGHT IRON ADDED TO GRANITE AND BRICK WALL TO BE REPARGED
- \*REPLACE IN-KIND ALL ALUMINUM EAVES TROUGH AND GUTTERS
- \*REPLACE VINYL INSERTS AND ONE-OVER-ONE WINDOWS WITH SOLID WOOD TWO-OVER-TWO TDL WINDOWS AND RESTORE ALL OTHER TWO-OVER-TWO WINDOWS
- \*ALL ALUMINUM STORM WINDOWS TO BE RECONDITIONED
- \*INSTALL METAL OR COPPER WORK AROUND WINDOWS AS NECESSARY
- \*REPLACE OR REPAIR DORMER WINDOW TRIM AS NECESSARY
- \*ADD WOOD STORM WINDOWS WHERE STORM WINDOWS NOT PRESENT
- \*ADD OPERABLE C/W INSERT INSIDE EACH WINDOW (NOT VISIBLE FROM EXT.)



1/16" = 1'-0" **1**  
VICTORIA HALL FRONT ELEVATION  
AS BUILT DRAWING  
A-001



1/16" = 1'-0" **2**  
VICTORIA HALL  
FRONT ELEVATION PROPOSED CHANGES  
A-001

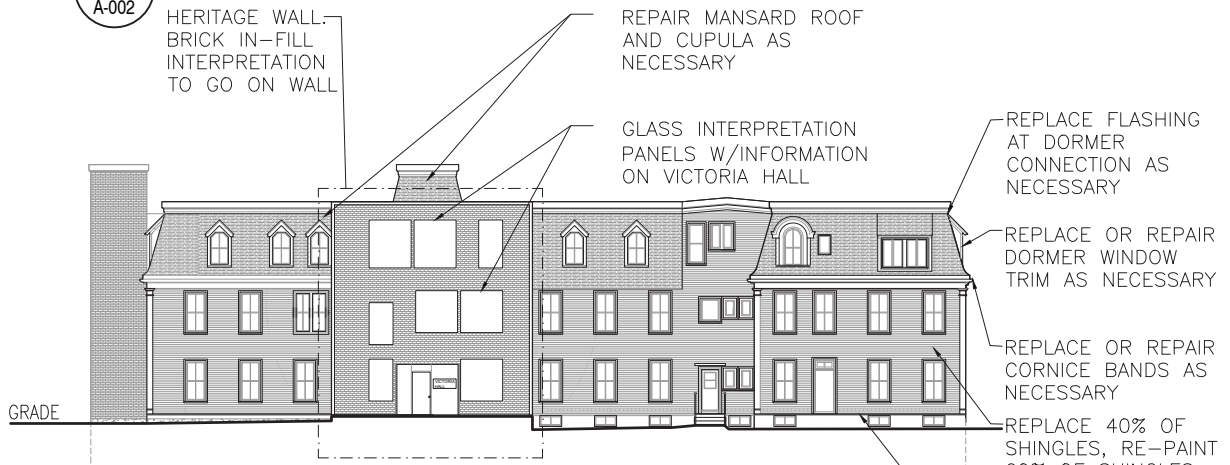


|  |   |            |  |         |          |  |
|--|---|------------|--|---------|----------|--|
| <b>Ekistics Planning &amp; Design</b><br>fathomstudio.ca<br>1 Starr Lane<br>Dartmouth, NS<br>B2Y 4V7<br><span style="font-size: 2em; font-weight: bold; vertical-align: middle;">fathom</span> |   |            | PROJECT<br>2438 GOTTINGEN STREET<br>DEVELOPMENT AGREEMENT<br>APPLICATION |         |          | SEAL<br><br><h2 style="margin: 0;">NOT FOR<br/>CONSTRUCTION</h2> |
|  |   |            | CLIENT<br>JOSEPH ARAB  |         |          |  |
|  |   |            | SCALE<br>1/16" - 1'-0"   | CHECKED | REVIEWED | DRAWING<br><br><h2 style="margin: 0;">FRONT ELEVATION</h2>       |
|  |   |            | DRAWN BY   |         |          |  |
| 1  | ISSUE FOR HERITAGE IMPACT<br>STATEMENT SUBMISSION | 2020.02.28 |  |         |          | DRAWING NO.<br><br><h2 style="margin: 0;">A-001</h2>             |
| REVISIONS  |   | DATE       | APPROVED   |         |          |  |

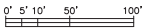
# Schedule E2 - Conservation Plans



1/16" = 1'-0"  
**1**  
 A-002  
**VICTORIA HALL REAR ELEVATION AS BUILT DRAWINGS**



1/16" = 1'-0"  
**2**  
 A-002  
**VICTORIA HALL REAR ELEVATION PROPOSED CHANGES**



|   |  |                    |                             |
|---|--|--------------------|-----------------------------|
| <b>Ekistics Planning &amp; Design</b><br><b>fathomstudio.ca</b><br>1 Starr Lane<br>Dartmouth, NS<br>B2Y 4V7 |  |                    | <b>fathom</b>               |
| PROJECT<br>2438 GOTTINGEN STREET<br>DEVELOPMENT AGREEMENT<br>APPLICATION                                    |  |                    |                             |
| CLIENT<br>JOSEPH ARAB   |  |                    | <b>NOT FOR CONSTRUCTION</b> |
| SCALE<br>1/16" - 1'-0"  |  | DATE<br>2020.02.28 |                             |
| DRAWN BY  |  | CHECKED            | REVIEWED                    |
| 1   | ISSUE FOR HERITAGE IMPACT STATEMENT SUBMISSION | 2020.02.28         | <b>REAR ELEVATION</b>       |
| REVISIONS   | DATE   | APPROVED           |                             |

|                             |  |  |
|-----------------------------|--|--|
| SEAL                        |  |  |
| <b>NOT FOR CONSTRUCTION</b> |  |  |
| DRAWING                     |  |  |
| <b>REAR ELEVATION</b>       |  |  |
| DRAWING NO.                 |  |  |
| <b>A-002</b>                |  |  |

## Schedule E3 - Conservation Plans

### NOTES

- \*REPLACE OR REPAIR GOTTINGEN ST. WALL; WROUGHT IRON ADDED TO GRANITE AND BRICK WALL TO BE REPAIRED
- \*REPLACE IN-KIND ALL ALUMINUM EAVES TROUGH AND GUTTERS
- \*REPLACE VINYL INSERTS AND ONE-OVER-ONE WINDOWS WITH SOLID WOOD TWO-OVER-TWO TDL WINDOWS AND RESTORE ALL OTHER TWO-OVER-TWO WINDOWS
- \*ALL ALUMINUM STORM WINDOWS TO BE RECONDITIONED
- \*INSTALL METAL OR COPPER WORK AROUND WINDOWS AS NECESSARY
- \*REPLACE OR REPAIR DORMER WINDOW TRIM AS NECESSARY
- \*ADD WOOD STORM WINDOWS WHERE STORM WINDOWS NOT PRESENT
- \*ADD OPERABLE C/W INSERT INSIDE EACH WINDOW (NOT VISIBLE FROM EXT.)



**1**  
VICTORIA HALL RIGHT ELEVATION  
AS BUILT DRAWINGS

1/16"=1'-0"

1

REPAIR MANSARD ROOF  
AND CUPULA AS  
NECESSARY

REPLACE OR REPAIR  
CORNICE BANDS AS  
NECESSARY

REPLACE 40% OF SHINGLES,  
RE-PAIN 60% OF SHINGLES  
AND REPLACE SHEATHING AS  
NECESSARY

REPAIR AND PAINT  
VERANDAH AS NECESSARY

REPAIR OR REPLACE WATER  
TABLE WHERE NECESSARY

REPLACE FLASHING AT  
DORMER CONNECTION AS  
NECESSARY

REPLACE OR REPAIR DORMER  
WINDOW TRIM AS NECESSARY

REMOVE 90% OF  
1904 ADDITION

REMOVE  
BALCONY

GRADE

GRADE

**2**  
VICTORIA HALL  
RIGHT ELEVATION PROPOSED DRAWINGS

1/16"=1'-0"

2

APPLY PARGET, INSTALL DRAIN  
FIELD, APPLY INSUL. AND DIMPLE  
BOARD TO EXT. BELOW GRADE  
FOUNDATION PERIMETER

0' 5' 10' 50' 100'

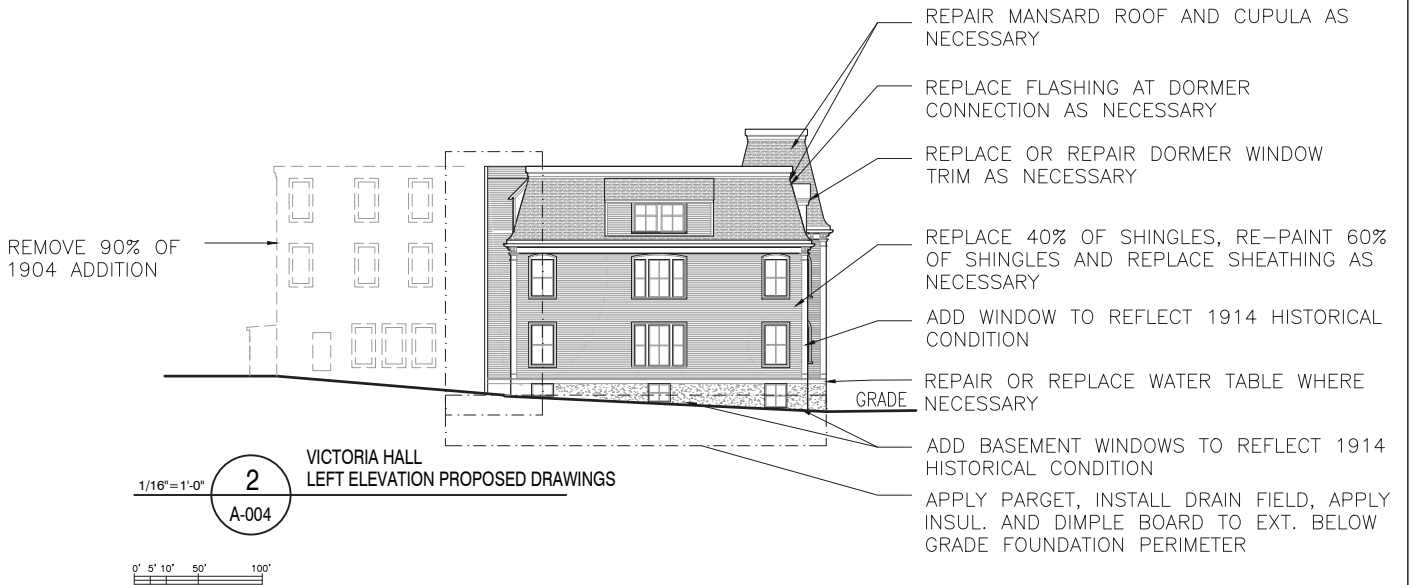
|   |   |               |
|---|---|---------------|
| <b>Ekistics Planning &amp; Design</b><br><b>fathomstudio.ca</b><br>1 Starr Lane<br>Dartmouth, NS<br>B2Y 4V7 |   | <b>fathom</b> |
| PROJECT<br>2438 GOTTINGEN STREET<br>DEVELOPMENT AGREEMENT<br>APPLICATION                                    |   |               |
| CLIENT<br>JOSEPH ARAB   |   |               |
| SCALE<br>1/16" - 1'-0"  | DATE<br>2020.02.28                                |               |
| DRAWN BY  | CHECKED   | REVIEWED      |
| 1   | ISSUE FOR HERITAGE IMPACT<br>STATEMENT SUBMISSION | 2020.02.28    |
| REVISIONS   | DATE  | APPROVED      |

|   |  |  |
|---|--|--|
| SEAL<br><br><h2 style="text-align: center;">NOT FOR<br/>CONSTRUCTION</h2> |  |  |
| DRAWING<br><br><h2 style="text-align: center;">RIGHT ELEVATION</h2>       |  |  |
| DRAWING NO. <span style="float: right;"><b>A-003</b></span>               |  |  |

# Schedule E4 - Conservation Plans

## NOTES

- \*REPLACE OR REPAIR GOTTINGEN ST. WALL; WROUGHT IRON ADDED TO GRANITE AND BRICK WALL TO BE REPARGED
- \*REPLACE IN-KIND ALL ALUMINUM EAVES TROUGH AND GUTTERS
- \*REPLACE VINYL INSERTS AND ONE-OVER-ONE WINDOWS WITH SOLID WOOD TWO-OVER-TWO TDL WINDOWS AND RESTORE ALL OTHER TWO-OVER-TWO WINDOWS
- \*ALL ALUMINUM STORM WINDOWS TO BE RECONDITIONED
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- \*ADD OPERABLE C/W INSERT INSIDE EACH WINDOW (NOT VISIBLE FROM EXT.)



|   |  |  |  |            |          |   |  |  |  |
|---|--|--|--|------------|----------|---|--|--|--|
| <b>Ekistics Planning &amp; Design</b><br><b>fathomstudio.ca</b><br>1 Starr Lane<br>Dartmouth, NS<br>B2Y 4V7 |  |  |  |            |          | PROJECT   |  |  | SEAL<br><br><h2 style="margin: 0;">NOT FOR<br/>CONSTRUCTION</h2> |
|   |  |  |  |            |          | 2438 GOTTINGEN STREET<br>DEVELOPMENT AGREEMENT<br>APPLICATION |  |  |  |
|   |  |  | CLIENT   |            |          | DRAWING<br><br><h2 style="margin: 0;">LEFT ELEVATION</h2>     |  |  |  |
|   |  |  | JOSEPH ARAB                                    |            |          |   |  |  |  |
|   |  |  | SCALE  | DATE       |          | DRAWING NO. <span style="float: right;">A-004</span>          |  |  |  |
|   |  |  | 1/16" - 1'-0"                                  | 2020.02.28 |          |   |  |  |  |
|   |  |  | DRAWN BY                                       | CHECKED    | REVIEWED |   |  |  |  |
|   |  |  |  |            |          |   |  |  |  |
| 1   |  |  | ISSUE FOR HERITAGE IMPACT STATEMENT SUBMISSION |            |          | 2020.02.28  |  |  |  |
| REVISIONS   |  |  | DATE   |            |          | APPROVED  |  |  |  |

**Attachment B  
Review of Relevant Policies**

**REGIONAL MUNICIPAL PLANNING STRATEGY**

| <b>CHAPTER 7: CULTURAL AND HERITAGE RESOURCES</b>   |   |
|---|---|
| <b>7.3 Protection of Heritage Resources</b>   |   |
| <b>Policy</b>   | <b>Staff Comment</b>  |
| <p>CH-5<br/><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 will be preserved and rehabilitated with the exception of a early 20<sup>th</sup> century addition. Removal of this addition was approved by Regional Council as a substantial alteration.</p>   |
| <b>7.3.5 Conservation-Standards &amp; Guidelines</b>  |   |
| <b>Policy</b>   | <b>Staff Comment</b>  |
| <p><i>Policy CH-14<br/>HRM shall adopt the Standards &amp; Guidelines for the Conservation of Historic Places in Canada, 2nd Edition (hereinafter referred to as the Standards &amp; 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 &amp; 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 &amp; 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, the Standards &amp; Guidelines shall be</i></p> | <p>a) The Guidelines have been used to evaluate the rehabilitation of Victoria Hall and the removal of a rear wing of the existing building through a substantial alteration approved by Regional Council on March 9<sup>th</sup> 2021.</p> <p>b) The <i>Standards and Guidelines</i> have been used to evaluate both the substantial alterations to the existing heritage building, as well as the new development. Conditions have been added to the development agreement to ensure consistency with the <i>Standards and Guidelines</i>.</p> <p>c) The property is not within an existing heritage conservation district or cultural landscape.</p> |

|   |  |
|---|--|
| <p><i>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 &amp; 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> |  |
|---|--|

**THE STANDARDS AND GUIDELINES FOR THE CONSERVATION OF HISTORIC PLACES IN CANADA, 2<sup>nd</sup> EDITION**

| <b>PRIMARY TREATMENT: PRESERVATION</b>   |                 |            |  |
|--|-----------------|------------|--|
| <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>  |                 |            |  |
| <b>STANDARDS 1-9</b>   | <b>Complies</b> | <b>N/A</b> | <b>Discussion</b>  |
| 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. | <b>Yes</b>      |            | All character-defining elements will be conserved and repaired if possible. All deteriorated character defining elements will be replaced with like and kind materials and forms as necessary. |
| 2. Conserve changes to historic places that, over time, have become <i>character-defining elements</i> in their own right.   | <b>Yes</b>      |            | The 1914 addition by Sydney Dumaresq will be rehabilitated along with the rest of the structure.   |
| 3. Conserve <i>heritage value</i> by adopting an approach calling for <i>minimal intervention</i> .  | <b>Yes</b>      |            | The façade of this structure will be retained and rehabilitated, including all identified character defining elements.   |
| 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. | <b>Yes</b>      |            | The building will be rehabilitated using physical and documentary evidence.  |

|  |                   |  |
|--|-------------------|--|
| <p>5. Find a use for an <i>historic place</i> that requires minimal or no change to its <i>character-defining elements</i>.</p>  | <p><b>Yes</b></p> | <p>The building is proposed to continue as a residential building.</p>   |
| <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><b>Yes</b></p> | <p>There will be no period of extended vacancy. Archaeological resources will be addressed at the point of site intervention with permit applications. The provincial government will be notified of the site intervention and process any necessary applications in accordance with the <i>Special Places Protection Act</i>.</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><b>Yes</b></p> | <p>Original building materials will be conserved to the highest quality. Replacement will only be undertaken when necessary.</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><b>Yes</b></p> | <p>The building will be maintained on a regular basis under the proposed development agreement.</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><b>Yes</b></p> | <p>All character defining elements will be preserved if possible and restored. Interventions are being documented through this application and through submissions for permitting.</p>   |

| <b>PRIMARY TREATMENT: REHABILITATION</b>   |                 |            |   |
|--|-----------------|------------|---|
| <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>   |                 |            |   |
| <b>STANDARDS 10-12</b>   | <b>Complies</b> | <b>N/A</b> | <b>Discussion</b>   |
| 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 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> . | <b>Yes</b>      |            | A combination of repair and replacement, where necessary will be used for all character defining elements.  |
| 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.   | <b>Yes</b>      |            | Existing Character Defining Elements will be conserved and rehabilitated. The new structure will be set-back from the historic building, and its mass has been designed to limit the visual impact on the heritage building through the use of step-backs. A simplified façade on the new building, along with its colour scheme and materials minimize its visual impact, and its articulation complements the existing heritage building. While the new building is larger than the heritage building, the design minimizes its appearance from Gottingen Street and provides visual prominence to Victoria Hall. |
| 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.   | <b>Yes</b>      |            | The new building is being set-back behind the existing building as a completely separate structure.   |



| <b>PRIMARY TREATMENT: RESTORATION</b>  |                 |            |  |
|--|-----------------|------------|--|
| <i>Restoration is the action or process of accurately revealing, recovering or representing the state of a historic place or of an individual component, as it appeared at a particular period in its history, while protecting its heritage value.</i>  |                 |            |  |
| <b>STANDARDS 13-14</b>   | <b>Complies</b> | <b>N/A</b> | <b>Discussion</b>  |
| 13. Repair rather than replace characterdefining elements from the restoration period. 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 versions of the same elements. | <b>Yes</b>      |            | All character defining elements will be preserved or rehabilitated with the exception of the granite retaining wall which is proposed to be restored by reinstating a cast-iron fence based on photographic and physical evidence. |
| 14. Replace missing features from the restoration period with new features whose forms, materials and detailing are based on sufficient physical, documentary and/or oral evidence.  | <b>Yes</b>      |            | The cast-iron fencing along the retaining wall will be restored based on physical and photographic evidence.   |

## **HALIFAX SECONDARY MUNICIPAL PLANNING STRATEGY**

| <b>SECTION II - CITY-WIDE OBJECTIVES AND POLICIES</b>  |  |
|--|--|
| <b>2. Residential Environments</b>   |  |
| <b>Policy</b>  | <b>Staff Comment</b>   |
| Policy 2.1.1<br><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 area of mixed housing types and building scale. The existing residential building on the property is being retained as part of the development.  |
| Policy 2.2<br><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> | The proposed development will add a mix of residential unit size and type to a quickly growing and developing neighbourhood, which is well served by transit and municipal services. The proposed new development is larger than adjacent buildings but is similar in scale and intensity to other multi-unit residential buildings in the general area.<br><br>Policy 3.1 – N/A<br>Policy 3.2 – N/A |
| Policy 2.4   | Victoria Hall is a municipally registered heritage property which will be retained and   |

|  |   |
|--|---|
| <p><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>rehabilitated as part of the proposal. The new development will transition to the existing residential environment along Creighton Street through the use of a three-storey podium on the west elevation featuring grade-level units, more traditional building materials, and generous tower step-backs above the third storey.</p> |
| <p>Policy 2.4.1<br/><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<br/>Policy 3.2 – N/A</p>  |
| <p><b>6. Heritage Resources</b></p>  |   |
| <p><b>Policy</b></p>   | <p><b>Staff Comment</b></p>   |
| <p>Policy 6.1<br/><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>Victoria Hall will be maintained and the new development will result in a significant investment into the rehabilitation of the heritage building.</p>   |
| <p>Policy 6.4<br/><i>The City shall attempt to maintain the integrity of those areas, sites, streetscapes, structures, and/or conditions which are retained through encouragement of sensitive and complementary architecture in their immediate environs.</i></p>   | <p>The proposed development will result in the rehabilitation of Victoria Hall, which will help to ensure that it remains the dominant feature as experienced from Gottingen Street due to its proximity to the public right-of-way, its colour pallet and decorative architectural style. The new development has been</p>             |

|   |  |
|---|--|
|   | designed to retain the dominance of Victoria Hall along Gottingen Street while providing additional residential units required to offset rehabilitation costs.   |
| <p>Policy 6.8<br/> <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"> <li>i) <i>that any registered heritage building covered by the agreement shall not be altered in any way to diminish its heritage value;</i></li> <li>ii) <i>that any development must maintain the integrity of any registered heritage property, streetscape or conservation area of which it is part;</i></li> <li>iii) <i>that any adjacent uses, particularly residential use are not unduly disrupted as a result of traffic generation, noise, hours of operation, parking requirements and such other land use impacts as may be required as part of a development;</i></li> <li>iv) <i>that any development substantially complies with the policies of this plan and in particular the objectives and policies as they relate to heritage resources.</i></li> </ul> | <p>Victoria Hall is a municipally registered heritage property:</p> <ul style="list-style-type: none"> <li>i) Proposed alterations to Victoria Hall will not adversely impact the listed character defining elements of the building, and have been approved by Regional Council though a substantial alteration approval.</li> <li>ii) The integrity of Victoria Hall will be retained and strengthened through a significant rehabilitation of its character defining elements.</li> <li>iii) The new development has been designed to limit the potential impact on adjacent uses, including low-density residential uses through its massing, design and articulation. Parking will be located on-site and underground, no commercial uses are proposed, and traffic impacts are within acceptable limits.</li> <li>iv) The proposal significantly complies with the policies of this Plan.</li> </ul> |

**SECTION XI – PENINSULA NORTH SECONDARY PLANNING STRATEGY**

**1. Residential Environments**

| <b>Policy</b>  | <b>Staff Comment</b>  |
|--|---|
| <p><i>1.1 To foster stable residential areas and to preserve the character of Peninsula North, the retention and rehabilitation of structurally sound housing units shall be encouraged.</i></p>                                   | <p>Victoria Hall currently contains multiple residential units which will be retained within the rehabilitated structure.</p>                       |
| <p><i>1.1.1 Where redevelopment is proposed for sites with structurally sound housing units, the retention and rehabilitation of such existing units and the integration of new structures with these shall be encouraged.</i></p> | <p>Victoria Hall is being retained and rehabilitated, and the new development is being constructed in the vacant rear portion for the property.</p> |

|  |   |
|--|---|
| <p><i>1.4 In areas shown as high-density residential on the Generalized Future Land Use Map of Section XI, residential development in the following forms shall be permitted:</i></p> <ul style="list-style-type: none"> <li><i>(i) low-density residential;</i></li> <li><i>(ii) medium-density residential;</i></li> <li><i>(iii) apartment houses.</i></li> </ul> | <p>The proposed new development is an apartment house containing up to 130 units, with up to an additional 30 units in Victoria Hall.</p>   |
| <p><i>1.4.1 In the area bounded by North, Robie, Cogswell and Barrington Streets, with exception of the portion falling outside of Peninsula North Area, housing options for all income levels will be encouraged; developments that address the needs of surrounding community and help promote neighbourhood stability shall also be encouraged.</i></p>           | <p>The new development will retain the units in Victoria Hall and add up to an additional 130 units, 40% of which must be two or more bedrooms. There is no legislated ability for the municipality to control unit affordability by development agreement.</p> |

## HALIFAX REGIONAL MUNICIPALITY Public Open House Meeting Case 22115

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

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**Thursday, October 24, 2019**  
**3:00 p.m.– 5:00 p.m. and 6:00 p.m. to 8:30 p.m.**  
**Halifax North Memorial Library, Gottingen Street**

### **STAFF IN**

#### **ATTENDANCE:**

- Kathleen Fralic, Planner, HRM Planning and Development
- Seamus McGreal, Planner, HRM Planning and Development
- Aaron Murnaghan, Principle Heritage Planner, HRM Planning and Development
- Mapfumo Chidzonga, Diversity and Inclusion Advisor, HRM Planning and Development
- Genevieve Hachey, Planning Controller, HRM Planning and Development

### **ALSO IN**

#### **ATTENDANCE:**

- Councillor Lindell Smith, District 8
- Joseph Arab (Property Owner)
- Benjamin Carr (Property Owner Representative)
- Rob LeBlanc (President, Fathom Studio)
- Chris Crawford (VP and Architect, Fathom Studio)
- Philippa Ovonji-Odida (Architect, Fathom Studio)
- Austin Parsons (Heritage Consultant, Parsons Lumber)

### **PUBLIC IN**

**ATTENDANCE:** 22

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### **Written Comments Received**

#### **Submission #1**

#### **Question 1: what do you like about this proposal?**

I like the increased opportunities for renters, increased population density in the city.

#### **Question 2: Are there any part of this proposal that concern you? If so, please explain.**

I am concerned about barriers for participation by local community in the community room.

#### **Question 3: Do you feel that the proposed building design is appropriate for the site/neighborhood? Please explain.**

Yeah, it's appropriate

**Question 4: Is there anything else you would like to tell us about this proposal?**

I am concerned about the resource of subsidized housing being temporary and being perceived as "taken away"

Submission #2

**Question 1: what do you like about this proposal?**

community engagement, collaboration to consult the needs/culture of the community

**Question 2: Are there any part of this proposal that concern you? If so, please explain.**

In terms of "affordable housing" determining this by taking 80% of median household income might not be an appropriate approach to reflect actual incomes in the surrounding community. Perhaps taking 50% of the market evaluation would meet the communities needs for affordable housing.

**Question 3: Do you feel that the proposed building design is appropriate for the site/neighborhood? Please explain.**

Yes, as long as 10% of the units are affordable.

**Question 4: Is there anything else you would like to tell us about this proposal?**

Submission #3

**Question 1: what do you like about this proposal?**

Maintaining Victoria Hall and hopeful community access and activity that exists now

**Question 2: Are there any part of this proposal that concern you? If so, please explain.**

Very concerned that the street level (both) doesn't address safe areas, pedestrians thoroughfare, bike lanes, parking, etc. Open space for park bench, gardens etc. much needed and it should be accessible (Creighton st townhouse entrances down steps)

**Question 3: Do you feel that the proposed building design is appropriate for the site/neighborhood? Please explain.**

Simplify high-rise design to promote energy-efficiency (passive House) for operation efficiency ie. No continuous balconies

**Question 4: Is there anything else you would like to tell us about this proposal?**

Encourage keeping neighbors (both business and residents) to be included in sessions.

## **Notes Taken by Planners at the Open House Session**

Comments from members of the public during the Open House:

- affordable housing and community space are key
- good consultation, Creighton façade great
- like design, community is changing & it fits in, happy Victoria Hall being maintained
  
- concern about displacement
- doesn't believe affordable units will be built
  
- more affordable housing
  
- concern about how affordable units will be dispersed to members of the community
- supportive of densification but too high for area
- general concern that would result in displacement
- conflict between new and existing residents
  
- 19 storeys out of scale with surrounding area
- community kitchen as a benefit unnecessary because kitchens throughout the community
- concerns about consultation
- concerns about enforcement of affordable housing via DA
- cannot support
  
- very concerned about wind
- shade, wind studies need to be updated, concern about impact on surrounding neighborhood
- concern about tower fitting in
- happy to see density on the peninsula
- happy with design of Creighton street façade but concerned about height so close
  
- like the design
- benches in the rear yard dedicated to residents' memories should be preserved
- supportive of the restoration
- supportive of redevelopment

## **Verbal Comments**

- former resident of Victoria Hall who left due to rent hike and proposed construction
- concerned about all the Airbnb bookings here
- concerned about the blocking of light in the units located at the back of Victoria Hall where the new building will be
- concerned that Victoria Hall will be gutted and that the heritage of the building will be lost
- concerned that the history of this building and the garden will be lost, there are few historic sites in Canada that are related specifically to women
- loosing the garden would be a loss to the heritage of this area
- people in this area are not looking for ultra-modern high-rise buildings
- approximately 50% of the residents at Victoria Hall moved out when this was announced, this shows that this structure is not wanted by the local community
- concerned that this building will help further gentrify the area

- feels that this structure will break up the community
- would like to see more affordable housing
- it is important to preserve historic landscapes
- understands that the garden space is private land however the local residents have been using this “pocket park” and it has become important to the neighborhood
- this will change the economic demographics of the neighborhood without bringing in anything that this area needs, like a grocery store
- the developers said that 10 units would be affordable housing, this is not enough, the city should have policy that forces developers to have more affordable housing

### **Adjournment**

The Open House ended at approximately 8:30 p.m.





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## MEMORANDUM

TO: Chair and Members of Halifax & West Community Council

CC: Aaron Murnaghan, Principal Planner, Regional Planning

FROM: Jason Cooke, Chair, Halifax Peninsula Planning Advisory Committee

DATE: June 5, 2020

SUBJECT: **Case 22115: Application by Ekistics Planning & Design, on behalf of Joseph Arab, to enter into a Development Agreement at 2438 Gottingen Street, Halifax, to allow a 16-storey residential building.**

The Halifax Peninsula Planning Advisory Committee (HPPAC) considered Case 22115 at their June 2, 2020 special meeting.

### RECOMMENDATION SECTION:

The following recommendation to Halifax and West Community Council was approved:

*THAT the Halifax Peninsula Planning Advisory Committee has reviewed the application for Case 22115 and recommends approval of the application with consideration given to the following:*

- *Maintaining as much of the heritage aspect of Victoria Hall as possible*
- *Non-residents having access to the community space*
- *Affordable Housing Units be spread out over a cross-section of unit types and locations within the building*
- *Greater transition on the Creighton street step-back*
- *Pedestrian connection from Creighton Street to Gottingen Street*
- *The Victoria Hall entrance to Gottingen Street be maintained*

### DISCUSSION SECTION:

The Committee was advised that the building known as Victoria Hall that was built in 1885 and fronts on Gottingen Street will maintain its current 19 units. The applicant will perform substantial restoration to the exterior of the building. The 16-storey residential building proposed by the Applicant will be built behind the existing Victoria Hall building. The main entry to the building and all vehicular access will be from Creighton Street.

The Committee considered several points. The Committee noted the lack of units larger than 2-bedrooms and expressed concerns that units of this size would not accommodate a family. Committee

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members feel that the building height is inconsistent compared to the surrounding neighborhood. Members had concerns that affordable housing may be limited to just one type of unit (ie. bachelor units) or be located within one section of the building. Members expressed concerns regarding the shallowness of the step-back on the Creighton Street elevation and expressed the need to minimize the impact of the building at street level.

The Committee liked the accessibility aspects and the landscaping on Creighton Street. Members feel there is a lack of connection between the old and new buildings. The Committee expressed concerns about the main entry being located on Creighton Street and not on Gottingen Street as Creighton is a residential street. Concerns were expressed around the increased traffic on Creighton Street especially with street parking, location of the neighbouring elementary school and ongoing work in the community regarding street calming. The Committee would like to see a pedestrian connection from Creighton Street to Gottingen Street to encourage traffic movement away from Creighton Street.

This information has been provided to HRM planning staff for review and consideration and will be addressed in their staff report to the Halifax and West Community Council.

*These minutes are considered draft and will require approval by Heritage Advisory Committee at a future meeting.*

**9.1.2 Case 22115: Development Agreement to Allow a Multi-Unit Residential Building on a Registered Heritage Property at 2438 Gottingen Street, Halifax**

The following was before the Committee:

- A staff recommendation report dated June 15, 2021
- A staff presentation dated June 23, 2021

Aaron Murnaghan Principal Planner, Heritage Planning, provided the presentation.

Murnaghan reviewed the application and details of the proposal, noting the planning context. This Case was initiated prior to the adoption of the Centre Plan. The applicable policy was reviewed and Policy 6.8 of the Halifax Secondary Municipal Planning Strategy was highlighted. Standards and Guidelines have also been considered in this report, specifically Standard 11. The design revisions made between March 2021 and June 2021 were shared. Murnaghan reviewed the Heritage Development Agreement Process and noted that under transition policy the public hearing for this Case must take place by September 2021.

Murnaghan highlighted how feedback received during public engagement was incorporated, for example the design of the townhouses on Creighton Street. It was confirmed that the traffic impact statement showed no major impact on Gottingen Street.

MOVED by Councillor Stoddard, seconded by Councillor Cuttell

**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 June 15, 2021 report, to allow a thirteen storey, multi-unit residential building to be built on a registered heritage property located at 2438 Gottingen Street, Halifax and schedule a public hearing;**
- 2. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A of the June 15, 2021 report; 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.**

**9.1.3 Case 20761: Development Agreement for lands fronting Robie Street, College Street, and Carlton Street, Halifax**

The following was before the Committee:

- A staff recommendation report dated June 9, 2021
- A staff presentation dated June 23, 2021

Tyson Simms, Planner III Regional Planning, provided the presentation.

Simms reviewed the applicant's proposal, highlighting two distinct phases to the development agreement. The site context was reviewed noting that this site is adjacent to another proposed development of a similar scale. Phase 1 will involve the 3 registered heritage properties on the site. Two of the buildings will be relocated. Approved substantial alterations were reviewed and elevation drawings were shared. Phase 2 involves the two towers on a shared podium, where design and massing provisions have been met. Building elevations were shared highlighting the proposed streetwall. Simms reviewed key dates for the approved enabling site specific policy and Regional Plan Policy CH-16. Public engagement feedback was shared along with the decisions and feedback from Halifax Peninsula Planning Advisory Committee and