

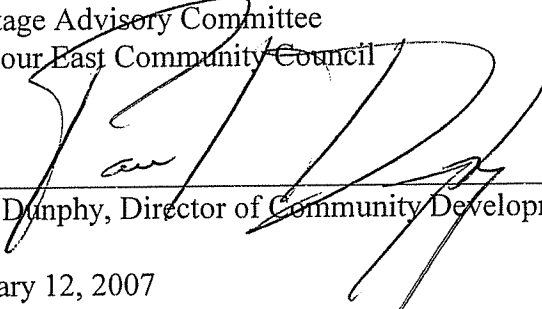
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PO Box 1749
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Heritage Advisory Committee, January 24, 2007
Harbour East Community Council, February 1, 2007

TO: Heritage Advisory Committee
Harbour East Community Council

SUBMITTED BY: 
Paul Dunphy, Director of Community Development

DATE: January 12, 2007

SUBJECT: Case # 00806: Development Agreement - Greenvale School

ORIGIN

Application by Dixel Development s Ltd. for a development agreement to add on to, renovate and convert the existing Greenvale School into a multiple unit building at 130 Ochterloney Street in Downtown Dartmouth.

RECOMMENDATIONS

It is recommended that the Heritage Advisory Committee:

- Consider the attached Development Agreement in relation to potential impacts on the registered heritage property and provide recommendation to Regional Council to approve the substantial alteration to a heritage property at 130 Ochterloney Street.

It is recommended that the Regional Council:

- Approve the substantial alteration to a heritage property at 130 Ochterloney Street.

It is recommended that Harbour East Community Council:

- Give Notice of Motion to consider the attached development agreement and schedule a public hearing.

Subject to approval of the substantial alteration by Regional Council, it is further recommended that Harbour East Community Council:

- Approve the development agreement, attached to this report as Attachment C, to permit the addition to, renovation and conversion of the existing Greenvale School into a multiple unit building at 130 Ochterloney Street in Downtown Dartmouth;
- Require that the development agreement be signed within 120 days or any extension thereof granted by Council on request of the applicant from the closing date of the property transaction, otherwise, this approval will be void and obligations arising hereunder shall be at an end.

EXECUTIVE SUMMARY

Greenvale School is a municipally owned, municipally registered heritage property. Dexel Developments Ltd. has an Agreement of Purchase and Sale on the property conditional upon the successful negotiation of a development agreement to permit an addition to the building as well as its conversion into a multiple unit building with a maximum of 36 residential units with the possibility of ground floor commercial uses. Dexel proposes to restore the original building and construct a four storey addition on the rear (north side) of the building.

Under part 10, subsections 4 and 12 of the Downtown Dartmouth Land Use Bylaw, a development agreement is required for most new uses proposed on the block that bounds the former Starr Manufacturing property. Site specific as well as general policies are contained in the Downtown Dartmouth Secondary Planning Strategy to guide redevelopment within this block.

While the proposal will restore or replace many of the original character defining elements of the existing building, some substantial alterations to the heritage property will be required to make the proposal possible. These must be approved by Regional Council following a review by the Heritage Advisory Committee, while the development agreement itself only requires approval of Harbour East Community Council.

The proposal is pedestrian friendly and in keeping with the traditional character of the downtown. The addition will be sympathetic to the original building in terms of massing and scale. Staff have concluded that the proposal reasonably carries out the intent of the Secondary Planning Strategy for Downtown Dartmouth and further, that it presents a great opportunity to inject new life into a much deteriorated building, highly treasured as a part of the community's built heritage.

Staff recommend that Regional Council approves the substantial alteration of the Heritage Property and that Harbour East Community Council approves the attached development agreement.

BACKGROUND

Site Description and History:

Greenvale School is a municipally registered heritage property located at 130 Ochterloney Street at the intersection with Pine Street in Downtown Dartmouth (Map 1). The lot is approximately 50,000 ft² (4,645m²) and contains the second Greenvale School in this location, constructed in 1915 to replace an older wooden school destroyed by fire in 1914. High school classes were taught here until 1918 and then again from 1934 to 1959, during which time it became known as "Dartmouth High School". After 1959 (when a new high school was built at the corner of Thistle St and Victoria Rd), the school's name reverted to Greenvale, and it was used as an elementary school until 1980. In February 1987 the Dartmouth School Board permanently closed the school and turned ownership of the building over to the former City of Dartmouth, which in turn had it registered as a heritage property on June 27, 1988. The designation applies to the building as well as the land it occupies.

In 2002 HRM considered the suitability of the Greenvale School as a new home for the Dartmouth Heritage Museum. A consultant's report concluded it would not be suitable due to its insufficient size, inadequate layout for galleries and artifact storage, and the significant challenges of achieving modern climate control in a heritage building.

In 2003 HRM invited proposals (RFP 03-013) for the purchase, restoration and redevelopment of the property. HRM sought development proposals that would enhance the neighbourhood and provide economic benefits to Downtown Dartmouth while preserving and revitalizing an important community landmark and registered heritage property. The successful proponent was Dixel Developments, with whom HRM currently has an agreement of purchase and sale conditional upon Dixel's ability to successfully negotiate a development agreement for re-use of the building.

In addition to being valued as the first high school in the former City of Dartmouth, the Greenvale School is also an important part of the municipality's built heritage. The building is unique in this area for its Beaux Arts Revival style and brick construction (most Nova Scotian buildings were built with wood frame construction). The building was designed by the well known local architect Andrew Cobb who was famous for his skill in combining many different styles and who designed a number of residences and public buildings in the province.

According to the Canadian Register of Historic Places¹ and the Municipal Heritage Inventory record, the character-defining elements of Greenvale School include:

- tall chimneys and wide arched windows trimmed with keystones;
- overall form and proportions;
- classic decorative trim;
- building materials including brick, copper, and slate;
- hipped roof with copper gutter and dentiled trim;
- side entrances with classical porticos with Doric columns;
- front entrance with central portico with Doric columns and a balustrade with large arched window above;
- graduated levels following grade of property;
- original trees.

Existing Nearby Developments:

This property is surrounded by a mix of commercial and residential uses typical of the downtown core. It is located on the block containing the former Starr Manufacturing Plant which is now owned by HRM and intended for redevelopment as a linear heritage park. Provident Developments recently completed a four storey condominium building on a portion of the block, Imperial Oil operates an Esso gas station in the triangular northern tip of the block, and small residential or commercial buildings line the remainder of Ochterloney Street between Esso and the subject property (Map 1).

¹<http://www.historicplaces.ca>

Policy and Zoning:

The property is located within the Downtown Business (DB) zone of the Downtown Dartmouth Land Use Bylaw. The Bylaw requires the negotiation of a development agreement for almost any new use proposed on the block surrounding the former Starr Property. The Downtown Dartmouth Secondary Planning Strategy contains a number of policies that Council should have regard for when considering approval of such agreements, and Council needs to ensure that any proposal reasonably carries out the intent of those policies (Attachment B).

The Proposal:

As detailed in the attached development agreement, Dexel proposes to renovate the building, construct a large addition to it, and convert the use into a maximum of 36 residential apartments. The development agreement would also permit the conversion of some of the ground floor apartments to commercial uses. While the developers propose to maintain and/ or restore several of the building's character defining elements, they are also asking to substantially alter certain other elements, most notably, the brick exterior.

DISCUSSION

While a detailed point by point review of the applicable policies is included under Attachment B, the following presents a general discussion of how the proposal satisfies the relevant criteria.

Pedestrian Orientation

- The development agreement requires direct pedestrian walkways from the sidewalk to the main entrances (i.e. pedestrians not required to cross parking lots).
- Surface parking has been broken up into a few smaller lots instead of one large lot and the principal facade will be unobstructed by parked vehicles when viewed from Ochterloney St.

Traditional Character, Architecture, Massing, Scale

- The existing building will be retained and the proposed addition is sympathetic in bulk, scale, and form to the original and to the surrounding community.
- The addition has been designed in the same architectural style as the original and will employ many of its character elements like the hipped roof, bracketed cornice, porticos etc.
- The proposed number of residential units is well below the density of 100 units/ acre suggested by the Secondary Planning Strategy.

Parking and Amenities

- Parking will be provided in accordance with the Downtown Dartmouth Land Use Bylaw but is restricted from locating between the front facade of the original building and Ochterloney Street, to preserve the look of the school as being 'set in the landscape';
- Professionally landscaped grounds will enhance the experience of living on the site and compliment the streetscape.

Cultural Aspects

A number of substantial alterations are proposed to the structure (Attachment C , section 3.4.2) . The principal alterations being:

- a large addition on the rear of the property, and
- the covering of the brick exterior with an “Exterior Insulation Finish System” (EIFS).

The substantial alterations must be reviewed by HRM’s Heritage Advisory Committee (who will provide their recommendation under separate cover) and will ultimately require the approval of Regional Council in accordance with HRM’s Heritage Property Bylaw (H-200) and the Nova Scotia Heritage Property Act.

It is staff’s opinion that the addition has been designed to be very sympathetic with the original in terms of form, scale, and detailing. While it is unfortunate the developer could not find a way to restore the existing brick exterior, the proposed exterior will resemble a parged finish, which was traditionally used over masonry to protect it and prevent moisture penetration. The main concerns with the existing brick exterior are that it is severely deteriorated following decades of neglect, and would not only be prohibitively costly to repair, but would present long term maintenance issues due to the challenges associated with successfully creating a thermal, air, and vapour seal in an existing masonry building (the brick is structural, three wythes thick, and not just a veneer applied to a wood frame building). Given that the brick is one of the building’s key architectural features, HRM carried out an independent analysis of the brick exterior to see if it could be restored. It was ultimately determined that there would be challenges in terms of matching replacement bricks, as well as cost, particularly to restore the south wing which is showing advanced deterioration.

The development agreement also requires the retention, repair, or replacement (with same or similar materials) of a number of other significant character defining elements of the existing building, not least of which is the retention of the existing building itself, in the same location it has existed for nearly a century. A number of Cobb’s architectural details will also be retained or completely reconstructed in original materials, such as the prominent bracketed cornice, the stately porticos with their Doric columns and balustrades, the hipped roof, and the remaining original trees on the property. In addition to other required landscaping, the developer will also replant three European Beech trees on the site, which were knocked down during Hurricane Juan.

Servicing

An existing sanitary sewer runs directly underneath the south wing of the existing building. As part of site redevelopment this pipe will be abandoned and the developer will construct a replacement elsewhere on the property. HRM will retain a sewer service easement over the new section of pipe where no permanent structures will be permitted. In a short section of this new pipe, where limited site area has restricted HRM’s ability to retain a standard six metre wide easement, special construction methods will ensure HRM has access for long term maintenance, and staff have agreed to accept a reduced easement that is 1.2m wide.

Public Participation

A public information meeting was held on June 23, 2005. Approximately 20 members of the public attended and were very supportive of the redevelopment proposal. The minutes of this meeting are provided in Attachment A. In addition to a newspaper advertisement, written notification of the meeting was sent by regular mail to property owners identified on Map 1. Should Council agree to hold a public hearing, a similar process of notification will be undertaken.

The proposal attached to this report contains a few differences from the one presented at that meeting. In staff's opinion these differences wouldn't have altered the positive reception of this project, however they are described here in detail to ensure they are fully considered:

- An increase in the maximum number of permitted units from 24 to 36;
- More parking to support the additional units;
- Retention by the developer of the entire property;
- The possibility of commercial uses as well as residential.

The developer originally intended to build 24 large condominium units, but now feels that a greater number of smaller units would respond better to market demand. The additional units have been accommodated entirely within the same building envelope presented at the public meeting, and density remains within that suggested by the Secondary Planning Strategy. Additional parking has been accommodated east of the building, on a piece of the lot the developer originally intended to leave in HRM's ownership. The development agreement requires the protection of a large tree on this part of the property, and locates parking away from the 'front yard' of the school where it was originally proposed, and where it would have been unsightly. The agreement of purchase and sale will be adjusted to reflect that HRM will sell the entire property, as originally intended when the RFP to redevelop the lands was first issued. Finally, staff felt it important to support continued commercial development opportunities in the downtown by allowing some ground floor commercial uses in the project, in accordance with policy B-9 which encourages mixed use development.

Conclusion:

In it's current state, and following nearly 20 years of deferred maintenance, the attached development agreement represents an excellent opportunity to re-inject this treasured and once vital community building with a new lease on life. The proposal carries out the intent of the Secondary Planning Strategy for Downtown Dartmouth and staff strongly recommend its approval.

BUDGET IMPLICATIONS:

None.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES FOR THE HERITAGE ADVISORY COMMITTEE

1. The Heritage Advisory Committee could recommend that Regional Council approves the substantial alteration to a heritage property at 130 Ochterloney Street. This is the staff recommendation.
2. The Heritage Advisory Committee could recommend that Regional Council refuses the substantial alteration to a heritage property at 130 Ochterloney Street. This is not recommended because the building is at risk, and the substantial alteration provides an opportunity to retain the building several other of its character defining elements.

ALTERNATIVES FOR REGIONAL COUNCIL

1. Regional Council could choose to approve the substantial alteration to a heritage property at 130 Ochterloney Street. This is the staff recommendation.
2. Regional Council could choose to refuse the substantial alteration to a heritage property at 130 Ochterloney Street. This not recommended for reasons stated above.

ALTERNATIVES FOR HARBOUR EAST COMMUNITY COUNCIL

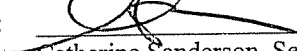
1. Community Council could choose to approve the development agreement. This is the staff recommendation.
2. Community Council could choose to approve the development agreement with amendments. This is not recommended.
3. Community Council could choose not to approve the development agreement. This is not recommended. Should Council refuse the application, reasons must be given for the refusal pursuant to the Municipal Government Act.

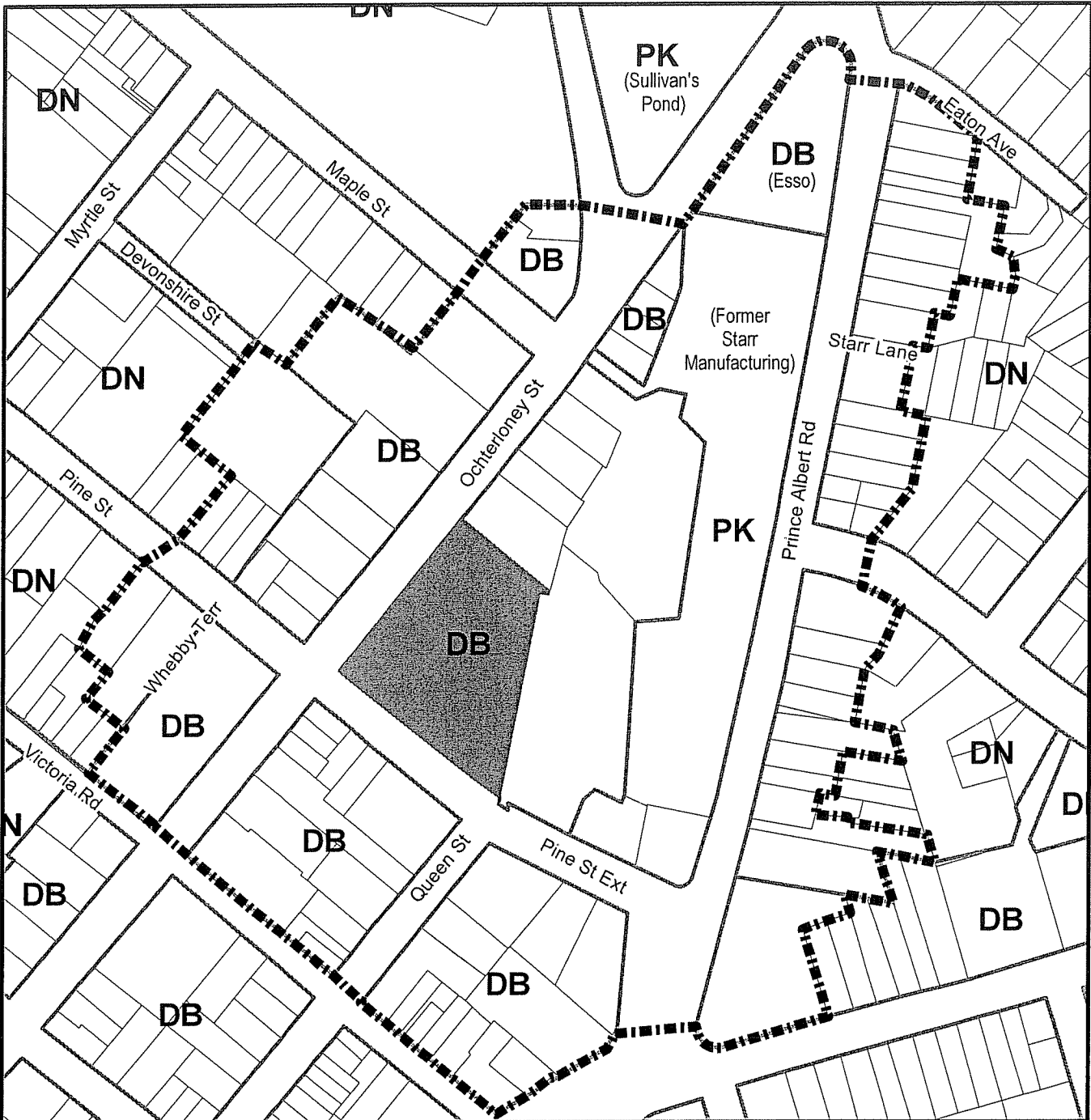
ATTACHMENTS

- Map 1: Location, Zoning, and Notification Map
Attachment A: Minutes of Public Information Meeting, June 23, 2005
Attachment B: Policies of the Downtown Dartmouth Secondary Planning Strategy
Attachment C: Development Agreement

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by : Hanita Koblents, Planner, 490-4181



Financial Approval by : 
Catherine Sanderson, Senior Manager, Financial Services, 490-1562



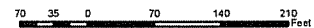
**Map 1
Zoning and Location Map**

130 Ochterloney Street

Downtown Dartmouth MPS

-  Subject Property
-  Notification Area

Zoning
 DB - Downtown Business
 DN - Downtown Neighbourhood
 PK - Park and Open Space



This map is an unofficial reproduction of a portion of the Zoning Map for the Dartmouth Land Use By-Law area.

HRM does not guarantee the accuracy of any representation on this plan.

Attachment A
Minutes of Public Information Meeting, June 23, 2005

PUBLIC INFORMATION MEETING
CASE 00806 - DEXEL DEVELOPMENTS, 130 OCHTERLONEY STREET
DARTMOUTH PLAN AREA

June 23, 2005
Findlay Centre, Dartmouth
7:00 p.m.

STAFF IN

ATTENDANCE: John MacPherson, Planner
Maggie Holm, Heritage Planner
Samantha Charron, Administrative Support

APPLICANT: Louis Lawen, Dixel Developments
Michael Napier, Architect

OTHER: Gloria McCluskey, Local Councillor

MEMBERS OF

THE PUBLIC: Approximately 20 people

Meeting commenced at approximately 7:05 p.m.

INTRODUCTIONS/OPENING COMMENTS

John MacPherson welcomed residents to the meeting and thanked them for attending. He introduced local Councillor Gloria McCluskey, Heritage Planner, Maggie Holme, the applicant Louis Lawen, Dixel Developments Ltd and the architect Michael Napier. He then introduced himself as the planner assigned to this application.

Councillor McCluskey also welcomed residents to the meeting and indicated she was in attendance to listen to comments and concerns residents have regarding this application. She explained there would be a future public hearing in which residents would have the opportunity to speak to this application formally, before Council.

Mr. MacPherson explained the purpose of the public information meeting was for residents to review the application submitted by Dixel Developments Ltd. to enter into a development agreement with HRM to permit the redevelopment of 130 Ochterloney Street (former Greenvale School property) to a 24 unit multiple unit dwelling.

Mr. MacPherson gave a brief explanation of the planning process to residents and continued with a brief overview of the application. He explained that staff and Council are directed to evaluate this application according to policy and regulations in the Downtown Dartmouth Municipal Planning Strategy (MPS), policy B-9, and Land Use By-Law (LUB), he noted these documents were adopted in 2000. He explained

these documents require the proposed development of this property to maintain the architectural heritage as well as the historical and cultural integrity of this property. He noted the Heritage Advisory Committee will evaluate this proposal before it goes to the Harbour East Community Council (HECC). Mr. MacPherson then explained the purpose of the public information meeting is to get a better understanding of the issues and concerns regarding the proposed development. It is also an opportunity to inform residents of approximate time lines for a process of this nature and it gives residents the chance to fully understand the proposed development. He then invited Mr. Lawen to provide an overview of the proposal.

Louis Lawen began his presentation with a brief history of local developments constructed by Dixel Developments Ltd. With the use of overhead he described the site plan including lot coverage, parking, elevations, landscaping and proposed park area. He continued with a detailed description of interior and exterior construction, features included, interior and exterior finishes, number and size of units, loft design, commercial space, common area, ventilation towers, ceiling height, amenities and the possibility of natural gas connection. He suggested they are trying to create comfortable loft living while maintaining the heritage of this site. He feels they will achieve this with the proposed design.

Mr. Lawen then asked residents if they had any questions or concerns regarding the application.

QUESTIONS AND CONCERNS

Julia Hale asked Mr. Lawen why they are considering commercial space in this development

Mr. Lawen indicated the commercial use they are proposing would be local use, not something that would generate a large amount of traffic through the development. He also stated this is one option, we wanted to see how residents would feel about this.

Mr. MacPherson suggested the Downtown Dartmouth Plan supports this type of commercial use.

Toby Balch suggested he is pleased with the aesthetics of this proposed development, but would like the developer to consider restoring the brick finish of the building to retain the architectural history.

Louis Lawen suggested the first choice to them as well, was to restore the brick finish, but he indicated approximately 50 % of the exterior is in bad shape and this would be very costly for them to have restored and maintain over time. He suggested they are looking at products that may be more economical while retaining the architectural history of the building. He suggested there is a material they are considering that is a paintable product that will resemble the brick finish.

Toby Balch suggested this development in his opinion is a step in the right direction for future development in the Downtown area.

Allan asked if the Pine St extension would be closed off.

Mr. Lawen indicated that had not been decided yet, but asked how residents would feel about that.

Allan suggested he cannot see local residents having an issue with this closure.

Evelyn commented on the exterior finish and noted she has seen this applied to the exterior of older developments and it looks very nice but she suggested it does not retain the historical architecture, it is a new product that gives a new exterior look.

Claude V asked what type of lighting will be installed on the property and suggested he would like to see consideration given to the abutting neighbours when this is being installed.

Mr. MacPherson noted this is an aspect that can be addressed through Land Use By-Law regulations.

Julia Hale asked Mr. Lawen if the development pictures on display were examples of Dixel's existing developments and if they were rentals or condos.

Mr. Lawen stated the pictures displayed were existing local developments owned and constructed by Dixel Developments Ltd. He indicated all developments to date are rental units, this would be their first condo development.

Wilfred Warner asked who will manage the condo's once they are sold.

Mr. Lawen indicated that will be decided by the condo corporation.

Wilfred Warner asked if this meant Dixel could still manage the development after construction.

Mr. Lawen indicated that may be a possibility.

Wilfred Warner asked Mr. Lawen to describe an open concept loft design.

Mr. Lawen described a proposed open concept loft design.

Tracey Prince has parking concerns, she suggested this development will generate more vehicles in the area which already struggles to accommodate any on street parking for patrons in the local community on a daily basis. She would like to see consideration given to additional parking.

Mr. MacPherson suggested the Regional Plan initiative underway strongly promotes public transit within the Downtown core.

Tim Olive suggested improvements have recently been completed for the Downtown area. He suggested traffic services have been working on this for approximately eight months.

Tracey Prince asked the status of the Starr property redevelopment project.

Mr. MacPherson gave an update of the status to the best of his knowledge.

Brian Hale asked Mr. Lawen if the units will have balconies.

Mr. Lawen indicated the construction of balconies wouldn't be in keeping with the historical architecture.

Anne Timmons asked if the new construction will be concrete.

Mr. Lawen indicated the floors will be concrete construction the walls will not. He stated the building will be constructed to meet all requirements of the National Building Code.

Anne Timmons stated she is impressed with the proposed development and feels it will be a wonderful addition to their community.

Claude V asked if the proposed ventilation towers are functional or strictly decorative.

Mr. Lawen suggested he would like them to be functional but at this point he cannot answer that.

Ann Prince asked if there is a possibility of constructing a roof top balcony.

Mr. Lawen indicated a roof top balcony has not been incorporated due to the additional structural requirements.

Ms. Hale asked if local residents will be able to tour the site before the remodelling begins.

Mr. Lawen suggested this would not be possible because of the state the building is in.

Ann Prince stated she heard there is a skateboarding park designed for a portion of the Starr property.

Mr. MacPherson suggested the Trans Canada Trail will be connected to this site and he knows nothing of plans for a skateboarding park.

Chambers asked when construction could possibly begin for this proposed development.

Mr. MacPherson suggested at this time there are a number of variables that could effect the time lines so it would very difficult to give residents even an estimated time line.

Chambers asked Mr. Lawen if the development was approved, how long would construction take.

Mr. Lawen suggested depending on the time of year construction begins but he sees this project taking approximately one year to construct.

Mary Henman asked if Dixel is proposing any other developments in Downtown Dartmouth.

Mr. Lawen suggested they are proposing a development on Horizon Court in Dartmouth but nothing else in the Downtown zone. He noted he is aware of a proposal for the Marine Slips site.

Mr. MacPherson suggested an application has been submitted for the development of the Marine Slips site but staff is still in the process of opening the case.

Ms. Hale asked if all the units would be sold before construction begins.

Mr. Lawen suggested at this time they have a list of interested buyers.

Anne asked the price range of the proposed units.

Mr. Lawen indicated they are considering price ranges from \$160 000 to \$300 000, depending on the size of the unit.

Graham Gordon asked if the Starr property will actually be developed as park land or if that is still undecided.

Mr. MacPherson indicated the Starr property was recently rezoned to Park. Funding has been approved for this site and consultants have been retained to begin the design of the property.

Catherine McCrae asked if the park located on the Starr site will be recognized as a national historic site.

Claude V asked Mr. Lawen what the possibility of natural gas being provided for this development is.

Mr. Lawen indicated he has discussed this with Heritage Gas, but it has not been decided to date.

Mr. MacPherson described the remaining planning process to residents and suggested if there were no further questions the meeting could be adjourned. He thanked everyone for their time.

MEETING ADJOURNMENT

The meeting adjourned at approximately 9:00 p.m.

Attachment B
Policies of the Downtown Dartmouth Secondary Planning Strategy

Policy B-9 (*Site Specific Policy for Starr Manufacturing and Greenvale School sites*)

Council recognizes the importance of the Starr Manufacturing and Greenvale School sites in the history of the Dartmouth and as a gateway to the downtown. A mixed use development will be encouraged on this block consisting of open space, heritage, and small scale commercial and residential components which blend with the character of the area. The development agreement process will be used to ensure a comprehensive approach which reflects the various community goals for the site. In evaluating proposals for the site, council shall consider the following criteria:

Policy Criteria	Analysis
<p>a) that the proposal is consistent with the objectives for the site which are to encourage protection and promotion of the site's heritage features,</p> <p>provision of a trail link and other open space opportunities, and</p> <p>development of small or medium scale commercial or residential components;</p>	<p>Many character defining elements of the existing building and landscape are protected, repaired, or restored; a monument will be built to promote the Greenvale's heritage</p> <p>A trail link is not required across the Greenvale property. Professionally landscaped grounds as required by the agreement will ensure adequate on-site open space is provided for residents</p> <p>DA² permits conversion into medium scale residential building with ground floor commercial.</p>
<p>b) the design of any buildings on the site reflects its role as a gateway to the downtown business district,</p> <p>its relationship to existing development on site and surrounding neighbourhoods, and</p> <p>its history as part of the Shubenacadie Canal;</p>	<p>This sensitively designed proposal sets the tone for a traditional, pedestrian oriented, business district.</p> <p>The existing building is to maintained in its current location and the addition is sympathetic in character, form, and scale.</p> <p>N/A - this policy is intended for the Starr Site</p>
<p>c) the unique heritage attributes of this site including the retention and stabilization of the Greenvale School building,</p> <p>the protection of the underground canal features on the northern portion of the site, and if feasible, opportunities to reuse structural elements of the Starr Manufacturing building;</p>	<p>The existing building is to be maintained and many of its character defining elements are to be protected, repaired, or restored.</p> <p>N/A</p> <p>N/A</p>

²DA = Development Agreement

<p>d) the preservation and restoration of significant natural features on the site where feasible including mature trees, and water features related to the former stream bed running through the site;</p>	<p>DA contains provisions to protect mature trees N/A</p>
<p>e) that adequate provisions are made for pedestrian and bicycle circulation on the site... ...including an extension of the Dartmouth multi-use trail along the length of the site;</p>	<p>DA requires direct pedestrian walkways from sidewalk to main doors, not crossing any parking or driveways; bicycle parking required in accordance with Land Use Bylaw N/A - this policy is intended for the Starr Site</p>
<p>f) the design scheme of any proposed buildings, signs and lighting fixtures incorporates traditional design elements and materials to complement the traditional small town character of the area. (Refer to Policy D-1).</p>	<p>See analysis under D-1</p>
<p>g) the provision of extensive landscaping in the form of suitable trees, shrubs, grassed areas planting beds; particularly to enhance aesthetics of any proposed parking areas on the site;</p>	<p>DA requires a minimum of tree and shrub planting; Downtown Dartmouth Land Use Bylaw requires parking lots to be buffered with vegetated landscape strip.</p>
<p>h) the impact of any additional traffic on existing street networks and the best means of accommodating traffic flow to, on and from the site; and any required upgrading to the existing street network;</p>	<p>Traffic impact was deemed negligible given number of units, proximity to downtown core, major collector, and transit; all driveways must meet Streets Bylaw; no upgrades to the existing street network required to support this proposal.</p>
<p>i) the provision of adequate municipal sewer and water services to the site, and the treatment of existing underground infrastructure;</p>	<p>Adequate services exist to support the proposed development. A combined sewer runs under the existing building. The developer will relocate this on the property and convey to HRM a maintenance easement restricting erection of permanent structures. A special design detail will house the pipe in one short section where limited site area restricts the ability for HRM to retain a standard 6m wide easement and staff have agreed to accept a reduced easement as narrow as 1.2m. In the area of the reduced easement, the building's footing must extend below the pipe to ensure the building will be supported should HRM ever need to excavate in this area.</p>
<p>j) remediation of environmental contamination on the site which meets the requirements of the Nova Scotia Department of Environment.</p>	<p>N/A. This policy is referring to the area of the former Starr manufacturing plant which was contaminated by former industrial activities (site has been capped).</p>

Policy D-1 (Urban Design Policies)

HRM should ensure that a high quality of urban design is provided for all major developments in the downtown area. To achieve this objective Council shall adopt the following design guidelines for consideration in the design and renovation of buildings and spaces in the downtown area:

Policy Criteria	Analysis
<p>a) The scale, massing, and grain of future development should reflect the downtown's role as a "people place" and respect its historic, small town character. While specific direction is provided in each of the various policy sections within this plan, in general three to five storeys is the desired scale of development.</p>	<p>The addition is very sympathetic to the existing building in terms scale and massing, and draws inspiration from the existing building for its form and placement on the site. The overall development is under five stories.</p>
<p>b) The traditional street grid pattern and grain of development should be maintained and re-established in new and existing development.</p>	<p>N/A</p>
<p>c) Building facades should maintain a consistent street edge except to provide access to rear parking areas.</p> <p>The use of interesting colour for building facades should be encouraged where it is complementary to the streetscape to add a sense of vibrancy to the area.</p>	<p>The addition is in line with the existing building in terms of its relationship with Pine Street, maintaining a consistent street edge.</p> <p>A traditional palette of brick red, dark green, cream, brown, and taupe is proposed, which is very similar to the palette of colours currently used on the building. The final colour scheme will require approval by HRM's Heritage Planner.</p>
<p>d) The exterior architectural design of new buildings should be complementary to adjacent buildings of historic or landmark significance in terms of the building height and materials, rhythm, colour, and proportion of the building design elements. Traditional building materials such as wood shingle and brick and preferred. Architectural design details should be provided to encourage visual interest.</p>	<p>The addition has been designed in the same architectural style as the existing building and continues many architectural details of the original such as classical porticos, pattern of windows, bracketed cornice, hipped roof, etc. The addition replicates the bulk and mass of the original building on the opposite side of the south wing resulting in a balanced and pleasing overall composition, and not one that is 'lopsided'. While it is unfortunate the developer could not find a way to restore the existing brick exterior, the proposed exterior will resemble a parged finish, which was traditionally used over masonry to protect it and prevent moisture penetration. HRM carried out an independent analysis of the brick exterior to see if it could be restored and determined that there would be challenges in terms of finding matching replacement brick, as well as cost, particularly to restore the south wing which is showing severe deterioration.</p>

<p>e) Development should be oriented to pedestrians rather than cars. Surface parking areas should be designed to minimize the visual impact on the streetscape.</p>	<p>See B-9 (e). Parking will be broken up into three small parking areas, reducing the overall visual impact of a large parking lot upon the streetscape. No parking is permitted directly in front of the principal facade on Ochterloney St, minimizing the impact on the heritage building.</p>
<p>f) Microclimate issues such as wind, solar orientation, and shadowing should be considered and capitalized upon in all new development or major renovation projects.</p>	<p>The southerly elevations contain a large number of windows, providing opportunities for passive solar heat, while the northern elevations contain fewer windows. Wind and shadowing won't be issues for pedestrians at ground level, or for abutting property owners: the building is low and well set back from property lines.</p>
<p>g) Pedestrian street level activity should be encouraged in all development through the incorporation of outdoor cafes, ground floor uses, and uses that are open beyond daytime hours of operation.</p> <p>Consideration should be given to weather protection for pedestrians through use of decorative canopies and awnings.</p>	<p>The development agreement permits conversion of ground level residential units into commercial to carry out the intent of this policy .</p> <p>Portico entrances provide weather protection for persons entering and exiting the building.</p>
<p>h) Public art should be provided on or adjacent to buildings.</p>	<p>The developer will design and install a \$20,000 monument commemorating the heritage of Greenvale School in a location on the site that will be publicly accessible.</p>
<p>i) Opportunities to experience nature should be provided to soften the urban setting through the incorporation of roof top gardens, flower boxes, community gardens for vacant lots, and through the use of greenways through the business core.</p>	<p>The lot coverage of the building and addition is less than 25% leaving plenty of space for landscaped amenity areas and parking. A minimum amount of tree and shrub planting is required and a professional landscape plan must be approved by the Heritage Planner.</p>
<p>j) Important views from public parks and streets should be respected in the design and configuration of development, especially harbour and east-west street corridor views.</p>	<p>Neither the building nor the addition impact any important public views.</p>
<p>k) Pedestrian circulation and access should be an important consideration of all development.</p> <p>In particular, public access to the water's edge should be protected and enhanced where possible.</p>	<p>See (e) above</p> <p>N/A</p>
<p>l) A high quality of design should be required for streetscape elements and furniture</p>	<p>The developer will replace the existing asphalt sidewalk along Pine Street with a concrete one.</p>

<p>m) Public safety should be a consideration in the design of new buildings to ensure the design of public spaces does not create opportunities for crime at any time, with special attention paid to placement and intensity of lighting, visibility, directional signage, and land uses providing opportunities for eyes on the street through incorporation of residential development and street level activity after normal working hours.</p>	<p>No particular issues arise from the proposed site plan which would raise concerns about public safety.</p> <p>The mixed uses permitted under the agreement will support a greater level of activity through all hours, providing opportunities for 'eyes on the street'.</p>
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Policy H-2

Policy Criteria	Analysis
<p>The Municipality should use a variety of means to protect historic buildings and sites in the downtown, including tools enabled under the Heritage Property Act, and the use of public/private partnerships and other incentives to encourage the protection and restoration of heritage.</p>	<p>Following decades of deferred maintenance, the Greenvale School is a building at risk. Permitting the addition, adaptive re-use, and substantial alteration of some character defining elements of Greenvale School as detailed by the proposed DA, will allow for the restoration and continued protection and maintenance of other elements providing an opportunity to halt further decay of the structure and revitalize the community.</p>

Policy H-8

Policy Criteria	Analysis
<p>The demolition and exterior alterations of registered heritage properties shall be regulated under the provisions of the Heritage Property Act.</p>	<p>The Act requires substantial alterations to be approved by Council following review by its Heritage Advisory Committee.</p>

Policy H-9

Policy Criteria	Analysis
<p>Prior to selling or otherwise disposing of any surplus municipal property which may have heritage significance, an evaluation of the property shall be carried out to determine the level of significance, if any. Where the surplus property is of significance, measures shall be undertaken to ensure the retention of the building to the greatest reasonable extent through heritage registration, restrictive covenants or other appropriate means.</p>	<p>The property has been in public ownership for twenty years. The City of Dartmouth had it registered as a heritage property and HRM evaluated it for housing the Dartmouth Heritage Museum, but found it unsuitable. The property is surplus to HRM's needs. The purchase and sale agreement, as well as controls in the attached DA, ensure that redevelopment is carried out as proposed, and retains (to the greatest reasonable extent) heritage features of the building.</p>

Policy H-10 (*Conversion of Heritage Properties to Accommodate Uses not permitted in the Zone*)
Council should encourage the reuse, restoration and retention of registered heritage properties within the downtown. One means through which this will be encouraged is by allowing for an increase in

development rights for registered heritage properties, where it can be demonstrated that the current use is an impediment to its reuse. Internal conversions of registered heritage properties to accommodate uses not otherwise permitted may be considered through the development agreement process. In considering any requests, the following criteria shall be addressed:

This policy enables development agreements for internal conversions of registered heritage properties to accommodate uses not otherwise permitted in the zone and these policy criteria are intended to guide such applications. As such, the policy may not be applicable in this case because the proposed use is permitted by the DB zone and the development agreement is enabled by part 10, subsections 4 and 12 of the Downtown Dartmouth Land Use Bylaw. Also, there is site specific policy to guide redevelopment on this block (Policy B-9, above). Nonetheless, this policy set contains good guidelines for renovation and reuse of heritage properties, and has been consulted in evaluating the proposal.

Policy Criteria	Analysis
a) the present use is an impediment to the building's retention;	Yes. The school is no longer needed
b) that the building is suitable for conversion, in terms of building size, the size of proposed individual residential units, and/or the nature of the proposed use;	Very suitable
c) that adequate measures are proposed to ensure the continued protection of the building as a registered heritage property, and that renovations and additions to the building are consistent with the intent of HRM's "Heritage Building Conservation Standards" as updated from time to time;	While the addition has been designed in the same architectural style as the original and will extend many of its character elements such as the hipped roof, bracketed cornice, porticos, etc. it will be recognizable as being from a different era through the use of a different, architecturally detailed, material for the ground floor exterior. While some substantial alterations to the heritage property are required to accommodate the new use, staff feel that the renovation and addition is reasonably consistent with the intent of the aforementioned standards. In fact, some elements of the original building which were removed long ago, will be rebuilt according to Andrew Cobb's original architectural drawings, (three ventilation towers), and character defining elements like the columns, balustrades, trim etc. will be repaired or rebuilt in their original material.
d) that no additions of greater than ten percent (10%) of the footprint area of the building are proposed; and that all additions including wheelchair ramps, fire escapes and emergency exits are designed to be as compatible as possible with the exterior of the building;	N/A. This criteria is intended for when a DA is enabled by this policy i.e. when the proposed use is not permitted in the zone, primarily to ensure compatibility with neighbouring structures.

e) that adequate measures are proposed to minimize impacts on abutting properties and the streetscape as a whole as a result of traffic generation, noise, hours of operation, parking requirements and such other land use impacts as may be generated as part of a development;	Discussed under B-9 and D -1
f) that the placement and design of parking areas, lighting and signs, and landscaping is in keeping with the heritage character of the building;	Discussed under D-1 e) and i).
g) where applicable, the proposal should include an assessment and strategy to protect significant on-site archeological resources which may be impacted by the proposed development.	Archaeological monitoring and protection is required in accordance with the Special Places Protection Act.

Policy B-8 (Higher Density Housing Proposals)

Higher density housing proposals that do not meet the standards of the Business District Zone may be considered by Council through the development agreement process. In addition to the general criteria set out in Policy N-5, the following criteria shall be considered by Council in evaluating such proposals:

Policy Criteria	Analysis
1. The "residential opportunity sites" referenced in Policy B-7 should be given priority for higher density development;	N/A
2. The design of apartment buildings should be sensitive to the traditional character of the downtown and the immediate surroundings. A general guideline of 100 units per acre and 5 storeys shall be utilized as parameters for the scale and massing of development.	Density is within the general guideline (100 units per acre), and design is sensitive to traditional character - refer to comments under policy B-9 and D -1.
3. Buildings should be designed to reinforce a human scale streetscape. The stepping back of higher rise buildings away from the street should be considered to avoid a massive building appearance, as should the subdivision of large building facades to create the appearance of several smaller buildings;	Human scale streetscape is accomplished: height is medium; the entire building is stepped back; and grounds will be landscaped. The building facade is broken up vertically avoiding the creation of a massive building facade.
4. Commercial or other uses serving the public are encouraged at the street level of residential buildings.	Ground floor commercial uses are permitted by the development agreement.

5. Where on-site parking is required, it should be enclosed within a building.	The majority of the building consists of an existing structure and it is not really practical to locate parking within the building. The large site combined with a relatively small building footprint will allow space for surface parking to be buffered to minimize its impact on the streetscape.
6. Reduced standard laneways may be considered as an alternative means of access to the residential opportunity sites	N/A

Attachment C

THIS AGREEMENT made this day of , 2007,

BETWEEN:

OLLIVE PROPERTIES LIMITED

a body corporate, in the Halifax Regional Municipality,
Province of Nova Scotia (hereinafter called the "Developer")

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY,

a municipal body corporate,
(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at 130 Ochterloney Street, Dartmouth, PID 00175190 and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a development agreement to allow for conversion and expansion of the *existing building* on the Lands pursuant to the provisions of the Municipal Government Act and policies of the Downtown Dartmouth Secondary Planning Strategy and Part 10, Subsections 4 and 12 of the Downtown Dartmouth Land Use Bylaw;

AND WHEREAS a condition of the granting of approval by Council is that the Developer enter into an agreement with the Halifax Regional Municipality;

AND WHEREAS the Harbour East Community Council approved this request at a meeting held on , 2007 referenced as Municipal Case Number 00806;

AND WHEREAS the Lands were registered as a municipal heritage property on June 27th, 1988 in the City of Dartmouth pursuant to provisions of the Municipality's Heritage Property By-law;

AND WHEREAS the Developer has requested approval by the Municipality to undertake a substantial alteration to the Lands;

AND WHEREAS the Regional Council for the Municipality granted approval to this request at a meeting held on , 2007;

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

PART 1: DEFINITIONS

1.1 Unless otherwise specifically defined herein, all words shall be as defined in the *Land Use Bylaw* and the *Subdivision Bylaw*.

Addition The part of the building intended to be added on to the south wing of the existing building, after the signing of this agreement.

Balustrade A railing with a series of balusters (vertical pillars) joined by a horizontal top rail.

Character Defining Elements Those features, materials, forms, spatial configurations, uses, and cultural associations or meanings that contribute to the heritage value of an historic place, which must be retained in order to preserve its heritage value.

Commencement of Development The pouring of footings and foundations for the *Addition*.

Completion of Development The receipt of an occupancy permit.

Cornice The projecting mouldings forming the top band of a wall.

Dentil A moulding made up of a series of small, typically rectangular, decorative blocks.

Doric Column A Greek-style column with no base and a simple capital, usually a smooth or slightly rounded band of wood, stone or plaster.

EIFS Exterior Insulation Finish System, consisting primarily of rigid insulation secured to the exterior wall with adhesive; and covered with a durable finish coat.

Existing Building All parts of the building that existed at the date of signing of this agreement.

Heritage Planner A person employed by the Municipality, responsible for the administration of the Heritage Property Program, or that person's designate.

Hipped Roof A roof which slopes inward and upward from all four sides.

HRM Halifax Regional Municipality.

Keystone Wedge-shaped stone found in the center of some arches.

- Land Use Bylaw** The Downtown Dartmouth Land Use Bylaw, as may be amended.
- MSS** Municipal Service Systems Design Guidelines, as may be amended.
- Muntin** Small moulding or bar separating panes of glass in a multi-paned window sash.
- NSDEL** Nova Scotia Department of Environment and Labour
- Portico** A columned porch typically found over a main entrance.
- Sill** Horizontal member directly below a window or door.
- Subdivision Bylaw** The Regional Subdivision Bylaw, as may be amended.

PART 2: GENERAL REQUIREMENTS AND ADMINISTRATION

- 2.1 The Developer agrees that the Lands shall be developed and used only in accordance with and subject to the terms and conditions of this Agreement.
- 2.2 Except as otherwise provided for herein, development and use of the Lands shall comply with the requirements of the *Land Use Bylaw*.
- 2.3 Except as otherwise provided for herein, the subdivision/ consolidation of the Lands shall comply with the requirements of the *Subdivision Bylaw*.
- 2.4 Further to Sections 2.2 and 2.3, 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 bylaw of the Municipality applicable to the Lands (other than the *Land Use Bylaw* and *Subdivision Bylaw* to the extent varied by this Agreement), or any statute or regulation of the Provincial/Federal Government, and the Developer or lot owner agrees to observe and comply with all such laws, bylaws, and regulations in connection with the development and use of the Lands.
- 2.5 Where the provisions of this Agreement conflict with those of any bylaw of the Municipality applicable to the Lands (other than the *Land Use Bylaw* and *Subdivision Bylaw* to the extent varied by this Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail.
- 2.6 The Developer shall be responsible for all costs, expenses, liabilities and obligations imposed under or incurred to satisfy the terms of this Agreement and all federal, provincial and municipal regulations, bylaws or codes applicable to the Lands.

- 2.7 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 3: USE OF LANDS AND DEVELOPMENT PROVISIONS

- 3.1 The Developer shall develop and use the Lands in a manner which, in the opinion of the Development Officer, is substantially in conformance with the following schedules attached to this agreement:

Schedule A	Legal Description
Schedule B	Site Plan
Schedule C	Ochterloney St. Elevation
Schedule D	Southwest (Pine St.) Elevation
Schedule E	Southeast (Rear) Elevation
Schedule F	Northeast Elevation
Schedule G	Northwest Elevation, Middle Section
Schedule H	Ground Level Plan
Schedule I	First Floor Plan
Schedule J	Second Floor Plan
Schedule K	Third Floor Plan
Schedule L	Roof Top Level
Schedule M-1	Sanitary Main Realignment Plan
Schedule M-2	Detail 'A' (Sanitary Sewer Detail)
Schedule N	Details

- 3.2 Where the written text of this agreement conflicts with information provided in the attached Schedules, the written text of this agreement shall prevail.
- 3.3 The Developer shall not develop or use the lands for any purpose other than a multiple unit building with:
- (ii) a maximum of 36 residential units;
 - (ii) ground floor commercial uses accessed off either Pine Street or Ochterloney Street and limited to those permitted in the DB (Downtown Business) zone of the *Land Use Bylaw*, provided that:
 - i) primary access to commercial establishments is separate and independent from any residential access.
 - ii) For each residential unit, or any part thereof, as shown on the schedules attached, that is converted to a commercial use, there shall be a reduction in the maximum number of permitted residential units by one.

3.4 Building/Architecture

- 3.4.1 The Developer agrees to waive the right to alter, demolish, or de-register the *existing building*, as provided for under Sections 16, 17 and 18 of the Nova Scotia Heritage Property Act, in the event that an application for a building alteration, demolition or de-registration is denied by the Municipality.
- 3.4.2 Notwithstanding Section 3.4.1 of this Agreement, the following additions and substantial alterations to the building may occur in accordance with the schedules attached to this agreement and following approval by the *Heritage Planner*:
- (a) An *addition* to the *existing building* may be constructed, provided it has been designed and built substantially in conformance with the schedules attached;
 - (b) The exterior masonry finish may be covered with the application of an *EIFS* which shall resemble a parged finish and shall replicate the appearance of the stone sills, keystones, and recessed panels of the *existing building*;
 - (c) The roof may be re-clad with asphalt shingles and the roof of the south wing may be extended to accommodate a roof top deck as shown on Schedules L and N;
 - (d) Two patio decks may be added at grade on the east side of the building, as shown on Schedule B; as well as one service entrance located where 'optional door' is indicated on Schedule D or F, recognizing that the Schedule F option is preferred;
 - (e) New ventilation inlets and exhausts may be added provided this is done in a way that results in the least alteration possible to the building exterior;
 - (f) Windows may be replaced with new, operable, windows (preferably single hung) made of non-original materials, provided they are replaced in the existing openings and with the pattern of *muntins* indicated by the schedules. False muntins are permitted.
 - (g) Landscaping may be carried out as generally described by the text and schedules of this agreement;
 - (h) New gutters, down spouts, and drop outlets, as shown on Schedule N, may replace the existing painted wood gutters. New materials which resemble the copper gutter and down spouts originally specified by Andrew Cobb, shall be considered.
- 3.4.3 All other *character defining elements* of the *existing building* shall be maintained, these include:
- (a) Window openings;
 - (b) *Hipped roof* with its strong bracketed *cornice*, and *dentiled* trim;
 - (c) Side entrances with classical *portico* with *Doric columns*;
 - (d) Front entrance with central *portico* with *Doric columns* and a *balustrade* with large arched window above;
 - (e) Tall, brick chimney;
 - (f) Three ventilation towers shall be reconstructed as shown on the Schedules, and in accordance with Andrew Cobb's original design of the building;

- (g) Landscape features including the original trees, blue stone retaining walls, and circular front driveway;
 - (h) Notwithstanding Schedule C, the signband reading 'Greenvale School' shall be restored and retained in its existing location on the front of the *portico*, and consideration shall be given to lighting this feature.
- 3.4.4 Where *character defining elements* of the *existing building* are damaged or missing, including any damage done during construction, the project architect shall be responsible to notify the *Heritage Planner* and these elements shall be repaired or replaced with the same or similar materials, as found on the *existing building*. In addition to any other normally required approvals, all repair or replacement of these elements shall require the approval of the *Heritage Planner*, prior to repair or replacement being carried out.
- 3.4.5 The final colour palette of the exterior shall require approval of the *Heritage Planner*.
- 3.4.6 Any new signage shall accord with HRM's "Signage on Heritage Properties: Six Basic Principles" unless otherwise approved by the Heritage Advisory Committee.
- 3.4.7 Any further alterations shall be carried out in accordance with HRM "Alteration Guidelines for municipal registered heritage properties within HRM"
- 3.4.8 The building shall include designated space for three stream (refuse, recycling and composting) source separation services (containers, rooms, facilities, etc.). This space shall be shown on the building plans and approved by the Development Officer and Building Official.
- 3.4.9 Prior to issuance of an Occupancy Permit the Developer shall submit to the Development Officer a letter prepared by a practising member in good standing of the Nova Scotia Association of Architects certifying that building construction has been completed in accordance with the requirements of section 3.4 of this agreement.
- 3.5 Parking, Circulation, and Access**
- 3.5.1 Vehicle and bicycle parking requirements shall be provided in accordance with the *Land Use Bylaw*. All proposed driveways shall conform to Bylaw S-300.
- 3.5.2 *Land Use Bylaw* requirements for setbacks of parking lots and driveways from property lines may be reduced to zero where such reductions allow for increased offsets of the parking lots and driveways from existing trees on the property.
- 3.5.3 Vehicle parking shall not be permitted in the area directly in front of the building, between the facade of the *existing building* and Ochterloney Street.

3.5.4 Direct pedestrian walkways shall be provided from the public sidewalk to each building entrance facing Pine Street. Such connections shall not cross any vehicle driveway and shall be constructed of unit paver, brick, or concrete.

3.6 Landscaping

3.6.1 The Developer shall submit a landscaping plan which satisfies all the requirements of section 3.5 and 3.6 of this agreement, and which has been stamped by a landscape architect who is a member in good standing of the Atlantic Provinces Association of Landscape Architects. The plan shall be reviewed and accepted by the *Heritage Planner* and Development Officer prior to the issuance of the Construction Permit.

3.6.2 In addition to all other requirements under this section (3.6), the developer shall construct a monument, worth not less than \$20,000, intended to commemorate the heritage and history of the Greenvale School. The location and design details of this monument should be clearly indicated on the landscape plan required to be submitted under 3.6.1 and the developer should consult with appropriate HRM staff and community members familiar with the Greenvale school, in designing this monument.

3.6.3 Prior to issuance of a Construction Permit, the developer shall convey an easement to the Municipality allowing access to the monument for public viewing and maintenance.

3.6.4 Existing trees on the property as shown on Schedule B shall be retained and protected during construction through the erection of a barrier around and no less than three metres from the trunk of each tree (unless such barrier would encroach on a public sidewalk). There shall be no stockpiling of any materials, no excavation, and no soil disturbance within this barrier. Previously damaged limbs or roots may be pruned or removed.

3.6.5 Notwithstanding section 3.6.4, the Development Officer may permit existing trees to be removed and replaced with minimum 50mm caliper nursery stock trees if a letter is submitted from an ISA certified Arborist identifying such trees as posing a danger to people or property or as being in a severe state of decline, for natural reasons and not as a result of construction impacts.

3.6.6 Any trees to be retained that are damaged or improperly removed shall be replaced with two new trees for each damaged or improperly removed tree. Replacement trees shall be a minimum size of 60mm caliper.

3.6.7 Any replacement trees under 3.6.5 and 3.6.6 shall be of the same species as existing unless otherwise recommended in writing by an ISA certified Arborist.

3.6.8 New vegetation shall be planted on the Lands and shall consist of a minimum of eight (8) (minimum size: 50mm caliper) nursery stock trees, three of which shall be European

Beech (*Fagus Sylvatica*) to replace three Beech lost on the lands during Hurricane Juan. 100 (minimum size: two gallon pot) nursery stock shrubs, shall also be planted. New vegetation shall consist of 40 to 50% coniferous material for year round interest. All lands not used for pathways, parking, driveways, and planting beds, shall be stabilized with sod.

- 3.6.9 The existing bluestone retaining wall shown on Schedule B as 'rock wall' shall be maintained in its current location and size. Should this wall require repair or replacement, it shall be carried out in a similar manner to the original and replaced in the same location and size as presently. Any new retaining walls shall have the appearance of, or be constructed of traditional materials such as stone.
- 3.6.10 The former circular driveway in the front yard shall be re-instated as a pedestrian walkway. Curb cuts for this driveway shall be removed accordance with Bylaw S-300.
- 3.6.11 Lighting shall be directed to all driveways, parking areas, loading areas, building entrances and walkways and away from any streets and abutting properties.
- 3.6.12 The location of fuel storage tanks and electrical transformers shall be indicated on the plans required under 3.6.1 above. These facilities shall not be located in the area between the building and any public street, and shall be screened from the street by means of opaque fencing, masonry walls, and/or suitable landscaping.
- 3.6.13 Prior to issuance of an Occupancy Permit the Developer shall submit to the Development Officer a letter prepared by a member in good standing of the Atlantic Provinces Association of Landscape Architects certifying that all landscaping has been completed in accordance with the approved plans as required under clause 3.6.1 of this agreement, that all new plant material used conforms to the Canadian Nursery Trades Association Metric Guide Specifications and Standards and sodded areas to the Canadian Nursery Sod Growers' Specifications, and that existing trees have been protected for the duration of construction as required under 3.6.4 .

3.7 Stormwater Management/ Erosion and Sedimentation Control during Construction

- 3.7.1 Prior to issuance of a Construction Permit, the Developer agrees to submit a stormwater management and erosion and sedimentation control plan in accordance with *NSDEL* guidelines. The measures specified in this plan shall remain in force for the duration of construction until the site is permanently stabilized.

3.8 Archaeological Monitoring and Protection

- 3.8.1 The Developer agrees to comply with any potential requirements for on-site monitoring during site works and excavation, pursuant to the requirements of the Nova Scotia Special Places Protection Act.

3.9 Maintenance

3.9.1 The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the interior and exterior of the building, walkways, parking areas and driveways, and the maintenance of all landscaping including the replacement of damaged or dead plant stock, trimming and pruning, litter control, garbage removal and snow removal/salting of walkways and driveways.

4.0 STREETS AND MUNICIPAL SERVICES

4.1 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 sanitary sewer system, water supply system, stormwater sewer and drainage systems, and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of *HRM* and other approval agencies, except as provided herein. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer.

4.2 Prior to issuance of a Construction Permit, the Developer agrees to establish an easement for sewer maintenance and access in favour of *HRM* over the Lands as shown on Schedule M-1. Such easement shall typically be 6 metres in width, but may be reduced to a minimum of 1.2m near the northeastern corner of the *addition*. No permanent structures shall be placed over any portion of the easement.

4.3 In the vicinity of the proposed sanitary sewer easement as shown on Schedule M-2, the footing of the *addition* shall extend below the depth of the sanitary sewer. Prior to issuance of a Construction Permit, certification from a structural engineer shall be provided that any excavation required for pipe maintenance will not impact the foundation of the *addition*.

4.4 The Developer agrees to relocate a sanitary sewer as generally shown on Schedules M-1 and M-2. The proposed sewer shall comply with *MSS* Guidelines. All pipe shall be PVC and proposed manholes shall be accessible by an *HRM* vacuum truck. The Developer agrees to relocate any infrastructure as required to facilitate the relocation of the sanitary sewer. The Development Engineer may review and possibly approve alternate servicing arrangements at the building permit stage if deemed beneficial to *HRM*. The developer agrees to obtain any required certificate from the *NSDEL* for the realignment. Prior to issuance of an occupancy permit, sewer testing, video, and engineer's certification will be required for the relocated portion of this sanitary sewer. A one year maintenance agreement shall be required between the developer and *HRM*. Video and testing will be required three months prior to the expiration of the one year maintenance agreement.

- 4.5 Any disturbance to existing off-site infrastructure resulting from the development, including but not limited to, streets, sidewalks, curbs and gutters, 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 Engineer.
- 4.6 The developer agrees to replace an existing asphalt sidewalk and curb on the Pine St. frontage with a concrete sidewalk and curb in accordance with *MSS* Guidelines.
- 4.7 The Developer agrees to remove any existing unused curb cuts resulting from development of the Lands in accordance with Bylaw S-300.

PART 5: OCCUPANCY PERMIT

- 5.1 No Occupancy Permit shall be issued until all requirements of this agreement have been satisfied.
- 5.2 Notwithstanding clause 5.1, the Occupancy Permit may be issued subject to security being provided to the Municipality in the amount of 120 percent of the estimated cost of completion of all outstanding work. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or irrevocable, automatically renewable letter of credit in the Municipality's name issued by a chartered bank. The security shall be returned to the Developer only upon completion of all work, as described herein and illustrated on the Schedules, and as approved by the Municipality. Should the Developer not complete the work within nine months of the date of issuance of the Occupancy permit, the Municipality may use the deposit to complete the work as set out in this agreement. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.

PART 6: AMENDMENTS

- 6.1 The provisions of this Agreement relating to the following matters are identified as, and shall be deemed to be, not substantive and may be amended by resolution of Harbour East Community Council:
 - (a) Changes to the landscaping requirements under 3.6;
 - (b) Changes to any requirements under this agreement arising as a result of any archaeological analysis required under 3.8;
 - (c) Additional area used for commercial purposes;
 - (d) Changes to parking requirements under 3.5.
- 6.2 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 Municipal Government Act.

PART 7: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

- 7.1 A copy of this Agreement and every amendment and discharge of this Agreement shall be recorded at the office of the Registry of Deeds at Halifax, Nova Scotia and the Developer shall pay or reimburse the Municipality for the registration cost incurred in recording such documents.
- 7.2 This Agreement shall be binding upon the parties thereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the land which is the subject of this Agreement until this Agreement is discharged by the Council.
- 7.3 In the event that *commencement of the development* has not occurred within three years from the date of registration of this Agreement at the Registry of Deeds, as indicated herein, the Municipality may, by resolution of Council, either discharge this Agreement whereupon this Agreement shall have no further force or effect, or upon the written request of the Developer, grant an extension to the date of commencement of construction.
- 7.4 If the Developer(s) fails to *complete the development*, or after six years from the date of registration of this Agreement at the Registry of Deeds, whichever time period is less, Council may review this Agreement, in whole or in part, and may:
- (a) retain the Agreement in its present form;
 - (b) negotiate a new Agreement;
 - (c) discharge this Agreement.

PART 8: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

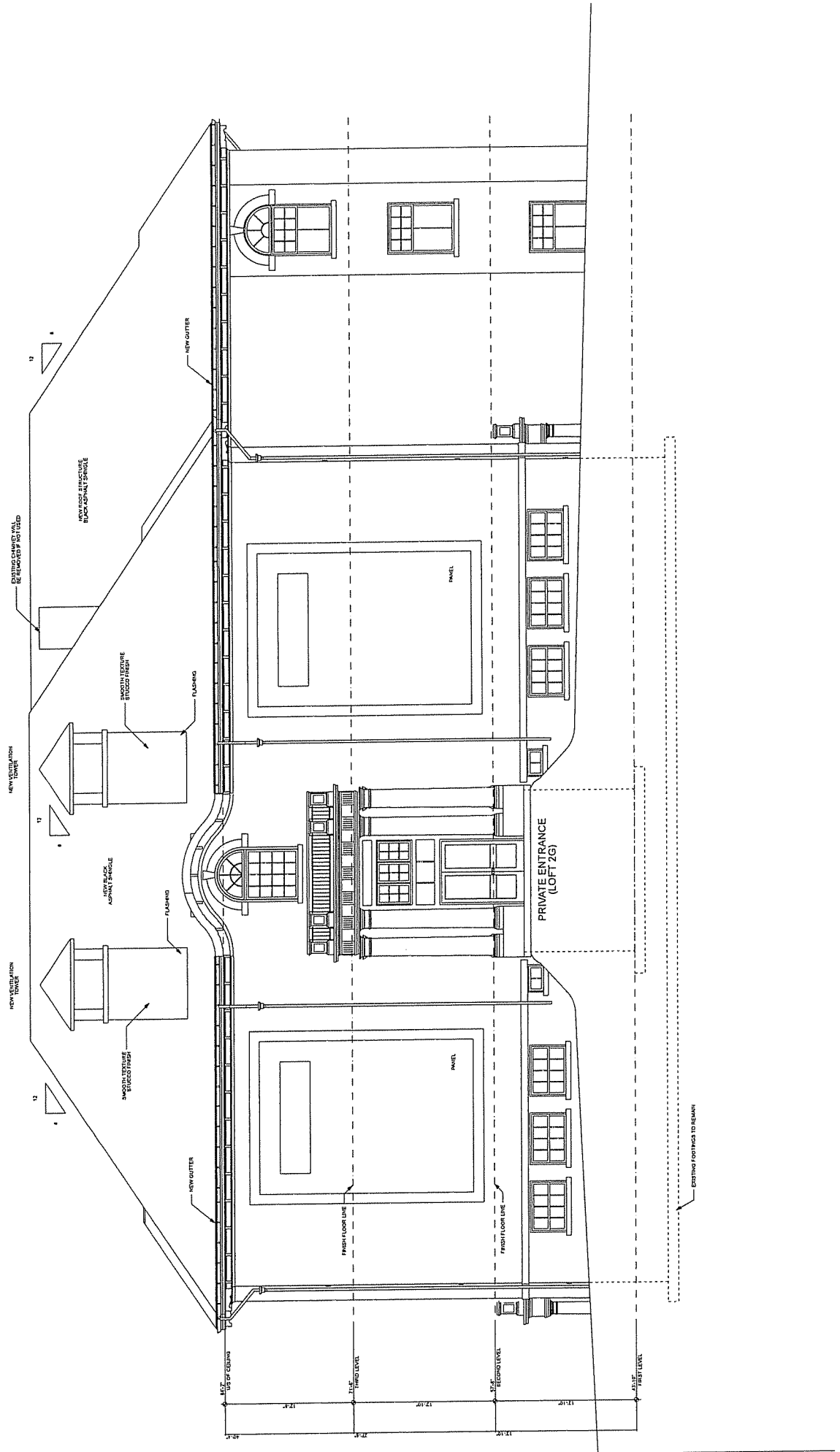
- 8.1 The Developer agrees that any officer appointed by the Municipality to enforce this Agreement shall be granted access onto the Lands during all reasonable hours without obtaining consent of the Developer. The Developer further agrees that, upon receiving written notification from an officer of the Municipality to inspect the interior of any building located on the Lands, the Developer agrees to allow for such an inspection during any reasonable hour within one day of receiving such a request.
- 8.2 If the Developer fails to observe or perform any covenant or condition of this Agreement after the Municipality has given the Developer thirty (30) days written notice of the failure or default, then in each such case:
- (a) the Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defence based upon the allegation that damages would be an adequate remedy;

- (b) the Municipality may enter onto the Property and perform any of the covenants contained in this Agreement whereupon all reasonable expenses whether arising out of the entry onto the lands or from the performance of the covenants may be recovered from the Developer by direct suit and such amount shall, until paid, form a charge upon the Property 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;
- (d) in addition to the above remedies the Municipality reserves the right to pursue any other remediation under the Municipal Government Act or Common Law in order to ensure compliance with this Agreement.

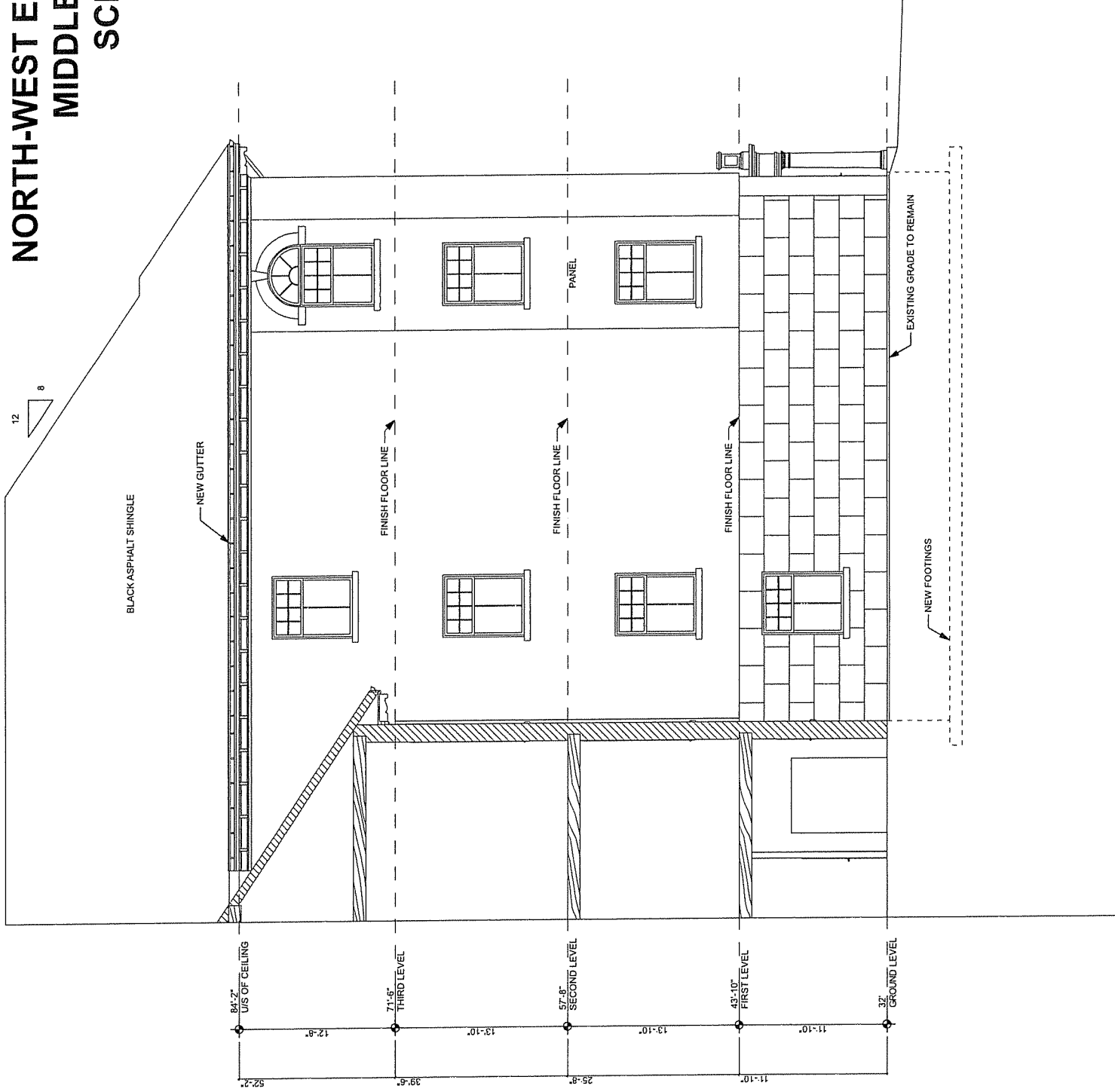
WITNESS that this Agreement, made in triplicate, was properly executed by the respective Parties on this _____ day of _____, A.D., 2007.

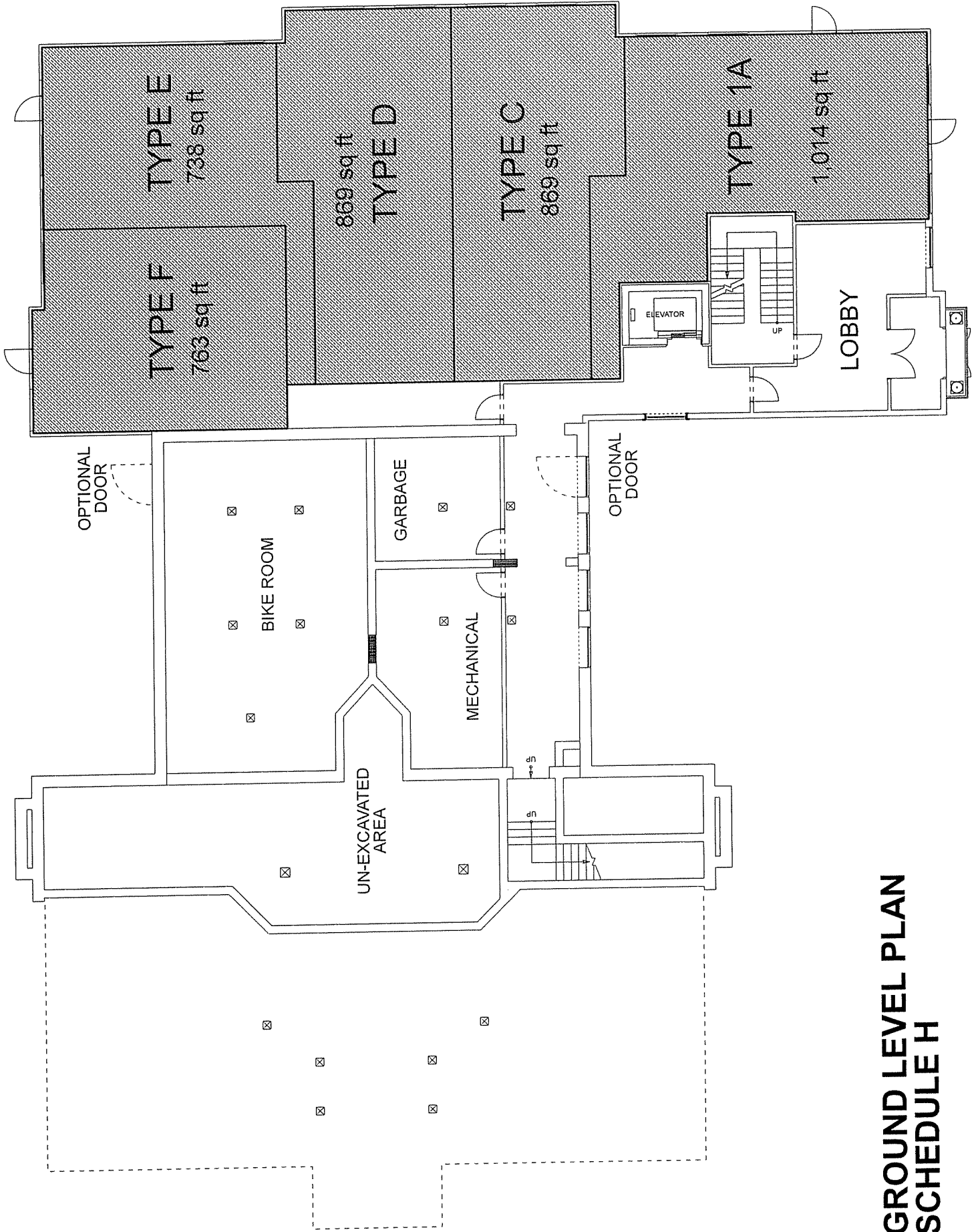
Signed, sealed and delivered)	OLLIVE PROPERTIES LTD
in the presence of:)	
)	
per: _____)	per: _____
)	
Sealed, Delivered and Attested)	HALIFAX REGIONAL MUNICIPALITY
by the proper signing officers of)	
Halifax Regional Municipality)	
duly authorized on that behalf)	per: _____
in the presence of)	MAYOR
)	
per: _____)	per: _____
)	MUNICIPAL CLERK

OCHTERLONEY STREET ELEVATION SCHEDULE C

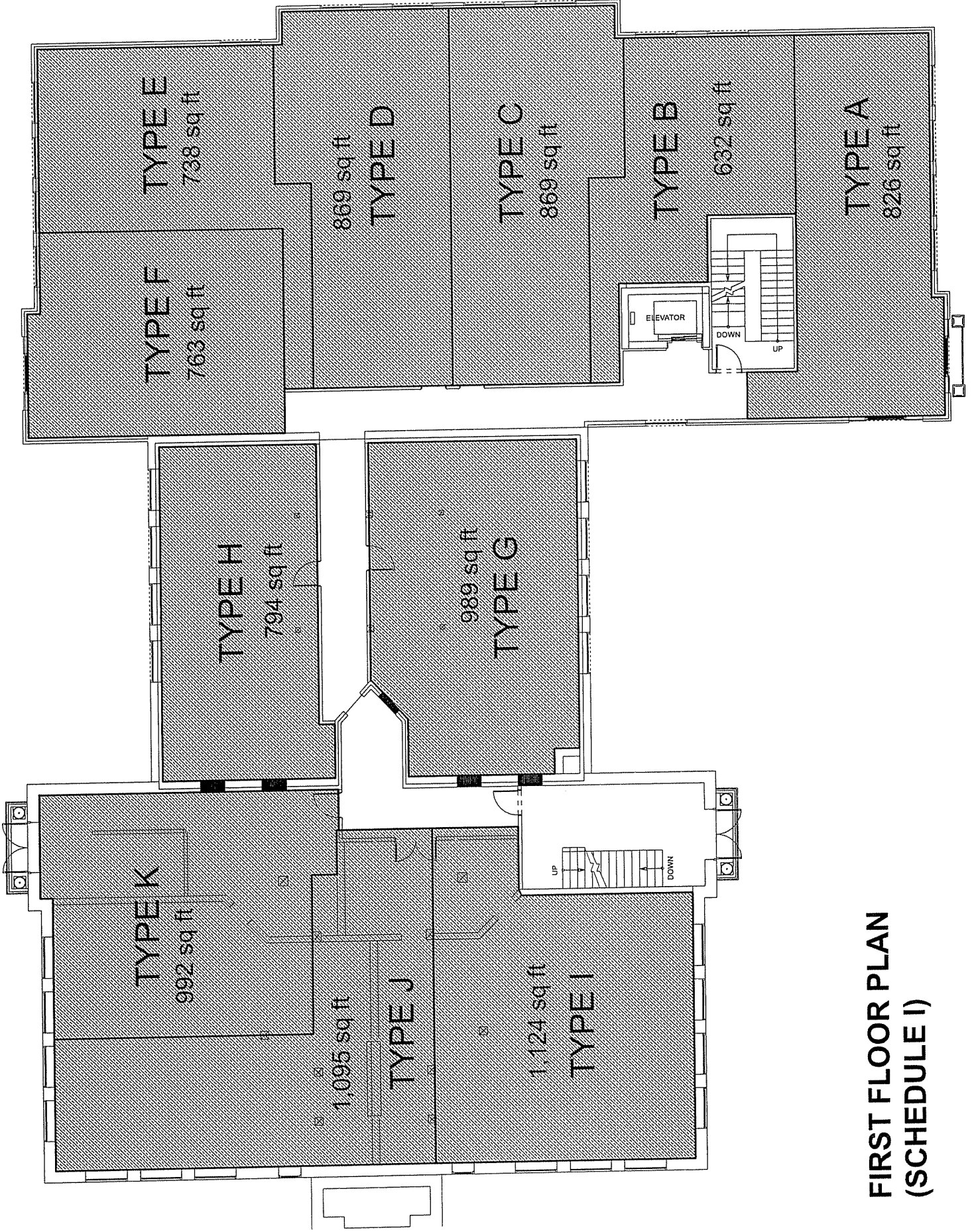


NORTH-WEST ELEVATION MIDDLE SECTION SCHEDULE G

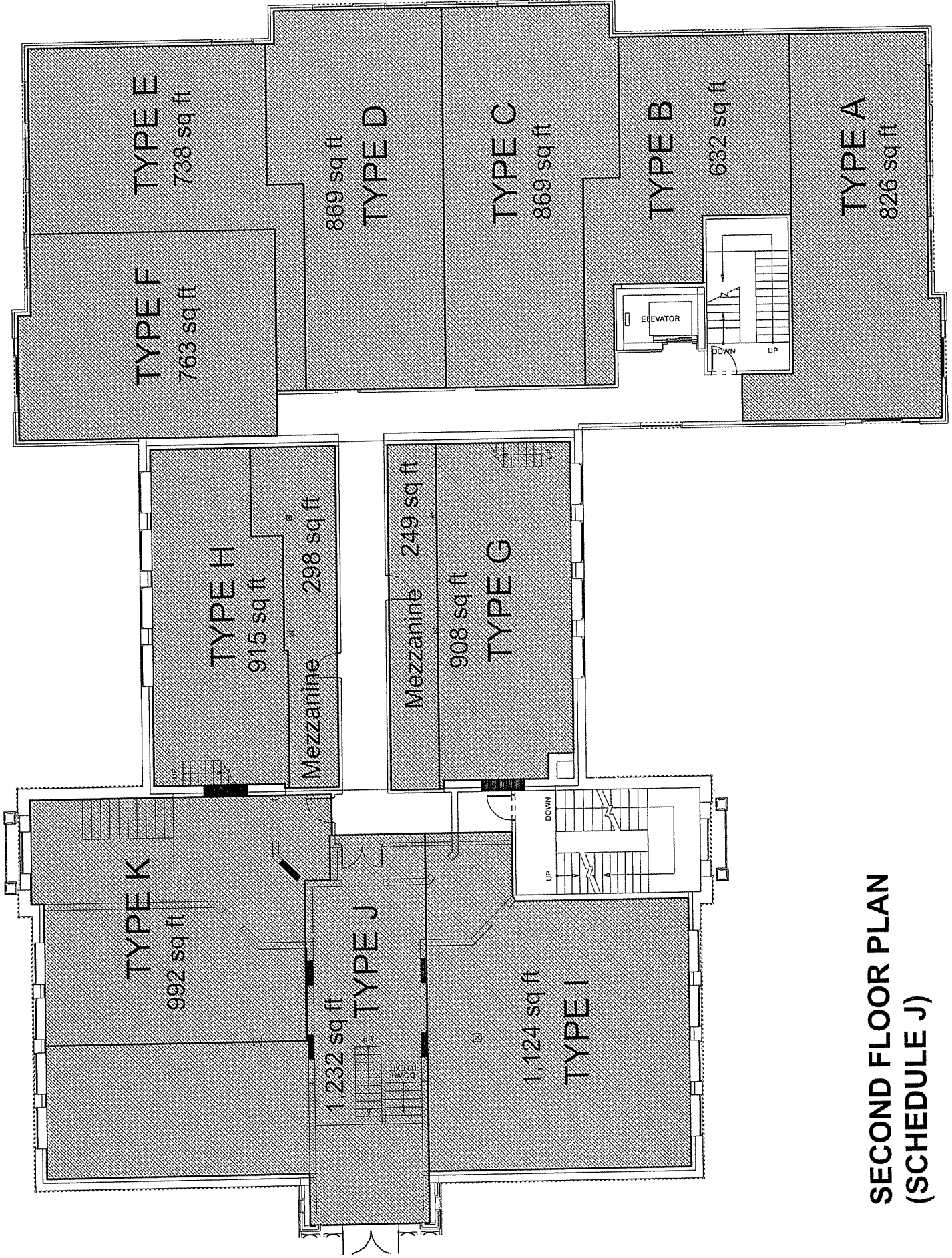




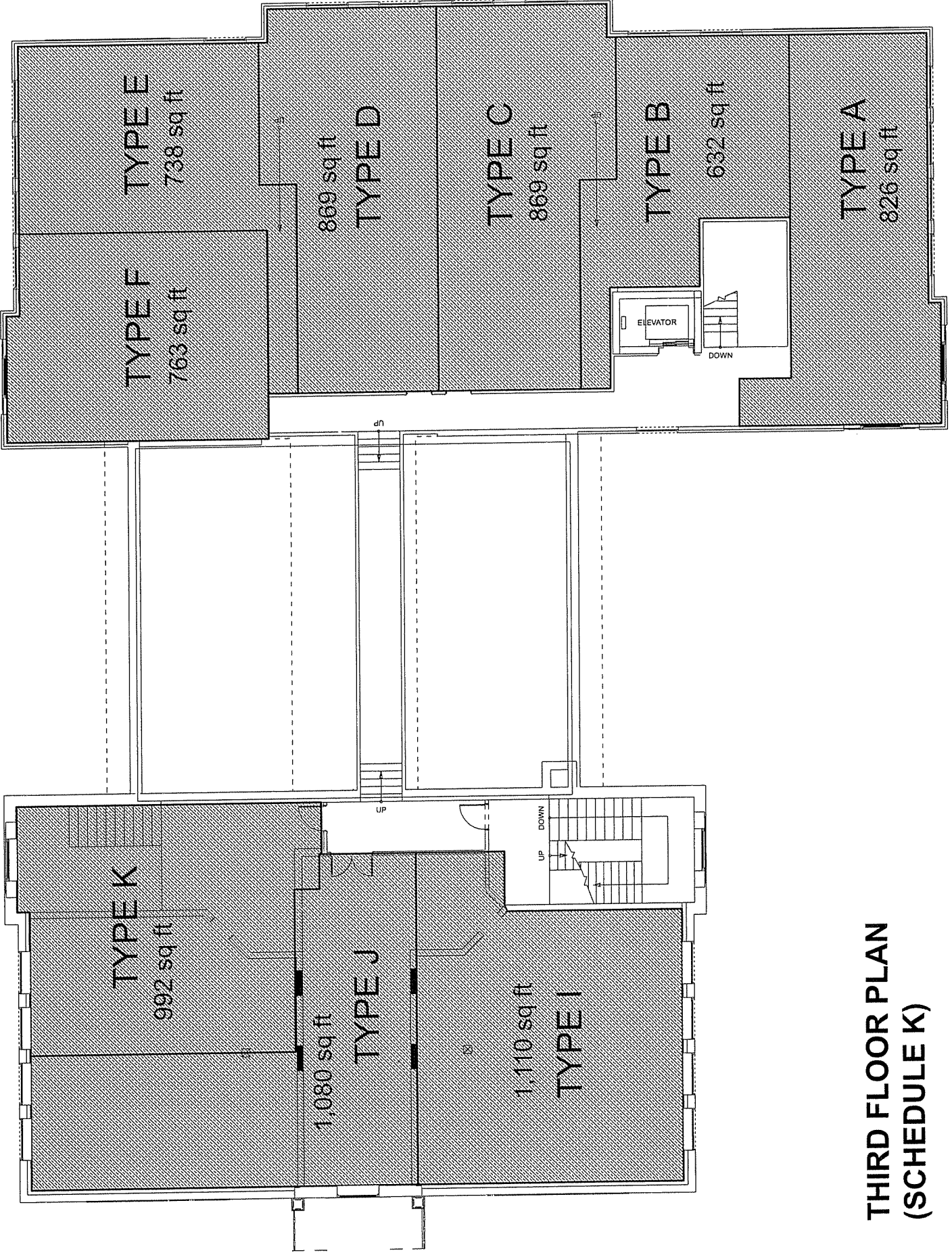
**GROUND LEVEL PLAN
SCHEDULE H**



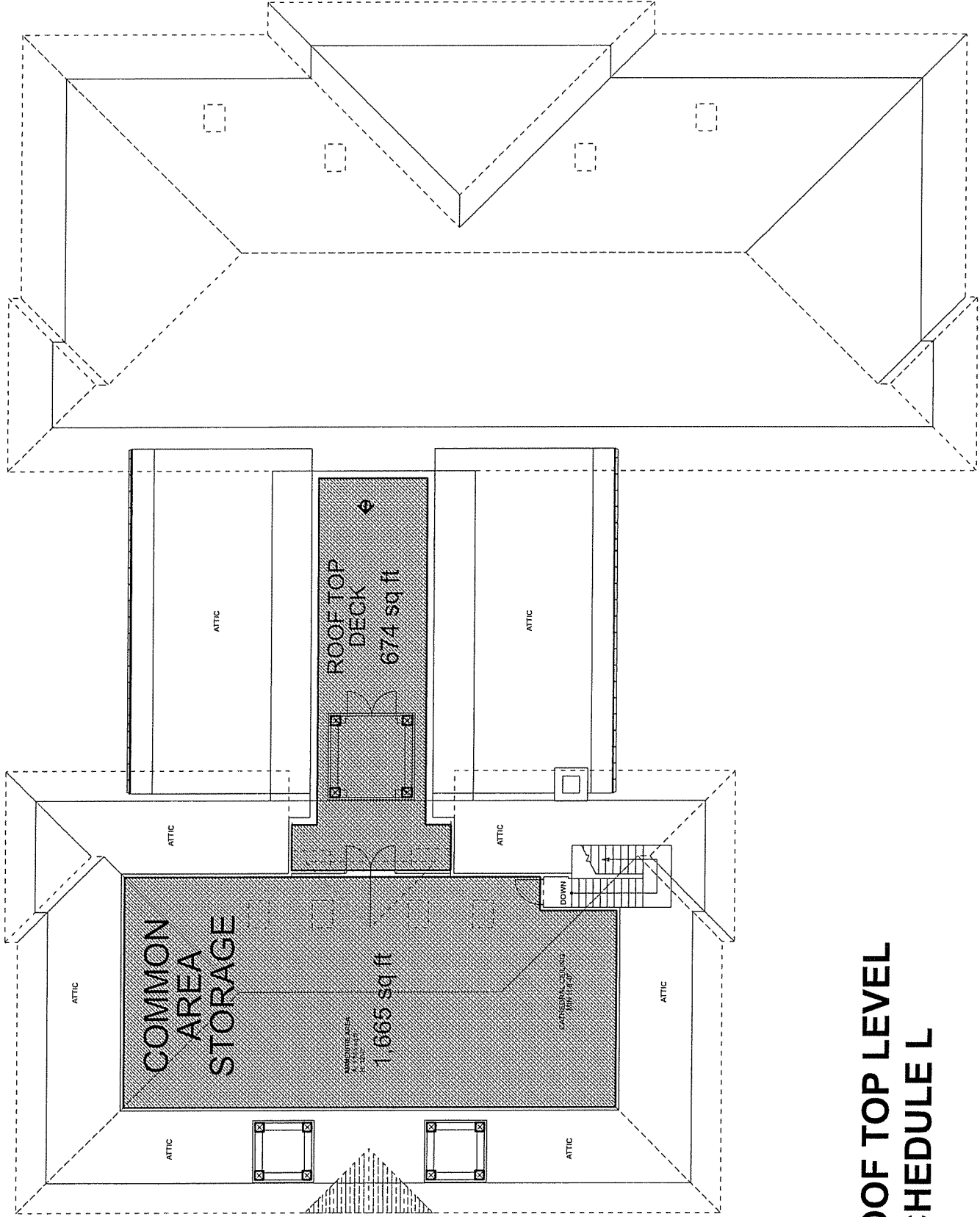
FIRST FLOOR PLAN (SCHEDULE I)



SECOND FLOOR PLAN (SCHEDULE J)

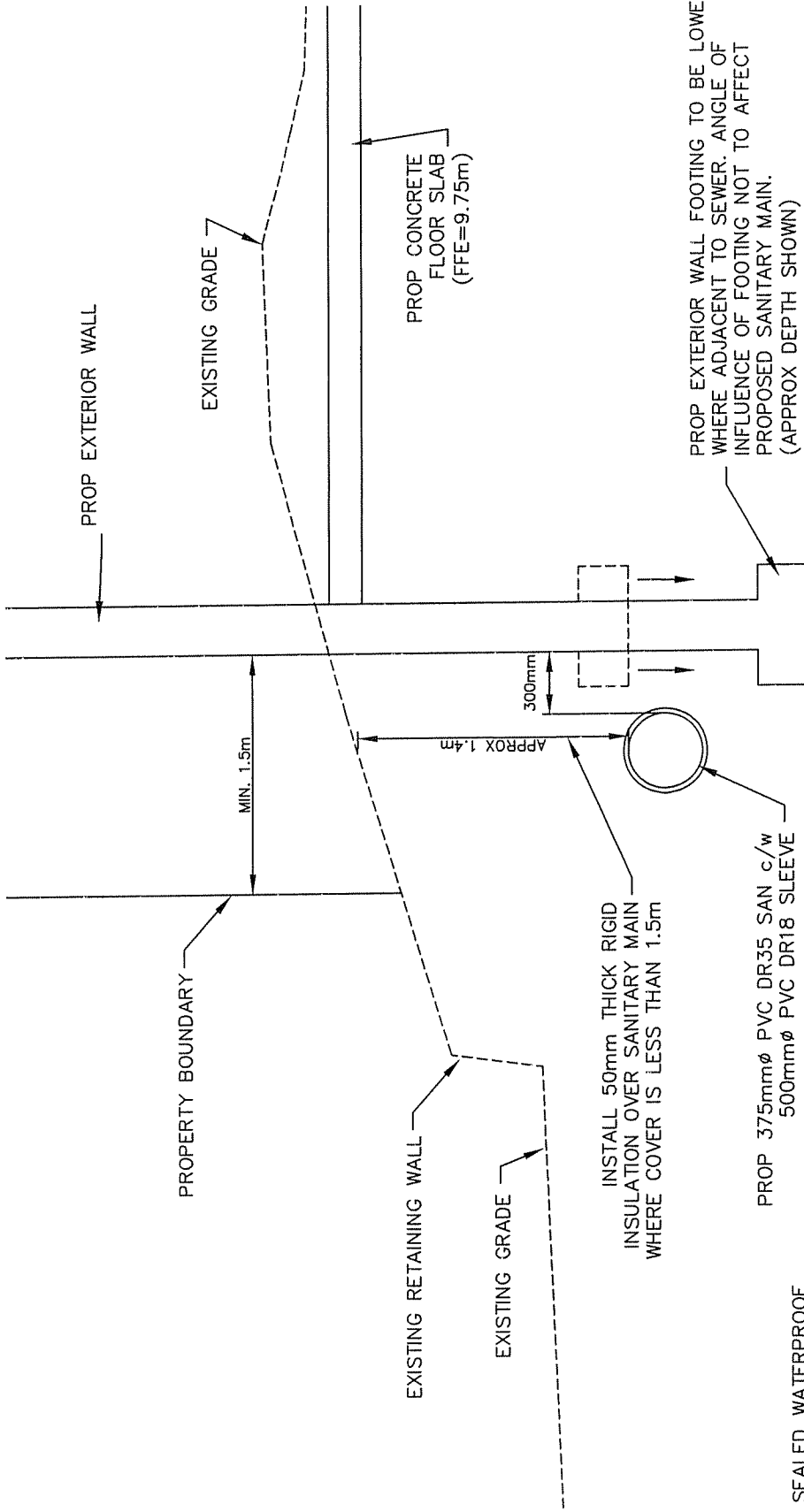


THIRD FLOOR PLAN (SCHEDULE K)



ROOF TOP LEVEL
SCHEDULE L

SCHEDULE M2



NOTE:

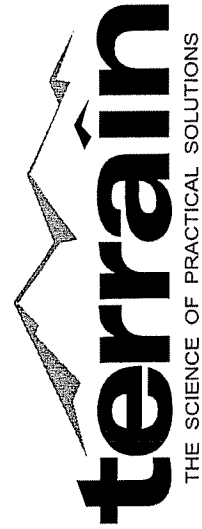
PROVIDE SEALED WATERPROOF CONNECTION BETWEEN 500mm ϕ SLEEVE AND 375mm ϕ SANITARY LINE USING FUNRKO ADAPTERS BETWEEN PMHS2 AND PMHS3

INSTALL 50mm THICK RIGID INSULATION OVER SANITARY MAIN WHERE COVER IS LESS THAN 1.5m

PROP 375mm ϕ PVC DR35 SAN c/w
500mm ϕ PVC DR18 SLEEVE

PROP EXTERIOR WALL FOOTING TO BE LOWERED WHERE ADJACENT TO SEWER. ANGLE OF INFLUENCE OF FOOTING NOT TO AFFECT PROPOSED SANITARY MAIN. (APPROX DEPTH SHOWN)

13-DECEMBER-2006
SHEET 2 OF 2
B05478032



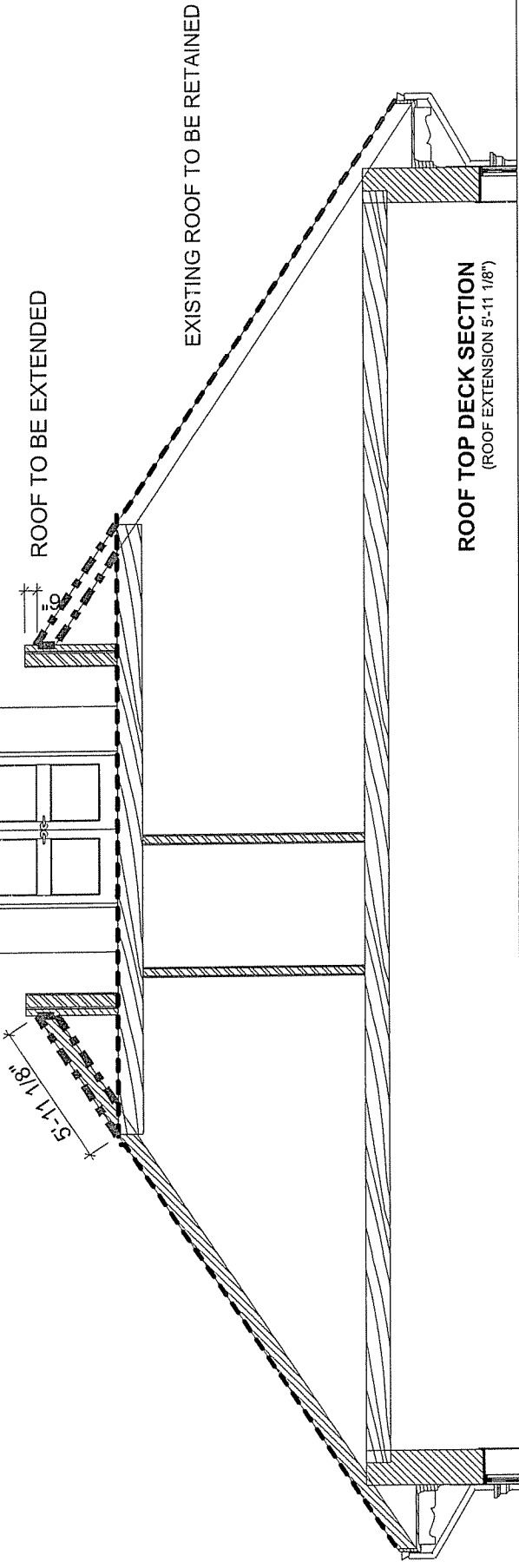
Terrain Group Inc.
Governor's Place, 3rd Floor
26 Union Street
Bedford, N.S., B4A 2B5
tel. 902.835.9955
fax. 902.835.1645
www.terraingroup.com
info@terraingroup.com

THE LOFTS AT GREENVALE
DARTMOUTH, NOVA SCOTIA

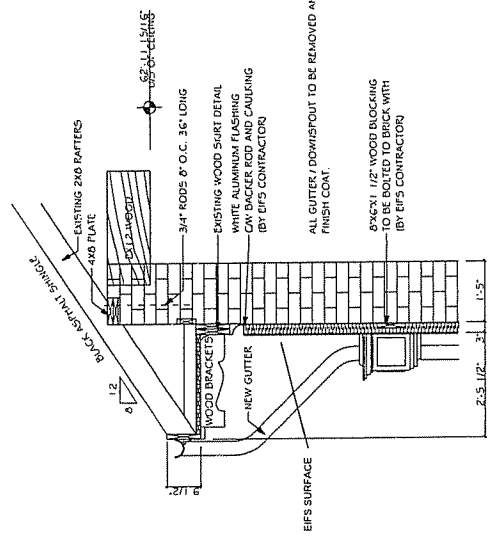
DETAIL 'A'
SCALE: N.T.S.

DEXEL DEVELOPMENTS
HALIFAX, NOVA SCOTIA

DETAILS (SCHEDULE N)

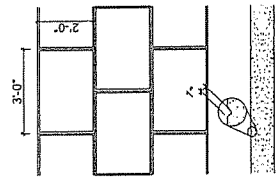


ROOF TOP DECK SECTION
(ROOF EXTENSION 5'-11 1/8")



EXISTING SOFFIT DETAIL

THE LOFTS AT GREENVALE (ELEV DETAIL)
FOUNDATION OF ADDITION
3X2 BLOCKS IMPRESSION



FOUNDATION DETAIL