

Halifax Regional Council

January 21, 2003

February 11, 2003

TO: His Worship Mayor Peter Kelly and
Members of Halifax Regional Council

FROM: *Sheila Fougere*
Councillor Sheila Fougere, Chair
Peninsula Community Council

DATE: January 14, 2003

SUBJECT: Case 00455: Application for an amendment to the Halifax Municipal
Planning Strategy and Land Use By-law for 1252-54-56 Hollis Street

ORIGIN

Peninsula Community Council January 13, 2003

RECOMMENDATION

That Peninsula Community Council:

- 1. Recommend that Regional Council give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law, presented as Attachment V of the December 18, 2002 staff report, and schedule a public hearing for February 11, 2003;**
- 2. Recommend that Regional Council adopt the amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law presented in Attachment V of the December 18, 2002 staff report.**

BACKGROUND

This matter was before Peninsula Community Council as the result of a request by Rockstone Investments Limited to amend the Halifax Municipal Planning Strategy and Land Use By-law to enable a third storey addition to an existing two storey apartment building at 1252-56 Hollis Street by development agreement.

DISCUSSION

Peninsula Community Council gave First Reading to the proposed development agreement for 1252-56 Hollis Street and set February 11, 2003 as the date for a joint public hearing with Regional Council.

BUDGET IMPLICATIONS

N/A

FINANCIAL MANAGEMENT/BUSINESS PLAN

N/A

ALTERNATIVES

N/A

ATTACHMENTS

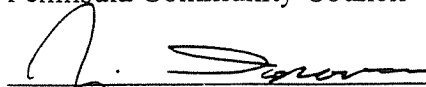
December 18, 2002 staff report re Case 00455: Application for an amendment to the Halifax Municipal Planning Strategy and Land Use By-law for 1252-54=56 Hollis Street

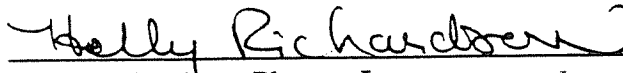
Additional copies of this report and information on its status can be obtained by contacting the office of the Municipal Clerk at 490-4210, or Fax 490-4208. Report prepared by: Sherryll Murphy, Legislative Assistant 490-6517.

Peninsula Community Council
January 13, 2003

TO: Peninsula Community Council

SUBMITTED BY:


for Paul Dunphy, Director, Planning & Development Services


Holly Richardson, Planner I

DATE: December 18, 2002

SUBJECT: Case 00455: Application for an amendment to the Halifax Municipal
Planning Strategy and Land-Use By-law for 1252-54-56 Hollis Street

ORIGIN:

Request by Rockstone Investments Limited to amend the Halifax Municipal Planning Strategy and Land Use By-law to enable a third storey addition to an existing two-storey apartment building at 1252-56 Hollis Street by development agreement.

RECOMMENDATION:

It is recommended that Peninsula Community Council:

1. Recommend that Regional Council give first reading to the proposed amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land-Use By-law, presented as Attachment V to this report, and schedule a public hearing for February 11, 2003;
2. Give notice of motion to consider approval of the proposed development agreement, presented as Attachment VI to this report, and schedule a joint public hearing with Regional Council for February 11, 2003;
3. Recommend that Regional Council adopt the amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land-Use By-law, presented in Attachment V;
4. Contingent upon the attached amendments being approved by Regional Council and becoming effective pursuant to the Municipal Government Act:
 - (a) approve the proposed development agreement; and
 - (b) require that the development agreement be signed within 120 days, or any extension thereof granted by Community Council on request of the applicant, from the date of final approval by Community Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND:

An application has been submitted by Rockstone Investments Limited to amend the Halifax Municipal Planning Strategy (MPS) and Land-Use By-law (LUB) to permit an addition to an existing building located at 1252/54/56 Hollis Street in Halifax (Attachment I). Currently there is a two-storey mixed-use apartment building on the subject property. The second floor contains a combination of 26 rooms and bachelor units. The ground floor has 3 one-bedroom units at the rear and a coffee shop and restaurant facing Hollis Street.

The existing building occupies approximately 90 per cent of the 8,000 square foot lot. The property has 55 feet of frontage on Hollis Street, has no driveway access and no parking or open space amenities on site. Although this property's present use is permitted under the applicable zoning, the use does not meet various aspects of site development and is therefore non-conforming. Its non-conforming status precludes the proposed building addition from being permitted. Additionally, the site abuts a registered Heritage Property, the Forman Uniacke House, and consequently, any proposed addition must not detract from the heritage aspects of this property.

Proposal:

The developer is proposing a third storey addition and redevelopment of the existing residential component of the building to 20 one bedroom units. The commercial component of the building and ground floor storefront has been recently renovated and would, therefore, be unchanged. All existing windows would be replaced and dormers and skylights would be added to the proposed addition. The existing flat roof would be redesigned to a hip roof to improve living space and ventilation. The existing 12,870 square foot building would be enlarged to approximately 19,780 square feet in floor area. The proposed addition would increase the height of the building from 26 feet to 46 feet. There would be no increase in the footprint of the building. Due to the existing lot coverage there is no available land for the provision of parking or open space amenities.

Previous Reports and Public Comment:

A preliminary staff report recommending that the amendment process be initiated was approved by Regional Council on July 02, 2002. Council also directed staff to carry out a public participation program in conjunction with this application.

A public information meeting was held on October 3, 2002. The minutes are presented as Attachment (VIII).

Given that the subject property is adjacent to a municipally registered heritage property (The Forman Uniacke House) staff have requested the review of the Heritage Advisory Committee (HAC) under Section 4 (h) of the Municipal Heritage Property By-law (By-law H-200). A presentation for the proposal was presented to HAC on November 27, 2002 and a motion was made to recommend to

Regional Council that the proposed amendments be approved to enable a development agreement on the property (Attachment IX).

MPS and LUB Requirements:

The subject property falls under the Halifax Municipal Planning Strategy (MPS) in Sub-District 7 of the South-End Area Plan (Attachment II). The property is Zoned RC-3 (High Density-Residential/Minor Commercial) and designated RC (Residential-Commercial) for future land use (Attachments I & III).

The property falls under a 45 foot height precinct, however, the LUB allows for further flexibility within the South-End Area to accommodate roof pitch. The property also falls under View Plane 8 which places an estimated 145 foot height limit on this particular area.

The existing and proposed use of the property is permitted under the RC-3 Zone, however, the existing building does not conform to By-law requirements concerning yard set-backs, lot frontage, angle controls, parking and open space (Attachment IV). Therefore, an amendment to the MPS and LUB are required to enable consideration of a development agreement on the property. The proposed amendments and draft development agreement are presented as Attachment V and VI.

DISCUSSION:

The following is a summary of Staff's evaluation of the proposed development in relation to applicable policies of the Halifax Municipal Planning Strategy (Attachment VII).

Residential Development:

- The proposed development will retain and rehabilitate the existing structure and provide quality infill housing to the South-End area.
- Maintaining and improving the residential use of the building will help sustain the viability of the neighborhood by encouraging residential stability and providing a customer base for local and Downtown businesses.
- The development would be consistent with surrounding development with respect to density, scale, proportion and use and would reinforce the existing development pattern in the area.

Commercial Development:

- The ground floor commercial use meets the policy intent for the South End area which encourages commercial uses in conjunction with a primary residential use. The commercial use encourages human activity and interest at the street level.

- The commercial use serves both tenant and wider community needs and provides an important link between the neighbourhood and the Downtown core.

Architectural Design and Heritage:

- The proposed addition and renovation is complimentary to the existing 100 year-old structure. The original architectural features of the building will be retained and enhanced.
- The proposed design is complimentary to and reinforces the character of the surrounding area including scale, and the incorporation of traditional architectural elements and design details borrowed from the neighbouring heritage property. The street-scape would be visually enhanced by providing consistency in architectural style.

Building Height and Massing:

- The proposed building height falls well within height restrictions under the view-plane regulations. The proposed height and building mass is appropriate to the surrounding built context and is less intensive than the abutting building to the north and several other large buildings nearby.
- The footprint of the existing structure would not be increased and angle controls would not be worsened by the development.

Circulation:

- There are several parking lots in the immediate vicinity offering long-term rental parking including Metro-Park. The property is also located in close proximity to several Metro Transit bus routes and is situated on a major pedestrian route linking the neighbourhood to the CBD.
- The proposed development would decrease the current number of households from 29 to 20 thereby reducing parking requirements.

Municipal Services:

- The proposed development does not exceed servicing capacities for the area and will not impact negatively on existing systems. The developer agrees to provide detailed servicing plans for Staff's review prior to the issuance of a building permit.

CONCLUSION:

Staff conclude that the proposal satisfies the policies in the Halifax Municipal Planning Strategy. Based on the rationale outlined in this report, Staff recommend approval of the MPS and LUB amendments and the development agreement as attached.

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:

1. Peninsula Community Council could recommend that Regional Council not approve the MPS and LUB amendments which would enable this proposal to be considered and a decision not to amend the MPS cannot be appealed. If this alternative is chosen by Regional Council the proposed development agreement shall not be considered in its present form or as otherwise modified. Council must state its reasons for not approving the proposed amendments based on the policies and intent of the MPS.
2. Peninsula Community Council could recommend that the proposed MPS and LUB amendments or the terms of the development as presently drafted, be amended. If this alternative is chosen Community Council should direct staff regarding the specific amendments sought. If the amendments are minor in nature it may be possible to forward the application with a commitment from staff and the applicant that all requested matters will be addressed in a supplementary report to Council. If the amendments sought are substantial in nature it may be necessary to defer forwarding this application to Regional Council to allow for further negotiations between Staff and the applicant.

ATTACHMENTS:

- I Location and Zoning
- II South End Area Plan - Planning Districts
- III Generalized Future Land Use
- IV RC-3 Zone Requirements
- V Proposed Amendments to the Halifax MPS & LUB
- VI Proposed Development Agreement with:

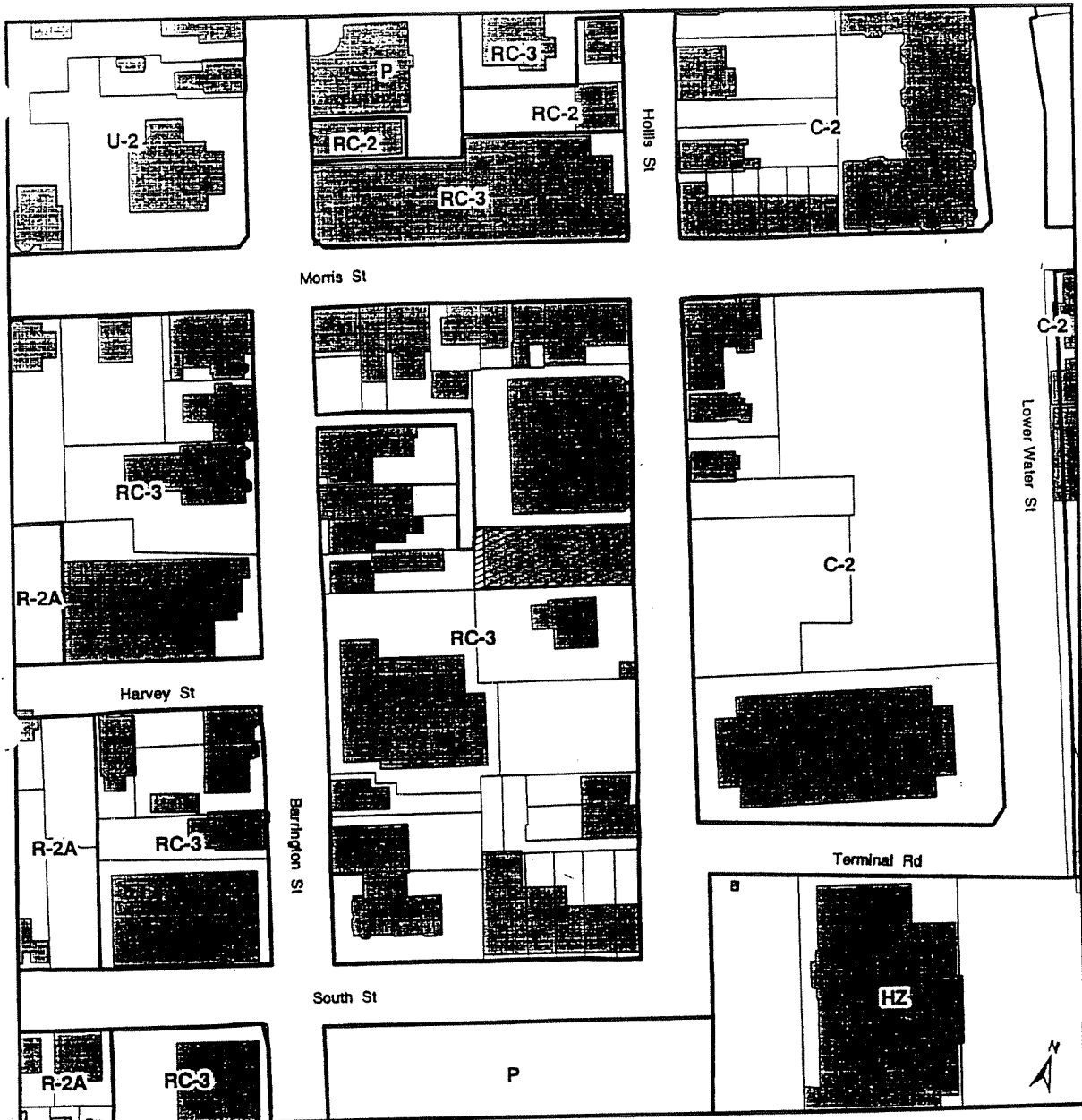
Schedule "A"	Legal Description of the Lands
Schedule "B"	Location Certificate
Schedule "C"	Street-Scape View
Schedule "D"	Front Elevation
Schedule "E"	Side Elevation
Schedule "F"	Rear Elevation
Schedule "G"	First Floor Plan

- VII Applicable Policies Under the Halifax MPS
- VIII Public Information Meeting Minutes, October 03, 2002 -
- IX Motion of Heritage Advisory Committee, November 27, 2002


Further information regarding the contents of this report may be obtained by contacting Holly Richardson, Planner at 490-6495. For additional copies or information on the report's status, please contact the Office of the Municipal Clerk at 490-4210 (tel) or 490-4208 (fax).

ATTACHMENT "I"

Location and Zoning



Map 1 - Location and Zoning
1252-1256 Hollis Street
Halifax

 Subject property

Zone	
C-2	General Business
HZ	Hotel
P	Park and Institutional
R-2A	General Residential Conversion
RC-2	Residential Minor Commercial
RC-3	High Density Residential Minor Commercial
U-2	High-Density University

HALIFAX
REGIONAL MUNICIPALITY
PLANNING AND
DEVELOPMENT SERVICES



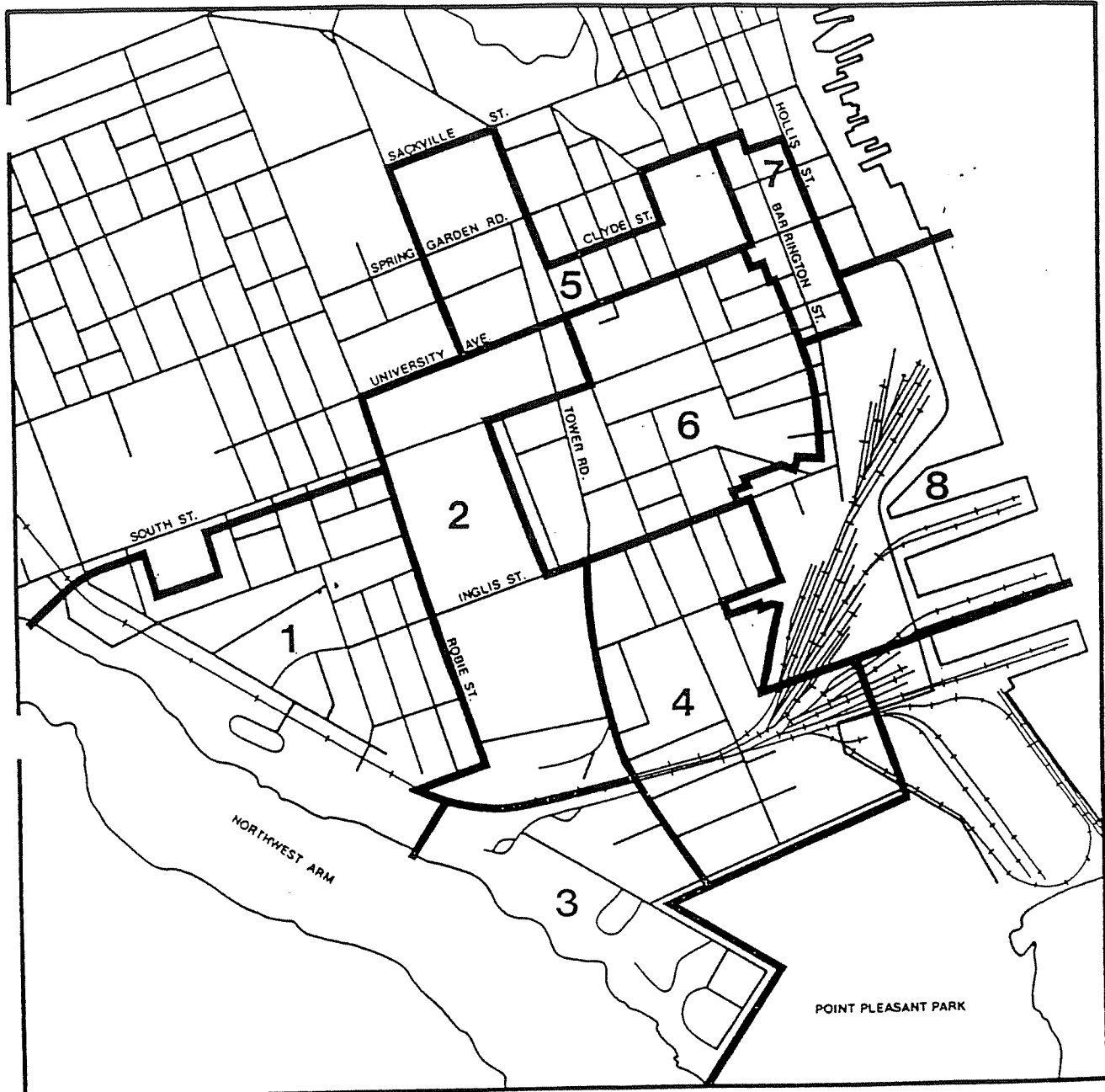
This map is an unofficial reproduction of a portion of the Halifax Peninsula Land Use By-Law area.

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

Halifax Peninsula
Land Use By-Law Area

ATTACHMENT "II"

South End Area Plan - Planning Districts



South End Area Plan

Planning Districts

ATTACHMENT "III"

Generalized Future Land Use



Generalized Future Land Use

1252-1256 Hollis Street
Halifax

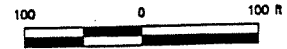
Halifax Plan Area

 Subject property

Designation

- RC Residential Commercial
- MDR Medium Density Residential
- HDR High Density Residential
- OS Open Space
- IND Industrial
- U University

HALIFAX
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PLANNING AND
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This map is an unofficial reproduction of a portion of the Halifax Peninsula Land Use By-Law area.

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

ATTACHMENT "IV"

RC-3 Zone Requirements

Comparison of building proposed for 1252-56 Hollis Street to the as of right provisions of the land use bylaw – Peninsula RC-3 Zone (excluding angle controls)

Item	Required	Provided	Comment
Lot frontage	90 feet	56 feet	<i>does not meet bylaw</i>
Lot Area	8100 sq ft	8232 sq ft	meets bylaw
Density	250 pp/acre	222 pp/acre	meets bylaw
Open space (at grade)	1620 sq ft	1298.8 sq ft	<i>does not meet bylaw</i>
Open space (total)	1620 sq ft	1298.8 sq ft	<i>does not meet bylaw</i>
Parking	12	0	<i>does not meet bylaw</i>
Setback (front)	0 feet	0 feet	meets bylaw
Setback (south)	10 feet	2.5 feet	<i>does not meet bylaw</i>
Setback (rear)	10 feet	8.3 feet	<i>does not meet bylaw</i>
Setback (north)	10 feet	3.7 feet	<i>does not meet bylaw</i>

Angle Controls

(building envelope control – maximum height permitted based on setback provided)

	Maximum permitted	Proposed	Comment
Angle control (front)	46 feet	46 feet	majority meets by law
Angle control (south) Above Commercial	4.3 feet	20 feet	<i>exceeds bylaw</i>
Angle Control (rear) Above Commercial	14.4 feet	20 feet	<i>exceeds bylaw</i>
Angle Control (north) Above Commercial	6.4 feet	20 feet	<i>exceeds bylaw</i>

ATTACHMENT "V"

Proposed Amendments to the Halifax MPS & LUB

1. Insert the following policies after Policy 7.7.3 under Section VII (South End Area Plan - District Policies):

7.7.4 Pursuant to Policies 1.1 an expansion of the existing structure may be considered for civic number 1252/54/56 Hollis Street (PID# 00092676) by development agreement.

7.7.5 Pursuant to Policy 7.7.4 any expansion shall be designed so that it is compatible with and enhances the form and function of the surrounding neighbourhood. When determining whether to enter into such an agreement, consideration shall be given to the following matters:

1. the adequacy of sewer and water servicing capacity of the site;
2. the scale and massing of the building;
3. the availability of off-site public parking resources;
4. vehicular and pedestrian access to the surrounding area;
5. the availability of neighbourhood open space and recreational amenities;
6. architectural design elements and details of the building including windows, cladding materials, roof style, and rhythm with particular emphasis on architectural features of adjacent heritage buildings;

2. Add subsection (p) to Section 94(1) of the Halifax Peninsula Land Use Bylaw to read as follows:

1252/54/56 Hollis Street

- (p) permit an expansion of the existing structure in accordance with Policies 7.7.4 and 7.7.5

ATTACHMENT "VI "

THIS AGREEMENT made this day of , 2003,

BETWEEN:

ROCKSTONE INVESTMENTS LIMITED
(hereinafter called the "Developer")

OF THE FIRST PART

-and-

HALIFAX REGIONAL MUNICIPALITY
a body corporate, in the County of
Halifax, Province of Nova Scotia
(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Developer is the registered owners of certain lands located at 1252/54/56 Hollis Street and which said lands are more particularly described in Schedule "A" to this Agreement (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a development agreement to allow an expansion to an existing building on the Lands pursuant to the provisions of the Municipal Government Act and the Municipal Planning Strategy and Land Use By-law for Halifax;

AND WHEREAS the Peninsula Community Council approved this request at a meeting held on 2003, referenced as Municipal Case Number 00455;

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 In this Agreement unless the context otherwise requires:

- (a) "Commercial Use" means any commercial use permitted under the RC-3 Zone under the Halifax Peninsula Land Use By-law;
- (b) "Residential Use" means any residential use permitted under the RC-3 Zone under the Halifax Peninsula Land Use By-law;
- (c) "Council" means the Council of the Halifax Regional Municipality or any such body legally authorized by the Council to administer the Agreement pursuant to the Municipal Government Act; and
- (d) "Land Use By-law" means the Land Use By-law for Peninsula Halifax, as amended from time to time.

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, the development and use of the Lands shall comply with the requirements of the Peninsula Land Use By-law for Halifax, as may be amended from time to time.
- 2.3 Pursuant to Section 2.2, 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 and Subdivision By-law to the extent varied by this Agreement), or any statute or regulation of the Province of Nova Scotia, and the Developer or lot owner agree to observe and comply with all such laws, by-laws and regulations in connection with the development and use of the Lands.
- 2.4 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 and Subdivision 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.
- 2.5 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 regulations, by-laws or codes applicable to any lands owned by the Developer.

- 2.6 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 Schedules

The following Schedules shall form part of this Agreement:

Schedule "A"	Legal Description of the Lands
Schedule "B"	Location Certificate
Schedule "C"	Street-Scape View
Schedule "D"	Front Elevation
Schedule "E"	Side Elevation
Schedule "F"	Rear Elevation
Schedule "G"	First Floor Plan

3.2 Permitted Uses

The Developer shall not develop or use the lands for any purpose other than a residential apartment building with ground floor commercial.

3.3 Development Provisions

- 3.3.1 The Developer shall construct an addition to the existing structure, which, in the opinion of the Development Officer, is substantially in conformance with Schedules "D" to "F" inclusive.
- 3.3.2 The Developer agrees that any addition to the existing structure shall comply with the following:
- (a) there shall be no further increase in the footprint of the building;
 - (b) the total number of residential units shall be twenty;
 - (c) the ground floor of the building shall be used for commercial use with the exception of amenity space for tenants;
 - (d) the building shall include designated space for three stream (refuse, recycling and composting) source separation services. This designated space for source separation

services shall be approved by the Development Officer and Building Inspector in consultation with the HRM Solid Waste Services.

- (e) the architecture of the building shall be complimentary to the adjacent municipally registered heritage building located to the immediate south of the property and shall include the following design elements as indicated in Schedules "D" to "F":
 - (i) The roof shall be a hip style at a pitch of approximately a 10-12;
 - (ii) Roof cladding shall be a black asphalt or slate-type shingles;
 - (iii) The existing window openings shall be retained and replaced with a vinyl window of a style similar to the adjacent heritage property;
 - (iv) Dormers shall be provided on the north, south and east facades and shall be of a size and rhythm in accordance with Schedules "D" through "F". Dormer cladding shall be consistent with cladding used on the main structure;
 - (v) Skylights shall be permitted on the north and south-facing roof only;
 - (vi) The existing brick cladding on the east-facing facade shall be retained. Where feasible, the existing brick on the north, south and west-facing facades shall be retained or where the developer otherwise demonstrates a stucco cladding shall be used in a colour and texture that compliments the east facade and the adjacent heritage building; and
 - (vii) All window openings shall be detailed with trim that is consistent with the architectural style of the building;
- (f) the maximum number of storeys above grade shall be three;
- (g) a deck to be used as recreational space for tenants shall be permitted on the west-facing facade and shall be located not closer than 2 feet from the rear property line;
- (h) a 6 inch snow and ice barrier, that in the opinion of the Development Officer is of a design complimentary to the adjacent heritage building, shall be added to the east-facing roof if it is determined that snow and ice buildup may cause a safety risk for pedestrians.

3.3.3 Pursuant to Sections 3.3.1 and 3.3.2, the Development Officer may approve certain modifications to the building design provided such modifications are minor in nature and are sympathetic to the adjacent heritage building, and in the opinion of the Development Officer, further enhance the appearance of the building and Lands as follows:

- (a) a reduction in the number of dormers and/or skylights on the north and south-facing roof provided the proposed rhythm is maintained;
- (b) changes to the interior layout of the building;
- (c) a decrease in the number of residential units;

3.4 Municipal Services

- (a) 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 system, 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 for herein. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer.
- (b) Prior to the issuance of a building permit the Developer shall submit detailed plans indicating the water servicing system for the development for review and approval by the Halifax Regional Water Commission.

3.5 Maintenance

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, and the maintenance of all landscaping including the replacement of damaged or dead plant stock, pavers, trimming and litter control, and snow removal/salting of walkways.

3.6 Occupancy Permit

Pursuant to Section 3.4, no occupancy permit shall be issued for the building on the Lands until all street improvements, municipal servicing systems and utilities have been completed, except that the occupancy permit may, at the discretion of the Municipality, 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 may be in the form of a certified cheque or irrevocable letter of

credit 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.

PART 4: AMENDMENTS

4.1 The provisions of this Agreement relating to the following matters are identified as and shall be deemed to be not substantial and may be amended by resolution of Peninsula Community Council:

- (a) an increase in the number of residential units provided the footprint of the building is not increased nor the height increased beyond three storeys;
- (b) a reduction in the floor area of the building;
- (c) changes to the west facade of the building.
- (d) minor changes to the external appearance of the building and provided the Heritage Planner has reviewed and approved said changes as follows:
 - (i) the number, placement and style of windows on the north, south and west sides of the building;
 - (ii) changes to the exterior cladding on the north and south facades of the building;
 - (iii) changes to the roof materials and colour;

4.2 Amendments to any matters not identified under Section 3.1 shall be deemed substantial and may only be undertaken in accordance with the approval requirements of the Municipal Government Act.

PART 5: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

5.1 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.

- 5.2 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.
- 5.3 In the event that construction of the project has not commenced within two 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. For the purposes of this section, "commencement of construction" shall mean construction of roof framing.
- 5.4 If the developer fails to complete the development, or after five 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 6: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

- 6.1 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.
- 6.2 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; and/or
- (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.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals on the day and year first above written:

SIGNED, SEALED AND DELIVERED

in the presence of

) **ROCKSTONE INVESTMENTS LIMITED**

)

)

)

) Per _____

)

)

) Per _____

)

) **HALIFAX REGIONAL**

) **MUNICIPALITY**

)

)

) Per _____

) Mayor

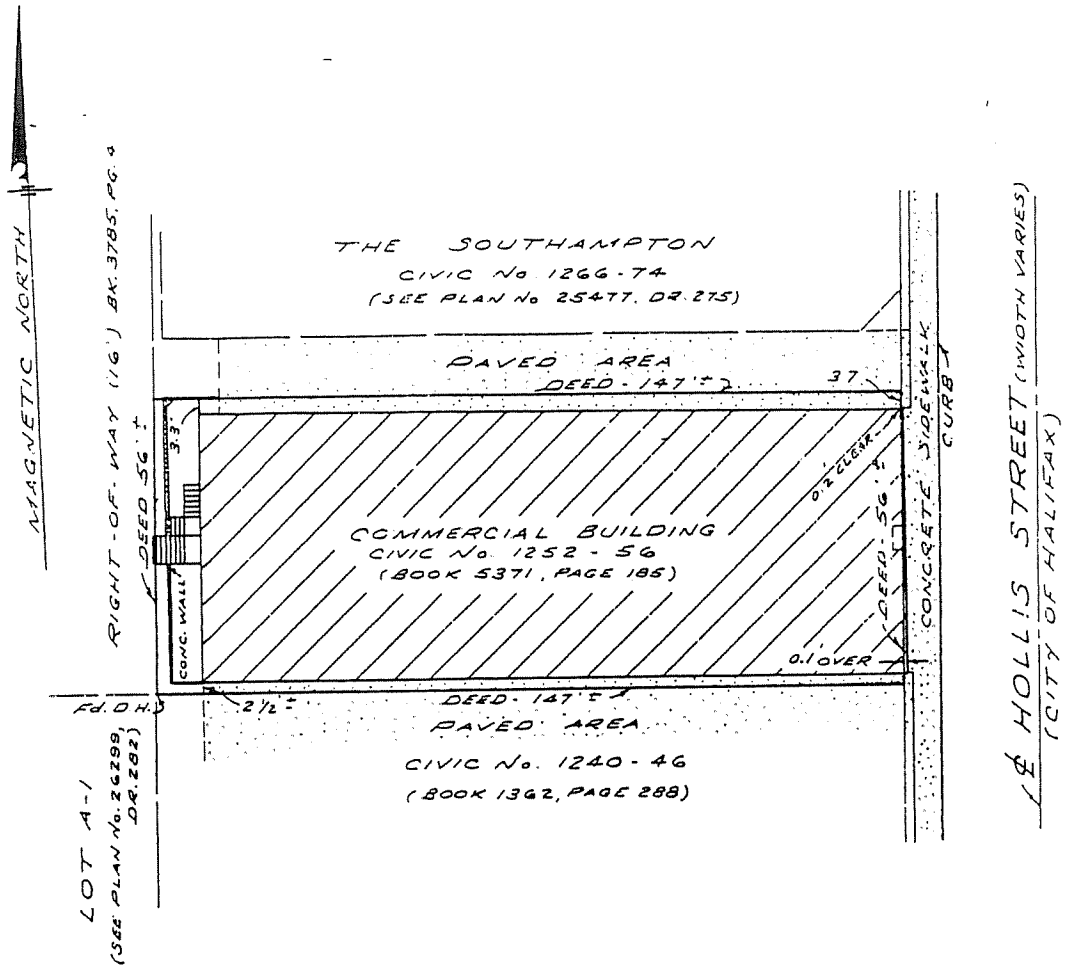
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) Per _____

) Municipal Clerk

LOCATION CERTIFICATE



NOTE: THE BEARINGS AND DISTANCES SHOWN ON THIS DIAGRAM WERE TAKEN FROM DEED DESCRIPTIONS AND/OR SURVEY PLANS, AND HAVE NOT BEEN CONFIRMED BY A COMPLETE BOUNDARY SURVEY.

SCALE - 1" = 30 FEET

TO: PETER LAWEN
C/O WOLFSON, SCHELEV, GREEN, & ZATZMAN
BARRISTERS AND SOLICITORS, DARTMOUTH, N.S.

RE: CIVIC No. 1252-56 HOLLIS STREET, CITY OF HALIFAX, NOVA SCOTIA.

I HAVE SUPERVISED AN INSPECTION OF THE SUBJECT LANDS AND HAVE CAUSED SUCH MEASUREMENTS TO BE MADE AS I DEEMED NECESSARY TO CERTIFY THAT:

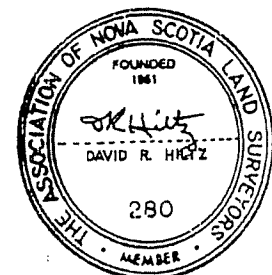
- (1) THE BUILDING SHOWN HEREON IS LOCATED, ^{EXCEPT AS SHOWN} ENTIRELY WITHIN THE BOUNDARIES OF THE SUBJECT LANDS AS SAID BOUNDARIES ARE DEFINED BY DOCUMENT FILED AT THE REGISTRY OF DEEDS, HALIFAX, IN BOOK 5371, PAGE 185.
- (2) CULTURAL FEATURES SHOWN HEREON ARE LOCATED TO PLOTTING ACCURACY UNLESS SPECIFICALLY DIMENSIONED.
- (3) ALL EASEMENTS REFERRED TO IN THE DOCUMENT RECORDED IN BOOK, _____ PAGE, _____ IN THE COUNTY OF _____, ARE REFLECTED HEREON.

NO FURTHER CERTIFICATION OR ASSURANCE IS IMPLIED BY OR TO BE INFERRED FROM THIS DOCUMENT.

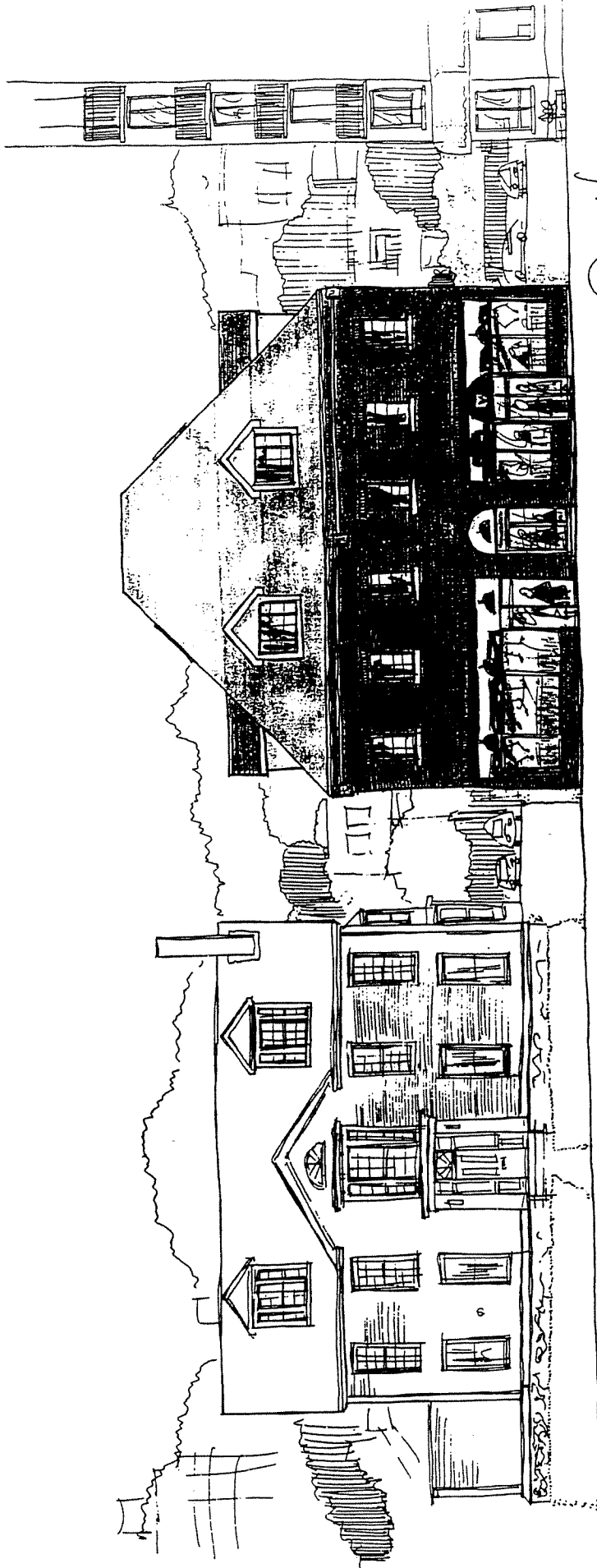
THIS DOCUMENT IS NOT TO BE USED FOR BOUNDARY DEFINITION OR CONVEYANCING PURPOSES.

David R. Hiltz
DAVID R. HILTZ, N.S.L.S.
21 STEVENS ROAD
DARTMOUTH, NOVA SCOTIA

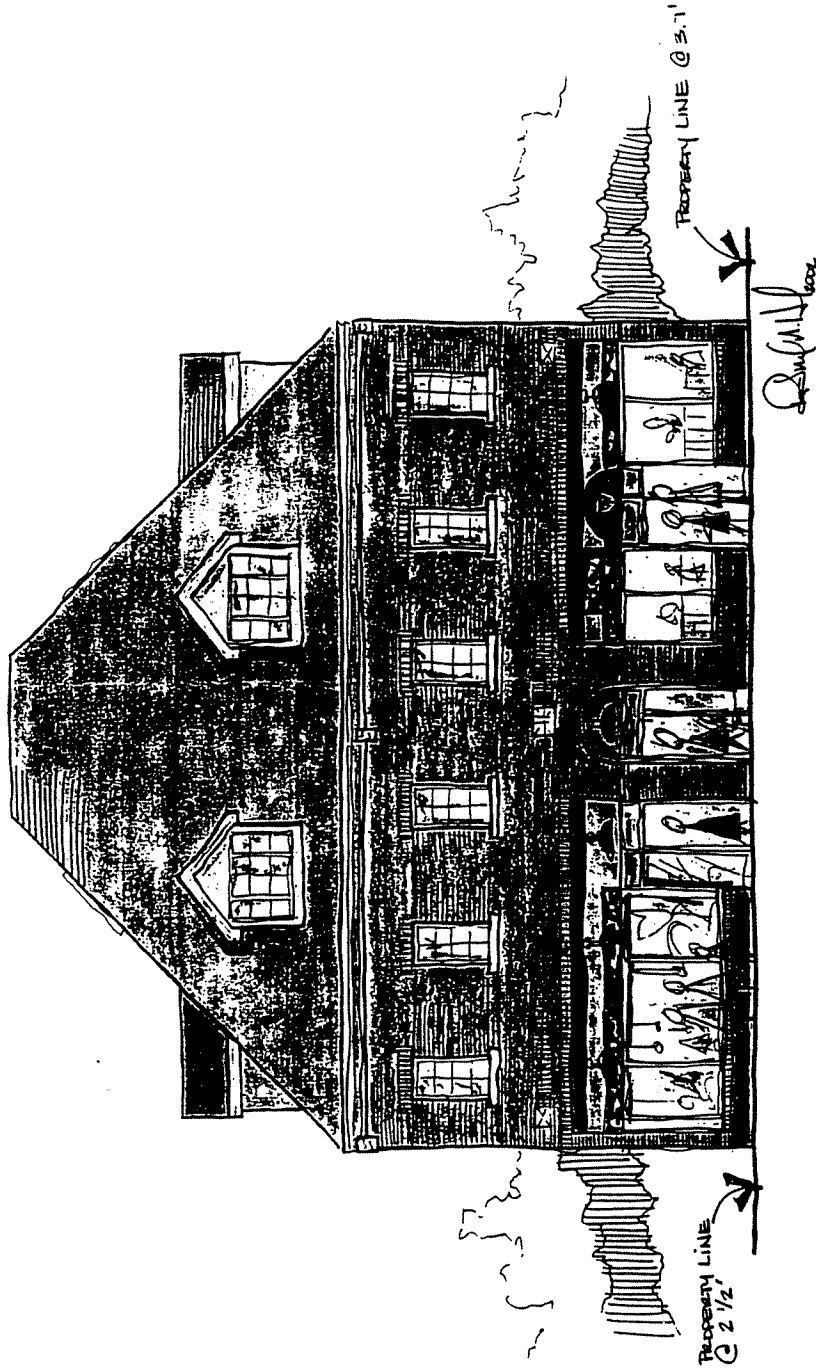
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WEST END MALL OFFICE



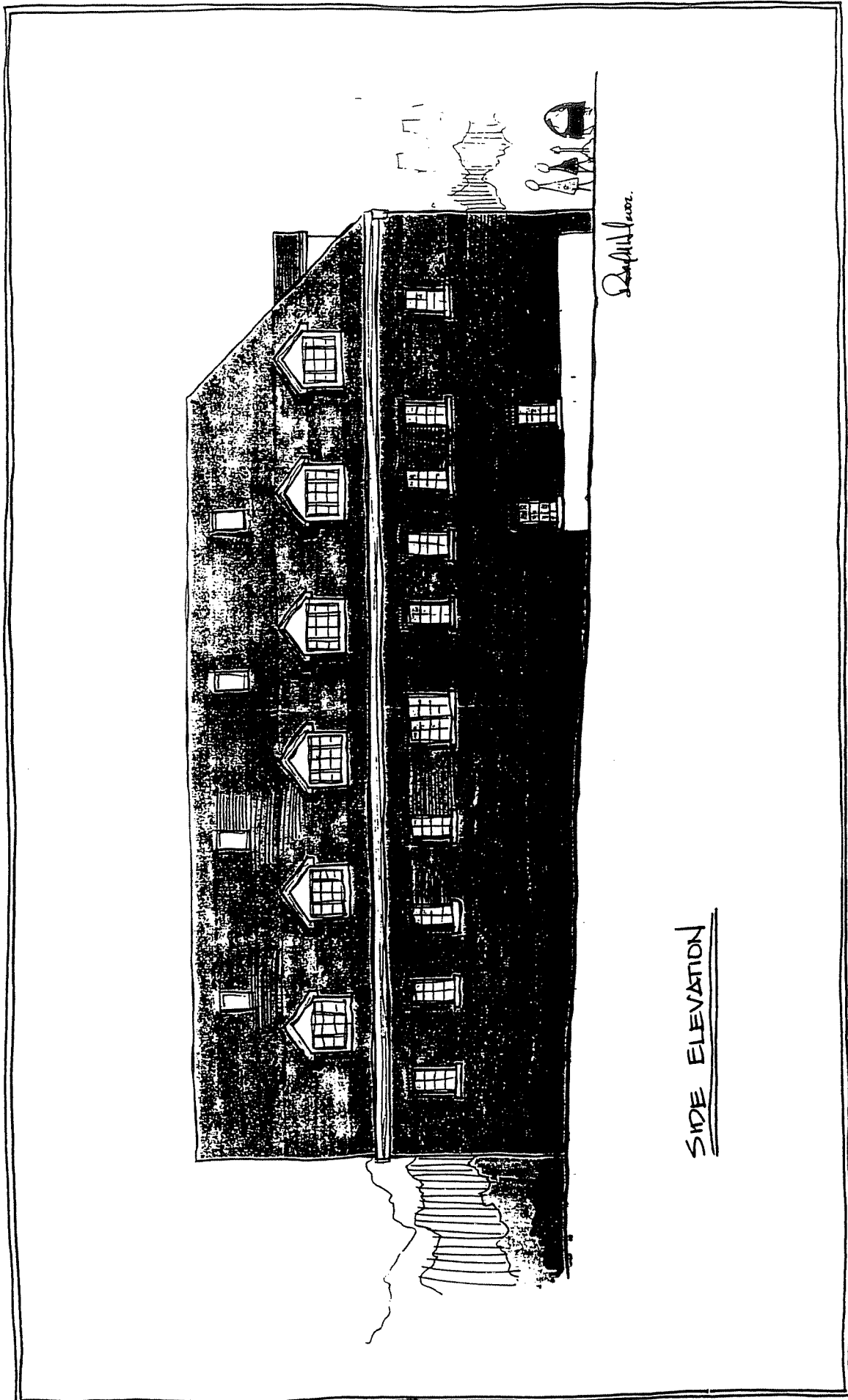
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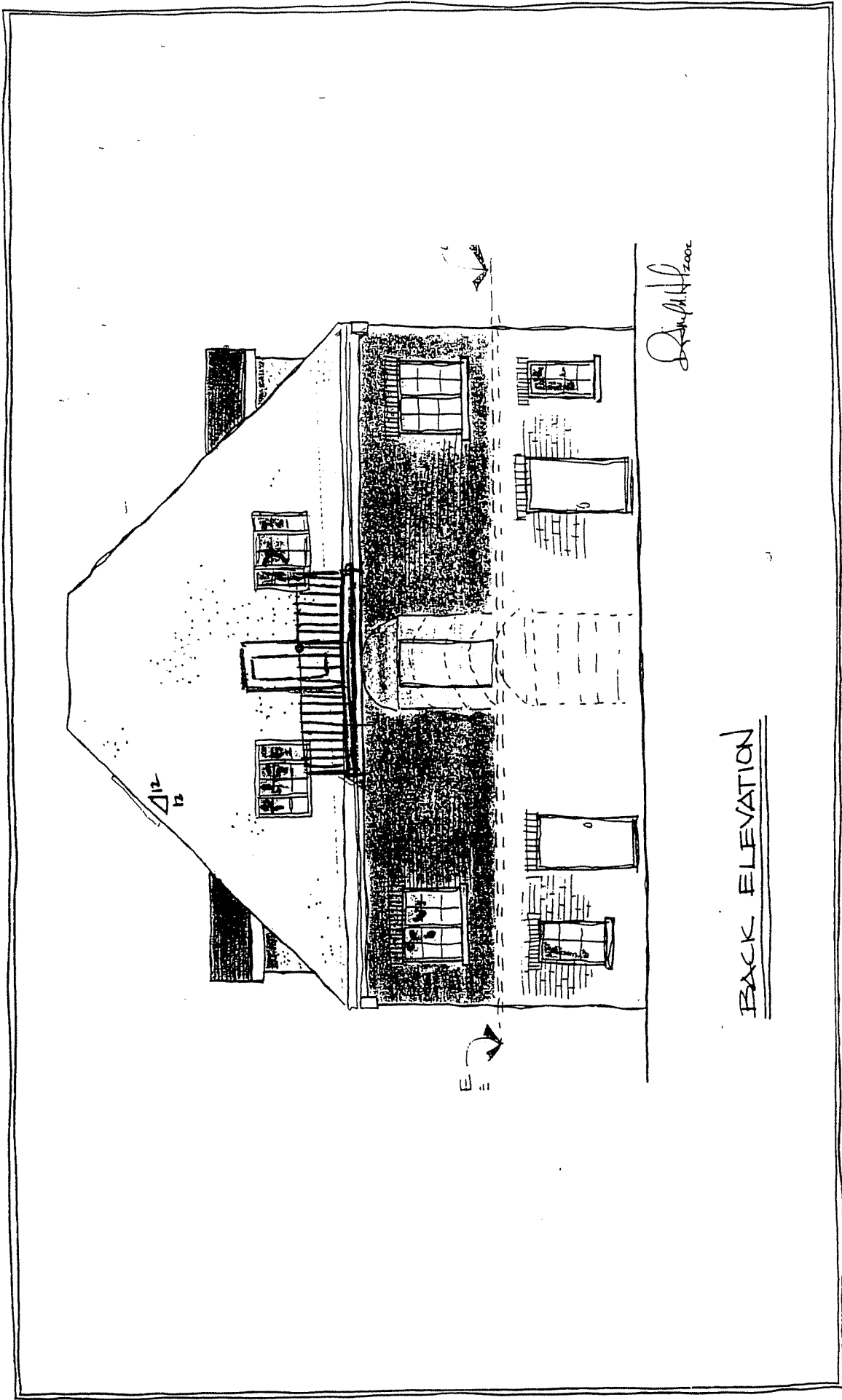


FRONT ELEVATION



S. H. H. 1902.

SIDE ELEVATION



BACK ELEVATION

D. Smith 12.00c

ATTACHMENT "VII"

Applicable Policies Under Halifax MPS

Section V – South End Area Plan

1. Residential Environments

- Objective The maintenance of the South End as vital inner-city neighbourhoods with a broad mix of family and non-family housing accommodation.
- 1.1 Residential neighbourhoods shall be maintained and expanded by encouraging retention and rehabilitation of existing structures and units and by permitting new stock through infill and complementary redevelopment.
- 1.1.1 Several forms of infill housing shall be encouraged by the City as appropriate to the diverse physical characteristics of the individual districts and neighbourhoods.
- 1.1.1.1 Forms of infill housing which shall be permitted in the South End include:
- (a) the interior conversion of structures;
 - (b) additions to existing structures, either through infilling between existing structures or additions to the rear of existing structures;
 - (c) building on vacant lots in the forms prescribed by this Section of the Plan.
- 1.1.1.2 The Zoning By-law shall further define elements of scale, proportion, setback and use consistent with the policies of this Plan to ensure compatibility with the districts and neighbourhoods.
- 1.1.2 Residential redevelopment shall be permitted in the areas designated pursuant to this Plan and may be encouraged elsewhere provided it is consistent with the policies of this Plan.
- 1.2 Residential uses should be buffered from non-residential uses which are inappropriate to a stable, healthy, enjoyable living environment.
- 1.4 For the purposes of this Plan, the city shall further define residential environments as comprising three categories:

- (i) Low-Density Residential;
- (ii) Medium-Density Residential; and
- (iii) High-Density Residential.

1.5 The City shall have regard for the servicing of residential areas by public transit and shall, as necessary, make appropriate representations to the Metropolitan Transit Corporation for the purposes of promoting efficient and sufficient service.

2. Commercial Facilities

Objective Provision for a variety of commercial uses in appropriate locations to serve the needs of the area and compatible with the needs of the City.

2.1 In the South End it is the City's intent to allow for neighbourhood shopping facilities and minor commercial facilities. Commercial uses shall not be encouraged other than in accordance with Part II, Sections II and III of the Municipal Development Plan.

2.3 Minor-Commercial uses shall be permitted in areas designated as "Commercial" or "Residential-Commercial Mix" on the Future Land Use Map (Map 2) of this Plan.

2.3.1 In areas designated as "Residential-Commercial Mix", the City shall permit the following uses:

- (i) residential uses;
- (ii) in new buildings, residential uses with minor commercial uses occupying the ground floor, provided that the commercial uses have independent and direct access to the street; and
- (iii) in existing buildings, minor commercial uses and a mix of minor commercial and residential uses.

2.3.2 In areas designated as "Residential-Commercial Mix", the City shall not require provision of family-type housing accommodation in any building.

2.3.3 Pursuant to Policy 2.3.1, the City shall amend its Zoning By-law to provide for two residential commercial zones which would permit residential uses consistent with medium-density and high-density residential areas respectively, and each of which would permit minor commercial uses.

2.4 Minor commercial uses shall be permitted only in the areas so designated in the Plan and expansion of those areas may be permitted only through amendment to this Plan.

7. District Policies

7.7 District VII

7.7.1 The City shall amend its Zoning By-law to require that any new development on the north side of Morris Street between Barrington and Hollis Streets shall be set back a minimum of 15 feet from the street line, provided that the Morris Street street line is amended to reflect the existing travelway and sidewalk area.

7.7.2 In addressing the issue of pedestrian movement within the context of the City planning process for the Central Business District, the City shall have regard for the creation of linkages between the Central Business District and the Hotel Nova Scotian/train station along both Barrington Street and Hollis Street, as appropriate.

7.7.2.1 The City shall, through its capital budget review process, give consideration to the upgrading of sidewalks, street furniture and landscaping along Barrington Street and Hollis Street to enhance its visual appearance, and to ensure the comfort and safety of pedestrians.

7.7.3 Any new development along Barrington Street and Hollis Street between Morris Street and South Street shall not be permitted to be set back further than ten feet from the streetscape. In order to effect this policy, the City shall permit the modification of the angular plane controls of the Zoning By-law, where appropriate, under the provisions of Section 33(2)(b) of the Planning Act.

Section II – City-Wide Objectives and Policies

2. Residential Environments

Objective The provision and maintenance of diverse and high-quality housing in adequate amounts, in safe residential environments, at prices which residents can afford.

2.1 Residential development to accommodate future growth in the City should occur both on the Peninsula and on the Mainland, and should be related to the adequacy of existing or presently budgeted services.

- 2.1.1 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.

3. Commercial Facilities

Objective The provision of commercial facilities appropriately located in relation to the City, or to the Region as a whole, and to communities and neighbourhoods within the City.

- 3.1 The City shall encourage a variety of commercial centres to serve a variety of community needs and shall seek to do so under Implementation Policy 3.7. Provision shall be made for neighbourhood shopping facilities, minor commercial centres, shopping centres and regional centres.

6. Heritage Resources

- 6.1 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.

8. Environment

Objective The preservation and enhancement, where possible, of the natural and man-made environment, and especially of those social and cultural qualities of particular concern to the citizens of Halifax.

- 8.3 The City shall develop the means to assure the greatest possible degree of compatibility between new developments and desirable aspects or characteristics of the surrounding man-made and natural environment through regulatory procedures or special permit procedures, such as contract zoning, conditional zoning, etc. Preference should be given to development which is aesthetically pleasing, human in scale, and in harmony with the natural and man-made environment. A requirement for an environmental impact statement should be implemented subsequent to completion and adoption of the Environment Strategy Statement as called for in Part III of this document.

ATTACHMENT "VIII"

Public Information Meeting Minutes October 3, 2002

(Case 00455)

In attendance: Holly Richardson, Planner
Gail Harnish, Planning & Development Services
Councillor Sloane
Louis Lawen, Paramount Management
4 members of the public

Ms. Holly Richardson called the meeting to order at approximately 7:00 p.m. in Halifax Hall. She advised this is a public information meeting for a development proposal that has been put forward for a property at 1252 Hollis Street in the South End of Halifax. The purpose of the meeting is to give information on the development proposal and explain the planning process. This is the first of two opportunities for members of the public to provide input.

Ms. Richardson pointed out the property in question on a map, noting it is a mixed use residential/commercial building. It is the location of the Trident Coffee Shop and there is a restaurant. The zone is RC-3 which is High Density Residential/Minor Commercial. It is essentially a mixed use residential/commercial zone with a real emphasis on the residential and permits minor commercial at the ground floor level. Most of the surrounding properties are also zoned RC-3.

Ms. Richardson advised the development proposal is being considered through the municipal planning strategy/land use by-law amendment process because certain details do not meet the zoning requirements under the RC-3 zone. At the present time, there is no mechanism under the municipal planning strategy (MPS) to move forward and consider the application. We are considering an amendment to the MPS which would establish a site specific policy for this property to allow Council to consider the development proposal. She reviewed the plan amendment process. A report went to Regional Council in July of 2002 which initiated the process. Right now staff are doing a more detailed review of the application. This policy will enable a development agreement to be considered for this property. The plan amendment and development agreement process will happen simultaneously. The development agreement is a contract between Regional Council and the developer which allows for a site specific contract to allow development on that specific site.

Mr. Louis Lawen advised he was representing the owner of the property. The property is located at 1254 Hollis Street. He presented an illustration showing the proposed addition with a pitched roof. Dormers will provide lighting and ventilation. The addition would be directly above the existing brick structure up to this point (pointed out on map). He pointed out the area of Trident

Book Store and the entrance to the residential portion, as well as the new restaurant which just opened up this summer.

Mr. Lawen indicated that the proposal is for the second level, which is residential, and the addition, to be converted over to 20 one-bedroom apartment units. The commercial portion would not change. The existing tenants would remain.

Mr. Lawen advised the existing residential development consists of 29 dwelling units - a combination of some apartments and bachelor rooms. With this addition, they propose to eliminate the rooms portion of the residential development and replace them with one bedroom self-contained units with a kitchen and a washroom. There will be shared laundry facilities. There will be ten units on the two top floors. In terms of the design of the pitched roof, they have tried to take some of the architectural details from their neighbour's properties to give it some style of resemblance with respect to the character of the neighbourhood.

Councillor Sloane questioned whether the existing house had any issue with the design.

Mr. Lawen responded no. They have not physically mentioned that to him nor the owners of the apartment building next door. The house is used as an office space; it is not a residential dwelling unit.

Ms. Richardson pointed out the property is a municipally registered heritage property which means that the Heritage Advisory Committee will be asked to provide comment on the exterior design of the building.

Councillor Sloane asked about parking.

Mr. Lawen responded there is no parking right now. The property that exists today utilizes about 90% of the land. There are walkways around the property. There is no room for parking. They cannot provide parking for the current 29 dwelling units but there is a parking lot across the street. There is also quite a bit of rental parking in the neighbourhood. Some of the tenants now have cars. The reason they propose one bedroom and not two and three bedroom apartments is to encourage regular sized accommodations at affordable prices versus going for two and three bedroom units which would be bigger and cost more money. It is downtown Halifax where a lot of people do not need cars because they usually work downtown. They feel the lack of parking does not harm them. The future development has less people living in this building (29 versus 20), so they do not feel the parking would be an issue.

An individual asked about the awnings on the front portion.

Mr. Lawen responded that it will be an asphalt shingled roof. With respect to snow and ice, there will be a gutter on it. Unless there is a severe snow storm, there would be no real effect. With

respect to rain, there will be a gutter system on the property which will collect the stormwater and take it to the City system. He pointed out on the map the location of the awning that exists. Through this development, they will not change the openings to the building. The front half of the building is 100 years old and the back is 60 years old. The windows will be brand new and the brick facade

will be sandblasted. There is detail around the arch area which they want to capture. With respect to snow and ice, it would be no different from an average house. If it was a metal roof, there would be provision that would not allow ice and snow to fall on the sidewalk.

An individual questioned the angle of the pitch on the roof. She was concerned about snow sliding down.

Mr. Lawen responded it is probably a 10-12 pitch which is less than 40°. It is very similar to the house next door. It would be an asphalt shingled type of roof so when there is snow and ice it does not slide down. It will melt down and there will be a gutter running along the edge to catch it. If there is a concern, there is provision with the design of the roof to create a 6" fence that would come along the front that would hold the snow and ice and allow it to melt and not fall down.

The individual expressed concern that they would not know until the first incident.

Mr. Lawen indicated that if the roof was metal which was very slippery, then you would have to because the snow would very quickly fall down. With asphalt type of roofing, unless there is a very steep roof, you will not have a lot of snow that will slip. If there is a concern, they would have to design a little fence.

Ms. Richardson advised it is something that will be looked at.

It was commented that it looks like something needs to be at the peak of the roof.

Mr. Lawen indicated that because of the house next door, they did not want to go straight up on a pitch because the height of this addition will be approximately 25' high. They only want to add one level so they only need 8-10'. That is one of the reasons they chose the peak roof. The roof on the property next door is identical. They were not trying to mimic the house next door but they felt the character was important.

Councillor Sloane questioned what building would be behind it, to which Mr. Lawen responded the hostel. Directly across the street is a vacant parking lot.

It was commented that the property would butt up against the property behind it.

Mr. Lawen responded they are not adding to the volume of the building on the footprint. It will remain the same. Currently the back of this property is approximately 8' from the property line. This addition will go directly above that. The same with the sides and the front. The existing footprint will not change.

Ms. Richardson noted that the reason this proposal is going through a plan amendment process is because certain by-law requirements cannot be met. Yard requirements is one of them. Parking was mentioned as well. The existing building does not meet the existing requirements.

It was commented that it would be an ideal location for university students.

Mr. Lawen concurred, noting that TUNS and DalTech is in the back yard. That neighbourhood has a lot of students. The building next door to them does. They currently have some students in their building. The project demo base would be students and people coming downtown. They feel that one bedroom apartments would be more attractive to students and single working people downtown.

In response, Mr. Lawen advised that the average square footage of each unit would be 600 sq.ft. On the addition, they will be of a similar size but will have a cathedral ceiling.

The meeting adjourned at approximately 7:40 p.m.

ATTACHMENT "IX"

Motion of Heritage Advisory Committee, November 27, 2002

Halifax Regional Municipality
Heritage Advisory Committee

Page 4

November 27, 2002

3.2 Case 00455 - Development Agreement to permit an expansion at 1252-54 Hollis Street

- A report from Holly Richardson, Planner, regarding the above, was before the Committee for its consideration.

With the use of WP Presentations, Ms. Holly Richardson, Planner, presented the report to the Committee. Some supplementary information was also circulated to the Committee.

Ms. Richardson stated staff are requesting that the Committee review the exterior design and make a recommendation to Regional Council. She briefly described the proposal which included the following:

- An addition of a third storey and conversion to redevelop 29 units to 20 one-bedroom units.
- Ground floor commercial would be unchanged.
- Existing flat roof changed to a hip roof with black asphalt shingles.
- Dormers to be placed on front and side elevations
- The existing door and window openings will be unchanged but windows replaced with vinyl paned windows (four over four).
- Skylights are proposed on the roof to provide increased light and ventilation.
- Brick work to be sandblasted and all existing brick detailing would remain and be enhanced.

With respect to parking requirements, Councillor Uteck noted the current building does not meet the by-law requirements. Ms. Richardson confirmed that the proposal will not be adding to footprint of the building, and the degree to which this building does not meet the parking requirements will not be increased by this proposal.

The proponent addressed the Committee making the following points:

- The bottom portion of the building was sandblasted five years ago. The proposed sandblasting will rejuvenate the appearance of the building.
- The proposal is focussed on refinishing the front of the building.
- The front section of the building is approximately 100 years old, and the back section is approximately 50 years old.
- There has been no consideration given to registering this property at this time.

(Councillor Harvey took his place at the meeting at 3:20 p.m.)

MOVED by Councillor Uteck, seconded by Mark Pothier, that the Heritage Advisory Committee recommend to Council that it approve the amendments to the Municipal Planning Strategy and Land Use By-Law to enable a Development Agreement to permit a building expansion at 1252-54 Hollis Street. MOTION PUT AND PASSED UNANIMOUSLY.