

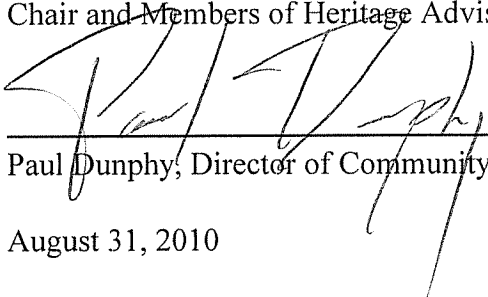


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**Heritage Advisory Committee - September 8, 2010  
Peninsula Community Council - September 13, 2010**

**TO:** Chair and Members of Heritage Advisory Committee

**SUBMITTED BY:**   
Paul Dunphy, Director of Community Development

**DATE:** August 31, 2010

**SUBJECT:** **Case 01339: Heritage Development Agreement – 5757 Inglis Street**

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**SUPPLEMENTARY REPORT**

**ORIGIN**

- Application by W. M. Fares Group, for lands of 3216761 Nova Scotia Limited, for a development agreement to construct two additions and convert the existing municipally registered heritage property into a thirteen unit residential building at 5757 Inglis Street in Halifax.
- Staff report dated August 4, 2010.

**RECOMMENDATION**

**It is recommended that the Heritage Advisory Committee recommend that Regional Council:**

1. Consider the Development Agreement contained in Attachment A of the staff report dated August 4, 2010 in relation to potential impacts on the registered heritage property and approve the substantial alteration to a heritage property at 5757 Inglis Street.

**It is recommended that Peninsula Community Council:**

1. Give Notice of Motion to consider the Development Agreement contained in Attachment A of the staff report dated August 4, 2010 and schedule a public hearing.

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

1. Approve the Development Agreement contained in Attachment A of the staff report dated August 4, 2010 to allow for two additions and the conversion of the existing municipally registered heritage property into a thirteen unit residential building at 5757 Inglis Street; and
2. Require that the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

## **BACKGROUND / DISCUSSION**

The residential building located at 5757 Inglis Street was registered as a municipal heritage property on September 12, 1984, and currently contains four dwelling units. Since the 1980s, several re-development proposals have been considered or approved for the subject property, but none have been constructed. The developer has applied for a heritage development agreement through Policy 6.8 of the Halifax Municipal Planning Strategy (MPS) to allow for two additions to the existing building, which would result in thirteen dwelling units in total.

The proposal is discussed in detail in the staff report dated August 4, 2010. However, that staff report did not address two relevant policies from the Regional MPS, which must be considered for proposals affecting registered heritage properties, in addition to the policies of the Halifax MPS. Attachment A of this supplementary report contains a review of Policies CH-1 and CH-2. Policy CH-1 applies to all development agreement applications for municipally registered heritage properties, such as 5757 Inglis Street. Policy CH-2 applies to applications affecting lands abutting registered heritage structures. Since 5757 Inglis Street is part of a municipally registered Late Victorian Heritage Streetscape, the entire streetscape should be considered.

In conclusion, staff have considered the proposal to construct two additions and convert the municipally registered heritage property into a thirteen unit residential building, and advise that the proposal meets the policy intent for a development agreement application in connection with a municipally registered heritage property. The proposal carries out the intent of the South End Area Plan, the Halifax MPS and the Regional MPS; therefore, staff recommend that:

- Regional Council approve the substantial alteration to the heritage property; and
- Peninsula Community Council approve the development agreement contained in the staff report dated August 4, 2010.

## **BUDGET IMPLICATIONS**

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

## **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

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

## **COMMUNITY ENGAGEMENT**

As outlined in the staff report dated August 4, 2010.

**ALTERNATIVES**

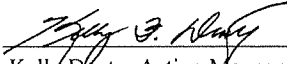
As outlined in the staff report dated August 4, 2010.

**ATTACHMENTS**

Attachment A                      Excerpt from the Regional MPS – Policy Review

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

Report Prepared by :                      Mackenzie Stonehocker, Planner I, 490-4793

Report Approved by:                        
Kelly Denty, Acting Manager of Planning Services, 490-6011

**Attachment A:**  
**Excerpt from the Regional Municipal Planning Strategy – Policy Review**

**Chapter 6: Cultural and Heritage Resources**

<b><u>Policy CH-1</u></b>	
When considering a development agreement application in connection with any municipally registered heritage property, a lot on which a municipally registered heritage building is situated, or a building, part of a building or building site within a heritage conservation district, HRM shall, in addition to the criteria established under the appropriate policies guiding the development agreement under the applicable secondary planning strategy, also give consideration to the following:	
<b><u>Policy Criteria:</u></b>	<b><u>Staff Comment:</u></b>
(a) that any municipally registered heritage property covered by the agreement is not altered to diminish its heritage value;	The substantial alterations proposed as part of this development agreement would not diminish the heritage value of the registered heritage property: the character defining elements would be retained and restored, as listed in the proposed development agreement.
(b) that the development maintains the integrity of any municipally registered heritage property, streetscape or heritage conservation district of which it is part;	The proposal maintains the integrity of the heritage property at 5757 Inglis Street, as well as the Late Victorian Heritage Streetscape of which the subject property is part. The courtyard arrangement ensures that public views of the existing building would be maintained, and that the existing heritage building would remain the centrepiece of the proposal.
(c) that significant architectural or landscaping features are not removed or significantly altered;	Section 3.4.3 of the proposed development agreement states that the character defining architectural elements of the existing building shall be maintained and not removed, and lists the specific elements.  The significant landscaping features are eleven trees with diameters greater than one foot, as well as two trees in the HRM right-of-way and various smaller trees. The developer intends to preserve these valuable trees, and protection is written into Section 3.7 of the proposed development agreement.
(d) that the development observes, promotes and complements the street-level human-scaled building elements established by	The proposal maintains the existing human-scaled streetscape along Inglis Street. Both additions would be lower in height than the existing building, which is a typical scale for the Late Victorian Heritage

<u>Policy Criteria:</u>	<u>Staff Comment:</u>
adjacent structures and streetscapes;	Streetscape.
(e) that the proposal meets the heritage considerations of the appropriate Secondary Planning Strategy as well as any applicable urban design guidelines;	As outlined in Attachment B of the staff report dated August 4, 2010, the proposal meets the heritage policies of the Halifax Municipal Planning Strategy and the South End Area Plan.
(f) that redevelopment of a municipally registered heritage property, or any additions thereto shall respect and be subordinate to any municipally registered heritage property on the site by:  (i) conserving the heritage value and character-defining elements such that any new work is physically and visually compatible with, subordinate to and distinguishable from the heritage property;  (ii) maintaining the essential form and integrity of the heritage property such that they would not be impaired if the new work was to be removed in the future;  (iii) placing a new addition on a non-character-defining portion of the structure and limiting its size and scale in relationship to the heritage property; and  (iv) where a rooftop addition is proposed, setting it back from the wall plane such that it is as inconspicuous as possible when viewed from the public realm; and	(i) The character defining elements and overall heritage value of the existing building will be conserved as part of the proposal. The proposed additions are designed to be compatible with the existing building, but also to be easily distinguished from the original structure through the use of different materials and colours. Each of the proposed additions would be subordinate to the existing building in terms of both footprint area and height.  (ii) The essential form and integrity of the existing building would be maintained if the proposed additions were removed in the future: the proposal focuses on new additions rather than changes to the existing building.  (iii) Both new additions would be attached to the existing building without affecting any of the character defining elements. While an attached shed and mudroom would be removed, these structures are not original to the building, and as such, their removal would not compromise the integrity of the heritage property. Both additions would be smaller than the existing building's footprint of 2250 square feet, and would also be lower in height than the existing building.  (iv) A rooftop addition is not included in the current proposal.
(g) any other matter relating to the impact of the development upon surrounding uses or upon the general community, as contained in Policy IM-15.	No issues were identified under Policy IM-15.

<b><u>Policy CH-2</u></b>	
For lands abutting federally, provincially or municipally registered heritage structures, HRM shall, when reviewing applications for development agreements, rezonings and amendments pursuant to secondary planning strategies, or when reviewing the provision of utilities for said lands, consider a range of design solutions and architectural expressions that are compatible with the abutting federally, provincially or municipally registered heritage structures by considering the following:	
<b><u>Policy Criteria:</u></b>	<b><u>Staff Comment:</u></b>
<p>(a) ensuring that new development respect the building scale, massing, proportions, profile and building character of abutting federally, provincially or municipally registered heritage structures by ensuring that they:</p> <p>(i) incorporate fine-scaled architectural detailing and human-scaled building elements within the pedestrian realm;</p> <p>(ii) consider, within the pedestrian realm, the structural rhythm (i.e., expression of floor lines, structural bays, etc.) of abutting federally, provincially or municipally registered heritage structures; and,</p> <p>(iii) any additional building height proposed above the pedestrian realm mitigate its impact upon the pedestrian realm by incorporating design solutions, such as setbacks from the street wall and modulation of building massing, to help reduce its apparent scale;</p>	<p>The proposed additions respect the existing building at 5757 Inglis Street, as well as the two-to three-storey buildings along the Inglis Street heritage streetscape.</p> <p>With a front yard setback of over 100 feet, the additions are distanced from the pedestrian realm along Inglis Street; however, their design is human-scaled, with details being typical of the area without mimicking the registered heritage streetscape.</p>
<p>(b) the siting of new developments such that their footprints respect the existing development pattern by:</p> <p>(i) physically orienting new structures to the street in a similar fashion to existing federally, provincially or municipally registered heritage structures to preserve a consistent street wall; and,</p> <p>(ii) respecting the existing front and side yard setbacks of the street or heritage conservation district including permitting exceptions to the front yard requirements of the applicable land use by-laws where existing front yard requirements would detract from the heritage values of the streetscape;</p>	<p>The additions would be oriented in a similar fashion as the existing building, maintaining the front yard setback of over 100 feet. The existing streetwall, with its 'break' at 5757 Inglis Street, would be maintained.</p>
<p>(c) minimizing shadowing on public open spaces;</p>	<p>There are no public open spaces adjacent to the lands.</p>
<p>(d) complementing historic fabric and open space qualities of the existing streetscape;</p>	<p>The proposal complements the historic fabric of the street by</p>

<u>Policy Criteria:</u>	<u>Staff Comment:</u>
	maintaining the existing 'break' in the streetscape.
(e) minimizing the loss of landscaped open space;	While some existing open space on the lands will be developed, it is not currently maintained as landscaped open space.
(f) ensuring that parking facilities (surface lots, residential garages, stand-alone parking and parking components as part of larger developments) are compatible with abutting federally, provincially or municipally registered heritage structures;	Parking is provided in the front yard, with landscaping provided in front of the parking and between the parking and the building. Parking may be reduced to preserve the existing trees.
(g) placing utility equipment and devices such as metering equipment, transformer boxes, power lines, and conduit equipment boxes in locations which do not detract from the visual building character or architectural integrity of the heritage resource;	Section 3.8.2 of the proposed development agreement requires this type of equipment to be located and screened to minimize visual impact.
(h) having the proposal meet the heritage considerations of the appropriate Secondary Planning Strategy, as well as any applicable urban design guidelines; and,	As outlined in Attachment B of the staff report dated August 4, 2010, the proposal meets the heritage policies of the Halifax Municipal Planning Strategy and the South End Area Plan.
(i) any other matter relating to the impact of the development upon surrounding uses or upon the general community, as contained in Policy IM-15.	No issues were identified under Policy IM-15.