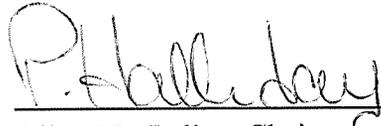

Halifax Regional Council
April 13, 2004

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:


for Allan MacLellan, Chair
Heritage Advisory Committee

DATE: April 7, 2004

SUBJECT: Case 00527 - Substantial Alteration to Gerrard Lodge,
1226-30 Barrington Street, Halifax

ORIGIN

January 28, 2004 Heritage Advisory Committee meeting.

RECOMMENDATION

The Heritage Advisory Committee **recommends** that Regional Council approve the substantial alteration to the registered heritage property known as Gerrard Lodge at 1230 Barrington Street, Halifax, to permit an additional eight residential units as described in the staff report dated January 12, 2004.

BACKGROUND

See attached staff report.

DISCUSSION

See attached minute extracts.

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:

None proposed.

ATTACHMENTS

- 1) Staff report to the Heritage Advisory Committee dated January 12, 2004
- 2) Extract from Heritage Advisory Committee minutes dated January 28, 2004
- 3) Extract from draft Peninsula Community Council minutes dated March 8, 2004

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: Patti Halliday, Legislative Assistant

Report Approved by: Allan MacLellan, Chair, Heritage Advisory Committee

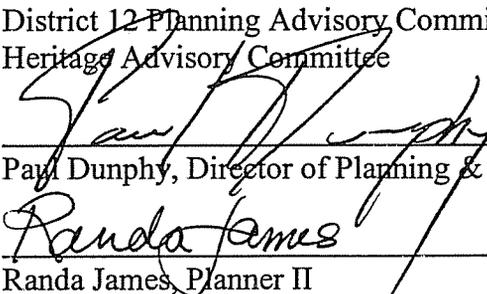


PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

District 12 Planning Advisory Committee - January 26, 2004
Heritage Advisory Committee - January 28, 2004

To: District 12 Planning Advisory Committee
Heritage Advisory Committee

Submitted by:


Paul Dunphy, Director of Planning & Development Services


Randa James, Planner II

Date: January 12, 2004

Subject: Case 00527: Development Agreement - Gerrard Lodge, 1226/1230
Barrington Street, Halifax.

ORIGIN

Request by W.M. Fares and Associates Limited on behalf of the owner, Peter Metlege, for a development agreement to permit an addition to the Gerrard Lodge, 1230 Barrington Street, Halifax, of 8 residential units. This is a provincially and municipally registered heritage property.

RECOMMENDATION

It is recommended that the District 12 Planning Advisory Committee recommend that Peninsula Community Council:

1. Give Notice of Motion to consider an application by W.M. Fares and Associates Ltd., to permit an addition to 1230 Barrington Street, Halifax, to permit 8 residential units and to schedule a public hearing for March 8, 2004.
2. Approve the development agreement, presented as Attachment I of this report, for the addition to 1230 Barrington Street, Halifax, to permit 8 residential units.
3. Require that the development agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by 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.

RECOMMENDATIONS CONTINUED ON PAGE 2

It is recommended that Heritage Advisory Committee:

1. Consider the attached Development Agreement in relation to potential impacts on the registered property of the proposed development and provide a recommendation to Peninsula Community Council to approve the proposed addition to 1230 Barrington Street, Halifax, to permit 8 residential units.
2. Subject to a decision on the development agreement application by Peninsula Community Council, and pending the resolution of any appeals in relation to Community Council's decision, recommend that Halifax Regional Council approve the substantial alteration to the registered heritage property known as Gerrard Lodge at 1230 Barrington Street, Halifax, to permit an additional 8 residential units as described in this report.

BACKGROUND:

Following is a brief summary of the application and site history:

- ▶ Gerrard Lodge, is a Victorian Eclectic style building at 1230 Barrington Street, built in 1865;
- ▶ the most famous resident of Gerrard Lodge was Honourable Sir Charles J. Townsend who owned the property in the early 1900s;
- ▶ 1226 Barrington Street, a small Quaker style cottage, built in the 1750s, was used for a number of purposes including a tavern, and an innkeeper's residence in the 18th century;
- ▶ 1226/1230 Barrington Street was designated as a registered heritage property in 1982;
- ▶ the site is 7,857 square feet in size and contains two buildings: a 12 unit apartment building (11 bachelor apartments and one two-bedroom apartment) and a detached single three bedroom unit cottage known as 1226 Barrington Street;
- ▶ the property is zoned RC-3 (High Density Residential-Minor Commercial) and designated RC (Residential-Commercial Mix) under the South End Area Plan of the Halifax Municipal Planning Strategy (MPS). Refer to Maps 1 and 2;
- ▶ W.M. Fares and Associates Ltd., has made application for a development agreement to construct an addition to Gerrard Lodge that will contain eight two-bedroom apartment units.

The Proposal

The existing building at 1230 Barrington Street presently has 12 residential units and the cottage at 1226 Barrington Street presently has one residential unit. The proposed development would see an addition to the rear of 1230 Barrington Street containing eight two-bedroom apartment units as well as an addition of two feet to the height of the existing building at 1230 Barrington Street (please refer to Schedule B). The exterior of the addition will be sympathetic to the Victorian Eclectic style of Gerrard Lodge. The small Quaker style cottage, with its wooden siding and stone foundation, located at the rear of the property, will be restored and maintained in its current location. The development agreement will address repairs and upgrades to both buildings.

Enabling Policy

This application is made pursuant to Policy 5.1 of the Halifax Municipal Planning Strategy (MPS), South End Area Plan, and Policy 6.8 (see Attachment II) of the city wide objectives. Policy 5.1 encourages the *“retention, preservation, rehabilitation and restoration of areas, streetscapes, buildings, features and spaces in the South End area consonant with the City's general policy stance on heritage preservation (See Section II, Policy Set 6).”* Policy 6.8 states that, *“any building, part of a building, or on any lot on which a registered heritage building is situated, the owner may apply to the City for a development agreement for any development or change in use not otherwise permitted by the land use designation and zone”*.

Policy 6.8 also lists criteria that relate to maintaining the heritage value and integrity of a site, minimizing the impact of noise, traffic generation, and other land uses on neighbouring properties, and requiring that the development complies substantially with the policies of the plan. Refer to Attachment II.

Public Information Meetings

Public information meetings (PIM) were held on February 26, 2003 and July 2, 2003 to present information and receive input on the proposed development for this site (see Attachments III and IV). Major changes to the proposal were requested at the February 26th meeting. The revised design was generally supported at the second PIM on July 2nd. Concerns raised were as follows:

1. At the February 26, 2003 PIM, concern was expressed that the small cottage located at civic address 1226 Barrington Street would be moved or destroyed to accommodate the proposed addition.
 - ▶ Policy 5.1 of the South End Area Plan requires the retention of heritage buildings. In staff's opinion, moving the cottage would reduce the value of the heritage site and it would be inappropriate to destroy one of the oldest heritage buildings in HRM to allow the expansion of another heritage building. In response to concerns from the public in relation to the cottage, the applicant revised the plans to show a reduced number of units from sixteen to eight to allow the small cottage to remain in its current location.

2. At the February 26, 2003 PIM, a concern was expressed about vibration levels from the construction of this development, specifically, to permit an underground parking garage.
 - ▶ Following the meeting, planning staff recommended that in order to reduce damage to the site from blasting, the parking requirements for the site could be reduced. The applicant submitted a revised proposal which deleted an underground parking garage.

Public Hearing Notification

Should Community Council decide to proceed with a public hearing on this application, in addition to published newspaper advertisements accessible to the general public, property owners in the

immediate area will be individually notified. The area of individual property notification is shown on Map 1.

DISCUSSION

In addition to evaluating the development agreement in relation to the criteria set out in Section 6.8 of the MPS, staff evaluated the application against the RC-3 (High Density Residential/Minor Commercial) Zone requirements of the LUB. While the requirements for height, open space and population density are met, the requirements for angle controls, setbacks, and parking are not.

- ▶ Setbacks and angle controls:
 - ▶ Setbacks of four to six feet and an eight foot separation distance between the cottage and the new addition are shown on the site plan (Schedule "C").
 - ▶ Originally, the applicant had a demolition permit for the small cottage at 1226 Barrington Street to construct an addition to 1230 Barrington Street of sixteen bachelor units. Because the applicant kept the heritage cottage, and reduced the units from sixteen bachelor units to eight two-bedroom units, staff felt it was acceptable to waive the required angle controls and setbacks.
 - ▶ Requiring the applicant to construct the addition according to the angle controls would result in a less pleasing design that would not reflect the heritage properties of the site.

- ▶ Parking:
 - ▶ Meeting the parking requirements would require the applicant to construct an underground parking garage. Staff felt that because the construction of the underground garage would require blasting, potentially impacting the structural integrity of the two heritage buildings, the parking requirements should be waived.
 - ▶ There is little traffic impact anticipated in response to the increased number of units.
 - ▶ There are three parking spaces on site to be retained.

- ▶ Open space:
 - ▶ Overall the buildings require a minimum of 2135 square feet of open space in order to meet the RC-3 Zone requirements. The site plan shows 2,297 square feet of open space, with 2137 square feet of landscaped space, and 360 square feet of private balcony space.

- ▶ Landscaping:
 - ▶ The development agreement requires a landscape plan and sets out some minimum requirements for landscape areas.
 - ▶ New trees and shrubs will be planted along Barrington Street and additional landscape treatment is required throughout the property.

- ▶ Density:
 - ▶ A maximum population density of 250 persons per acre is permitted. The application will not exceed the allowed density of 250 persons per acre.

To maintain and enhance the heritage value of the site, staff requires the applicant to improve the two buildings by:

- ▶ painting the exterior of the buildings,
- ▶ replacing roof shingles,
- ▶ replacing, when the need arises, storm windows with top-rounded wooden windows along the front facade of the building,
- ▶ replacing side and rear windows with new vinyl windows,
- ▶ replacing or restoring the sills, cornices, trim, etc. as required
- ▶ replacing or refinishing the front step facing Barrington Street, and
- ▶ landscaping the site.

CONCLUSION

Staff concludes that the proposed addition of eight two-bedroom residential units on this site will create an apartment style addition to the building that meets criteria related to scale, building placement, landscaping and architectural style as outlined in Policy 6.8 of the *Halifax MPS*. The proposed development agreement contains provisions which ensure that the proposed development is constructed and maintained in a manner that is consistent with the MPS policy for this area. Therefore staff recommend that the proposed development agreement be approved.

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. Council may refuse to enter into the development agreement, and in doing so, must provide reasons based on conflict with existing MPS Policy. Staff does not recommend this alternative, for reasons contained in this report.
2. Council may choose to request modifications to the development agreement. Such modifications may require further negotiations with the developer. This alternative is not recommended as the attached agreement is consistent with adopted MPS policy for the area.
3. Council may approve the development agreement appended as Attachment I to permit the addition to 1230 Barrington Street, Halifax to allow 8 residential units as proposed by the applicant. This is the recommended course of action.

ATTACHMENTS

- Map 1 - Zoning and Property Notification Area
- Map 2 - Generalized Future Land Use
- I - Proposed Development Agreement with
 - Schedule "A" Legal Description of the Lands
 - Schedule "B" Project Data
 - Schedule "C" Site Development Plan (0009)
 - Schedule "D" (Barrington Street) East Elevation (0010)
 - Schedule "E" (Rear) West Elevation (0003)
 - Schedule "F" North Elevation (0004)
 - Schedule "G" South Elevation (0005)
 - Schedule "H" First Floor Plan (0006)
 - Schedule "I" Second to Fourth Floor Plans (0007)
 - Schedule "J" Existing Third Floor Plan (0008)
- II - Relevant Sections of the Halifax Municipal Planning Strategy
- III - Minutes of the February 26, 2003 Public Information Meeting
- IV - Minutes of July 2, 2003 Public Information Meeting

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210 (tel) or 490-4208 (fax).

Report prepared by Randa James, Planner II, Planning Services, ph. 490-4499



Map 1 - Location and Zoning
1230 Barrington Street
Halifax

-  Subject property
-  Area of notification

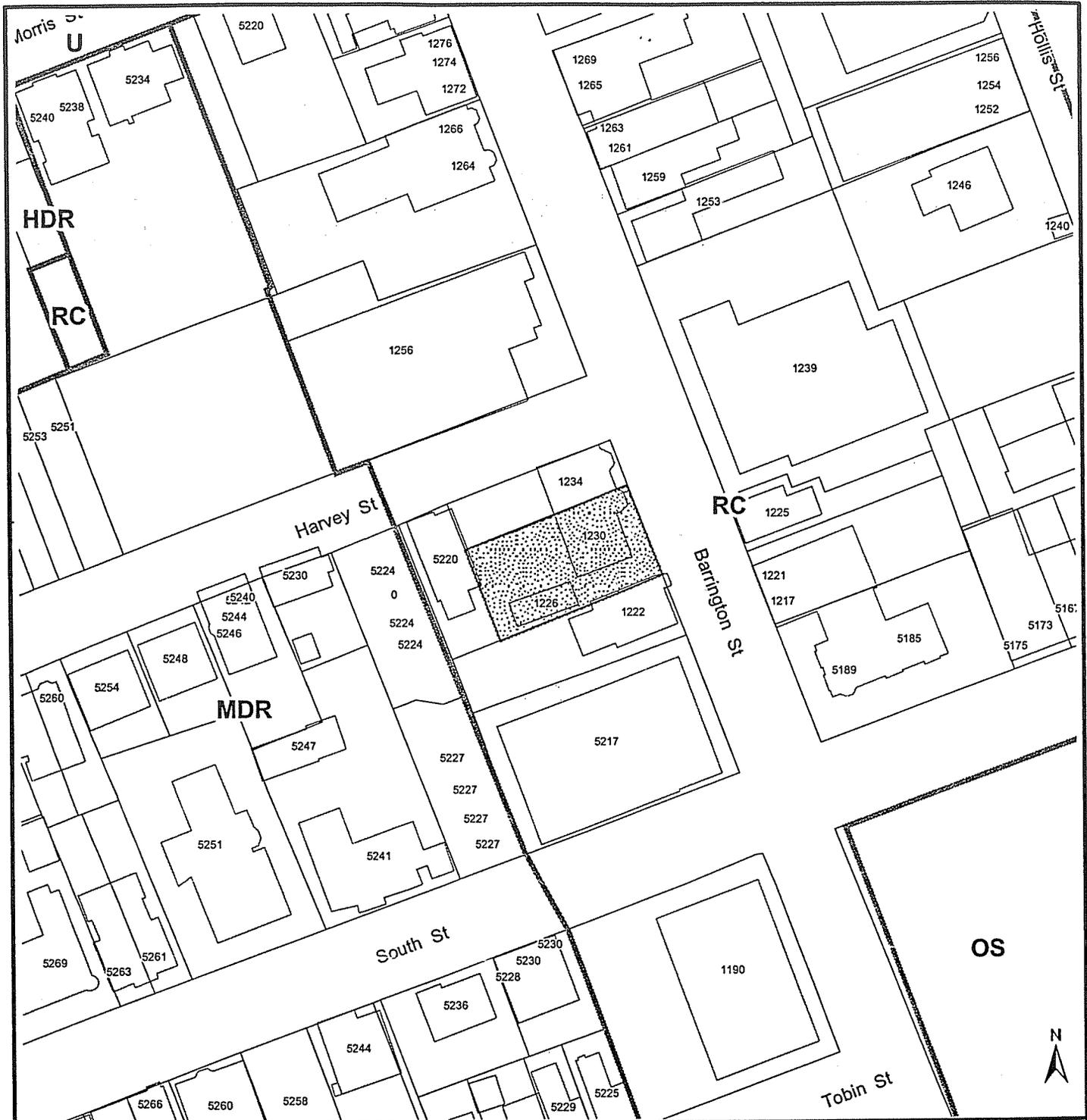
Zone	
R-2A	General Residential Conversion
R-3	Multiple Dwelling
RC-3	High Density Res. Minor Comm.
P	Park and Institutional

HALIFAX
REGIONAL MUNICIPALITY
PLANNING AND
DEVELOPMENT SERVICES



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

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



Map 2 - Generalized Future Land Use
 1230 Barrington Street
 Halifax

 Subject property

HALIFAX
 REGIONAL MUNICIPALITY
 PLANNING AND
 DEVELOPMENT SERVICES



Designation

- MDR Medium Density Residential
- HDR High Density Residential
- RC Residential/Commercial Mixed
- OS Open Space

This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Halifax Plan Area.

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

Halifax Plan Area

Attachment I

THIS AGREEMENT made this day of , 2004,

BETWEEN:

PETER JOHN METLEGE
(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 owner of certain lands located at 1226 and 1230 Barrington Street, Halifax 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 permit a 21 unit residential development 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 2004, referenced as Municipal Case Number 00527;

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

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 The Developer agrees that the Lands shall be subdivided, developed and used only in accordance with and subject to the terms and conditions of this Agreement.

- 1.2 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.
- 1.3 Pursuant to Section 1.2, nothing in this Agreement shall exempt or be taken to exempt the Developer, lot owner or any other person from complying with the requirements of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law 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 owners agree to observe and comply with all such laws, by laws and regulations in connection with the development and use of the Lands.
- 1.4 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.
- 1.5 The Developer and each lot owner 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 or lot owners.
- 1.6 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 2: USE OF LANDS AND DEVELOPMENT PROVISIONS

2.1 Use

The Developer shall construct an addition to the existing building at 1230 Barrington Street on the Lands, which, in the opinion of the Development Officer, is substantially in conformance with Schedules "B" to "J" inclusive (Plans No. 00527-0002 to 00527-0010 inclusive filed in the Halifax Regional Municipality Planning and Development Services Department as Case 00527) and shall not develop or use the lands for any purpose other than a 21 unit residential development which includes one unit in the small cottage known as 1226 Barrington Street, and 20 units (8 of which are new) in the Victorian Eclectic building known as Gerrard Lodge.

The schedules are:

- Schedule "A" Legal Description of the Lands
- Schedule "B" Project Data

- Schedule "C" Site Development Plan (0009)
- Schedule "D" (Barrington Street) East Elevation (0010)
- Schedule "E" (Rear) West Elevation (0003)
- Schedule "F" North Elevation (0004)
- Schedule "G" South Elevation (0005)
- Schedule "H" First Floor Plan (0006)
- Schedule "I" Second to Fourth Floor Plans (0007)
- Schedule "J" Existing Third Floor Plan (0008)

2.2 Building Architecture

- 2.2.1 Subject to the provisions of this Agreement, the multiple unit residential building shall meet the requirements of RC-3 (High Density Residential Minor Commercial) Zone of the Halifax Peninsula Land Use By-law with the exception that Sections 48CB(4)(a) [Distance from Lot Line] and 48CB(4)(b), (c), (d), (e), (f) and (g) [Angle Controls] of the Halifax Peninsula Land Use By-law shall not apply.
- 2.2.2 The maximum height of any portion of a building shall be 50 feet being measured as the vertical distance of the highest point of the roof above the mean grade of the existing ground adjoining the building between the building and the fronting street.
- 2.2.3 The maximum number of dwelling units permitted on the lands shall be 21 including one unit within 1226 Barrington Street.
- 2.2.4 Buildings shall comply with requirements set out in the National Building Code of Canada, for matters such as, but not limited to, egress. Any construction changes that may require roof dormers to be increased in volume, or new features to be added (such as, but not limited to, doors, windows or stairwells), shall be submitted to the Development Officer who, in consultation with the Heritage Planner and HRM's Heritage Advisory Committee shall review such changes prior to approval of final plans.
- 2.2.5 Pursuant to Sections 2.2.1 to 2.2.21 inclusive, the Development Officer in consultation with the Heritage Planner may approve minor modifications to the location, size and height of the addition to the building, as well as the architectural design of the building, including facade features and the type of exterior materials, provided such modifications are minor in nature and, in the opinion of the Development Officer and the Heritage Planner, further enhance the appearance of the building and Lands.

1230 Barrington Street

- 2.2.6 The new addition to the building known as Gerrard Lodge, at 1230 Barrington Street, shall be predominantly clad in hardiplank siding or equivalent. Vinyl siding shall not be permitted.

- 2.2.7 Trim detailing on the south face of the addition to Gerrard Lodge, which has higher visibility from Barrington Street, shall be constructed and trimmed in a manner which is consistent with the existing building. The trim around the porch on the front facade when it is repaired shall be repaired with painted wood or equivalent. All damaged or missing cornice or trim on the existing building shall be repaired.
- 2.2.8 In keeping with the Victorian Eclectic style of architecture of Gerrard Lodge, any replacement windows on the front facade shall be of wood frame construction. Windows on the front facade ground floor with round headed window openings shall be replaced with round headed windows and when seasonally appropriate, round headed storm windows. Side and rear windows shall be repaired or replaced with vinyl windows. Repair or replacement shall take place as needed.
- 2.2.9 In keeping with the Victorian Eclectic architectural style of Gerrard Lodge, the main wooden entry door shall be repaired.
- 2.2.10 The front steps of Gerrard Lodge shall be repaired or replaced with similar materials. The handrails shall be repaired to provide safe access to the building.
- 2.2.11 All balconies on the addition to Gerrard Lodge shall be made of painted wolmanized wood and shall have painted wolmanized wood rails and spindles. At grade decking shall be made of poured in place concrete with painted wooden privacy screens and/or coniferous hedging with a minimum height of four feet.
- 2.2.12 The roof of the lower south portion of Gerrard Lodge shall be raised a maximum of two feet as indicated in the elevations, Schedule "D" and Schedule "G". Prior to replacing the roof, new asphalt roof shingles shall be approved by the Heritage Planner.
- 2.2.13 Any exposed foundation of the new addition to Gerrard Lodge shall be composed of a veneer rock face of cultured stone, or equivalent.
- 2.2.14 The existing Victorian Eclectic style building known as 1230 Barrington Street shall be maintained in its current location. Alterations made to the building including an added height of 2 feet to the roof, the replacement of roof shingles, windows, doors, and other miscellaneous repairs shall be approved by the Heritage Planner and Development Officer. 1226 Barrington Street shall be repainted in heritage colours approved by the HRM Heritage Planner. Any changes in colour of the building shall be approved by the Heritage Planner.

1226 Barrington Street

- 2.2.15 All damaged or missing architectural elements at 1226 Barrington Street shall be repaired or replaced with similar materials or equivalent.

- 2.2.16 In keeping with the Quaker style of architecture of 1226 Barrington Street, all windows upon replacement shall be wood framed and approved by the Heritage Planner.
- 2.2.17 In keeping with the Quaker style of architecture of 1226 Barrington Street, the door at 1226 Barrington Street when replaced shall be replaced with a wood door and sidelights to match existing, as approved by the Heritage Planner.
- 2.2.18 The front steps of 1226 Barrington Street shall be repaired or replaced with appropriate materials as required.
- 2.2.19 Prior to repairing or replacing the roof of 1226 Barrington Street, new asphalt shingles shall be approved by the Heritage Planner.
- 2.2.20 The access doors to the basement of 1226 Barrington Street shall be repaired, repainted or replaced as approved by the Heritage Planner.
- 2.2.21 The cottage at 1226 Barrington Street shall be maintained in its current location and form. Alterations made to the building including new shingles, windows, a new door, and other miscellaneous repairs shall be approved by the Heritage Planner and Development Officer. Any changes in colour of the building shall be approved by the Heritage Planner.
- 2.2.22 The Developer hereby agrees not to demolish or move the building at 1226 Barrington Street.

2.3 Landscaping

- 2.3.1 A detailed Landscape Plan prepared by a Landscape Architect (that is a full member, in good standing, of APALA) shall be submitted with the application for Building and Development Permits. The detailed landscape plan shall include, as a minimum, planting as identified in this agreement and shall identify measures to provide a buffer and/or screening between the building and adjacent residential properties as well as for aesthetic enhancement.
- 2.3.2 Specific Landscaping measures shall be provided as follows:
- (a) Along Barrington Street, landscaping shall consist of a minimum of; one (1) full size high branching deciduous tree, having a minimum size of 60 mm caliper (2.4 inch diameter), and placed to the south of the main entrance; three (3) mid-size upright branching deciduous trees, having a minimum size of 45 mm caliper (1.8 inch diameter), and placed to the north of the main entrance. The proposed trees shall be compatible with the existing trees in the area and should be salt tolerant varieties.
 - (b) Along Barrington Street, foundation planting shall be provided in the form of upright shrubs with a minimum height of 60 cm. (2 ft.) and at least six (6) shrubs shall be provided on each side of the main entrance in mulched planting beds.

- (c) Between the parking area and the east face of 1226 Barrington Street there shall be a mulched planting bed planted with a minimum of twenty (20) shrubs with a minimum height of 60 cm. (2 ft.). The shrubs shall be 50% coniferous for year round show. Space within this bed may be provided for the planting of perennials and annuals.
 - (d) Beach stone mulch, sod or low maintenance groundcover shall be used in areas to the rear of the existing portion of 1230 Barrington Street.
 - (e) All proposed retaining walls shall be constructed of a decorative precast concrete retaining wall system or equivalent.
 - (f) The proposed walkway from 1226 Barrington Street shall be of decorative interlocking precast concrete paverstones or equivalent of a compatible colour.
 - (g) The 42" high wood screen fencing shall be visually obscuring to provide privacy.
 - (h) The landscape plan shall include planting details for trees and shrubs.
 - (i) All soft landscape areas to be sodded shall use sod which conforms to the Canadian Nursery Sod Growers' Specifications.
 - (j) All plant material shall conform to the Canadian Nursery Trades Association Metric Guide Specifications and Standards.
- 2.3.3 Construction Details or Manufacturer's Specifications for all constructed landscaping features (such as fencing, retaining walls, wood pergola, recycling facilities, etc) shall be provided to the Development Officer, and shall describe their design, construction, specifications, hard surface areas, materials and placement so that they will enhance the design of individual buildings and the heritage character of the surrounding area.
- 2.3.4 The maximum lot coverage shall be sixty (60) percent of the site.
- 2.3.5 The development shall include designated space for three stream (refuse, recycling and composting) source-separated solid waste services. This designated space shall be approved by the Development Officer and Building Inspector in consultation with HRM Solid Waste Services.
- 2.3.6 A landscape plan shall be submitted, as part of the building permit application, to the Development Officer, who shall consult with the Heritage Planner prior to approval of final plans.

2.4 Parking

- 2.4.1 The Developer shall provide no fewer than 3 parking spaces having access from Barrington Street. All parking areas shall be paved with asphalt. Driveway accesses shall conform to By-Law S-300.

2.5 Heritage Resources

The property at 1226/1230 Barrington Street falls within the High Potential Zone for Archaeological Sites identified by the Province. The Developers shall contact the Curator of Special Places, Heritage Division, Tourism, Culture and Heritage prior to any disturbance of the site and the developer shall comply with requirements set forth by the Province in this regard.

2.6 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 buildings, fencing, walkways, recreational amenities, parking areas and driveways, and the maintenance of all landscaping including the replacement of damaged or dead plant stock, trimming and litter control, garbage removal and snow removal/salting of walkways and driveways.

2.7 Streets and Municipal Services

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. Site servicing shall be accomplished so as to have no impact on the existing trees to be preserved. The existing driveway on the northern boundary of the lot shall be closed. All construction shall be in accordance with Municipal specifications.

2.8 Occupancy Permit

- 2.8.1 No occupancy permit shall be issued for any building constructed on the Lands until such time as the landscaping has been completed in accordance with Section 2.3 of this agreement, provided however that where such building has been completed and all other terms of this agreement have been met, an occupancy permit may be issued provided that the Developer supplies a security deposit in the amount of 110 percent of the estimated cost to

complete the landscaping. The security deposit shall be in the form of a certified cheque or letter of credit issued by a chartered bank to the Development Officer.

- 2.8.2 Should the Developer not complete the landscaping within six months of issuance of the occupancy permit or by September 1 of the year in which the occupancy permit was issued, whichever is earlier, the Municipality may use the deposit to complete the landscaping as set out in Section 2.3 of 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.
- 2.8.3 Pursuant to Section 2.7, 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 3: AMENDMENTS

- 3.1 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) a change of the number of residential units provided the allowed density is not exceeded; that plans are submitted for any changes to the building design; and that such changes, in the opinion of Council, are minor in nature;
 - (b) changes to the architectural requirements/details as shown on the attached schedules or as detailed in Section 2.2 which, in the opinion of Council, the Development Officer, the Heritage Planner, and HRM's Heritage Advisory Committee, are minor in nature;
 - (c) changes to the landscaping measures as detailed in Section 2.3 which, in the opinion of Council, are minor in nature.
- 3.2 Amendments to any matters not identified under Section 3.1 shall be deemed substantial and may only be amended in accordance with the approval requirements of the Municipal Government Act.

PART 4: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

- 4.1 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.
- 4.2 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.
- 4.3 In the event that construction of the project has not commenced 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. For the purposes of this section, "commencement of construction" shall mean completion of the footings for the proposed building.
- 4.4 If the Developer(s) 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 5: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

- 5.1 The Developer agree 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 agree that, upon receiving written notification from an officer of the Municipality to inspect the interior of any building located on the Lands, the Developer agree to allow for such an inspection during any reasonable hour within one day of receiving such a request.
- 5.2 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 submit to the jurisdiction of such Court and waive 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 Planning 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

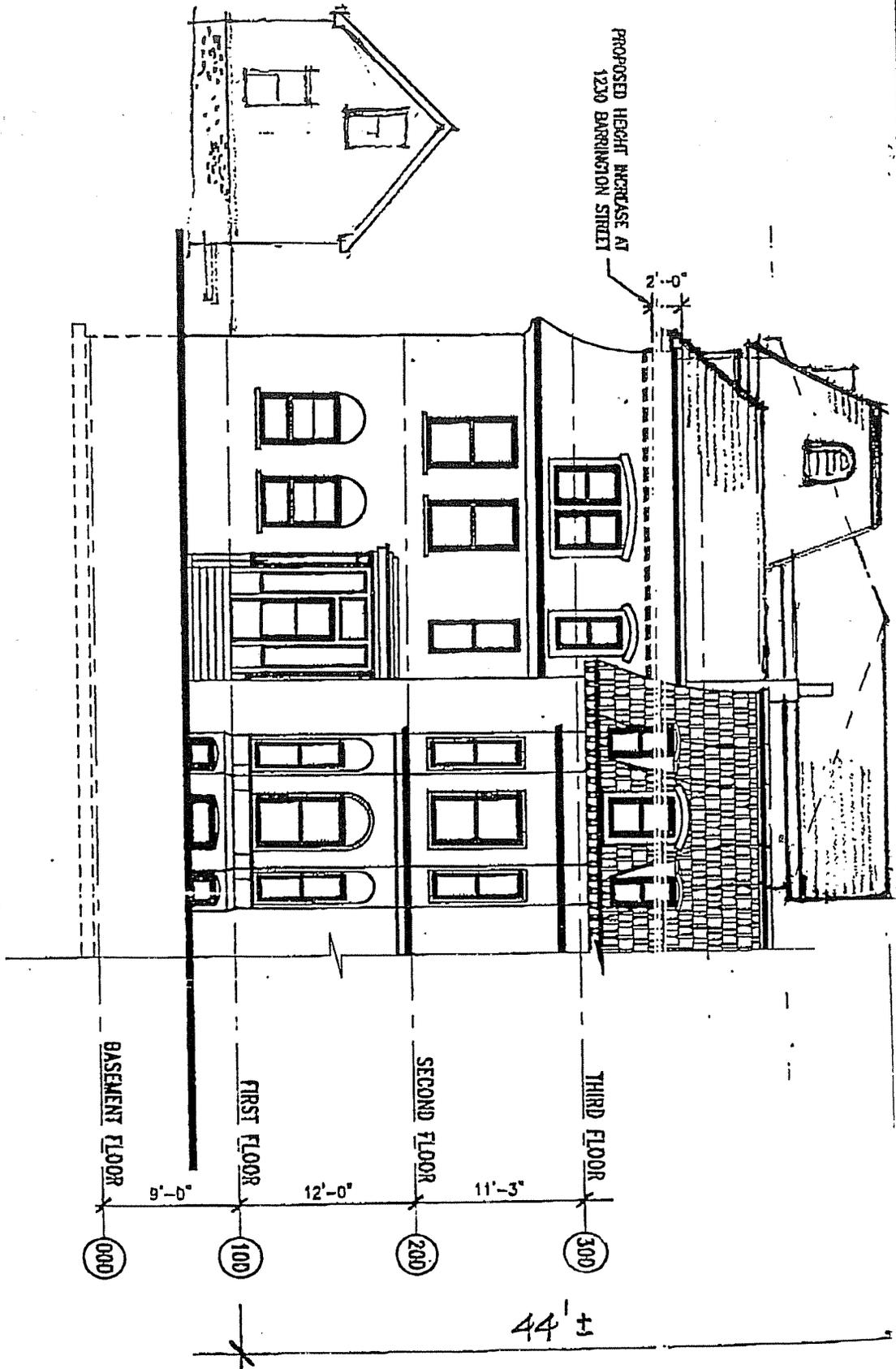
)
) PETER JOHN METLEGE
)
)
) per _____
)
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) per _____
)
)
) HALIFAX REGIONAL
) MUNICIPALITY
)
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) Per _____
) Mayor
)
) Per _____
) Municipal Clerk

Project Data

21 Unit Addition / Renovation
1226 & 1230 Barrington Street

Lot Area		7857 sq. ft
Lot (inc. 30' of street)		9837 sq. ft. (.226 acres)
Building Areas		
	New Addition	1975 sq. ft
	Existing Building (1230)	1825 sq. ft
	Existing Building (1226)	4730 sq. ft
	Total	8530 sq. ft
Paved Area		1220 sq. ft
Project Mix		
	11 Bachelor	11 People
	9 Two Bedroom	27 People
	1 Three Bedroom	4 People
	Total	42 People
Landscaped Area - Provided	=Lot area - (Building + Paving) =7857-5750	2107 sq. ft
Landscaped Area - Required		
	- 25 sq. ft. per person for Bachelor Units = 11x25	275 sq. ft
	- 20 sq. ft. per person for 2 & 3 Bedroom Units = 20x31	620 sq. ft
	Total	895 sq. ft
Open Space - Required		
	11, Bach. Units x 25 sq. ft. per person (25x11)	275 sq. ft
	9, 2 Bdrm Units x 60 sq. ft. per person (60x27)	1620 sq. ft
	1, 3 Bdrm Unit x 60 sq. ft. per person (60 x 4)	240 sq. ft
	Total	2135 sq. ft
Open Space - Provided		
	Landscaped area + 6 decks above grade (60 sq. ft. each) = 2137 + 360	2497 sq. ft

SERVER\CAD\CAD1\DRAWINGS\2001 PROJECTS\200145-BARRINGTON\BLDG-ADDITION\200145-ELEV-082602



FRONT ELEVATION 3/32" = 1' = 1"

00527-0010



ENGINEERS,
PROJECT MANAGERS,
DEVELOPERS

W.M. FARES & ASSOCIATES, INC.

117 Kearney Lake Road
Halifax, Nova Scotia
PHONE: (902) 457-6676
FAX: (902) 457-4886

PROPOSED:

BUILDING ADDITION TO
EXISTING HERITAGE PROPERTY
1230 BARRINGTON STREET
HALIFAX, NOVA SCOTIA

TITLE:

BUILDING ELEVATION

DATE:

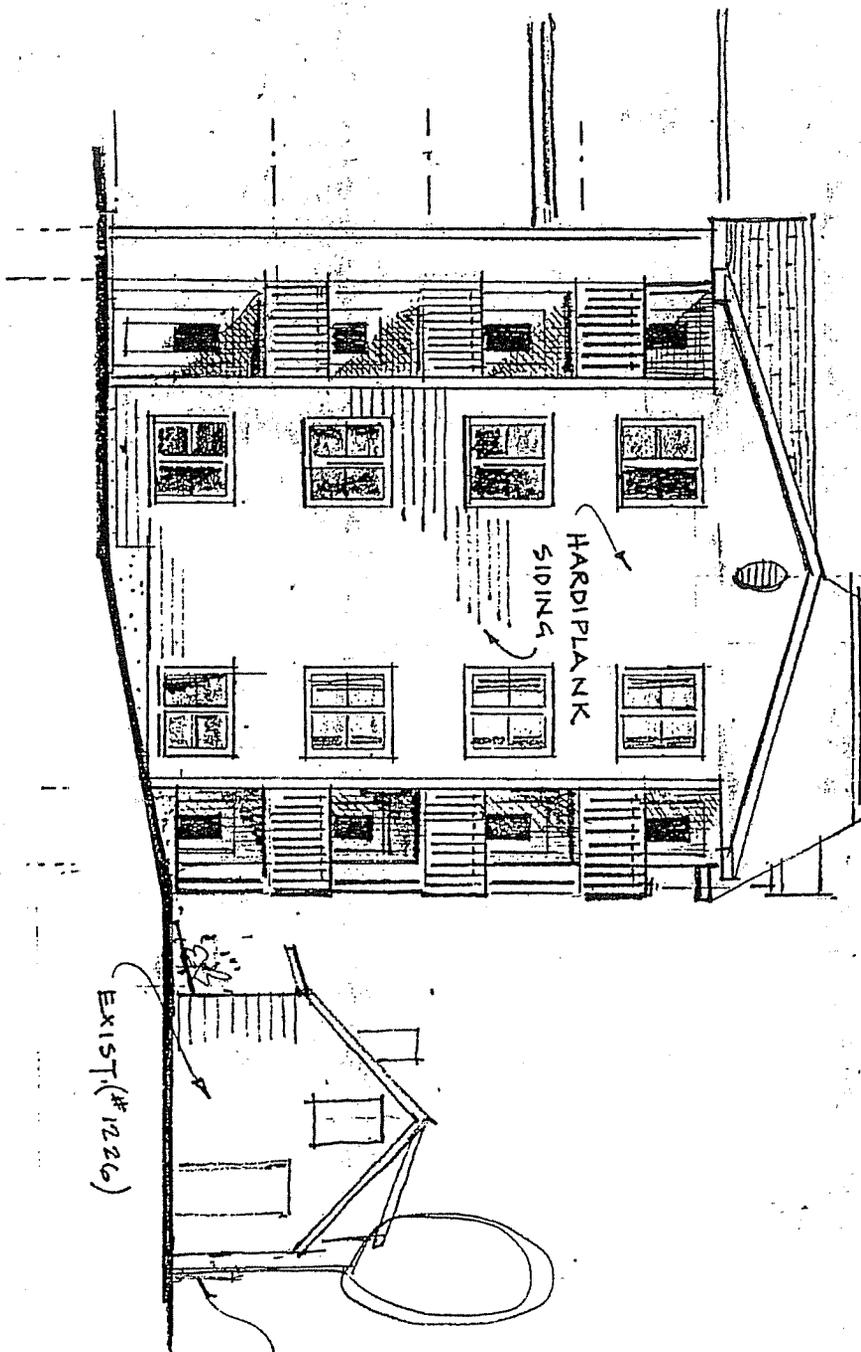
JAN 15/04

SCALE:

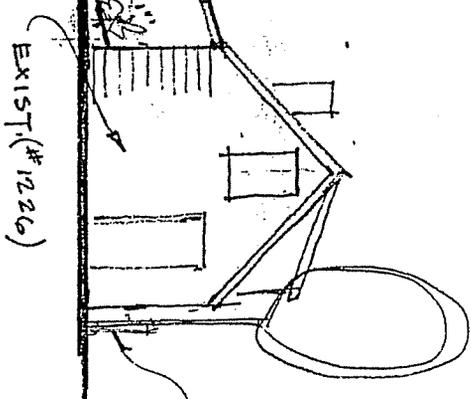
DRAWN:

PROJECT:

2001-45



REAR ELEV.
18'-10"



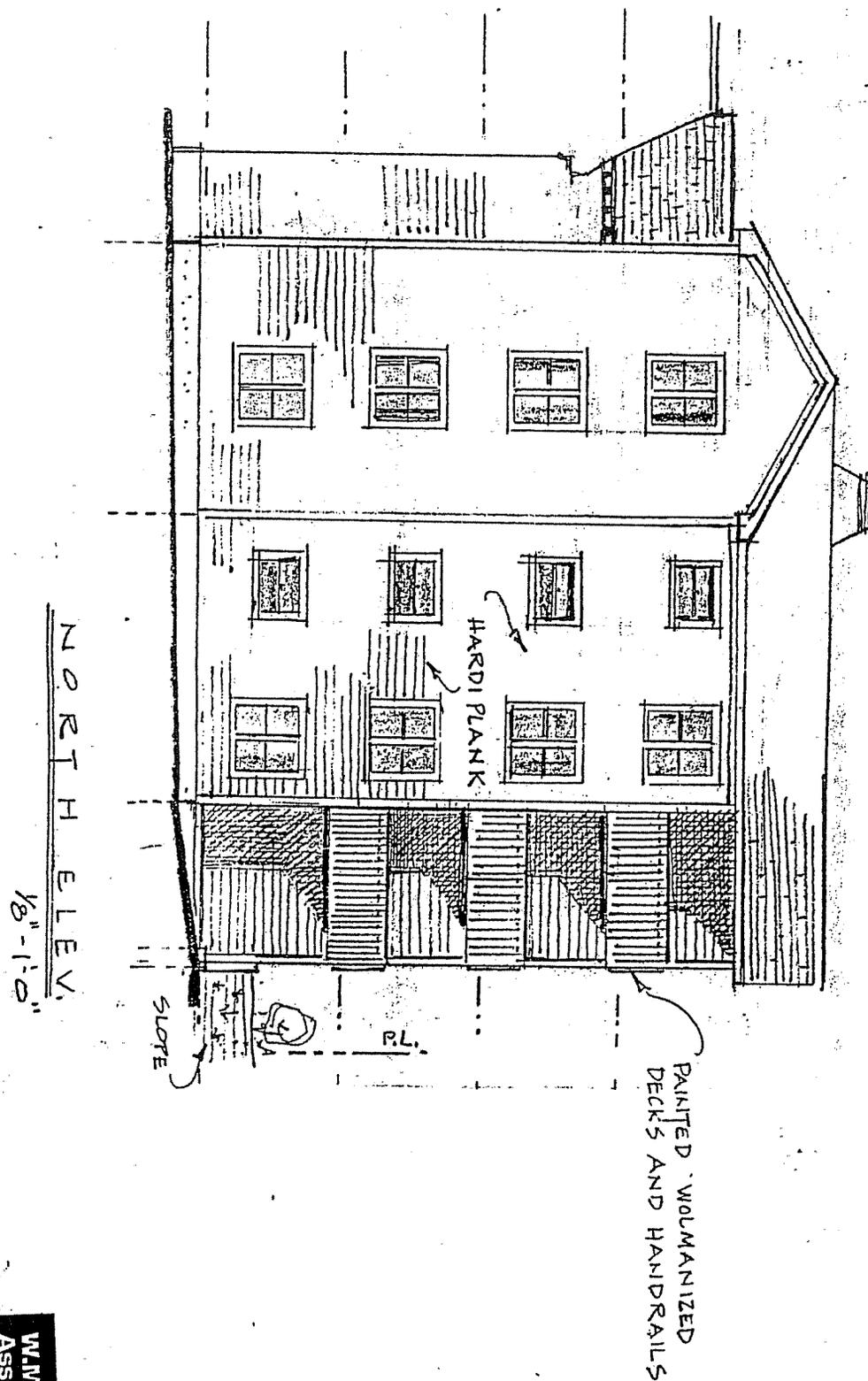
ALL WORK TO
 1226 BARKINGTON
 TO BE APPROVED BY
 HRM HERITAGE
 PROPERTY PROGRAM.

42" T HIGH FENCE
 (SEE SITE PLAN)

00527-0003

JULY 15/03

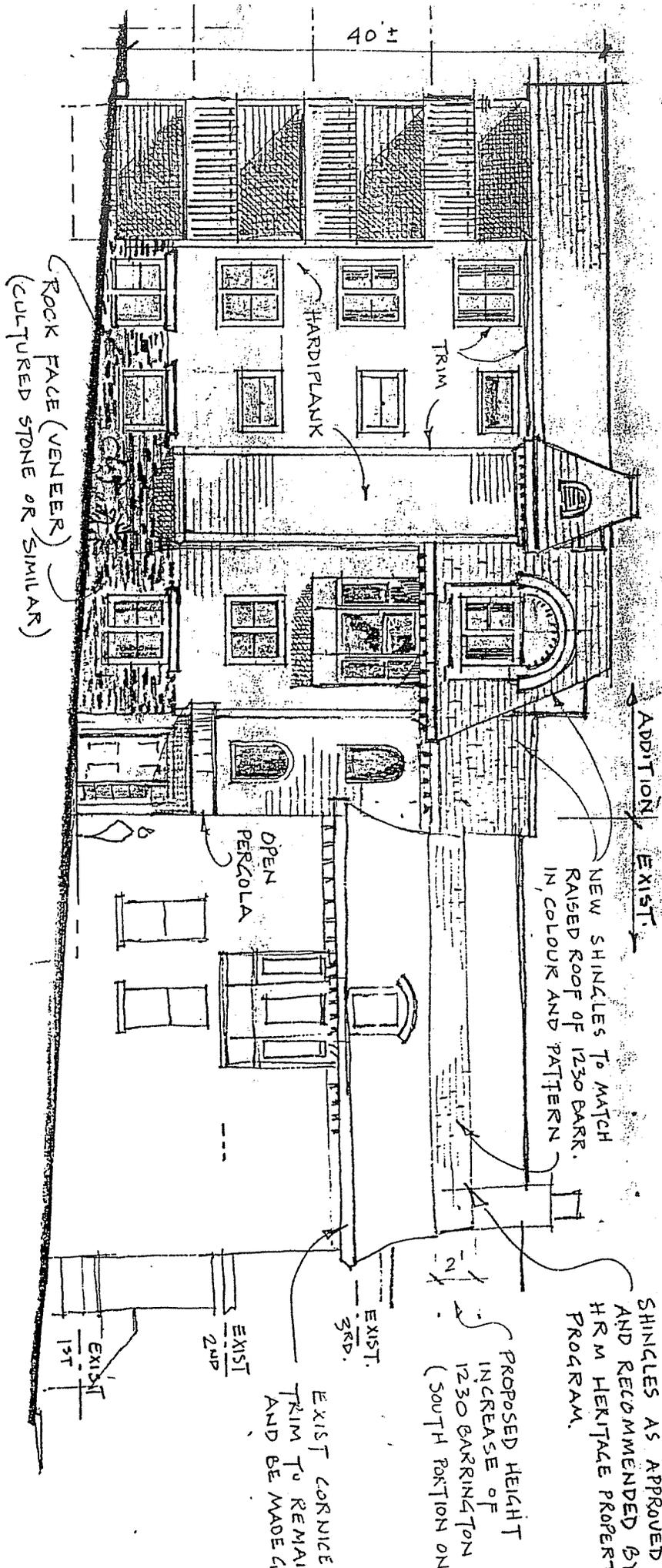
W.M. Fares &
Associates, Inc.



00527-0004

MAY 15/03

W.M. Fares & Associates, Inc.



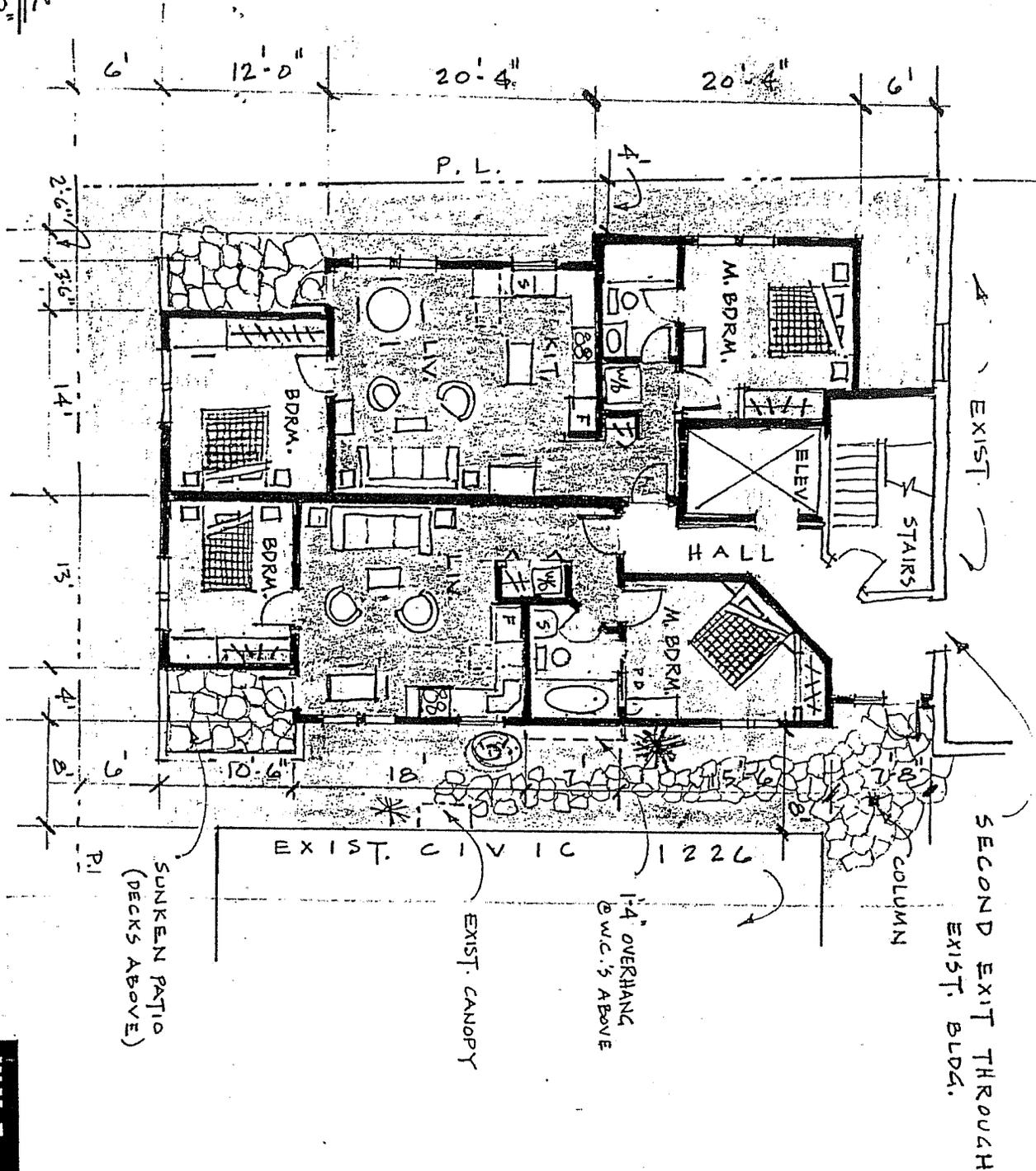
SOUTH ELEV.
1/8" = 1'-0"

JULY 15/03

00527-0005

W.M. Faves &
Associates, Inc.

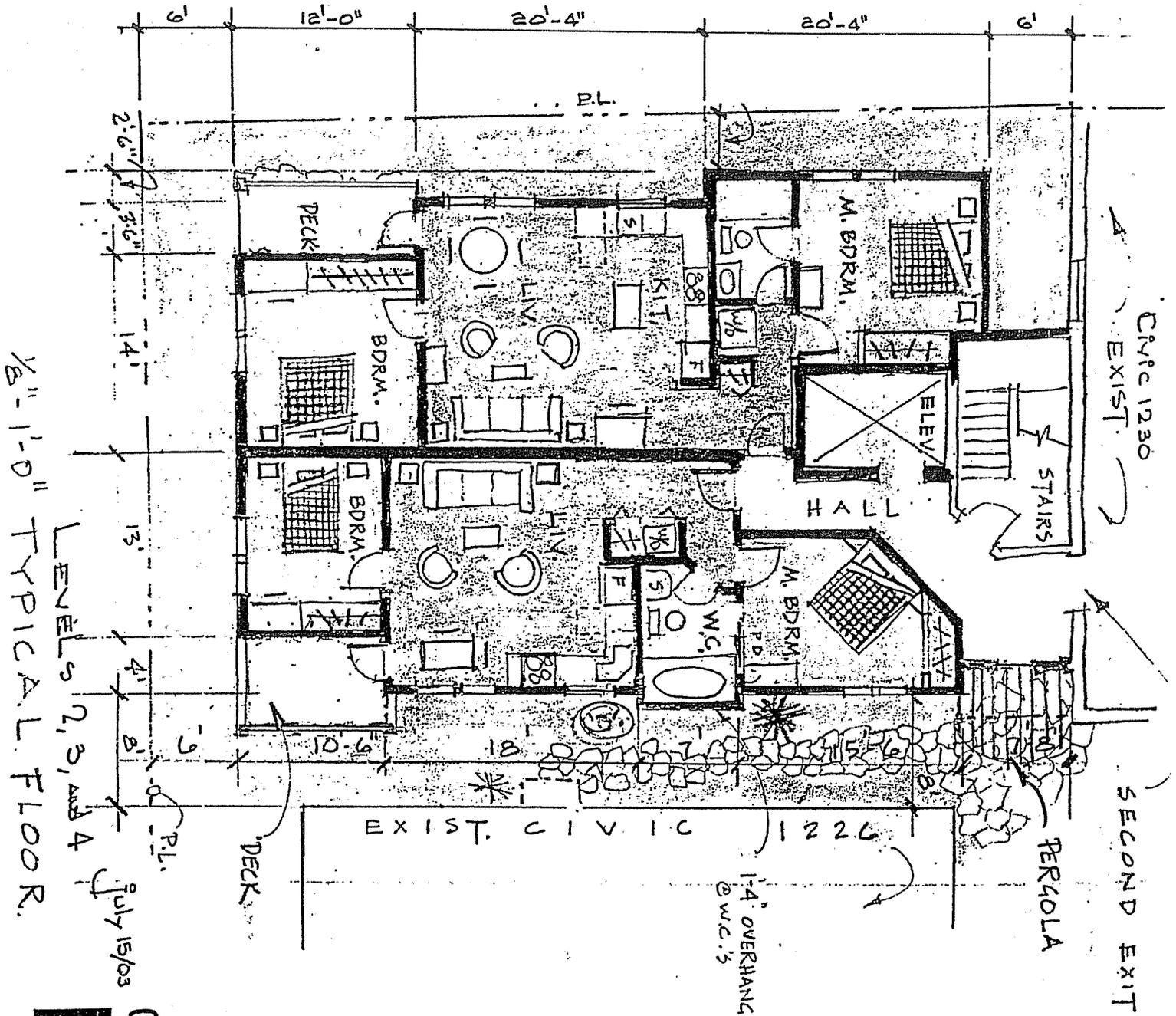
FIRST FLOOR
SCALE 1/8" = 1'-0"



JULY 15/03

00527-0006

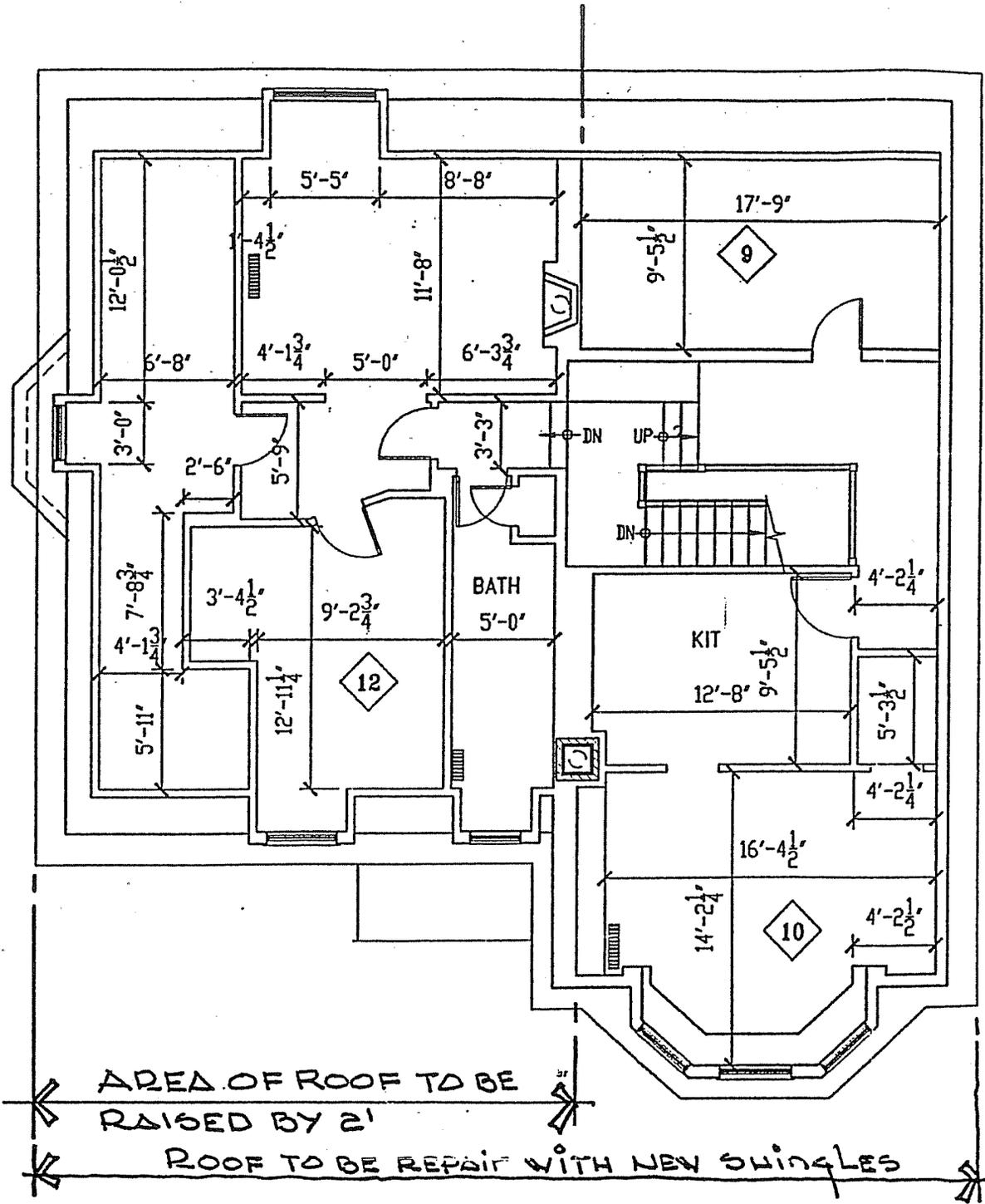
W.M. Fares & Associates, Inc.



Halifax Regional Municipality
 JUL 24 2003
 Planning Services
 Heritage Property Program

00527-0007
 W.M. Fares & Associates, Inc.

UNITS 9 AND 12 DIMENSIONS
TO BE CONFIRMED ON SITE.



EXISTING LAYOUT
THIRD FLOOR PLAN

SCALE: 1/8"=1'-0"

00527-0008

Attachment II

Relevant Sections of the Halifax Municipal Planning Strategy

SECTION II

CITY-WIDE OBJECTIVES AND POLICIES

6. HERITAGE RESOURCES

Definitions

"Heritage Property" means an area, site, structure or streetscape of historic, architectural or cultural value registered in the Halifax Registry of Heritage Property.

"Heritage Conservation Area" means an area of concentration of properties unified by similar use, architectural style or historical development, which retains the atmosphere of a past era and which is registered in the Halifax Registry of Heritage Property.

Objective The preservation and enhancement of areas, sites, structures, streetscapes and conditions in Halifax which reflect the City's past historically and/or architecturally.

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.

6.1.1 The criteria by which the City shall continue to identify such areas, sites, structures, streetscapes and/or conditions identified in Policy 6.1 are set out in the official City of Halifax report entitled An Evaluation and Protection System for Heritage Resources in Halifax (City Council, 1978).

6.1.2 The City should designate those properties which meet the adopted criteria as registered heritage properties or registered heritage conservation areas and protect them within the terms of the Heritage Property Act.

6.2 The City shall continue to make every effort to preserve or restore those conditions resulting from the physical and economic development pattern of Halifax which impart to Halifax a sense of its history, such as views from Citadel Hill, public access to the Halifax waterfront, and the street pattern of the Halifax Central Business District.

- 6.3 The City shall maintain or recreate a sensitive and complimentary setting for Citadel Hill by controlling the height of new development in its vicinity to reflect the historic and traditional scale of development.
- 6.3.1 The intent of such height controls shall be to establish a generally low to medium rise character of development in the area of approximately four traditional storeys in height immediately adjacent to Citadel Hill and increasing with distance therefrom.
- 6.3.2 Within the area bounded by North Street, Robie Street and Inglis Street, no development shall be permitted that is visible over the top of the reconstructed earthworks on the Citadel ramparts, from an eye-level of 5.5 feet above ground level in the Parade Square of the Citadel.
- 6.3.3 Policy 6.3.2 above shall not be deemed to waive any other height or angle controls.
- 6.4 The City shall attempt to maintain the integrity of those areas, sites, streetscapes, structures, and/or conditions which are retained through encouragement of sensitive and complementary architecture in their immediate environs.
- 6.4.1 The City shall regulate the demolition and exterior alterations under the provisions of the Heritage Property Act, and should secure inducements for retention, maintenance and enhancement of registered heritage properties.
- 6.4.2 The City shall study the use of preservation easements and restrictive covenants to determine the extent to which they can be used in the preservation of registered heritage properties.
- 6.4.3 The City shall consider acquisition of registered heritage properties whenever acquisition is the most appropriate means to ensure their preservation.
- 6.4.4 The City shall organize and maintain a data bank on heritage conservation methods including data on costs, sources of funding, techniques, methods, and materials used on successful recycling or restoration projects, both for its own use and to encourage private sector involvement in heritage conservation.
- 6.5 The City shall budget an annual amount to ensure that a fund is available should purchase or other financial involvement be considered by the City for a registered heritage property. The specific terms of this budget are set forth in Policy 11.3.2 of this section of this Plan.
- 6.6 In the purchase or lease of space for its own use, the City shall first consider accommodation in designated heritage structures.

- 6.7 The City shall investigate the possibility of establishing Heritage Conservation Zones to protect registered heritage conservation areas and registered heritage streetscapes under the provisions of the Planning Act. The results of such investigation should be incorporated as amendments to this Plan and to the Land Use Bylaw.
- 6.8 In any building, part of a building, or on any lot on which a registered heritage building is situated, the owner may apply to the City for a development agreement for any development or change in use not otherwise permitted by the land use designation and zone subject to the following considerations:
- (i) that any registered heritage building covered by the agreement shall not be altered in any way to diminish its heritage value;
 - (ii) that any development must maintain the integrity of any registered heritage property, streetscape or conservation area of which it is part;
 - (iii) that any adjacent uses, particularly residential use are not unduly disrupted as a result of traffic generation, noise, hours of operation, parking requirements and such other land use impacts as may be required as part of a development;
 - (iv) that any development substantially complies with the policies of this plan and in particular the objectives and policies as they relate to heritage resources.

SECTION V

SOUTH END AREA PLAN OBJECTIVES AND POLICIES

5. HERITAGE RESOURCES

- 5.1 The City shall continue to seek the retention, preservation, rehabilitation and restoration of areas, streetscapes, buildings, features and spaces in the South End area consonant with the City's general policy stance on heritage preservation (See Section II, Policy Set 6).

Attachment III

**Public Information Meeting Minutes
(Case 00527)
February 26, 2003**

In attendance: Councillor Sloane
Councillor Uteck
Kevin Barrett, Heritage Planner
Gail Harnish, Planning & Development
Roberto Menendez, W.M. Fares and Associates
Cesar Saleh, W.M. Fares and Associates

Mr. Kevin Barrett called the meeting to order at approximately 7:05 p.m. in Halifax Hall. He noted the purpose of the meeting was to talk about a development agreement application for the site at 1230 Barrington Street, Halifax.

Mr. Barrett provided a brief overview. The building is half of the Gerrard Lodge. The property also contains a cottage at the back of the site. Policy 6.8 of the Heritage Act requires there to be a development agreement. When dealing with a heritage property, consideration is given to the architecture of the building and trying to preserve it as best as we can, the implications for the neighbourhood, whether the proposal will cause hardship, and other general policies.

Mr. Barrett reviewed the development agreement process, noting that because the proposal involves a heritage property it has to go to the Heritage Advisory Committee for review. Any substantial exterior alterations to a heritage property have to be approved by Regional Council.

Mr. Roberto Menendez, Graduate Architect, advised he was representing W.M. Fares & Associates as well as his client. They are a local company which operates in Nova Scotia as well as in the Atlantic Provinces and Calgary.

Mr. Menendez indicated the building currently has twelve units. It is a heritage building. The site is zoned RC-3 (High Density Residential - Minor Commercial) which allows high residential density development on that site. The zoning also allows R-3 uses which provides the opportunity to maximize the use of the site.

Mr. Menendez advised that when they are initially approached by a potential, they visit the site. They visited the subject site and the first thing they realized was that it was a heritage building. There is a lot to think about in how they can present this in the best way to respect the heritage of the building and see what they can do in terms of maximizing the potential of the site. They then reviewed the by-laws to see what the site could accommodate and considered the pros and cons, and then approached the City with their proposal for initial discussion.

Mr. Menendez displayed a sketch of what they could develop as-of-right on the site. They basically analyzed the heritage building and their first impression was to leave that building alone and do something in the background. The first limitation to consider is the 60 and 80 degree angles. They approached the City and the first impression was that they had a problem with the shape because it contradicts the architecture of the existing building. They then looked at how they could accommodate something that is compatible respecting the architecture. Based on that, they revisited the by-laws and realized that if they have to meet the architectural requirements, they will have to sacrifice some of the elements that limit them, ie., 60 and 80 degree angles.

Mr. Menendez displayed a sketch showing their ideas:

- the building was being left alone;
- they are proposing to replicate some of the architectural elements in the background and to replicate them on this side and the other side of the building (pointed out on sketch).
- by replicating the architectural requirements, putting the parking underground, and putting a podium along here with hand railing (pointed out on sketch), when you stand at the buildings what you will see is almost a replica of the elements over here.
- in the back of the building are a couple of balconies. This is to provide more open space and contribute a bit more towards the landscaping.
- they are proposing to put a landscaped podium all around;
- they are proposing eight parking spaces inside and three parking spaces along this side (pointed out on sketch);
- one of the important elements in the proposal is that they have been trying to accommodate certain R-3 requirements, ie., open space and landscaping;
- the existing building contains 11 bachelor units and 1 one bedroom apartment;
- the proposal is for 12 more bachelor units and 4 two bedroom units;
- the density allowed on the site is 45 persons. The proposed density is 34 persons so they are very much under the density.
- underground parking and a barrier-free elevator has been incorporated.

Mr. Menendez proceeded to present sketches of the front elevations, noting it is a mansard roof; the rear elevations, noting there are two balconies at the back, and that they would be using materials to match the materials of the architecture of the existing building; and the side elevations.

Mr. Menendez indicated they have been trying to be gentle in terms of the harmony of the roof. This is the view from Barrington Street. Architecturally for the roof, it will be a replica of what exists in this building. The money has been put into the building a little bit at a time. Part of the compromise is to make sure this building is a repetition.

Councillor Uteck asked for clarification in terms of the comment made about compromising and the restoration on the front of the building.

Mr. Menendez responded it will be restored. That part of the building is in bad shape. The windows will be replaced and they will do painting.

Mr. Barrett asked if when replacing the windows, whether the material would match the original building.

Mr. Saleh responded yes. The windows they replace will match the existing wooden frame.

Mr. Menendez stated that in terms of demographics, the existing building has 12 units. Some units are occupied by students, some are occupied by retired citizens who have been in building for almost 27 years, and some are occupied by single professionals.

It was questioned whether each unit had a kitchen. Mr. Menendez responded they are individual units which have their own bathrooms and kitchenettes.

Mr. Menendez stated the demand for housing in Halifax is tremendous. Most of what is being built now rents in the range of \$1200 per month and upwards and cannot be afforded by all. The idea is to keep the existing tenants in the existing building and provide units for families and individuals that cannot afford to pay more than \$700 per month in rent. He indicated that he has been involved as an activist for housing and they did a bit of research in trying to bring forward housing issues. By accommodating this development will help alleviate that demand in some way. The developer is well aware of that. Along with that, the developer is within the rights of the MPS and the South End area plan. The number one priority of the South End plan is "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". The issue of infill is achieved in that there is a great market for this specific proposal.

Mr. Menendez indicated that the rents will be in the range of \$600-700 per month. There is a demand for multi-residential dwellings in the South End area. They are marketing for single parents, professionals and undergraduate students.

Mr. Philip Pacey questioned what the zoning was on the property. Mr. Barrett responded the property is zoned RC-3 (High Density Residential-Minor Commercial).

Mr. Darin Sweet, 6096 Coburg Road, advised that he owned the neighbouring property at 1234 Barrington Street. As of three weeks ago, this proposal was news to him. This is a pretty extensive addition incorporating quite a chunk of the property and directly impacts him. He was surprised the owners or his representatives have not approached him. This is a real eye opener and he has not had a chance to absorb it and see how he will be impacted.

Mr. Saleh stated the public meeting is the first opportunity to have dialogue. They put together the proposal and kept revising it and it does not take shape until this public meeting. This is the first step of the project where they present it. They will go back to the drawing board and take the

comments into consideration and see how they can make it better. This is their first opportunity to have dialogue with the public.

Mr. Sweet stated it would have been a good neighbour policy to contact him and give the heads up.

It was noted that the proposal is to build an underground garage. It was questioned whether the building was being built on bedrock.

Mr. Menendez responded that he believed it was bedrock.

It was questioned whether they thought it was a good idea to do that next to a major historic site which is stone.

Mr. Menendez indicated they did not necessarily need to blast. To blast in that neighbourhood is looking for trouble. What they are trying to do is present the ideas. If they can continue further they will have to do geotechnical reports to understand what exists there. The structural engineer will do what is needed in terms of supporting whatever has been built here so that it does not affect existing construction. This is only a schematic idea of what they consider. The whole building has to go for review through engineering and transportation. All the site services have to be examined to move into that level of detail.

Mr. Barrett asked for confirmation that they were not proposing to blast if there is bedrock. Mr. Menendez responded he could not give a precise answer.

Mr. Saleh stated this is the first step in the process. During the design phase they take samples from the site and test what is underneath that portion.

It was questioned whether they take samples from adjacent properties as well.

Mr. Saleh responded no, only from the property where there will be excavation. Whether they have underground parking or not, they have to have an engineer design footings for this building. This assessment is beneficial for the client as well.

It was questioned how much of a setback from the property line is necessary. It seems they are right up to the next building at the back.

Mr. Menendez advised that on the back of the site, they are 6' away from the property line. R-3 uses are required to be 10' from the property line. When you apply the angles, you cannot be less than 10' closer to the property line. Because this proposal is being considered under the heritage regulations, they are basically presenting to Heritage Advisory Committee and are trying to compromise in terms of property lines and the size of the units.

Mr. Barrett indicated that under the terms of the development agreement, there are aspects that can be negotiated. They are proposing to reduce that 10' setback to 6'. Their argument is that in order to do that, they would be able to provide housing for a modest income person. This is the initial proposal which still has to be evaluated. They are looking for input tonight in terms of whether that is reasonable.

It was questioned what the predicted rents would be. Mr. Menendez responded no more than \$700 per month.

It was questioned whether it would be written into the contract that the rents would not exceed \$700 a month. Mr. Barrett responded that is not something that can be entertained in a development agreement.

Councillor Uteck indicated she was alarmed to learn that the neighbour did not know about the proposal before the public information meeting. She was surprised they did not go to the neighbourhood first.

Councillor Uteck questioned what the benefits were to the surrounding neighbourhood and to HRM, other than a tax base as a whole, to allow this project to go forward. They will be less than 6' from Henry House and they will impact on Harvey Street with the balconies. She questioned whether the open space requirements would still be met if the balconies were removed. Parking requirements would have to be met regardless of whether the parking was aboveground or underground. The only compromise is that the proposal would be fixing up a historic property. They would hope through pride and ownership that the building would be fixed up regardless. She questioned what the "win-win" situation was for everybody.

Mr. Saleh indicated he had been assured there would be communication between the client and Mr. Sweet, particularly in terms of any type of restoration on the front because it is one building. He had understood that communication had taken place.

Mr. Menendez responded that the advantages are: the retention of the architecture of the building; fulfilling the demand for increased housing in this area; the addition is being envisaged with the idea of respecting the existing building and extending that architecture into the idea.

Mr. Menendez indicated that having no balconies would affect the open space requirements but he would be happy to remove them.

Mr. Saleh commented the balconies are in the back and are not seen from the front.

Councillor Uteck questioned what would be permitted as-of-right.

Mr. Barrett responded they did meet on a proposal for by-right development on the back and the footprint of the building is of major concern. It is an octagon addition. The building conservation standards under the Heritage Act would have to be met. They would look at the materials, its placement, its design, and its compatibility. The main concern with the by-right development relates to the shape and how it would affect the original structure.

Mr. Saleh stated that no matter what the proposal is, he would like Mr. Sweet to come to their office and arrange a meeting and maybe have the client there as well. He felt this proposal directly involves Mr. Sweet more than anybody else in this room.

Councillor Sloane indicated she was concerned about the green space around the building. In certain areas of the City you have to have up to 40% of the backyard for green space. She questioned if they were including the driveway in that calculation.

Mr. Menendez responded no, they are not allowed to include that for open space or landscaping.

Councillor Sloane stated she saw that as a very minuscule amount of green space for a lot of humans in one place. Whether they have a balcony or not, it is still a very minuscule amount of green space.

Councillor Sloane commented that if they were targeting the student market, they might as well ask for police officers as well because the students like to party and make noise. Although they might be graduate students, there could be problems with noise. There will be repercussions on the community. There is a mixture of people and there always seems to be turmoil.

Mr. Menendez stated they are trying to target the tenants that are more serious. Councillor Sloane responded there is no contract that asks whether a person is serious about renting a place.

Mr. Menendez expressed concern that they have to send people who cannot afford to pay more than \$700 a month in rent to areas like Spryfield.

Mr. Saleh stated it is an expensive building because of things like the quality of the building and it being a heritage building, the trimwork, the type of fence, underground parking, an elevator, and a sprinkler building. The market is not sustained by students. It is by mature adults. The type of building they are proposing is not a regular apartment building. His client tells him it is a great location. The owner will have the opportunity to see different faces.

Councillor Sloane expressed concern about the effects on neighbouring properties as a result of excavation and vibrations if there is bedrock.

Mr. Menendez responded they would be required to do monitoring during construction and do inspections before construction. At the end of Parkland Drive where they are putting up a building, they did an assessment of each single house in Wedgewood and then they will do a final assessment.

Councillor Sloane noted that the little red cottage at the back of the site has not been incorporated and asked if it was being removed.

Mr. Barrett advised there is an application for demolition of that cottage. Based on this proposal, it is the intention of the owner to see that through so after one year under the Heritage Act they can legally demolish the cottage at the back.

Mr. Menendez stated they are not going to do that. They are going to try and relocate the cottage.

Ms. Margo Grant questioned whether the first proposal was reviewed by their client.

Mr. Menendez responded no. It was reviewed on the basis of heritage. It would disturb the angles even though they met all the R-3 regulations.

Ms. Grant asked that clarification be provided in terms of angles.

Mr. Barrett responded there are angle controls under the by-law. Based on his conversations with Development Services, the proposal tonight would meet the spirit of the angle controls. The concern related to angled walls and how they would relate to Gerrard Lodge.

Mr. Saleh indicated they were told to stay away from the original proposal because it jeopardizes the heritage of the existing house. It does not blend with the existing house.

Mr. Barrett commented the footprint of the building cannot exceed those angles.

Mr. Peter Delefos, President of Heritage Trust of Nova Scotia, stated their mandate is to protect our built heritage buildings and they regret there will be substantial alteration in this fashion. He said he was somewhat distressed that they did not extend the courtesy to Mr. Sweet initially to engage him in a potential collaboration of shared development of this site since he was the owner of the other half of the building.

Mr. Delefos stated the cottage is one of the very few Georgian style cottages left in the City. They think it dates back to the late 18th century. It is a very old structure. These buildings are very simple. Their architectural beauty is in their simplicity. They maintain this is a very significant building and would be loathe to see it demolished. Furthermore, they do not want to see it moved. They think taking the cottage away from the site alters its value. They would like to see that building retained and incorporated and perhaps added as an executive suite.

Ms. Janet Morris stated the existing proposal is quite overpowering, particularly to the person immediately next door. The little cottage looks small when you face it but on the back it looks like it has some space and she wondered if they could scale down on the main building and put a couple of units in the Georgian cottage, which would make a lot of people happy.

Mr. Blair Beed, 6467 Summit Street, said he realized it was the decision of the owner to tear it down because two units are not as good as sixteen units. He spent years admiring this complex and has taken tours through the building because he thought it was one of the greatest Victorian buildings in Halifax. The building has a great interior. He asked that the owner consider photographing the entire interior of the existing building and present it to the Public Archives as a record of what was. As to as-of-right, building on the angles of this square building he did not mind next to a heritage building, if they were to replicate the bay on the front, and put it on the four sides. If you take a bay and put it on the side by the driveway you could get an interesting look.

Mr. Delefes noted that as you walk down Bishop Street all you see are rows of balconies. He did not like to see balconies overhanging people's yards. It is close to the neighbours. To add 16 rooms is overwhelming and wondered if they considered squishing it up a bit higher to get it away from the lot. He referenced the three parked cars shown on the map which he did not like to see next to a heritage building. There is a slope into the basement and questioned whether the cars would be parked on the slope. He also disliked it when people have to go past parked cars and onto the sidewalk. With a little more green space, there would be a view.

Mr. Delefes referenced the word "restore" and questioned whether restoration would mean restoring the slate roof and the wonderful copper gutters. There are chimneys. If you rehabilitate them, you are getting into stuff like imitating. Sometimes it works and other times it does not. If the benefit to the public is the restoration of the building, he hoped the front part is restored as part of this detail and not just rehabilitation.

Mr. Delefes commented he would prefer to see the building take up less space in the back, take away the parking spaces for the cars beside the building, and a restoration job that complements the building attached to it.

Mr. Pacey questioned what the lot coverage would be for the proposal with the octagonal shape.

Mr. Menendez responded this proposal would result in 56% lot coverage. The other one is less.

Mr. Pacey questioned if we know what the purchase price was of the property and the assessed value and what the owner might be willing to sell for. He also questioned whether we know if the owner is willing to sell half the property.

Mr. Barrett stated that he did not believe that information was public. The purchase price is public in terms of MLS. Through the negotiations of the discussion of the neighbouring property, HRM was approached to see if it would be willing to sell the two buildings and have them disbursed

amongst a couple of people. That was conveyed to the proponents. They met with the owner and the owner does not want to sell the building.

Mr. Saleh advised that he called the owner to see if was willing to entertain the sale of the building and the response was no. Mr. Menendez pointed out it is a prime location.

Mr. Pacey requested that staff contact the owner to see if their name could be released so that discussions could happen. Mr. Barrett advised they would follow-up with the proponents.

Mr. Menendez stated he did not think the owner has any intention to demolish the cottage. His professional advice is that it would be stupid.

An individual pointed out that they cannot put on the addition without removing the cottage.

Mr. Saleh noted they are trying to relocate the building.

It was stated that there is no point in moving the building. Its value is in its current location.

Mr. Delefos pointed out that Parks Canada has determined it loses its heritage value if it is moved.

Councillor Uteck indicated the trade-off appears to be that to save the building they will not be able to provide the parking. Sometimes the parking becomes a moot point.

Councillor Sloane concurred the parking requirements should be waived to save the building.

Mr. Barrett suggested that by reducing the parking they might be able to consider doing some sort of small addition to this so that you could create a few extra units and maybe doing a small addition to the back of the Gerrard Lodge and provide some open space and options for limited parking onsite at grade.

It was questioned whether the addition has to be attached to the building and whether it could be two separate buildings.

Mr. Menendez responded they are two buildings in a way. What makes the connection between the two is the elevator. They have to meet exit requirements to this building.

It was questioned whether Mr. Sweet would be willing to consider giving the cottage a home closer to Harvey Street.

Mr. Sweet responded he thought it would impact him economically.

It was questioned how long construction would last if the project is approved. Mr. Menendez responded it could be done in six months.

Mr. Pacey indicated that Gerrard Hall is one of the first second empire buildings in the City so it is very important. The little house is also very important. It is quite possible that it was built in the 1750's. There are very few buildings like it in the City. The building on the peninsula that most resembles it would be the Little Dutch Church which was built in the 1750's. If you look further afar, you could look at the Quaker House in Dartmouth. He felt they have to be well aware that this is possibly an extremely old house, probably the oldest house on the peninsula and in HRM. He felt they should act on that basis and should act on the principle of "first do no harm". He did not think they should tear this building down until they are sure it is worthless. They have to be very well aware that this is one of the most important buildings in HRM. It is a registered heritage property and deserves to be. The building had some changes but there are still some original features. Clearly this is a building which should not be moved because of its historical importance. You cannot move a building with stone features and keep its heritage integration. Moving a registered heritage building has not yet happened in HRM and should not happen. There is no City policy that would support such an action.

Mr. Pacey indicated the applicant has applied under Policy 6.8 of the MPS. Policy 6.8.1 states "that any registered heritage building covered by the agreement shall not be altered in any way to diminish its heritage value". Clearly part of this heritage value is the little house and consequently they are not entitled to develop under Policy 6.8.

Mr. Pacey stated the Building Conservation Standards were put in place and have to be used to assess all applications for heritage alterations and also for development agreements. The second standard states "the historic character of the property shall be retained and preserved". Part of the heritage value is that it must be retained and it must be retained on the property. If the cottage is moved, he thought they were ineligible. It goes on to state "the removal of historic materials or alterations of features and spaces that characterize the property shall be avoided". They are proposing to move an entire building which has never been done. He strongly urged the City to not entertain this and to indicate this is not negotiable. The cottage must stay or else the proposal cannot be entertained under Policy 6.8 of the MPS.

It was commented that by filling up the backyard they are taking away from the heritage aspect which is the view of not only Henry House but the view of the side of this building and its former garden. They are taking away the space as well.

It was questioned whether Mr. Sweet or any subsequent owner of his property could do a similar type of development on his property.

Mr. Barrett responded they could make application. If it was not permitted through as-of-right development regulations, they would have to go through the development agreement process.

The meeting adjourned at approximately 8:45 p.m.

Attachment IV

Public Information Meeting Minutes
Case 00527
July 2, 2003

In attendance: Councillor Sloane
Councillor Uteck
Kevin Barrett, Heritage Planner
Gail Harnish, Planning & Development Services
Roberto Menendez, W.M. Fares and Associates
Cesar Saleh, W.M. Fares and Associates
Ron Peters, Architect, W. M. Fares and Associates

Mr. Kevin Barrett called the public information meeting to order at approximately 7:00 p.m. in Halifax Hall, noting it was the second one for this proposal. The first meeting was held on February 26, 2003, for a proposal for an addition to the back of the building. At that meeting, there was a lot of concern expressed about saving the back cottage. Tonight we are here to discuss another option that the proponent would like to do.

Mr. Barrett advised it is a heritage building. The building is at 1230 Barrington Street and is better known as "Gerrard Lodge". It looks like one property but is two properties containing three buildings. One person owns half and the applicant owns the other half (pointed out on map). There was a lot of interest shown at the last meeting to save the back cottage.

Mr. Barrett noted that because it is a heritage property, there is an opportunity under policy to enter into a development agreement to permit something that would preserve the heritage aspects and also accommodate a different use of the site. There is a demolition application for the back cottage that was taken out last year. Under the Heritage Act, after one year, the applicant can demolish the cottage without approval from Regional Council.

Mr. Barrett reviewed the development agreement process. The report and development agreement would be tabled with the Peninsula Community Council.

Mr. Roberto Menendez stated he brought good news for the heritage community, their client, and also their company, which recognized the need to preserve and protect heritage:

- the cottage will remain;
- the scale of the building has been scaled down. In the previous meeting, they were proposing a sixteen unit building. Now they are proposing eight 2-bedroom units which is more in line with family type housing in the area.
- there is no underground parking which reduces the amount of excavation;
- the architecture of the building blends with the proposal;
- they are creating a setback which creates a bit of breathing space and will do some landscaping.

Mr. Menendez presented a proposed site plan, pointing out:

- the existing building at 1230 Barrington Street;
- an area with a bit of parking;
- an area with landscaping;
- an area with a bit more than 8' of space between two buildings. He pointed out the area of landscaping and the retaining wall at the back.
- an area where they are not considering doing much excavation so the amount of excavation will be dramatically reduced by accommodating this retaining wall;
- the two buildings will be connected;
- the area of the lobby, the staircase, and the elevator; and
- an idea of the description for the eight 2-bedroom apartments.

Mr. Menendez presented plans showing the north elevation of the building as well as the rear elevation. The second plan shows the scale between the two structures. He pointed out the cottage and the retaining wall as well as the architectural elements which they are introducing, ie. mansard roof.

Mr. Menendez presented a plan showing the south elevation of the building. They tried to use similar elements to blend the architecture of the proposed building. They are trying to emulate the view along the front of the building as well.

Mr. Menendez also displayed a copy of a 3D representation.

Mr. Menendez stated they met all the requirements except for the angle controls. That is one of the requirements negotiated with HRM to make sure everybody is happy in terms of the heritage preservation but also they have to be fair with the developer. They have been speaking with Kevin Barrett about trying to accommodate the proposed building in the back. They are asking for a break in terms of meeting the angle controls. If they had to meet them, they would have a building that would not match any of the architecture.

Mr. Brian Penney, 5224B Harvey Street, asked for an explanation in terms of the open space requirements.

Mr. Menendez advised that there are requirements in the Peninsula Land Use By-law which have to be met in terms of open space. 25 sq.ft. of landscaped open space is required for a bachelor unit, 40 sq.ft. for each one bedroom unit, and 60 sq.ft. for two or more bedrooms.

It was questioned whether the by-law provides for decks above grade. Mr. Menendez responded they would add balconies above grade.

Mr. Barrett noted that because this application is proceeding by development agreement, some of these requirements are up for negotiation. What they are really looking at from a heritage standpoint in terms of what they are proposing is an addition. In this scenario, they are preserving the cottage and doing a small addition to Gerrard Lodge. They are giving up some issues, such as parking, and

maybe some other details. They have discussed a number of different options to keep the cottage with an addition or a link to the addition. That did not appeal to staff and they did raise it with a few other people and was tossed aside. This is an attempt to see if the proposal "hit the mark".

Mr. Bill Alsop, 1222 Barrington Street, questioned what they are going to do with the cottage.

Mr. Menendez responded the cottage will remain there and be fixed. The developer will do some maintenance within the elements that exist there. The shingles have to be changed and the architecture for the addition will have to be submitted for review. Also, the gutter is in bad shape and has to be fixed.

Mr. Alsop commented the building is right on the property line and questioned whether it would have to meet the Code.

Mr. Barrett responded it is grandfathered. If they were to do a substantial change they might have to meet the existing Code. The applicant indicated there would be minimal repairs and maintenance to the building.

Mr. Darin Sweet, 6096 Coburg Road, questioned whether the windows would have to meet Code.

Mr. Barrett responded only if they were doing major changes. That is one of the reasons why the buildings were not connected. If that was to happen, they would have to meet the current Code standards.

Mr. Alsop questioned whether they considered severing the land (straight down).

Mr. Saleh responded it was never raised. One of the issues that may be raised in doing that is the open space requirements. That may or may not be permitted.

Mr. Alsop commented that he thought that property belonged to the Henry House many years ago. They would like to get it back to make it look like a coach house and in the front they could have a patio.

Mr. Saleh noted their client has been approached to sell the whole parcel but he has turned that down. He indicated he would relay Mr. Alsop's proposal.

Ms. Elizabeth Pacey stated that she was on the committee of the Heritage Trust of Nova Scotia that was involved with this. It was really wonderful to hear people talking about saving the property. They are very happy that the developer has done this. She wanted to say again how important the little house is. They did some research, which was inconclusive, but it is a little building almost as old as the little Dutch Church. They believed it was owned or rented by an individual in the 1750's who was a tavern keeper and a builder. By 1831 it was run again, they think, as a tavern by Elizabeth Franks. It is a really important little house. She did not think it would be as good to have something linked up to it. It would take away from the importance of the heritage value.

Ms. Pacey indicated that when fixing it up, it is really important to look at minimal intervention and look to the historical details. Sometimes you can modernize a heritage building, making it look more heritage, but you're really not. They would be happy to be involved in terms of preserving the authentic aspects.

Councillor Uteck questioned how high the building would be. Mr. Menendez responded it would be four storeys high, probably 45' high.

Mr. Barrett questioned whether they were looking to do anything to the main Gerrard Lodge building.

Mr. Menendez responded the roof has to be fixed.

There was a bit of explanation and discussion on angle controls. Mr. Saleh commented the building would look like a stop sign if they were to meet the angle controls.

Mr. Alsop questioned whether there would be much excavation. Mr. Menendez responded not really. One of the compromises at the previous meeting was to reduce the parking requirements.

It was commented there is quite a grade. Mr. Menendez responded they wanted to keep the same slope because they did not want to disturb the existing vegetation on this property.

It was questioned how far down they would go for the retaining wall. Mr. Menendez responded that for the footings it would be 4'.

It was questioned whether they had to go down 4' for frost lines. Mr. Menendez responded they can use different techniques such as channeling footings and insulating.

Mr. Sweet indicated he was concerned about setbacks. He owned the other half of the building as well as the first building on Harvey House. He questioned what the setback was on the western side.

Mr. Menendez responded from 4-6'. That will be finished grade.

Mr. Menendez noted the building has to be non-combustible. In terms of windows, they have to be within 14% of the face of the wall.

Mr. Saleh stated that since they last met in February, they have gone through five different proposals. It was a collective effort by many people. When they left here from the last public meeting, they were committed to saving the building. They had to convince the owner to downsize from 16 to 8 units. There was some intense negotiations.

Councillor Sloane thanked them for taking the concerns back and coming up with this kind of option. It is nice to see us preserving history instead of turning it into splinters.

Mr. Phil Pacey also thanked Mr. Saleh and Mr. Menendez, as well as Kevin Barrett, Councillor Sloane and Councillor Uteck. There has been a considerable amount of progress and he wanted to congratulate everybody.

Mr. Sweet questioned what would be permitted under the MPS as-of-right. There is a concern with the Japanese Beetle. He received a letter from the Federal government stating that no soil could be removed from the site unless it is thoroughly inspected. He questioned whether the owner is aware of this and what impact that will have.

Mr. Saleh commented that when they originally worked on this before the PIM, they had submitted an as-of-right proposal. They were proposing twelve units but putting up the as-of-right building looked like an octagon stop sign. Now they are down to eight units. In terms of the Japanese Beetle information, they would research that.

Councillor Sloane noted that they had raised the sod from Cornwallis Park last year and found more of them this year. It is a grub that matures around June and July. There is only three weeks of flying. It is more of a hitch hiker. They are just waiting for that period of time to go through and then it goes through dormancy. There is a detection method. They put about 144 traps over the Peninsula this year.

Councillor Uteck commented she did not think their construction schedule would be affected. She guessed they would be looking at November or next spring.

Mr. Saleh stated they wanted to move as aggressively as possible. It has been on the table for eight months.

Mr. Sweet questioned how long the project would take to complete. Mr. Menendez responded approximately six months.

Mr. Sweet indicated that he had a lot of tenants in these two buildings and was concerned about anything that disturbed their tranquility and peace.

Mr. Saleh stated that at 99% of their sites everybody has left by 5:00 p.m. Nobody works on Saturdays and Sundays.

Mr. Sweet questioned how they would get all that material into that 7' gap. Mr. Saleh responded it would be a challenge but could be done.

Mr. Barrett advised that there is a demolition application for the back cottage. When someone applies for a demolition permit, an information report is forwarded to Regional Council. A report is going forward to alert Council that the date is approaching.

Mr. Pacey commented it would be nice if the owner was willing to rescind the demolition application. That would make a lot of people breathe easier.

Mr. Saleh promised to take that back to their client. He suggested that a clause could be included in the development agreement stating that it was being built on the condition that the cottage would remain.

Mr. Sweet expressed concern about egress across his property line. He requested that a clause be included in the agreement that would require a fence to be constructed along his boundary. He noted that people are now using his garbage bin and putting garbage out in front of his building.

Mr. Barrett suggested that concern could be addressed by either a fence or a year round hedge.

The meeting adjourned at approximately 7:50 p.m.

**EXTRACT FROM JANUARY 28, 2004 HERITAGE ADVISORY COMMITTEE
MINUTES:**

**5.4 Case 00527 - Development Agreement for Gerrard Lodge, 1226-30
Barrington Street**

- A staff report prepared for Paul Dunphy, Director, Planning and Development Services, regarding the above, was before the Committee for its consideration.

Ms. Randa James, Planner, presented the staff report to the Committee and responded to questions.

Following a brief discussion, the following motion was adopted:

MOVED by Mr. Tom Creighton, seconded by Mr. Mark Pothier, that the Heritage Advisory Committee recommend that Peninsula Community Council approve the proposed addition to 1230 Barrington Street, Halifax, to permit eight residential units. And, subject to a decision on the development agreement application by Peninsula Community Council, and pending the resolution of any appeals in relation to Community Council's decision, recommend that Halifax Regional Council approve the substantial alteration to the registered heritage property known as Gerrard Lodge at 1230 Barrington Street, Halifax, to permit an additional eight residential units as described in the staff report dated January 12, 2004. MOTION PUT AND PASSED UNANIMOUSLY.

**EXTRACT - DRAFT MINUTES OF PENINSULA COMMUNITY COUNCIL
MARCH 8, 2004**

**8.1.1 Case 00527: Development Agreement - Gerrard Lodge, 1226/1230
Barrington Street, Halifax**

1. This matter was last discussed at the February 16, 2004 at which time this date was set for the public hearing. A supplementary staff report dated February 24, 2004 submitted by Paul Dunphy, Director of Planning and Development, was before Community Council.

Ms. Randa James, Planner, addressed Council outlining the proposed development as set out in the January 12, 2004 staff report. Ms. James noted that the supplementary staff report dated February 24, 2004 addressed the concerns set out in the January 27, 2004 report from the Planning Advisory Committee.

The Chair called for persons wishing to speak in favour of or against the application.

Mr. Allan Parish, Coburg Road

Mr. Parish, President of the Heritage Trust of Nova Scotia, addressed Community Council in favour of the application. He went on to congratulate the developer for retaining the cottage on the property, a rare survivor of pioneer days in Halifax. Mr. Parish noted that Heritage Trust had been pleased when, through negotiation, the original plans to demolish the cottage were abandoned.

Mr. Clary Kempton, District 12 Planning Advisory Committee

Mr. Kempton, speaking on behalf of the District 12 Planning Advisory Committee, addressed Community Council in opposition to the development. Referring to the January 27, 2004 report from the Planning Advisory Committee, Mr. Kempton indicated that the Planning Advisory Committee had cited a number of reasons for their opposition.

Mr. Kempton raised a concern with regard to a dormer window in the adjacent building that he believed would be blocked by the proposed addition. Mr. Cesar Saleh, the Architect for the project, agreed that there was one window in the adjacent building which would be impacted by the addition, however, this window will be incorporated in the design of the addition.

The Chair called three times for persons wishing to speak in favour of or against the proposal. Hearing none, it was **MOVED by Councillor Blumenthal, seconded by Councillor Sloane that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

MOVED by Councillor Sloane, seconded by Councillor Blumenthal that Peninsula Community Council:

**EXTRACT - DRAFT MINUTES OF PENINSULA COMMUNITY COUNCIL
MARCH 8, 2004**

1. **Approve the development agreement, presented as Attachment I of the January 12, 2004 staff report with a revised Schedule "D" and Schedule "G", for the addition to 1230 Barrington Street, Halifax, to permit eight residential units.**

2. **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.**

MOTION PUT AND PASSED UNANIMOUSLY.