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Halifax Regional Council  
July 15, 2003

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

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

DATE: July 15, 2003

SUBJECT: **Case 00494: Request to Amend the Halifax Municipal Planning  
Strategy and Land Use Bylaw for 5251 South Street**

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### **ORIGIN**

Peninsula Community Council July 14, 2003

### **RECOMMENDATION**

Peninsula Community Council recommend that:

1. Regional Council give First Reading to the proposed amendment to the Halifax Municipal Planning Strategy and the Halifax Land Use Bylaw, presented as Attachment III of the June 19, 2003 staff report, and schedule a public hearing.
2. Regional Council adopt the amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use Bylaw, presented in Attachment III of the June 19, 2003 staff report.

**PLEASE RETAIN FOR PUBLIC HEARING**

## **BACKGROUND**

This matter was before Peninsula Community Council as the result of an application by Rockstone Investment to amend the Halifax Municipal Planning Strategy and Land Use Bylaw to enable a multi-unit residential building at 5251 South Street by development agreement.

## **DISCUSSION**

Peninsula Community Council gave First Reading to consider approval of the proposed development agreement, presented as Attachment IV of the June 19, 2003 staff report, and schedule a joint public hearing with Regional Council.

## **BUDGET IMPLICATIONS**

N/A

## **FINANCIAL MANAGEMENT/BUSINESS PLAN**

N/A

## **ALTERNATIVES**

1. Give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and Peninsula Land Use Bylaw and schedule a public hearing.
2. Reject the recommendation of Peninsula Community Council and take no further action in this regard.

## **ATTACHMENTS**

1. June 19, 2003 staff report re Request to amend the Halifax Municipal Planning Strategy and Land Use Bylaw for 5251 South Street, Halifax.

Additional copies of this report and information on its status can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208. Report prepared by: Sherryll Murphy, Legislative Assistant 490-6517.
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Heritage Advisory Committee - June 25, 2003  
Peninsula Community Council - July 8, 2003

July 14, 2003

To: Chairman and Members of Peninsula Community Council  
Chairman and Members of the Heritage Advisory Committee

Submitted by: Paul Dunphy  
Paul Dunphy, Director of Planning & Development Services

Randa James  
Randa James, Planner, Planning Services

Date: June 19, 2003

Subject: **Case 00494: Request to Amend the Halifax Municipal Planning Strategy and Land Use Bylaw for 5251 South Street, Halifax**

**ORIGIN:**

Request by Rockstone Investments Limited, to amend the Halifax Municipal Planning Strategy and Land Use Bylaw to enable a multi-unit residential building at 5251 South Street by development agreement.

**RECOMMENDATION:**

It is recommended that Heritage Advisory Committee:

1. Recommend that Peninsula Community Council approve the proposed development agreement for 5251 South Street, pursuant to the Heritage Property Act, contingent upon the attached amendments, Attachment III, being adopted by Regional Council and becoming effective pursuant to the requirements of the Municipal Government Act.

It is recommended that Peninsula Community Council:

1. Recommend that Regional Council give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use Bylaw, presented as Attachment III to this report, and schedule a public hearing for August 19, 2003;
2. Give Notice of Motion to consider approval of the proposed development agreement, presented as Attachment IV, and schedule a joint public hearing with Regional Council for August 19, 2003;
3. Recommend that Regional Council adopt the amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use Bylaw, presented in Attachment III;

(Recommendations continued on Page 2)

4. Contingent upon the attached amendments being approved by Regional Council and becoming effective pursuant to the requirements of the Municipal Government Act:
  1. approve the proposed development agreement; and
  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 or any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

## **PLEASE RETAIN REPORT FOR PUBLIC HEARING**

### **BACKGROUND:**

A request has been received from Rockstone Investments Limited, to develop a 45 unit apartment building at 5251 South Street between Church and Barrington Streets. The site is presently occupied by a 22 unit apartment building. The building is legally non-conforming and was seriously damaged by fire on June 5, 2003.

The property has an area of 16,500 square feet with 100 feet of frontage on South Street. It is surrounded by a variety of multi-unit buildings and a few single family homes in the immediate vicinity. Nearby is Cornwallis Park as well as some mixed use commercial/residential buildings. The abutting property at 1541- 47 South Street is a registered municipal heritage property referred to as the "Hive". Consequently, this application is being referred to the Heritage Advisory Committee for review and recommendation.

The subject property is not a registered municipal heritage site although its history has been documented.<sup>1</sup> The existing building is approximately 150 years old and was originally constructed as a single residence once referred to as the "Homestead" or "Hillside Hall". A four storey addition was made to the rear of the building in the late 1800's and it was converted to a hotel (the "Hillside Hotel") which operated until 1940. It was subsequently acquired by the military who used it as a barracks, nursing residence and apartments prior to its sale to a property management company in the early 1950's. The developer acquired the property in 1998.

### ***Proposal:***

The Developer proposes to demolish the existing fire damaged multi-unit residential building and replace it with a new 45-unit apartment building. The new building would be constructed on a podium and be five storeys plus a penthouse in height with underground parking. The proposed design is sympathetic to the adjacent heritage building and reflects heritage elements found locally. The developer intends to continue using "Hillside Apartments" as the building name in deference to the property's past history. Renderings of the site development plan, building elevations, floor

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<sup>1</sup>The Griffin, Vol. 26 No. 3, September, 2001

plans and parking are included as schedules to the proposed development agreement attached to this report.

***Process:***

A staff report dated February 21, 2003 was considered by Regional Council who agreed to proceed with the MPS amendment process. A public information meeting was held on April 3, 2003 to discuss this proposal with community residents. Minutes of that meeting are included as Attachment V.

Amendments to the Municipal Planning Strategy and Bylaw are under the authority of Regional Council, while approval of development agreements rests with Community Council. Both processes require a public hearing which can be held jointly. Regional Council may then approve the proposed amendments to the MPS and LUB. The decision on the development agreement can only be made by Peninsula Community Council subsequent to Regional Council's approval of the MPS and LUB amendments and after such amendments take effect.

Should 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 attached Map 2.

***Land Use Designation and Zoning:***

The property is subject to the South End Area Plan policies (Attachment VII). It is designated Medium Density Residential (MDR) and zoned R-2AV (General Residential Conversion within a View Corridor) Zone (Attachments I & II). A height precinct of 35 feet is in effect on this property. Neither the existing building, at 42 feet, nor the new building, at 56 feet, are capable of meeting the 35-foot height precinct limitation.

The proposed use is not permitted by the current zoning on the property which restricts residential development to buildings containing no more than four units. The existing multi-unit residential building is legally non-conforming as it predates the present zoning. Although a rezoning to R-3 (Multiple Dwelling Zone) could be considered to permit an apartment proposal, this would not allow site specific criteria to be established to ensure compatibility with the neighbourhood. Staff have therefore drafted MPS policy to support consideration of a development agreement for this proposal.

**DISCUSSION:**

***Merits of the Application:***

This application represents an opportunity to replace an existing fire damaged non-conforming apartment building, which has undergone many conversions, with a well designed rental apartment building that has been sensitively designed to fit into the neighbourhood.

The subject property has a number of attributes which make it appropriate for the proposed development, including:

- its location in a community of predominantly multiple unit dwellings;
- proximity to public transit, supermarkets and downtown Halifax;
- connection to employment areas and neighbourhood amenities, such as a park;
- availability of existing centralized services.

Additionally, the proposed development has the potential to integrate well within the community as the proposed multi-unit apartment building:

- makes efficient use of the site while preserving existing trees;
- is designed to incorporate heritage architectural detailing to address the context;
- is an improvement over the existing condition.

Based on public consultation, the proposed development has a level of acceptance within the neighbourhood.

Attachment III sets out the proposed Municipal Planning Strategy amendments and Land Use By-law amendments required in order to consider a development agreement application for this property.

***Comparison to As of Right:***

One means of determining the appropriateness of the proposed building for this site is to compare it to the requirements that would apply if the site were zoned R-3 and it was constructed “as of right”. Detailed analysis of this proposal for compliance with the R-3 provisions is included in Attachment VI.

While this is a development agreement and strict adherence to the provisions of the land use bylaw is not a requirement, the analysis provides a basis to evaluate the appropriateness of a development proposal. In general the proposal:

- exceeds minimum lot area and frontage requirements for a building of this scale;
- exceeds bylaw requirements for on-site tenant parking;
- exceeds the requirements for open space and landscaped open space;
- is less than the allowable density of 250 persons per acre by approximately 20%;
- meets applicable building set-backs to the main building faces;
- does not meet angle controls which regulate the height of buildings based on set backs
- does not meet the height precinct limitation of 35 feet.

***Municipal Planning Strategy Policy:***

Following is an analysis of the proposal based on the draft MPS policy (Attachment III):

- The building facade includes heritage architectural detailing which is sympathetic to the area;
- The front building facade is designed to minimize the apparent building mass from the street;
- Increased side yard set-backs to the building faces provide separation for transition of scale;

- The building materials are consistent with the neighbourhood and the building design;
- Underground parking will replace surface parking and provide parking for visitors;
- Vehicular access will be confined to a single access point which has been designed in accordance with By-law S-300;
- Landscaping is to be provided throughout the site for buffering and aesthetic purposes;
- Useable open space has been provided on a landscape podium, roof decks, balconies and porch;
- The building is capable of being adequately serviced by centralized services.

### ***Proposed Development Agreement***

The draft development agreement provides the following additional controls:

- Retaining walls are to be natural rock or equivalent;
- Building is to be clad in Hardi-plank siding and trim with PVC windows;
- Balcony and podium fencing is to be of decorative steel or aluminum construction;
- Exposed parking garage faces to be finished;
- Designated space is to be provided for three-stream source separation waste/resources;
- Additional detail relating to the landscape requirements for planting, seating and refuse containers is to be provided at the development permit stage;
- Tree preservation requirements, including replacement provisions, are identified.

Although the proposed building is not capable of meeting the restriction of the height precinct, the addition of the penthouse floor provides for the inclusion of roof decks which provide additional recreational amenity space and increase the open space provision. The design of the front porch, although it encroaches into the front yard, results in a greater street presence and adds to the historic character of the building.

### ***Summary and Conclusion:***

Municipal Planning Strategy amendments are usually only recommended where circumstances have changed. In this case, the present zoning of the subject property does not reflect the existing conditions. The replacement of the existing fire damaged, converted multi-unit building with a new multi-unit building by development agreement enables the existing non-conforming use to be converted to a development which can be better integrated into the neighbourhood.

In staff's view, 5251 South Street is a suitable site for a new rental apartment building. The MPS amendment and development agreement are written to allow the building proposed by the applicant. The proposed building is a reasonable development for this site and there appears to be support for the posed development from the community.

### **ALTERNATIVES:**

1. Halifax Regional Council may choose to refuse the requested amendments to the Municipal Planning Strategy and Land Use By-law. Regional Council is under no obligation to consider a request to amend its MPS and a decision not to amend the MPS cannot be appealed. This alternative is not recommended, as staff feels that an apartment building is appropriate for this site.
2. Peninsula Community Council may choose to refer the case back to staff with specific changes to modify the development agreement to permit an apartment building with different standards to address concerns.
3. Peninsula Community Council may choose to refuse the proposed development agreement. This is not recommended for reasons cited above. Reasons must be provided for a refusal.
4. Peninsula Community Council may choose to approve the development agreement appended as Attachment IV to permit the 45 unit, five storey apartment building with a penthouse and an underground garage as proposed by the applicant. This is the recommended course of action.

### **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.

### **ATTACHMENTS:**

- I General Future Land Use
- II Area Plan with Zoning
- III Proposed Amendments to the Halifax MPS and LUB
- IV Proposed Development Agreement with
  - Schedule "A" Legal Description of the Lands
  - Schedule "B" Site Development Plan (061)
  - Schedule "C" Landscape Plan (060)
  - Schedule "D" Front Elevation (south) (047)
  - Schedule "E" Right Elevation (east) (048)
  - Schedule "F" Left Elevation (west) (049)
  - Schedule "G" Rear Elevation (north) (050)



- Schedule "H" Parking Garage Plan (051)
- Schedule "I" First Floor Plan (052)
- Schedule "J" Second Floor Plan (053)
- Schedule "K" Third Floor Plan (054)
- Schedule "L" Fourth Floor Plan (055)
- Schedule "M" Fifth Floor Plan (056)
- Schedule "N" Penthouse Plan (057)
- Schedule "O" Roof Plan (058)

- V Minutes of April 3, 2003, Public Information Meeting
- VI Comparison of Building Proposed for South Street to the As Of Right Provisions of the Land Use Bylaw
- VII Relevant Sections of the Halifax Municipal Planning Strategy

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 Randa James, Planning Services, 490-4499





### ATTACHMENT III

#### Proposed Amendments to the Halifax Municipal Planning Strategy and Land Use Bylaw

1. Insert the following policies after Policy 7.6.4.1 of Section V (South End Area Plan) of the Halifax Municipal Planning Strategy:

**7.6.5 Pursuant to Policy 1.1 a multi-unit building may be considered for civic number 5251 South Street (LRIS PID No. 00093153) by development agreement.**

**7.6.5.1 Any development permitted pursuant to Policy 7.6.5 shall be compatible with the surrounding area and this shall be achieved by attention to a variety of factors for which conditions may be set out in the development agreement, such as but not limited to:**

- a) **the adequacy of the servicing capacity of the site;**
- b) **architectural design of the building including heritage elements and exterior building materials;**
- c) **the scale, height, and massing of the building;**
- d) **the adequacy of parking provided;**
- e) **safe accesses to the site and building;**
- f) **site landscaping including buffering;**
- g) **location, form and function of open space.**

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

**5251 South Street**

- (q) **permit a multiple unit residential building in accordance with Policies 7.6.5 and 7.6.5.1**

**ATTACHMENT IV  
Proposed Development Agreement**

**THIS AGREEMENT** made this            day of            , 2003,

BETWEEN:

**ROCKSTONE INVESTMENTS LIMITED**  
(hereinafter called the "Developer")

OF THE FIRST PART

-and-

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

OF THE SECOND PART

**WHEREAS** the Developer is the registered owner of certain lands located on South Street between Church and Barrington Streets and which said lands are more particularly described in Schedule "A" to this Agreement (hereinafter called the "Lands");

**AND WHEREAS** the Developer has requested that the Municipality enter into a development agreement to allow a 45 unit apartment building on the Lands pursuant to the provisions of the Municipal Government Act and the Municipal Planning Strategy and Land Use By-law for Halifax;

**AND WHEREAS** the Peninsula Community Council approved this request at a meeting held on 2003, referenced as Municipal Case Number 00494;

**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 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 Except as otherwise provided for herein, the consolidation/subdivision of the Lands shall comply with the requirements of the Subdivision By-law for Halifax, as may be amended from time to time.
- 1.4 Pursuant to Section 1.2 and 1.3, nothing in this Agreement shall exempt or be taken to exempt the Developer, lot owner or any other person from complying with the requirements of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law and Subdivision By-law to the extent varied by this Agreement), or any statute or regulation of the Province of Nova Scotia, and the Developer or lot owner agrees to observe and comply with all such laws, by-laws and regulations in connection with the development and use of the Lands.
- 1.5 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.
- 1.6 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 owner.
- 1.7 The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

## **PART 2: USE OF LANDS AND DEVELOPMENT PROVISIONS**

### **2.1 Use**

The Developer shall construct a building on the Lands, which, in the opinion of the Development Officer, is substantially in conformance with Schedules "B" to "O" inclusive (Plans No. 047 - 058 inclusive, 060 and 061 filed in the Halifax Regional Municipality Planning and Development Services Department as Case 00494) and shall not develop or use the lands for any purpose other than a 45 unit apartment building.

Schedule "A"	Legal Description of the Lands
Schedule "B"	Site Development Plan (061)
Schedule "C"	Landscape Plan (060)
Schedule "D"	Front Elevation (south) (047)
Schedule "E"	Right Elevation (east) (048)
Schedule "F"	Left Elevation (west) (049)
Schedule "G"	Rear Elevation (north) (050)
Schedule "H"	Parking Garage Plan (051)

Schedule "I"	First Floor Plan (052)
Schedule "J"	Second Floor Plan (053)
Schedule "K"	Third Floor Plan (054)
Schedule "L"	Fourth Floor Plan (055)
Schedule "M"	Fifth Floor Plan (056)
Schedule "N"	Penthouse Plan (057)
Schedule "O"	Roof Plan (058)

## 2.2 R-3 (Multiple Dwelling) Zone Requirements

2.2.1 The multiple unit residential building shall meet the requirements of the R-3 (Multiple Dwelling) Zone of the Halifax Peninsula Land Use By-law except as specifically identified as otherwise by the plans or this agreement.

2.2.2 Notwithstanding Section 2.2.1, Sections 44C (unit mix) and 47(2), 47(3), and 47(4) (angle controls) of the Halifax Peninsula Land Use By-law shall not apply.

## 2.3 Building Architecture

2.3.1 The building shall be predominantly clad in Hardi-plank siding and Hardi-trim or equivalent. The windows are to be PVC by Kohler or equivalent. Retaining walls are to be natural rock or equivalent.

2.3.2 Balconies and podium fencing shall have decorative steel or aluminium rails and balustrades or equivalent. No exposed wolmanized lumber is to be used.

2.3.3 The exposed parking garage faces shall be grey architecturally textured concrete or finished in coloured stucco or equivalent.

2.3.4 The maximum height of the building measured from the average front yard elevation to the floor level of the uppermost storey shall be forty four (44) feet. The maximum number of stories above grade shall be six (6) and shall include the penthouse level but shall not include the parking garage level.

2.3.5 The maximum number of units shall be forty five (45), ten (10) of which shall be bachelor units, twenty five (25) of which shall be one bedroom units and ten (10) of which will be two bedroom units.

2.3.6 The maximum density for this project shall not exceed two hundred and five (205) persons per acre.

2.3.7 The minimum front yard setback shall be thirteen (13) feet but the front porch and window projections may encroach to a setback minimum of seven (7) feet.

2.3.8 Pursuant to Sections 2.3.1 to 2.3.7 inclusive, the Development Officer may approve modifications to the location, size and height of 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, further enhance the appearance of the building and Lands.

2.3.9 The building shall include designated space for three stream (refuse, recycling and composting) source separation services. This designated space for source separation services shall be approved by the Development Officer and Building Inspector in consultation with HRM Solid Waste Services.

## 2.4 Landscaping

2.4.1 The developer shall submit a revised landscape plan, prepared and sealed by a Landscape Architect in good standing with the Atlantic Provinces Association of Landscape Architects, to the Development Officer for approval as part of the development permit application. The landscape plan shall include as a minimum the planting identified in Schedule "C" and in this agreement. The intent of the landscaping is to provide aesthetic enhancement.

- (a) Landscaping shall be provided along the street frontage consisting of a natural rock retaining wall or equivalent with a minimum of foundation planting in the form of upright shrubs with a minimum height of 60 cm. (2 ft.) and groundcover. The developer shall ensure that all soft landscape areas not planted with trees and shrubs are to be sodded and the sod is to conform to the Canadian Nursery Sod Growers' Specifications. The developer shall ensure that all plant material is to conform to the Canadian Nursery Trades Association Metric Guide Specifications and Standards.
- (b) Landscaping shall be provided on the landscaped podium in order to provide some screening for the users. This landscaping is to be a combination of six (6) or more deciduous trees with a minimum size of 45 mm caliper (1.8 inch diameter), six (6) or more coniferous trees a minimum of 1.5 m (5 ft.) high and a minimum of thirty (30) upright shrubs with a minimum height of 60 cm. (2 ft.). The shrub material is to be a minimum of 50% coniferous for year round cover. This passive amenity area is to include sufficient and appropriate decorative seating and corresponding decorative refuse containers.
- (c) It is the responsibility of the developer to ensure that the underground parking structure is to be capable of supporting loads for drainage gravel or an appropriate drainage system over the extent of the landscape podium plus topsoil for sod, shrubs and trees, all of which is in addition to the anticipated mature weight of the plant material.



- (d) Landscaping shall be provided on the roof decks and shall consist of a mix of planted containers planted with ornamental trees, shrubs and perennials/annuals. There shall be one container for every fifty (50) square feet of roof deck. These publicly accessible passive amenity areas are to include sufficient and appropriate decorative seating and corresponding decorative refuse containers.
- (e) The rear landscape area adjacent to the existing trees to be preserved is to have any damaged areas reinstated with shade tolerant grass seed, other suitable low maintenance groundcover or decorative mulch/stone material.

## 2.5 Tree Preservation

Every effort is to be made to ensure the preservation of the existing trees on site or adjacent to the site designated to be preserved. The landscape plan required in Section 2.4.1 shall identify the limit of disturbance, the hoarding fence location and any stockpile locations. Proper arboricultural practices shall be undertaken and shall include such activities as the erection of tree protective hoarding fence located as close to the dripline of the trees to be preserved as possible for the duration of construction, no stockpiling of soil or materials within the hoarded areas, pruning of any damaged limbs or roots and excavation no closer than nine (9) feet to the trunk of any tree to be preserved.

Any trees to be preserved that are damaged should be replaced, two new trees for each damaged tree, with trees of the same type and with minimum sizes of 60 mm caliper (2.4 inch diameter) for deciduous trees and coniferous trees a minimum of 1.5 m (5 ft.) high.

## 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 the building, 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, driveways, and parking areas.

## 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 system, and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of HRM and other approval agencies, except as provided herein. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer. All construction is to be in accordance with HRM specifications.

## 2.8 Occupancy Permit

- 2.8.1 Prior to issuance of the occupancy permit, written certification by a Landscape Architect who is a member in good standing with APALA shall be provided to indicate that the provisions of clauses 2.4 and 2.5 have been met.
- 2.8.2 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 2.4 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.
- 2.8.3 Should the developer not complete the landscaping within nine 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 2.4 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.
- 2.8.4 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 in the type or number of units provided the density does not exceed the density approved by Peninsula Community Council.
- 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 two years from the date of registration of this Agreement at the Registry of Deeds, as indicated herein, the Municipality may, by resolution of Council, either discharge this Agreement whereupon this Agreement shall have no further force or effect, or upon the written request of the Developer, grant an extension to the date of commencement of construction. For the purposes of this section, "commencement of construction" shall mean completion of the footings for the proposed building.
- 4.4 If the Developer fails to complete the development, or after five years from the date of registration of this Agreement at the Registry of Deeds, whichever time period is less, Council may review this Agreement, in whole or in part, and may:
  - (a) retain the Agreement in its present form;
  - (b) negotiate a new Agreement;
  - (c) discharge this Agreement

#### **PART 5: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT**

- 5.1 The Developer agrees that any officer appointed by the Municipality to enforce this Agreement shall be granted access onto the Lands during all reasonable hours without obtaining consent of the Developer. The Developer further agrees that, upon receiving written notification from an officer of the Municipality to inspect the interior of any building located on the Lands, the Developer agrees to allow for such an inspection during any reasonable hour within one day of receiving such a request.
- 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 submits to the jurisdiction of such Court and waives any defence based upon the allegation that damages would be an adequate remedy;

- (b) the Municipality may enter onto the Property and perform any of the covenants contained in this Agreement whereupon all reasonable expenses whether arising out of the entry onto the lands or from the performance of the covenants may be recovered from the Developer by direct suit and such amount shall, until paid, form a charge upon the Property and be shown on any tax certificate issued under the Assessment Act.
- (c) the Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; and/or
- (d) in addition to the above remedies the Municipality reserves the right to pursue any other remediation under the 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  
in the presence of

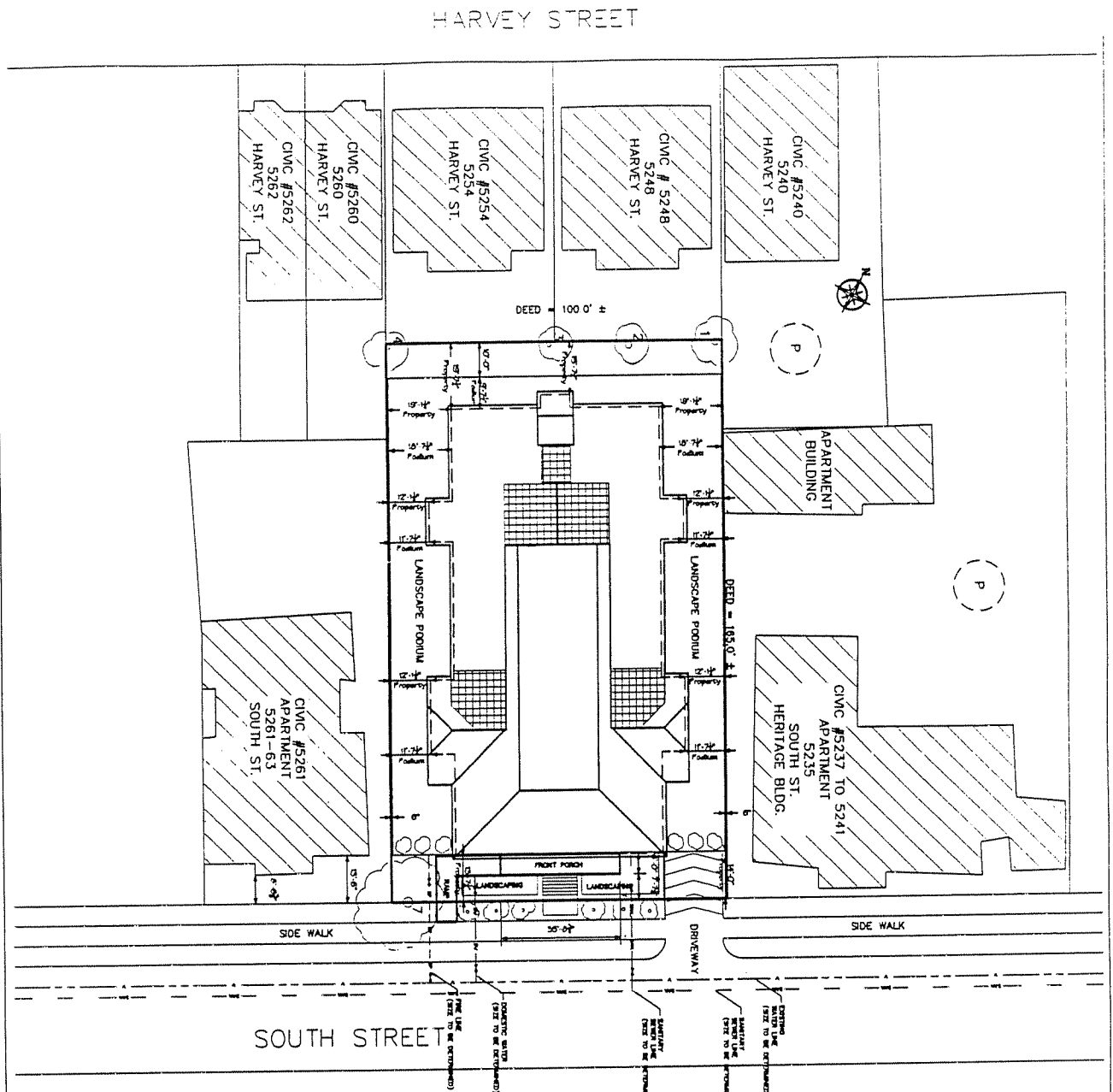
) **ROCKSTONE INVESTMENTS**  
) **LIMITED**

)  
) Per \_\_\_\_\_

) **HALIFAX REGIONAL**  
) **MUNICIPALITY**

)  
)  
) Per \_\_\_\_\_  
) Mayor

)  
)  
) Per \_\_\_\_\_  
) Municipal Clerk



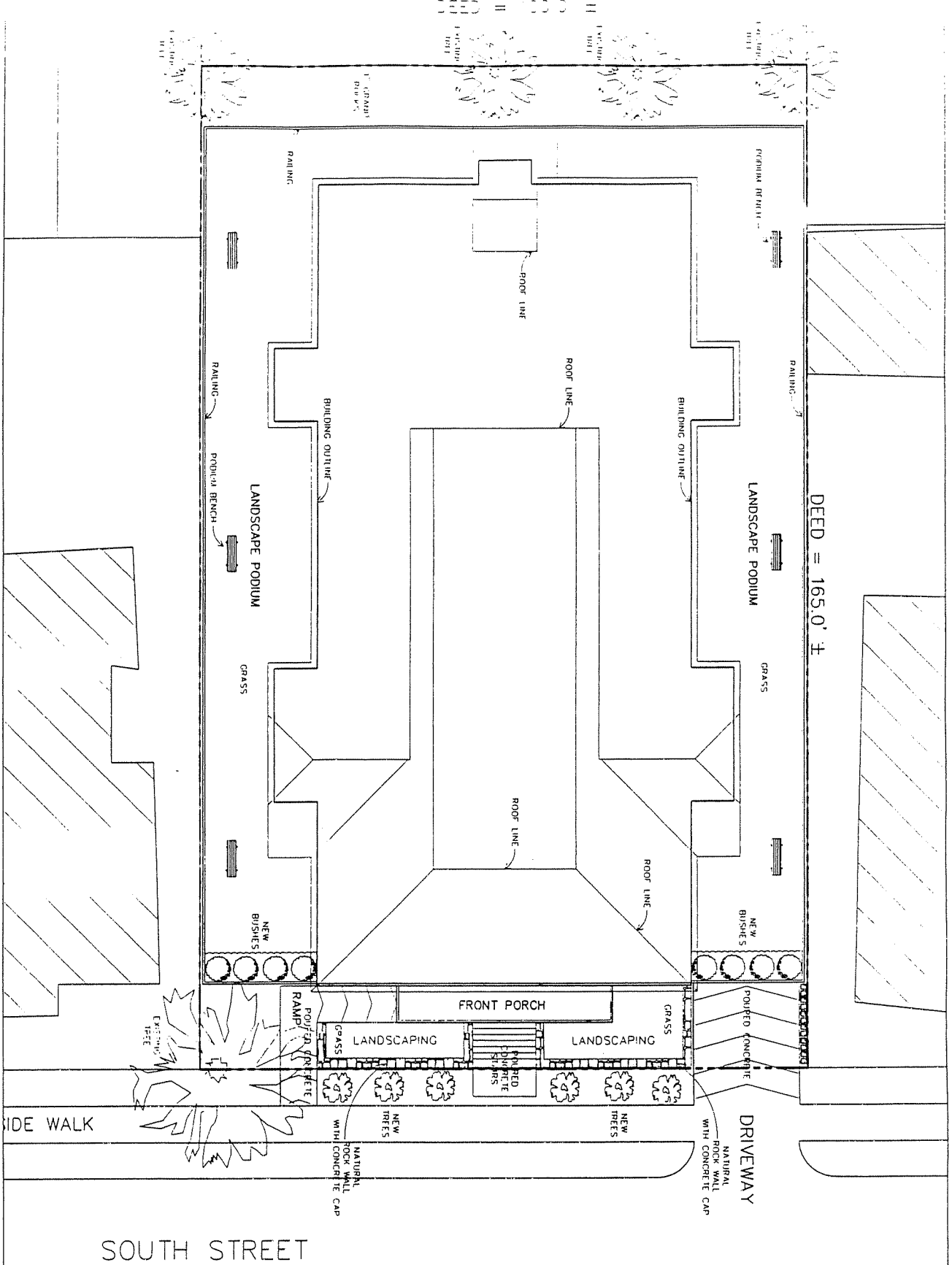
00494-061

**Case of Notes**  
 Refer to plans and notes on drawings and report any discrepancies before construction commences.  
 All work to be completed in accordance with the contract including code of practice 1988.  
 An initial, approved and final addresses are shall be completed as part of the specifications and drawings. All work shall be completed in accordance with the contract and any amendments thereto.

**Stamp:**  
 33/20/03 REVISION  
 07/03/03 REVISION  
 28/02/03 ELEVATION  
 23/04/03 ELEVATION

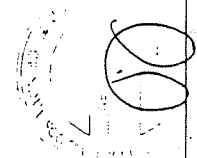
**Project:**  
 HILLSIDE APARTMENTS  
 2371 ROBE STREET  
 HALIFAX, NOVA SCOTIA  
 B3K 0G2 423-0916  
 FAX: (902) 423-0942  
 E-MAIL: DEREK@HYPERFABRIK.COM

**Site Plan:**  
 Scale: 1/32" = 1'-0"  
 Date: 22 July 03  
 Project: 220707



General Notes:  
 1. Refer to plans and notes for dimensions and construction.  
 2. All work to be completed in accordance with the national building code of Florida - 1996.  
 3. All trees to be removed and stump removed, etc.  
 4. All trees to be planted and all trees to be planted for this building and all trees to be planted new when the building is completed or replaced. If not when the building is completed.

00494-060



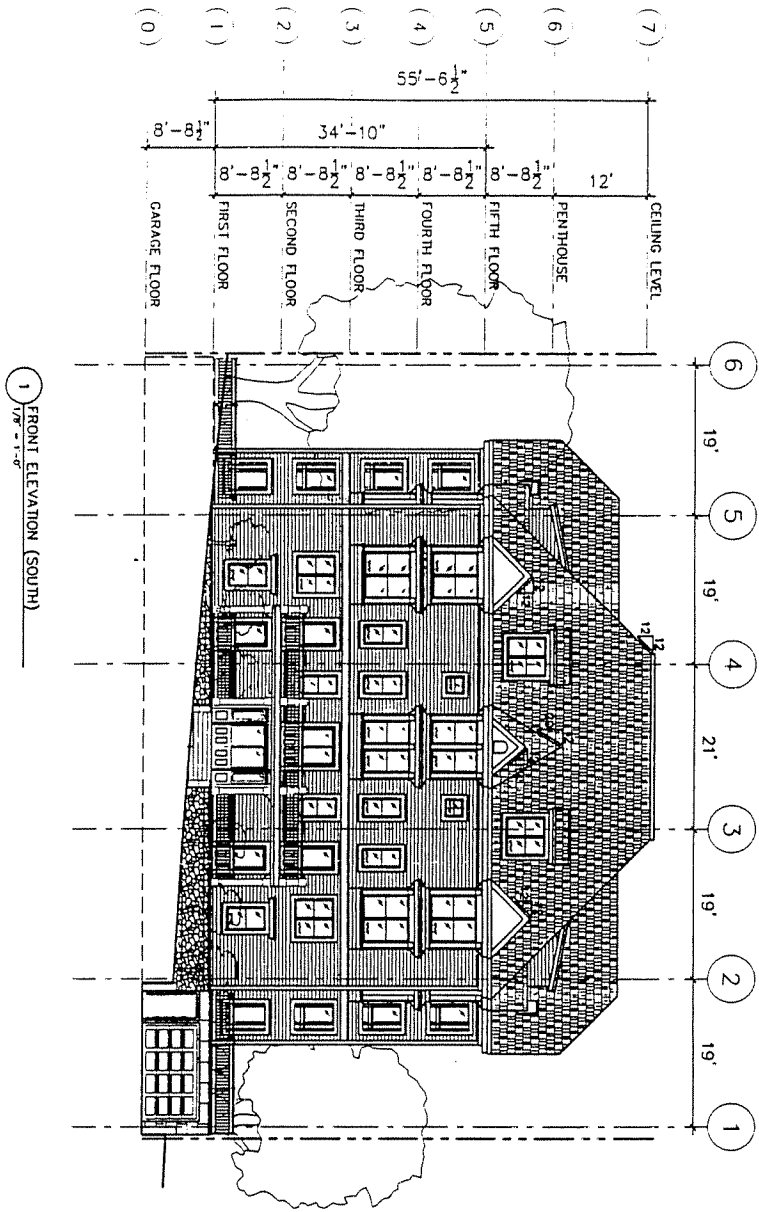
Rev.	Date	Revision	By
1	22/07/03	REVISION	DU
2	02/03/03	REVISION	DU
3	28/03/03	ELEVATION	DU
4	29/04/03	ELEVATION	DU

2371 ROBEY STREET  
 PALM BEACH, FLORIDA 33409  
 TEL: (561) 423-9916  
 FAX: (561) 423-9942  
 E-MAIL: DEREK@UPR.FARTUNE.COM

Project: **HILLSIDE APARTMENTS**  
 45 Unit Attached Apartment Building  
 535 South Street, Hillside, FL 33409

Title: **LANDSCAPING DESIGN**

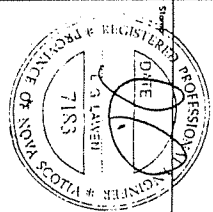
Scale: 3/64" = 1'-0"  
 Date: 22 July 07  
 Designer: DM  
 Checker: LL  
 Project: 220702



1 FRONT ELEVATION (SOUTH)  
1/8" = 1'-0"

00494-047

General Notes  
 1. Refer to plans and utility drawings and report any discrepancies before construction.  
 2. Work shall be completed in accordance with the national building code of America, 1991 edition.  
 3. All material, product and load indicators, etc. shall be completed as part of the manufacturer's application. Approved or required if and other specific items.



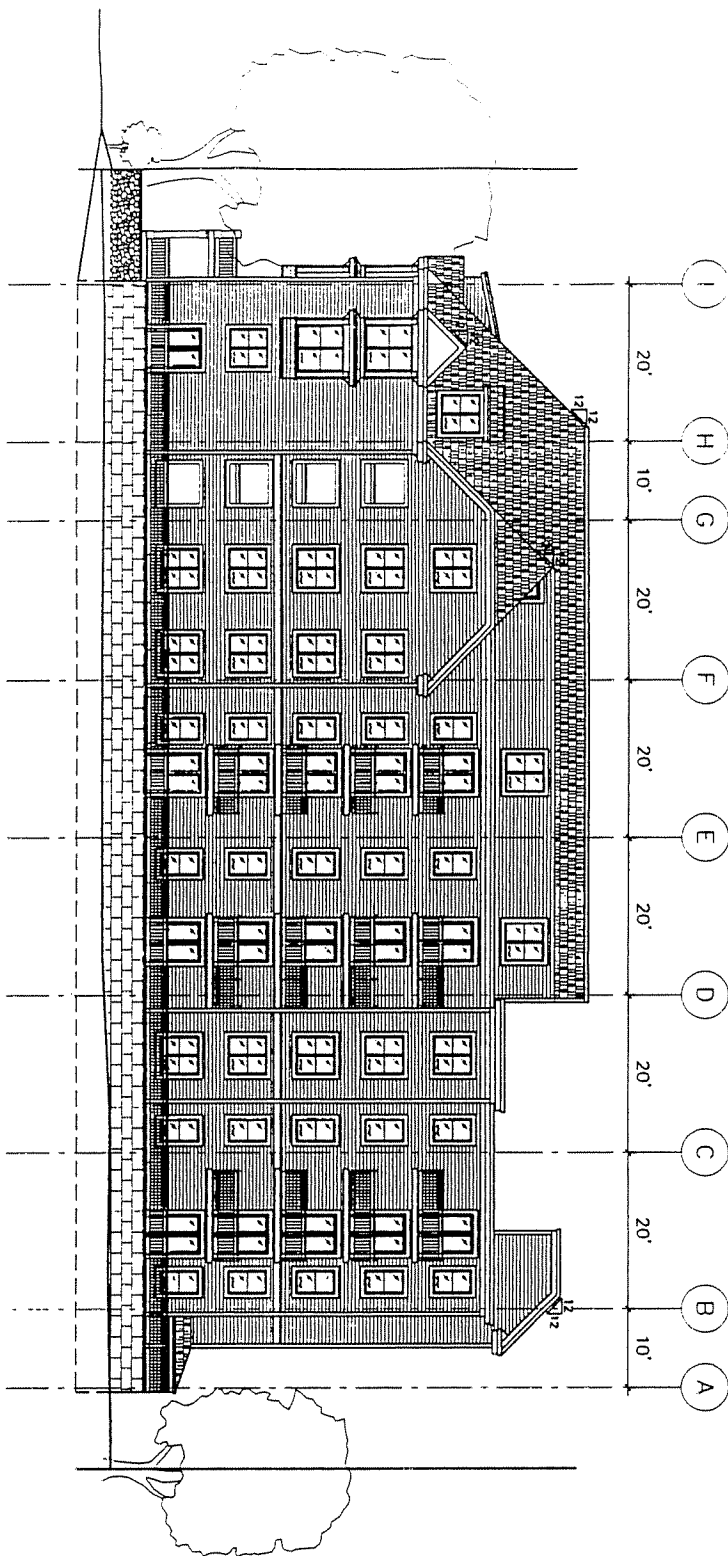
No.	Date	Revision
1	2/20/03	REVISION
2	02/20/03	REVISION
3	26/03/03	ELEVATION
4	25/04/03	ELEVATION

2571 ROBE BRYER  
 HALLMARK, NOVA BEACH  
 TEL: (902) 433-9916  
 FAX: (902) 433-9942  
 E-MAIL: DBRYER@HMK.FASHION.CA

Project:  
**HILLSIDE APARTMENTS**  
 45 Unit Proposed Apartment Building  
 5351 South Street, Halifax, N.S.

Title:  
**EXTERIOR ELEVATION**

Scale: 1/16" = 1'-0"  
 Date: 22 July 03  
 Drawn: DH  
 Checked: UL  
 Project: 220102



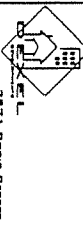
2 RIGHT ELEVATION (EAST)  
1/8" = 1'-0"

00494-043

**General Notes**  
 1. Builder to check and verify all dimensions and material quantities before construction.  
 2. All work to be completed in accordance with the national building code of Canada - 1994.  
 3. All interior, exterior and roof waterproofing, etc. for this building and shall have proper waterproofing and drainage system. Refer back to Appendix II and other supporting notes.

Stamp: 20  
 2023/07/02

Rev.	Date	Revision
A	22/07/03	REVISION
B	02/03/03	REVISION
C	26/02/03	ELEVATION
D	25/04/03	ELEVATION



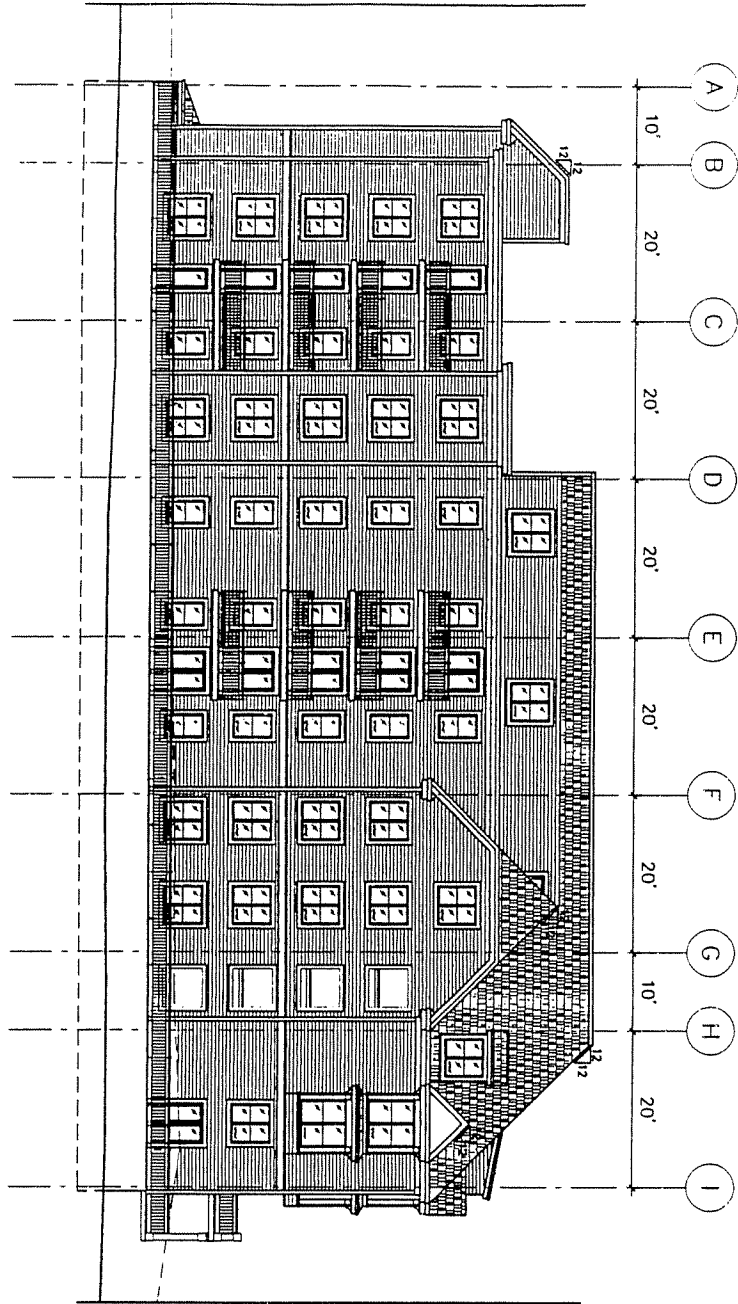
M. S. L.  
 2571 ROBE STREET  
 NAUJAN, NOVA SCOTIA  
 TEL: (902) 433-9916  
 FAX: (902) 433-9942  
 E-MAIL: DAMEL@MRS.EASBYLINK.CA

**PROJECT:**  
 HILLSIDE  
 APARTMENTS  
 45 Unit Purpose Apartment Building  
 5251 South Street, Halifax, N.S.

**TITLE:**  
 EXTERIOR  
 ELEVATION

**Rev. Name**  
 Scale: 1/16" = 1'-0" Date: 22, July 0  
**Drawn**  
 DUL Page Number  
**Checked** LL  
**Project** 220102  
**D-103**

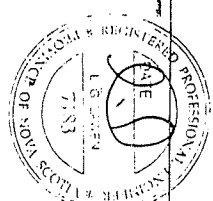




3 LEFT ELEVATION (WEST)  
1/8" = 1'-0"

00494-049

**General Notes**  
 Bidder to check and verify all dimensions and report any discrepancies before construction commences.  
 All work to be completed in accordance with the drawings and specifications of contract - 1991.  
 All labor, material and field expenses, etc. shall be completed as part of the work. All work to be completed as shown, described or implied, if not otherwise specified. Refer to schedule "F" and other schedules for details.



Rev.	Date	Revision
1	12/20/03	REVISION
2	02/02/03	REVISION
3	08/02/03	ELEVATION
4	10/04/03	ELEVATION

EST. L.  
 3571 GENE STREET  
 MARIETTA, NORTH CAROLINA  
 28149-4319  
 FAX: (704) 423-9949  
 E-MAIL: GREEN@HPEKARTLINK.COM

**Project:**  
 HILLSIDE APARTMENTS  
 45 East Broadway Apartment Building  
 521 East Street, Ureter, NC

Title: EXTERIOR ELEVATION

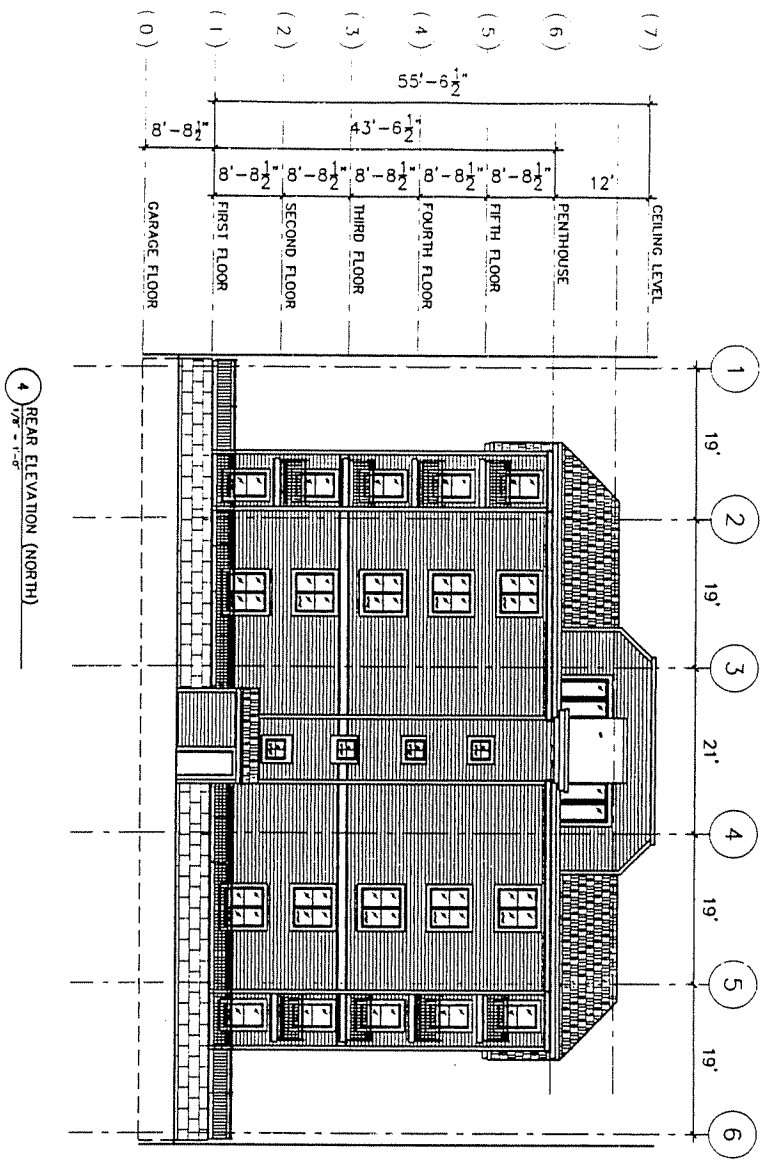
File Name: \_\_\_\_\_

Scale: 1/16" = 1'-0" Date: 22, July 02

Drawn: DJJ Page Number: D-104

Checked: LL

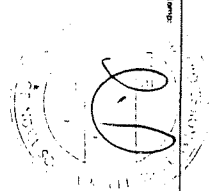
Project: 220702



4 REAR ELEVATION (NORTH)

00494-050

General Notes:  
 Refer to notes and scale of drawings and legend for descriptions of materials and construction. All work to be completed in accordance with the national building code of Canada 1994 edition.  
 All work to be completed in accordance with the national building code of Canada 1994 edition.  
 All work to be completed in accordance with the national building code of Canada 1994 edition.  
 All work to be completed in accordance with the national building code of Canada 1994 edition.



Rev.	Date	Reason
1	22/07/03	REVISION
2	02/03/03	REVISION
3	26/03/03	ELEVATION
4	25/04/03	ELEVATION



2871 BONE STREET  
 HALIFAX, NOVA SCOTIA  
 B3K 4N5 423-9915  
 FAX: 0021 423-9942  
 E-MAIL: DEVEL@HFX.CENTRALINC.CA

HILLSIDE  
 APARTMENTS

43 Unit Proposed Apartment Building  
 5751 South Street, Halifax, NS

TITLE: EXTERIOR ELEVATION

DATE: 27 July 03

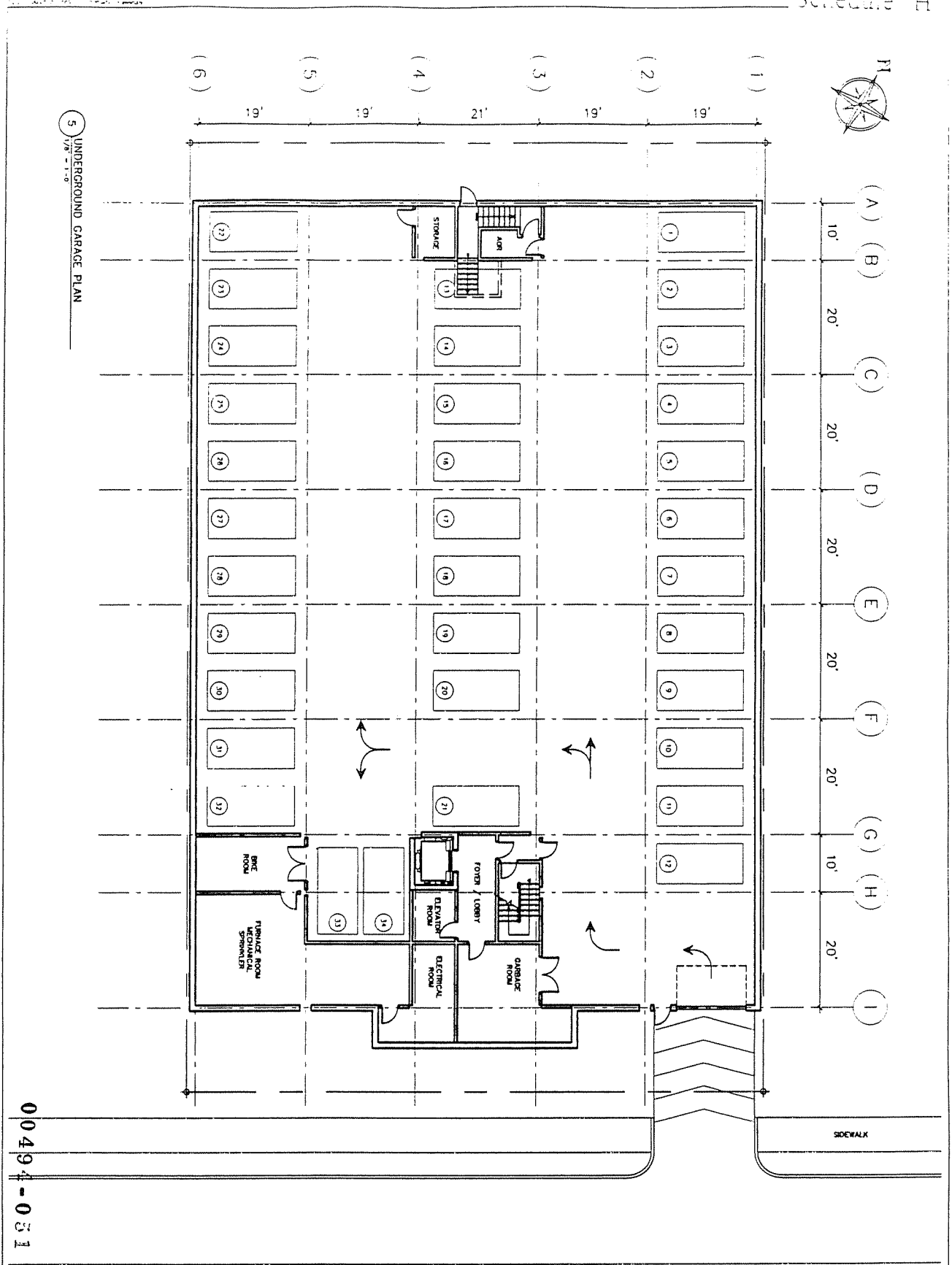
Scale: 1/16" = 1'-0"

Drawn: DU

Checked: LL

Project: 220102

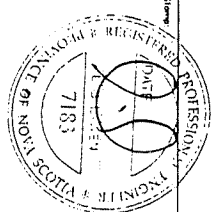
D-109



5 UNDERGROUND GARAGE PLAN

00494-031

General Notes  
 Refer to plans and specifications for dimensions and quantities.  
 All work to be completed in accordance with the National Building Code of Canada, 1978.  
 The contractor shall be responsible for obtaining all necessary permits for this building and shall take possession from the date of completion of the building. The contractor shall be responsible for the building and shall take possession from the date of completion of the building. The contractor shall be responsible for the building and shall take possession from the date of completion of the building.



Rev.	Date	Revision	A	B
1	27/01/03	REVISION		
2	07/03/03	REVISION		
3	26/03/03	ELEVATION		
4	15/04/03	ELEVATION		



2571 ROSE STREET  
 NAUJAN, NOVA SCOTIA  
 TEL: (902) 433-9916  
 FAX: (902) 433-9942  
 E-MAIL: DEMEL@HKL.CANADIAN.CA

HILLSIDE APARTMENTS

45 Unit Purpose Apartment Building  
 5351 South Street, Halifax, N.S.

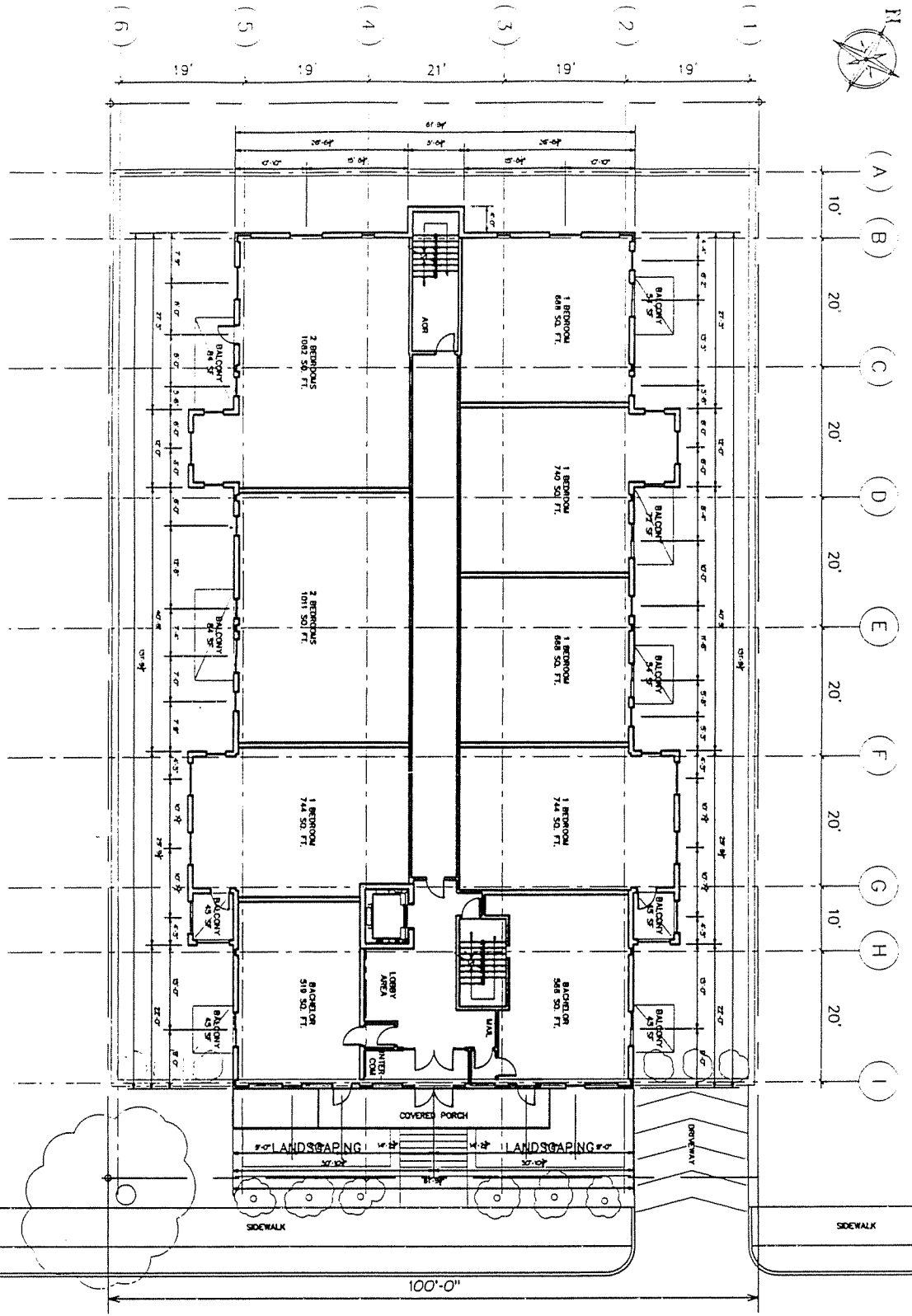
PARKING LEVEL FLOOR PLAN

Scale	1/16" = 1'-0"	Date	22, July 01
Drawn	DU	Page Number	
Checked	LI		
Project	220102		

D-100



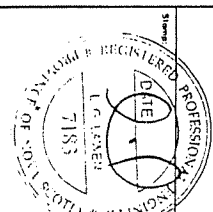
6 1st FLOOR PLAN



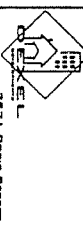
00494-052

5251 SOUTH STREET

**GENERAL NOTES**  
 Builder to verify and verify all dimensions and quantities of materials and construction.  
 All work to be completed in accordance with the national building code of Canada - 1994.  
 All trades to be coordinated and approved by the architect.  
 All trades to be coordinated and approved by the architect.  
 All trades to be coordinated and approved by the architect.  
 All trades to be coordinated and approved by the architect.



Rev.	Date	Revision	By
1	22/01/03	REVISION	D.L.
2	02/03/03	REVISION	D.L.
3	29/03/03	ELEVATION	D.L.
4	29/04/03	ELEVATION	D.L.

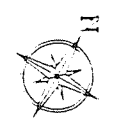


2571 ROBE STREET  
 HAUPPAUGE, NY 11787  
 TEL: (516) 423-9916  
 FAX: (516) 423-9942  
 E-MAIL: DREHL@HILLAPARTMENTS.COM

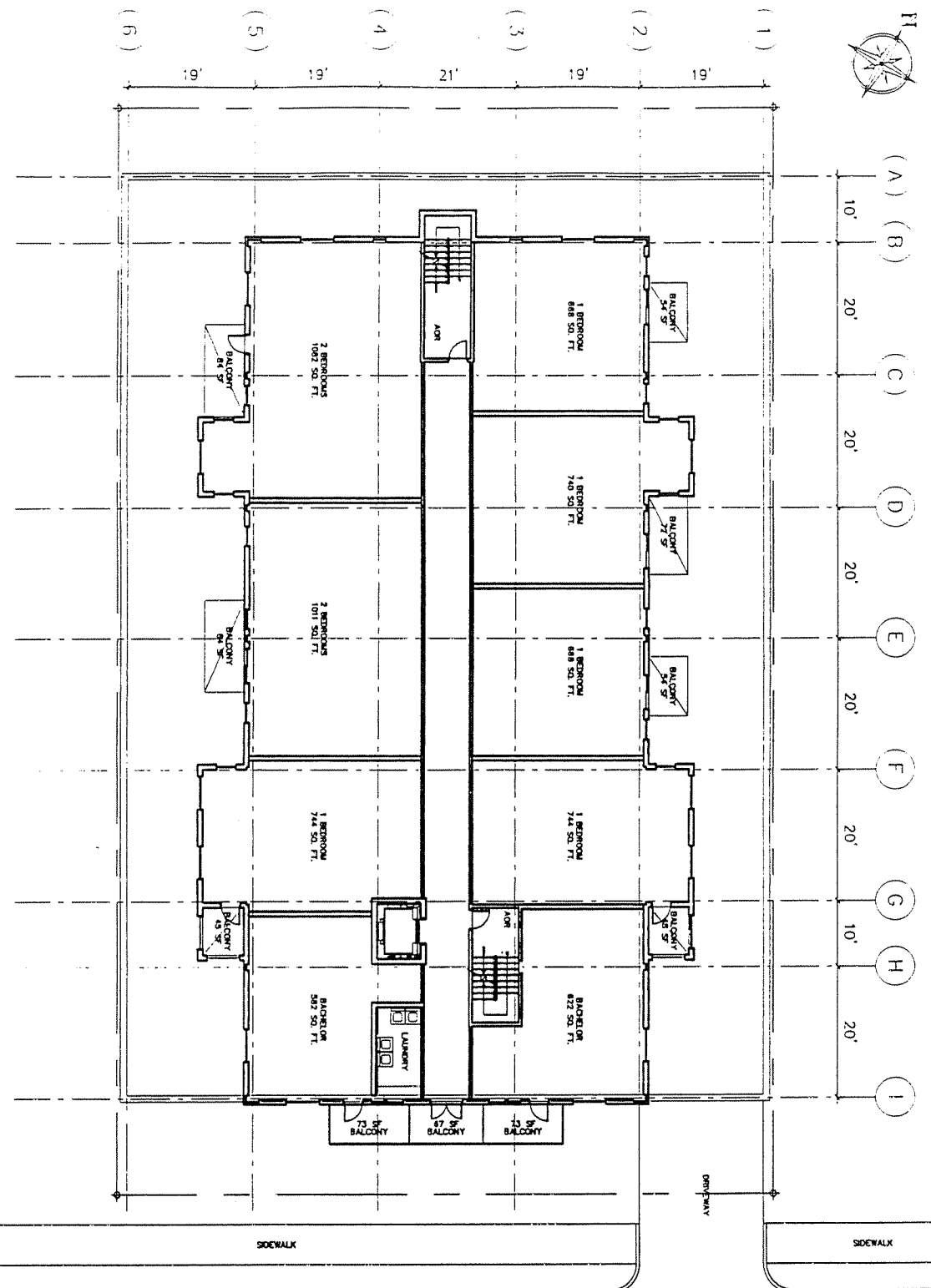
**HILLSIDE APARTMENTS**  
 45 Unit Proposed Apartment Building  
 5251 South Street, Indio, N.S.

Rev.	Date	Revision	By
1	22/01/03	REVISION	D.L.
2	02/03/03	REVISION	D.L.
3	29/03/03	ELEVATION	D.L.
4	29/04/03	ELEVATION	D.L.

**LEVEL 1 FLOOR PLAN**  
 Title: 5251 SOUTH STREET  
 Scale: 1/16" = 1'-0"  
 Date: 22, July 07  
 Project: 220712  
 Sheet: D-107



7 2nd FLOOR PLAN  
1/8" = 1'-0"



5251 SOUTH STREET

00494-053

**Contract Notes**  
 1. All work to be completed in accordance with the approved plans and specifications.  
 2. All work to be completed in accordance with the approved specifications.  
 3. All work to be completed in accordance with the approved specifications.  
 4. All work to be completed in accordance with the approved specifications.  
 5. All work to be completed in accordance with the approved specifications.  
 6. All work to be completed in accordance with the approved specifications.  
 7. All work to be completed in accordance with the approved specifications.  
 8. All work to be completed in accordance with the approved specifications.  
 9. All work to be completed in accordance with the approved specifications.  
 10. All work to be completed in accordance with the approved specifications.

Rev.	Date	Revised	By	Check
1	02/20/03	REVISION	D	D
2	02/20/03	REVISION	D	D
3	02/20/03	ELEVATION	D	D
4	02/20/03	ELEVATION	D	D

5251 SOUTH STREET  
 HILLSIDE APARTMENTS  
 5251 South Street, Houston, TX 77002  
 TEL: (713) 433-0919  
 FAX: (713) 433-0919  
 E-MAIL: GERRI@SPR.KARLINK.COM

**PROJECT:** HILLSIDE APARTMENTS

**48 Unit Proposed Apartment Building**  
 5251 South Street, Houston, TX 77002

**TITLE:** LEVEL 2 FLOOR PLAN

**DATE:** 22 July 01

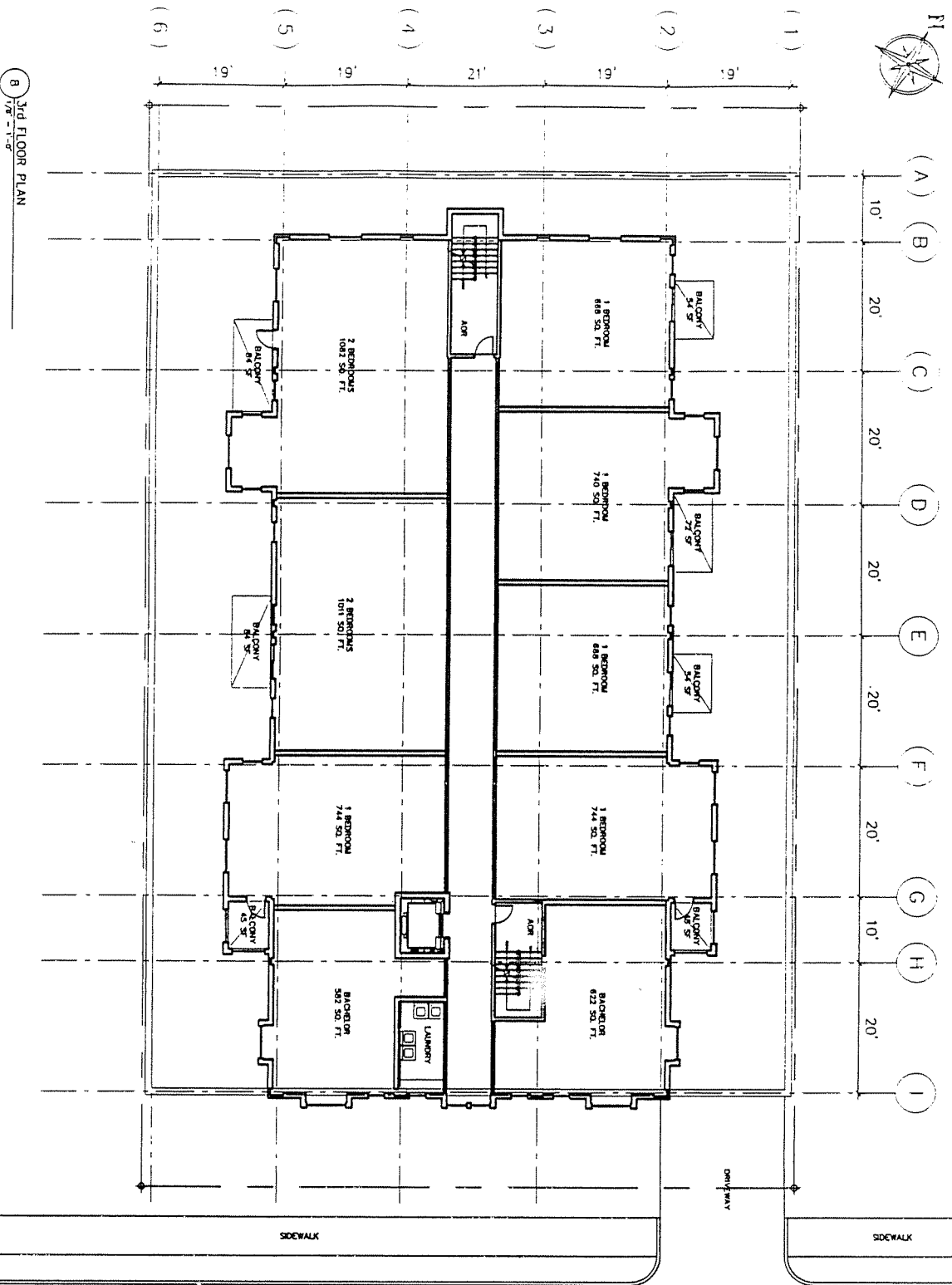
**SCALE:** 1/8" = 1'-0"

**DESIGNER:** DDU

**CHECKER:** LL

**PROJECT NUMBER:** D-108

**PROJECT:** 220102

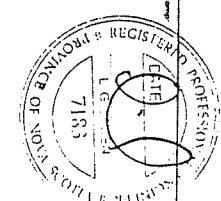


3rd FLOOR PLAN

00494-054

5251 SOUTH STREET

**Contract Notes**  
 Refer to plans and notes of dimensions and report any discrepancies before construction commences.  
 All work to be completed in accordance with the applicable building code of the jurisdiction.  
 All federal, provincial and local permits, etc. shall be completed on part of the contractor. Any conflicting items, drawings or methods of work shall be approved by the architect before construction begins.



Rev.	Date	Revision
1	22/07/03	REVISION
2	02/03/03	REVISION
3	26/03/03	ELEVATION
4	25/04/03	ELEVATION



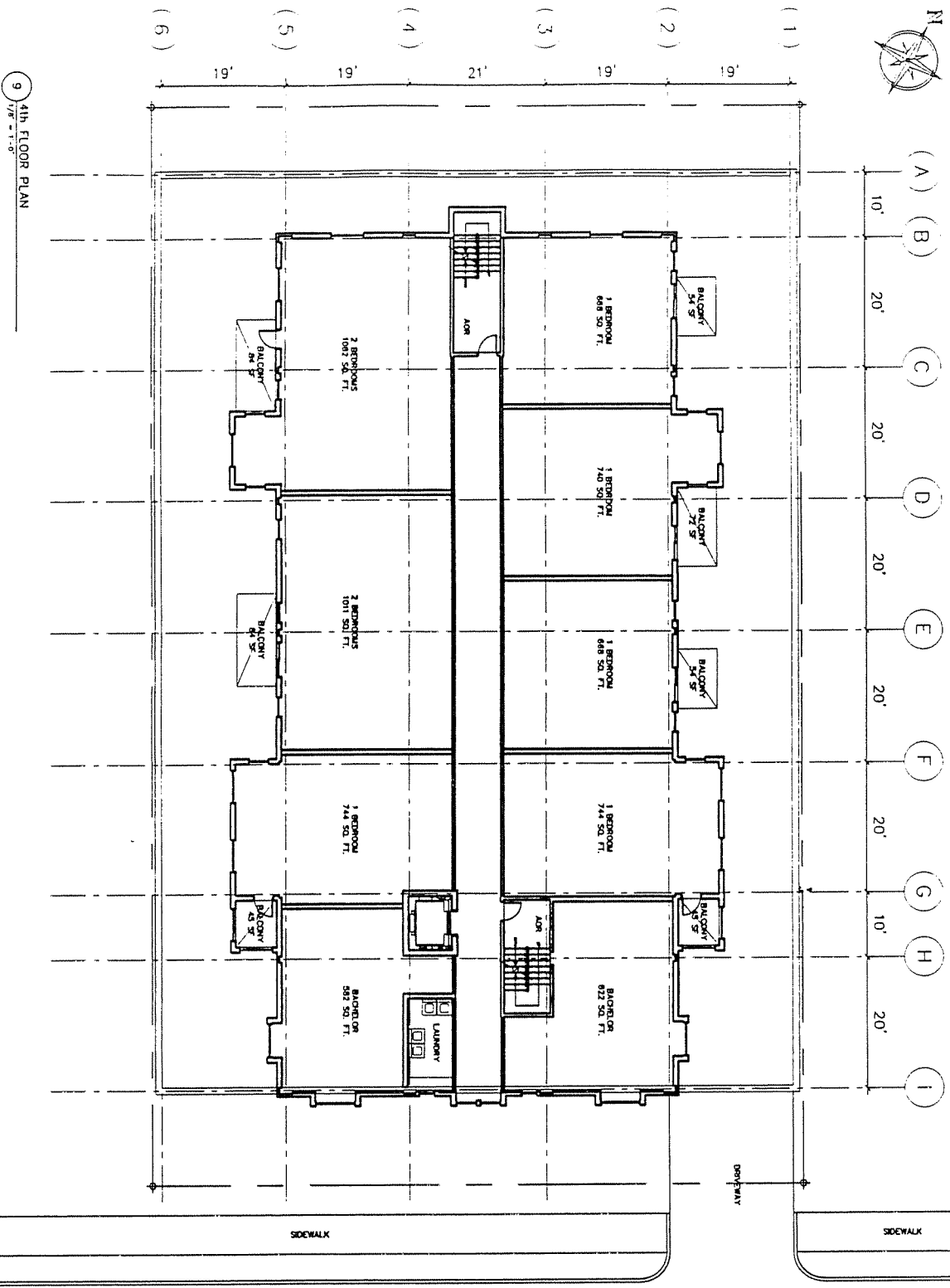
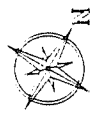
**THE DESIGN GROUP**  
 2871 BONE STREET  
 HALIFAX, NOVA SCOTIA  
 B3K 4N5 423.9915  
 FAX: (902) 423.9942  
 E-MAIL: OREK@THEDESIGNGROUP.COM

**HILLSIDE APARTMENTS**

43 Unit Proposed Apartment Building  
 5251 South Street, Halifax, N.S.

**LEVEL 3 FLOOR PLAN**

Scale	1/16" = 1'-0"	Date	22 July 03
Drawn	DUJ	Page Number	
Checked	LL	Drawing Number	D-109
Project	220702		

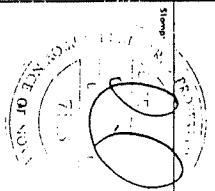


9 4th FLOOR PLAN  
1/8" = 1'-0"

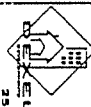
00494-055

5251 SOUTH STREET

**General Notes**  
 Bidder to visit and verify all dimensions and report any discrepancies before construction.  
 All work to be completed in accordance with the national building code of Canada 1996.  
 All federal, provincial and local regulations, etc. apply to this building and all work. Contractors shall verify all dimensions and conditions of work before commencing work. Discrepancies shall be reported to the architect immediately. If not corrected, the contractor shall be held responsible for any errors.



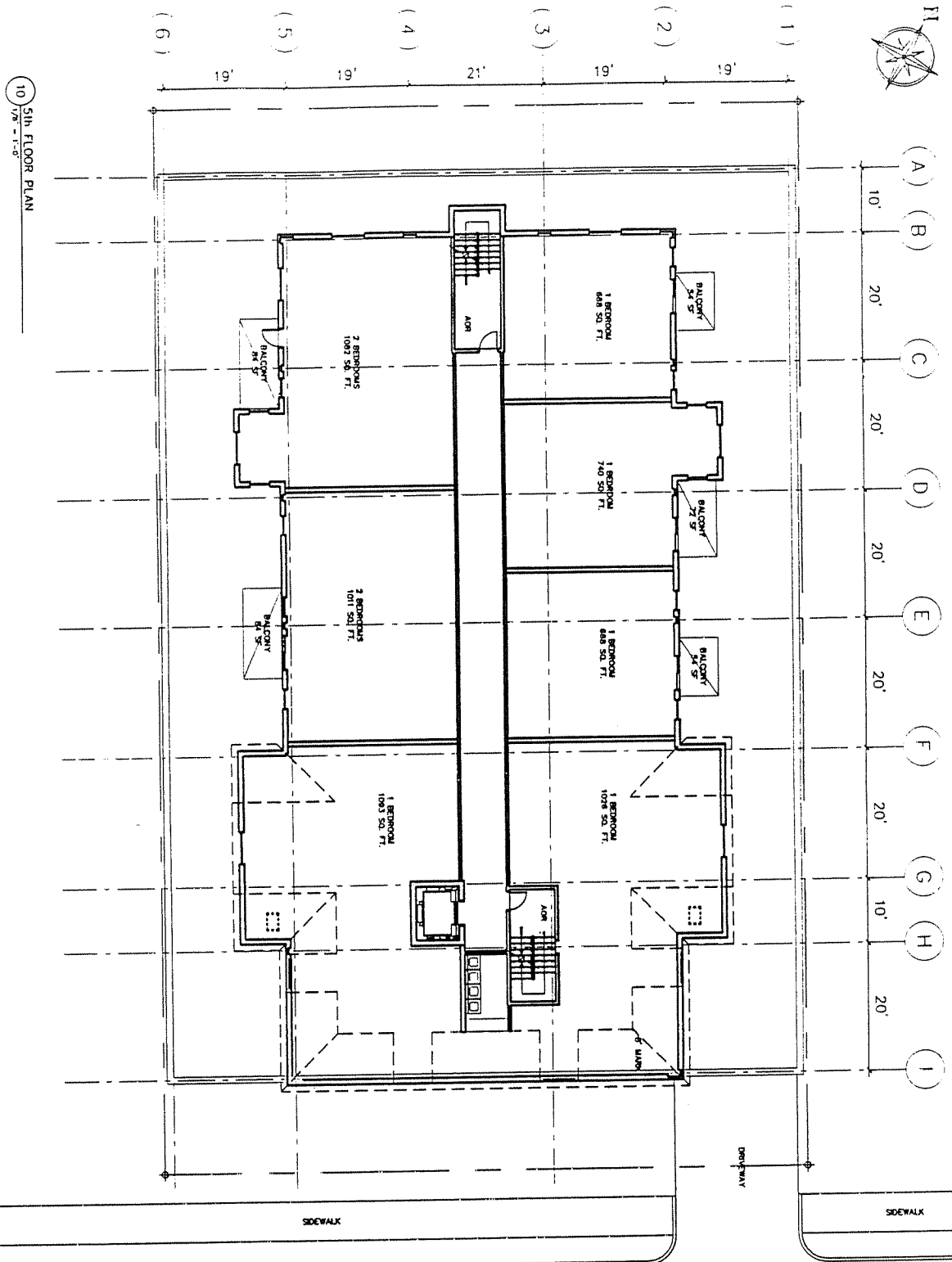
No.	Date	Revision	By
1	22/07/03	REVISION	DL
2	02/03/03	REVISION	DL
3	28/03/03	ELEVATION	DL
4	28/03/03	ELEVATION	DL



2371 ROBE STREET  
 HAVANA, NOVA SCOTIA  
 TEL: (902) 423-9918  
 FAX: (902) 423-9942  
 E-MAIL: ORKNE@HILLSIDEAPARTMENTS.COM

**HILLSIDE APARTMENTS**  
 45 Unit Proposed Apartment Building  
 5251 South Street, Halifax, N.S.

Title		LEVEL 4 FLOOR PLAN	
Scale	1/8" = 1'-0"	Date	22, July 02
Drawn	DL	Page Number	D-110
Checked	UL	Project	220702



10 5th FLOOR PLAN  
1/8" = 1'-0"

00494-053

5251 SOUTH STREET

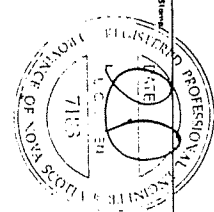
**GENERAL NOTES**

Builder to check and verify all dimensions and report any discrepancies before construction commences.

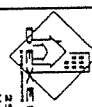
All work to be completed in accordance with the approved building code of jurisdiction.

All material provided and used in accordance with the approved specifications and elevations.

Nothing shown indicated as required if not otherwise shown.



Rev	Date	Revision
1	22/01/03	REVISION
2	02/03/03	REVISION
3	28/03/03	ELEVATION
4	23/02/03	ELEVATION



2371 ROBEY STREET  
 HALLUX, NOVA SCOTIA  
 TEL: (902) 423-9916  
 FAX: (902) 423-9944  
 E-MAIL: DEREK@WREKARTLINE.CA

**HILLSIDE APARTMENTS**

43 Unit Proposed Apartment Building  
 5251 South Street, Halifax, N.S.

TITLE: LEVEL 5 FLOOR PLAN

DATE: 22, July

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

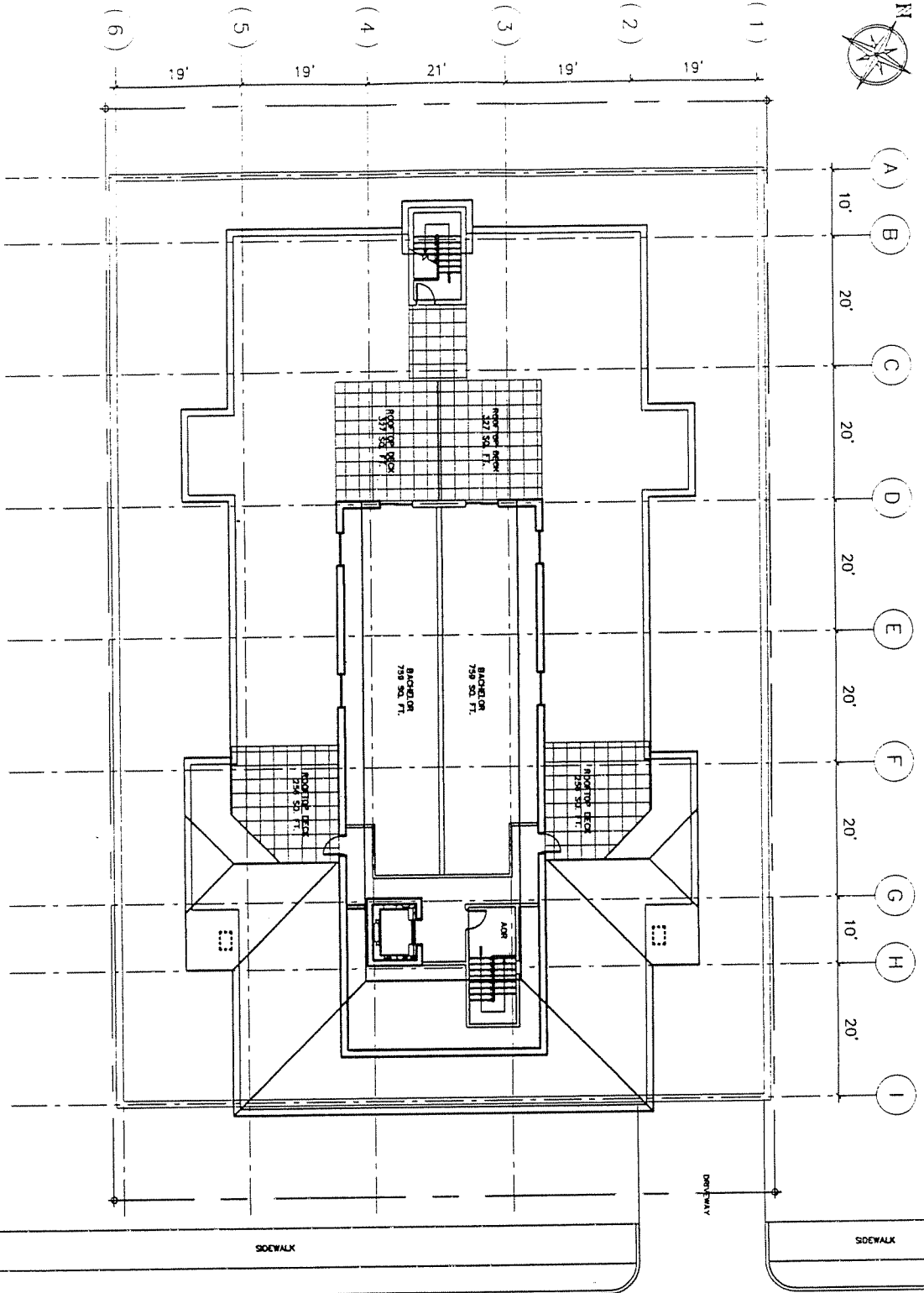
Drawn: DU

Checked: LL

Project: 220702

Page Number: D-11



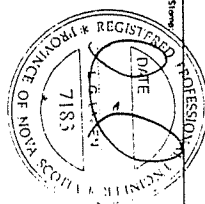


11 PENTHOUSE & ROOF DECK  
1/8" = 1'-0"

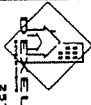
00494-052

5251 SOUTH STREET

General Notes  
 Refer to plans and specifications and report any discrepancies before construction commences.  
 All work to be completed in accordance with the building code of the jurisdiction.  
 All interior finishes and materials, etc., shall be considered as part of the specification unless otherwise noted or indicated on other sheets.  
 All dimensions are in feet and inches unless otherwise noted.



REV.	DATE	REVISION
1	12/01/03	ELEVATION
2	02/07/03	ELEVATION
3	25/09/03	ELEVATION



2871 ROBE STREET  
 3RD FLOOR  
 HALIFAX, NOVA SCOTIA  
 CANADA B3H 2Y5  
 TEL: (902) 423-9916  
 FAX: (902) 423-9943  
 E-MAIL: GENSEL@HFE.CANADIAN.CA

HILLSIDE  
 APARTMENTS  
 45 Hillside Apartment Building  
 330 South Street, Halifax, N.S.

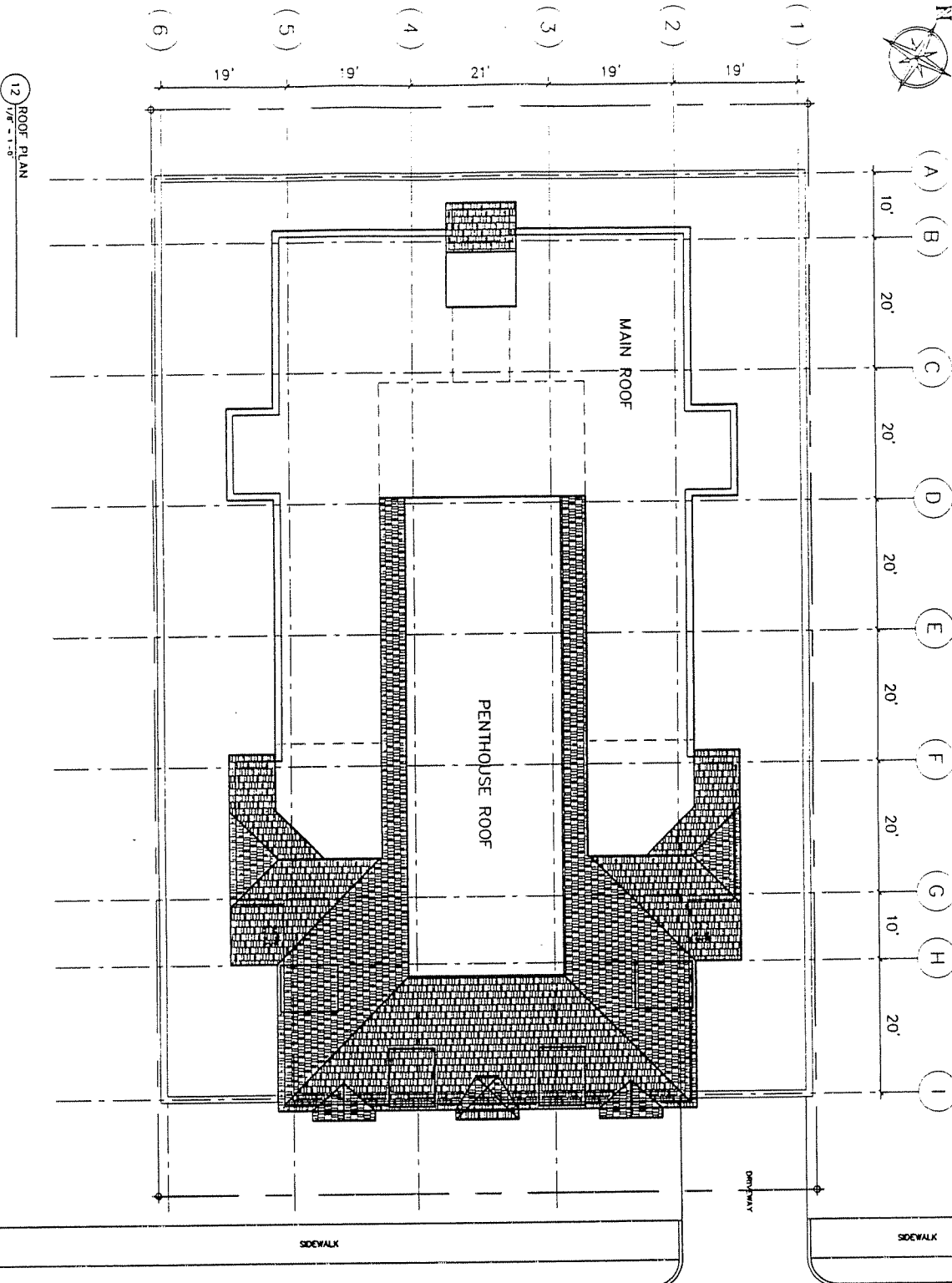
Title: PENTHOUSE, ROOF DECK

Scale: 1/16" = 1'-0" Date: 22 July

Drawn: DJL Page Number: 11

Checked: ll

Project: 220707

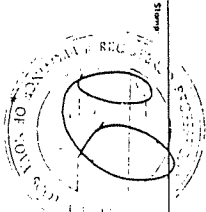


12 ROOF PLAN  
1/8" = 1'-0"

00494-058

5251 SOUTH STREET

General Notes  
 Refer to each and every of drawings and  
 report any discrepancies before construction  
 commences.  
 All work to be completed in accordance with the  
 provisions of the City of Chicago, Illinois.  
 All labor, material and workmanship shall be  
 subject to the inspection and approval of the  
 authority having jurisdiction. All work shall be  
 completed in accordance with the specifications  
 and shall be subject to the inspection and  
 approval of the authority having jurisdiction.  
 Work shall be completed in accordance with the  
 specifications and shall be subject to the  
 inspection and approval of the authority  
 having jurisdiction.



Rev.	Date	Revised
1	32/07/01	REVISION
2	32/07/01	REVISION
3	32/07/01	ELEVATION
4	32/07/01	ELEVATION



PROJECT  
 HILLSIDE  
 APARTMENTS  
 45 East Superior Apartment Building  
 320 South Street, Chicago, IL 60607  
 312.467.1111  
 312.467.1112  
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ROOF PLAN	22 July

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Project: 220707

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## ATTACHMENT V

### Public Information Meeting Minutes (Case 00494) April 3, 2003

In attendance: Councillor Sloane  
Randa James, Planner  
Gail Harnish, Planning & Development  
Louis Lawen, Rockstone Investments Limited

Ms. Randa James called the meeting to order at approximately 7:15 p.m., noting the purpose was to discuss a plan amendment and development agreement application to permit a multi-unit residential building at 5251 South Street, Halifax. She reviewed the plan amendment and development agreement processes, using the flow charts, noting we are now at the public information meeting stage. She pointed out the public hearing would be jointly held by Regional Council and Peninsula Community Council.

Mr. Louis Lawen, on behalf of Rockstone Investments Limited (owner of the property), advised that he held an informal meeting on the past Monday for the residents of the area. The one question that kept coming up was "why are they doing this and what are the other possibilities to try and preserve the building?" He stated he was not here looking to preserve the building but wanted to make it clear to the public that they have put a lot of thought into the process.

Mr. Lawen indicated that in terms of disadvantages of the existing building:

- it is not viable to renovate what they have there which is 22 units on about 16,500 sq.ft. of land;
- it is environmentally unfriendly because of the age, the use of fuel control and air quality;
- it does not comply with the National Building Code, mostly because of the age;
- there is no open space. There is a bit out front but everything else is surface parking.
- it is not wheelchair accessible.

Mr. Lawen advised that reasons in favour of renovating are:

- many different additions over the years;
- the building does not have an adequate secondary exiting system. They have been holding off the fire department for about three years. They were requiring them to dress the entire front with balconies and stairs for exiting.
- there are not a lot of original features in the building still intact;
- all the walls and floors are not level;
- the old structure would not meet a lot of today's Building Code particularly if they are doing a major renovation.

- affordable rents (the units will be of an average size and not oversized like a lot of new buildings);
- reserved area for local art in the lobby.

Mr. Lawen summarized in terms of the proposal:

- 45 units in total which will include bachelor units, one-bedroom units, and two-bedroom units;
- the permitted density is 112 (the density of the proposal is 90);
- the open space requirement is 8400 sq.ft. (they have almost 10,000 sq.ft.);
- the green space requirement is 7000 sq.ft. (they have 8500 sq.ft.);
- the by-law requires 27 parking spaces (their proposal includes 33 parking spaces). In terms of the size of the units and the location of the building, he would be surprised they would need more than 50% of the parking spaces. They hope to offer additional spaces at reasonable rates for neighbourhood parking. The other reason for the podium is to maximize the parking and the landscaped area above.

Mr. Lawen indicated they tried to rework the proposal as a result of input made at the community meeting.

Mr. Lawen noted that in terms of the existing building, the community asked them to look at taking some of the architectural features or character from the building that was there, so they went back and looked at it again. The building is still five storeys but in the mansard design they have hidden the top two floors in one floor and have three levels below.

Mr. Lawen indicated the proposal they showed to the public on Monday had brick. People did not feel the brick would fit in so they removed that from the front entrance. The only reason they did that was because the building across the street was 100% brick. Their plans show a verandah style entrance that comes out 6' away from the building. They tried to match some of the windows and the style. In the front they are planning on installing rock walls with landscaping. They plan on planting six small trees and there is one large tree on the left that will be untouched.

Mr. Lawen presented a proposed site profile, a side elevation, and the layout, noting the following:

- it has a mansard roof with the dormers;
- the front (mansard) looks like one level but it is two levels;
- the height from the floor to the ceiling is 8';
- they modified the design to reduce the number of floors that would be visible from the street, which included taking away the brick; they physically chopped off the front section of the proposal; and to reduce its scale in the front where they had a two level enclosed portion they just have a verandah style that runs across the entire front of the building;

Mr. Lawen showed pictures, noting/pointing out:

- the original building was a two storey single family dwelling;
- the back side of the building which they are proposing to demolish;
- a shot taken about thirty years after they built the original structure that had three floors added on. This building has been added on to at least 6-7 times, anything from four storey additions to a simple one storey addition at the back, to extra rooms.
- a rear view of the property, pointing out the first two original storeys, the three level addition, four level addition, and a couple of more additions. The additions were put on with no real planning. A lot of the floors do not match. Some of these structures do not have full basements and do not have property foundations.
- a view of the left side as well as the side view showing the additions. Different sections of the building have different elevations. From the outside, the four levels are the same as the three levels.
- a picture of a hallway.

It was questioned whether there was anything in the building that could be reused. Mr. Lawen responded that other than the original timber that was used, there is probably 1% of what was there left. There is next to nothing to reuse.

Mr. Lawen continued his presentation indicating that in terms of the existing building:

- there is no insulation;
- the windows are drafty;
- there is one heating zone which means more fuel and pollution;
- there are no garbage facilities for composting or recycling. There is one box. They have problems with vandalism and potential fires which are some of the inherent problems with multi-unit apartments.
- there is no sprinkler;
- there are no fire separations;
- the secondary exit system does not exist. If a person was to renovate, they would end up with a lot of balconies and extra stairs in the front because there is no secondary exit.
- no ventilation which can cause lack of air quality and potential mold;
- there is no grass;
- there is no place for any landscaping;
- the existing building does not have any decks.

Mr. Lawen stated that because they owned the building for five years, they understand what they have. Their first choice would have been renovation but the reasons stated are some of the main reasons why they feel it is not feasible.

Mr. Lawen indicated the advantages of new construction are:

- the facade would be suitable to the community;

- it reinforces and rejuvenates the neighbourhood character. When you renovate buildings in the area, people tend to fix theirs up.
- it would be safe, which is key in their business. They manage all their buildings and are long-term holders. It is important that people in their buildings are safe.
- environmentally friendly. Today's buildings use one-fifth of the heating requirements and one-half of the water consumption.
- open space. The proposal has a parking structure with a landscaping component. Every unit would have a deck. There would also be rooftop decks.
- the owner is committed to quality construction, management and curb appeal. In speaking with neighbours, there is a concern with student housing and bad tenants. Their company has been around for many years and are known for their hands-on management to make sure their buildings are run properly.
- economics, which is only important to certain people. Economics with respect to the whole community.

Mr. Lawen summarized that in terms of environmentally friendly:

- five times more energy efficient;
- half the water consumption;
- proper ventilation;
- recycling and refuse facilities, which HRM has a problem with and will continue to have problems with. It is education. The onus is on the owners to provide the facilities and try to enforce the best they can. The companies they deal with have the capacity of undertaking recycling materials and refuse and disposing of them properly.
- more people on the Peninsula which means less traffic.

Mr. Lawen summarized that in terms of economics:

- they are estimating the project will generate five times more revenue in terms of property taxes with no capital costs;
- more people downtown which is key to the life of any city for a healthy town and people are not driving 30 minutes to get there;
- cultural and social activity;
- 100 part-time employment during construction and 2-3 full time people.

Mr. Lawen summarized that in terms of features:

- it is concrete construction (a much more superior product);
- underground parking;
- roof top deck;
- balconies;
- live in resident manager;
- wheelchair accessible;

- part of the design has been taken from a building down the street called the "Elmwood" which they felt was one of the more attractive buildings in the area;
- instead of having another window down at the bottom, they have a door, and those particular units have their own door to break up some of the large mass of the building;
- the buildings directly behind them were two old rooming houses which were converted to seven apartments and have a very similar design to the "Elmwood". If they do end up with that design it might tie in a bit, even though it is on the other side of the street.
- the zoning is R-2A but only about 25% of the housing is single family type dwellings. Other uses on the street are a fourplex, a 38-unit apartment building, and some commercial buildings.
- with respect to immediate neighbours, essentially all the way around them are apartments and there is a building up the street with 24 units;
- in the front of the property they are set back the same distance as their neighbour which is still further back from the neighbour towards the bottom of the street.

Mr. Lawen presented a sketch showing the main face of the building, pointing out:

- the verandah across the front of the building;
- the stairway;
- the driveway to the underground parking;
- they plan on installing landscaping up to the grade of the main front on both sides;
- there is 6-7' of City property that is grass right now, where they plan to put six trees;
- there will also be some bushes on the front side of the landscaped podium.

It was questioned what materials the building would be made of. Mr. Lawen responded it would be a concrete building. The exterior would be a hardi-plank type of siding. It would be a non-combustible building.

It was questioned why they were proposing five storeys.

Mr. Lawen responded feasibility. They wanted to build a concrete and not a wooden building. Most of the neighbourhood has vinyl siding. The hardi-plank siding is maintenance free.

The individual commented it is everywhere, it is generic, and is starting to make Halifax look like the suburbs.

Mr. Lawen noted it is one of the more expensive alternatives. They did have some brick on the building but they removed it because the majority of the community members felt it was not appropriate. The rails would be steel or aluminium because it has to be non-combustible. It would like a traditional 1.5" picket.

Mr. Lawen indicated that the left side of the parking is about 2' lower than the existing grade. On the right side, the top of the podium will be about 6' higher than the driveway that is there now.

Councillor Sloane questioned whether the building would have an elevator. Mr. Lawen responded yes, noting it would go from the parking level to the top floor.

It was questioned whether it was by choice or by-law that they could not have wooden shingles.

Mr. Lawen responded that if the building was four storeys or a non-combustible type of building, they would be allowed to use wooden shingles. For the type of construction they are doing, they are not allowed to use wooden shingles.

Mr. Lawen pointed out the area of the underground parking, noting there would be 33 parking spaces. At the parking level would be the garbage area, some storage, a furnace room, and the elevator room. They also put in a place for bike racks.

Councillor Sloane questioned whether there would be electric heat.

Mr. Lawen responded it would be hot water heat. The units themselves would have heat and hot water supplied as part of their rent. The tenants would only pay for their energy.

Mr. Lawen displayed a drawing showing the first level. They have not done unit layouts yet but there would be nine units per floor. He pointed out the area of the elevator, the stairs, the secondary exiting system at the back, covered porches, intercom, and the entrance area.

In response, Mr. Lawen advised the height of the ceilings would be 8'. Right now the ceilings range from 8'-12'-13' in height.

Mr. Lawen also presented sketches showing the second and fifth levels. He noted there would be a laundry room on each floor. He also showed a plan of the roof, noting there would be three roof decks, totalling 1400 sq.ft.

Councillor Sloane questioned whether each of the green areas would be public for the whole building. Mr. Lawen responded yes, the whole building would have access to them. For now, they have plans for potted landscaping.

Mr. Peter Delefos noted Mr. Lawen showed a couple of elevations that were redrafted after the last community meeting, particularly the one that mimicked the original building. Mr. Lawen noted the existing building is 50' wide in the front. This building is about 60' wide.

Mr. Delefos questioned whether that was an option being considered.

Mr. Lawen commented that if the majority of the people think that design will look better, in the sense of construction it is easier to build.

Councillor Sloane questioned whether the angle controls were met. Mr. Lawen responded that because the building is set back, it is not a problem.



Reference was made to the drawing showing the hip roof.

Mr. Lawen noted some suggestions were made to put some dormers up there. This is more difficult to build than the one with the mansard roof.

Councillor Sloane questioned whether it was possible to put the bump on the mansard roof. Mr. Lawen responded anything is possible but the whole point of this design was to see how a new building would incorporate some of the existing building character.

Referencing one of the drawings, Mr. Lawen indicated he thought it looks better, although it is a bit more difficult to build, more expensive, and potentially more troublesome.

An individual commented they thought the other design conforms more to the existing and the landscaping.

Mr. Delefes stated the Heritage Trust appreciated that Mr. Lawen made modifications after their meeting on Monday. He noted they did show Mr. Lawen a photo of the original design of the house.

Mr. Lawen indicated the importance of the informal meeting is to get some feedback. This is the time to do it versus half way down the road when the building is already designed.

Mr. Lawen noted the existing height of the building is about 42' from the ground level to the roof. This roof line is about 40'. One thing this design does is bring it down. The mansard brings it down one more level with respect to the roof line.

Mr. Delefes indicated that if this was a registered heritage building and they were minimally interfering, he would ask them to save the mansard roof and windows because they go back to the 1870's. Their intent would be to save as much of the original fabric but that is not what is intended.

Mr. Lawen responded they have owned the building for five years. To restore or to renovate even on a minimal basis is not feasible.

Mr. Duffus commented it looks more like a hip roof with a dormer. Mr. Lawen indicated this is the roof line of the original building which is at least 8' high and this is two storeys and it comes off on a hip.

Mr. Duffus indicated the mansard is the analogy on the street.

An individual commented it looks too monologic with no style.

Councillor Sloane questioned whether it was possible to bring down that hip a little. Mr. Lawen noted that from the sidewalk you would not see any of it.

Mr. Lawen questioned whether it would be more acceptable if the balcony was shorted, and there was an opportunity of having dormers in the front rather than the first option.

An individual commented they liked both. She agreed that the buildings around there have "yucky" vinyl siding but if they took it off it would be beautiful. She indicated that she lived in Halifax all her life and saw houses with this plastic stuff and it bothered her. Either design is fine but questioned if there is another option.

Mr. Lawen noted that right around the whole building they have raised each window with a thicker frame to help give a bit of definition. With respect to hardi-plank it is an alternative because it is non-combustible and it is the closest to the wooden shingles. There is a new type of hardi-plank that is supposed to look more like singles. Traditional wood shingles are high maintenance which is why a lot of people have covered them up.

It was questioned "What about above the windows"? Mr. Lawen responded those are cosmetic options. Traditionally they put a crown on top of the windows because it gives more character.

It was questioned whether the balcony rails would be wrought iron.

Mr. Lawen responded it would look like traditional picket but would be steel or aluminium. Wrought iron is becoming more popular.

Reference was made to the line above the second window. Mr. Lawen noted the purpose is to set it back. The whole purpose is to break up the wall.

An individual commented he thought it would be quite nice if enough attention was paid to the details.

In response to a question regarding the mansard, Mr. Lawen commented that blending the two storeys into one is tricky but they can look at it.

Councillor Sloane referenced the window framing at the "Elmwood" but noted at the top and bottom they stand out more.

Mr. Lawen responded the problem is heightwise. It would be nice to have 10' levels but they have height restrictions. When you walk up the street the first thing you will see is the windows. It could be thinner on the side and a cornice would be nice. Also, there could be a bit of crowning at the top of the windows.

It was commented that the front of a building often looks good but not the sides of the building.

Mr. Lawen displayed a plan showing two bumps which would hide a lot of the building from the site.

It was suggested perhaps further back. Mr. Lawen indicated they would have to see if it meets restrictions. It was commented that with the hip, they are chopping off the front of the units.

Mr. Delefos, referencing one of the drawings, indicated it is somewhat bland although more historically accurate.

It was suggested that the drawing could be revised so as not to take the balconies all the way across and only have it up to a separate point. They could look at putting some additional dormers in this section to break it up.

An individual commented they lived on Church Street. They have three back yards behind them and noise is often a factor with things echoing. She was hoping that with the roof it was terraces. She questioned whether it could be more private versus very public with more people.

Mr. Lawen responded that with respect to rooftop decks, they are typically public. Each tenant has a key. They have one on Hollis Street which they have not had a problem with. It is more who you rent to. There is no alcohol and smoking permitted in the common areas of the building.

Reference was made to a call received from Bob Flynn of Bishop Street who indicated Mr. Lawen was good with his tenants and they are very well behaved. The individual also indicated that whenever there was construction at an odd hour he made sure there were notes on the doors in the surrounding areas.

Mr. Lawen commented that Bob lives next door to the building on Hollis Street. He is quite a gentleman but he put up with a lot. Any construction is noisy and dusty. One thing they did was work with their neighbours. They provided one page flyers telling them when they would be doing slabs.

Councillor Sloane thanked Mr. Lawen for listening to the residents. Anything around for 150 years has a lot of history. It is too bad the building was not maintained from the beginning. The biggest factor from these buildings is that a lot of them went through an ownership period where there was complete neglect. There is only so much you can go back and try to retrieve.

It was suggested that perhaps as a tribute to the older buildings there could be a piece of the wall in the art gallery with some of the old features. One of the things they plan on doing for their older buildings is to get a history of the building and the neighbourhood and put up a plaque.

Every second property on the peninsula has a long history, especially from the Commons downtown.

Mr. Lawen volunteered to call them as a resource. He urged them to let him know if there is anyone they know who can use something that is useable. The Trust has the artifacts from what was left when they dismantled the Garden Crest.

The meeting adjourned at approximately 8:50 p.m.

**ATTACHMENT VI**

**Comparison of Building Proposed for South Street to the As Of Right Provisions of the Land Use Bylaw** (excluding angle controls)

Item	Required <sup>2</sup>	Provided	Comment
Lot frontage	90 feet	100 feet	meets bylaw
Lot area	8,100 square feet	16,188 square feet	meets bylaw
Density	250 persons per acre	204 persons per acre	meets bylaw
Landscape open space	7,000 square feet	7,607 square feet	meets bylaw
Open space (total) <sup>3</sup>	8,400 square feet	8,576 square feet	meets bylaw
Parking	29 stalls	34 stalls	meets bylaw
Setback (front)	10 feet	varies 13.62 feet min <sup>4</sup>	meets bylaw
Setback (west)	10 feet	varies 12.08 feet min	meets bylaw
Setback (rear)	10 feet	varies 15.58 feet min <sup>3</sup>	meets bylaw
Setback (east)	10 feet	varies 12.08 feet min <sup>3</sup>	meets bylaw
Podium Height	5 feet	varies 5.0 feet max.	meets bylaw

**Angle Controls**

(building envelop control - maximum height permitted based on setback provided)

Item	Maximum Permitted	Proposed	Comment
Angle Control (front)	within the 80° angle	34.83 ft	meets bylaw
Angle Control (east)	34 feet	34.83 ft & 43.5 ft	<i>does not meet bylaw</i>
Angle Control (rear)	34 feet	43.5 ft	<i>does not meet bylaw</i>
Angle Control (west)	34 feet	34.83 ft & 43.5 ft	<i>does not meet bylaw</i>

<sup>2</sup> All are minimum requirements except density and podium height which are maximum permitted.

<sup>3</sup> Includes landscaped open space at grade, balconies, roof decks and other common recreation areas

<sup>4</sup> Measurement is to the building wall. Front Porch & window projections are located within the setback area.

## ATTACHMENT VII

### Relevant Sections of the Halifax Municipal Planning Strategy

#### Section V - South End Area Plan Objectives and Policies

#### 1. RESIDENTIAL ENVIRONMENTS

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

- 1.4.2.1 The forms of infill housing permitted in Medium-Density Residential Areas shall include:
- (a) interior conversion;
  - (b) additions to existing structures;
  - (c) infilling between existing structures; and
  - (d) small-scale development on vacant lots.
- 1.4.2.2 In Medium-Density Residential areas, family-type dwelling units shall be a minimum of 800 square feet.
- 1.5 The City shall have regard for the servicing of residential areas by public transit and shall, as necessary, make appropriate representations to the Metropolitan Transit Corporation for the purposes of promoting efficient and sufficient service.

## **SECTION II - CITY-WIDE OBJECTIVES AND POLICIES**

### **2. Residential Environments**

- Objective The provision and maintenance of diverse and high quality housing in adequate amounts, in safe residential environments, at prices which residents can afford.
- 2.1.1 On the Peninsula, residential development should be encouraged through retention, rehabilitation and infill compatible with existing neighbourhoods; and the City shall develop the means to do this through the detailed area planning process.
- 2.2 The integrity of existing residential neighbourhoods shall be maintained by requiring that any new development which would differ in use or intensity of use from the present neighbourhood development pattern be related to the needs or characteristics of the neighbourhood and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.
- 2.4 Because the differences between residential areas contribute to the richness of Halifax as a city, and because different neighbourhoods exhibit different characteristics through such things as their location, scale, and housing age and type, and in order to promote neighbourhood stability and to ensure different types of residential areas and a variety of choices for its citizens, the City encourages the retention of the existing residential character of predominantly stable neighbourhoods, and will seek to ensure that any change it can control will be compatible with these neighbourhoods.
- 2.5.1 The City views the neighbourhood as the foundation for detailed area planning. In the process of detailed area planning, residents shall be encouraged to determine what they consider to be their neighbourhoods, and to work with City Council and staff in arriving at an acceptable definition of their neighbourhood and a neighbourhood plan.