HALIFAX
REGIONAL MUNICIPALITY

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Halifax, Nova Scotia
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Heritage Advisory Committee
January 30, 2013

TO: Chair and Members of Heritage Advisory Committee

SUBMITTED BY: Brad Anguish, Director of Community and Recreation Services

DATE: January 16, 2013

SUBJECT: **Case 17849: Development Agreement – Irishtown Road and Ochterloney Street, Dartmouth**

ORIGIN

Application by 3200892 Nova Scotia Limited

LEGISLATIVE AUTHORITY

HRM Charter; Part VIII, Planning & Development

RECOMMENDATION

It is recommended that the Heritage Advisory Committee recommend that Harbour East-Marine Drive Community Council:

1. Give Notice of Motion to consider the proposed development agreement as set out in Attachment A of this report to allow a three building development consisting of 273 residential units plus commercial space on lands located on Ochterloney Street, Irishtown Road and Queen Street in Downtown Dartmouth, and schedule a Public Hearing;

2. Approve the proposed development agreement as set out in Attachment A of this report; and

3. Require the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

EXECUTIVE SUMMARY

In 2010, the Downtown Dartmouth Municipal Planning Strategy (MPS) was amended by Regional Council to provide site specific policy for four parcels of land located on Ochterloney Street, Irishtown Road and Queen Street. The lands are shown on Map 1. The amendments were in response to a request from the applicant to provide for high rise development on the lands through the development agreement process. The applicant's original proposal was for three buildings of 23, 14 and 7 storeys and 300 units. Regional Council adopted a maximum height for the tallest building of 18 storeys plus penthouse while enabling the 7 and 14 storey buildings.

The lands are located adjacent to both Greenvale Lofts which is a municipal registered heritage property, and to HRM-owned parklands known as the Canal Greenway (Map 1). The Canal Greenway comprises the historical lands of the former Shubenacadie Canal and Starr Manufacturing.

The developer has submitted a detailed development agreement application for three buildings pursuant to the new MPS policies. A Public Information Meeting was held on June 25, 2012 to discuss the application. In response to issues raised at the meeting a revised proposal was submitted which consists of 273 residential units plus commercial space. The proposed site plan is shown on Figure 1. In general terms, the project is described as follows:

- A 7 storey residential building called 'The Wallace', fronting on Ochterloney Street;
- A 15 storey residential building called 'The Wentworth', with ground floor commercial, fronting on Irishtown Road;
- A 14 storey residential building called 'The Fairbanks', with ground floor commercial, fronting on Queen Street; and
- All parking will be underground and within the buildings.

The proposal has been evaluated under the applicable MPS policies as follows:

- Site specific Policy B-7a of the Downtown Dartmouth MPS which establishes site and building design criteria, and addresses the site's relationship to the adjacent HRM-owned parkland;
- Heritage Policy CH-2 of the Regional MPS which addresses the design of the project relative to its proximity to a municipal registered heritage property; and
- General implementation Policy IM-15 of the Regional MPS which applies to all development agreement applications and addresses standard criteria relative to the design and servicing of a project, and potential impacts.

The project satisfies the criteria of MPS policy as follows:

- The height, density and detailed design of the project meets local MPS policy criteria;
- Through a combination of property line setbacks, step backs of upper floors, landscaping, choice of building materials and design details, the heritage considerations of the Regional MPS are addressed; and
- The general traffic, servicing, design and general compatibility issues of the Regional MPS are addressed.

As such, staff recommend that Council approve the proposed development.

BACKGROUND

The lands of the proposed development consist of four parcels of land. The parcels have frontages on Ochterloney Street, Irishtown Road and Queen Street as shown on Map 1. The Downtown Dartmouth Municipal Planning Strategy (MPS) through Policy B-7a identifies the parcels as a single Opportunity Site and establishes design parameters for a mid and high rise development. The policy requires that the development agreement process be followed for any development on the site.

Proposal

The applicant is seeking approval to construct three residential buildings of 7, 14 and 15 storeys as shown on Figure 1. The 7 storey building ('The Wallace') would face onto Ochterloney Street. The 15 storey building ('The Wentworth') would front on Irishtown Road. The 14 storey building ('The Fairbanks') would have its main frontage on Queen Street. Within these three buildings, there would be a total of 273 residential units plus ground floor commercial space in the two larger buildings. All parking would be included within the buildings.

Location, Designation, and Zoning

The lands:

- consist of four individual parcels. One parcel fronts on Ochterloney Street, two front on Irishtown Road, and one is a corner lot at the corner of Queen Street and Irishtown Road;
- collectively comprise approximately 0.65 hectares (1.6 acres) in area;
- are designated Downtown Business and as an Opportunity Site under the Downtown Dartmouth MPS (Map 1); and
- are zoned DB (Downtown Business) under the Downtown Dartmouth Land Use By-law (LUB) (Map 2).

Surrounding Land Uses

The two parcels of the lands located to the north of Irishtown Road:

- abut Greenvale Lofts, a municipally registered municipal heritage property as shown on Map 1 which consists of 36 apartment units; and
- abut the Canal Greenway, HRM-owned parklands which once were the site of the Shubenacadie Canal and subsequently, Starr Manufacturing.

The two parcels of the lands located at the corner of Queen Street and Irishtown Road are part of a mixed use block which includes two high density condominium buildings, small scale commercial uses and several rooming houses.

Enabling Local MPS Policy

Under the Downtown Dartmouth MPS:

- All four parcels are collectively designated as an Opportunity Site. The intent of the Opportunity Site designation is to make the site a priority area for larger scale infill development as part of Dartmouth's commercial core;

- Policy B-7a requires any proposal on the lands to proceed through the development agreement process to ensure comprehensive planning and to mitigate potential land use conflicts. The policy (Attachment B) outlines the review criteria by which any proposal on this will be evaluated; and
- The policy enables Council to consider up to 300 residential units plus commercial space, in three buildings ranging in height from 70 feet to 18 storeys plus penthouse.

Regional MPS Context

The Regional Municipal Planning Strategy (Regional MPS) provides high level intent for land use as follows:

- the entire lands are designated Urban Settlement and are situated in the Regional Centre. This is the urban core of HRM, where a mix of medium to high density residential development, with extensive commercial, institutional and recreation uses as well as transit oriented development is intended; and
- the entire lands are within the Capital District Secondary Designation, which recognizes the economic, social and cultural significance of the downtown cores of Dartmouth and Halifax.

These high level policies of the Regional MPS were applicable during the MPS amendment process in 2010 and supported the application of new site specific policy in the local MPS to enable high rise, higher density development on the lands. However, the Regional MPS has limited applicability in the evaluation of the proposed application as only two policies of the Regional MPS are directly applicable. These are Policy CH-2 (Attachment C) regarding impacts on heritage properties, and Policy IM-15 (Attachment D) regarding general implementation matters. Except for these two policies, the local MPS provides the relevant policy framework for evaluating a development proposal on the lands.

Heritage Context & HAC

Greenvale Lofts (Map 1) is a municipally registered heritage property which is located at the corner of Ochterloney Street and Irishtown Road. The proposed development directly abuts the rear and side yard of this heritage property. Policy CH-2 of the Regional MPS establishes evaluation criteria for Council's consideration where a proposed development abuts a heritage property (Attachment C). As per the *HRM Heritage By-law* (By-law H-200), where a development agreement may affect a heritage property, the Heritage Advisory Committee (HAC) is to review the proposal within the context of the applicable MPS policies and provide a recommendation on the proposal to Community Council.

Revisions to Proposal

Since the Public Information Meeting, the developer has revised the project in response to certain issues. As these changes are specifically in response to issues discussed at the Public Information Meeting, a second meeting was not required. Key changes to the proposal include:

- a reduction in height of the main building by 4 storeys from 18 plus penthouse to 15;
- reduced lot coverage and increased setbacks at grade;

- increased separation from Greenvale Lofts and modifications to the design of 'The Wallace' and 'The Wentworth' to make the building designs more compatible with the abutting heritage building;
- decreased density;
- increased landscaping;
- an increase in the proportion of three bedroom units; and
- the removal of a portion of the Queen Street building from an existing access easement.

DISCUSSION

The proposal has been reviewed relative to the applicable policies of both the Downtown Dartmouth MPS and the RMPS. The proposal is consistent with all applicable policies. Attachments B, C and D provide a detailed evaluation of the proposal in relation to the applicable policies. The following issues are being highlighted for more detailed discussion.

Building Height

Policy B-7a specifically contemplates two taller buildings, while limiting the scale of the third building, to a mid-rise structure. This is achieved by providing for a building not exceeding 21.3 m (70 feet) above Ochterloney Street, and for two other buildings of 14 and 18 storeys plus penthouse. The revised proposal is within the parameters established by policy as follows:

- 'The Wallace' is a 7 storey residential building with a wall height of 21.3 m (70 feet) above Ochterloney Street;
- 'The Fairbanks' is a 14 storey residential building, with minor commercial space on the ground floor at the corner of Queen Street and Irishtown Road;
- 'The Wentworth' is a 15 storey building with ground floor commercial units on the north side of Irishtown Road. This is 4 floors less than the maximum height contemplated by policy;
- All three buildings may include equipment on the roof such as mechanical penthouses to an additional height of 10 feet, as per the Downtown Dartmouth LUB where such features are exempt from the maximum height limits; and
- The potential effects of height are mitigated through design measures implemented through the proposed development agreement such as varied building massing, stepbacks, and architecture as discussed in the following sections.

Streetwall Height and Building Massing

The proposed massing for the buildings reflects good urban design principles and satisfies the design criteria of policy. Schedules B through E and Schedule G of the attached development agreement (Attachment A) illustrate how the following design goals of policy are met and are to be implemented at the time of construction:

- a 3 storey base is provided on all three buildings, creating a clear streetwall. This low-rise section is sympathetic to the height of the Greenvale Lofts building while also taking into account policy guidance on streetwall height;
- a mid-rise section of 4 storeys on all three buildings is stepped back from the streetwall, and there is a change in cladding materials. The stepback is generally 5 metres (16 feet) from the streetwall for 'The Wallace' and 'The Fairbanks', and 1.5 metres (5 feet) for the

third building. The mid-rise and high rise floors are also stepped back, with varying distances from adjacent property lines;

- physical separation is provided between the mid-rise section of 'The Wallace' and the nearest high rise section of 'The Wentworth'; and
- variations in floor plates and staggered breaks between the mid and high rise portions serve to break up the visual effect of the massing.

Architectural Design, Finishes and Details

The proposal addresses the policy criteria regarding general quality and appearance, and these are implemented through the development agreement by requiring the following:

- the lower 3 storeys of all 3 buildings will be clad in a form of masonry concrete block that resembles local granite. The 4 storey mid-rise section of each building will utilize a neutral tone aluminium cladding. The upper storeys of the two tallest buildings will be entirely blue-tinted curtain wall glazing. No pre-cast concrete panels are permitted;
- each building will include fine scaled detailing in key locations. This detailing will be located at the building entrances to provide visual interest and clearly show pedestrian entrances and will include cornices on all building faces at the top of the third, seventh and top storeys. This helps to break up the massing and lends visual interest;
- generous average floor areas of over 1000 square feet per unit in 'The Wallace' and 'The Fairbanks' and over 1300 square feet per unit in 'The Wentworth'; and
- 'The Wentworth' and 'The Fairbanks' are proposed to have higher ceilings of 9 to 10 feet which indicates a higher end product due to resultant construction costs.

Compatibility

The location of the lands within the Downtown Business designation rather than within an established neighbourhood makes it generally appropriate for a higher rise mixed use project as proposed. This intent is supported in the MPS which applies both the Opportunity Site designation and site specific policy enabling up to 300 units in three mid to high rise buildings to the subject lands.

In regard to compatibility of uses, the two city blocks on which the lands are located include a mix of medium to high density housing and commercial uses. Within the Downtown Business designation, there are other high rise residential buildings of similar scale, such as Seacoast Towers, Alderney Manor and Admiralty Place but not in close proximity. The proposed buildings are also well separated from any housing which is zoned for low density residential uses. To address compatibility concerns, the proposed development agreement addresses potential conflicts with adjacent uses through requirements for setbacks, landscaping, upper floor stepbacks, and architectural controls.

Landscaping and Amenity Space

Extensive landscaping and amenity space are required by the development agreement. Each building is to be setback from public streets and from adjacent properties. This space will mainly be landscaped with mixed vegetation to provide an attractive green edge around the project. The exception is lands on the rear and side of 'The Fairbanks' building, where the setback areas will be paved and used as access to parking at adjacent developments. The landscaped yards will

create a strong physical and visual buffer to adjacent developments. Five landscaped green roofs will also be provided on the stepbacks of the two larger buildings. These will serve to enhance the appearance of the buildings when viewed from a distance, through the provision of shrubs and trees at the edge of each deck. These terraces also providing useable amenity space for building residents. For other amenity space, a playground will be included adjacent to the café space while balconies will also serve as amenity space. Internal common amenity rooms, lounges and meeting rooms are also to be provided to meet land use bylaw requirements.

Housing Mix

As required by policy, the development agreement requires each building in the project to include a diverse blend of housing types. Overall the unit type requirements in the development agreement are as follows:

- 35 three bedroom units (13% of total)
- 92 two bedroom units (34%)
- 120 one bedroom units (44%)
- 23 studio units (8%)
- 3 "Live/Work" townhouse style units (1%)

The three "live/work units" would be located in 'The Fairbanks' building. These are essentially townhouse units which include commercial space on the ground floor with two floors of residential space above. The ground floor space may be converted to residential space, to create multi-level residential units. The development agreement provides the Development Officer with limited discretion to allow this to occur.

Relationship to Canal Greenway

Since acquiring the Starr Manufacturing property in 1997, HRM has been working towards preparing a master plan for the parkland corridor from Sullivans Pond to Halifax Harbour along the former Shubenacadie Canal. These parklands are known as the Canal Greenway as shown on Map 1. HRM is in the final stages of preparing a detailed development plan for the parklands. Policy B-7a recognizes the importance of the subject lands in the overall canal greenway relative to both its physical and historical context. The policy therefore sets requirements for parkland contributions, landscaping, and interpretive features which are complementary to the Canal Greenway. The proposal addresses this policy as follows:

- Payment of $409,500 in parkland contributions to HRM which represents 10% of the value of the lands. The amount is to be paid in phases prior to occupancy of each building;
- Complementary stone materials adjacent to the café space and pathway to the Canal Greenway that reflects canal construction materials, the commemoration of canal personages, and a canal heritage plaza (see Schedule H of Attachment A); and
- A publicly accessible boat themed playground on the lands adjacent to the café space.

The intent of the parkland contribution is that the funds be used toward improvements to the Canal Greenway. However, the decision on whether or not the funds are used for this purpose is beyond the authority of both a development agreement and Community Council, and must be made by Regional Council.

Closure of Irishtown Road

Part of the concept for the Canal Greenway is to close at least part of Irishtown Road between Queen Street and Prince Albert Road. The closure is not required to accommodate this development and would add additional lands to the Canal Greenway and enhance it as a linear park corridor. Traffic studies undertaken for HRM indicate the closure will not have a significant effect on the area road network. The site plan for the development provides for this road closure as there are no driveway entrances proposed on this portion of Irishtown Road. Regional Council would have to hold a public hearing on the road closure, which is currently not anticipated to happen until 2014.

Canal Stream

Another aspect of the Canal Greenway expressed in policy is the goal of bringing back flowing surface water. All flows from Sullivan's Pond are now contained entirely within a 2.7 m (9 foot) diameter pipe. The Halifax Water-owned pipe, a portion of which runs in an easement under the subject site, requires replacement or major maintenance. Halifax Water will be issuing a Request For Proposals seeking consultants to provide detailed design solutions, and an open channel is one option to be considered. An open stream would reflect the historic importance of water here, provide a focal point to the parklands, and provide for fish passage between the harbour and lakes. It is not possible to convert the entire pipe to an open stream due to both available space and grading limitations. However, a 2004 study identified an area adjacent to the subject lands on the Canal Greenway where the pipe could be removed and an open stream channel created. A second option is the creation of a small stream, incorporating fish ladders that could provide open flowing water along much of the Canal Greenway. The 2.7 m pipe would remain and carry the heaviest flows underground. Further study is required for all options. Funding from other levels of government may be available through habitat restoration/compensation programs while there may be potential project partners such as developers or community groups. The development agreement does not require the developer to provide for a stream. However, the proposed development agreement does require that final grading on the lands match that of the Canal Greenway.

Wind and Shadow Impacts

The policy requires that the potential effects of wind and shadow on adjacent public spaces be considered and where appropriate, minimized. This relates to both sidewalks and the adjacent public park. Impacts on private properties are not a matter for consideration under MPS policy. The developer submitted reports from consultants on both matters:

- The wind assessment indicates that remedial measures need to be incorporated into the design of the buildings such as wind screens and landscaping. These measures will reduce the potential wind effects on the sidewalks, the areas near the building entrances, and on the Canal Greenway to an acceptable level for pedestrians and park users and will not exceed accepted standards for comfort and safety during the activities of walking, sitting and standing. The development agreement requires installation of the remedial measures prior to occupancy;
- The shadow study considered shadows under three scenarios - existing development, 70 foot tall mid-rise development that meets the requirements of the DB zone, and for the project as proposed. It is demonstrated that late day shadows from any development on

the lands would affect the Canal Greenway. The development as proposed generates shadow effects on the Canal Greenway similar to those of 70 foot tall development as could be permitted as of right. The impacts are minimal as shadow effects would start only ½ hour earlier each day, and this impact is offset by more narrow shadows as opposed to those that would be created by the 70 foot height scenario where the larger floor plates create broader shadows.

Heritage Policy Review

Policy CH-2 of the Regional MPS applies where an application requiring a development agreement abuts a registered heritage property. In this case it applies to two of the proposed buildings ('The Wallace' and 'The Wentworth') abutting Greenvale Lofts. This building was designed as a school by noted architect Andrew Cobb, and built in 1917. It was registered as a heritage property in 1988, and subsequently sold in 2007 to a developer who received approval to construct a large addition to the building, renovate the original structure and convert the building to residential use.

Policy CH-2 does not limit the use, height or density of new development adjacent to registered heritage properties. Nor does it intend that new buildings should try to mimic heritage buildings. Rather, it mainly addresses the relationship between a new building and a heritage building, with emphasis placed on the pedestrian realm. The policy establishes that the pedestrian realm can extend up as far as five floors depending on the characteristics of the street as defined by the cornice line of existing buildings. For higher floors above the pedestrian realm, mitigation of additional height is sought. The height of Greenvale Lofts' exterior walls defines the extent of the proposed buildings within the pedestrian realm. Based on Policy CH-2, it is the wall height which establishes the parameters for a review of the proposed buildings. Due to topography and the site's corner location the height of Greenvale Lofts varies depending on viewing perspective. The relevant heights, depending on street frontage, are as follows:

- Viewed from its primary elevation on Ochterloney Street, the height of the front wall of Greenvale is 8.8 metres (29 feet); and
- Viewed from its secondary elevation on Irishtown Road where the new addition predominates, the main wall height is 15.8 metres (52 feet).

It is staff's view that the proposed buildings satisfy Policy CH-2. A detailed discussion is provided in Attachment C. The primary criteria are addressed by the proposal as follows:

- Each proposed building is setback from the street, rather than being built to the front property lines as is typically the case in the neighbourhood. 'The Wallace' is setback about 5.5 metres (18 feet) to match the established setback pattern of the adjacent older homes. 'The Wentworth' is setback about 4.6 metres (15 feet) on average, and is comparable to the Greenvale Lofts setback on this street;
- 'The Wallace' is located at the same grade as Greenvale Lofts. The height of the lower three storeys of the proposed building measure 9.1 metres (30 feet) in height, matching the front wall of Greenvale Lofts. 'The Wentworth' is located at a lower elevation than the heritage building. If not for this natural grade difference the lower three floors of 'The Wentworth' on Irishtown Road would be similar in height to the exterior walls of

Greenvale Lofts. This is an appropriate visual relationship. Each of the buildings is therefore complementary to the defined pedestrian realm;

- The mid and high rise sections of 'The Wentworth' are stepped back in compliance with good urban design principles, providing wider spacing between the existing and new structures;
- The buildings are setback from the Greenvale Lofts property line a distance of 2.9 metres (9.5 feet) in the case of 'The Wallace' and 3 m (10 feet) for 'The Wentworth'. This allows significant landscaping to be provided at grade as well as on the roof of the three storey podium of 'The Wentworth';
- The design of the two buildings, within the pedestrian realm, is reflective of design elements contained in Greenvale Lofts. This is achieved through the use of complementary materials and colours, the incorporation of vertical window proportions, and the use of contoured cladding with a traditional entrance design that complements the Ochterloney Street face of Greenvale Lofts;
- The building setbacks minimize the potential for disturbances to the root systems of mature trees on the Greenvale Lofts site. Extensive new landscaping is proposed which reflects the park like setting of Greenvale Lofts; and
- The potential impacts of those floors above the pedestrian realm are appropriately mitigated through greater stepbacks and varied cladding which break up the massing visually.

Conclusion

Extensive revisions have been made to the proposal since the Public Information Meeting. The revised project meets the criteria of Policy B-7a of the Downtown Dartmouth MPS, and Policies CH-2 and IM-15 of the Regional MPS. Approval of the development agreement as contained in Attachment A will further the policy goals for downtown redevelopment and intensification while also satisfying policy intent for urban design and heritage protection. The terms of the development agreement require that the project be built as presented in the schedules in order to ensure a high quality project.

FINANCIAL IMPLICATIONS

The Developer will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement. The administration of the Agreement can be carried out within the approved 2012/13 budget with existing resources.

Parkland dedication fees of $409,500 are required to be paid under the development agreement, and Regional Council will be asked through future capital budget processes (starting in 2014/15 at the earliest) to direct these funds towards improvements to the Canal Greenway.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy.

The level of community engagement was consultation, achieved through a Public Information Meeting held on June 25, 2012 (see Attachment E for minutes). Notices of the Public Information Meeting were posted on the HRM website, in the newspaper, and mailed to property owners within the notification area as shown on Map 2.

A public hearing has to be held by Community Council before they can consider approval of a development agreement. Should Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail.

The proposed development agreement will potentially impact local residents, businesses, and property owners.

ENVIRONMENTAL IMPLICATIONS

The proposal meets all relevant environmental policies contained in the MPS documents. Please refer to Attachments B, C, and D of this report for further information.

ALTERNATIVES

Heritage Advisory Committee may choose to recommend that Harbour East-Marine Drive Community Council:

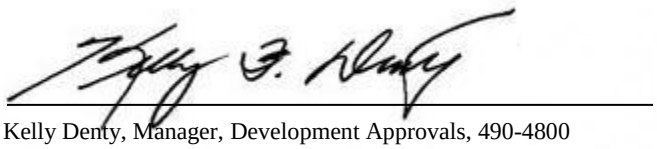
1. Approve the proposed development agreement contained in Attachment A of this report. This is staff's recommendation.
2. Approve the development agreement with modifications. Such modifications may require further negotiations with the Developer and may require a supplementary staff report or an additional public hearing.
3. Refuse the proposed development agreement. Pursuant to the HRM Charter, Council must provide reasons for this refusal based on the policies of the MPS.

ATTACHMENTS

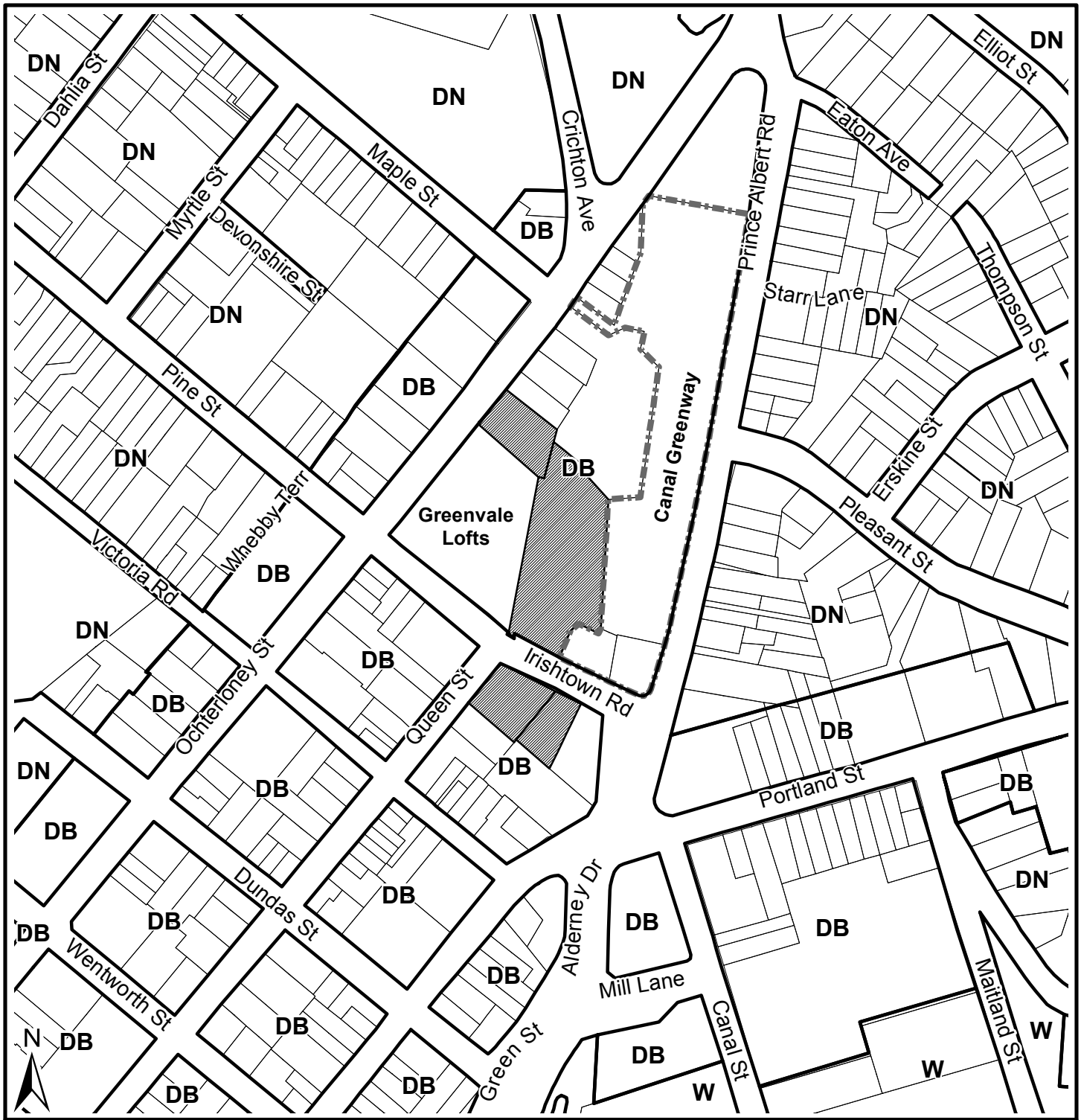
Map 1	Generalized Future Land Use
Map 2	Location and Zoning
Figure 1	Site Plan
Attachment A	Proposed Development Agreement
Attachment B	Policy B-7a and Additional Policy Evaluation
Attachment C	Policy CH-2 and Additional Policy Evaluation
Attachment D	Policy IM-15 and Additional Policy Evaluation
Attachment E	Minutes of the Public Information Meeting

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

Report Prepared by: Mitch Dickey, Planner, 490-5719

Report Approved by: 
Kelly Denty, Manager, Development Approvals, 490-4800

Financial Approval by: 
Greg Keefe, Director, Finance & Information Technology/CFO, 490-6308



Map 1 - Generalized Future Land Use

Irishtown Road
Dartmouth

Subject area

Canal Greenway

Downtown Dartmouth Plan Area

Designation

DB	Downtown Business District
DN	Downtown Neighbourhood
W	Waterfront

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0 20 40 80 120 Meters

This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Downtown Dartmouth plan area.

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

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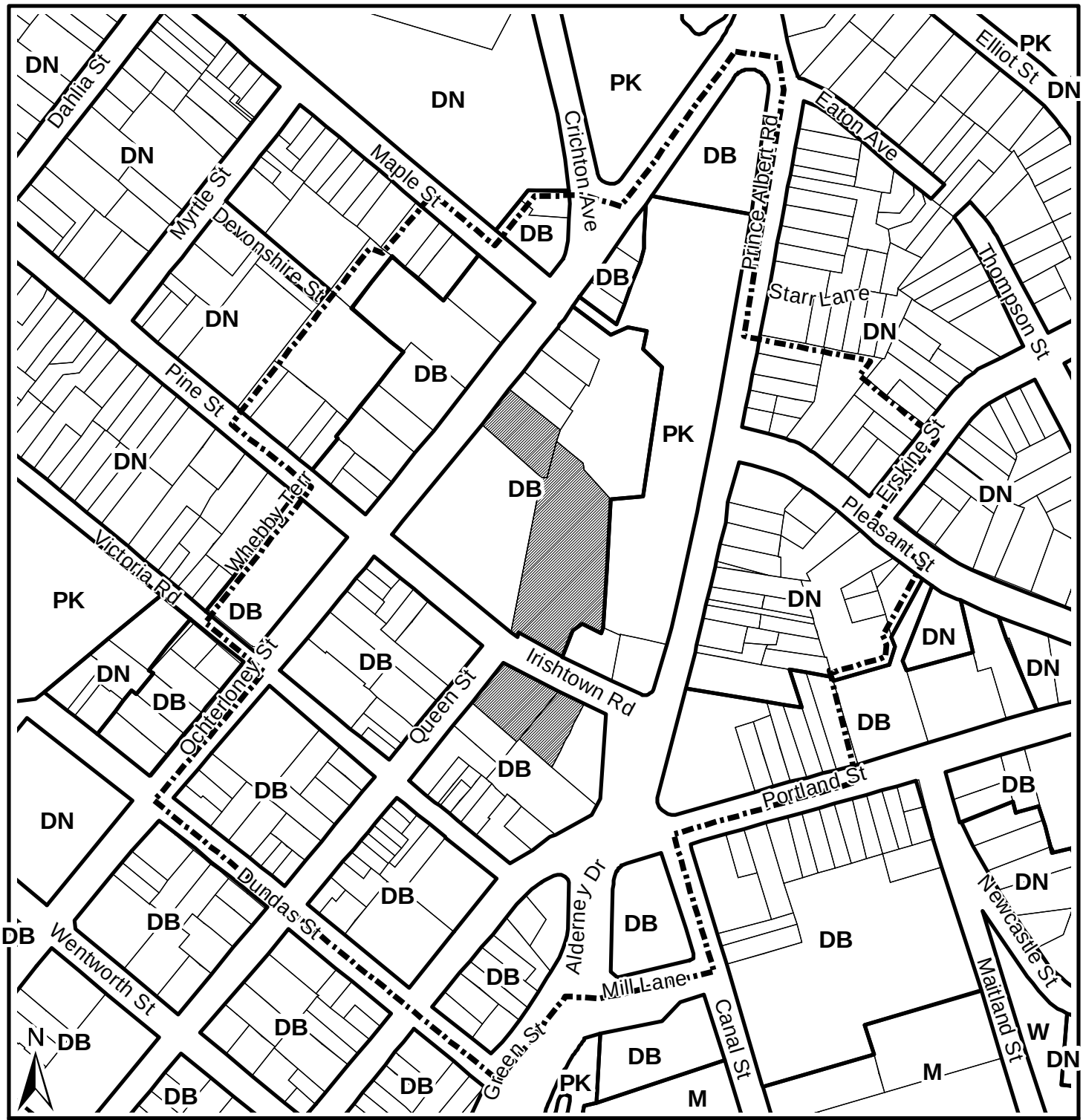

Map 2 - Location and Zoning

Irishtown Road
Dartmouth

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PLANNING SERVICES

Subject area

Area of notification

Downtown Dartmouth Plan Area

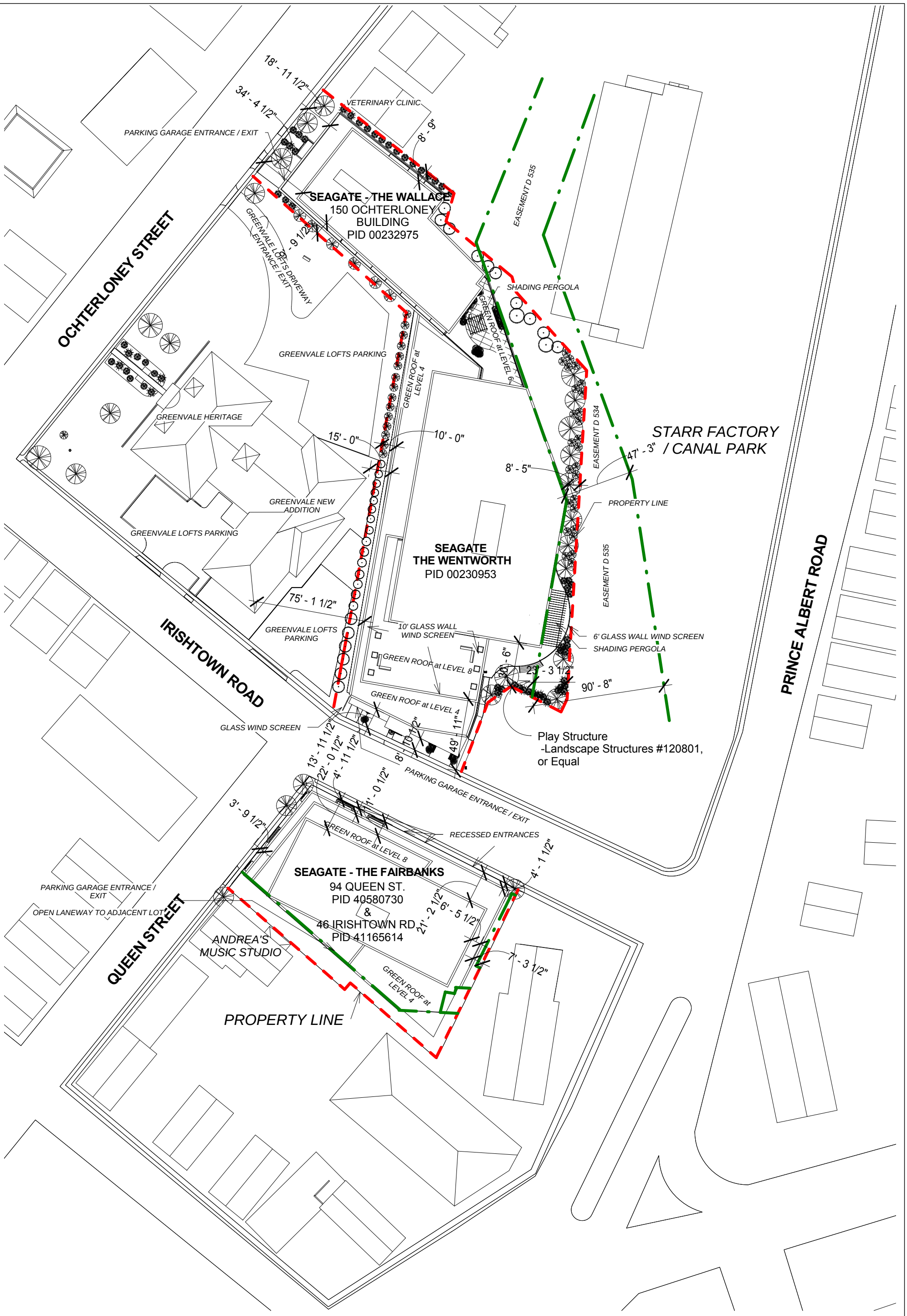
Zone

DB	Downtown Business District
DB	Downtown Neighbourhood
PK	Park and Open Space
M	Marine Business

0 20 40 80 120 Meters

This map is an unofficial reproduction of a portion of the Zoning Map for the Downtown Dartmouth plan area.

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



KD DESIGN
INSPIRED LIVING
harveyARCHITECTURE

LICENSED ARCHITECT
TROY ANTHONY SCOTT
NOVA SCOTIA ASSOCIATION OF ARCHITECTS

SEAGATE RESIDENCES

No.	Description	Date

Figure 1 - Site Plan

Project number	11051
Date	November 2012
Drawn by	GAH
Checked by	TAS

A 100

Scale 1" = 60'-0"

11/27/2012 3:55:48 PM

Attachment A
Proposed Development Agreement

THIS AGREEMENT made this day of [Insert Month], 201_,

BETWEEN:

(INSERT DEVELOPER NAME)
a body corporate, in the Province of Nova Scotia
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

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

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located on Octherloney Street, Queen Street and Irishtown Road, Dartmouth, and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a Development Agreement to allow a three building mixed use development consisting of 273 residential units with ground floor commercial space on the Lands pursuant to the provisions of the Halifax Regional Municipality Charter and pursuant to Policy B-7a of the Downtown Dartmouth Municipal Planning Strategy and pursuant to Policy CH-2 and Policy IM-15 of the Regional Municipal Planning Strategy;

AND WHEREAS the Harbour East-Marine Drive Community Council of the Municipality, at its meeting on [Insert - Date], approved the said Agreement subject to the registered owner of the Lands described herein entering into this Agreement, referenced as Municipal Case Number 17849;

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 *Applicability of Agreement*

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 Applicability of Land Use By law and Subdivision By law

1.2.1 Except as otherwise provided for herein, the development, use and subdivision of the Lands shall comply with the requirements of the Land Use By law for Downtown Dartmouth and the Regional Subdivision By law, as may be amended from time to time.

1.3 *Applicability of Other By-laws, Statutes and Regulations*

1.3.1 Further 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 to the extent varied by this Agreement), or any statute or regulation of the Provincial/Federal Government and the Developer or Lot Owner agree(s) to observe and comply with all such laws, by laws and regulations, as may be amended from time to time, in connection with the development and use of the Lands.

1.3.2 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 but not limited to 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 the Municipality and other approval agencies. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer. All design drawings and information shall be certified by a Professional Engineer or appropriate professional as required by this Agreement or other approval agencies.

1.4 *Conflict*

1.4.1 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 to the extent varied by this Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail.

1.4.2 Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.

1.5 *Costs, Expenses, Liabilities and Obligations*

1.5.1 The Developer shall be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement and all Federal, Provincial and Municipal laws, by laws, regulations and codes applicable to the Lands.

1.6 *Provisions Severable*

1.6.1 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: DEFINITIONS

2.1 *Words Not Defined under this Agreement*

All words unless otherwise specifically defined herein shall be as defined in the applicable Land Use By-law and Subdivision By-law. If not defined in these documents their customary meaning shall apply.

PART 3: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS

3.1 *Schedules*

The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, conforms with the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case Number 17849:

Schedule A	Legal Description of the Lands(s)
Schedule B	Site Plan
Schedule C	Elevation Drawings – 'The Wentworth' (A202, A203, A204, A205)
Schedule D	Elevation Drawings – 'The Fairbanks' (A303, A303, A304)
Schedule E	Elevation Drawings – 'The Wallace' (A401, A402, A403)
Schedule F	Architectural Details – All Buildings (A206, A404)
Schedule G	Landscaping Plans

3.2 *Requirements Prior to Approval*

3.2.1 Prior to the issuance of a Development Permit, the Developer shall provide the following to the Development Officer, unless otherwise permitted by the Development Officer:

(a) A Lighting Plan in accordance with Section 3.6 of this Agreement;

(b) A Landscaping Plan in accordance with Section 3.7 of this Agreement; and

(c) A letter from a qualified person certifying that the building designated on Schedule B as 'The Fairbanks' will not be located within any access or parking easement which is registered in favour of abutting properties.

3.2.2 At the time of issuance of an Occupancy Permit, the Developer shall provide the following to the Development Officer, unless otherwise permitted by the Development Officer:

(a) Written confirmation from a qualified professional which the Development Officer may accept as sufficient record of compliance with the lighting requirements as set out in Section 3.6 of this Agreement;

(b) Written confirmation from a Landscape Architect (a full member, in good standing with Canadian Society of Landscape Architects) that the Development Officer may accept as sufficient record of compliance with the landscaping requirements as set out in Section 3.7 of this Agreement; and

(c) Written confirmation from a qualified professional which the Development Officer may accept as sufficient record of compliance with the wind impact mitigation measures as set out in Section 3.11 of this Agreement.

3.2.3 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Lands for any of the uses permitted by this Agreement unless an Occupancy Permit has been issued by the Municipality.

3.2.4 The Municipality shall not issue any Development Permit until Final Subdivision Approval has been granted for subdivision of the Lands pursuant to Section 3.9.

3.3 *General Description of Land Use*

3.3.1 The use(s) of the Lands permitted by this Agreement are three residential buildings, as generally illustrated on the Schedules, comprised of the following:

(a) a maximum of 273 residential units;

(b) ground floor commercial space; and

(c) underground parking.

3.3.2 Further to Section 3.3.1, each of the buildings shall conform to the following:

(a) The Building designated on Schedule B as ‘The Wentworth’ shall be a multiple unit residential building which shall**:**

(i) not exceed fifteen floors above grade at Irishtown Road;
(ii) at ground floor contain a café or restaurant, plus other commercial space as generally shown on Schedule F. Permitted uses in the commercial space

shall be those allowed within the Downtown Business Zone of the Downtown Dartmouth Land Use By-law; and

(iii) conform with Schedules B, C and F regarding the design and placement of the building.

(b) The Building designated on Schedule B as 'The Fairbanks' shall be a multiple unit residential building which shall:

(i) not exceed a height of fourteen floors above Queen Street;
(ii) at ground floor of this building may contain either residential space as part of multi-level townhouse style units, or commercial space as part of residential units located above;
(iii) have its primary pedestrian entrance to the main lobby located on Queen Street; and
(iv) conform with Schedules B, D, and F regarding the design and placement of the building.

(c) The building designated on Schedule B as "'The Wallace'" shall be a multiple unit residential building which shall:

(i) not exceed a total exterior wall height of 70 feet on its Ochterloney Street frontage; and
(ii) conform with Schedules B, E and F regarding the design and placement of the building.

3.3.3 *Phasing*

(a) The buildings may be constructed either individually, two at a time, or all concurrently.

3.3.4 *Mix of Residential Units*

(a) The Developer agrees that the entire project of three multi-unit residential buildings shall contain the following mix of unit types to a maximum of 273 units:

(i) a minimum of 35 three-bedroom units;
(ii) a minimum of 92 two-bedroom units;
(iii) a maximum of 120 one-bedroom units;
(iv) a maximum of 23 studio units; and
(v) 3 "Live/Work" units in 'The Fairbanks', which shall comprise ground floor commercial space with residential space above. The ground floor commercial space may instead be utilized as residential space.

(b) Notwithstanding 3.3.4 (a), the Development Officer may vary the overall distribution between unit types by up to 10% of the number of units required by the stated ratios.

(c) Notwithstanding the overall mix of unit types required under Subsection 3.3.4 (a), each building shall contain a minimum of either one two-bedroom unit or one three-bedroom unit for every two one-bedroom or smaller units.

3.4 *Siting and Architectural Requirements*

3.4.1 The buildings shall be located as generally illustrated on Schedule B.

3.4.2 All façades shall be designed and detailed as primary façades, with detailing and finishes as shown in Schedule G to fully extend around each building.

3.4.3 The exterior cladding on the buildings shall, in the opinion of the Development Officer, be equivalent to or reasonably similar to the following:

(a) The lower 3 floors of all three buildings shall be clad with either natural stone, or masonry concrete which mimics natural stone, and shall be grey in colour;

(b) Floors 4 through 7 of all three buildings shall be clad in neutral tones in either ceramic or aluminum panels with concealed fasteners; and

(c) Floors 8 and above of 'The Fairbanks' and 'The Wentworth' shall be a reflective glass curtain wall system which is blue in colour. Mirrored glass and dark tinting are not permitted.

3.4.4 Any exposed foundation in excess of 0.5 metres (1.6 feet) in height shall be architecturally detailed, veneered with stone or brick or treated in an equivalent manner acceptable to the Development Officer.

3.4.5 Roof mounted mechanical and/or telecommunication equipment shall be visually integrated into the roof design or screened and shall not be visible from any abutting public street or adjacent residential development.

3.4.6 All vents, down spouts, flashing, electrical conduits, meters, service connections, and other functional elements shall be treated as integral parts of the design. Where appropriate these elements shall be painted to match the colour of the adjacent surface, except where used expressly as an accent.

3.5 *Parking*

3.5.1 Parking for residential uses shall be provided at a rate of 0.75 spaces per unit. Parking for the commercial space is not required.

3.5.2 All parking shall be provided within the buildings. No outdoor or surface parking shall be permitted.

3.6 *Outdoor Lighting*

3.6.1 Lighting shall be directed to driveways, parking areas, loading areas, building entrances and walkways and shall be arranged so as to divert the light away from streets, adjacent lots and buildings.

3.6.2 *Lighting Plan*
Further to subsection 3.6.1, prior to the issuance of a Development Permit, the Developer shall prepare a Lighting Plan and submit it to the Development Officer for review to determine compliance with Subsection 3.6.1 of this Agreement. The Lighting Plan shall contain, but shall not be limited to, the following:

(a) The location, on the building and on the premises, of each lighting device; and

(b) A description of the type of proposed illuminating devices, fixtures, lamps, supports, and other devices.

3.6.3 The Lighting Plan and description shall be sufficient to enable the Development Officer to ensure compliance with the requirements of Subsection 3.6.1 of this Agreement. If such plan and description cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures or lamps proposed, the Developer shall submit evidence of compliance by certified test reports as performed by a recognized testing lab.

3.7 *Landscaping*

3.7.1 Landscaping Plan
Prior to the issuance of a Development Permit, the Developer agrees to provide a Landscaping Plan which complies with the provisions of this section and conforms to the overall intentions of the preliminary landscape features as shown on Schedules B and H. The Landscaping Plan shall be prepared by a Landscape Architect (a full member, in good standing with Canadian Society of Landscape Architects) and comply with all provisions of this section.

3.7.2 All plant material shall conform to the Canadian Nursery Trades Association Metric Guide Specifications and Standards and sodded areas to the Canadian Nursery Sod Growers' Specifications in the opinion of the Landscape Architect that prepares the plans required pursuant to Subsection 3.7.1.

3.7.3 All portions of the Lands not used for structures, parking areas, driveways, curbing, or walkways shall be landscaped except for areas where natural vegetative cover is maintained. Landscaping shall be deemed to include a mix of decorative stone or water features, planting beds, trees, bushes, shrubs or other plant material or decorative elements, complemented by small areas of grass and mulch as deemed acceptable by the Development Officer.

3.7.4 The Landscaping Plan shall include the location, spacing and species of any vegetation. The Developer shall maintain all landscaping, shrubs, plants, flower beds and trees and shall replace any damaged, dead or removed stock.

3.7.5 Planting materials shall be selected for their ability to survive in their specific location relative to such factors including, but not limited to, sunlight/shade conditions, or rooftop and sea exposure conditions.

3.7.6 Construction or Manufacturer's Details
Specifications for all constructed landscaping features such as fencing, retaining walls, pergolas, 5 stream waste disposal facilities, benches, and lighting 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 character of the surrounding area.

3.7.7 The Landscaping Plan shall provide details of all ground level open spaces, private park, courtyards and rooftop gardens and open spaces as shown on the attached Schedules. The plan shall specify all model numbers, quantities and manufacturers of site furnishings as well as construction details of landscaping features (pergolas, benches, etc.).

3.7.8 Retaining walls shall be constructed of a decorative precast concrete or modular stone retaining wall system or an acceptable equivalent in the opinion of the Development Officer.

3.7.9 Details of any retaining wall system that exceeds a height of 0.9 m (3 feet) are to be identified, including the height and type of any associated fencing. A construction detail of any fence and wall combination should be provided and certified by a Professional Engineer.

3.7.10 The Landscaping Plan required under Section 3.7.1 shall contain, for that portion of the Lands which abut the Canal Greenway parklands, proposed finished grades. These grades shall conform to those on the adjacent HRM-owned Canal Greenway lands.

3.7.11 The Landscaping Plan required under Section 3.7.1 shall include details on public art to be provided at or near the main entrance of each building.

3.7.12 Utility equipment and devices such as metering equipment, transformer boxes, power lines, and conduit equipment boxes shall be placed in locations which do not detract from

the visual building character or architectural integrity of the adjacent Greenvale Lofts building.

3.7.13 Compliance with Landscaping Plan
Prior to issuance of the Occupancy Permit, where the weather or time of year allows, the Developer shall submit to the Development Officer a letter, prepared by a member in good standing of the Canadian Society of Landscape Architects, certifying that all landscaping has been completed according to the terms of this Agreement.

3.7.14 Notwithstanding subsection 3.7.13, where the weather and time of year does not allow the completion of the outstanding landscape works, the Developer may supply a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping. The cost estimate is to be prepared by a member in good standing of the Canadian Society of Landscape Architects. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the work as described herein and illustrated on the Schedules, and as approved by the Development Officer. Should the Developer not complete the landscaping within six months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping as set out in this section of the Agreement. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.

3.8 *Maintenance*

The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the 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 and ice control, salting of walkways and driveways.

3.9 *Subdivision of Lands and Parkland Contributions*

3.9.1 The Developer shall, prior to issuance of any Development Permit, be responsible for the subdivision of the Lands into three parcels so that each building as shown on Schedule B shall be located on its own lot.

3.9.2 The Developer shall pay a contribution of $409,500 towards parkland improvements, to satisfy parkland dedication requirements as established by Policy B-7a of the Downtown Dartmouth MPS.

3.9.3 The parkland contribution required under Subsection 3.9.2 shall be paid in phases, at the time of issuance of occupancy permits for any of the buildings on the Lands as shown on Schedule B. The required contribution per lot shall be:

(a) $63,000 for the lot proposed to contain 'The Wallace';
(b) $210,000 for the lot proposed to contain 'The Wentworth'; and
(c) $136,500 for the lot proposed to contain 'The Fairbanks'.

3.10 *Signs*

3.10.1 All signs shall conform with the requirements of the Downtown Dartmouth Land Use Bylaw.

3.11 *Wind Impact Mitigation*

3.11.1 At the time of issuance of occupancy permits for each building, the Developer shall provide confirmation from a qualified person stating that all wind mitigation measures have been installed or constructed as shown on the schedules to this Agreement and as recommended in the report prepared by RWDI Consulting Engineers and Scientists entitled "Pedestrian Wind Assessment" dated August 24, 2012.

3.12 *Amenity Space*

3.12.1 Amenity space for the benefit of the residents of each building shall be provided in accordance with the requirements of the Downtown Dartmouth Land Use By-law.

3.12.2 Further to Subsection 3.12.1 the required amenity space may include, but not be limited to, balconies, common recreational areas, fitness areas, gardens, play areas, recreational rooms, roof decks, swimming pools, tennis courts and common libraries and conservatories.

PART 4: STREETS AND MUNICIPAL SERVICES

4.1 *General Provisions*

4.1.1 All design and construction of primary and secondary service systems shall satisfy the Municipal Design Guidelines unless otherwise provided for in this Agreement and shall receive written design approval from the Development Officer, in consultation with the Development Engineer, prior to undertaking the work.

4.2 *Municipal Water Distribution, Sanitary Sewer and Storm Sewer Systems*

4.2.1 The Municipal water distribution, sanitary sewer and storm sewer systems shall conform with Halifax Water's latest edition of their Design and Construction Specifications unless otherwise deemed acceptable by Halifax Water and the Municipality.

4.3 *Off-Site Disturbance*

4.3.1 Any disturbance to existing off-site infrastructure resulting from the development, including but not limited to, streets, sidewalks, curbs and gutters, street trees, landscaped areas in either street rights of way or in park areas, and utilities, shall be the responsibility of the Developer, and shall be reinstated, removed, replaced or relocated by the Developer as directed by the Development Officer, in consultation with the Development Engineer.

4.4 *Outstanding Site Work*

4.4.1 The Municipality may accept securities for the completion of outstanding on-site paving and landscaping work on the Lands (at the time of issuance of the first Occupancy Permit). Such securities shall consist of a security deposit in the amount of 110 percent of the estimated cost to complete the work. The security shall be in favour of the Municipality and may be in the form of a certified cheque or irrevocable automatically renewing letter of credit issued by a chartered bank. The security shall be returned to the Developer by the Development Officer when all outstanding work is satisfactorily completed. Should the Developer not complete the required work within six months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the work. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.

4.5 *Private Infrastructure*

4.5.1 All private services and infrastructure located on the Lands, including but not limited to the private circulation driveway(s), laterals for water and sewer, and any private stormwater pipes or collection systems, shall be owned, operated and maintained by the Developer. Furthermore, the Municipality shall not assume ownership of any of the private infrastructure or service systems constructed on the Lands.

4.6 *Solid Waste Facilities*

4.6.1 Refuse containers and waste compactors shall be confined to the interiors of each building, and accessed through parking garage entrances only. Outdoor receptacles shall also be provided for use in conjunction with all outdoor café and patio areas.

4.7 *Closure of Irishtown Road*

4.7.1 The Developer understands and agrees that Irishtown Road between Queen Street and Prince Albert Road may be partially or fully closed as a public street by the Municipality. In the event of full closure, the Municipality shall, when preparing detailed design drawings to implement the closure, provide an easement or other appropriate means for

the driveway from 'The Wentworth' to access onto the remaining portion of Irishtown Road.

4.8 *Driveway Location and Design*

4.8.1 One driveway access per building shall be permitted, in those locations as shown on Schedule B.

PART 5: ENVIRONMENTAL PROTECTION MEASURES

5.1 *Site Grading Plan and Stormwater Management*

5.1.1 No Development Permit shall be issued unless a Site Grading Plan, prepared by a qualified Professional Engineer in accordance with the Municipal Design Guidelines, is submitted to the Municipality. The plan(s) shall identify stormwater management measures to minimize any adverse impacts on adjacent lands or stormwater drainage systems during and after construction. Stormwater shall not be directed to adjacent private property unless private easements are provided in accordance with the most recent edition of the Halifax Water Design and Construction standards.

5.2 *Erosion and Sedimentation Control Plan*

5.2.1 Prior to the commencement of any on-site works on the Lands, including earth movement or tree removal other than that required for preliminary survey purposes, or associated off-site works, the Developer shall have prepared by a Professional Engineer and submitted to the Municipality a detailed Erosion and Sedimentation Control Plan. The plans shall comply with the Erosion and Sedimentation Control Handbook for Construction Sites as prepared and revised from time to time by Nova Scotia Department of Environment. Notwithstanding other Sections of this Agreement, no work is permitted on the Lands until the requirements of this clause have been met and implemented.

5.3 *Failure to Conform to Plans*

5.3.1 If the Developer fails at any time during any site work or construction to fully conform to the requirements set out under Part 5 of this Agreement, the Municipality may require that all site and construction works cease, except for works which may be approved by the Development Officer, in consultation with the Development Engineer, to ensure compliance with the environmental protection plans.

PART 6: AMENDMENTS

6.1 *Non Substantive Amendments*

6.1.1 The following items are considered by both parties to be non-substantive and may be amended by resolution of Council:

(a) Alterations to the exterior design and materials of the buildings that are not in conformance with the Schedules;
(b) Provision of additional commercial space beyond that enabled by Section 3.3;
(c) Changes to the phasing as required under Subsection 3.3.3;
(d) Alterations to the residential unit mix beyond that enabled by Subsection 3.3.4;
(e) Changes to the parking requirements as set out in Section 3.5;
(f) Changes to the landscaping as required under Section 3.7;
(g) The granting of an extension to the date of commencement of construction as identified in Section 7.3 of this Agreement; and
(h) The length of time for the completion of the development as identified in Section 7.4 of this Agreement.

6.2 *Substantive Amendments*

6.2.1 Amendments to any matters not identified under Section 6.1 shall be deemed substantive and may only be amended in accordance with the approval requirements of the Halifax Regional Municipality Charter.

PART 7: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

7.1 *Registration*

7.1.1 A copy of this Agreement and every amendment or discharge of this Agreement shall be recorded at the Registry of Deeds or Land Registry Office at Halifax, Nova Scotia and the Developer shall incur all costs in recording such documents.

7.2 *Subsequent Owners*

7.2.1 This Agreement shall be binding upon the parties hereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the Lands which are the subject of this Agreement until this Agreement is discharged by Council.

7.2.2 Upon the transfer of title to any lot(s), the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot(s).

7.3 *Commencement of Development*

7.3.1 In the event that development on the Lands has not commenced within 2 years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the 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.

7.3.2 For the purposes of this section, commencement of development shall mean installation of the footings and foundation for one building. Development of the second building shall commence within 4 years from the date of registration of this Agreement,

and development of the third building shall commence within 6 years from the date of registration of this Agreement.

7.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 6.1, if the Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the commencement of development time period.

7.4. *Completion of Development*

7.4.1 Upon the completion of the whole development or complete phases of the development, 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; or
(d) for those portions of the development which are completed, discharge this Agreement and apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use By law for Downtown Dartmouth, as may be amended from time to time.

7.5 *Discharge of Agreement*

7.5.1 If the Developer fails to complete the entire three building development within 8 years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office 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; or
(c) discharge this Agreement.

PART 8: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

8.1 *Enforcement*

8.1.1 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 twenty four hours of receiving such a request.

8.2 *Failure to Comply*

8.2.1 If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer 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 defense based upon the allegation that damages would be an adequate remedy;

(b) The Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the Agreement, whereupon all reasonable expenses whether arising out of the entry onto the Lands or from the performance of the covenants or remedial action, shall be a first lien on the Lands 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; or

(d) In addition to the above remedies, the Municipality reserves the right to pursue any other remedy under the *Halifax Regional Municipality Charter* or Common Law in order to ensure compliance with this Agreement.

WITNESS that this Agreement, made in triplicate, was properly executed by the respective Parties on this _____ day of _____, 20__.

SIGNED, SEALED AND DELIVERED in the presence of:

(Insert Registered Owner Name)

Per:_____

_____ Per:_____

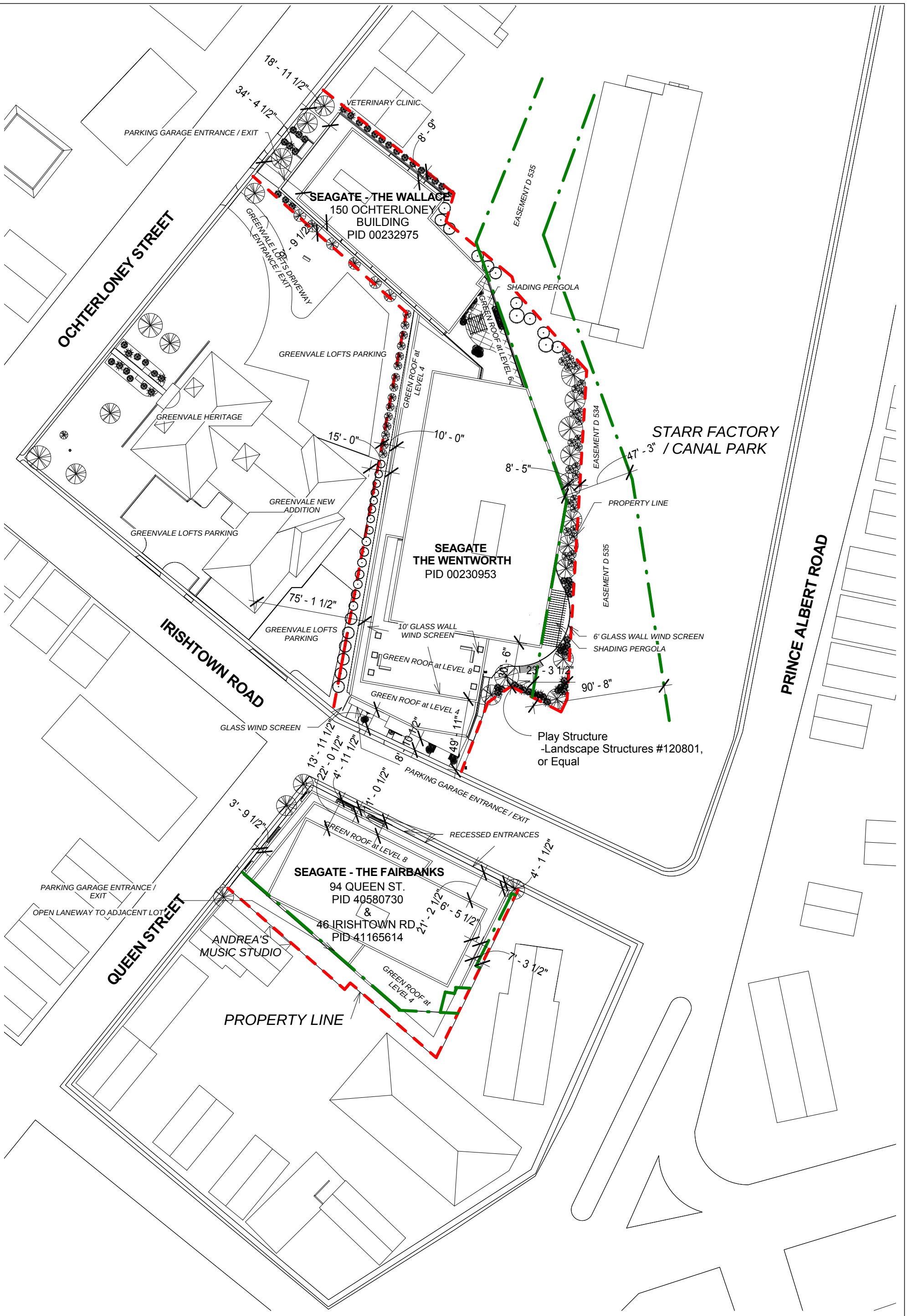
==========

SEALED, DELIVERED AND ATTESTED to by the proper signing officers of Halifax Regional Municipality, duly authorized in that behalf, in the presence of:

HALIFAX REGIONAL MUNICIPALITY

Per:_____
Mayor

_____ Per:_____
Municipal Clerk



KD DESIGN
INSPIRED LIVING
harveyARCHITECTURE

LICENSED ARCHITECT
TROY ANTHONY SCOTT
NOVA SCOTIA ASSOCIATION OF ARCHITECTS

SEAGATE RESIDENCES

No.	Description	Date

Schedule B - Site Plan

Project number	11051
Date	November 2012
Drawn by	GAH
Checked by	TAS

A 100

Scale 1" = 60'-0"

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Schedule C - Elevation Drawings
The Wentworth

KD DESIGN
INSPIRED LIVING
hA harveyARCHITECTURE

LICENSED ARCHITECT
TROY ANTHONY SCOTT
NOVA SCOTIA ASSOCIATION OF ARCHITECTS

SEAGATE RESIDENCES

No.	Description	Date

The Wentworth - Elevation at Irishtown Road

Project number	11051
Date	August 2012
Drawn by	GAH
Checked by	TAS

A 202

Scale As indicated

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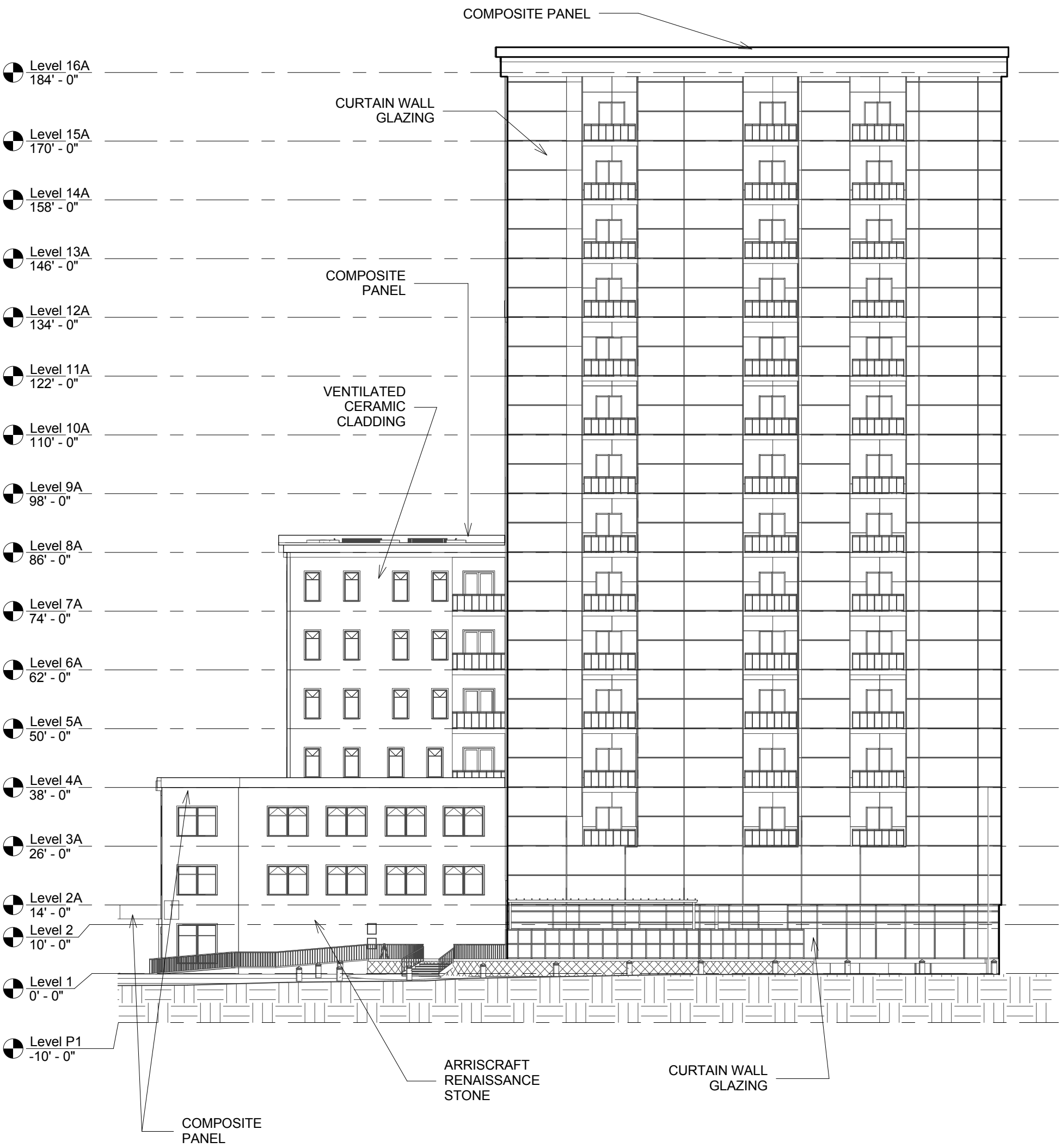

Schedule C - Elevation Drawings
The Wentworth

KD DESIGN
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LICENSED ARCHITECT
TROY ANTHONY SCOTT
NOVA SCOTIA ASSOCIATION OF ARCHITECTS

SEAGATE RESIDENCES

No.	Description	Date

The Wentworth - Elevation at Prince Albert Road

Project number	11051
Date	August 2012
Drawn by	GAH
Checked by	TAS

A 203

Scale 3/64" = 1'-0"

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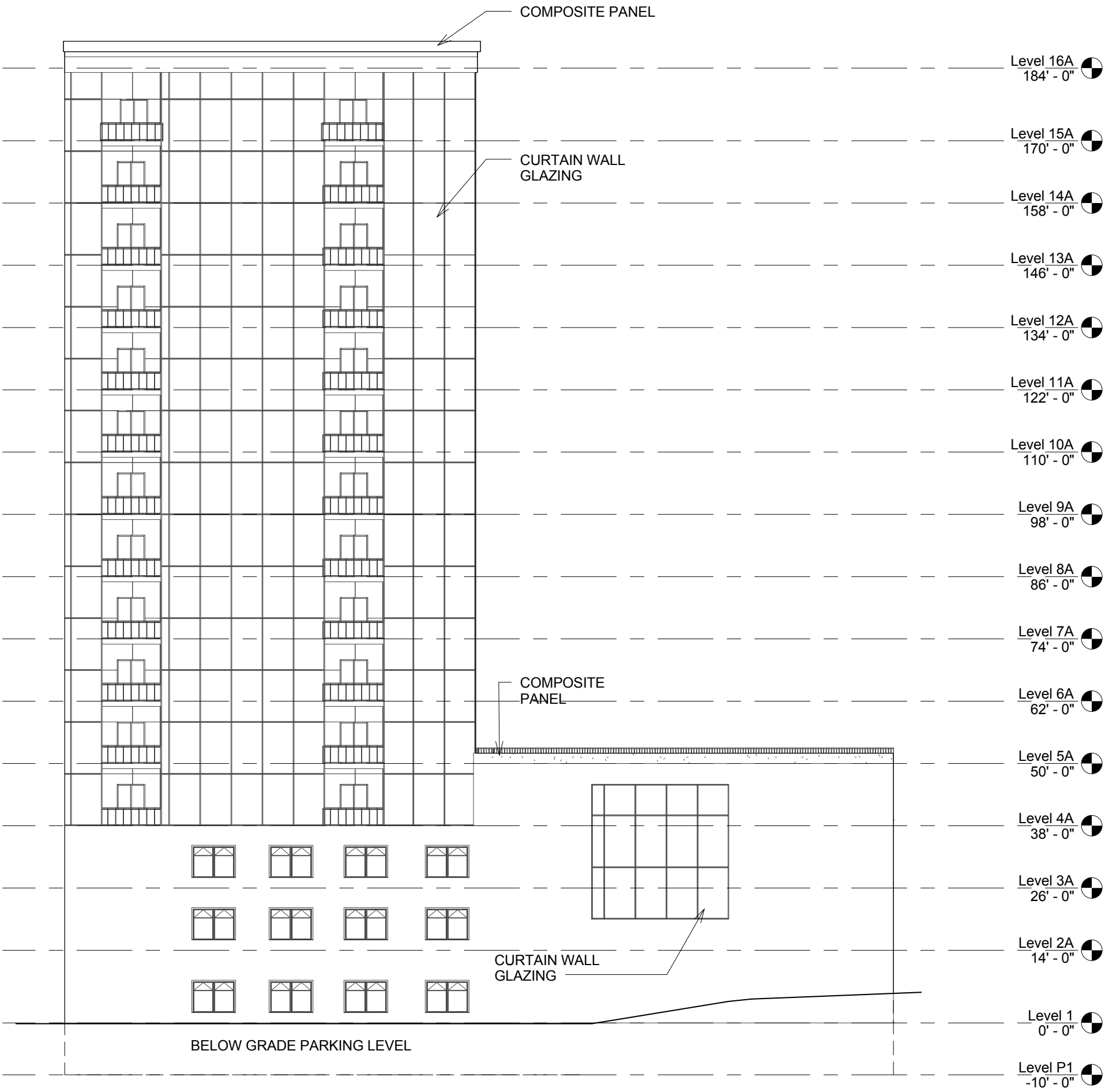

Schedule C - Elevation Drawings
The Wentworth

KD DESIGN
INSPIRED LIVING
hA harveyARCHITECTURE

LICENSED ARCHITECT
TROY ANTHONY SCOTT
NOVA SCOTIA ASSOCIATION OF ARCHITECTS

SEAGATE RESIDENCES

No.	Description	Date

The Wentworth - Elevation at Prince Albert Road

Project number	11051
Date	August 2012
Drawn by	GAH
Checked by	TAS

A 204

Scale 3/64" = 1'-0"

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Schedule C - Elevation Drawings
The Wentworth

KD DESIGN
INSPIRED LIVING
harveyARCHITECTURE

LICENSED ARCHITECT
TROY ANTHONY SCOTT
NOVA SCOTIA ASSOCIATION OF ARCHITECTS

SEAGATE RESIDENCES

No.	Description	Date

The Wentworth West Elevation

Project number	11051
Date	August 2012
Drawn by	GAH
Checked by	TAS

A 205

Scale 1" = 30'-0"

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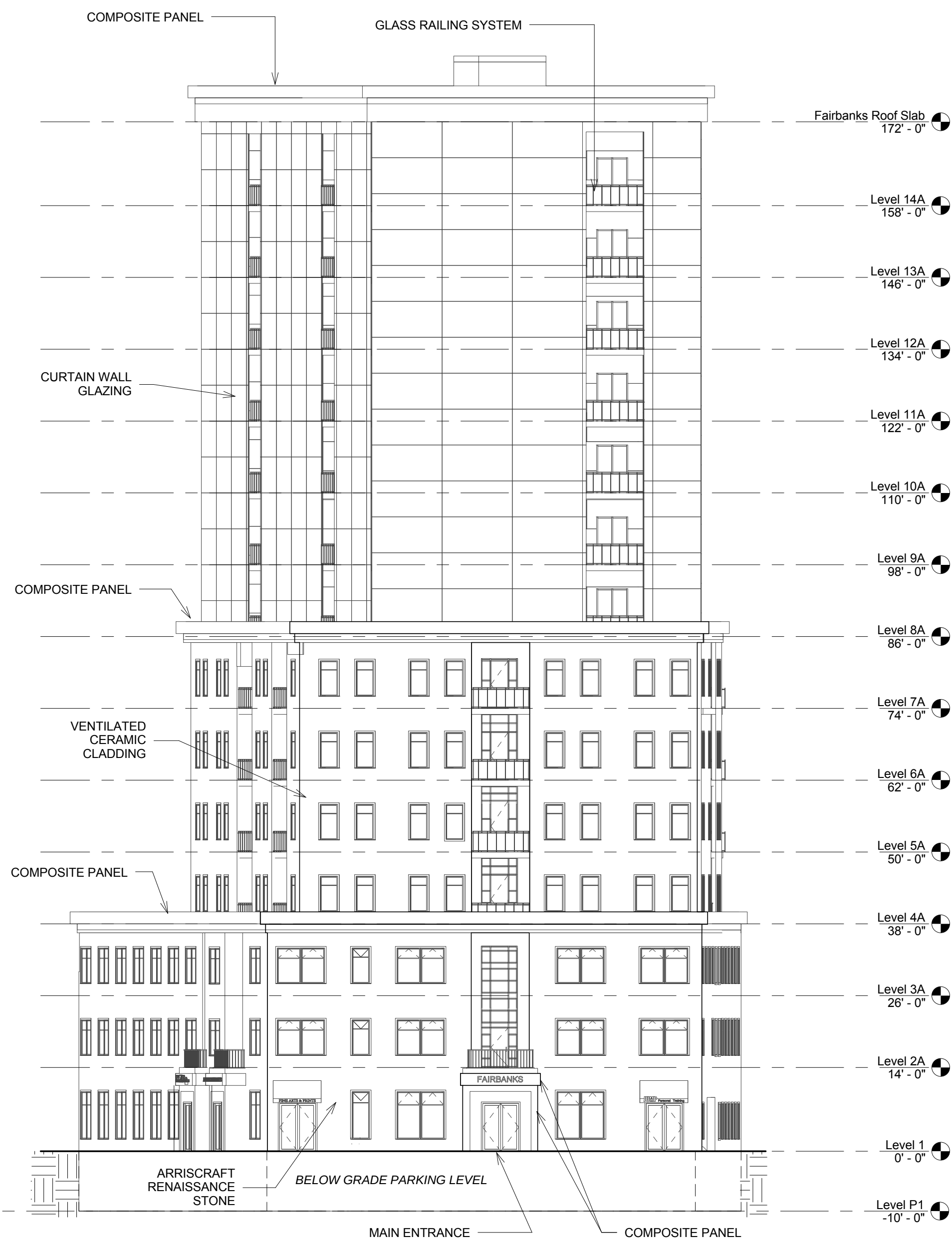


Schedule D - Elevation Drawings
The Fairbanks

KD DESIGN
INSPIRED LIVING
harveyARCHITECTURE

LICENSED ARCHITECT
TROY ANTHONY SCOTT
NOVA SCOTIA ASSOCIATION OF ARCHITECTS

SEAGATE RESIDENCES

No.	Description	Date

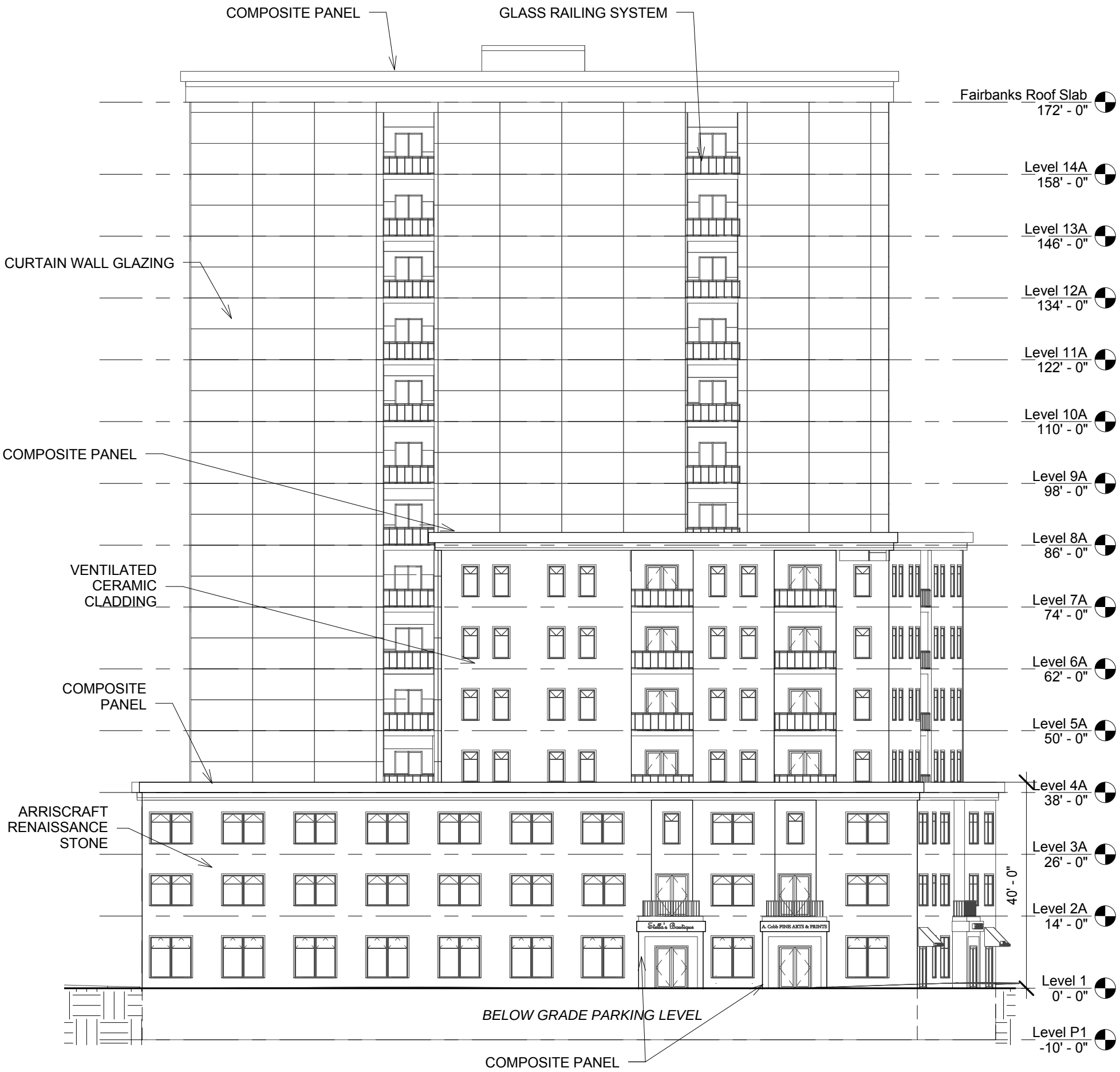
The Fairbanks - Elevation at Queen Street

Project number	11051
Date	August 2012
Drawn by	JMR
Checked by	TAS

A 302

Scale 1/16" = 1'-0"

8/3/2012 5:39:03 PM



Schedule D - Elevation Drawings
The Fairbanks

KD DESIGN
INSPIRED LIVING
hA harveyARCHITECTURE

LICENSED ARCHITECT
TROY ANTHONY SCOTT
NOVA SCOTIA ASSOCIATION OF ARCHITECTS

SEAGATE RESIDENCES

No.	Description	Date

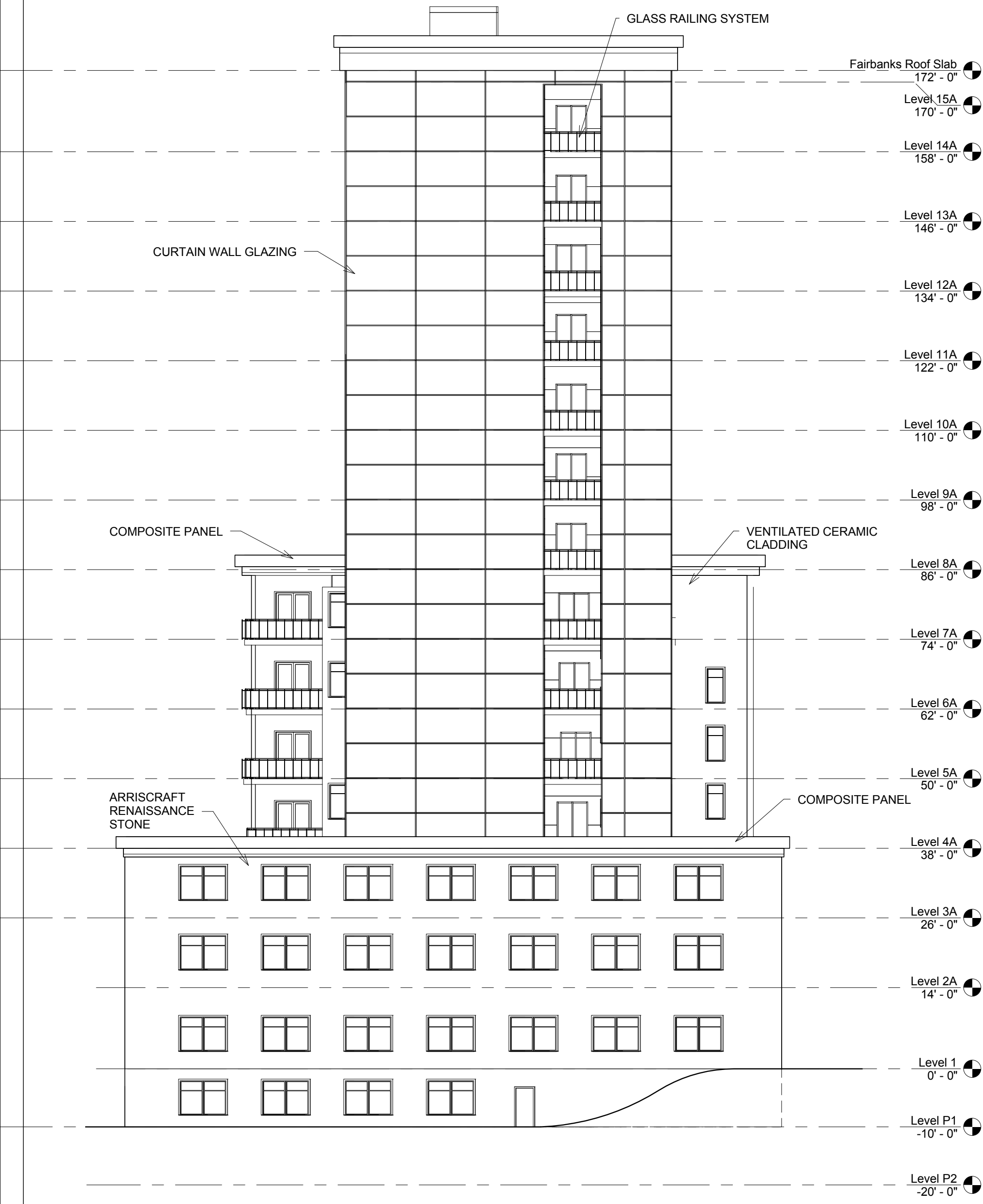
The Fairbanks - Elevation at Irishtown Road

Project number	11051
Date	August 2012
Drawn by	JMR
Checked by	TAS

A 303

Scale 3/64" = 1'-0"

8/3/2012 5:39:04 PM



Schedule D - Elevation Drawings
The Fairbanks

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LICENSED ARCHITECT
TROY ANTHONY SCOTT
NOVA SCOTIA ASSOCIATION OF ARCHITECTS

SEAGATE RESIDENCES

No.	Description	Date

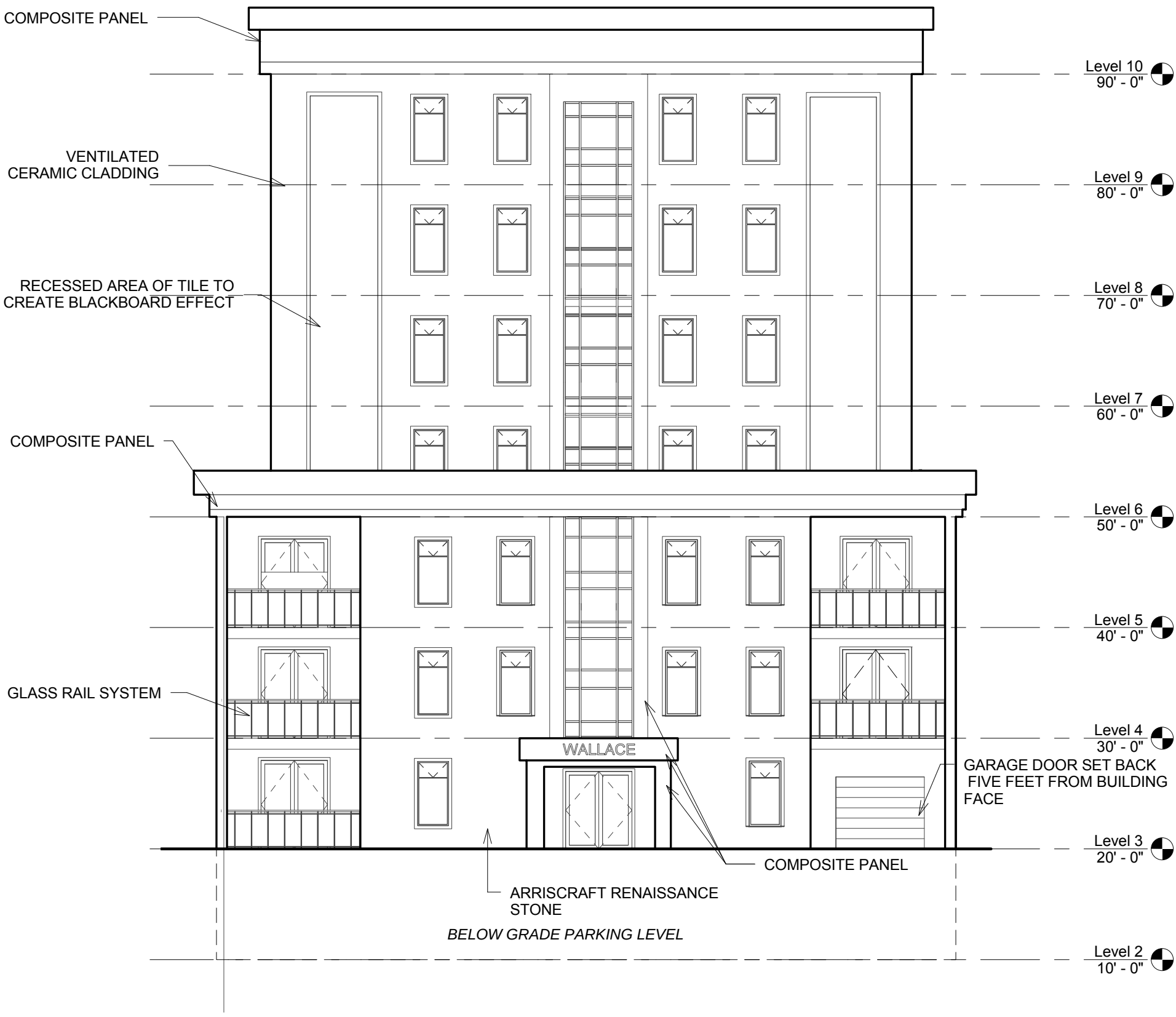
The Fairbanks East Elevation

Project number	11051
Date	August 2012
Drawn by	GAH
Checked by	TAS

A 304

Scale 1/16" = 1'-0"

8/3/2012 5:39:06 PM



Schedule E - Elevation Drawings
The Wallace

KD DESIGN
INSPIRED LIVING
harveyARCHITECTURE

LICENSED ARCHITECT
TROY ANTHONY SCOTT
NOVA SCOTIA ASSOCIATION OF ARCHITECTS

SEAGATE RESIDENCES

No.	Description	Date

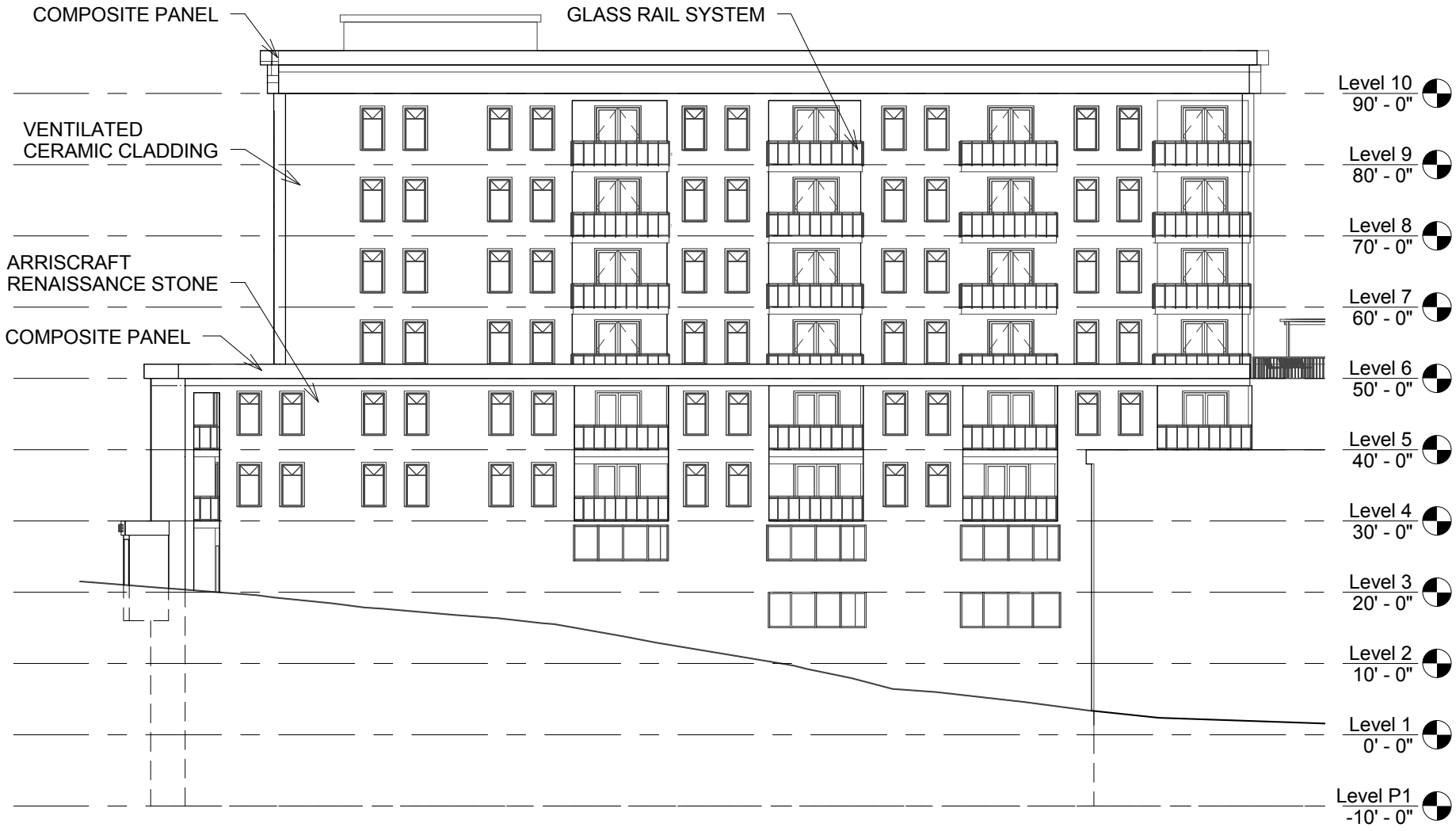
The Wallace - Elevation at Ochterloney Street

Project number	11051
Date	August 2012
Drawn by	GAH
Checked by	TAS

A 401

Scale 3/32" = 1'-0"

9/6/2012 10:19:08 AM



Schedule E - Elevation Drawings
The Wallace

KD DESIGN
INSPIRED LIVING
harveyARCHITECTURE

LICENSED ARCHITECT
TROY ANTHONY SCOTT
NOVA SCOTIA ASSOCIATION OF ARCHITECTS

SEAGATE RESIDENCES

No.	Description	Date

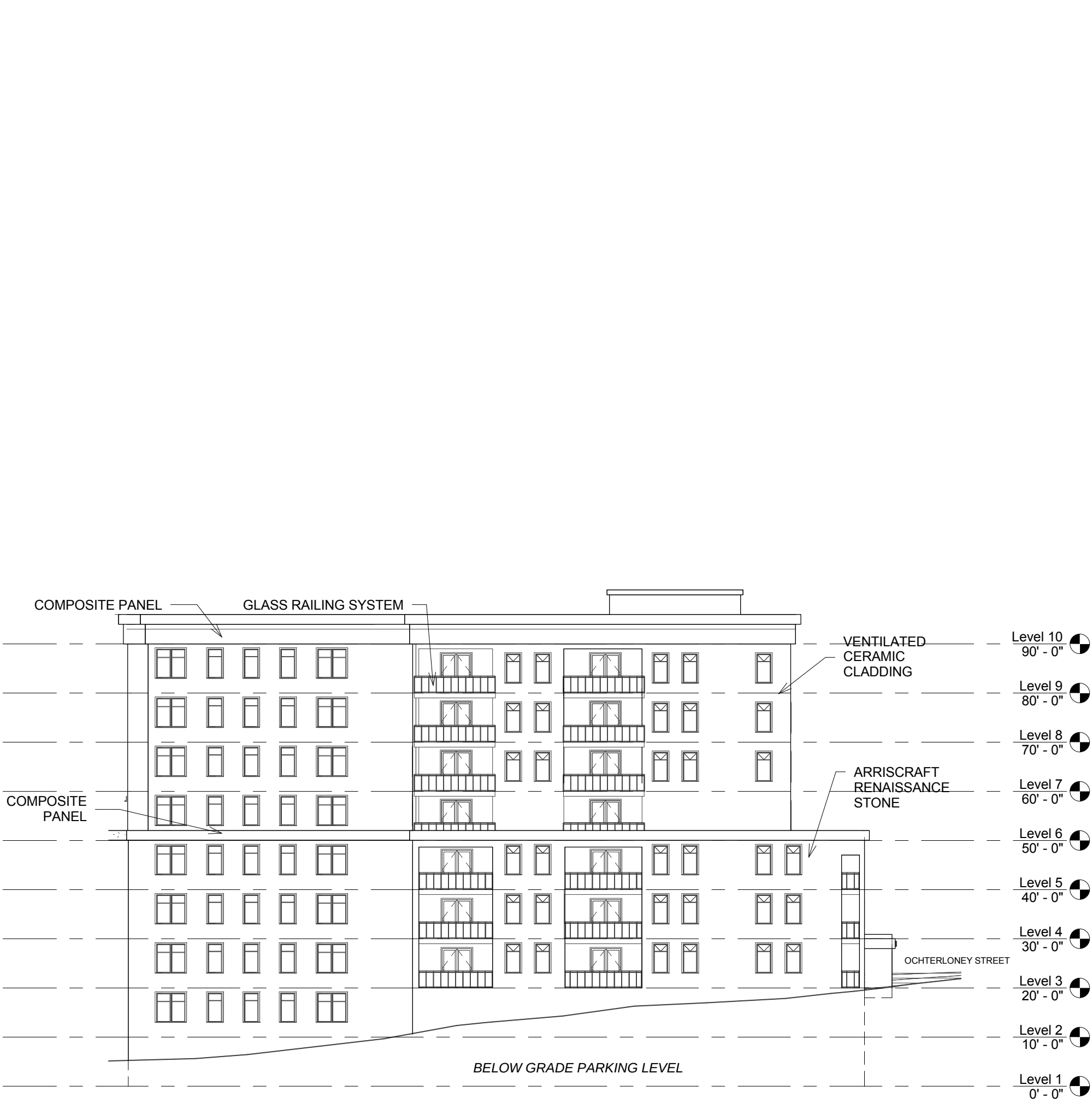
The Wallace - South Elevation

Project number	11051
Date	August 2012
Drawn by	GAH
Checked by	TAS

A 402

Scale 3/64" = 1'-0"

9/6/2012 10:19:10 AM



Schedule E - Elevation Drawings
The Wallace

KD DESIGN
INSPIRED LIVING
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LICENSED ARCHITECT
TROY ANTHONY SCOTT
NOVA SCOTIA ASSOCIATION OF ARCHITECTS

SEAGATE RESIDENCES

No.	Description	Date

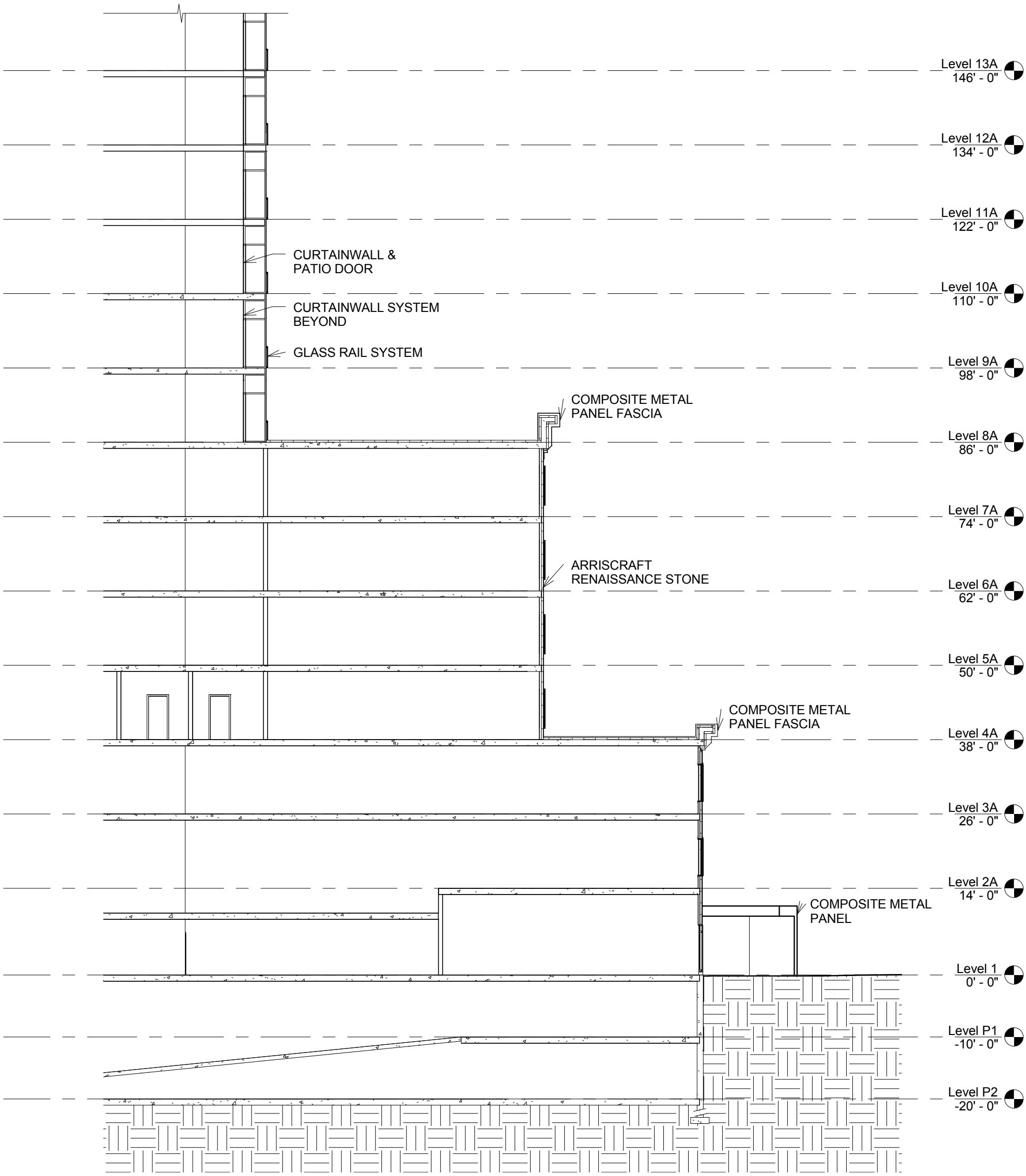
The Wallace - Elevation at Prince Albert Road

Project number	11051
Date	August 2012
Drawn by	GAH
Checked by	TAS

A 403

Scale 3/64" = 1'-0"

9/6/2012 10:19:12 AM



Schedule F - Architectural Details

KD DESIGN
INSPIRED LIVING
harveyARCHITECTURE

LICENSED ARCHITECT
TROY ANTHONY SCOTT
NOVA SCOTIA ASSOCIATION OF ARCHITECTS

SEAGATE RESIDENCES

No.	Description	Date

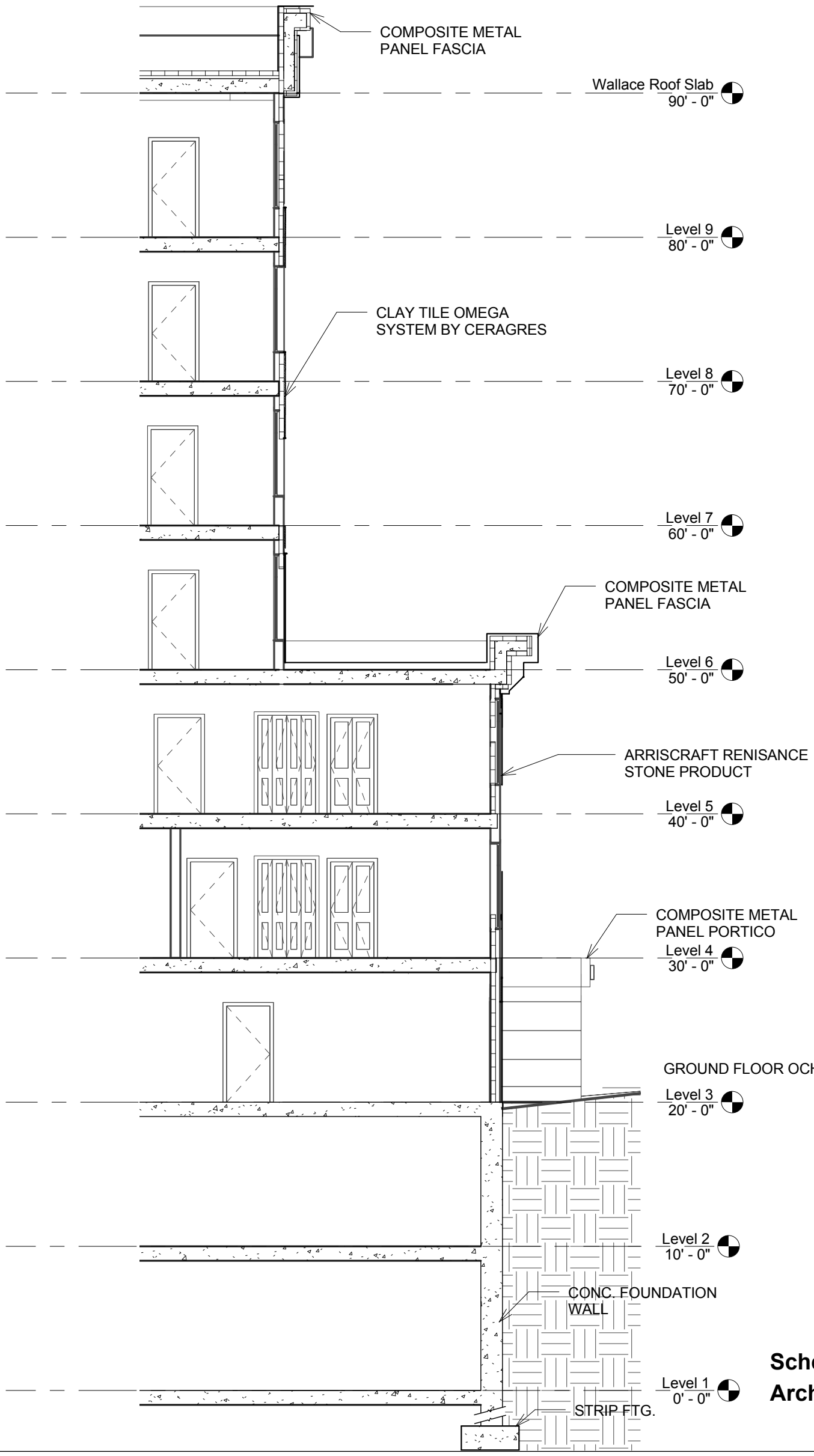
The Fairbanks - Wall Section

Project number	11051
Date	August 2012
Drawn by	GAH
Checked by	TAS

A 206

Scale 1/16" = 1'-0"

8/3/2012 5:39:00 PM



Schedule F- Architectural Details

KD DESIGN
INSPIRED LIVING
harveyARCHITECTURE

LICENSED ARCHITECT
TROY ANTHONY SCOTT
NOVA SCOTIA ASSOCIATION OF ARCHITECTS

SEAGATE RESIDENCES

No.	Description	Date

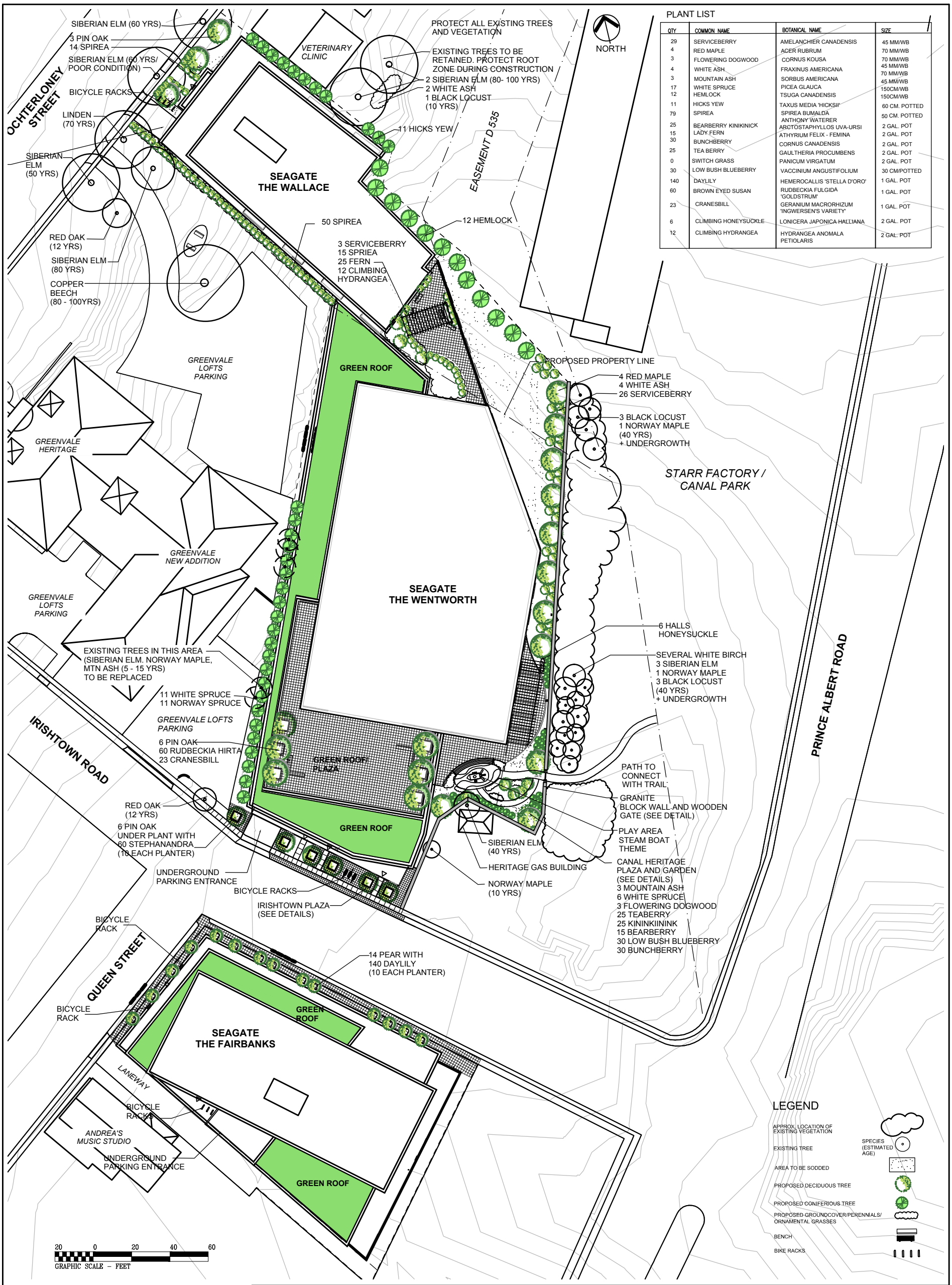
The Wallace - Wall Section (Typical for Wentworth & Fairbanks Podiums)

Project number	11051
Date	August 2012
Drawn by	GAH
Checked by	TAS

A 404

Scale 1/8" = 1'-0"

9/6/2012 10:19:13 AM



PLANT LIST

QTY	COMMON NAME	BOTANICAL NAME	SIZE
29	SERVICEBERRY	AMELANCHIER CANADENSIS	45 MM/WB
4	RED MAPLE	ACER RUBRUM	70 MM/WB
3	FLOWERING DOGWOOD	CORNUS KOUSA	70 MM/WB
4	WHITE ASH	FRAXINUS AMERICANA	45 MM/WB
3	MOUNTAIN ASH	SORBUS AMERICANA	70 MM/WB
17	WHITE SPRUCE	PICEA GLAUCA	45 MM/WB
12	HEMLOCK	TSUGA CANADENSIS	150CM/WB
11	HICKS YEW	TAXUS MEDIA 'HICKSII'	150CM/WB
79	SPIREA	SPIREA BUMALDA ANTHONY WATERER	60 CM. POTTED
25	BEARBERRY KINIKINICK	ARCTOSTAPHYLLOS UVA-URSI	50 CM. POTTED
15	LADY FERN	ATHYRIUM FELIX - FEMINA	2 GAL. POT
30	BUNCHBERRY	CORNUS CANADENSIS	2 GAL. POT
25	TEA BERRY	GAULTHERIA PROCUMBENS	2 GAL. POT
0	SWITCH GRASS	PANICUM VIRGATUM	2 GAL. POT
30	LOW BUSH BLUEBERRY	VACCINIUM ANGUSTIFOLIUM	30 CM/POTTED
140	DAYLILY	HEMEROCALLIS 'STELLA D'ORO'	1 GAL. POT
60	BROWN EYED SUSAN	RUDBECKIA FULGIDA 'GOLDSTRUM'	1 GAL. POT
23	CRANESBILL	GERANIUM MACRORHIZUM 'INGWERSEN'S VARIETY'	1 GAL. POT
6	CLIMBING HONEYSUCKLE	LONICERA JAPONICA HALLIANA	2 GAL. POT
12	CLIMBING HYDRANGEA	HYDRANGEA ANOMALA PETIOLARIS	2 GAL. POT

LEGEND

APPROX. LOCATION OF EXISTING VEGETATION
EXISTING TREE
SPECIES (ESTIMATED AGE)
AREA TO BE SODDED
PROPOSED DECIDUOUS TREE
PROPOSED CONIFERIOUS TREE
PROPOSED GROUNDCOVER/PERENNIALS/ ORNAMENTAL GRASSES
BENCH
BIKE RACKS

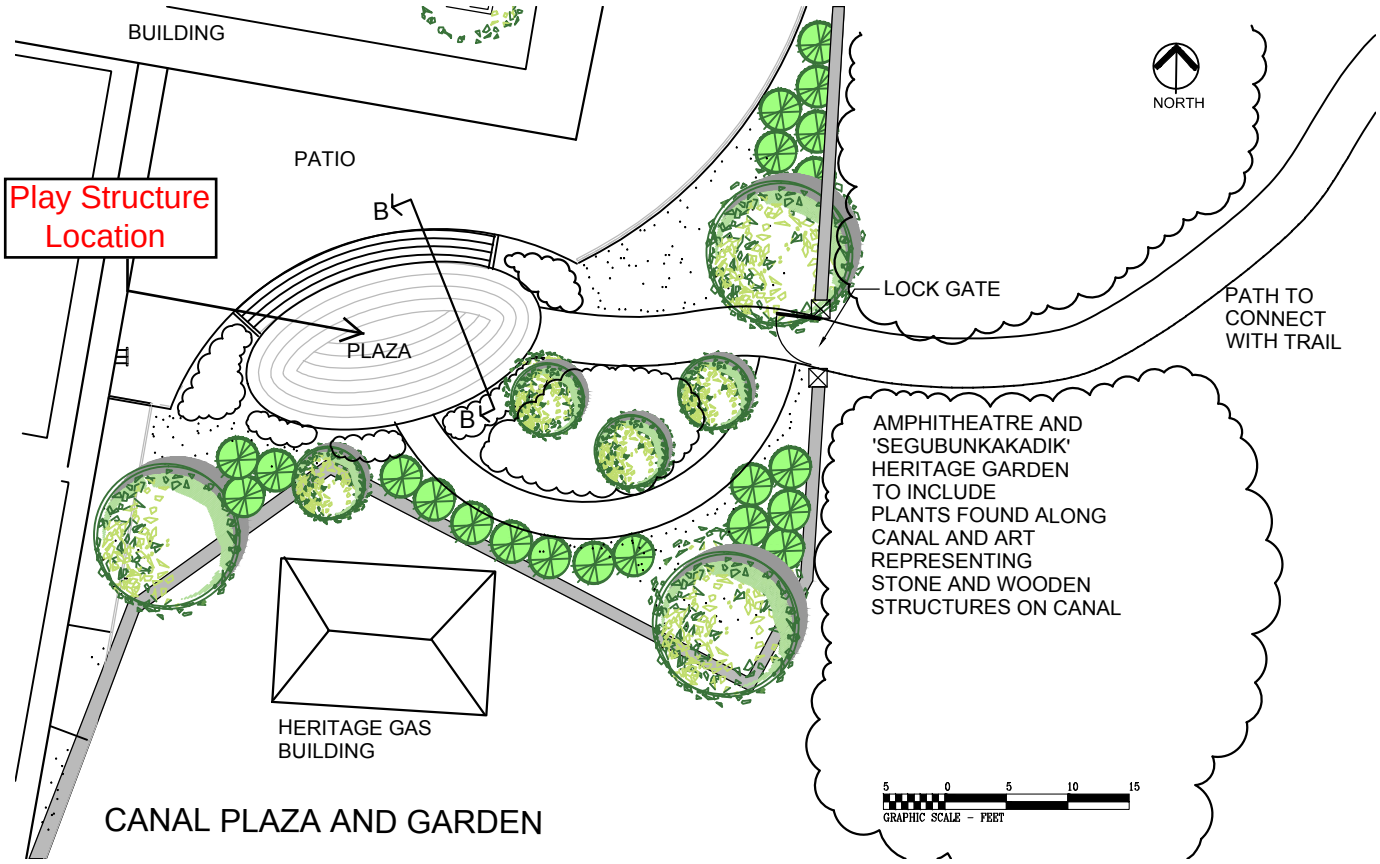
Gordon Ratcliffe
LANDscape ARCHITECTS
2055 Route 329, RR #1
HUBBARDS, NOVA SCOTIA
CANADA, B0J 1T0
TEL: (902) 478 - 3683
FAX: (902) 857 - 1108
grla@eastlink.ca

GORDON RATCLIFFE

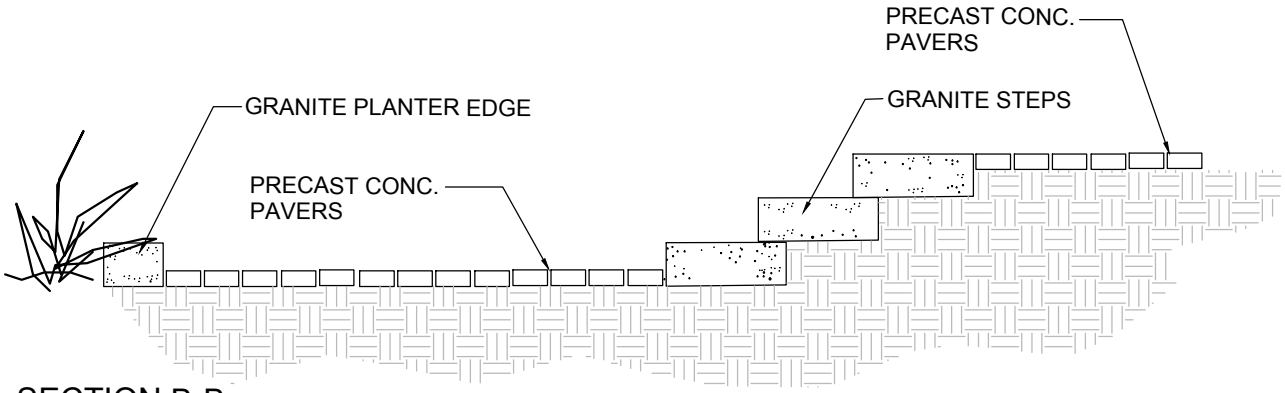
Schedule G Landscaping Plan
Overall Details

N

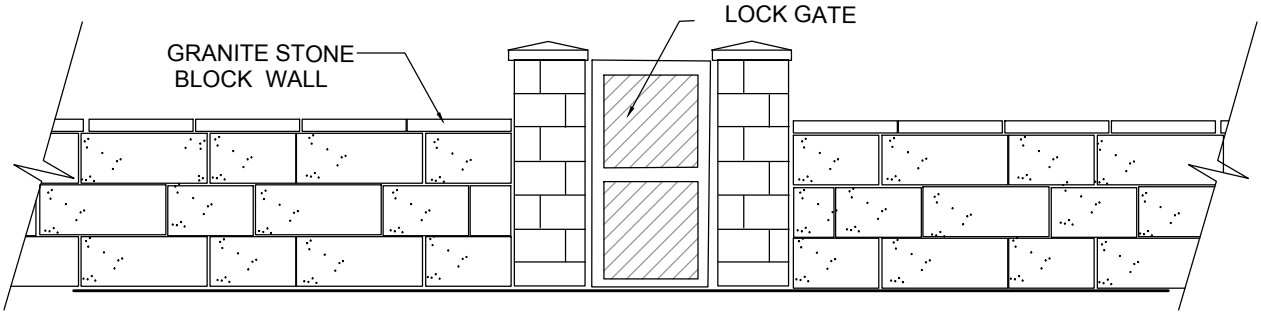
Project Number	
Date	JULY 31, 2012 R1
Drawn By	LG
Checked By	
Scale	AS NOTED



CANAL PLAZA AND GARDEN

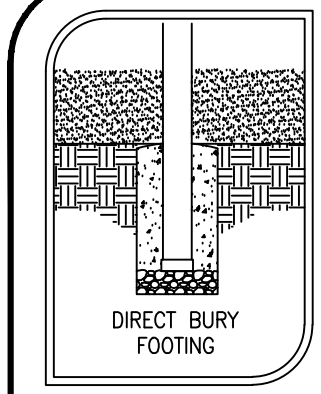


SECTION B-B



GRANITE BLOCK WALL WITH LOCK GATE

Schedule G Landscaping Plan
Canal Plaza Details



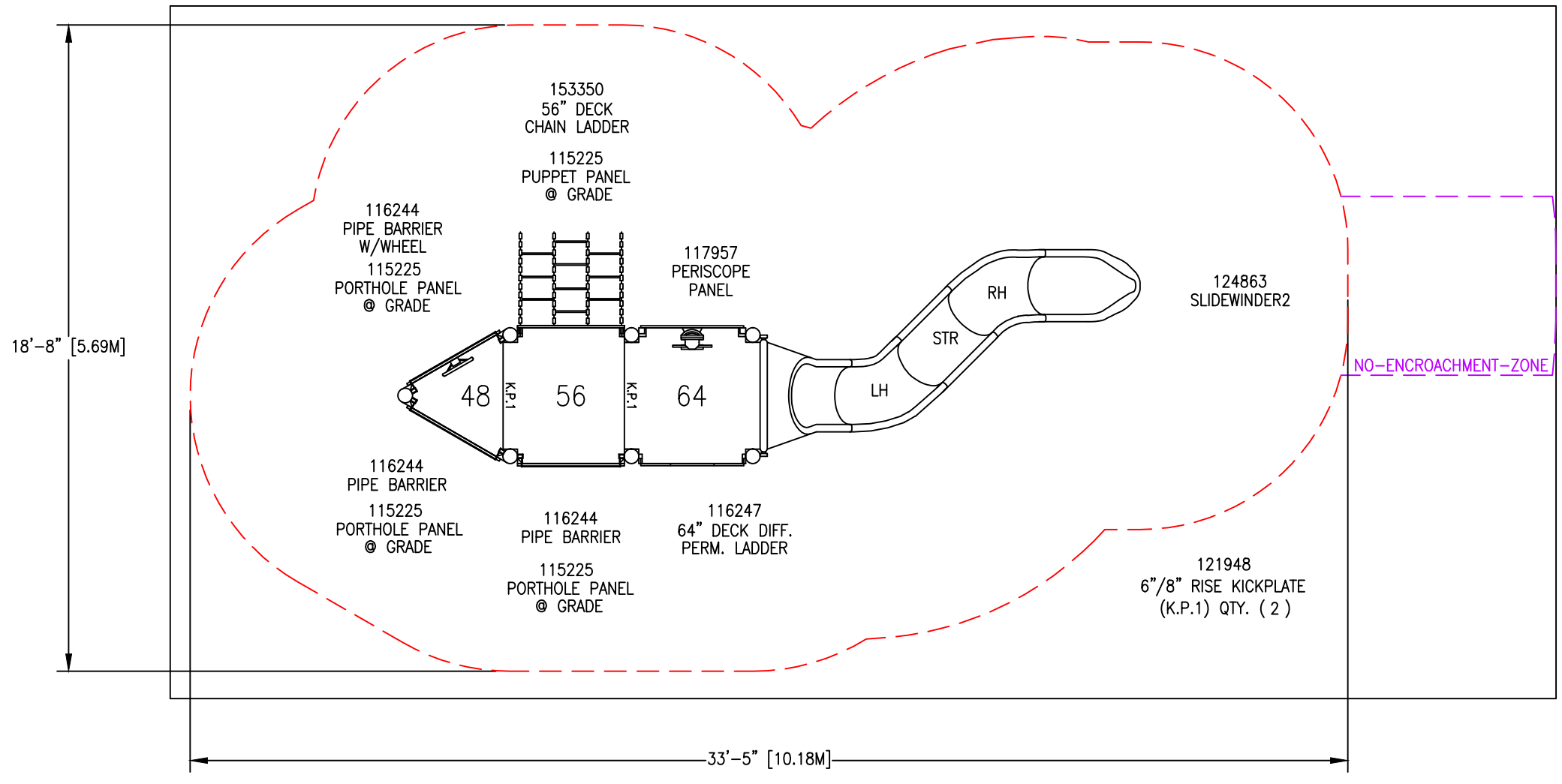
The play components identified on this plan are IPEMA certified. The use and layout of these components conform to the Canadian Standards Association (CSA) Standard CAN/CSA-Z614-07.

SCALE: IN METERS

0.0M 1.0M 2.0M 4.0M

SCALE: IN FEET

0' 1' 5' 10'



Schedule G Landscaping Plan

Play Equipment Details

SEAGATE
DEVELOPMENT
HALIFAX, NS

ABC RECREATION LTD.

KIM ST.PIERRE

THIS PLAY AREA & EQUIPMENT IS DESIGNED FOR AGES 5-12 YEARS

THIS CONCEPTUAL PLAN WAS BASED ON INFORMATION AVAILABLE TO US. PRIOR TO CONSTRUCTION, DETAILED SITE INFORMATION INCLUDING SITE DIMENSIONS, TOPOGRAPHY EXISTING UTILITIES, SOIL CONDITIONS, AND DRAINAGE SOLUTIONS SHOULD BE OBTAINED, EVALUATED, & UTILIZED IN THE FINAL DESIGN.

CHOOSE A PROTECTIVE SURFACING MATERIAL THAT HAS A CRITICAL HEIGHT VALUE OF AT LEAST THE HEIGHT OF THE HIGHEST ACCESSIBLE PART/FALL HEIGHT OF THE ADJACENT EQUIPMENT. (REF. CANADIAN STANDARDS ASSOCIATION (CSA) STANDARD CAN/CSA-Z614-07, SECTION 10: SURFACING.)

PLAYBOOSTER

DRAWING #:

120801

DESIGNED BY: SRJ

landscape structures™

601 7th STREET SOUTH - P.O. BOX 198
DELANO, MINNESOTA 55328
PH: 1-800-328-0035 FAX: 1-763-972-6091

Schedule G Landscaping Plan
Playground Equipment Details

landscape structures®
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Proudly presented by:

ABC RECREATION LTD

SEAGATE DEVELOPMENT

120801

Better Playgrounds.
Better World.

Attachment B

Policy B-7a and Additional Policy Evaluation

Notwithstanding Policy D-1, Residential Opportunity Site E, as shown on Map 4, is appropriate for mid and high rise residential and mixed use development not exceeding 300 units within three buildings. In addition to the need for a high quality of design and construction, any proposal must foster attractive pedestrian oriented streetscapes, and ensure active, complementary interaction with the adjacent HRM parkland and Shubenacadie Canal corridor. Development on each of the separate parcels shall only be considered together and under a single development agreement to ensure comprehensive and complementary development. The development agreement process shall be utilized for any development on the lands. Council shall therefore consider:

POLICY	STAFF COMMENT
a) that building heights: (i) up to 21.3 m (70 feet) in height plus roof on the Ochterloney Street frontage may be permitted; (ii) up to 14 storeys on the south side of Irishtown Road may be permitted; and (iii) up to 18 storeys plus penthouse on the north side of Irishtown Rd may be permitted.	(i) the building as proposed would be 21.3 m (70 feet) in height above the street, plus an additional 2 m (6.6 feet) for the roof and mechanical penthouse; (ii) the building on the south side of Irishtown Road ('The Fairbanks') is proposed to be 14 storeys; (iii) The building on the north side of Irishtown Road is proposed to be 15 storeys with no penthouse. (Section 3.3.2 of development agreement). Each of the proposed building heights satisfies the intent of policy, as design measures such as appropriate streetwall height, stepbacks of upper floors to vary massing, detailed architectural design and materials, and landscaping meet urban design goals and mitigate potential impacts of height. Additional height is permitted under the land use bylaw for rooftop mechanical equipment.
b) that high quality building materials are used and the building design:	Proposed materials are granite style cladding on the lower 3 floors, aluminum panels on mid-rise floors 4 through 7, and glass on the high rise floors are of high quality. The different materials will visually break up the building massing, and contribute to a positive streetscape for each building. These materials are superior to concrete block cladding and precast concrete panels in this context. (Section 3.4 of development agreement)
(i) makes use of podiums to provide 100% indoor/underground parking for residents and businesses. The parking portion of	There is commercial space proposed at key locations on the ground floor. Given the small amount of commercial space and the intent of the

such podiums shall be screened from any adjacent private or public property through the provision of active, useable floor area and careful design at the edges of the structures;	MPS to limit commercial parking, parking for only the residential units is required. All parking is proposed to be underground or contained within the building. A portion of the parking will be at grade and on the 2nd and 3rd floors. The podium design mitigates this use and hides the parking, providing active useable space along street frontages. Large glazed windows are provided at the parking levels that give the appearance of active residential or commercial space. (Sections 3.4 and 3.5 of development agreement)
(ii) incorporate interesting details and materials at the pedestrian level, with a high proportion of windows in any ground floor commercial space;	Granite style stone cladding, similar to that used in the canal construction and on the lower level of Greenvale Lofts, is a good choice for street level. Window glazing is substantial and their proportions are traditional and promote an interesting and active streetscape. Main building entrances are highly visible, with architectural detailing. Canopies are also included which provides interest and marks individual entrances. (Section 3.4 of development agreement)
(iii) include a variety of housing unit types including multiple bedroom units and townhouse-form units at ground level that can accommodate residents in a variety of life stages, household sizes, incomes and tenure needs; and	There is a wide variety of units provided to satisfy the criteria: • 23 studios 8.4% • 120 - 1 beds 43.9% • 92 - 2 beds 33.7% • 35 – 3 beds 12.8% • 3 "live-work" townhouse style units which combine residential and commercial space. The agreement provides a small degree of flexibility to alter these numbers, while council has flexibility to approve further alterations. (Sections 3.3.4 and 6.1 of development agreement)
(iv) include provision for pedestrian-oriented commercial uses, preferably café or restaurant uses with outdoor patios, where the site abuts HRM parkland.	Commercial café or restaurant space is required in the large tower next to parkland, with outdoor patio. Up to 4 other ground floor commercial spaces are also possible, 3 of these are in conjunction with "live/work units" where there is residential space above. (Section 3.3.4 of development agreement)
c) appropriate massing and building form for low, mid and high rise components of the buildings including:	A three storey podium is provided on all buildings creating a good streetwall height which is proportional to street width. The podiums are setback from all property lines, which complements the Greenvale Lofts site, rather than being built to the boundaries as is the norm in a downtown location. This provides both physical and visual separation from adjacent properties. A mid-rise section is provided on all three

	buildings at floors 4 through 7. This segment of each building is setback from the edge of each podium along street frontages, which places the visual emphasis on the lower floors. In conjunction with setbacks of the mid-rise floors from internal property lines this is an appropriate urban design treatment. The high rise floors (top eight floors) of 'The Wentworth' are stepped back about 5.2 m (17 feet) from the edge of the podium facing Greenvale Lofts. This creates a setback of the high rise tower from the Greenvale property line of about 8.2 m (27 feet). The upper seven floors of 'The Fairbanks' are similarly configured, providing greater separation between the tower portion of the building and adjacent properties. The proposed form and massing are appropriate on all three buildings. (Section 3.4 of development agreement)
(i) the need for transitions in scale, or separation distances equal to building height, from directly abutting areas which are designated as Downtown Neighbourhood;	None of the proposed buildings is closer to a DN zone than their building height. Transitions in scale, through the use of stepbacks, are also provided which mitigate the height of the buildings even further.
(ii) defining appropriate standards for bulk and above grade stepbacks at the low, mid and high rise levels, and separation distances between buildings to ensure adequate street-level conditions with respect to minimizing wind and maximizing sun penetration and sky exposure;	The reduced lot coverage, increased property line setbacks and clear articulation of building into low, mid, and high rise sections satisfies this criteria. The design therefore reduces apparent bulk and breaks up the massing visually. The gap between 'The Wallace' on Ochterloney Street and 'The Wentworth' on Irishtown Road provides increased sun penetration to Ochterloney Street in the early morning hours. The width of Irishtown Road ensures sun penetration between the two largest buildings. (Section 3.4 of development agreement)
(iii) ensuring an appropriate streetwall height of the low rise portion of each building to street width at a target ratio of 2:3; and	A three storey podium is proposed on all three buildings which satisfies the policy criteria. This reinforces the pedestrian environment and enhances the streetscapes. (Section 3.4 of development agreement)
(iv) potential wind and shadow impacts on public space and appropriate means to minimize such impacts.	A wind assessment addressed potential impacts for various types of pedestrian activity. The categories of uses, each with a different comfort level of wind, speed are sitting, standing, strolling, and walking. The study concludes that potential impacts for pedestrians and park users on public spaces would not be negatively impacted. At certain locations on the development, site mitigating measures will be required to ensure comfort for those accessing the

	buildings, using roof decks or the café space. The development agreement requires certification prior to building occupancy that all appropriate ameliorative measures are in place. (Section 3.11 of development agreement) Review by staff of the submitted shadow study concluded that the shadow impacts on public spaces, being both the parklands and sidewalks, are acceptable.
d) that the project provide:	
(i) extensive, high quality soft and hard landscaping which enhances the pedestrian environment and complements the Canal Greenway;	Each of the buildings is set back from every property line. This allows much more landscaping than is normally seen in a downtown environment. Treatment of the yards, where parking access is not needed, consists of a mix of tree, shrub and perennial plantings, with hard surface treatments of pavers. Closely spaced tree plantings are proposed along the property lines with Greenvale Lofts to enhance the existing green area around the heritage building. Plantings around a café space adjacent to the Canal Greenway create an attractive interface between public and semi-public space. Landscaping is also provided on five different green roof areas. (Section 3.7 of development agreement)
(ii) substantial useable active and passive amenity space both inside and out to cater to a range of ages and lifestyles, particularly in support of families; including the provision of useable green space on rooftops; and	The proposal includes substantial amenity space, both indoor and outdoor. Indoor amenity space: • balconies in most units, • common areas. Outdoor amenity space: • five landscaped roof decks, • ground level landscaped space, • canal boat-themed playground. (Sections 3.7 and 3.13 of development agreement)
(iii) payment of 10% parkland dedication fees for any further subdivision or consolidation of the parcels;.	The subject lands must be subdivided to accommodate the buildings as proposed. The assessed value of the lands based on 273 units is $4,095,000, which means that the required park contribution under the development agreement is $409,500. This is to be paid in phases prior to occupancy of each building. (Section 3.9 of development agreement)
e) that the project address the site's historical context as part of the former Shubenacadie Canal and Starr Manufacturing sites by:	

(i) ensuring a detailed archaeological assessment is carried out, and that measures are in place to allow proper site investigation prior to and during construction;	An archaeological assessment was completed by a professional archaeologist, and no concerns were identified. Provincial legislation requires that any artifacts or possible human remains encountered during excavation be reported to the NS Museum.
(ii) considering restoration of a naturalized open stream bed to replace the piped waterway, formerly the mill stream, that flows underneath a portion of the site; and	Daylighting of the pipe to create an open stream may not be feasible. Halifax Water will be undertaking a study of the pipe to consider options for its repair, replacement or opening. A smaller, separate stream has been identified as an option which could also allow for fish passage. The development agreement requires grading on a small portion of the lands to accommodate the possibility of open water. This would be achieved by matching final grades on the lands to those of the Canal Greenway. (Subsection 3.7.10 of development agreement)
(iii) including provision for preservation, restoration, and display of canal features, and interpretation of canal history.	No canal features exist on the lands that can be preserved or restored. Canal history is to be interpreted through sympathetic architectural materials such as granite blocks, and a canal themed plaza with a boat playground. (Section 3.7 of development agreement)
f) the establishment of phasing times for completion; and	The buildings may be built individually, two at a time, or all at once. Construction on at least one building is required to commence within two years. The second building must be started within two years of the first, and the third within four years of the first (Subsection 7.3.2 of development agreement)
g) Regional MPS Policy CH-2 (regarding development adjacent to heritage properties) and Policy IM-15 (general implementation criteria).	Refer to Attachments C and D.

Attachment C

Policy CH-2 and Additional Policy Evaluation

CH-2 For lands abutting federally, provincially or municipally registered heritage structures, HRM shall, when reviewing applications for development agreements, rezonings and amendments pursuant to secondary planning strategies, or when reviewing the provision of utilities for said lands, consider a range of design solutions and architectural expressions that are compatible with the abutting federally, provincially or municipally registered heritage structures by considering the following:

POLICY	STAFF COMMENT
(a) ensuring that new developments respect the building scale, massing, proportions, profile and building character of abutting federally, provincially or municipally registered heritage structures by ensuring that they:	(Section 3.4 of development agreement)
(i)incorporate fine-scaled architectural detailing and human-scaled building elements within the pedestrian realm;	The buildings have vertically proportioned windows at street level and on the lower floors which reflects the fenestration of Greenvale Lofts. The main building entrances reflect the proportions and prominence of the entrances to Greenvale Lofts with their substantial porticos. Building cladding is cultured stone on the lower three floors which provides visual interest, and building entrances break up the façade and provide well defined entry points. A strong cornice line is established which extends around the buildings, and on the Ochterloney Street building the cladding of the upper floors includes "chalkboard" style patterns on the front wall which draws on a similar element on Greenvale Lofts. Parking garage entrances are recessed to minimize their visual effect.
(ii) consider, within the pedestrian realm, the structural rhythm (i.e., expression of floor lines, structural bays, etc.) of abutting federally, provincially or municipally registered heritage structures; and	The design establishes a sympathetic rhythm with Greenvale Lofts through materials and well scaled fenestration. The floor lines of the Ochterloney Street building are complementary to Greenvale Lofts. A grade difference along Irishtown Road prevents matching floor heights along that frontage.
(iii)any additional building height	Above the pedestrian realm, floors are well setback from

proposed above the pedestrian realm mitigate its impact upon the pedestrian realm by incorporating design solutions, such as setbacks from the street wall and modulation of building massing, to help reduce its apparent scale;	the building base on the street frontages, and from the internal property lines common with Greenvale Lofts. Variations in building massing, through the use of a mid-rise section and provision of varied stepbacks, substantially reduce the apparent effect of extra floors.
(b)the siting of new developments such that their footprints respect the existing development pattern by:	(Section 3.4 of development agreement)
(i) physically orienting new structures to the street in a similar fashion to existing federally, provincially or municipally registered heritage structures to preserve a consistent street wall; and	The building on Ochterloney Street is setback approximately 5.5 m (18 feet), which is consistent with the streetwall established on that block by older buildings. By comparison, Greenvale Lofts is setback about 15 m (50 feet), which is not consistent with the streetwall at any point on Ochterloney Street. The setback as proposed is acceptable. There is no established street wall on Irishtown Road due to the presence of vacant lots and varied setbacks. The new portion of Greenvale Lofts is setback about 6 m (20 feet) from the street, while the proposed building is setback from the street 15' on average to provide a stepping back effect to Greenvale Lofts. The proposed setbacks are consistent with the street character and help maintain visibility of the heritage structure.
(ii)respecting the existing front and side yard setbacks of the street or heritage conservation district including permitting exceptions to the front yard requirements of the applicable land use by-laws where existing front yard requirements would detract from the heritage values of the streetscape;	The land use bylaw establishes maximum setbacks from streets of 0.6 m (2 feet). However as discussed under criteria (i) above the proposed buildings are well setback in deference to the existing streetscape character setback to respect the greater setbacks of Greenvale Lofts, providing increased visibility of the heritage structure.
(c) minimizing shadowing on public open spaces;	Afternoon shadows will be cast on canal greenway parklands but not to a significantly greater effect than would result from low rise development. Morning shadows will be cast on Greenvale Lofts, however there is no public open space on the site.

(d) complementing historic fabric and open space qualities of the existing streetscape;	The building setbacks respect and complement the existing streetscape. The design of the buildings within the pedestrian realm responds appropriately to the character of older buildings on the street. The proposed buildings include considerable landscaping such as tree and shrub plantings, which will contribute to the established street character which is well defined on Ochterloney Street. (Section 3.4 of development agreement)
(e) minimizing the loss of landscaped open space;	There is no landscaped space being lost. A private gravel parking lot and overgrown lot being replaced with buildings with setbacks and extensive new landscaping
(f) ensuring that parking facilities (surface lots, residential garages, stand-alone parking and parking components as part of larger developments) are compatible with abutting federally, provincially or municipally registered heritage structures;	All parking is contained within the proposed new buildings, and therefore screened from view. There are substantial windows at all levels within the pedestrian realm including parking levels to prevent blank walls facing the heritage property. (Section 3.4 of development agreement)
(g) placing utility equipment and devices such as metering equipment, transformer boxes, power lines, and conduit equipment boxes in locations which do not detract from the visual building character or architectural integrity of the heritage resource;	The development agreement requires that such equipment be hidden or located in areas not adjacent to Greenvale Lofts. (Section 3.7.12 of development agreement)
(h) having the proposal meet the heritage considerations of the appropriate Secondary Planning Strategy, as well as any applicable urban design guidelines; and	Policy H-6 of the Downtown Dartmouth MPS mandates design guidelines and controls to apply in heritage contexts. These measures were included in the detailed criteria of Policy B-7a, and each of the criteria is satisfied by the detailed conditions of the development agreement.
(i) any other matter relating to the impact of the development upon surrounding uses or upon the general community, as contained in Policy	This is addressed in Attachment D. There are no concerns.

IM-15.	

For the purposes of Policy CH-2, the following definitions apply:

1. "Abutting" means adjoining and includes properties having a common boundary or a building or buildings that share at least one wall. Properties are not abutting where they share only one boundary point as opposed to a boundary line.

2. "Building scale" means a building's size relative to another building's size, or the size of one building's elements relative to another building's elements.

3. "Massing" means the way in which a building's gross cubic volume is distributed upon the site, which parts are higher, lower, wider, or narrower.

4. "Proportion" means the relationship of two or more dimensions, such as the ratio of width to height of a window or the ratio of width to height of a building or the ratio of the height of one building to another.

5. "Profile" means a building's cross-sectional shape or the shape of its outline.

6. "Building character" means the combined effect of all of the architectural elements of a building or a group of buildings.

7. "Human-scaled building elements" means a range of building details from small (masonry units, doorknobs, window muntins, etc.) to medium (doors, windows, awnings, balconies, railings, signs, etc.) to large (expression of floor lines, expression of structural bays, cornice lines, etc.).

8. "Street wall" means the vertical plane parallel to the street in which the front building facades of the majority of the buildings along a street are located.

9. "Pedestrian realm" means the volume of space enclosed by the horizontal plane of the street and sidewalks, and the vertical planes of the facing streetwalls. The height of this volume is determined by the height of the base of the adjacent buildings as defined by a major cornice line or by the point at which a building's massing is first stepped-back from the streetwall. Where cornice lines or setbacks do not exist, the height will be generally two to five stories, as appropriate.

Attachment D
Policy IM-15 and Additional Policy Evaluation

IM-15 In considering development agreements or amendments to land use by-laws, in addition to all other criteria as set out in various policies of this Plan, HRM shall consider the following:

POLICY	STAFF COMMENT
(a) that the proposal is not premature or inappropriate by reason of:	
(i) the financial capability of HRM to absorb any costs relating to the development;	The development would not generate any costs to HRM.
(ii) the adequacy of municipal wastewater facilities, stormwater systems or water distribution systems;	Existing infrastructure can accommodate the proposed development.
(iii) the proximity of the proposed development to schools, recreation or other community facilities and the capability of these services to absorb any additional demands;	The proposed development is in close proximity to all levels of schools, where there is ample capacity for students. The Halifax Regional School Board projection is that, based on current downtown demographics, 9 students would be generated by the entire project. The lands are located near a variety of parks and recreation and community facilities. The proposal would enhance the adjacent Canal Greenway parklands through complementary ground level features and landscaping. Parkland fees of $409,500 are to be paid, and Regional Council will be asked through the capital budget process to allot these funds toward the Canal Greenway.
(iv) the adequacy of road networks leading to or within the development;	The area road network can accommodate traffic generated by the proposed development, with no modifications needed. The proposed project does not affect the planned closure of Irishtown Road between Queen Street and Prince Albert Road.
(v) the potential for damage to or for destruction of designated historic buildings and sites;	There are no designated historic buildings or sites on the site, and an archaeological assessment revealed no concerns.
(b) that controls are placed on the proposed development so as to	

reduce conflict with any adjacent or nearby land uses by reason of:	
(i) type of use;	A mid to high rise project with up to 300 units has been deemed appropriate by Regional Council for the site, through the Opportunity Site designation and Policy B-7a of the downtown MPS. The type and scale of use are similar to others within the area. The density is below the 300 units enabled by policy. Commercial uses are limited to those permitted in the DB zone. The development agreement contains strong design controls on architecture, materials, landscaping, and setbacks that mitigate conflicts. In the Regional MPS context, the use is appropriate for the Capital District as envisioned under Table 3-1 of the RMPS re Centres.
(ii) height, bulk and lot coverage of any proposed building;	Policy B-7a specifically allows high rise development on the site. Guidelines for management of bulk are provided by that policy, and are met by the proposal. Refer to B-7a discussion. This project has only 70% lot coverage for the two buildings adjacent to Greenvale Lofts, and 77% for the third building on Queen Street. This low lot coverage for a downtown project enables greater than usual setbacks and landscaping. The development agreement contains design controls on matters such as materials and landscaping that minimize conflicts. 'The Fairbanks' building on Queen Street has been reduced in scale to avoid conflicts regarding an access easement to adjacent properties. Policy CH-2 also addresses these criteria adjacent to a heritage building. Refer to that evaluation.
(iii) traffic generation, access to and egress from the site, and parking;	A traffic impact study demonstrated that traffic generation from the lands can be accommodated by the existing road network. Access locations to each of the 3 buildings as proposed are acceptable. Given the site's urban core location, its proximity to 8 bus routes (2 on Ochterloney and 6 on Portland), the adjacent Trans Canada Trail and a 5 minute walk to the ferry, a reduction in parking to 0.75 spaces per unit is appropriate. This compares to 0.5 spaces per unit in downtown Halifax. All parking will be contained within the buildings, contributing to a more attractive site
(iv) open storage;	No open storage is proposed.

(v) signs; and	Commercial signage for the ground floor space will be as per the Downtown Dartmouth LUB standard. This is acceptable.
(c) that the proposed development is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.	A high water table exists which inhibits the development of full underground parking. No flooding concerns exist, and the proximity of the 9' stormwater pipe which runs from Sullivan's Pond to the Harbour does not raise concerns. The general subject area is known to contain sulphide (acid) bearing slates. Any disturbance to these slates during construction must be undertaken in accordance with the requirements of the Nova Scotia Department of Environment and Labour.

Attachment E: Minutes from Public Information Meeting

HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE NO. 17849 – Development Agreement Irishtown Road and Ochterloney Street

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7:00 p.m.
Monday, June 25, 2012
Dartmouth Sportsplex,
Nantucket Room, 110 Wyse Road

STAFF IN ATTENDANCE:	Mitch Dickey, Planner, Planning Applications Scott Leblanc, Planning Technician Jennifer Purdy, Planning Controller
ALSO IN ATTENDANCE:	Troy Scott, Architect for applicant David Harrison, Planner for applicant Councillor Gloria McCluskey, District 5 Councillor Darren Fisher, District 6 Councillor Jim Smith, District 9
PUBLIC IN ATTENDANCE:	150

The meeting commenced at approximately 7:05 p.m.

Opening remarks/Introductions/Purpose of meeting

Mr. Mitch Dickey, Planner, Planning Applications, called the meeting to order at approximately 7:05p.m. in the Nantucket Room of the Dartmouth Sportsplex, 110 Wyse Road, Dartmouth. He introduced himself as the planner guiding this application through the process and also introduced Councillor Gloria McCluskey, Councillor Darren Fisher, Councillor Jim Smith, Scott Leblanc, Planning Technician, HRM Planning Services and Jennifer Purdy, Planning Controller, HRM Planning Services.

Mr. Dickey advised that this is a request for a development agreement to allow a high density residential project. The Municipal Planning Strategy for Downtown Dartmouth enables this development. The applicant, Darrell Dixon requested in 2010 that his lands be designated an opportunity site which would specifically target them for high rise, high density development. Regional Council approved this request in December of 2010 following a public hearing.

Mr. Dickey reviewed the application process, noting that the public information meeting is an initial step, whereby HRM reviews and identifies the scope of the application and seeks input

from the neighborhood on the proposal. This is the first step in the process, before planning undertakes a detailed evaluation of the proposal. After this meeting and a staff evaluation, the application will then be brought forward to Heritage Advisory Committee and Harbour East Community Council. Council will hold a public hearing, prior to making a decision on the proposed development.

Presentation on Application

Mr. Dickey reviewed a slide of the location, explaining that the applicant owns 4 parcels which fall under this development agreement request. Two are located generally between the former Greenvale School site and the old Shubenacadie Canal and Starr Manufacturing lands. The other two parcels are across Irishtown Road formerly called Pine Street Extension. The lands are vacant, except for an old Laundromat which is closed.

The Canal and Starr lands along with HRM owned lands nearby are referred to as the Canal Greenway. This term applies to the linear corridor between the harbor and Lake Banook, where the Shubenacadie Canal was first established in the 1820's. HRM and the Shubenacadie Canal Commission have been developing a master plan for the greenway for the past 10 years, to reflect canal and manufacturing history and to plan recreation infrastructure. Much of the applicant's lands were once part of the property belonging to the Canal Company and later Starr Manufacturing.

Mr. Dickey reviewed a slide showing the applicants largest parcel, the old bowling alley site, and explained that it is designated as a Regional Opportunity Site under the Regional Municipal Planning Strategy. This designation encourages major developments on such designated sites, in support of goals to revitalize the capital district/urban core of HRM. He added that the lands are mainly vacant and is an area of redevelopment and transition. A variety of development scales are present in the area. Most of the applicant's lands abut Greenvale Lofts which is a registered Municipal Heritage Property. The HRM owned canal greenway lands are not registered. They do have a degree of Federal recognition, with National Historic Event commemoration, recognizing Starr's place in skate-making history.

In 2009 the applicant applied for changes to the local plan to explicitly provide for large scale, high density development on the site. He requested that policy provide for three buildings of 7, 14 and 24 storeys. Existing policy already provided the ability to develop taller buildings than permitted by the Downtown Business Zone however there was ambiguity around how much height was appropriate and in what locations taller buildings would be most appropriate. The proposal was reviewed by HECC and HAC. Regional Council in December 2010 approved the application, designating the site as an opportunity site in the local Municipal Planning Strategy, enabling a development agreement process to allow three buildings of up to 7, 14, and 19 storeys.

Mr. Dickey explained the vision of HRM and the Shubenacadie Canal Commission for the Canal Greenway lands. It includes the closure of Irishtown Road between Queen Street and Prince Albert Road as a through road, the exposure and interpretation of now-buried features of canal and industrial heritage, and the presence of some form of water feature.

Mr. Dickey reviewed the HRM Land Use Policy explaining that there are two levels of policy regarding development in the urban core which are:

1. Regional Municipal Planning Strategy (Adopted 2006)
   Identifies Regional Centre as priority area for major growth and investment:
   - Highest densities and largest buildings,
   - Capital District identified as urban heart of HRM,
   - Targets area for 25% of housing stats in region.

   Identifies largest parcel as Regional Opportunity Site:
   - These sites are seen as appropriate for largest projects, supporting revitalization of the urban core without affecting existing housing.

2. Downtown Dartmouth Municipal Planning Strategy (Adopted 2000)
   - Encourages substantial redevelopment of commercial and waterfront areas, & sets growth target of 4000 new residents to revitalize the area and the business community.
   - Opportunity sites in particular are targeted for intensive development in support of Municipal Planning Strategy goals; typically larger, vacant sites.

Mr. Dickey explained that in addition to designating the lands as an Opportunity Site, site specific Municipal Planning Strategy policy was also adopted. Policy B-7a requires that the development agreement process be used. The policy explicitly provides for high density housing in three mid and high rise buildings on these lands. This policy builds on that which applies to the Starr and Greenvale sites, to recognize important heritage and site attributes which should be addressed in any design. The need for wind and shadow studies to minimize impacts on public space is established, and a requirement to ensure adequate study and protection of any archaeological features which may exist. He added that there is a clear need to update architectural and urban design standards across Downtown Dartmouth. This is especially so for the applicant's lands given their unique nature and location. To address this, the urban design principles of HRMbyDesign are appropriate for use in Downtown Dartmouth on this site. The policy for this site therefore establishes the need for a well-defined building envelope, with all parking to be accommodated underground or in a podium. The concept of street wall height is introduced, having the effect of creating a low rise building base in scale to the pedestrian environment. Above the low rise base of 2-3 stories, the policy sets a guideline in which mid rise and high rise sections step back from the sidewalk or adjacent properties to diminish the apparent scale of a new building. The policy establishes maximum building heights. The policy mandates a mix of housing types, to appeal to a wide range of potential residents. Substantial amenity space is to be required. The developer is required to make major contributions to the improvement of the canal greenway lands.

Mr Dickey advised that consultants representing the developer would now make presentations. After that it will be possible for people to ask questions of either himself or the developer. He stated that no decisions are made tonight, the purpose of the session is to exchange information and have a discussion of thoughts, concerns and questions.

David Harrison, Planner, introduced himself explaining that he has been a Planner since 1986 and gave a brief explanation of his history and experiences. He represents the developer. Mr. Harrison at this time reviewed slides of the development, Wentworth, from Queen Street and where the three buildings will be located in relation to one another. He explained that there was a previous public information meeting held February 15, 2010 for a plan amendment to set policy to allow redevelopment of this site. Harbour East Community Council met regarding this September 2010, Heritage Advisory in October 2010 and Regional Council December 2010. He explained that this is the 2nd public information and the application will follow through the above process following this meeting. The Downtown Dartmouth Municipality Planning Strategy supports residential intensification and business development, but he explained that the MPS goals of 4000 new residents by 2020 will not be met. The Regional Plan sets criteria for development adjacent to heritage buildings. The site has been pre-approved for high density mixed use. Mr. Harrison explained that there would be a link between the Canal and Waterfront Trail Systems and added that they have been working with HRM Planning Department to ensure compliance with the Municipal Planning Strategy and the existing service and infrastructure explaining that this development does not require any additional water and sewer services. He added that the new neighbourhood commercial space is included within the project; plus Live/Work space. The three residential buildings will include 2 mixed use buildings and 1 residential-only building with 300 units. The Commercial space will be 7500 square feet with 225 underground parking spaces. The buildings will be named after the Shubie Canal Pioneers; 'The Wentworth' (after NS Governor John Wentworth) will be 19 storeys including the penthouse; 'The Fairbanks' (Charles Fairbanks, MLA / canal advocate) will be 14 storeys and 'The Wallace' (after NS Treasurer Michael Wallace) will be 7 storeys.

Mr. Troy Scott, Architect reviewed a slide of the sun orientation to the site explaining that it will receive sun for half the day; a slide of Seagate Residences related to HRMbyDesign explaining that there are clear setbacks from property lines; 'The Wentworth' elevation; an aerial site plan, explaining that they are trying to create the buildings so that they work together and give a "downtown feel"; a slide with an aerial view from east showing that there will be amenity spaces, green roofs, a park setting, balconies, and a café feeling that entices other businesses to come to the area. He also explained that there will be wind screens as recommended by a wind study that has been completed. He noted that Halifax is a windy area and they are addressing this. He reviewed a slide of the development from Prince Albert Road, Ochterloney Street and Queen Street explaining that the color of the building is blue to blend in with the sky.

Questions and Answers

Ms. Maya Warnock, Dartmouth explained that she lives two blocks from the development and asked if a hurricane study has been completed, she expressed concern with people losing their homes.

Mr. Scott explained that they can't speak to the structure of Greenvale School however explained that there has been a wind study done.

Mr. Dickey explained that there has been a wind study received from the developer however, it has not yet been reviewed. This will be a very important piece of information that staff will closely review to determine potential impacts on public spaces.

Ms. Warnock explained her experience with the damage that happened to her home from Hurricane Juan.

Ms. Tracy asked about the access on Ochterloney Street for the residents and asked about recreation services in the area and asked if the Findlay Centre will be given any extra investment because of this development. She explained that she was hoping that this development would have more mixed housing such as town housing on the street frontage.

Mr. Scott explained that they are trying to get more commercial businesses downtown. This is why they split it with the live/work idea. He explained that the Findlay Centre is further away and is not on the developer's radar at this point.

Ms. Tracy explained that the Findlay Centre is the only one that is in walking distance.

Mr. Scott explained that there will be access to and from the building on both sides of the building.

Ms. Tracy expressed concern with traffic and suggested that there be a driveway.

Mr. Dickey explained that the applicant has submitted a detailed traffic study that is fairly complex with three driveway accesses proposed. He explained that with the Regional Plan and the local Plan it is pretty clear that these documents are targeting major growth and it is understood and accepted that this will cause an increase in local traffic. A developer is required to show what impact they are going to have on the nearest intersections and how their driveways are going to function. HRM Engineers will be reviewing these impacts over the next few months. He also explained that the general policy criteria for recreation services are to look at the sufficiency of parks and community facilities.

Ms. Aet Sandstrom, Dartmouth explained that she has been a resident of the area for 44 years at which time there was a canal but, is not there any longer. She explained that she is against the project and addressed concern regarding the beech tree and asked what the developer's plans are for this tree.

Mr. Dickey explained that the stream out of Lake Banook is no longer a stream; it is in a 9 foot diameter pipe buried below the ground as a result of hurricane Beth in 1971. It has been recognized in planning policy as a desirable thing to have water on the service again, flowing in some form. The existing policy talks about trying to find a way to daylight the pipe and once again create an open channel. The pipe is now owned by Halifax Water which will be also looking at options including daylighting. Another idea brought forward was a smaller stream or a fish passage. He explained that the tree which Ms. Sandstorm is referring to is on the Greenvale property and would not be affected by this development. He explained that there are trees along the old Beazley's Bowling Alley site and park land that will be looked at during this process.

Ms. Kate Watson, Dartmouth has been a resident for 20 years. She explained that she and others have concern that because it is rental units it is going to change the face of the neighbourhood and be lower income. The other concern is that it is going to be highly priced leaving no room for affordable housing. She asked if the developers could speak as to what the rents are going to be.

Mr. Dickey explained that HRM cannot dictate if a property is going to be owner occupied or a rental. He explained that the plan policy is very strict on design, which influences quality, and mid and high rise buildings are expensive to construct which has direct bearing on unit price.

Mr. Harrison explained that the units are rental, 21 studios, 103 one bedroom units and 173 two bedroom units and 3 three bedroom units. The affordability of the project depends on all of the opportunities that have been built in, in terms of the design, quality and requirements to meet the heritage style. He read what their submission is on the market: "the target market being served will be young and middle aged tenants with a middle income profile." These tenants will be able to take advantage of transit services and access to employment as well as active transportation options. He explained that he cannot comment on rental rates at this time, as it will depend on construction, costs as well as other variables. He also added that placing underground parking is the most expensive part of the building.

Ms. Jane Schlosberg feels the buildings are too high and do not fit with the neighbourhood. She expressed concern with this not being for families as there are only a few 3-bedroom units and no playground.

Mr. Charlie Burnett, Dartmouth explained that the development is very plain, unattractive and has no imagination. He expressed concern with this being a "slum". He explained that the architecture should reflect the historic nature of the area and that these buildings need to be more attractive.

Dr. Markus Stasisulis, Wyse Animal Hospital expressed concern with only finding out about this meeting a week ago and expected that the developers would have contacted him to discuss the impact this development will cause to his building as well as the landscaping. He asked to review the slide of the aerial view from the east and circulated his own photos of two trees behind his building and asked if this development will infringe on the trees.

Mr. Scott explained that he wasn't sure exactly where the property line is in relation to the tree but, the setback will be five feet from the property line.

Dr. Stasisulis asked about the large trees on HRM property and asked if the architect and developer are planning on putting in a lot of money into this park that may end up being showed, that they would respect the trees that were there to begin with.

Mr. Scott explained that it is not their intent to destroy anyone's landscaping.

Dr. Stasisulis asked if the cranes being used to contract the building will be sweeping over his building.
Mr. Scott explained that there are no plans as to where the cranes will be placed at this time.

Dr. Stasisulis asked if he has a right-of-way between the two buildings if he has to do any repairs to his building.

Mr. Scott explained that they are set back five feet from the property line.

Dr. Stasisulis asked about the shadows on the diagram and asked about the time of year and time of day the renderings were taken on.

Mr. Scott explained the shadow study image is from June and wasn't sure what time of day it was. He added that there is another study available at a different time a year.

Mr. Stasisulis expressed concern with the area being an extensive shadow in the late afternoon and early evening and in the winter time, it will be even worse. He expressed concern with the parkland that the developer is suggesting is going to be in a considerable amount of shadow.

Mr. Dickey explained that the developer has submitted a shadow study and staff will be reviewing this in detail. The report to Council will have discussion to what the potential impacts might be.

Mr. Stasisulis asked what the projection of the direction of wind will be.

Mr. Scott explained that it is going to wrap around the building.

Mr. Dickey explained that there is a wind study that has been submitted and which will be reviewed in detail. This study shows the effects of wind at various points and the seasonal variations of wind for certain times of year.

Mr. Scott explained that there will be planting of trees and items that breakdown the wind. He also added that there are some residents who are looking for shaded areas and gave an example of parents with small children.

Mr. Stasisulis requested the developer and land owner to come speak with him personally.

Mr. Stasisulis suggested the signs advertising a development be put up more in advance than one month. He asked who the landscape architect will be.

Mr. Scott explained that Gordon Radcliff is the Landscape Architect has been hired for this.

Mr. Dickey explained that two years ago, there were signs were placed both on Ochterloney Street and on the former laundromat notifying the public of the Municipal Planning Strategy amendment process and that property owners within 500 feet also received mail notices. The current signs went up three weeks ago. The Public Participation Resolution passed by Council

says that residents should be sent notices 2 weeks prior to a public meeting, and that this timeframe was met.

Mr. Water Regan, Sackville River Association explained that the Sackville River Association is a volunteer group trying to restore the Sackville River and explained that they were approached several years ago by Canoe Nova Scotia to see if they can daylight Sawmill River as part of the Canal Greenway. He explained that for a number of years they have been trying to work to that goal. He explained that HRM policy supports the day lighting of Sawmill River from the Harbour to Banook Lake, Policy B-7a. He added that parkland dedication should be a part of this project and at least $10,000.00 per unit to pay for the day lighting of the brook. This would allow for wild Atlantic salmon and the beautification of this neighbourhood and community, which will also reflect the historical aspects of the Shubenacadie Canal and will attract major tourism aspects to the Downtown Dartmouth. He explained that Tim Olive, at a recent meeting explained that he is aware of at least 10,000 people that may be moving to Downtown Dartmouth in the next few years. Dartmouth Cove project should be a part of this project and the two developers should work together to help daylight Sawmill River.

Mr. Dickey explained that Council will looking at the planning policy that regulates development on this site and making sure that this development meets all the criteria required. He added that the policy does talk about daylighting and opening it up, however are some issues around that. Over the last 10 years HRM has done a lot of in-house design work and hired some consultants to look at the Canal greenway and what the options are in improve it; there is a lot of piped and historical underground infrastructure that limits available space for a stream. HRM has recently hired CBCL Limited to do some more design work on the site to look at the grading and look at the features from Starr Manufacturing and the Canal and how they can be brought back and what the cost will be. They will also be looking at the feasibility of an open stream. This will be taking place over the next few months and will see what can fit on the site which will give a rough idea of the capital cost. For this site, there has to be capital contributions which have to improve the Canal greenway land.

A gentleman explained that he has tried to get information from the City for years and asked who is in charge.

Mr. Dickey referred him to Peter Bigelow, Manager of Real Property Planning, HRM.

Mr. Sam Austin, Dartmouth explained that this project is exactly what is needed to bring more residents in the downtown neighbourhood. He explained that the building seems broad and suggested that it would look nicer if it were more slender with a better visual path between the Ochterloney frontage and Irishtown. He also suggested that the second building not look exactly like the one across the street; the Downtown area is traditional and can have a fine grain of narrow buildings that all look differently. He gave an example of the new Vic apartment buildings in Halifax, explaining that it blends in well with the fine grain around it. He added that he hopes the City can spend some money as well as the developers on the Shubenacadie Canal.

Ms. Sonia Dudka, Dartmouth supports the revitalization of Downtown Dartmouth and feels that there needs to be something new. She explained that she went to the presentation with Dartmouth

Cove and there were similar types of buildings with high rise towers/café entree ways and thinks that they are wonderful but, feels there isn't anything inviting for families; children need parks. More research needs to go into how this will affect schools and need to consider family living.

Mr. Harrison explained that there are some migrations from other part of Nova Scotia, but we are growing because families are getting smaller and what is happening in the market place, is a response to that situation. He explained that they are trying to drive this process to respond to a number of factors.

Mr. Trevor Parsons, Dartmouth explained that he has an office on Portland Street. He explained that he has been in the development business and has worked with developers adding that he is not against development but, is interested in smart development. If this development goes forward in this form, how long will the development agreement be in place and is it transferable.

Mr. Dickey explained that if a development agreement is approved by Council, they typically require a commencement of construction within three years, sometimes five years. A development agreement is always transferable, HRM staff cannot regulate by property owner, and however the terms of the development agreement always stay in place and continue to apply.

Mr. Parsons asked if they will continue to be subjected to the eyesore that is there now with the concrete blocks or can it be made use of to provide parking.

Mr. Dickey explained that a development agreement could conceivably contain requirements for interim use of the site and can be negotiated with the developer.

Mr. Parsons expressed concern with the zoning; it currently is Downtown Business that allows for approximately five storeys.

Mr. Dickey explained that the Downtown Business zone allows buildings up to 70 feet without a public process. This developer gave up that ability so, he is not able to change his mind and has to go through a development agreement regardless of what he builds.

Mr. Parsons explained that HRM should stop spending so much money on Landscape Architects to do neat designs, and then there might be enough money to daylight the canal. He expressed concern that since amalgamation the Halifax Planning Department has presided over the hollowing out of Downtown and has allowed urban sprawl and now is embracing density. He asked why HRM has a Planning Department and expressed concern with the amount of taxes being paid and unless the Planning Department continues not to listen to the public to make a better city, then they should cancel the Planning Department to lower taxes.

Ms. Jane Birmingham explained that there was lack of information showing what this building will do to her building. She has concern with this development over shadowing her building and will not blend in with the surrounding buildings. She added that there has not been any talk about parks or playgrounds for families that may move into this area, and Sullivan's Pond is crowded. She addressed concern with the lack of parking spaces and that the surrounding streets are

already filled with cars. She added that she is not against development but, is not in favor with this particular one. She would like to see something that fit in better with the neighbourhood.

Mr. Scott explained that the canal bridge is not affected by shadow.

Ms. Birmingham asked if the access to her building will be changed. She heard that they will have to pass through this proposed building to get to theirs.

Mr. Scott explained that there is a 15 foot access easement from Queen Street that will be adhered to, this will allow traffic to get through.

Mr. Dickey explained that HRM is aware of the 15 foot wise easement over the developer's property on from Queen Street to the Canal Row and Canal Bridge Buildings to access parking. Staff will not recommend anything to Council that would cause any problems

Mr. John Birmingham, Dartmouth asked how this project is going to affect noise pollution. Will this affect the environment and how will it affect the wind gusts. If there is a hurricane, will there be more or less damage and will this generate more crime

Mr. Scott explained that there has been a wind study completed and the expert felt that ultimately, the project would have very little impact on increasing wind in the area. He added that the more people that come into Downtown, the safer it will be. He added that this is a great opportunity.

Mr. Birmingham asked if anything is going to be done about the crime areas.

Mr. Dickey explained that the intent in the Downtown Plan is that there will be re-development taking place in the commercial area, bring back residents and boosting local businesses.

Mr. Harrison explained that the parking will be underground, which will take away from any noise impacts.

Mr. Kevin Chaisson, Dartmouth explained that Greenvale is a beautiful development and a lot of work went into redoing the school. He expressed concern with this development going to destroy the whole quality of life by building a concrete wall around it. He added concern with the shadow impact and the wind tunnels it will create. The green space/park areas are not going to live without sunshine. He also addressed concern with privacy and added that if HRM Councillors vote in favor of this, it is in violation of the people who put their trust in them.

A gentleman from the area explained that he is grateful that there are people trying to reenergize this dying piece of land in HRM. He has no problem with the height, construction or design. Suggested that they be more creative and is excited about the energy coming into the Downtown and suggested that residents need to let go of the old ways. He asked what the plan is on the absorption of units of markets which will affect the quality of the tenants. What are the incentives in bringing people downtown.

Ms. Meggan Tanner explained that this development is not offensive to herself however, feels that more detailing is needed. She addressed concern with shadow and wind and that Greenvale Site will be affected greatly and concerns regarding the copper beech on the Greenvale side, it is approximately 100 years old. She explained that the Regional Plan talks about referring back to the HRM design manual in order to how to treat heritage properties. She read the heritage guidelines regarding abutting properties their massing and setbacks and explained that this is being broken. She explained that this development doesn't enhance Greenvale and it is not neighborly in proximity in respect to the property line.

Mr. Dickey explained that a key part of the review will be policy CH-2 in the Regional Planning Strategy which sets out how to evaluate a vacant lot next to a heritage building. It doesn't preclude high-rise next to heritage buildings but rather addresses how the lower floors of new buildings respond to heritage buildings.

Ms. Tanner asks that the setback get reviewed.

Mr. Scott explained that between Greenvale School and this development, there is a setback that ranges between 2.5 meters to 30 meters. Greenvale is 8 feet away from the property line, and this development is another 5 feet away from that; totaling 13 feet in between at the one corner and then grows to up to 65 feet in between the two buildings.

Mr. Bruce Hilchey, President of Canal Ridge Condominium, expressed concern with living next to a 14ft storey building and explained that it will be very crowded. He asked if it was the developers design when it was brought forward to HRM.

Mr. Dickey explained that it is developer driven; they meet with staff to see how it fits with the framework of the Municipal Planning Strategy to see if it is going to proceed and which path it has to go down.

Mr. Hilchey expressed concern that the developer's vision superseded the vision of the community.

Mr. Dickey explained that a Municipal Planning Strategy is a flexible document over time and never stays the same and gave an example of how amendments were approved to allow Kings Wharf. He explained that during the process for the applicant's site, Council adopted a set of site specific rules that set the highest design standards anywhere in Dartmouth, while also giving the developer greater height and density.

Mr. Hilchey asked where the amount of 300 units came from.

Mr. Dickey explained that the developer proposed it. Density is not a huge factor in urban design as it's more about building form and design.

Mr. Hilchey explained that 300 units means a lot more people which brings problems. He explained that there are enough problems with high density areas in North End Dartmouth. He

expressed concern with the human element not being factored in when reviewing the development.

Mr. Dickey explained that in 1998 and 1999, staff worked on a major community planning process and had hundreds of people involved. A large increase in population was supported by the citizen steering committee. An additional 4000 residents was the goal set in the MPS.

Mr. Hilchey asked how many of these 4000 people will be housed in these three buildings.

Mr. Dickey explained that based on current demographics; there would probably be 450 people.

Mr. Hilchey confirmed that there is a 7-storey, a 14 storey and an 18 storey. Asked where the logic is in determining that 7 stories is good for one side and 14 stories is good for the other.

Mr. Dickey explained that Ochterloney Street has always been seen differently and there has been talk about designating heritage conservation district along the street, with only low to mid rise buildings being appropriate there.

Mr. Hilchey asked why the analysis for the 14 ft. storey building was made in consideration with Sea Coast Towers.

Mr. Dickey explained that was a result of the HRM By-Design process in 2006/07. There was support for buildings up to 15 storeys at lower elevations in the downtown area. They used Sea Coast Towers as an example of an appropriate scale although the exterior design of that building would be an issue today.

Mr. Hilchey asked if Sea Coast Towers could be approved today.

Mr. Dickey explained that it wouldn't be supported by staff today with its exterior design, location is also a factor. He explained that there is more demand for mid rise and high rise; this adjusts with the times.

Mr. Hilchey asked if this public information meeting is a consultation and if it is required by law.

Mr. Dickey confirmed that this is a consultation and is not required under provincial legislation. HRM has passed a public participation resolution that sets this up as the first step in an application process.

Mr. Hilchey asked about the February 15, 2010 meeting and asks if that was also a consultation. He explained that there were 16 pages of comments presented and recorded, and asked why none of the concerns from the meeting were addressed and brought to this stage.

Mr. Dickey explained that the report that went to Harbour East and Regional Council addressed all the matters that were raised from that public meeting and when the public hearing was held, notifications were mailed out to everyone that went to the public meeting, and 7 people came to speak to council.

Mr. Hilchey explained that height was the largest concern at that time and addressed concern that the height has not changed. Will the public's comments from tonight's meeting be taken seriously and acted upon in good faith.

Mr. Dickey explained that staff evaluates a proposal and advises Council based on the Municipal Planning Strategy policies as they are the legal mechanism in place. Council makes its decision on that. In staff evaluation, they use what the public says as one factor and determine what are the most important issues under MPS policy and what should be addressed. He added that frankly it is not staff's role to write a compromise that makes everyone happy because then nothing will ever get built.

Mr. Hilchey explained that the concept that has been developed in Downtown Dartmouth over the years would be that the development should fit in with the surrounding character. There are no 18 storey buildings in Downtown Dartmouth; this does not meet the general concept for development.

Mr. Dickey explained that the emphasis in the downtown policies is about small town character in terms of land use and the pedestrian's view; there is nothing in the Municipal Planning Strategy that prohibits taller buildings. He explained that staff will take back the concerns of the public and see if they can be addressed.

Mr. Hilchey explained that the size of the building is the most important concern of the public, the number of units and the scale.

Mr. Dickey explained that Regional Council has already decided that these four sites are appropriate for this scale of development. The discussion going forward is about design and whether the developer can satisfy the design requirements.

Mr. Hilchey asked if the concerns from the February 15, 2010 meeting be incorporated within this application when brought forward to council.

Mr. Dickey explained that there is a link to the old staff report however; it will not be incorporated with the new staff report.

Mr. Hilchey asked if there is an opportunity to change this concept.

Mr. Dickey explained that it is possible. Typically, most projects are changed somewhat after a public information meeting and as staff evaluate the proposal against the Municipal Planning Strategy Policies.

Mr. Kurt Pyle, Supervisor Planning Applications advised that it was around 9 pm and for those who need to leave, any feedback, comments or concerns can still be added to the record by way of email or telephone call to Mr. Dickey.

Mr. Hilchey explained that he feels that the community's concerns have not been taken seriously. He asked that staff act in good faith for the community to make sure that this development reflects the community's concerns.

Mr. Dickey explained that everything said tonight will be read and reflected as part of Council report and added that this is not the last opportunity for public input, that the public hearing is a more formal means of public comment.

Mr. Greg MacKenzie, Dartmouth asked if there is a rendering of where the Condo Bridge falls into the plan and how close proximity it is.

Mr. Scott explained that they didn't have a rendering of it but explained that this development is setback 5 feet from the property line.

Mr. MacKenzie suggested that the Canal Bridge be in future drawings. He added concern with this 14 storey building looking into their windows and depreciating his property value. He asked if there has been any consideration in this.

Mr. Scott explained that property values have not been looked at. When they do their design work, they look at the shadowing impacts. The Canal Bridge will not be affected by shadow impacts at all.

Mr. MacKenzie explained that the construction of these buildings will destroy the overall presence and integrity of the neighbourhood. He gave examples of some new constructions that keep with Dartmouth's small town feel and beauty.

Mr. Greg Baker, Dartmouth explained that he is in favor of this development. He asked about the possible closure of Irishtown Road and asked if instead of a cul de sac, which is a huge waste of space, would a consideration be given to something else like a driveway into the taller building. Can there be more green space vs. the cul de sac.

Mr. Dickey explained that the closure of the street connection is a separate matter from this development proposal. It has been approved in principal and will have no major effect on traffic, and is intended to proceed regardless of what happens with this proposal. This will probably happen within the next two years and this route will need to be kept open until the reconstruction of the Alderney/Portland/Prince Albert Road intersection is complete. A public hearing on the street closure will have to be held by Regional Council. He explained that they will try to shorten the cul de sac up as much as possible; the more that becomes park, the better.

Ms. Holly Cameron, Dartmouth explained that she will be directly behind the 19 storey building and wants to know how close it will be to her building and also asked about the wind impact.

Mr. Dickey explained that the setbacks are something that will be looked at more closely and will address what treatment is appropriate in between the two buildings.

Ms. Cameron also addressed concern about the parking and where the visitors will park.

Mr. Dickey explained that these numbers of spaces are what was proposed by the developer. The normal standard in Downtown Dartmouth is one space/unit. Staff will be reviewing this and determining whether the reduction is appropriate on this site and if not, where will the visitor parking go.

Ms. Cameron asked about the business parking.

Mr. Dickey explained that they haven't been requiring parking for commercial, only residential. However, will be looking more closely into this to determine what is appropriate for the site.

Ms. Pam Townsend, Dartmouth asked why the buildings are joined and suggested it be left as green space.

Mr. Scott explained that the development is trying to connect the parking levels inside and explained that in order to get the 225 parking spaces in there is not an easy task. This also allows passing within the interior. He explained that they have not taken into account the pathways around the building.

Ms. Townsend asked to see the property line and explained that she would like to see the building set back more, so that it is less intrusive on Greenvale School and on Lock 4 building.

Mr. Scott explained that there is an easement that Halifax Water has that runs through the property that they are not allowed to build on.

Ms. Townsend asked if this is an 18 storey or a 19 storey. Mr. Dickey explained that it is 18 with a penthouse.

Ms. Townsend explained that when she was looking at building a deck on her previous home, she was told that it needed to be 10 feet from the property line.

Mr. Dickey explained that it depends on where you are and that in Downtown Dartmouth whether you're in a commercial or a residential zone, normally you can build right to the property line.

Ms. Townsend explained that she was in shock to learn that you can build that close to a property line.

Mr. George Brown explained that this building will diminish his quality of life and also his property values. He asked if the building is 18 feet on top of a 3 storey plaza with a 2 storey penthouse on top.

Mr. Dickey explained that the proposal is 19 total from grade including the penthouse and the plaza.

Mr. David, Ochterloney Street explained that this development doesn't resemble anything Downtown and explained that there is also other vacant commercial areas. He explained that this will add more traffic.

Mr. Dickey explained that there is a guideline for the rest of the commercial district that is 5-7 storeys that is meant to apply to building height at the sidewalk. Council has the flexibility to go higher through the development agreement process as they have with density.

David expressed concern with allowing this development and whether it will bring more development at this height. He asked if there is anything the Planning Department can do to tear down the Old Power Plant.

Mr. Dickey explained it is up to Nova Scotia Power.

Mr. Don Forbes, Dartmouth explained that 300 units is too massive for this area he is in support of increasing the population of Downtown however this is going to create a large barrier and this should be the small town core. He agrees with separating the buildings that this would improve the barrier like structure.

Mr. L. Richards, Dartmouth explained that the green space and development looks good however, the zone only allows 70 feet height and doesn't understand how adding an additional 100 feet to this isn't going to affect the neighboring properties.

Mr. Dickey explained that in the Downtown Business zone, which covers the commercial zone, for as of right development, as developer can go up to 70 feet in height. The development agreement process allow them to apply to Council and go through this type of process to allow them to go higher, there are unfortunately no clear limits to say how high you can go.

Mr. Richards agrees that something should be built there, and this is nice however, it's the height concerns. If it was half the size most people would be happy to see it go up.

A lady of the residents asked if pets will be allowed in these apartments.

Mr. Dickey explained that HRM does not regulate which apartments have pets in them.

Mr. Colin May explained that the photos presented at this meeting is not accurate, he feels the graphics are appalling considering the abilities today. He explained that the shadow study should show the impacts from the shortest day of the year to the longest day of the year. Greenvale Lofts is going to be significantly impacted by shadows. He explained to Regional Council back when they were changing the rules. He addressed concern with privacy and explained that the two buildings are too close.

Mr. Scott explained that they have spoken with Louis Lawen, owner of Greenvale School and he understood he is fine with the development. He has concerns issues around construction and setbacks.

Mr. May explained the number of processes he had to do in amending a development agreement and in developing the property in retaining its heritage features; he can't imagine him not minding these buildings being developed. He also addressed concern with the shadow this development will cause.

Mr. Dickey explained that the shadow information will be uploaded to the website for review and will also be made available to Council.

Mr. May explained that the biggest mistake in HRM Planning is to look at a development lot by lot. He also addressed concern with low income housing and also the lack of parking.

Mr. Blair McKinnon, Downtown Business Corporation explained that he is in favor of developing the downtown not only for businesses but for people as well. In terms of planning, he explained that there is opportunity for consultation and wants to congratulate the city for allowing the public the chance to speak as years ago that wasn't possible.

Mr. Clark thinks Downtown needs development and needs to encourage development in this area.

Closing Comments

Mr. Dickey thanked everyone for attending. He encouraged anyone with further questions or comments to contact him.

Adjournment

The meeting adjourned at approximately 9:50 p.m.