



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 3.1.1
Halifax and West Community Council
May 20, 2014

TO: Chair and Members of Halifax and West Community Council
Original Signed

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

DATE: May 6, 2013

SUBJECT: **Case 18547 – LUB Amendment and Development Agreement – 2183
Gottingen Street, Halifax**

ORIGIN

Application by The Housing Trust of Nova Scotia

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, Part VIII, Planning & Development

RECOMMENDATION

It is recommended that Halifax and West Community Council:

1. Give First Reading to consider approval of the proposed amendment to Map ZM-2 of the Halifax Peninsula Land Use By-law to include 2183 Gottingen Street, Halifax, within Schedule Q, as presented in Attachment A and Schedule A of this report, and schedule a public hearing.
2. Move Notice of Motion to consider the proposed development agreement as contained in Attachment B to allow for a mixed-use development with ground floor commercial space and up to 117 residential units, and schedule a public hearing. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1.
3. Adopt the amendment to Map ZM-2 of the Halifax Peninsula Land Use By-law as presented in Attachment A and Schedule A of this report.

RECOMMENDATIONS CONTINUED ON PAGE 2

Contingent upon the amendment to the Halifax Peninsula Land Use By-law being approved by Community Council and becoming effective pursuant to the requirements of the *Halifax Regional Municipality Charter*, it is further recommended that Halifax and West Community Council:

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

BACKGROUND

An application has been submitted by The Housing Trust of Nova Scotia to enable the development of a mixed-use building containing commercial space and upper storey residential uses at 2183 Gottingen Street, Halifax (Maps 1 through 4). The site is a through lot that extends to Maitland Street. As the proposal exceeds the allowable height requirements of the Halifax Peninsula Land Use By-law (LUB), the applicant has requested that the site be included within Schedule Q of the LUB, which would then allow the proposed mixed-use building to proceed by development agreement.

Location, Subject Area and Surrounding Area

The site is:

- currently vacant, and was previously occupied by a commercial building that was demolished in 2011;
- comprised of a single property; and
- 2,166 square metres (23,312 square feet) in area with approximately 24 metres (78 feet) of frontage on Gottingen Street and 46 metres (150 feet) on Maitland Street.

The surrounding area is comprised of a diverse mix of commercial, residential, community, and institutional uses within a varied built environment. Surrounding land uses, as shown on Map 4, include:

- a range of commercial, service, institutional and community uses;
- low to medium rise residential apartments on Gottingen Street and lower density housing forms on Maitland Street; and
- two churches on Cornwallis Street to the south.

With regard to Maitland Street, the block upon which the site is located is largely comprised of vacant lots and the backs of buildings that front onto Gottingen Street. While there are three houses along this section of the street, including one that is immediately to the south of the subject site, this is not the dominant character of this section of the street. The former St. Patrick's-Alexandra School is immediately across Maitland (see Map 4).

Directly abutting land uses (Map 2) include:

- an HRM-owned walkway along the southern property boundary that extends from Gottingen Street to Maitland Street, across from which there is a two storey mixed use building at 2179 Gottingen Street with ground floor commercial space and a single unit dwelling at 2244 Maitland Street;
- a two storey commercial building to the north at 2193 Gottingen Street that includes a café and a hostel;
- a three storey commercial/residential building at 2199 Gottingen Street; and
- a three storey mixed use building at 2203 Gottingen Street that includes the Bus Stop Theatre.

Designation and Zoning:

The site:

- lies within Area 8 of the Peninsula North Secondary Planning Strategy [Section XI of the Halifax Municipal Planning Strategy (MPS)];
- is designated Major Commercial (Map 1);
- is within the Regional Centre and Capital District designations of the Regional MPS;
- is zoned C-2 (General Business) under the Halifax Peninsula Land Use By-law (Map 2); and
- is subject to a height limitation of 50 feet along Gottingen Street and 40 feet along Maitland Street (Map 3).

Enabling Policy and Zoning Context

The site is within that area of Gottingen Street (between Cogswell Street and Prince William Street) identified by the MPS as a major commercial area for Peninsula North and the broader community. MPS policy encourages commercial and residential intensification in this area, in recognition of the street's historic role as a major shopping street and to once again strengthen this role. Policy also encourages the development of new housing stock that appeals to all income levels. This application largely concerns a proposed increase in height for the site.

Existing Height Provisions and Zoning Regulations

There are two MPS policies that provide a context for the current height requirements for the Gottingen Street area as follows:

“1.4.8 In Area 8 of this Section, the land use by-law shall include a height limit to maintain and promote a medium rise form of residential and commercial development for properties designated High Density Residential and Major Commercial and located south of Prince William Street on the west side of Maitland Street.”

“2.9 In Area 8 of this Section, a height limit shall be established for the Major Commercial area of Gottingen Street and for the Residential/Commercial mix area along Gottingen Street to maintain a medium rise building form and to ensure compatibility with surrounding residential properties.”

These policies have led to the adoption of a 50 foot height requirement along Gottingen Street and a 40 foot height requirement on Maitland Street. Although these requirements place limitations on building height, the C-2 Zone, which is applied to the site and the entire block, permits commercial and residential buildings with no maximum lot coverage limitations and no restrictions on front, side or rear yards. In addition, there are no restrictions on either the density or built form of residential uses within Area 8, unlike other areas where density is limited and angle controls limit massing.

Schedule Q

While the policies and standards noted above provide a framework for as-of-right development in the area, the MPS also has a policy context for situations where it might be appropriate to consider comprehensive site planning, as follows:

- “2.3.1 In order to promote investment in commercial and residential redevelopment and to prevent conflict between new and existing uses the city may, through the land use by-law, identify areas that provide an opportunity for and will benefit from comprehensive site planning.

- 2.3.2 In those areas identified in the land use by-law pursuant to Policy 2.3.1 all residential and mixed residential-commercial development over four units shall be by agreement.”

Further to this, policy 2.3.3 (Attachment C) outlines a number of criteria that are to be evaluated in considering development agreement proposals. Those areas that are identified for comprehensive planning are identified as being within Schedule Q on the zoning maps. Where Community Council determines that there is merit in considering the development of a site pursuant to this policy, it has the option of including large areas or individual sites within this Schedule. Inclusion of any site within the Schedule then requires that development proposals with more than four dwelling units be considered by development agreement. Community Council then has the ability to determine appropriate conditions for development based upon the attributes of the specific circumstances of a site and its surroundings. In addition, there is greater flexibility, by enabling the modification of the standard land use by-law requirements, such as those pertaining to height and parking. The negotiation of a development agreement also ensures the provision of adequate design controls.

Proposal

The applicant wishes to construct a mixed use building on the site which, due to the grade difference between the two streets, would be 6 storeys facing Gottingen Street and 8 storeys facing Maitland Street. To achieve this goal, the developer has requested that the subject property be included within Schedule Q of the LUB to allow for the proposal to be considered by development agreement. Pursuant to MPS policy, this process will allow the site to be developed comprehensively with care taken to minimize land use conflicts. Detailed elements of the proposal are as follows:

- Up to 465 square metres (5,000 sq ft) of commercial space on Gottingen Street;
- Up to 113 apartment units;

- Provision of 4, two storey townhouse units on Maitland Street;
- At least 52 underground parking spaces; and
- A variety of indoor and outdoor amenity space.

The developer is proposing that one half of the units would be for affordable housing, in that the monthly rent would be based on income. The remaining half of the units would be at market housing rates. While the MPS does not specifically establish requirements for the provision of affordable housing, it should be noted that the applicant has entered into an agreement with the Province to provide the affordable units and maintain them as such for a minimum 15 year period.

Approval Process

The approval process for this application involves two steps for Community Council:

- i) consideration of the proposed amendment to the Land Use By-law (Map ZM-2) to include the site within Schedule Q; and
- ii) if the LUB amendment is approved, a decision on the proposed development agreement.

A single public hearing can be held by Community Council to consider the LUB amendment and the development agreement. However, Council can only render a decision on the development agreement following the approval of the LUB amendment. Community Council will be provided with a supplementary report once the LUB amendment is in effect, at which time it can consider approval of the development agreement. An appeal mechanism to the Nova Scotia Utility and Review Board exists for both decisions of Community Council.

Case 18548 – 2215 Gottingen Street

The applicant has also submitted a similar proposal for another site on the same block, at 2215 Gottingen Street, under Case 18548. A Public Information Meeting (PIM) was held concurrently for both proposals, and the Districts 7 & 8 Planning Advisory Committee considered both at the same time. Case 18548 will be evaluated through a separate report.

DISCUSSION

Staff has reviewed the proposal relative to all relevant policies and advise that the proposed development is consistent with the MPS. Attachment C provides an evaluation of the proposed development agreement in relation to the relevant MPS policies.

LUB Amendment – Schedule Q

Given the large size of the site which enables substantial setbacks of upper floors, and its context to the block and surrounding areas, greater height is generally appropriate subject to detailed design controls; the site presents an opportunity for comprehensive site planning. The proposed building height continues to fall within the medium rise range as required by MPS policy and, as such, can be considered through the development agreement process enabled by Schedule Q. The inclusion of the site within Schedule Q will ensure that Council has control over the design of the project on the site in order to protect the amenity and development potential of abutting properties and the character of the streets. Attachment A contains the proposed amendments for this to occur.

The site does represent a substantial opportunity for major infill development that can contribute to the ongoing revitalization of Gottingen Street as a major commercial node, however the proposed additional height must be considered carefully to ensure it is appropriate for the site and surroundings. The following considerations apply:

- Unlike most other areas of Gottingen Street, there are no designated low density neighbourhoods (which are most sensitive to taller development) in close proximity;
- The entire block is designated and zoned for commercial development, meaning that existing housing on the block can be replaced by as-of-right commercial and high density development with no ability for public input or council control;
- Policies 1.4.8 and 2.9 do not prescribe actual height limits; this provides Council with discretion through the development agreement process to determine an appropriate medium rise form for the project; and
- By comparison, the Downtown Halifax LUB considers mid-rise buildings to be up to 33.5 metres (approximately 12 storeys) in height. The building as proposed ranges from 6 storeys (19.7 m) in height on Gottingen Street to 8 storeys (24.8 m) in height on Maitland Street due to grades, and is therefore considered to be a mid-rise (medium rise) structure.

The inclusion of the site within Schedule Q would enable consideration of the proposed additional height, as well as a reduced parking requirement, through the development agreement process. The maximum height of the proposed building is approximately 64.5 feet above the average grade of the sidewalk on Gottingen Street and 81.3 feet above the average grade of the sidewalk on Maitland Street, while the LUB allows development of 50 feet in height on the Gottingen Street frontage and 40 feet on the Maitland Street frontage.

Development Agreement

Attachment B contains the proposed development agreement for the subject property and the conditions under which the development may occur. The proposed development agreement addresses the following matters:

- a maximum height of 20.1 metres (66 feet) above the sidewalk on Gottingen Street is established, which provides some flexibility at the detailed design stage;
- setbacks of the upper floors from adjoining properties;
- commercial land uses on Gottingen Street, with a minimum of 93 square metres (1,000 square feet) to a maximum of 465 square metres (5,000 square feet);
- a maximum of 117 mixed residential units are permitted, including studios, one and two bedroom units, and townhouses;
- design controls relating to massing, height, architecture, signage, and lighting;
- minimum parking (bicycle and vehicular) requirements;
- extensive landscaping and amenity space, including rooftop landscaped areas; and
- various non-substantive amendments which may be approved by resolution of Community Council, including: types of commercial uses, building architecture, landscaping details, amenity space details; unit mix distribution, and changes to timeframes for development.

The attached proposed development agreement will permit a mixed use development that is compatible and appropriate with the neighbourhood. Of the matters addressed by the proposed

development agreement, the following have been identified for more detailed discussion. Additional discussion is provided in Attachment C.

Siting and Neighbourhood Compatibility

All properties on the block and on the west side of Gottingen Street are designated Major Commercial and zoned C-2 and, therefore, have substantial development capability. Lands on the opposite side of Maitland Street (the former St. Patrick's-Alexandra School site) are designated and zoned Park and Institutional. There are no concerns with the impact of the proposed high density residential use upon any of the adjacent and nearby properties. In addition, as discussed above, the building form is medium-rise in character and reasonably carries out the intent of MPS policies 1.4.8 and 2.9 regarding the preferred development form in the area. The development agreement does, however, contain limitations on the massing of the proposal, to mitigate potential effects of the taller building on the amenity and future development potential of adjacent properties.

On the south side of the property, where an 8 foot wide HRM walkway exists (Map 1), a 3 metre (10 foot) at grade setback is provided on the half of the site closest to Gottingen Street. On the half of the site closer to Maitland Street, a 3 metre setback is provided above the second floor. The combined effect of the setbacks is to provide a separation of 18 feet from privately owned properties on the south side of the walkway. Balconies do extend somewhat from the building face into this area. Should properties south of the walkway be redeveloped either under the C-2 zone or through a development agreement process, this is an adequate separation between buildings.

Along two of the property lines which abut properties to the north, a setback of 3 metres (10 feet) is provided above the second floor. Along the other property line, a 5.26 metre (17 foot) setback is provided above the second storey. Where there is only a 3 metre setback, window openings are generally limited in recognition of the potential of redevelopment on the adjacent properties. While a more generous setback would be preferred, the 3 metre setback represents an improvement over the potential situation that could occur as-of-right.

Overall, these setbacks mitigate the effects of height and maintain the re-development potential of abutting properties. The architectural design further mitigates the effect of the development on abutting properties.

To minimize potential land use conflicts between new commercial uses and both existing and proposed residential uses, the development agreement limits commercial uses to those permitted in the C-2A (Minor Commercial) Zone, with the exception of service stations and billboards. Commercial uses permitted in the C-2 Zone, which are not permitted in the C-2A Zone, can only be considered through a non-substantial amendment to the development agreement. Commercial space is limited to that portion of the site fronting on Gottingen Street, this ensures a residential character on Maitland Street.

Building Design

A primary concern of the MPS is the design of new developments and their relationship to streets. The proposed development would be built to the sidewalk on Gottingen Street, filling a substantial gap in the streetscape. The development agreement requires ground floor commercial uses directly on the street, in support of the MPS goal of revitalizing the street as a commercial district. An effective urban design treatment is established through a two storey streetwall along Gottingen Street which is consistent with the height of the neighbouring properties. The same principle is applied on Maitland Street, where four, two-storey townhouses will contribute to a more residential context. An HRM-owned walkway along the south side of the property is respected through the use of setbacks and landscaping. Above the second floor, upper levels are stepped back to maintain a pedestrian character along the sidewalks.

The development agreement establishes that the proposal must be constructed as shown on the schedules. A variety of cladding materials are required, in order to provide a range of textures and colours that contribute to visual interest and break up the apparent massing. Provisions are also included to ensure adequate landscaping and open space on the site.

General Considerations

Density and Unit Mix

The MPS exempts projects in Area 8 from the density limits which are applied in most other areas. The only concern relative to density is the capability of municipal services to service the development. The applicant has submitted a report advising that the existing wastewater system on Maitland Street can accommodate projected flows. Halifax Water concurs that the system has capacity, and has advised that there are no concerns relative to water supply. To ensure that a variety of unit types is provided, appealing to a diverse range of the housing market, the development agreement establishes maximum thresholds for smaller units and minimum thresholds for larger family-oriented units of two bedrooms and larger. These may be varied by Council in the future as a non-substantial amendment to the development agreement.

Parking

Vehicle access to the site will be solely off Maitland Street. The parking requirements for as of right development are one parking space per residential unit and one space per 1,000 square feet of commercial floor space. Applying that standard would result in up to 122 parking spaces being required for this proposal. However, given the location of the development relative to amenities and services, commercial and community uses, transit routes, and the downtown core a reduced parking standard is appropriate. The proposed development agreement therefore requires a minimum of 52 parking spaces to be provided on site as underground parking. This may also be amended by Community Council as a non-substantial amendment.

Districts 7 & 8 Planning Advisory Committee

This application was presented to the Districts 7 & 8 Planning Advisory Committee (PAC) on November 4, 2013. The recommendations of the PAC on the application are sent to Community Council by means of a separate report.

The Committee had numerous recommendations for inclusion within the development agreement, focused generally on:

- architectural and aesthetic issues such as blank walls, colours, and materials;
- provision of landscaping; and
- the effect on the character of the streetscape on both Gottingen Street and Maitland Street.

The developer subsequently submitted revised plans which addressed the recommendations of the PAC.

Conclusion:

The proposed LUB amendment and development agreement are in keeping with the objectives and policies of the Halifax MPS to develop the lands in a comprehensive manner that meets the revitalization and land use goals for the local area, and to address potential compatibility issues with the surrounding uses. Therefore, staff recommend approval of the proposed LUB amendment (Attachment A) and development agreement (Attachment B).

FINANCIAL IMPLICATIONS

There are no budget implications. The Developer will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement. The administration of the Agreement can be carried out within the approved 2014/15 budget with existing resources.

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 (PIM) held on October 10, 2013. This public information meeting also dealt with Case 18548 regarding 2215 Gottingen Street. Attachment D contains a copy of the minutes from the meeting. Notices of the Public Information Meeting were posted on the HRM website, in the newspaper and mailed to property owners within the notification area shown on Map 4.

A public hearing must be held by Community Council before they can consider approval of any amendments to the LUB or the 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 as shown on Map 4 will be advised of the public hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.

The proposed development agreement will potentially impact the following stakeholders: local residents and property owners, community or neighbourhood organizations, and business and professional associations.

ENVIRONMENTAL IMPLICATIONS

No additional concerns have been identified beyond those raised in this report.

ALTERNATIVES

1. Halifax and West Community Council may choose to approve the proposed LUB amendment but request modifications to the development agreement. This may necessitate further negotiation with the applicant, a supplementary staff report, and the need to hold a second public hearing.
2. Halifax and West Community Council may choose to refuse the proposed LUB amendment and development agreement and, in doing so, must provide reasons based on a conflict with MPS policies. This alternative is not recommended. A decision of Community Council to refuse the proposed LUB amendment or development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

Map 1	Generalized Future Land Use
Map 2	Zoning
Map 3	Height Precincts
Map 4	Area of Notification
Attachment A	Proposed Amendment to Schedule Q of the Halifax Peninsula LUB -Schedule A
Attachment B	Proposed Development Agreement
Attachment C	Review of Relevant Policies of the Halifax MPS
Attachment D	Minutes of Public Information Meeting
Attachment E	Project Renderings

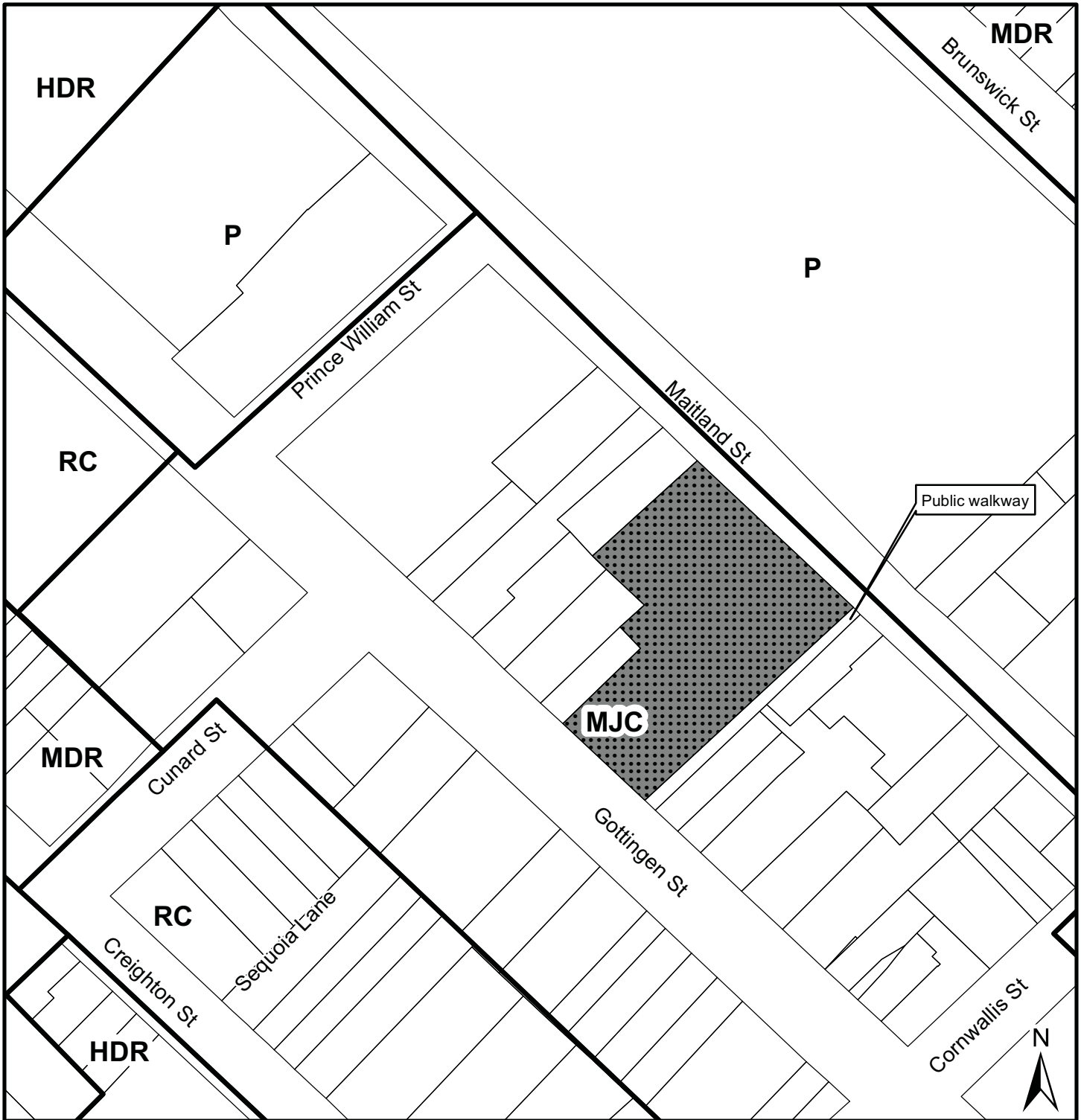
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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

Original Signed


Report Approved by:


Kelly Dent, Manager of Development Approvals, 490-4800



Map 1 - Generalized Future Land Use

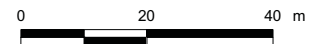
2183 Gottingen Street
Halifax

 Area proposed to be included in Schedule Q

Halifax Plan Area
Peninsula North Secondary Plan Area

Designation

- MDR Medium Density Residential
- HDR High Density Residential
- RC Residential/Commercial Mix
- MJC Major Commercial
- MNC Minor Commercial
- P Park and Institutional




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

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



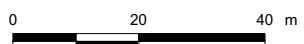
Map 2 - Zoning

2183 Gottingen Street
Halifax

 Area proposed to be included in Schedule Q

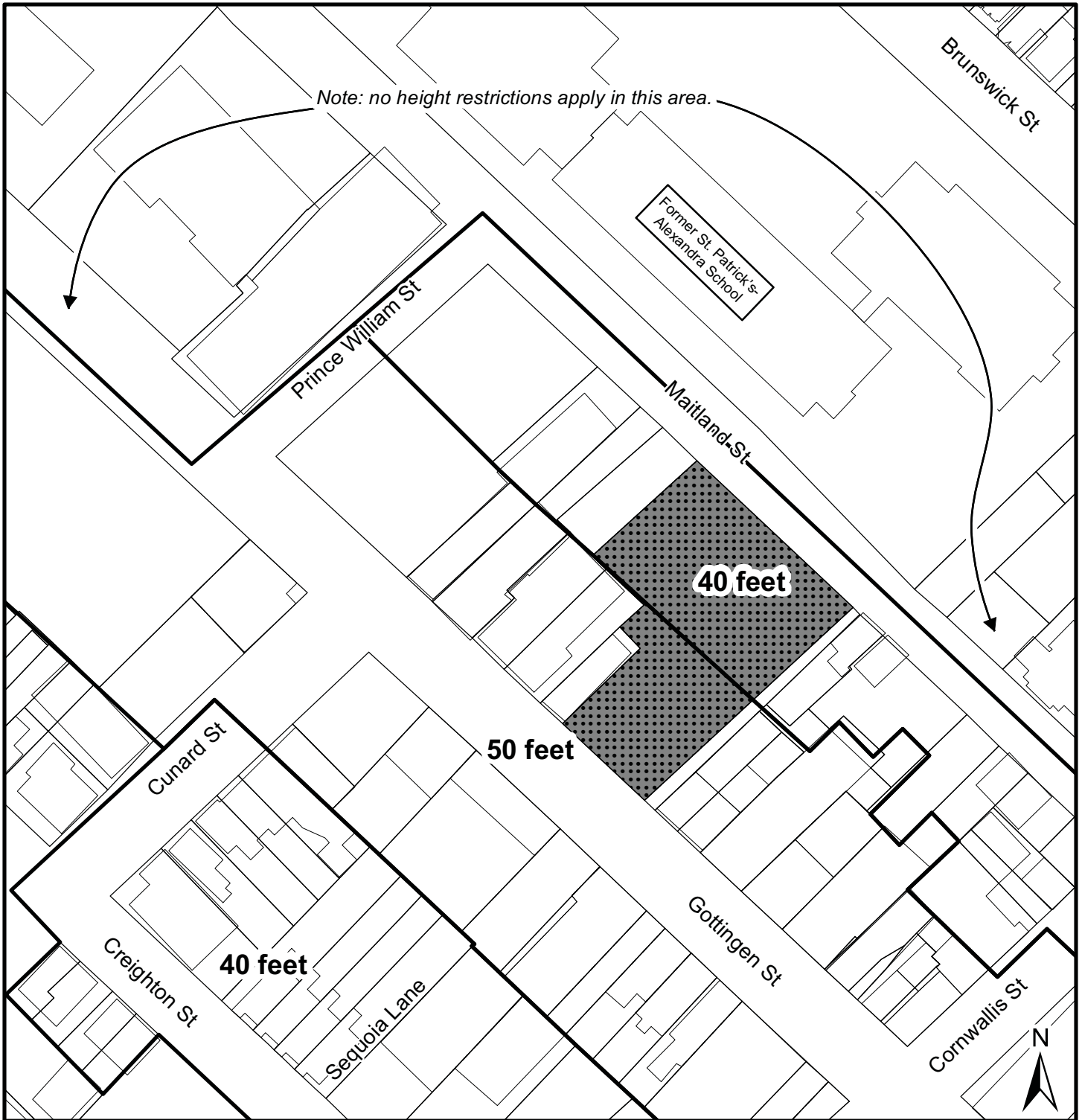
Halifax Peninsula
Land Use By-Law Area

- Zone**
- R-2 General Residential
 - R-3 Multiple Dwelling
 - RC-3 High Density Residential Minor Commercial
 - C-2 General Business
 - C-2A Minor Commercial
 - P Park and Institutional



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

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



Note: no height restrictions apply in this area.

Former St. Patrick's
Alexandra School

40 feet


50 feet

40 feet



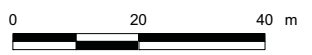
Map 3 - Height Precinct

2183 Gottingen Street
Halifax

 Area proposed to be included in Schedule Q

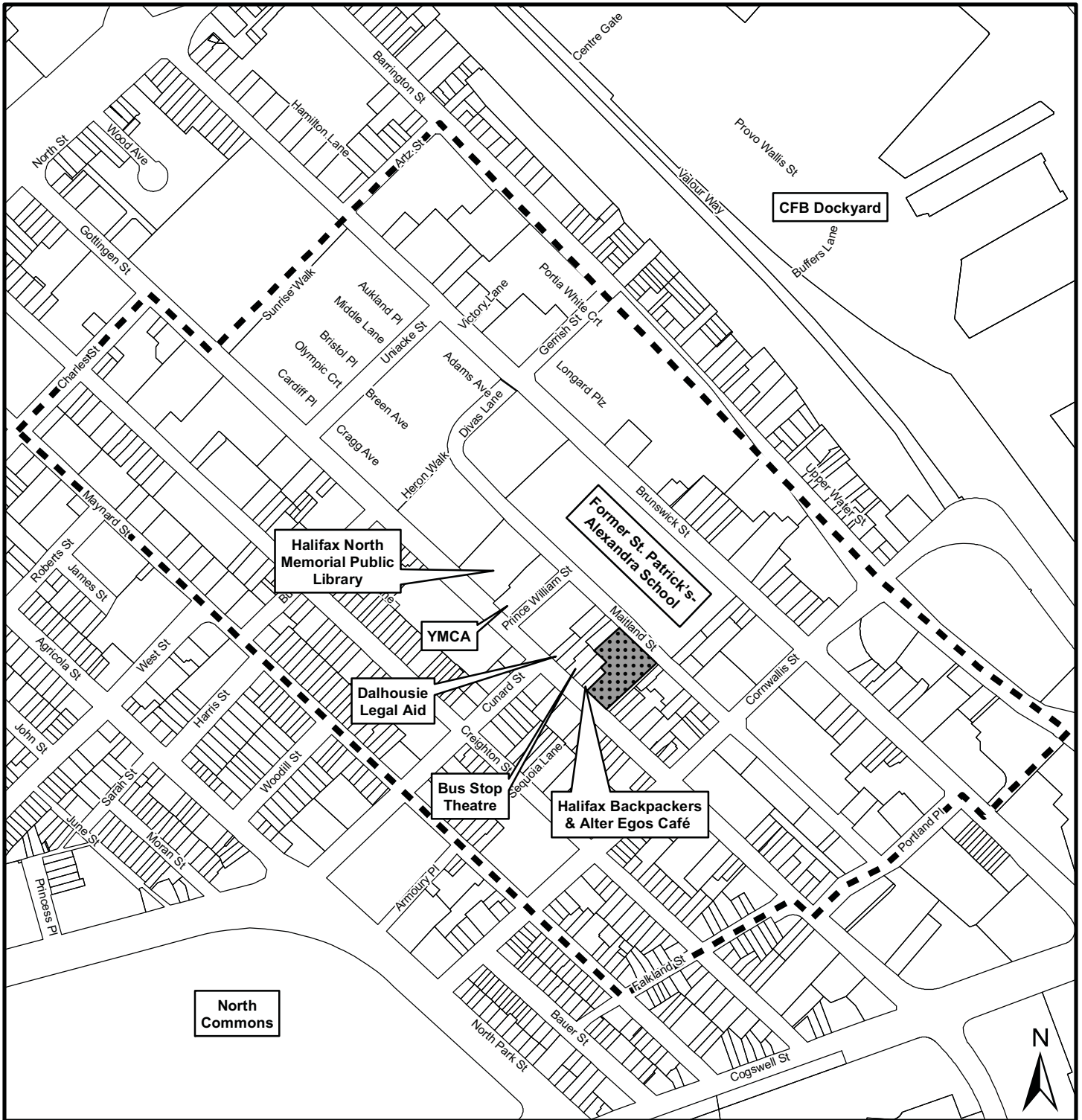
Halifax Peninsula
Land Use By-Law Area

Note: all heights shown are measured to highest point of roof. Please refer to ZM-17 - Height Precinct Map for full definitions of height measurement.




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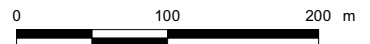


Map 4 - Area of Notification

2183 Gottingen Street
Halifax

 Area proposed to be included in Schedule Q

 Area of notification



Halifax Peninsula
Land Use By-Law Area

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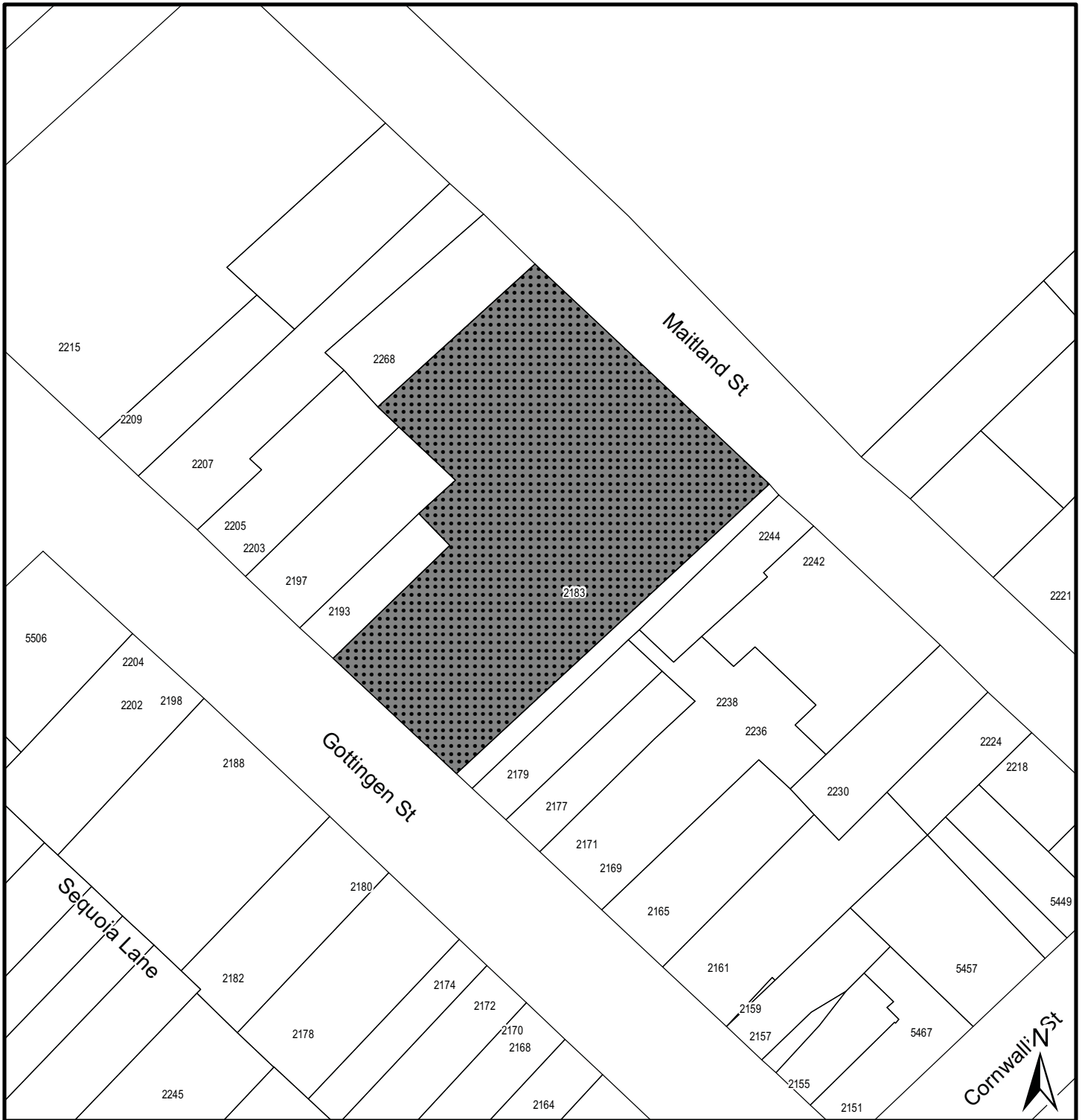
ATTACHMENT A
Proposed Amendments to the Halifax Peninsula Land Use By-law (LUB)

BE IT ENACTED by the Halifax and West Community Council of the Halifax Regional Municipality that the Land Use By-law for Halifax Peninsula as adopted by Regional Council on the 30th day of March, 1978, and approved by the Minister of Municipal Affairs on the 11th day of August, 1978, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the [insert date of hearing] is hereby amended as follows:

1. Amend zoning map, **ZM-2**, by including 2183 Gottingen Street, Halifax, in Schedule Q, as presented on Schedule A.


I HEREBY CERTIFY that the amendments to the Land Use By-law for Halifax Peninsula, as set out above, were duly passed by a majority vote of the Halifax and West Community Council at a meeting held on the ___ day of _____, 2014.
GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this ___ day of _____, 2014.

Municipal Clerk



Schedule A

2183 Gottingen Street
Halifax

 Area to be included in Schedule Q



Halifax Peninsula
Land Use By-Law Area

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

ATTACHMENT B

Proposed Development Agreement

THIS AGREEMENT made this day of , 2014,

BETWEEN:

[Insert Name of Corporation/Business LTD.],
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 Gottingen Street and Maitland Street, identified as 2183 Gottingen Street, Halifax, 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 for a mixed-use development on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policies 2.3.1, 2.3.2 and 2.3.3 of Section XI of the Halifax Municipal Planning Strategy and Section 92 of the Halifax Peninsula Land Use By-law;

AND WHEREAS the Halifax and West Community Council for the Municipality approved this request at a meeting held on , 2014, referenced as Municipal Case Number 18547;

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 Regional Subdivision By-law

Except as otherwise provided for herein, the development, subdivision and use of the Lands shall comply with the requirements of the Halifax Peninsula Land Use By-law and the Halifax 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 or Federal Governments 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

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

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 18547:

Schedule A	Legal Description of the Lands
Schedule B	Site Plan
Schedule C	Floor Plan, Maitland Street Level
Schedule D	Floor Plan, Maitland Street Upper Level
Schedule E	Floor Plan, Gottingen Street Level
Schedule F	West Elevation, Gottingen Street
Schedule G	South Elevation
Schedule H	East Elevation, Maitland Street
Schedule I	North Elevation
Schedule J	Preliminary Landscape Plan

3.2 Requirements Prior to Approval

3.2.1 Prior to the issuance of a Development Permit, the Developer shall provide the Development Officer with:

- (a) A detailed Landscape Plan prepared by a Landscape Architect in accordance with Section 3.6 of this Agreement;
- (b) An outdoor lighting plan in accordance with Section 3.8 of this Agreement; and
- (c) A Site Servicing Plan prepared by a Professional Engineer and acceptable to the Development Engineer in accordance with Section 4.1 of this Agreement.

3.2.2 At the time of issuance of the Occupancy Permit, a letter prepared by a member in good standing of the Canadian Society of Landscape Architects shall be provided to the Development Officer certifying that all landscaping has been completed according to Section 3.6 of this Agreement.

3.2.3 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Lands for any use permitted by this Agreement unless an Occupancy Permit has been issued by the Municipality. No Occupancy Permit shall be issued by the Municipality unless and until the Developer has complied with all provisions of this Agreement and the Land Use By-law (except to the extent that the provisions of the Land Use By-law are varied by this Agreement) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.

3.3 General Description of Land Use

The use(s) of the Lands permitted by this Agreement, subject to its terms and as generally illustrated on the Schedules attached hereto, are the following:

- (a) Non-residential uses permitted by the C-2A (Minor Commercial) Zone, except for service stations and billboards;
- (b) An apartment house (multiple-unit residential uses); and
- (c) Uses accessory to any of the foregoing uses.

3.4 Detailed Provisions for Land Use

3.4.1 Ground floor uses on Maitland Street shall be limited to residential uses only, exclusive of a parking garage entrance.

3.4.2 A minimum of 92.9 square metres (1,000 square feet) of commercial space shall be provided along that portion of the Gottingen Street frontage which abuts the HRM sidewalk. Additional commercial space, to a maximum overall total of 464.5 square metres (5,000 square feet), may also be provided as follows:

- (a) At grade with Gottingen Street, and one level below Gottingen Street, as generally shown on Schedule E; and
- (b) On the second floor, above the commercial space as shown on Schedule E.

3.4.3 A maximum of 115 residential dwelling units shall be permitted within the multiple-unit residential portion of the building. Notwithstanding this limitation, two additional residential units (for a total of 117) may be permitted if located on the ground-floor and on the level below Gottingen Street, in lieu of a portion of the commercial space that is shown on Schedule E.

3.4.4 The Building shall contain the following mix of residential unit types:

- (i) a maximum of 16 studio units;
- (ii) a maximum of 82 one-bedroom units;
- (iii) a minimum of 15 two-bedroom units; and
- (iv) a minimum of 4 three-bedroom townhouse units.

3.5 Architectural Requirements

- 3.5.1 The building's height, massing, exterior design and materials shall be as shown on the Schedules. A minimum of three colours shall be required for any publicly-viewed façade.
- 3.5.2 The maximum height of the building shall not exceed 20.1 metres (66 feet). Height shall be defined as the vertical distance of the highest point of the roof, excluding any mechanical rooftop equipment, above the mean grade of the finished ground adjoining the building along Gottingen Street.
- 3.5.3 Upper floors of the Building shall be stepped back from the building line of the lower-level space, as shown on Schedules F through I, inclusive.
- 3.5.4 Commercial and residential lobby entrances shall be emphasized by detailing, changes in materials, and other architectural features such as but not limited to lintels, pediments, pilasters, columns, porticos, overhangs, corner boards, fascia boards or an acceptable equivalent approved by the Development Officer.
- 3.5.5 Large blank or unadorned walls shall not be permitted. The scale of large walls shall be tempered by the introduction of artwork (murals), textural plantings and trellises, and architectural detail to create shadow lines (implied windows, cornice lines, offsets in the vertical plane, etc.).
- 3.5.6 All concrete pillars adjacent to a street shall be designed and constructed to include decorative design elements that will add visual interest. These elements may include banners, art panels or additional landscaping.
- 3.5.7 Any exposed foundation in excess of 0.61 metres (2 feet) in height shall be architecturally detailed, veneered with stone or brick or treated in an equivalent manner acceptable to the Development Officer.
- 3.5.8 Fixed or retractable awnings are permitted at ground floor level on Gottingen Street provided the awnings are designed as an integral part of the building façade and subject to the requirements of any other applicable by-law or regulation.
- 3.5.9 All roof mounted mechanical or telecommunication equipment shall be visually integrated into the roof design. Further, the building shall be designed such that the mechanical systems (HVAC, exhaust fans, etc.) are not visible from Gottingen Street or Maitland Street. Furthermore, no mechanical equipment or exhaust fans shall be located between the building and the adjacent residential properties unless screened as an integral part of the building design and noise reduction measures are implemented. This shall exclude individual residential mechanical systems.
- 3.5.10 Where barrier free access is required for any entrances, it will be accommodated on the Lands and shall not impact the existing grade of any HRM sidewalk.

3.6 Amenity Space and Landscaping

- 3.6.1 A minimum of 900 square metres (9,688 square feet) of a combination of indoor and outdoor common amenity space shall be provided. This space shall consist of a mix of balconies, terraces, common rooms, at grade landscaped areas, and shall include a roof deck on the top floor of the building.
- 3.6.2 Prior to the issuance of a Development Permit, the Developer shall provide a Landscape Plan, for the outdoor landscaped open space, which complies with the provisions of this section and with the preliminary design as shown on Schedule G. The Landscape 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.
- 3.6.3 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.
- 3.6.4 Approximately 50 percent of the plant material shall be evergreen or material with winter colour and form. Deciduous trees shall have a minimum size of 45 mm caliper (1.8 inch diameter). Coniferous trees shall be a minimum of 1.5 m (5 ft.) high and upright shrubs shall have a minimum height of 60 cm. (2 ft.). It is the responsibility of the Developer to ensure that the underground parking structures or other structures are capable of supporting loads from all landscaping as well as the anticipated mature weight of the plant material on any rooftop and podium.
- 3.6.5 Upon the issuance of the Occupancy Permit, 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.
- 3.6.6 Notwithstanding Section 3.6.5, provided that the weather and time of year at the time of issuance of the Occupancy Permit does not allow the completion of the outstanding landscape works and that the Developer supplies 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 twelve 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.

- 3.6.7 Street trees shall be provided along the Maitland Street frontage, and shall conform to the HRM Municipal Design Guidelines in consultation with HRM's Urban Forester and Development Engineer.

3.7 Signs

- 3.7.1 All signage shall comply with requirements for signage in the C-2 Zone of the Land Use By-law for Halifax Peninsula and shall further comply with the following:
- (a) No ground sign shall be permitted on the Lands;
 - (b) One fascia sign shall be permitted for each commercial occupancy;
 - (c) One fascia sign shall be permitted for the multiple unit dwelling;
 - (d) Block fascia signs shall not be internally illuminated or backlit however, individual lettering may be internally illuminated; and
 - (e) One (1) temporary ground sign depicting the name or corporate logo of the Developer shall be permitted on the Lands prior to the issuance of the first Occupancy Permit. The temporary ground sign shall be removed prior to the issuance of the last residential occupancy permit.

3.8 Building and Site Lighting

- 3.8.1 An outdoor lighting plan shall be submitted to the Development Officer, prior to the issuance of a Development Permit.
- 3.8.2 All lighting shall be directed away from adjacent lots and buildings and shall use a full cut-off design. Lighting required for each multiple unit dwelling shall be shown on the site plan and building drawings prior to the issuance of a Construction Permit. Lighting required for each multiple unit dwelling shall be installed prior to the issuance of an Occupancy Permit.
- 3.8.3 Outdoor lighting shall be directed to driveways, parking areas, loading areas and building entrances and shall be arranged so as to direct the light away from streets, adjacent lots and buildings.
- 3.8.4 The building may be illuminated for visual effect provided such illumination is directed away from streets, adjacent lots and buildings and does not flash, move or vary in intensity such that it creates a hazard to public safety.

3.9 Functional Elements

- 3.9.1 All vents, down spouts, electrical conduits, meters, service connections, and other functional elements shall be treated as integral parts of the design as per the Schedules. Where appropriate these elements shall be painted to match or complement the colour of

the adjacent surface, except where used expressly as an accent.

3.10 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 removal/salting of walkways and driveways.

3.11 Solid Waste Facilities

The Building shall include, within its underground parking area, designated space for five stream source separation services in accordance with By-law S-600 as amended from time to time. This designated space for source separation services shall be shown on the building plans and approved by the Development Officer and Building Inspector in consultation with Solid Waste Resources.

3.12 Outdoor Storage and Display

3.12.1 No outdoor storage shall be permitted on the Lands.

3.12.2 The outdoor display of materials which are available for purchase from retail uses on the Lands is permitted adjacent to the Gottingen Street frontage.

3.13 Parking and Bicycle Facilities

3.14.1 Vehicular parking shall be fully enclosed and shall accommodate a minimum of 52 vehicular parking spaces. Up to 80 percent of the parking spaces may be reduced in size to 2.44 metres (8 feet) by 5.18 metres (17 feet).

3.14.2 The Developer shall provide bicycle parking pursuant to the Land Use By-law for Halifax Peninsula.

3.15 Construction/Sales Structure

A temporary structure shall be permitted on the Lands for the purpose of housing equipment, materials and office related matters relating to the construction of the development in accordance with this Agreement. The structure shall be removed from the Lands upon the issuance of the last Occupancy Permit.

PART 4: STREETS AND MUNICIPAL SERVICES

4.1 General Provisions

4.1.1 All construction shall conform to the most current edition of the HRM Municipal Design

Guidelines and Halifax Water's Design and Construction Specifications unless otherwise varied by this Agreement and shall receive written approval from the Development Engineer prior to undertaking any work.

- 4.1.2 Any disturbance to existing off-site infrastructure resulting from the development, including streets, sidewalks, curbs and gutters, street trees, landscaped 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 Engineer. Furthermore, the Developer shall be responsible for all costs and work associated with the relocation of on-site/ off-site underground services, overhead wires and traffic signals to accommodate the needs of the development.

PART 5: ENVIRONMENTAL PROTECTION MEASURES

5.1 Sulphide Bearing Materials

The Developer agrees to comply with the legislation and regulations of the Province of Nova Scotia with regards to the handling, removal, and disposal of sulphide bearing materials, which may be found on the Lands.

PART 6: AMENDMENTS

6.1 Substantive Amendments

Amendments to any matters not identified under Section 6.2 shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Halifax Regional Municipality Charter*.

6.2 Non-Substantive Amendments

The following items are considered by both parties to be not substantive and may be amended by resolution of Council (for greater certainty, these items do not include changes which, in the opinion of the Development Officer, are in conformance with the plans attached as Schedules B to J):

- (a) Additional commercial land uses other than those permitted by Section 3.3;
- (b) Changes to the minimum and maximum commercial floor area requirements and dwelling unit type and mix requirements established by Section 3.4;
- (c) Changes to the Schedules regarding exterior details such as window design and proportion, and variations to cladding materials, which, in the opinion of the Development Officer, do not conform with Schedules C to F as required by Section 3.5;
- (d) Changes to the amenity space and landscaping requirements of Section 3.6;
- (e) Changes to the sign requirements of Section 3.8;
- (f) Reduction in the number of parking spaces required under Section 3.14;
- (g) The granting of an extension to the date of commencement of construction as

- specified in Section 7.3; and
- (h) The length of time for the completion of the development as specified in Sections 7.4 and 7.5.

PART 7: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

7.1 Registration

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 four 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 purpose of this section, commencement of development shall mean installation of the footings and foundation for the proposed building.
- 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 6.2, 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

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 Halifax Municipal

Planning Strategy and Halifax Peninsula Land Use By-law, as may be amended from time to time.

7.5 Discharge of Agreement

If the Developer fails to complete the development after six 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

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

If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer thirty (30) days written notice of the failure or default, then in each such case:

- (a) The Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any 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.

IN WITNESS WHEREAS the said parties to these presents have hereunto set their hands and affixed their seals the day and year first above written.

SIGNED, SEALED AND DELIVERED in
the presence of:

(Insert Registered Owner Name)

Witness

Per: _____

HALIFAX REGIONAL MUNICIPALITY

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

Witness

Per: _____

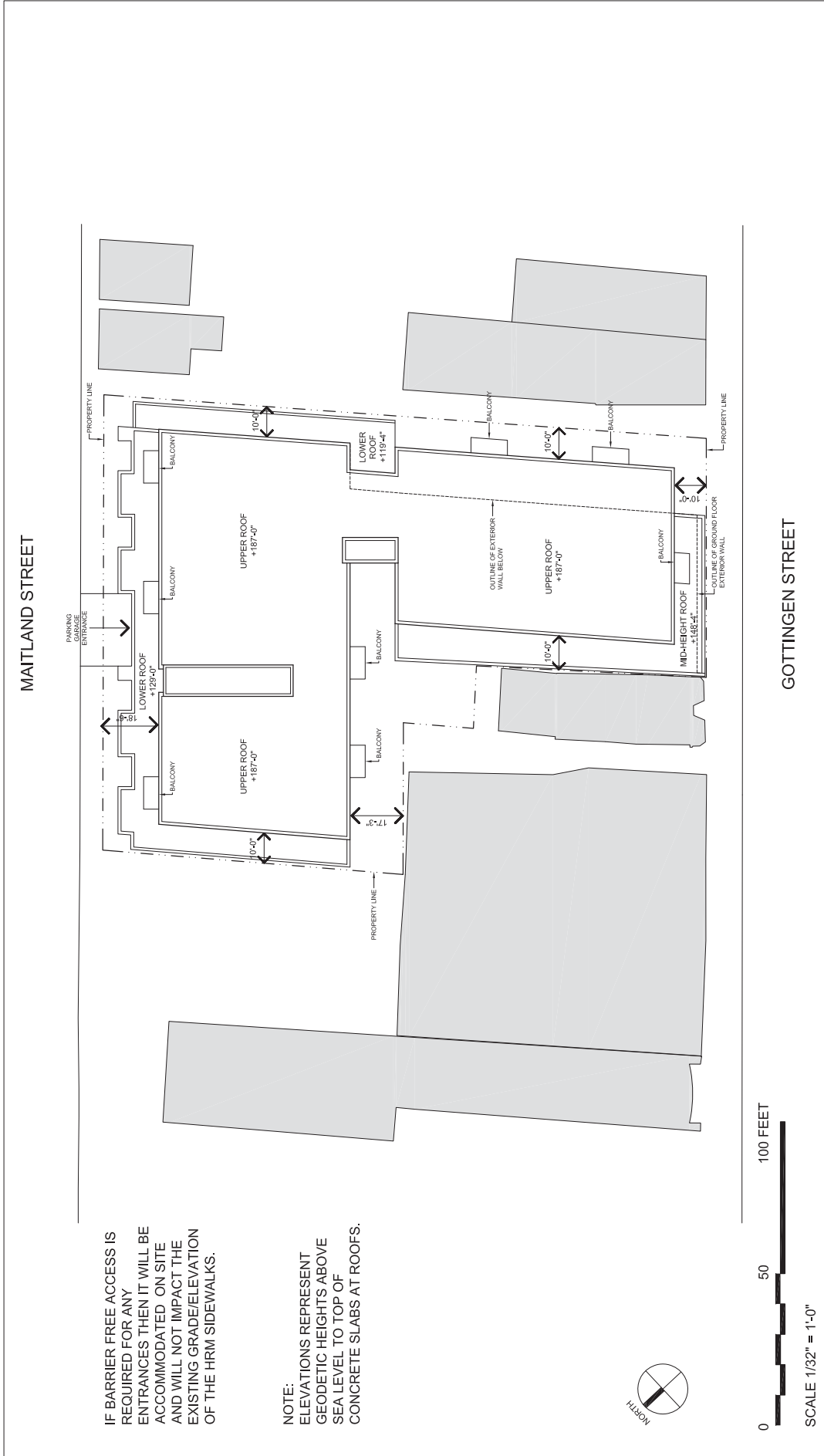
MAYOR

Witness

Per: _____

MUNICIPAL CLERK

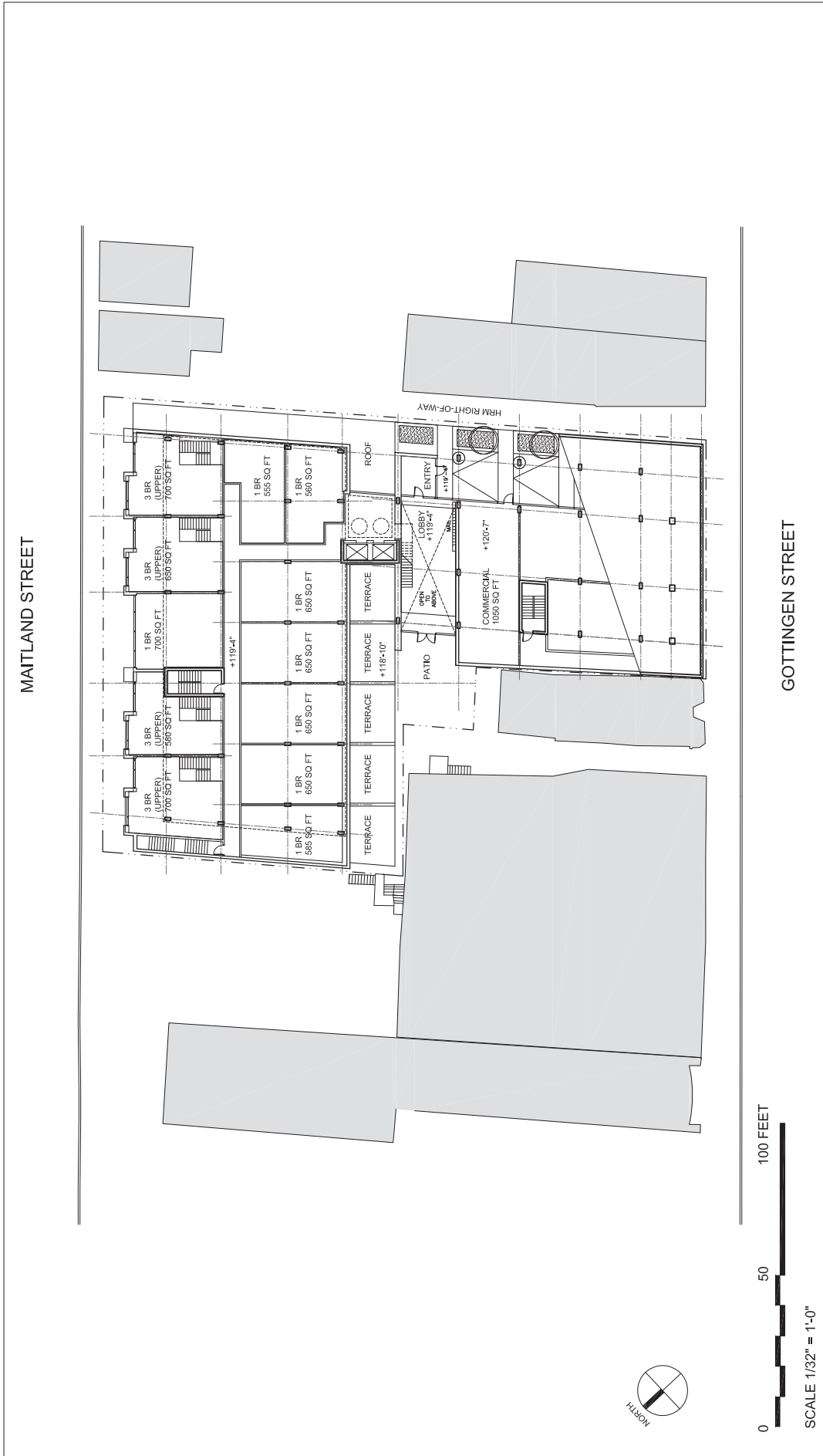
Schedule B - Site Plan



Schedule C - Floor Plan, Maitland Street Level



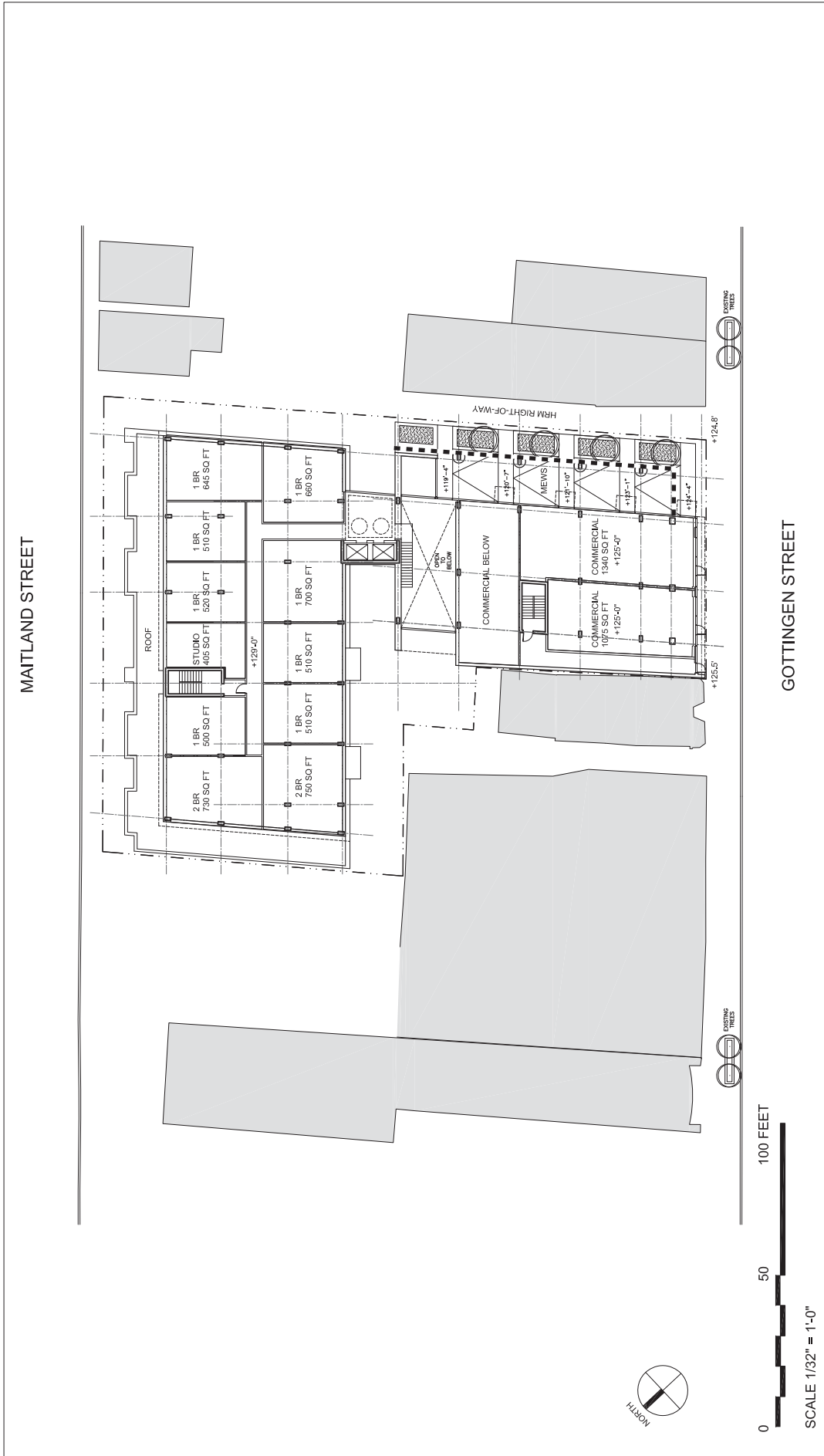
Schedule D - Floor Plan, Maitland Street Upper Level



LYDON LYNCH
ARCHITECTURE

HOUSING TRUST OF NOVA SCOTIA
GOTTINGEN STREET DEVELOPMENT

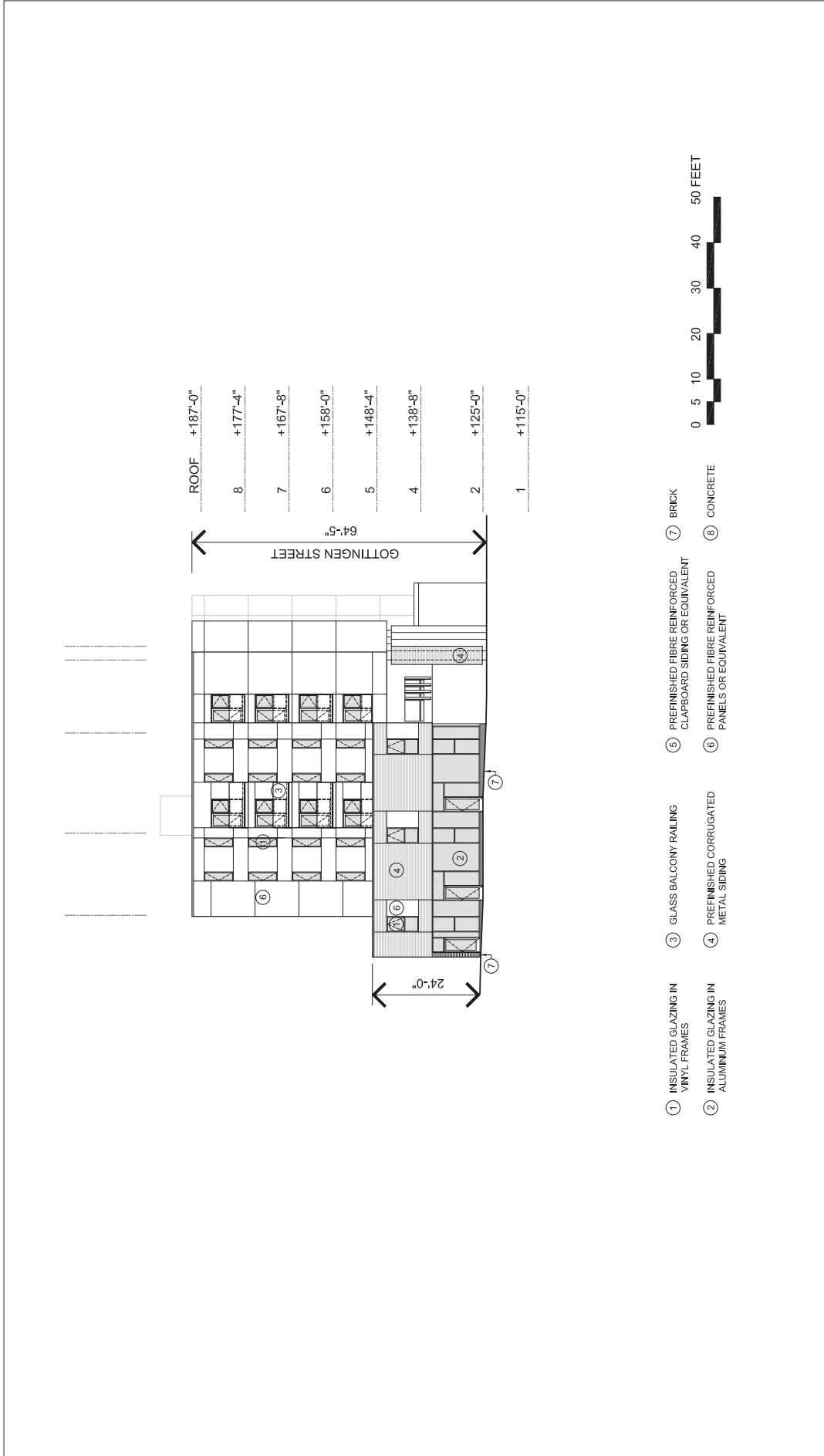
Schedule E - Floor Plan, Gottingen Street Level



LYDON LYNCH
ARCHITECTURE

HOUSING TRUST OF NOVA SCOTIA
GOTTINGEN STREET DEVELOPMENT

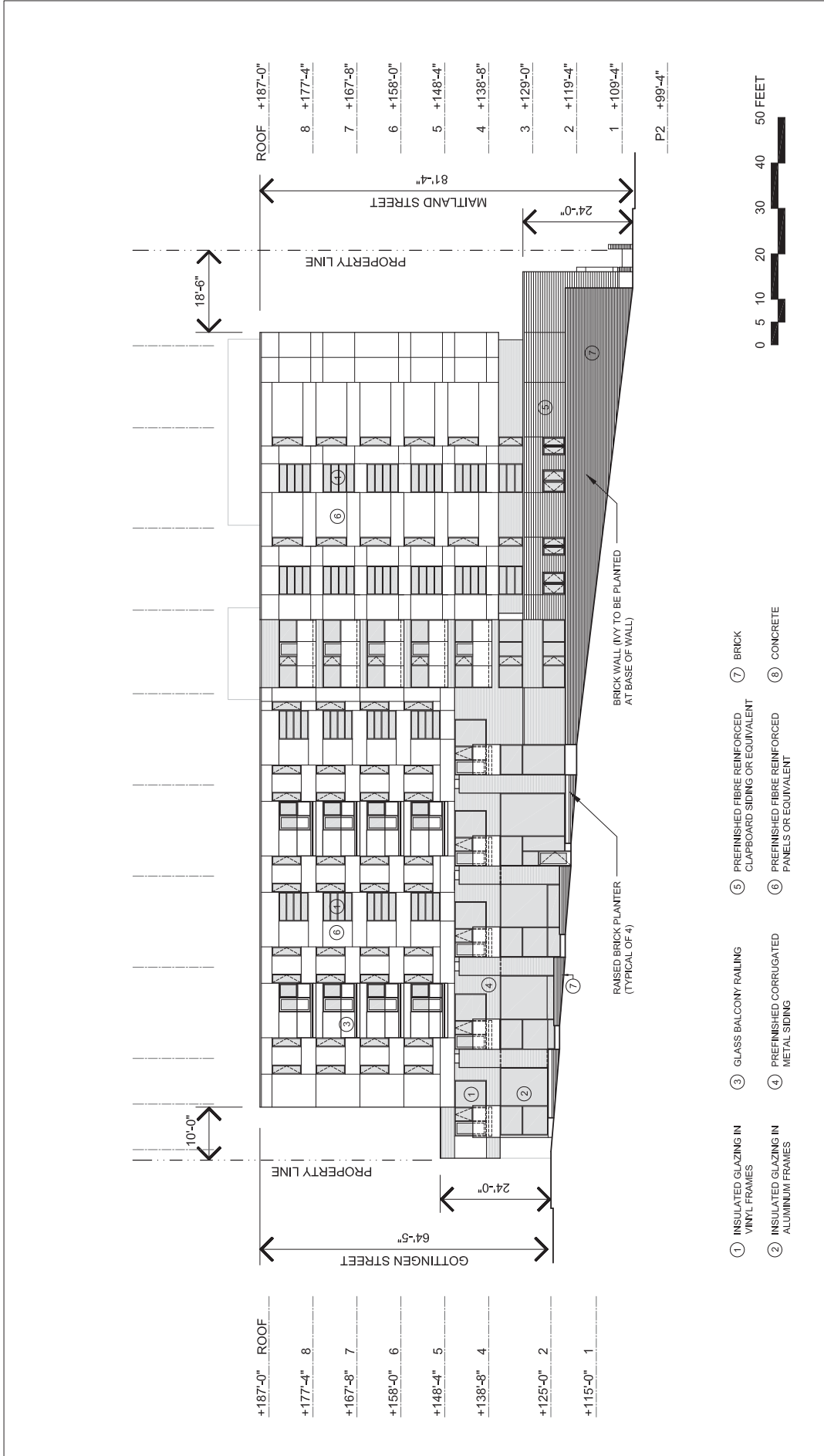
Schedule F - West Elevation, Gottingen Street



HOUSING TRUST OF NOVA SCOTIA
GOTTINGEN STREET DEVELOPMENT

LYDON LYNCH
ARCHITECTURE

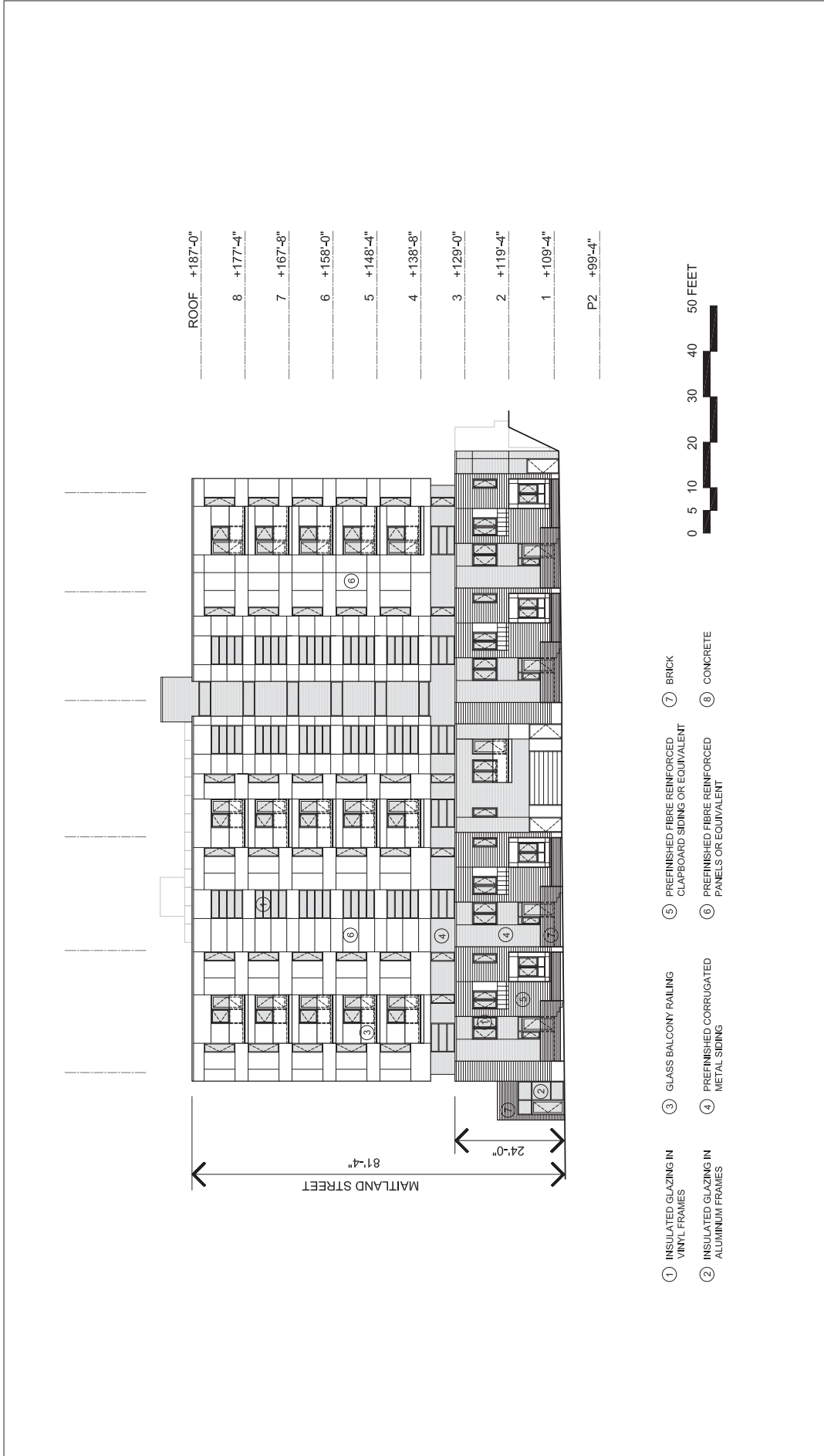
Schedule G - South Elevation



HOUSING TRUST OF NOVA SCOTIA
GOTTINGEN STREET DEVELOPMENT

LYDON LYNCH
ARCHITECTURE

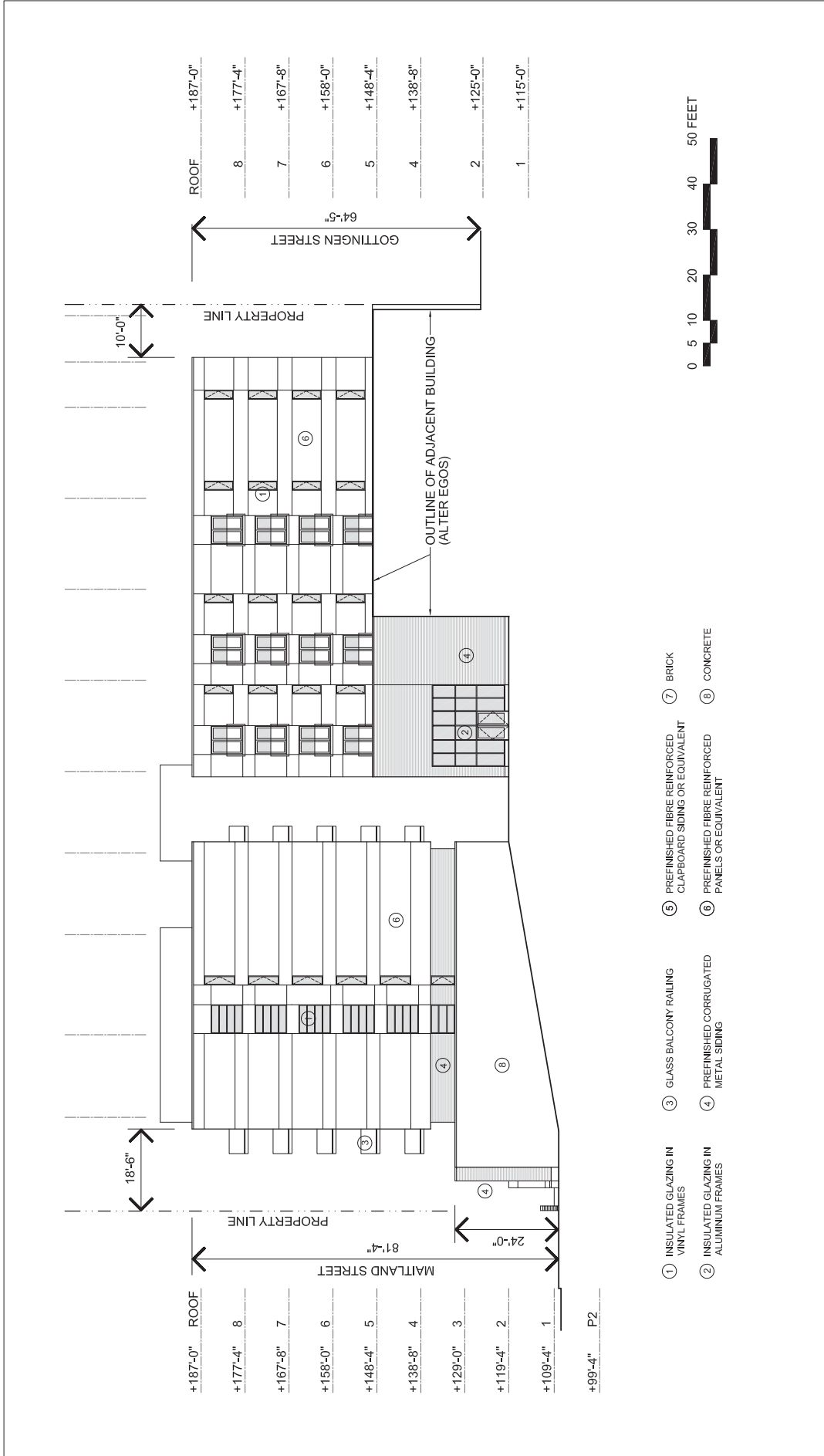
Schedule H - East Elevation, Maitland Street




HOUSING TRUST OF NOVA SCOTIA
GOTTINGEN STREET DEVELOPMENT

LYDON LYNCH
ARCHITECTURE

Schedule I - North Elevation



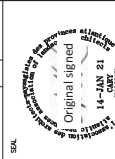
Schedule J - Preliminary Landscape Plan



HOUSING TRUST OF NOVA SCOTIA
HALIFAX NOVA SCOTIA

GOTTINGEN STREET DEVELOPMENT
HALIFAX NOVA SCOTIA

PROPOSITION	NO.	DATE
ISSUED FOR PERMITS	1	2014-01-21



Original signed
14 JAN 21 2014
Professional Engineer
No. 10004HTG
VICTOR

SCALE: 1" = 10'-0"
DATE: 2014-JAN-21

TITLE: MET SITE DEVELOPMENT AGREEMENT PLAN

PROJECT NO.: 100-04HTG
REV. NO.: L101

LEGEND

EXISTING SPOT ELEVATION (FEET)

EXISTING TREE

PROPERTY LINE

EXISTING STORM

EXISTING WATERMAIN

OVERHEAD LINES

LIGHT POLE

WATER VALVE

MANHOLE

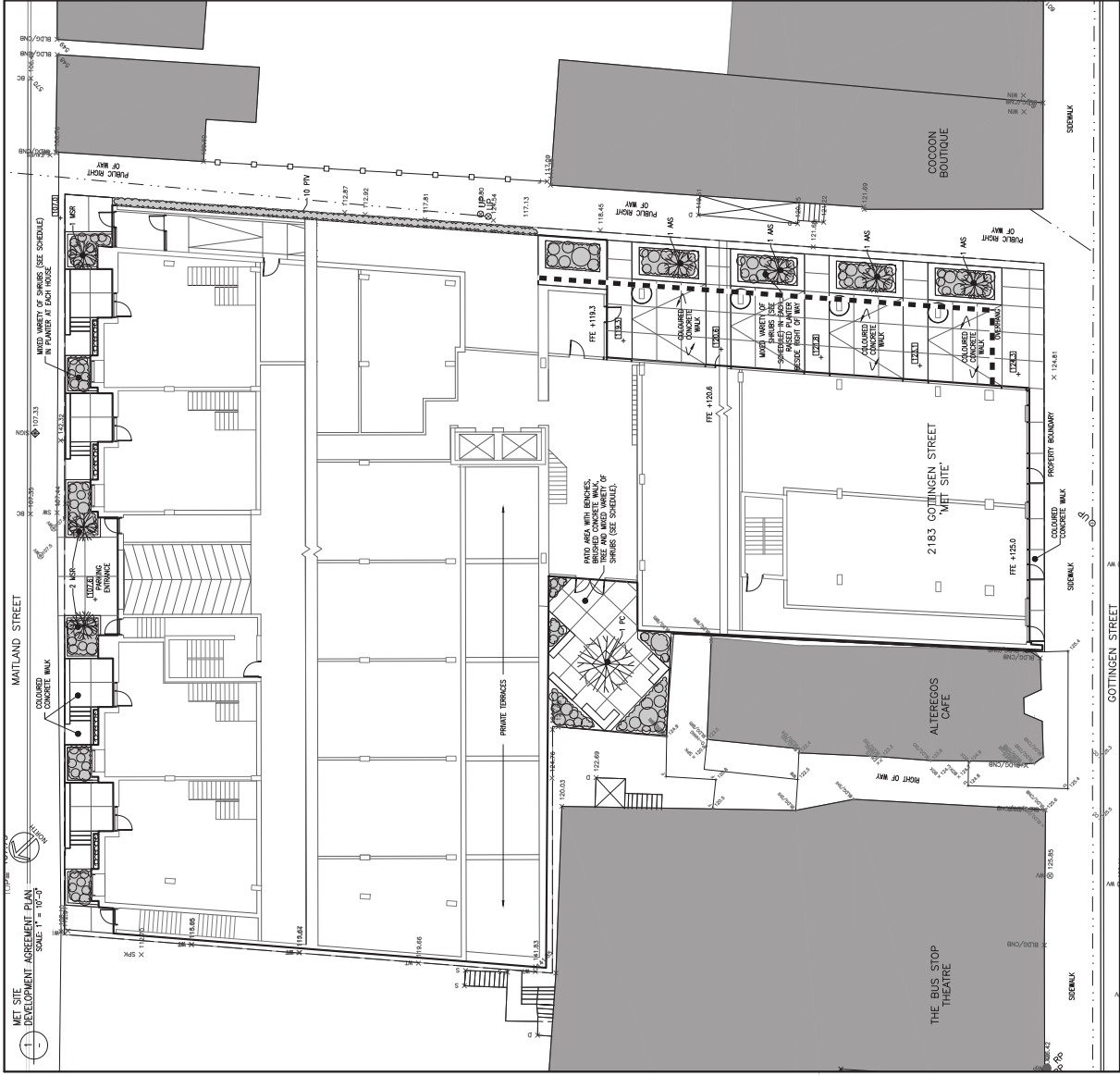
CATCH BASIN

UP UTILITY POLE

SIGN/SHRUB

NOTE:

THIS PLAN IS AN ORIGINAL COPY OF PLANNING SURVEY INFORMATION SHOWN ON THIS PLAN IS EXTRACTED FROM PROPERTY INFORMATION SHOWN ON THE PLAN. THE INFORMATION SHOWN ON THIS PLAN IS FOR INFORMATION ONLY. THE INFORMATION SHOWN ON THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE INFORMATION SHOWN ON THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE INFORMATION SHOWN ON THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE.



PLANTING SCHEDULE

CODE	SYMBOLICAL NAME	COMMON NAME	SIZE	LOCATION	SPACE	PLANTING	REMARKS
PC	1	Pine	10' x 12'	Along Matland Street	10' x 12'	Plant	As shown
MS	1	Maple	10' x 12'	Along Cotten Street	10' x 12'	Plant	As shown
MS	2	Maple	10' x 12'	Along Cotten Street	10' x 12'	Plant	As shown
MS	3	Maple	10' x 12'	Along Cotten Street	10' x 12'	Plant	As shown
MS	4	Maple	10' x 12'	Along Cotten Street	10' x 12'	Plant	As shown
MS	5	Maple	10' x 12'	Along Cotten Street	10' x 12'	Plant	As shown
MS	6	Maple	10' x 12'	Along Cotten Street	10' x 12'	Plant	As shown
MS	7	Maple	10' x 12'	Along Cotten Street	10' x 12'	Plant	As shown
MS	8	Maple	10' x 12'	Along Cotten Street	10' x 12'	Plant	As shown
MS	9	Maple	10' x 12'	Along Cotten Street	10' x 12'	Plant	As shown
MS	10	Maple	10' x 12'	Along Cotten Street	10' x 12'	Plant	As shown

THE BUS STOP THEATRE

ALTEREGOS CAFE

2183 COTTINGEN STREET 'MIT SITE'

COCCON BOUTIQUE

MATLAND STREET

COTTEN STREET

**ATTACHMENT C:
Review of Relevant Policies
Halifax Municipal Planning Strategy (MPS)**

The proposal may be considered by Council through Policies 2.3, 2.3.1, 2.3.2 and 2.3.3 of the Halifax Municipal Planning Strategy (MPS). Findings that support this position are as follows:

**Halifax Municipal Planning Strategy (MPS)
Section XI (Peninsula North Secondary Planning Strategy)**

Commercial Facilities Designation:

Objective: A variety of appropriately located commercial facilities to serve the needs of both the resident and working populations of Peninsula North and the City as a whole.

<i>Policy Criteria</i>	<i>Staff Comments</i>
<i>Policy 2.3.1: In order to promote investment in commercial and residential redevelopment and to prevent conflict between new and existing uses, the city may, through the land use by-law, identify areas that provide an opportunity for and will benefit from comprehensive site planning.</i>	<p>The subject site is vacant. The surrounding neighbourhood consists of a mixture of uses that include commercial, residential, and community uses.</p> <p>As the property falls within a mixed use neighbourhood with various types of commercial uses, there is an opportunity for comprehensive site planning by introducing residential uses that are suitable and compatible with the area.</p> <p>The development agreement process can help alleviate potential land use conflicts.</p>
<i>Policy 2.3.2: In those areas identified in the land use by-law pursuant to Policy 2.3.1, all residential and mixed residential-commercial development over four units shall be by agreement.</i>	<p>Contingent upon approval of the LUB amendment to apply as Schedule 'Q', Council may consider the proposed development agreement.</p> <p>The proposal is for a 6 to 8 storey, 117-unit residential development that consists of 4 townhouse units on Maitland Street, up to 113 apartments and up to 5000 square feet of commercial space. The proposed development presents an appropriate and beneficial opportunity for comprehensive site planning.</p>
<p><i>Policy 2.3.3: In considering agreements pursuant to Policy 2.3.2, Council shall consider the following:</i></p> <p><i>(i) the relationship of new development to adjacent properties and uses; and, the mitigation of impacts on the</i></p>	<p>This criteria is satisfied. Refer to staff report for a detailed discussion.</p>

<i>Policy Criteria</i>	<i>Staff Comments</i>
<i>amenity, convenience and development potential of adjacent properties through effective urban design and landscape treatment;</i>	
<i>(ii) the appropriate integration of the development into the traditional grid street system of the Peninsula;</i>	The proposal utilizes the existing frontage on both Gottingen Street and Maitland Street and therefore integrates with the existing street grid.
<i>(iii) the design and layout of the development should encourage vehicular traffic to use Principal Streets and discourage traffic from infiltrating through existing neighbourhoods;</i>	The entrance to the proposed parking garage is located off Maitland Street, which is not a Principal Street. However, Bylaw S-300 (The Streets Bylaw) discourages driveway access off a principal street where access off a secondary street is possible, and a parking garage entrance would detract from the pedestrian character of Gottingen Street. Maitland Street is therefore a more appropriate location for the driveway. A Traffic Impact Statement, prepared by the applicant's consultant, was reviewed by HRM and was deemed acceptable. The Study concludes that there are no issues with the proposed development on the local street network. All parking is to be located within the building.
<i>(iv) the creation of high quality design detail at street level through attention to such matters as landscaping, signs, building entrances, and vehicle layby areas;</i>	Refer to staff report for discussion on building and landscape design. Signs are limited to awnings, fascia and projecting signs. The back lighting is limited to the lettering of each sign. There will be no on-street vehicle lay-by areas off either public street.
<i>(v) the provision of high quality open space and leisure areas of a size and type adequate for the resident population;</i>	Open space and leisure areas will consist of landscaped areas at grade and on terraces, indoor amenity space, and individual private balconies for residential units. A total of 900 square metres (9700 square feet) of landscaped space and amenity space is required. The provisions in the agreement ensure the use of high quality materials and landscape design. These spaces/areas will be adequate for the resident population.
<i>(vi) residential and commercial densities consistent with municipal services;</i>	A sewer capacity analysis for the proposed development, prepared by the developer's consultant, was reviewed by Halifax Water and deemed acceptable.

<i>Policy Criteria</i>	<i>Staff Comments</i>
<i>(vii) encouraging high quality exterior construction materials such as masonry; and</i>	Primary exterior materials include clapboard style fibre cement siding, corrugated metal siding, and architectural panels. Concrete walls are proposed in locations where the building will be constructed to the property line and it is anticipated that adjacent lots will be redeveloped to the property line as well.
<i>(viii) other relevant land use considerations which are based on the policy guidance of this Section.</i>	Refer to staff report for discussion on parking and density

Attachment D
Minutes of Public Information Meeting

HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE NO. 18547/18548

7:00 p.m.
Thursday, October 10, 2013
Halifax North Memorial Public Library
2285 Gottingen Street, Halifax

STAFF IN

ATTENDANCE: Mitch Dickey, Planner, Planning Applications
Holly Kent, Planning Technician
Jennifer Purdy, Planning Controller

ALSO IN

ATTENDANCE: Councillor Jennifer Watts
Eugene Pieczonka, Architect, Lydon Lynch
Housing of NS Trust Board Members:
Ross Cantwell, Real Estate Consultant, Also Presenter
Dan Goodspeed, Kassner Goodspeed Architects
Isaac Hashem, NS Pension Services
Brian Tabor, Stewart McKelvey
Glen Umlah, Montrose Mortgage Corporation

PUBLIC IN

ATTENDANCE: 55

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

Opening remarks/Introductions/Purpose of meeting

Mr. Mitch Dickey, Planner, Planning Applications, called the meeting to order at approximately 7:05 p.m. in the Halifax North Memorial Public Library, 2285 Gottingen Street, Halifax.

He introduced himself as the planner guiding this application through the process and advised that this request is by the Housing Trust of Nova Scotia. There are two separate applications to amend the Halifax Land Use By-Law to include each site within Schedule Q and to amend the height precinct to increase allowable building height, to enable consideration of the proposed buildings by development agreement:

Case 18547: The proposed development at 2183 Gottingen Street consists of a 115-unit residential building plus ground floor commercial space on Gottingen Street, with a total height of 6 storeys on

Gottingen Street and 8 storeys on Maitland Street. Driveway access to the site is proposed from Maitland Street. Driveway access to the site is proposed from Maitland Street which leads to an internal grade level parking area and two levels of underground parking.

Case 18548: The proposed development at 2215 Gottingen Street consists of a 124-unit residential building with a total height of 9 storeys on Gottingen Street and 11 storeys on Maitland Street. Driveway access to the site is proposed from Prince William Street which leads to an internal grade level parking area and three levels of underground parking.

Mr. Dickey reviewed the application process, noting that the public information meeting is an initial step, whereby HRM identifies to the community early in the process that a development application has been received and what policies allow it to be considered. Staff will also identify what the applicant is proposing and give them the opportunity to present their proposal to the community. Staff will seek feedback from citizens and will also undertake a detailed evaluation of the proposal which will be included within a staff report. HRM has no position on the proposal and no decisions have been made to this point or will be made at this meeting. He also added this will not be the last opportunity for public input. Following this meeting, this application will be reviewed by the Planning Advisory Committee followed by a detailed review, staff then will prepared a detailed staff report and bring it forward to Halifax and West Community Council who will then decide whether or not to hold a public hearing. Community Council can only make a decision to approve a the land use bylaw amendments and development agreement after holding a public hearing at a later date, which will also give residents another opportunity to speak.

Presentation on Application

Mr. Dickey reviewed a slide of the subject area highlighting the two vacant sites. He explained that the two highlighted areas show each being south of the YMCA and the Library. Both sites are in the Halifax Plan Area and designated Major Commercial. The current zoning is General Business and each site is approximately 23,000 square feet. Mr. Dickey explained that the C-2 General Business Zone allows for major as of right development without Council approval. There are no density limits and the height limit is 50' and 40' on Gottingen Street/Maitland Street. He explained that the developer is requesting that Halifax and West Community Council approve the Land Use Bylaw amendments for these two sites to apply schedule Q to the subject properties and to amend the height precincts. This would remove the 50' and 40' height limitations and allow council to enter into a development agreement for each site to allow taller mixed use buildings. Mr. Dickey explained that a development agreement is a legal contract between the landowner and the Municipality. This contact will transfer with the sale of the property to future landowners. He added that affordable housing units in this case are a Provincial role and cannot be required by HRM.

Mr. Dickey viewed a slide the how the two building would look when viewed from both Gottingen Street and Maitland Street. He explained that although these proposals are very similar, staff and Council will have to consider them separately. He explained that because of the grade difference between the 2 streets, the buildings would be two storeys higher on Mainland Street. At 2183 Gottingen Street a 6 storey building is proposed which would be 8 storeys on Maitland Street. At 2215 Gottingen

Street a 9 storey building is proposed which would be 11 storeys on Maitland Street. He added that these two proposals will each have separate public hearings. Mr. Dickey explained that the developer has asked to include the property in Schedule Q to establish them as areas that would benefit from comprehensive planning. A property in Schedule Q, if over 4 units, can only be developed through a development agreement process which requires community consultation. The developer can only build what has been shown to the public and approved by Council in a development agreement. He explained that there are design criteria established, which are used to ensure the best possible development for a site. There can be some minor flexibility in a development agreement in terms of design, but major changes require another public process.

Mr. Dickey explained that the Municipality Planning Strategy rules for Gottingen Street establish that buildings of low to mid rise scale are permitted. Staff interprets this to mean a building under 12 storeys, taller buildings could not be supported. The Land Use Bylaw limits as of right development this means that a building can be built without public consultation to 50' in height on Gottingen and 40' on Maitland Street; Council can change the height precincts to allow taller buildings.

At this time Mr. Dickey reviewed the matters for Council to consider. These include the relationship of the new development to adjacent properties in terms of design and uses are; traffic impacts and the integration of the development into traditional grid street system; the quality of design and building materials; the need for height quality open space and leisure areas and the densities consistent with municipal services.

Ross Cantwell, Real Estate Consultant, explained that he sits on the Board of the Housing Trust of Nova Scotia and reviewed what the Housing Trust of Nova Scotia is explaining that it is a Non-Profit Society which was formed in August 2009 and is regulated by the NS Societies Act. This is a volunteer board of directors whose goals are to create high quality affordable housing for mixed income residents with 50% being affordable and the other 50% market rate. Mr. Cantwell explained that the Housing Trust of Nova Scotia has received \$3,075,000 from the Nova Scotia Housing Development Corporation and is a Canada-Nova Scotia agreement on affordable housing. Which this money they purchased the two properties on Gottingen Street (2183 Gottingen Street (also known as the old MET Store) and 2215 Gottingen Street (also known as the former Derby/Diamonds)).

Mr. Cantwell introduced the Board of Directors: Dan Goodspeed, Kassner Goodspeed Architects; Isaac Hashem, NS Pension Services; Louie Lawen, Dixel Developments; Brian Tabor, Stewart McKelvey and Glen Umlah, Montrose Mortgage Corporation and explained that the Board has been able to acquire two prime parcels of land; get the building contents removed; demolish buildings; obtain an Environmental Certificate of Compliance; get the sites surveyed and the lots consolidated; retained Lydon Lynch Architects to prepare plans; made planning applications to HRM on December 2011; hold a private open house January 17, 2013 for 100 people and created a Community Liaison Committee. He at this time introduced the members of the Liaison Committee as Reverend Rhonda Britton; Pat Barton,

Resident; Shawn Parker, Resident; Melinda Daye, Resident; Stephen Nelson, Resident; Barb Nehiley, Housing Activist; Ann Pocket, Performing Arts Lodge; Terry Dixon, YMCA; Michelle Strum, Altregos Café; Ezra Edelstein, EcoGreen Homes; and Councillors Jennifer Watts & Wayne Mason.

Eugene Pieczonka, Architect, Lydon Lynch explained that at the location of 2183 Gottingen Street (Former MET Store), there will be 115 Rental Apartment Units; fourteen studios; eighty 1-bedroom units; seventeen 2-bedroom units; and four 3-bedroom units. 58 of these units will be affordable and 57 units will be at market rate. He explained that out of these affordable units, 20 units will be allocated to retired artists (through PAL, an artists' group). There will be 4,200 square feet of ground commercial space, 54 parking spaces and will cost approximately twenty million dollars. The site at 2215 Gottingen Street (Diamonds Bar Site) will have 124 Rental Apartment Units; eight studios; ninety-five 1-bedroom units; seventeen 2-bedroom units; four 3-bedroom units. 65 of these units will be affordable and 71 units will be market rate. He explained that there will be 10,000 square feet of ground floor commercial space which could be a great space for anchor retail and also mentioned about the possibility of a grocery store. This building is set back off the sidewalk making the sidewalk wider and allowing for café style seating. It will have 76 parking spaces available. This will cost approximately twenty-two million dollars.

Reviewing the site plan of the developments, Mr. Pieczonka explained that they will be creating an outside courtyard that will be directly across from the main entrance of the Y. The 2-3 bedroom units will have a door on the side of the road for a more house like feeling for families. Mr. Pieczonka briefly spoke regarding the materials they expect to be using, however it is too early in the process right now to make any final decisions on these. He did confirm that the materials they will use will be long lasting durable materials.

Mr. Cantwell explained they are a registered Non-Profit organization and their goal is to have these units affordable forever; however the Province only requires 15 year affordability limit. These over long term create more affordability. He explained that there is a recognized need for family housing; demographic trends favor smaller families. Based on their open house in January 2013, they added some 3 Bedroom units. Mr. Cantwell explained that the affordable tenants will be selected by a transparent application process; they will be advertising the available units where applications will be accepted. These applications will be screened based on income & asset tests, references etc. the approved applications will then be placed in a jar and will be drawn as a lottery basis.

Questions and Answers

Ms. Elizabeth Murphy, asked if both the market units and the affordable units the same and if the view plain will make a difference to where the affordable units vs. the market units will be located.

Mr. Cantwell explained that all units will be the same and the two types of units will be mixed with each other and not separated by market or affordable. He added that if there are two bedroom units facing the

harbor, these will be market units as they are trying to make as much money as they can to try to subsidize the rest of the operations; overtime when mortgages get under control, they will relax this a bit.

Mr. Andrew Murphy asked if the 40 feet height present on Maitland Street means that the 4 storeys have to be less than 40 feet or if it works another way.

Mr. Dickey explained that they measure 40 feet above sidewalk and the number of storeys would depend on the ceiling height.

Mr. Murphy asked if you start a storey in the 40 feet zone, that you can finish it.

Mr. Dickey explained that this is not correct and it is excluding any roof top equipment.

Mr. Murphy asked what the proposed height on Mainland Street is.

Mr. Dickey explained that from the Diamond Site (corner of Prince William) the request by the applicant is to go 95 feet above Gottingen Street and 113 feet above Maitland Street. For the Met site at 2183, it is 67 ½ feet above Gottingen Street and 84 1/3 feet above Maitland Street.

Mr. Murphy asked if they are requesting at the highest point 280% more than currently allowed.

Mr. Dickey explained that it is a substantial increase that they are asking for.

Mr. Murphy asked if this is a normal request in Halifax.

Mr. Dickey explained that it is quite common, though less so than it once was, for spot height amendments. The development agreement process is often used in other areas of Halifax to go beyond what the zone allows. He explained that staff will have to look at this request very closely.

Mr. Murphy asked if Mr. Dickey is familiar with the Center Plan process and asked what it would be on the Mainland Street height limit in the Center Plan.

Mr. Dickey explained that the draft Corridors proposal for this area was in the 10-12 storey range.

Mr. Murphy explained that he thought that the Center Plan contemplated the height was going to be the width of the street and then it would go in 20 feet then allowed another 8 feet up.

Mr. Dickey explained that the idea was that the building street wall at the sidewalk would be proportional to the width of the street about 1 to 1 and then have a setback of upper floors of at least 2 to meters before going up again.

Mr. Murphy asked if HRM will be continuing with the Center Plan consultations once the RP+5 is wrapped up.

Mr. Dickey explained that it is not determined yet when the Center Plan consultations will begin again. The process is still being mapped out and doesn't expect it to be any sooner than mid-2014. In the meantime, staff has to continue reviewing individual requests as they are received.

A member of the public speaking on behalf of Ms. Jen Powley asked how wide Mainland Street is.

Mr. Dickey explained that Mainland Street is a 50 foot right of way, so if they used the HRM ByDesign guidelines that would allow a 4-5 storey building facing the sidewalk.

Ms. Bev Miller asked how they define right-of-way.

Mr. Dickey explained that the right-of-way is defined as a street that HRM owns, it includes the sidewalks, curbs, gutter, asphalt, streets are typically 50-60 feet wide on the Peninsula though some are 40 feet.

Ms. Miller asked how the developer will define affordable.

Mr. Dickey explained that HRM does not have anything in its Planning Strategies at this time to define or require affordable housing. This will be considered in the near future. In this case HRM would have to rely on the Province to determine if they are supportive of what the formulas are.

Mr. Cantwell explained that he authored part of the affordable housing policy for HRM prior to the Regional Plan in 2004/5. From then it has been a "thorny" topic because of the service agreement between the Municipalities and the Provinces. The affordability for this project is defined through their project contribution agreement (funding agreement that is signed with the Province). In this agreement, it specifies rents for one and two bedrooms. This agreement is 4 years old therefore; they might change but, will be publically renegotiated with the Province. The objective for affordable housing tenants is not to spend more than 30% of their gross income on shelter. Before this project gets constructed, they will renegotiate with the Province what the affordable amounts are for each studio are and in addition to the affordable rents, they are hoping for a good chunk will be rent supplement (rent geared to income).

Ms. Miller asked how they will regulate this over time and how it will be determined who is entitled to the affordable units. There may be a temptation if all of the affordable units are not rented to rent out as market units.

Mr. Cantwell explained that the board regulates this and has to keep in line with the contribution agreement with the Province. The Province will have oversight of this project, and requires annual reporting to see what the rents are. In terms of selecting tenants, he is going to be speaking with a housing group in Ottawa who will provide some helpful hints to how the allocations work. Typically there will be an ad in the paper expressing interests for affordable housing and requesting applications to be submitted. They will have to show tax return information from prior years proving what their income is and may also be an asset request.

Ms. Miller asked about the mortgage on the land.

Mr. Cantwell explained that when the Province gave them the three million dollars to acquire these properties, they registered a mortgage against each property.

Ms. Miller asked where the ground floor commercial fits in the economical operational budgets. She added that there is ground floor commercial space everywhere and expressed concern if the ground floor income is going to be used to help support the rest of the project and whether this was figured into the projected vacancy rates. Will there be any affordability in these rents.

Mr. Cantwell explained that commercial on ground floor is the right thing to do. Gottingen Street is a major commercial neighbourhood street and therefore, you do not want to put residential units right up against Gottingen Street. The commercial rents will be very modest and in the early years these will most likely be subsidized as well. He explained that over time as this neighbourhood gets back to the way it used to be, the space will carry its own weight.

Ms. Miller asks how they plan on factoring these rents into the operating costs and explained that the current Arts Communities are there on the street because the space is affordable.

Mr. Cantwell explained that there are currently two vacant parking spaces and therefore are not displacing anybody. The Housing Trust will have a small office in this space as well.

A question was asked about the environmental issues with one of the construction sites. Mr. Cantwell explained that on one of the properties, there was a fuel tank on the inside of the building that overtime spilled a small amount of petroleum hydrocarbons. They had to take a couple truck loads of soil out. The Environmental Engineers followed all the protocols and they have a clean certificate from Department of Environment.

Mr. Ed Edelstein explained that he has read the rationale for why this should be allowed and explained that he does not agree. He addressed concern that it is out of scale for the neighbourhood and is concerned with the affect this will have on his development next door. He also addressed concern with the shading issues this will cause for the people to the North and doesn't understand how HRM will allow a 3-fold allowance for a height exemption that is out of scale. This agreement with the Province is out of proportion with the site and doesn't think this project is going to make this area a better place. He spoke regarding other buildings in the area which are also out of scale however, they are older. He asks that the Board renegotiate with the Province the number of affordable units in the total project is scale the development down. He agrees with development of Gottingen Street, and affordable housing however, not at this scale and therefore cannot support it. He added that the applicant's letter states that current Land Use By-Law and height allowances don't encourage development on Gottingen Street, however this is untrue; there has been a lot of development in the area in the past two years. There has also been significant improvement with the Bus Stop Theatre etc.

Mr. Dickey asked if he is next to the MET property

Mr. Edelstein explained that he is located at 2169 Gottingen Street.

Mr. Michel Ross asked about Shannon Park and explained that for years they wanted to have a stadium and nothing came out of it. Shannon Park is going to waste and should have the low income housing in that area. He asked if there are any plans for Shannon Park in the future.

Mr. Dickey explained that HRM is waiting for the Federal Government to make some decisions on Shannon Park and what will happen with it. He explained that this is going to be a high priority area for development but the federal government will have to trigger that process and release the land.

Ms. Lisa Coates expressed interest in sitting on the Board of the Nova Scotia Housing Trust. She asked if they monitor resident's income to make sure that they are still in need of the affordable housing.

Mr. Cantwell explained that they will most likely require a bi-annual income recertification. If they are not meeting the requirements for affordable housing, they will have a certain amount of time to look for another place to live. They will be asking these types of operational questions to similar groups in Ottawa.

Mr. Andrew Murphy explained that they are asking for triple the height which is going to result in other developers also wanting to get three times the height. He explained that they had to bring in the downtown Halifax plan to deal with the height issues that constantly came up. When this area comes up in the Center Plan, he urges them to decide what is good for the street instead of spot zoning and think about the scale that they want in their neighbourhoods. They do not need 12 storey buildings everywhere and would do ok with 7 storey buildings. He explained that he was hopeful about the downtown plan and spoke regarding construction economics and anything larger than 8 storey buildings; only the big developers are able to develop it. He would like to see all developers of every size be able to develop. He explained that in the Nova Scotia Housing Strategy it supports home ownership and promote people living in the community in owning houses. He suggested developing these sites as-of-right as a condo development, keep 10% of the profit as affordable units.

Mr. Cantwell explained that they are a non-profit housing group which has their own goals and mandates as well as the Province. He explained that condominiums are not available to everybody as you need to have a down payment and need to afford the mortgage. Their goal is long term affordability through rental and feel there is good demand and good need in this neighbourhood for high quality rental apartments.

A member of the public asked if these developments will be accessible for people in wheelchairs and for seniors and will certain floors be for low income residents and will some floors be for high class residents. Mr. Pieczonka explained that both buildings will be designed to be accessible. Access to the building and into the main entrances will be fully accessible for people with physical disabilities. He added that within the Municipal Building Code and Provincial there is a requirement for certain number of units within buildings (1per every 20) have to be designed to be barrier free.

Mr. Cantwell explained that the intent is not to have people segregated by floors; on any giving floor, there will be a mix between the market rate units and the affordable housing units.

It was asked if the Bloomfield Centre will be low income housing and how many floors it will be.

Mr. Cantwell explained that the Province through Housing Nova Scotia has purchased the old Bloomfield School and have plans to do something similar to that site as this application. Mr. Dickey explained that it will be mixed market housing.

Mr. Cantwell explained that there will be 133 units in total that will be affordable. The MET building will be two floors stepping back to six floors on Gottingen Street and on the Maitland Street side, there will be eight floors and at the Diamond Bar site there will be five floors above Gottingen Street, stepping back to nine floors and 11 storeys on Maitland Street.

Ms. Katherine Kitching explained that height is important to her however, HRM is growing and residents do need to make some compromises. She explained that people make it really clear that they do not want sprawl outside the City so therefore, staff/residents need to at some point need to decide either they do not want HRM to grow or have to get more comfortable with bigger buildings. She also added that there is quite a waiting list for affordable housing and the need is there, therefore it concerns her that if HRM is doing small scale developments with only small amounts being affordable, where are all the people going to go who need affordable housing. She asked if there is a possibility for trees and benches and explained that there are very few trees on Gottingen Street.

Mr. Dickey explained that landscape amenity space is one of the things staff will look at for this development as well as others.

Mr. Cantwell explained that they want to contribute to the streetscape and make it a great place to come and visit.

Ms. Kitching explained that this development sounds good however addressed concern with the developer explaining that over time they want to make it more affordable and asked if there is a charter that residents can hold them accountable. She expressed concern regarding the long term vision.

Mr. Cantwell explained that the affordability requirements are set in place by the Province through their agreements.

Mr. Tim Storey, Performing Arts Lodge represents people in the film industry. He explained that the Performing Arts Center is a big supporter of this project because of their work that has been done across the Country. They are interested in affordable housing for their senior performers and also for those who are starting out in the film/theatre industry.

Ms. Clare Waque explained that that she runs the Bus Stop Theatre which is an unfunded arts space and explained that they own the property that backs on to one of the developments. She expressed concern with this development being built on their property line. She explained that the back space is not large enough to house a development if someone builds there. She would like to see instead of there being vacant boxes that there is an understanding in the next 20 years all of the buildings in between the proposed developments will also need to be developed to support the community's growth. She expressed concern that the developments being built will restrict the potential of the existing PID's to advance. She explained a current agreement that they have with the current condominiums that they could not see the condos until she gave them access to the thruway, adding that there is an easement on

that property. She explained that she would like to see some visioning for the future of how the rest of the neighbourhood would also grow as tall.

Mr. Dickey explained that one of the key policy criteria is how a development will affect future development potential and existing uses on adjacent properties. He added that she can set up a meeting with staff to review the plans.

Mr. Mika Edelstein asked if there have been any third party surveys for effecting neighbours' views. He explained that his friend who lives on Gottingen Street who currently has a beautiful view which will be blocked by these buildings. He explained that there are also houses on Creighton Street that will also have their views to the harbour blocked. He explained that it is imperative that HRM does a study to see how many existing developments will be effected by this. He explained that if there are towers in a neighborhood, the only way to get good views is to go higher and asked that HRM look at this. He does not think HRM should be on board with this development just because it has low income housing. He asked if the developer could make four storeys work and if not could they put the properties on the market to make available to someone who can.

Mr. Dickey explained that HRM does not protect views from private property; the only views that HRM will considering protecting are those from significant public points such as Dartmouth Common, Citadel Hill etc.

Ms. Elizabeth Murphy expressed concern with the competition for building a development with better views; therefore the height of buildings will continue to increase over time.

Mr. Dickey explained that it has always been an uncertainty in Downtown Halifax as to how tall buildings can be. HRMbyDesign established its allowable building heights and is the intent through the Center Plan process that will ultimately look at the corridors that will define these areas and also areas of Downtown Dartmouth as to what appropriate heights are and to protect adjacent neighbourhoods from encroachment by major redevelopments. In the meantime, staff has to proceed on the basis of individual applications as they are received. HRM's role is to respond to an application as received and to test it against existing HRM policies to see whether it complies or not. Council will look at the proposal and will evaluate them against the criteria in the Municipal Planning Strategy.

Ms. Lindsay Cory explained that she lives and works in the area asked how the Community Liaison Committee was put together and asked if there is an option for people to still be a part of it.

Mr. Dickey explained that the Housing Trust has coordinated this Committee in the neighbourhood. HRM cannot require that these meetings be set up. There is a Planning Advisory Committee set up largely of residents who review these projects and provide advice to community council.

Mr. Cantwell added that adding members is still open for discussion and he will discuss this with the Board and the Chair.

Ms. Rosie Porter asked if there is a threshold number for the developer for a smaller scale project with fewer storeys so that it is more in line with the Community.

Mr. Cantwell referring to a slide explained that the funding was tied to the creation of 58 and 65 units. Initially the buildings were taller and they have reduced floors and unit sizes and need to retain a 50/50 blend of units. He explained that they are at their threshold now.

Ms. Porter asked if 58 units is the number in which they can afford to do this project or if it could be feasible to develop 40 units.

Mr. Cantwell explained that contractually they are tied into the 59 and 65 units. These agreements are understanding from the funding partners and are no movement to change these units. They are locked into these numbers.

Ms. Porter asked if the number of 58 came from the Housing Trust or from the Province.

Mr. Cantwell explained that it came from the Province.

Ms. Amy Moonshadow addressed concern with accessibility. She is concerned with units not being able to provide access for those in larger wheelchairs/scooters. She suggested that someone with real-life experiences be part of this Board.

Mr. Cantwell explained that there is a building code requirement and assured that they do take the concerns of accessibility very strongly. This will be incorporated into the designs.

Mr. Dickey explained that based on the number of units proposed the Building Code requires that a minimum of 12 of the units will have to be fully accessible, barrier free units.

Mr. Mark Doiron asked about the Tavel memorial and what will happen with it.

Mr. Cantwell explained that they recognize the importance of it as a memorial and is for now going to continue to exist. But, is not sure what the plans are to maintain it during the winter months.

A member of the public asked if as part of the plan if this could be made a permanent memorial and to include those who have contributed to this memorial continue with the planning of it.

Mr. Cantwell explained that he would like to have a conversation with the group who is behind the memorial and is open to the idea.

Mr. Dickey explained that HRM would be requiring some form of landscaping; therefore there will be some opportunity there to consider this memorial.

Ms. Miller explained that these buildings are way out of proportion with the neighbourhood. There needs to be more discussion to what the effect the building will have on the neighbourhood; current and future.

A member of the public explained that the PAL Board proposed that one of the developments be named after Mr. Tavel as a tribute. Another discussion was having the spaces available for arts groups.

Mr. Marcus James asked about the existing community as it is now. He asked if the developers are currently contributing to the community as it is now and if not, how they will be in the future once the development starts.

Mr. Cantwell explained that the Housing Trust is a non-profit organization. However, they are looking at things like Youth Day and hosting youth days for kids to participate in future employment options etc.

Mr. James explained that they are currently receiving no support for Youth Day. He asked how this development will contribute to current problems that they are now experiencing.

Mr. Cantwell explained that there is some concern regarding housing affordability in the neighbourhood. This development will help contribute in terms of the growth of the community and to provide affordable housing options for long term residents.

Mr. James asked how this development is being communicated to the residents of Uniacke Square and addressed concern how this will directly impact them and the possibility of this having an opposite effect.

Mr. Cantwell suggested that he, Mr. James and Rev. Britten get together and create more communication, dialog and outreach to the communities. They plan on working closer with the community on these plans as it proceeds.

Closing Comments

Mr. Dickey thanked everyone for attending and explained that there are sheets available within the handout for residents to provide more feedback, suggestions, questions and concerns. He also encouraged anyone to contact him as well.

Adjournment

The meeting adjourned at approximately 9:11p.m.

**Attachment E
Project Renderings**



GOTTINGEN STREET LOOKING NORTH

LYDON LYNCH
ARCHITECTURE

**Attachment E
Project Renderings**



MAITLAND STREET LOOKING WEST

LYDON LYNCH
ARCHITECTURE