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Item No. 14.1.3
Halifax and West Community Council
December 16, 2015

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

SUBMITTED BY: _____
Bob Bjerke, Chief Planner and Director, Planning and Development

DATE: November 27, 2015

SUBJECT: **Case 19857: LUB Amendment (Schedule L) and Development Agreement
for 3085-3077 Oxford Street and 6393-6387 Young Street, Halifax**

ORIGIN

Application by Breakhouse Inc.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM 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, as contained in Attachment A, to include the lands at 3085-3077 Oxford Street and 6393-6387 Young Street, Halifax, in Schedule L, and schedule a public hearing;
2. Give Notice of Motion to consider the proposed development agreement, as contained in Attachment B, to allow for a mixed-use development and schedule a public hearing. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1; and
3. Adopt the amendment to Map ZM-2 of the Halifax Peninsula Land Use By-law as presented in Attachment A of this report.

RECOMMENDATIONS CONTINUED ON PAGE 2

Contingent upon the amendments to the Halifax Peninsula Land Use By-Law being approved by Halifax and West 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; and
2. Require that the proposed 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 Breakhouse Architecture Inc., on behalf of the property owner Tony Gossen, to enable the development of a 4 storey mixed commercial and residential building at 3085-3077 Oxford Street and 6393-6387 Young Street in Halifax. The subject site is currently comprised of 4 properties and developed with low density residential uses. As the proposal is not enabled through the existing zoning applied to the lands, the applicant has requested that the subject site be included within Schedule “L” of the Halifax Peninsula Land Use By-law (LUB), to allow the proposed mixed use building to proceed by development agreement.

Subject site	Comprised of 4 properties: 3085-3077 Oxford Street and 6393-6387 Young Street
Location	Northern corner of Oxford and Young Streets
Regional Plan Designation	Urban Settlement
Community Plan Designation (Map 1)	Commercial under the Peninsula North Secondary Plan of the Halifax Municipal Planning Strategy
Zoning (Map 2)	R-2 (General Residential) under the Halifax Peninsula Land Use By-law
Size of Area	1,526.4 square metres (16,430 square feet)
Street Frontage	53.3 metres (175 feet) of frontage on Oxford Street; and 25.6 metres (84 feet) of frontage on Young Street
Current Land Use(s)	Developed with 3 single unit dwellings and 1 two unit dwelling
Surrounding Use(s)	<p>To the South and West of the subject site, surrounding uses include minor commercial corridor along Oxford Street and low density residential development with some small multiple unit residential buildings.</p> <p>Directly west of the subject site, across Oxford Street, the site is vacant. However in 2013, a development agreement was approved which permits the development of a 5 storey mixed commercial and residential project.</p> <p>To the north of the subject site, surrounding uses include the minor commercial corridor along Bayers Road.</p> <p>To the east of the subject site, surrounding uses include low density residential development with some small multiple unit residential buildings.</p>

Enabling Policy and Zoning Context

The application is made pursuant to Policy 3.12 of the Implementation Policies section of the Halifax Peninsula Municipal Planning Strategy (MPS), which allows Halifax and West Community Council to identify areas designated commercial or industrial for comprehensive site planning through a development agreement process (Attachment C).

This process is achieved through the application of Schedule L of the Halifax Peninsula LUB (Attachment D). Schedule L was established to address the challenge of commercial and industrial developments neighbouring uses. The schedule integrating allows for the consideration of developments that would not otherwise be permitted under the provisions of the LUB, which includes a multiple unit dwelling, provided that conditions to reduce the potential impact to neighbouring uses are included in a development agreement.

Proposal

The applicant wishes to consolidate the four properties into one and develop a 4 storey mixed commercial and residential building with underground parking. To achieve this development, the applicant has requested that the subject site be included within Schedule L of the LUB to allow for the proposed development to proceed by development agreement. General details of the proposed development are as follows:

- 585.29 square metres (6,300 square feet) of ground floor commercial uses;
- a total of 29 residential units located on both the ground level and top 3 storeys of the building;
- underground parking for 30 automobiles;
- at grade landscaping and outdoor amenity space; and
- fencing and buffering along the abutting residential property lines.

Approval Process

The approval process for this application involves two steps:

- i) First, Halifax and West Community Council must consider and, if deemed appropriate, approve the proposed amendment to the LUB (Map ZM-2) to include the subject site within "Schedule L"; and
- ii) Second, Halifax and West Community Council must consider and, if deemed appropriate, approve the proposed development agreement once the LUB amendment is in effect.

A single public hearing can be held by Community Council to consider both the LUB amendment and the development agreement. However, Community 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 Council.

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 LUB amendment and development agreement in relation to the relevant MPS policies. The following issues have been identified for more detailed discussion.

LUB Amendment (Schedule L)

The inclusion of the subject site in Schedule L will allow the development to benefit from comprehensive site planning, which is achieved through the development agreement process. The subject site is within a minor commercial node and the development proposal will benefit from the controls and flexibility that are provided through the development agreement process.

Development Agreement

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

- the types of commercial uses and their location at the ground-level along Oxford Street;
- a maximum of 29 residential units are permitted, which includes a mix of three bedroom; two bedroom; one bedroom and bachelor units;
- architectural, signage, lighting and maximum building height requirements;
- parking (bicycle and vehicular), circulation and site access;
- detailed landscaping requirements for at grade amenity space and the requirement of planter boxes where the property abuts Oxford Street;
- building services, maintenance and waste facilities; and
- options for various non-substantive amendments by resolution of Community Council, including: a small increase in residential units, changes to the parking requirements, landscaping details, and changes to timeframes for development.

The attached development agreement will permit a mixed use development that is anticipated to be compatible and appropriate with the neighbourhood. Of the matters addressed by the proposed development agreement to satisfy the MPS criteria as shown in Attachment C, the following have been identified for more detailed discussion.

Compatibility

The proposed development is designed to be compatible with surrounding uses. The proposed building is 4 storeys or 14.3 metres (47 feet) in height which is taller than most of the surrounding two to three storey buildings. However, the additional height is appropriate because the subject site is located close to the major intersection of Oxford Street and Bayers Road. Further, the proposed building will be smaller than the approved 5 storey mixed use building that will be constructed across the street.

The building's design incorporates various building materials and step backs to break up the massing of the building and increase its compatibility with surrounding developments. A two-storey brick facade is located at the corner of Oxford Street and Young Street to emphasise the corner. The upper storeys of the building are comprised of metal cladding and wooden screens. The wooden screens serve two purposes; first, to provide privacy screening for private balconies and second, to remove emphasis on the additional 4th storey.

The proposed building is setback 6 to 10.5 metres (20 to 34.5 feet) from the abutting properties to the east, which provides a sufficient setback for both the residential use on the abutting property and the proposed residential units of the proposed development. Further, the proposed development agreement requires that the ground floor uses in the rear yard be residential to reduce potential land use conflict.

Traffic, Site Access and Parking

A traffic impact study was prepared for this application and concludes that there are no significant impacts or concerns with the proposal.

All of the proposed parking is to be located underground and is accessed by Young Street to reduce potential conflict with vehicle and pedestrian traffic. The access ramp is setback from the sidewalk to provide adequate site-stopping distance.

During the public information meeting, many residents expressed concerns about on-street parking. It was noted that Young Street and other side streets in the area were often full with on-street parking from those who do not live in the area. Although the proposed development agreement cannot restrict users of the subject site from parking on the street, it does require the development to reserve at least 5 off-street parking spaces for commercial, visitor or service provider parking.

Landscaping and Screening

The proposed development agreement requires landscaping in the form of planter boxes where the development abuts Oxford Street. Plantings are also required in the common yard located in the rear yard of the development. Existing trees in the rear yard will be retained where possible. The landscaping in the rear yard will not only provide amenity spaces for the residents of the proposed building, but will also act as a buffer for the neighbouring residential properties. To provide further screening from the neighbouring properties, the proposed development agreement requires a wooden fence along the eastern property line.

Districts 7 & 8 Planning Advisory Committee (PAC)

This application was presented to the Districts 7 & 8 Planning Advisory Committee (PAC) on July 27, 2015. The recommendations of the PAC on the application are sent to Community Council by means of a separate report.

The recommendation of the PAC are as follows:

- The Committee values access for all residents to open space in the rear yard.
- The Committee values the proposed unit configuration.
- That all ventilation occurs from the rooftop.
- That clarity is given on any easements or access issues.
- That environmental technologies such as solar and rain water collection on the rooftop are strongly considered.
- That there is further safety analysis at the entranceway to consider the positioning of the ramp to the parking garage, the landing platform, and the length of fence to the sidewalk.
- That a vegetation buffer be considered along the fence in the rear yard to enhance privacy.
- That the texture and colour of the corrugated material on the third and fourth floor be reconsidered on the Young Street side and rear yard for a less industrial feel.
- That further analysis is performed of the east ramp with consideration to safety, noise, and light.
- That an assessment be made of the loading for commercial and residential uses to create the least amount of impact on the existing neighbourhood.
- The Committee values the wooden fence for aesthetic considerations.
- The Committee values the proposed vegetation in the proposal.
- The Committee values the interior wooden liner on the Young Street side.
- The Committee encourages the possibility of bike parking on the individual floors of the building.
- That service parking is allocated in the garage.
- That parking implications for the proposal are examined with an aim to mitigating any negative impacts.
- That recommendations 1 through 3 not be made non-substantive.

Many of the recommendations and comments from the PAC have been incorporated into the development agreement and have been noted by the applicant. Some items such as the inclusion of rooftop environmental technologies and bike parking on each floor are not included as requirements in the development agreement, but will be further considered by the applicant.

The PAC recommended that the texture and colour of the corrugated material on the third and fourth floor be reconsidered on the Young Street side and rear yard for a less industrial feel. The intent of the metal is to provide contrast to the wooden screens and intended to serve as a back drop and reduce the overall scale of the building. Based on the comments from the PAC, the applicant has replaced some of the metal cladding on the stair core located on the eastern side of the building with additional wood screening.

The PAC further requested that staff provide clarity and further information for following items:

- easements/access issues;
- safety analysis of vehicle ramp;

- parking implication studies to mitigate any negative impacts; and
- assessment of impact of loading on surrounding residential uses.

With respects to easements and access, the development has been proposed such that it is expected to be undertaken within the confines of the subject site. Any requirements for an easement will need to be negotiated with the specific property owner whether it is private property or HRM.

Concerning an analysis of the safety of the vehicle ramp for pedestrians and traffic along Young Street, staff have reviewed this issue and advise the proposal is considered adequate for safety purposes.

Concerning a study on the implications the development may have in relation to on-street parking, staff have determined that a study is not warranted for this specific project. As noted earlier in this report, the proposed development agreement requires parking spaces for the commercial uses, visitors and service providers.

Concerning an assessment of the impact of loading on surrounding residential uses, the proposed development agreement will require that all commercial loading be completed on Oxford Street.

Conclusion

Staff has reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is consistent with the intent of the MPS to develop the lands in a comprehensive manner and to address compatibility issues with surrounding uses. Therefore, it is recommended that the proposed LUB amendment (Attachment A) and development agreement (Attachment B) be approved.

FINANCIAL IMPLICATIONS

There are no financial implications. The Applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Development Agreement. The administration of the Development Agreement can be carried out within the approved 2015/16 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 June 18, 2015 and a sign posted on the site. Attachment F contains a copy of the minutes from the PIM. 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 2.

A public hearing must be held by Halifax and West Community Council before it can consider the approval of the rezoning and development agreement. Should Halifax and West Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be 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 rezoning and owners, community or neighbourhood organizations, and business and professional associations.

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified.

ALTERNATIVES

1. Halifax and West Community Council may choose to approve proposed amendment to the Halifax Peninsula Land Use By-law and the proposed development agreement subject to modifications. Such modifications may require further negotiations with the Developer, and may require a supplementary report and/or a public hearing. A decision of Community Council to approve the proposed LUB amendment or development agreement is appealable to the NS Utility and Review Board as per Section 262 of the HRM Charter.
2. Halifax and West Community Council may choose to refuse the proposed amendment to the Halifax Peninsula Land Use By-law and proposed development agreement, and in doing so, must provide reasons why either or both do not reasonably carry out the intent of the MPS. 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

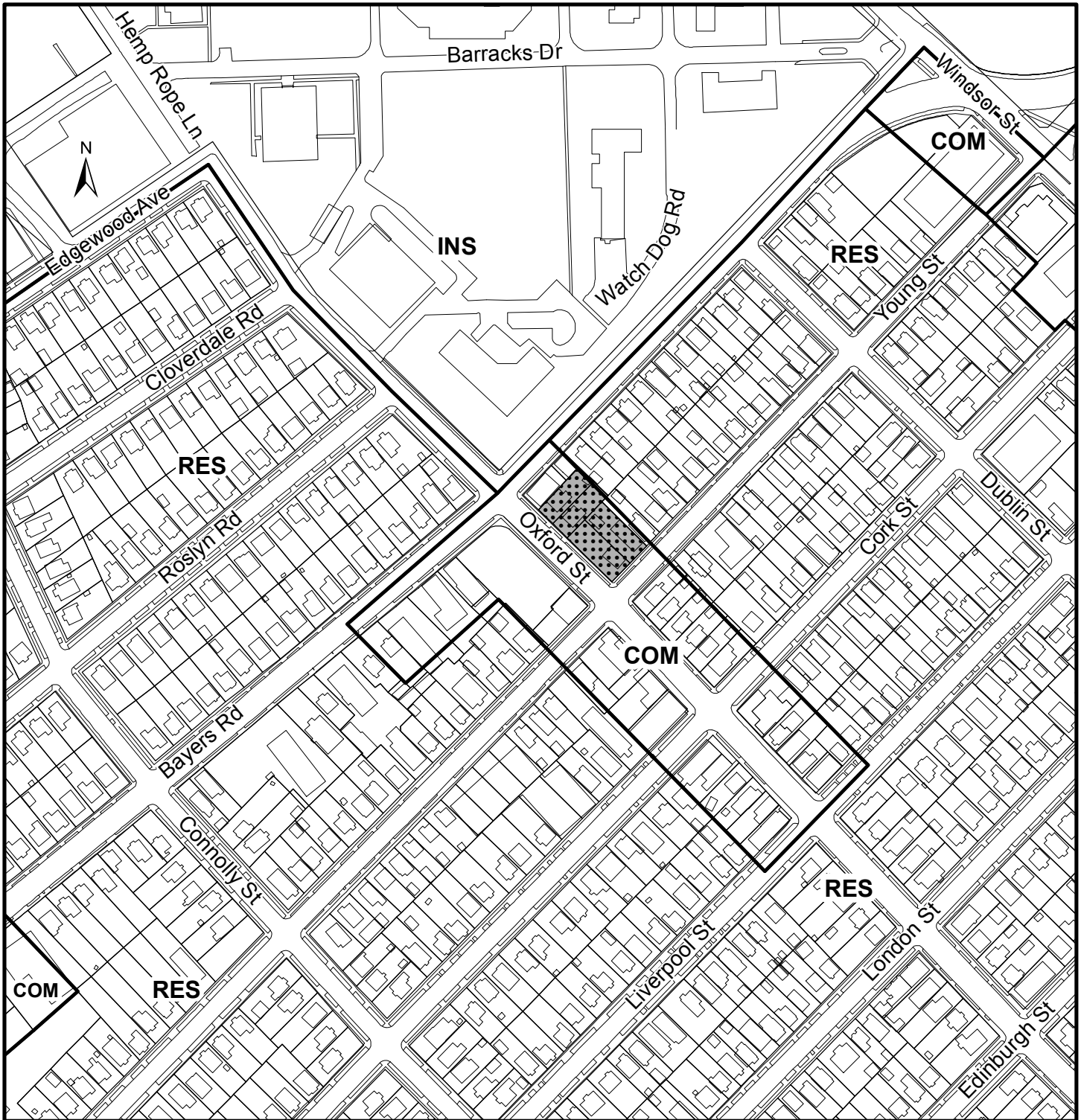
Map 1	Generalized Future Land Use
Map 2	Zoning and Notification
Attachment A	Proposed Amendment to the Halifax Peninsula LUB (Schedule A)
Attachment B	Proposed Development Agreement
Attachment C	Review of Relevant Policies of the Halifax MPS
Attachment D	Minutes from the Public Information Meeting

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902-490-4210, or Fax 902-490-4208.

Report Prepared by: Jillian MacLellan, Planner, Development Approvals, 902-490-4423

Original Signed

Report Approved by: _____
Kelly Denty, Manager of Development Approvals, 902-490-4800

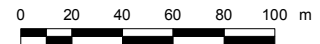


Map 1 - Generalized Future Land Use
 3085-3077 Oxford Street and 6393 Young Street
 Halifax

HALIFAX

 Subject Properties

Designations
 RES Residential Environments
 COM Commercial
 INS Institutional



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

The accuracy of any representation on this plan is not guaranteed.

Halifax Plan Area

ATTACHMENT A
Proposed Amendments to the Halifax Peninsula Land Use By-Law

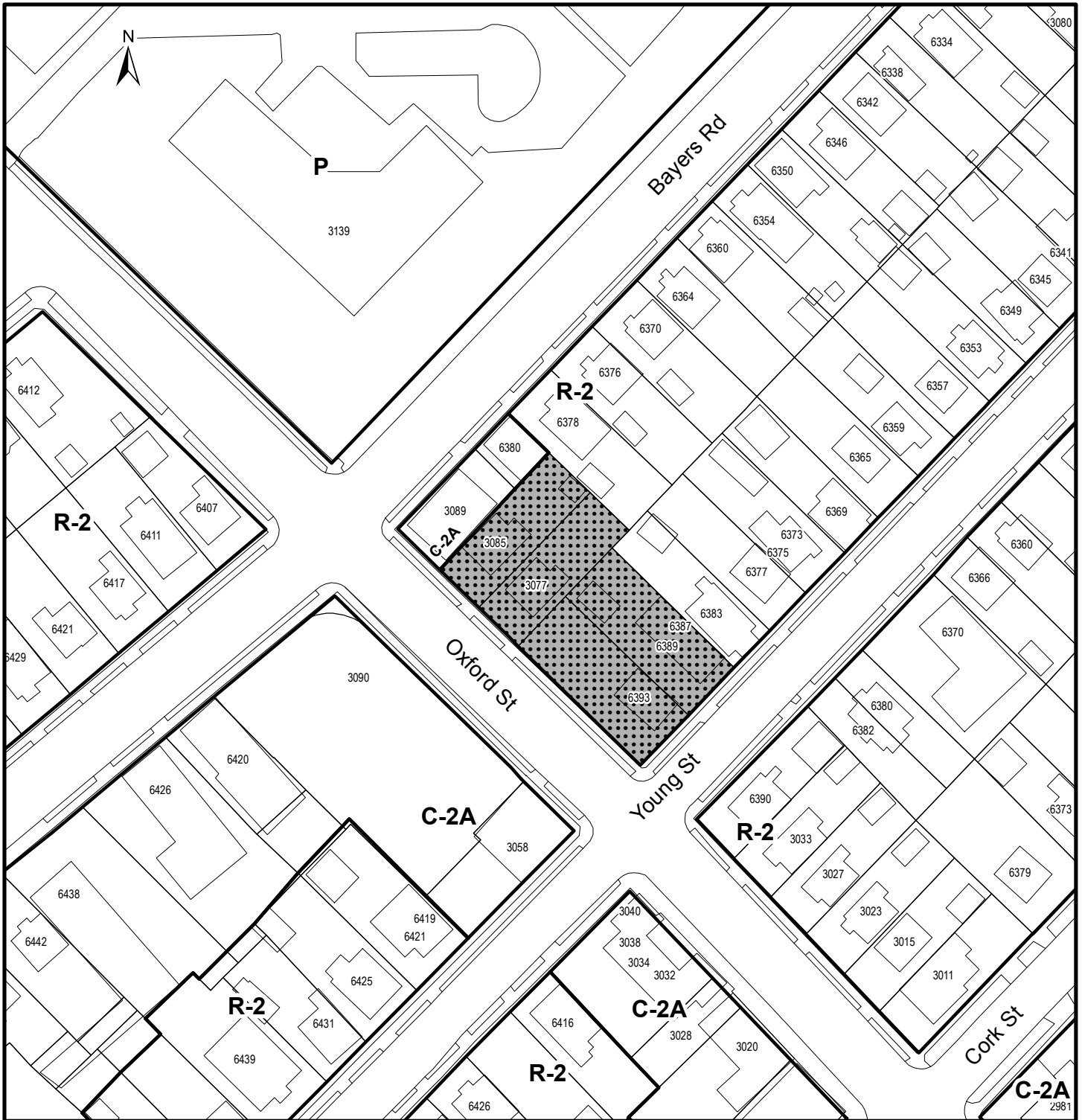
BE IT ENACTED by the Halifax and West Community Council of the Halifax Regional Municipality that the Halifax Peninsula Land Use By-Law is hereby further amended as follows:

1. Amend Map ZM-2 of the Halifax Peninsula Land Use By-Law by applying Schedule "L" to the site identified as 3085-3077 Oxford Street and 6393 to 6387 Young Street, Halifax, as illustrated in Schedule "A" attached hereto.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Halifax and West Community Council of Halifax Regional Municipality held on the ___ day of the _____, A.D., 20__.

GIVEN under the hand of the municipal clerk and under the Corporate Seal of the said Municipality this ___ day of the _____, A.D., 20__.


Municipal Clerk



Schedule A

3085-3077 Oxford Street and 6393 Young Street
Halifax

HALIFAX

 Area to be included in Schedule L

Zones

- R-2 General Residential
- R-3 Multiple Dwelling
- C-1 Local 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.

The accuracy of any representation on this plan is not guaranteed.

Halifax Peninsula
Land Use By-Law Area

ATTACHMENT B
Proposed Development Agreement

THIS AGREEMENT made this ____ day of _____, 20__,

BETWEEN:

[Insert Name of Corporation/Business LTD.],
an individual, in the Halifax Regional Municipality 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 at 3085-3077 Oxford Street and 6393-6387 Young 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 commercial and residential building on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policies 3.7, 4.6 of Part II, Section II, and Policy 3.12 of the Halifax Municipal Planning Strategy and Section 87A (Schedule L) 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 _____, referenced as Municipal Case Number 19857;

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

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

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

1.2 Applicability of Land Use By law and Subdivision By law

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

1.3 Applicability of Other By-laws, Statutes and Regulations

1.3.1 Further to Section 1.2, nothing in this Agreement shall exempt or be taken to exempt the Developer, lot owner or any other person from complying with the requirements of any by law of the Municipality applicable to the Lands (other than the Land Use By law to the extent varied by this Agreement), or any statute or regulation of the Provincial/Federal Government and the Developer or Lot Owner agree(s) to observe and comply with all such laws, by laws and regulations, as may be amended from time to time, in connection with the development and use of the Lands.

1.3.2 The Developer shall be responsible for securing all applicable approvals associated with the on-site and off-site servicing systems required to accommodate the development, including but not limited to sanitary sewer system, water supply system, stormwater sewer and drainage system, and utilities. Such approvals shall be obtained in accordance with all applicable by laws, standards, policies, and regulations of the Municipality and other approval agencies. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer. All design drawings and information shall be certified by a Professional Engineer or appropriate professional as required by this Agreement or other approval agencies.

1.4 Conflict

1.4.1 Where the provisions of this Agreement conflict with those of any by law of the Municipality applicable to the Lands (other than the Land Use By law to the extent varied by this Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail.

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

1.5 Costs, Expenses, Liabilities and Obligations

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.

2.2 Definitions Specific to this Agreement

2.2.1 The following words used in this Agreement shall be defined as follows:

“Repair Service” means an establishment primarily engaged in the provision of repair services to individuals and households, rather than businesses, but excluding automotive and equipment repair use types. Typical uses include appliance repair shops, shoe repair, watch or jewelry repair shops, or repair of musical instruments.

PART 3: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS

3.1 Schedules

The Developer shall develop and use 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 19857:

Schedule A	Legal Description of the Lands
Schedule B	Properties to be Consolidated
Schedule C	Site Plan and Ground Floor Plan
Schedule D	West Elevation (Oxford Street)
Schedule E	East Elevation
Schedule F	North and South Elevations

3.2 Requirements Prior to Approval

3.2.1 Prior to the issuance of a Building Permit, the Developer shall:

- (a) Provide a detailed Landscape Plan prepared by a Landscape Architect in accordance with Section 3.6 and Schedule C of this Agreement to the Development Officer; and
- (b) Obtain subdivision approval from the Municipality in accordance with Section 3.7 of this Agreement.

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

- (a) Certification from a Landscape Architect indicating that the Developer has complied with the Landscape Plan required pursuant 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 of the uses permitted by this Agreement unless an Occupancy Permit has been issued by the Municipality.

3.3 General Description of Land Use

3.3.1 The use(s) of the Lands permitted by this Agreement are the following:

- (a) Commercial uses as follows:
 - (i) Retail Uses
 - (ii) Repair Service
 - (iii) Personal service uses
 - (iv) Offices
 - (v) Financial institutions
 - (vi) Restaurants
 - (vii) Commercial recreation uses
 - (viii) Any use accessory to any of the permitted uses
- (b) Multiple-unit residential uses up to a maximum of 29 residential units.

3.3.2 The ground floor shall generally conform with the floor plan shown in Schedule C and the following requirements:

- (a) Any commercial uses shall be located on the ground level and have direct access to Oxford Street; and
- (b) Residential units shall abut the common outdoor amenity space.

3.3.3 The residential units shall be comprised of a mix of bachelor units, one-bedroom units, two bedroom units and three bedroom units as follows:

- (a) 1 bachelor unit;
- (b) 12 one-bedroom units;
- (c) 11 two-bedroom units; and
- (d) 5 three-bedroom units.

3.3.4 Further to Section 3.3.3, an increase or decrease in each type of unit to a maximum of 2 units shall be permitted provided the total number of units does not exceed 29 units.

3.4 Architectural Treatments

3.4.1 The exterior design and materials of the building shall be as generally shown on Schedules D, E, and F.

3.4.2 Each building material, as shown on the Schedules, shall be a distinct tone or colour.

3.4.3 All vents, down spouts, flashing, electrical conduits, meters, service connections, and other functional elements shall be treated as integral parts of the design.

3.4.4 The building shall be designed such that the mechanical systems (HVAC, exhaust fans, vents etc.) shall be located on the rooftop and are not visible from all abutting streets and abutting properties. This requirement shall exclude individual residential mechanical systems.

3.4.5 Fixed or retractable awnings and canopies are permitted at the ground floor level, provided that the awnings and canopies are designed as an integral part of the building façade.

3.4.6 All roof mounted mechanical or telecommunication equipment shall be visually integrated into the roof design or screened so that they are not visible from all adjacent streets or properties.

3.4.7 All exposed concrete surfaces shall be architecturally textured. Any exposed foundation in excess of two (2) feet in height shall be architecturally detailed.

- 3.4.8 There shall be no outdoor storage, other than outdoor storage for individual residential units, on the Lands.
- 3.4.9 Each commercial occupancy shall have its own entrance from Oxford Street. A minimum of two commercial entrances shall be provided along the commercial façade.

3.5 Parking, Circulation, and Access

- 3.5.1 Parking on the Lands shall be limited to underground parking and the Developer shall provide a minimum of 30 parking spaces.
- 3.5.2 Of the 30 required parking spaces, 5 spaces must be reserved for the proprietors and employees of the commercial occupancies, visitors, service provider parking or a combination thereof.
- 3.5.3 Bicycle parking shall be provided pursuant to the requirements of the Land Use By-law for Halifax Peninsula as amended from time to time.

3.6 Landscaping

- 3.6.1 Prior to the issuance of a Development Permit, the Developer shall submit a Landscape Plan, which complies with the provisions of this section. The Landscape Plan shall be prepared by a Landscape Architect which shall provide details of all landscaped areas as shown on Schedule C.
- 3.6.2 Existing trees on the Lands shall be preserved where possible, as determined by the Urban Forester of the Municipality.
- 3.6.3 A minimum 0.91 metres (3 foot) wide vegetative buffer shall be provided where the landscaped area abuts a residential property.
- 3.6.4 A wooden fence shall be placed along the eastern property line as shown on Schedule C.
- 3.6.5 Further to the required landscaped areas as shown on Schedule C, a minimum of 3 planter boxes shall be located on the Lands where it fronts Oxford Street.
- 3.6.6 Planting details for each type of plant material proposed on the Landscape Plan shall be provided, including a species list with quantities, size of material, and common and botanical names (species and variety).
- 3.6.7 All plant material and soil volume shall conform to the Canadian Nursery Trades Association's Metric Guide Specifications and Standards and sodded areas to the Canadian Nursery Sod Growers' Specifications.
- 3.6.8 At the time of issuance of an 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.
- 3.6.9 Notwithstanding the above, where the weather and time of year does not allow the completion of the outstanding landscape work to be completed at the time of issuance of the Occupancy Permit the Developer may supply a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping as shown on the Landscape Plan. 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 landscaping as described herein 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. 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.

3.7 Subdivision of the Lands

A subdivision application to consolidate the properties shown on Schedule B into one parcel shall be submitted to the Development Officer in accordance with the Regional Subdivision By-law. No Development Permit shall be issued until the subdivision plan is approved.

3.8 Signage

Exterior signs shall meet the requirements of the C-2A Zone of the Land Use By-law for Halifax Peninsula.

3.9 Screening

Propane tanks, natural gas service hookups, and electrical transformers shall be located on the Lands in such a way to ensure minimal visual impact from all adjacent streets. These facilities shall be secured in accordance with the applicable approval agencies and screened by means of opaque fencing or masonry walls with suitable landscaping.

3.10 Outdoor Lighting

Lighting shall be directed to driveways, parking areas, loading areas, building entrances. Walkways shall be arranged so as to divert the light away from streets, adjacent lots and buildings and shall be of a full cut-off design.

3.11 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, driveways, and the maintenance of all landscaping including the replacement of damaged or dead plant stock, trimming and litter control, garbage removal and snow and ice control, salting of walkways and driveways.

3.12 Deliveries and Solid Waste Collection

3.12.1 The private collection of refuse and recyclables on the Lands shall occur only between the hours of 8:00 a.m. and 7:00 p.m., seven (7) days a week.

3.12.2 Loading for commercial uses shall be located on Oxford Street.

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 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 (including vegetative berms) 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.

- 4.1.3 Hoarding or a tree protection zone must be provided along all public trees within the HRM right-of-way in accordance with the Tree By-law (By-law T-600).

4.2 Failure to Conform to Plans

If the Developer fails at any time during any site work or construction to fully conform to the approved plans as required under this Agreement, the Municipality shall require that all site and construction works cease, except for works which may be approved by the Development Engineer to ensure compliance with the environmental protection measures.

4.3 Archaeological Resources

The Developer shall contact the Curator of Special Places with the Heritage Division of the Department of Communities, Culture and Heritage of the Province of Nova Scotia prior to any disturbance of the Land and the Developer shall comply with the requirements set forth by the Province in this regard.

PART 5: AMENDMENTS

5.1 Non-Substantive Amendments

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

- (a) Up to 3 additional dwelling units, provided the building size, and maximum height have not increased and the exterior appearance of the building is not significantly affected;
- (b) The consideration of additional minor commercial uses;
- (c) Changes to the parking requirements as described in Section 3.5 of this Agreement;
- (d) Changes to the landscaping requirements including fencing and screening requirements as detailed in Section 3.6 of this Agreement;
- (e) The granting of an extension to the date of commencement of development, as identified under Section 6.3.1 of this Agreement;
- (f) The granting of an extension to the length of time for the completion of the development, as identified under Section 6.4.1 of this Agreement;

5.2 Substantive Amendments

Amendments to any matters not identified under Section 5.1 shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Halifax Regional Municipality Charter*.

PART 6: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

6.1 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.

6.2 Subsequent Owners

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.

6.3 Commencement of Development

- 6.3.1 In the event that development on the Lands has not commenced within four (4) 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.
- 6.3.2 For the purpose of this section, commencement of development shall mean the excavation and construction of the footings and foundation for the building.
- 6.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 5.1, if the Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the commencement of development time period.

6.4. Completion of Development

- 6.4.1 If the Developer fails to complete the development after six (6) 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.
- 6.4.2 For the purpose of this section, completion of development shall mean the issuance of the first Occupancy Permit.
- 6.4.3 For the purpose of this section, Council may consider granting an extension of the completion of development time period through a resolution under Section 5.1, if the Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the completion of development time period.

6.5 Discharge of Agreement

Upon the completion 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; or,
- (c) Discharge this Agreement and apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use By-law for Peninsula Halifax.

PART 7: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

7.1 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 (24) hours of receiving such a request.

7.2 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.

SIGNED, SEALED AND DELIVERED in the presence of:

(INSERT REGISTERED OWNER NAMES)

Witness

Per: _____

Witness

Per: _____

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

=====
HALIFAX REGIONAL MUNICIPALITY

Witness

Per: _____
Mayor

Witness

Per: _____
Municipal Clerk

Schedule B - Properties to be Consolidated



Breakhouse Inc.
 Architecture Inc.
 Film & Media Center
 Suite 1410
 Halifax, NS B3H 4K4
 902-241-2122 fax 902-241-2123
 www.breakhouse.ca

GENERAL NOTES: EXISTING SITE CONDITIONS ARE TO BE MAINTAINED UNLESS OTHERWISE NOTED. ALL DIMENSIONS AND CONDITIONS ARE TO BE AS SHOWN UNLESS OTHERWISE NOTED. ALL DIMENSIONS AND CONDITIONS ARE TO BE AS SHOWN UNLESS OTHERWISE NOTED. ALL DIMENSIONS AND CONDITIONS ARE TO BE AS SHOWN UNLESS OTHERWISE NOTED.

CONSULTANTS:

No.	Date	Revisions
3	SEP 28, 2015	D.A. REVISION
2	AUG 25, 2015	D.A. UPDM. E.
1	JAN 15, 2014	DEVELOPMENT AGREEMENT

PROJECT: OXFORD STREET APARTMENTS
 3077-3085 Oxford St
 Halifax, NS

TITLE: SITE PLAN DEMOLITION

DATE: 05-17-17

DRAWING #: A-100

Schedule C - Site Plan and Ground Floor Plan

DATE: 10/11/15 10:48:40 AM
 PROJECT: 3077-3885 Oxford St. Apartments/DA, MAP/1: 3077-3885 Oxford St. Apartments/DA/1510.00.dwg
 DRAWN BY: J. B. BROWN

Breakhouse Inc.
 Architecture Inc.
 7111 S. Main Street
 Suite 400
 Hickory, NC 28128
 704.341.1422
 www.breakhouse.com

GENERAL NOTES:
 1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 3. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 4. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 5. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 6. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 7. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 8. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 9. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 10. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.

COMMENTS:

NO.	DATE	DESCRIPTION
1	JAN 15, 2014	DEVELOPMENT AGREEMENT
2	AUG 25, 2015	DA UPDATE
3	SEP 28, 2015	DA REVISION

NO.	DATE	DESCRIPTION
1	JAN 15, 2014	DEVELOPMENT AGREEMENT
2	AUG 25, 2015	DA UPDATE
3	SEP 28, 2015	DA REVISION

NO.	DATE	DESCRIPTION
1	JAN 15, 2014	DEVELOPMENT AGREEMENT
2	AUG 25, 2015	DA UPDATE
3	SEP 28, 2015	DA REVISION

NO.	DATE	DESCRIPTION
1	JAN 15, 2014	DEVELOPMENT AGREEMENT
2	AUG 25, 2015	DA UPDATE
3	SEP 28, 2015	DA REVISION

NO.	DATE	DESCRIPTION
1	JAN 15, 2014	DEVELOPMENT AGREEMENT
2	AUG 25, 2015	DA UPDATE
3	SEP 28, 2015	DA REVISION

NO.	DATE	DESCRIPTION
1	JAN 15, 2014	DEVELOPMENT AGREEMENT
2	AUG 25, 2015	DA UPDATE
3	SEP 28, 2015	DA REVISION

NO.	DATE	DESCRIPTION
1	JAN 15, 2014	DEVELOPMENT AGREEMENT
2	AUG 25, 2015	DA UPDATE
3	SEP 28, 2015	DA REVISION

NO.	DATE	DESCRIPTION
1	JAN 15, 2014	DEVELOPMENT AGREEMENT
2	AUG 25, 2015	DA UPDATE
3	SEP 28, 2015	DA REVISION



PROJECT:
 OXFORD STREET
 APARTMENTS
 3077-3885 Oxford St
 Hickory, NC

TITLE:
 SITE +
 GROUND FLOOR
 PLAN

DATE:
 10/11/15

DRAWING #:
 A-101

Schedule D - West Elevation (Oxford Street)



Breakhouse Inc.
 Architecture Inc.
 Film & Media Center
 Suite 1410
 Halifax, NS, B3H 4K4
 902-431-3182 Fax
 www.breakhouse.ca

GENERAL NOTES: DRAWING FOR INFORMATION PURPOSES. THE DRAWING IS NOT TO BE USED FOR CONSTRUCTION. THESE COMMENTS ARE TO BE USED IN CONSULTATION WITH THE ARCHITECT AND ENGINEER. ALL DIMENSIONS AND CONDITIONS ARE TO BE REPORTED TO THE ARCHITECT AND ENGINEER. THIS DRAWING IS FOR INFORMATION PURPOSES ONLY AND SHALL NOT BE USED FOR CONSTRUCTION. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED.

CONSULTANTS:

No.	Date	Revisions
1	SEP 28, 2015	D.A. REVISION
2	AUG 25, 2015	D.A. UPDM E
1	JAN 15, 2014	DEVELOPMENT AGREEMENT

SCALE	CLIENT	PROJECT	TITLE
		OXFORD STREET APARTMENTS 3877-3885 Oxford St Halifax, NS	OXFORD STREET WEST ELEVATION

DATE	REVISIONS

© Breakhouse Architecture Inc.
 DRAWING # A-301



Breakhouse Inc. Architecture Inc.
 Film & Media Center
 Suite 1410
 Halifax, NS, B3H 4K4
 902-431-3182 Fax 902-431-3183
 www.breakhouse.ca

GENERAL NOTES:
 1. CONSULT THE ARCHITECT FOR THE LATEST REVISIONS TO THE DRAWINGS.
 2. ALL DIMENSIONS AND CONDITIONS ARE TO BE AS SHOWN UNLESS OTHERWISE NOTED.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AUTHORITIES.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE.
 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES INFORMATION.
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY INFORMATION.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY INFORMATION.
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY INFORMATION.
 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY INFORMATION.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY INFORMATION.

CONSULTANTS:

No.	Date	Revisions
1	JAN 15, 2014	DEVELOPMENT AGREEMENT
2	AUG 25, 2015	D.A. UPDM E
3	SEP 28, 2015	D.A. REVISION

REVISIONS:

No.	Date	Revisions
1	JAN 15, 2014	DEVELOPMENT AGREEMENT
2	AUG 25, 2015	D.A. UPDM E
3	SEP 28, 2015	D.A. REVISION

PROJECT:
 OXFORD STREET APARTMENTS
 387-3885 Oxford St
 Halifax, NS

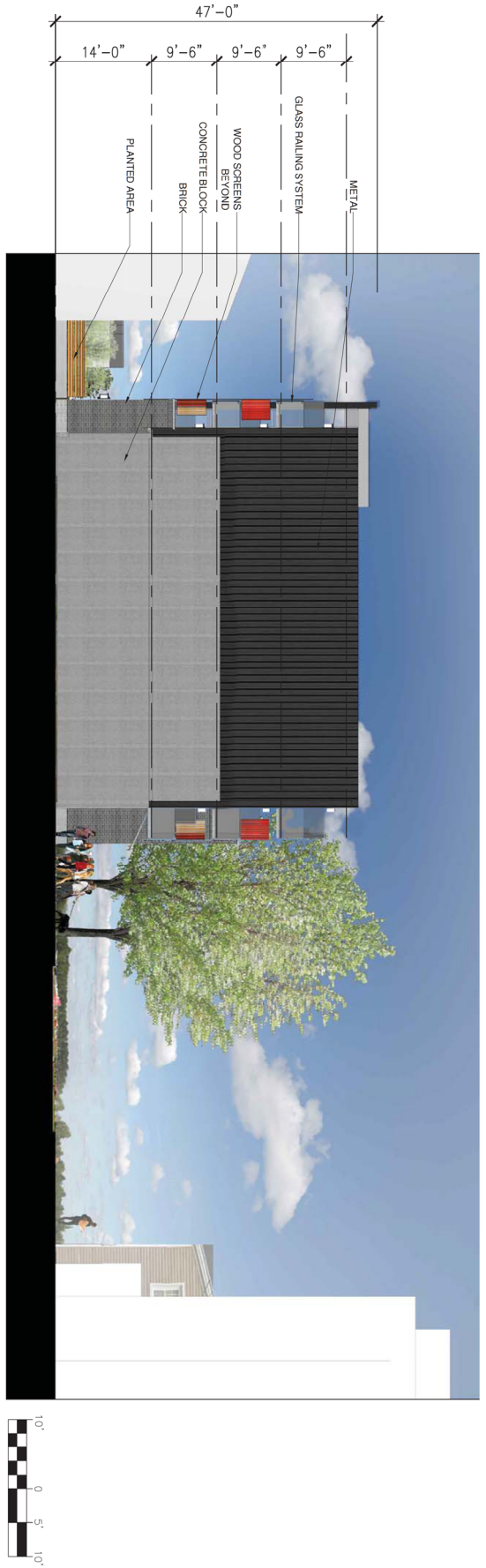
TITLE:
 EAST ELEVATION

DATE:
 10/15/15

SCALE:
 AS SHOWN

DRAWING #:
 A-302

Schedule F - North and South Elevations



Breakhouse Inc.
 Architecture Inc.
 Film & Media Center
 Suite 1410
 Halifax, NS, B3H 4K4
 902-431-3132 fax
 www.breakhouse.ca

GENERAL NOTES: DRAWING FOR INFORMATION PURPOSES. THE PROJECT OWNER'S AND ARCHITECT'S CONTRACTS ARE TO BE READ IN CONJUNCTION WITH THE DRAWINGS AND ALL CONDITIONS OF CONTRACT APPLY. ALL DIMENSIONS AND CONDITIONS ARE TO BE REFERRED TO THE ARCHITECT AND SHALL BE USED FOR THIS PROJECT ONLY AND SHALL NOT BE COPIED OR REPRODUCED WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.

CONSULTANTS:

No.	Date	Revisions
1	JAN 15, 2014	DEVELOPMENT AGREEMENT
2	AUG 25, 2015	D.A. UPDM E
3	SEP 28, 2015	D.A. REVISION

SCALE

CLIENT

PROJECT
 OXFORD STREET
 APARTMENTS
 387-385 Oxford St
 Halifax, NS

TITLE

DATE FOR REVISION
 SCALE: AS SHOWN
 DRAWING #
A-303

ATTACHMENT C
Review of Relevant Policies of the Halifax MPS

Policy Criteria	Comment
<p><i>Policy 3.7: In considering applications pursuant to Implementation Policy 3.10 [should be 3.12], Council shall have regard for the guidelines set out below:</i></p>	
<p><i>(i) that entrances and exits be arranged in such a way so as to minimize the impact of additional traffic on any adjacent residential areas;</i></p>	<p>The underground parking driveway is on Young Street. It is anticipated that the majority of the vehicle and pedestrian traffic will be located on Oxford Street. Further the ramp is setback from the sidewalk to provide a site-stopping distance.</p> <p>The driveway location has further been approved by staff.</p> <p>The proposed development agreement generally permits those uses permitted in the C-2A (Minor Commercial) Zone of the Land Use By-law for Halifax Peninsula with the exception of those uses that traditionally generate a lot of traffic.</p>
<p><i>(ii) that the proposed use does not entail an unacceptable nuisance such as traffic, smoke, toxic, or noxious effluents and noise;</i></p>	<p>A traffic impact statement was completed as part of this application and indicated that the number of site generated trips would be low and would not have any significant impacts to the street system.</p> <p>Further the development agreement requires that all mechanical systems, except equipment associated with individual residential uses, is to be located on the roof.</p>
<p><i>(iii) that storage areas be enclosed or be visually screened from the abutting street by such means as planting materials or well-designed fences;</i></p>	<p>The proposed development agreement does not permit any outdoor storage except for storage associated with individual residential uses.</p>
<p><i>(iv) that service areas for trucks and other vehicles be located in areas other than the front yards;</i></p>	<p>There are no service areas for trucks and other vehicles. Loading and unloading will need to be completed on the street.</p>
<p><i>(v) that front yards of an appropriate size be provided, well landscaped and including provisions for tree planting;</i></p>	<p>There is no front yard setback required to provide consistency with existing commercial setbacks along Oxford Street.</p> <p>The proposed development agreement does require the inclusion of planter boxes along the façade of the building on Oxford Street.</p>
<p><i>(vi) that drainage from large paved areas be required to be treated in cases where such drainage will result in unacceptable pollution of watercourses or water bodies;</i></p>	<p>Not Applicable</p>

<p><i>(vii) that appropriate measures be taken to prevent erosion or deposit of sediments away from the development site during construction and afterwards;</i></p>	<p>An erosion and sedimentation control plan is required prior to any site work.</p>
<p><i>(viii) that the building envelope be located in such a manner as to provide a sufficient area for landscaped open space in both front and side yards;</i></p>	<p>There is no front yard setback required to provide consistency with existing commercial setbacks along Oxford Street. There is a setback of 6 to 10.5 metres (20 to 34.5 feet) in the rear yard which is constant with the setback requirements lower density residential uses located in the area.</p>
<p><i>(ix) that areas of significant natural, aesthetic and amenity value be protected as part of the site design in accordance with Policy Sets 7 and 8 of this Plan as appropriate;</i></p>	<p>There is a treed green area along Oxford Street that is currently the back yard of the property at 6393 Young Street. As this space provides frontage along Oxford Street for the proposed commercial uses, it would not be considered appropriate to retain this space.</p> <p>The proposed development agreement has required that trees on site be retained where possible. Further the developer will be required to retain and protect any street trees and retain the vegetative berm between the sidewalk and the street.</p>
<p><i>(x) that there be an appropriate setback or other separation of any building from abutting residential property and that a portion of such setback be landscaped;</i></p>	<p>There is a 6 to 10.5 metre (20 to 34.5 foot) landscaped setback in the rear yard where the subject area abuts a residential property. Further the uses located in the rear yard are residential.</p>
<p><i>(xi) that the applicant provide a statement of the environmental impacts of the proposed development on and off the site and identify the ways and means to mitigate any negative effects, particularly as they relate to such aforementioned matters as air and water pollution, erosion and sediment control, and protection of significant natural, aesthetic, and amenity value; and</i></p>	<p>The uses and built form proposed do not pose any significant concerns environmentally and do not require any special mitigating measures beyond those involved in the standard permitting process.</p>
<p><i>(xii) Such other land use considerations as Council may from time to time deem necessary, based on guidance provided by the policies of this Plan.”</i></p>	<p>The proposed development agreement allows for certain C-2A Zone commercial uses which are viewed as being consistent with the existing neighbourhood character.</p> <p>Potential on street parking issues are mitigated by requiring 5 spaces to be reserved for commercial proprietor, service providers and visitors.</p>

**Attachment D:
Public Information Meeting Minutes (June 18, 2015)**

**HALIFAX REGIONAL MUNICIPALITY
Public Information Meeting
Case 19857**

**Monday, June 18, 2015
7:00 p.m.
Halifax Forum (Maritime Hall)**

STAFF IN

ATTENDANCE: Jillian MacLellan, Planner, HRM Development Approvals
Dave Hanna, Development Technician, HRM Development Approvals
Cara McFarlane, Planning Controller, HRM Development Approvals

ALSO IN

ATTENDANCE: Councillor Jennifer Watts, District 8
Vincent Van Den Brink, Breakhouse Inc.
Andrew Carruthers, Breakhouse Inc.
Tony Gossen, Property Owner

PUBLIC IN

ATTENDANCE: Approximately 24

The meeting commenced at approximately 7:00 pm.

1. Call to order, purpose of meeting – Jillian MacLellan

Ms. MacLellan introduced herself as the Planner facilitating this application through the planning process; Dave Hanna and Cara McFarlane, HRM Development Approvals; Vincent Van Den Brink and Andrew Carruthers, Architect, Breakhouse Inc., Tony Gossen, Property Owner; and Councillor Jennifer Watts, District 8.

Case 19857 is a proposal to apply Schedule L and a development agreement on the property located at 3085 and 3087 Oxford Street and 6393 Young Street.

The PIM Agenda was reviewed.

The purpose of the Public Information Meeting (PIM) is to identify that an application has been received, give some background on the proposal and receive feedback from the public. This is purely for information exchange and no decisions will be made at this PIM.

2. Overview of planning process – Jillian MacLellan

The planning process: HRM receives an application; Staff performs a detailed review; A PIM is held; The proposal goes to Planning Districts 7 and 8 Planning Advisory Committee (PAC); A draft development agreement will be negotiated between the applicant and the Municipality which will be attached, along with Staff's recommendation, to a Staff Report that will go before Halifax and West Community Council (HWCC); HWCC will schedule a public hearing where they would render a decision to approve or reject the proposal; If approved, Schedule L would be applied to the property and a two week appeal period would follow; Pending no appeals, the

application would go back before HWCC for a decision on the development agreement; If approved, a two week appeal period would follow.

3. Presentation of Proposal – Jillian MacLellan

The applicant, Breakhouse Inc., is proposing to apply Schedule L to the subject area and enter into a development agreement to develop a four-storey, mixed use building.

Schedule L is a layer applied to a property that allows a site specific comprehensive development through a development agreement.

Through Schedule L, Staff would look at the traffic generated from the development, site access and parking, visual aesthetics of the development and how it fits in with the neighbourhood, and landscaping and open space.

The subject property is located at the corner of Young and Oxford Streets and is comprised of four different properties. There is a mix of residential and commercial uses along Bayers Road and Oxford Street. The side streets are generally developed with lower density residential uses. The subject site is across the street from a development that recently went through a Schedule L and development agreement process located at the corner of Bayers Road and Oxford Street. This development allows for a five-storey building consisting of commercial at grade and residential above.

Some images of where the subject area and surrounding properties were shown

The subject area is zoned R-2 (General Residential) Zone; however, the adjacent properties are zoned C-2A (Minor Commercial) Zone (which is the base node for the area) and are in a commercial designation.

A rendering of the proposed building was shown: A four-storey building with a mix of residential/commercial uses; 29 residential units; commercial access off of Oxford Street; residential access as well as the parking off of Young Street; a 20 foot setback from the neighbouring residential use on Young Street; and landscaping to help complement that buffer.

Presentation of Proposal – Vincent Van Den Brink, Architect / Partner, Breakhouse Inc.

Breakhouse Inc. has been in business for many years and has done a lot of work in the city on apartment buildings and restaurants. As one of the property owners, Mr. Gossen plans to live in the building once complete; therefore, assuring that this project will be carried through to the upmost detail with integrity to the community.

The idea is for the area to become a groundlevel commercial/residential mixed use node.

An image was shown of the view of the approved five-storey, mixed use building from the existing homes across the street.

The site plan was shown. There is a 20 foot setback from the adjacent residential properties and no sideyard setbacks. Typically, developments have commercial at grade that continue to the back of the building. The applicant is proposing groundfloor commercial at the front of the building and groundfloor residential at the back of the building, adjacent to the existing residential area.

A series of block images were shown. The location of the commercial area; one, two and three

bedroom units, and accesses were shown. The proposal includes wood screening on the balconies which would create a stepback at the second level to bring down the scale of the building.

A sightline image from a pedestrian's perspective on the street was shown.

Images of more detail of the ground floor were shown. Active living is being encouraged with bike storage throughout the building.

Wood screening will be used along the façade so it relates to the residential neighbourhood and behind that some metal that would be up against the exterior of the building. The screening would have panels and shutters allowing the tenants to open and close to provide some privacy from the street. The front façade would vary depending on whether the screening is open or closed.

The layout of units provides flexibility and connects to the demographic that the applicant would like to occupy the building. The commercial tenants will be similar to small boutiques (bakery, deli, coffee shop, etc.).

A few images showing the building in more detail were shown as well as images from different viewpoints in the area.

4. Questions and Comments

Henri Fortier, Young Street – Has a traffic study been done? Currently, the streets in the area cannot handle the existing traffic let alone any increased traffic. The boutiques are nice but the staff and customers have no place to park. **Ms. MacLellan** – A Traffic Impact Study (TIS) has been submitted as part of the application and is with HRM Traffic Engineers for review of the road network capacity. There is a copy of the TIS on the HRM website.

Steve, Halifax – Is there setback requirements on the Young Street or Oxford Street? **Ms. MacLellan** – Setback requirements depend on what the property is zoned. The C-2A Zone, which would be the most appropriate zone for this property, would require no setbacks from the rear, side or frontyard property lines. When residential uses are added to the development, the R-2 Zone requirements would supersede the C-2A Zone. Setbacks between buildings would fall under the National Building Code and cannot be varied through a planning application. **Steve** – There is a garage that sits quite close to the back property line. Does that require a setback? **Mr. Van Den Brink** – When excavation takes place, there will be some digging close to that property line but it will not impact the garage. The underground parking will be one level; therefore, no blasting will be required. **Steve** – He likes the building but would like to see some landscaping and planters on Oxford and Young Streets to spruce it up a bit. **Mr. Van Den Brink** – The applicant is hoping that the retail shops will spill out onto the sidewalks.

Steve, Halifax – Will or has the applicant applied for any variances? **Ms. MacLellan** – The uses of the property and details will be laid out in the development agreement.

Steve, Halifax – How will solid waste pickup be handled? **Mr. Van Den Brink** – The garbage will be in the basement garage area which will require pickup service.

Steve, Halifax – Are there any mechanical units on the roof? **Mr. Van Den Brink** – No, only the stairwell to the roof would be visible as well as a few 3.5 to 4 foot chimneys.

Dick Sutherland, Young Street – My daughter's property is next to the proposed development.

Oxford Street is not flat, it descends a bit which is not reflected in the diagrams. On the back side, there is a 20 foot setback that includes the driveway at street level (which is about 2.5 feet from his daughter's house). The driveway begins to descend to the underground parking. The diagram does not show how high the proposed garage will be in her backyard. **Mr. Van Den Brink** – There will be a wall or railing to prevent people from falling and there is no above structure beyond it. The elevation of the ground in the back of the building is equal to the level of the street. **Mr. Sutherland** – If the wall goes 30 feet across the back, she will be looking at about 5 feet of concrete. **Mr. Van Den Brink** - He assured Mr. Sutherland that the greenspace will be level with the street. **Mr. Sutherland** – His daughter's backyard drops probably 5 or 6 feet from the subject property's back property line. **Mr. Van Den Brink** – He will provide a drawing that shows how the development will look from Mr. Sutherland's daughter's property. Ms. MacLellan include the drawing on the HRM website for the application. The idea of putting residential units on the ground level in the back was to make a soft transition to the residential zone behind the building. The applicant is not intending to put a concrete wall there.

Mr. Sutherland – Where will the exhaust fumes be vented from the garage? **Mr. Van Den Brink** – There are mechanical systems to direct ventilation through the building to the roof.

Dave, Cork Street – Parking is also a concern for the residents. There is an existing building on Cork and Oxford Streets with zero parking for the tenants. They park on the street, in front of homes and at times block the driveways. The approved mixed use building across the street has zero parking for staff and customers. He would like to see something done with the parking in the area. A parking study should be done as well as a traffic study. He does like the design of the building and hopes that people will use other means of transportation other than drive. Currently, there is a bus that comes down Cork Street but HRM is stopping that service.

Carol Moore, Cork Street – She likes the look of the building. She didn't know about the approved five-storey, mixed use building across the street and is surprised that the City did not inform the surrounding residents. She has very strong concerns about parking on Cork Street. It has increase over the last two years. People park on the street, in front of the house and driveway daily. Her street missed six weeks of garbage collection this past Winter due to the street being too narrow for the truck to pass the parked cars on both sides of the street. She is glad there is proposed resident parking but there needs to parking for commercial staff and customers. People also use Cork Street to drop kids off at the nearby daycare. Hundreds of children go through that intersection when they walk to St. Catherine's School. How will that be factored into the layout and planning? There are currently no crossing guards there.

Suzanne McNeil, Oxford Street – The #1 bus service is going to end at Chebucto Road. She has children that go to the aforementioned daycare and crossing the road is treacherous. She has had to call parking enforcement many times to have cars that are parked in front of her driveway ticketed.

Steve O'Donnell, Cork Street – Parking is an issue. Does the TIS include a parking study? **Ms. MacLellan** – TISs do not look at parking but she will discuss further with engineering and planning staff. Staff can look at having different requirements for commercial and visitors parking in the development agreement. **Mr. O'Donnell** – Was there a TIS done for the approved building across the street? **Ms. MacLellan** – Yes, there was. **Mr. O'Donnell** – Were both studies done by different engineering firms? **Ms. MacLellan** – The TIS for the approved building, did not incorporate this building as the TIS was completed before this building was considered. The TIS for this building does include the traffic generated from the approved building across the street. **Mr. O'Donnell** – There are times when people park on both sides of the street which make it very difficult to get out of the driveway. Could parking on one side of Cork Street and other streets in the area be prohibited? **Ms. MacLellan** – Parking requirements on streets cannot be included in the development agreement but she will bring it up with the

regional transportation group to see if parking on one side of the street can be restricted.

Councillor Jennifer Watts, District 8 - There is a proposal to change the #1 service route but no decisions have been made. Over the Summer, Staff will be evaluating feedback on the bus routes and will have a staff report to Council in the Fall 2015 and Council will make a decision. In terms of the approved five-storey building across the street, it was advertised within a certain catchment area. She explained the Centre Plan project and that public consultation engagement is very important as it will lay out the next 10 to 20 years for the Peninsula and urban core of Dartmouth. She encouraged residents to have their name added to her district email list for effective communication. With respect to parking issues, it is possible to make changes now. She asked residents to email her with specifics and she will have parking staff assess the situation.

Leah – Is the approved five-storey mixed use building apartments or owned? **Ms. MacLellan** – The development agreement can't state whether the building is condos or apartments. The decision to have the units as condos versus apartments is up to the developer and can change over time.

Shawn – What is the timeframe for the two developments? **Ms. MacLellan** – The approved development can begin once the developer has permits. This proposal will need to be approved by HWCC (up to an 8 month process – possibly by Fall 2015) before applying for any permits. **Mr. Van Den Brink** – If approved, the intent would be to build right away and could take a year and a few months.

5. Closing Comments

Ms. MacLellan thanked everyone for coming and expressing their comments.

6. Adjournment

The meeting adjourned at approximately 8:00 p.m.