



P.O. Box 1749  
Halifax, Nova Scotia  
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**Item No. 13.1.1**  
**Halifax and West Community Council**  
**January 19, 2016**

**TO:** Chair and Members of Halifax and West Community Council

Original Signed

**SUBMITTED BY:**

Bob Bjerke, Chief Planner & Director, Planning and Development

**DATE:** January 12, 2016

**SUBJECT:** **Case 19862: LUB Amendment (Schedule Q) and Development Agreement for 5543-5555 Almon Street and a vacant property on Isleville Street, Halifax**

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**ORIGIN**

Application by Michael Napier Architecture

**LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter (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 a vacant property on Isleville Street (PID 00161398) and 5555, 5549, and 5543 Almon Street, Halifax, in Schedule Q 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 7-storey residential building containing ground floor commercial uses 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 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; and
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 Michael Napier Architecture, on behalf of the property owner, Samir Metlej, to enable the development of a 7-storey residential building containing ground floor commercial uses on a site at the intersection of Almon Street and Isleville Street in the north end of the Halifax peninsula (Map 1). As the proposal cannot be enabled through the existing zoning applied to the lands, the applicant has requested that the subject site be included within Schedule “Q” of the Halifax Peninsula Land Use By-law (LUB), which would then allow the proposed building to proceed by development agreement.

<b>Subject Site</b>	Comprised of four properties - 5555, 5549, and 5543 Almon Street and a vacant lot on Isleville Street
<b>Location</b>	Northeastern corner of Almon and Isleville Streets
<b>Regional Plan Designation</b>	Urban Settlement
<b>Community Plan Designation (Map 1)</b>	Major Commercial under the Peninsula North Secondary Planning Strategy (PNSPS) of the Halifax Municipal Planning Strategy (MPS)
<b>Zoning (Map 2)</b>	C-2 (General Business) under the Halifax Peninsula Land Use By-law (LUB)
<b>Size of Site</b>	836.1 square metres (9,000 square feet) in area
<b>Street Frontage</b>	30.5 metres (100 feet) of frontage on Almon Street and 27.4 metres (90 feet) of frontage on Isleville Street
<b>Site Conditions</b>	Fully developed, sloping gently down from Isleville Street, with several medium size trees and small grassed areas
<b>Current Land Use(s)</b>	Contains 3 small apartment buildings, containing a total of 15 residential units; and surface parking for approximately 12 cars.
<b>Surrounding Land Use(s)</b>	The surrounding area is comprised of commercial, residential, and institutional uses. Surrounding land uses include: <ul style="list-style-type: none"> <li>• ground floor commercial uses along Almon Street and Isleville Streets;</li> <li>• low and medium density residential uses including 3-4 storey apartment buildings;</li> <li>• Canadian Forces Base Stadacona to the east;</li> <li>• a new 7-storey residential building with ground floor commercial uses to the west; and</li> <li>• a large vacant lot abutting to the north side of the site.</li> </ul>

**Enabling Policy and Zoning Context**

The application is made pursuant to Policy 2.3.1 of Section XI of the MPS which allows Community Council to identify areas designated Major Commercial for comprehensive site planning through the development agreement process. This process is achieved through the application of Schedule “Q” of the

Halifax Peninsula Land Use By-law. Schedule "Q" was established to address the challenge of introducing new residential uses into existing commercial and industrial areas by negotiating, on a site by site basis, the conditions of a development agreement including;

- the creation of an adequate environment for residential living on sites which may be surrounded by commercial and industrial uses; and
- providing for the continued operation of adjacent commercial and industrial uses without being encumbered by new residential uses.

The majority of Schedule "Q" is currently applied to lands on the west side of Robie Street between Young Street and North Street, and has also been applied more recently to select sites in general proximity to the subject site (Map 3).

The C-2 Zone permits commercial buildings with no restrictions on front, side or rear yards but limits the height to 24.4 metres (80 feet), with an allowance for additional height if stepped back from property lines above a height of 80 feet. Residential uses are also permitted within the C-2 Zone subject to the requirements of the R-3 (Multiple Dwelling) Zone. The application of Schedule "Q" to a site supersedes the requirements of the C-2 Zone by requiring projects greater than four dwelling units to be considered by development agreement. This provides flexibility by enabling the modification of land use by-law requirements, on a site-by-site basis, through the development agreement process.

### **Proposal**

The applicant wishes to remove the existing buildings on the subject site and construct a 7-storey residential building containing ground floor commercial uses facing Almon Street. To achieve this development, the applicant has requested that the subject site be included within Schedule Q of the LUB to allow for the proposed development to proceed by development agreement. Further detailed elements of the proposal are as follows:

- 297.3 square metres (3,200 square feet) of minor commercial ground floor uses;
- 35 residential units (20 one-bedroom, 13 two-bedroom, 2 two-bedroom+den);
- 27 indoor parking spaces (2 spaces designated for guests) accessed from Isleville Street;
- a 2-storey streetwall along Almon Street, which wraps around the corner at Isleville Street with upper floors to be stepped back from the sidewalks; and
- common interior and rooftop amenity space for residents of the development.

### **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 to include the subject site within "Schedule Q"; and
- ii) Secondly, Halifax and West Community Council shall 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.

### **Centre Plan**

The Halifax Regional Municipal Planning Strategy (RMPS) identifies the 'Regional Centre' as the area encompassing the Halifax Peninsula and Dartmouth between Halifax Harbour and the Circumferential Highway. Through the recent review of the RMPS, the adoption of a Regional Centre Plan was confirmed as a primary objective for the Municipality. The Centre Plan will include the creation of a new Secondary Municipal Planning Strategy (SMPS) for the Regional Centre as well as regulatory and financial tools to

ensure that the vision statement and guiding principles endorsed by Regional Council are achieved. The process is underway, with stakeholder and community engagement continuing in 2016 and a full slate of public consultations in line with the Centre Plan Engagement Strategy in early 2016. The existing MPS will remain in effect on the Halifax Peninsula until the Centre Plan is finalized and approved.

## **DISCUSSION**

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

### **LUB Amendment (Schedule Q)**

Considering the mixed nature of land uses located on and around the subject site, which includes residential, commercial and institutional type uses, the proposed development presents an appropriate and beneficial opportunity for comprehensive site planning. As Schedule Q is currently applied to a large area of Peninsula North that is designated Major Commercial, the proposed development represents a small expansion of the area under the Schedule (Map 3). The proposal will benefit from the controls and flexibility that the development agreement process provides, in turn reducing the potential for land use and design conflicts.

### **Development Agreement**

Attachment B contains the proposed development agreement for the subject site and the conditions under which the development may occur. In summary, the proposed development agreement includes conditions that address:

- permitted residential uses (maximum of 35 units, with a minimum of 13 two-bedroom units and 2 two-bedroom+den units);
- ground floor minor commercial uses;
- building mass, architectural, signage, and lighting;
- parking (bicycle and vehicular), circulation and site access;
- detailed landscaping for terrace/rooftop landscaped areas;
- building services, maintenance and waste facilities; and
- options for limited non-substantive amendments by resolution of Council, including: signage requirements and changes to timeframes for development.

The attached 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 to satisfy the MPS criteria as shown in Attachment C, the following have been identified for more detailed discussion.

### **Siting and Neighbourhood Compatibility**

One of the key considerations when reviewing an application within Schedule Q is the compatibility of the proposed land use with the existing neighbourhood and the mitigation of potential impacts that could potentially arise. These aspects were considered as follows:

- The site is located in close proximity to properties that recently received Council's approval for development agreements under Schedule Q (Map 3). Approved proposals include 7 to 8-storey residential and mixed use buildings which consist of townhouse units, commercial ground floors and/or office spaces with residential units on upper floors;
- Given the commercial zoning that is applied in the area, substantial building heights and massing are achievable on this site and throughout the area as-of-right and without the requirement for community consultation, Council, or design controls;
- The development agreement reduces allowable massing and height below what is permitted as-of-right in the C-2 Zone, and mitigates the effects of the proposal in this mixed use area; and

- Due to the location of the subject site on a corner lot, within a transitioning neighbourhood and in relation to local streets with moderate traffic volumes, the proposed building provides an appropriate response to surrounding land uses.

#### Building Design

The MPS encourages the use of effective urban design treatments and high quality exterior building materials. These goals are implemented through the development agreement as follows:

- Provision of an appropriate two storey streetwall along both street frontages which is generally consistent with the existing and approved heights of neighbouring properties;
- Utilization of varied architectural wall treatments to mitigate against blank walls on the building's north and east elevations. The building incorporates high quality materials such as stone, glass, composite panels, and metal/glass railings. Signs are limited to small scale fascia signs;
- Provision of appropriate setbacks from neighbouring property lines for the upper storeys of the building and through the nature of the building's non-combustible construction materials, which will assist with noise attenuation; and
- These design aspects not only help mitigate the impact of the development from existing uses, but also intend to lessen the potential impact for the future development of adjacent sites.

#### Traffic

MPS policy encourages vehicular traffic to use principal streets and discourages it within existing neighbourhoods. The proposed driveway to the project is located on Isleville Street and will provide access to 27 underground parking spaces. A Traffic Impact Statement (TIS) was prepared by a Professional Engineer, taking into account other approved developments within the area. The TIS concludes that the proposed development is not expected to have any significant impact on the level of performance of Almon Street, Isleville Street, the adjacent intersections, or the regional street network. The TIS further concludes that the net additional trips generated by the seven developments are not expected to have any significant cumulative effect on the traffic operations of local intersections or streets, or the regional street network. The TIS and its conclusions was deemed acceptable.

#### Landscaping and Open Space

MPS policy calls for the provision of on-site open space and leisure areas which are adequate for the building residents. The proposed development agreement requires at least 81.3 square metres (875 square feet) of common indoor amenity space and a minimum of 120.8 square metres (1300 square feet) of common outdoor amenity space on the roof of the building. Council should note that the proposed development agreement ensures the use of high quality materials and landscape design. It also requires adherence to detailed landscaping requirements and the submission of a detailed landscape plan prepared by a Landscape Architect.

#### **Districts 7 & 8 Planning Advisory Committee**

This application was presented to the Districts 7 & 8 Planning Advisory Committee (PAC) on June 22, 2015. The recommendations of the PAC on the application are sent to Community Council by means of a separate report.

The Committee had several recommendations for inclusion within the development agreement. The majority of the Committee's recommendations focused generally on:

- creating a modest at grade setback at the intersection of Isleville Street and Almon Street to improve the pedestrian experience;
- applying a lighter tone at the corner of Isleville and Almon Street with consideration given to building materials more reflective of the surrounding community;
- providing for edible vegetation within common outdoor amenity space areas on the rooftop;
- increasing parking spaces and designating spaces for visitors;
- clarifying the maximum number and type of residential units, with consideration given to requiring a minimum number of 3 bedroom units; and

- that matters identified through the PAC's recommendations be identified as substantive matters, with respect to future amendments.

The recommendations of the PAC were incorporated within the proposed development agreement, with the exception of additional parking and edible vegetation. The 27 parking spaces required by the proposed development agreement are sufficient for the proposed intensity of development given the subject site's urban context and access to municipal transit services. With respect to edible vegetation, this level of detail is not required by MPS policy; however landscaping provisions included in the proposed development agreement do not preclude edible plantings.

### **Centre Plan**

HRM has adopted a vision and guiding principles for the Regional Centre which forms the basis for undertaking planning. Policy RC-3 of the RMPS identifies the creation of a Centre Plan and accompanying Land Use By-law will be guided by the vision and guiding principles.

Included in the vision is a statement which aims to strengthen the Regional Centre's vibrancy, animation and economic health through the cultivation of a compact, civic inspired and human-scaled urban fabric of streets, blocks and buildings.

The guiding principles for the Regional Centre commit to new development being of high quality and compatible with other high quality developments. Additionally, guiding principles developed with the community for the Regional Centre in the drafting and adoption of the Regional Plan include a desire that new developments respond to the natural, cultural, historical, and urban character of their context and that new buildings contribute to the betterment of the public realm and support quality urban design.

As required by the existing MPS, the proposed development agreement must include provisions that mitigate impacts on adjacent properties through effective urban design treatments, while also creating high quality design detail at street level and ensuring appropriate integration of the development into the traditional street grid system.

While the proposed development ensures these policy objectives are achieved through such measures as an animated streetwall and interior property line setbacks for the upper storeys, these measures also demonstrate an awareness of the vision and guiding principles for the Regional Centre.

### **Conclusion**

Staff advise that the proposed land use bylaw amendment and development agreement are in keeping with the objectives and policies of the Peninsula North Secondary MPS to identify areas appropriate for comprehensive planning and to develop the site in a manner that mitigates potential land use conflicts which could arise. 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 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 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 8, 2015 and a sign posted on the site. Attachment D 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 they can consider the 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 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 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 Council to approve the proposed development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Halifax and West Community Council may choose to refuse the proposed LUB amendment and development agreement and, in doing so, must provide reasons why the agreement does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

### **ATTACHMENTS**

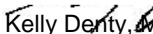
Map 1	Generalized Future Land Use Map
Map 2	Zoning and Notification Map
Map 3	Properties within Schedule Q
Attachment A	Proposed Amendment to the Halifax Peninsula LUB (Schedule A)
Attachment B	Proposed Development Agreement
Attachment C	Review of Relevant Policies of the Halifax MPS
Attachment D	Minutes from the Public Information Meeting

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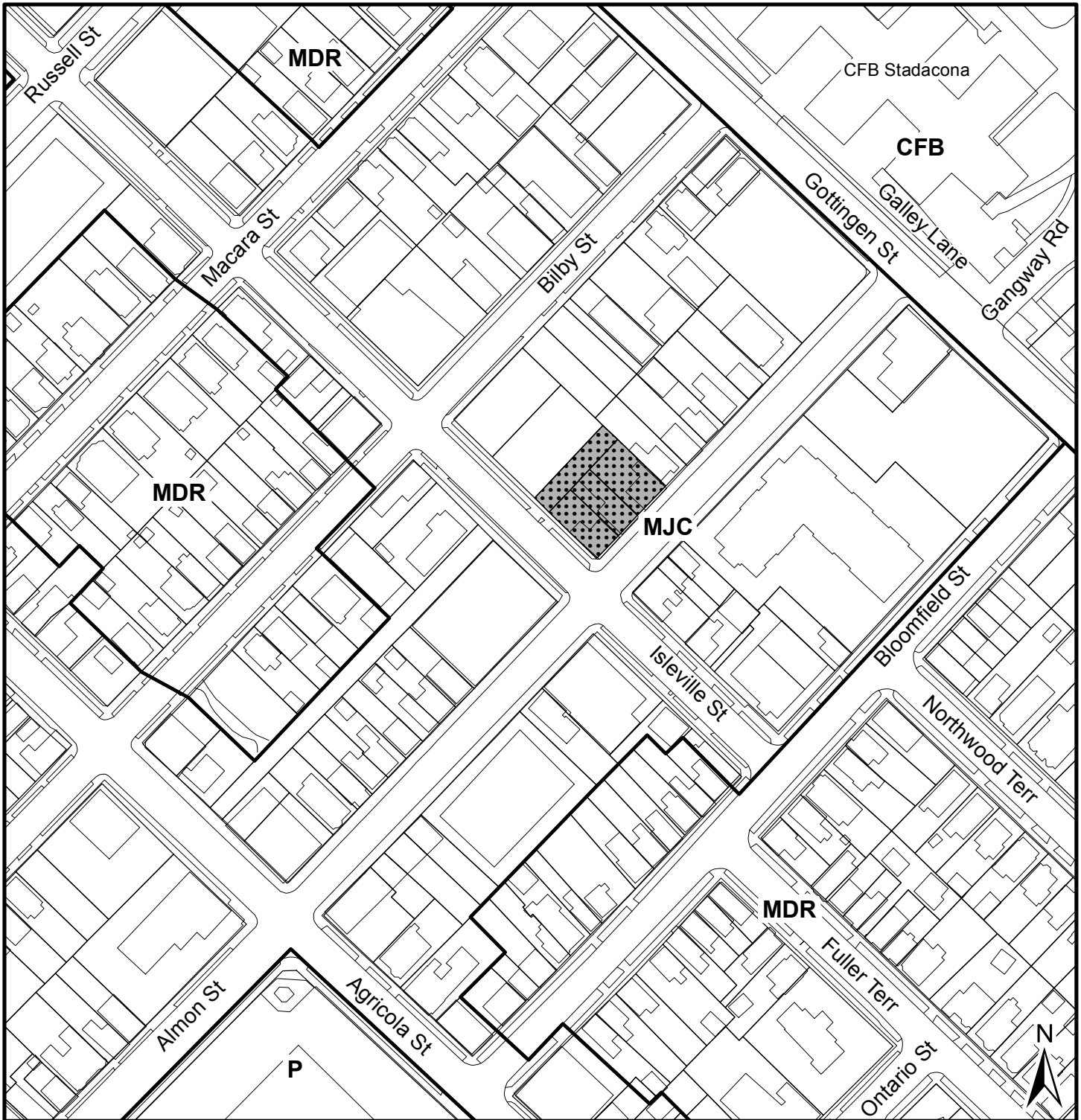
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902-490-4210, or Fax 902-490-4208.

Report Prepared by: Miles Agar, LPP, Planner 1, Development Approvals, 902-490-4495

Original Signed

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


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**Map 1 - Generalized Future Land Use**

5555,5549 and 5543 Almon Street  
Halifax

**HALIFAX**

 Subject Property

**Designations**

- MDR Medium Density Residential
- MJC Major Commercial
- CFB Canadian Forces Base
- P Park and Institutional

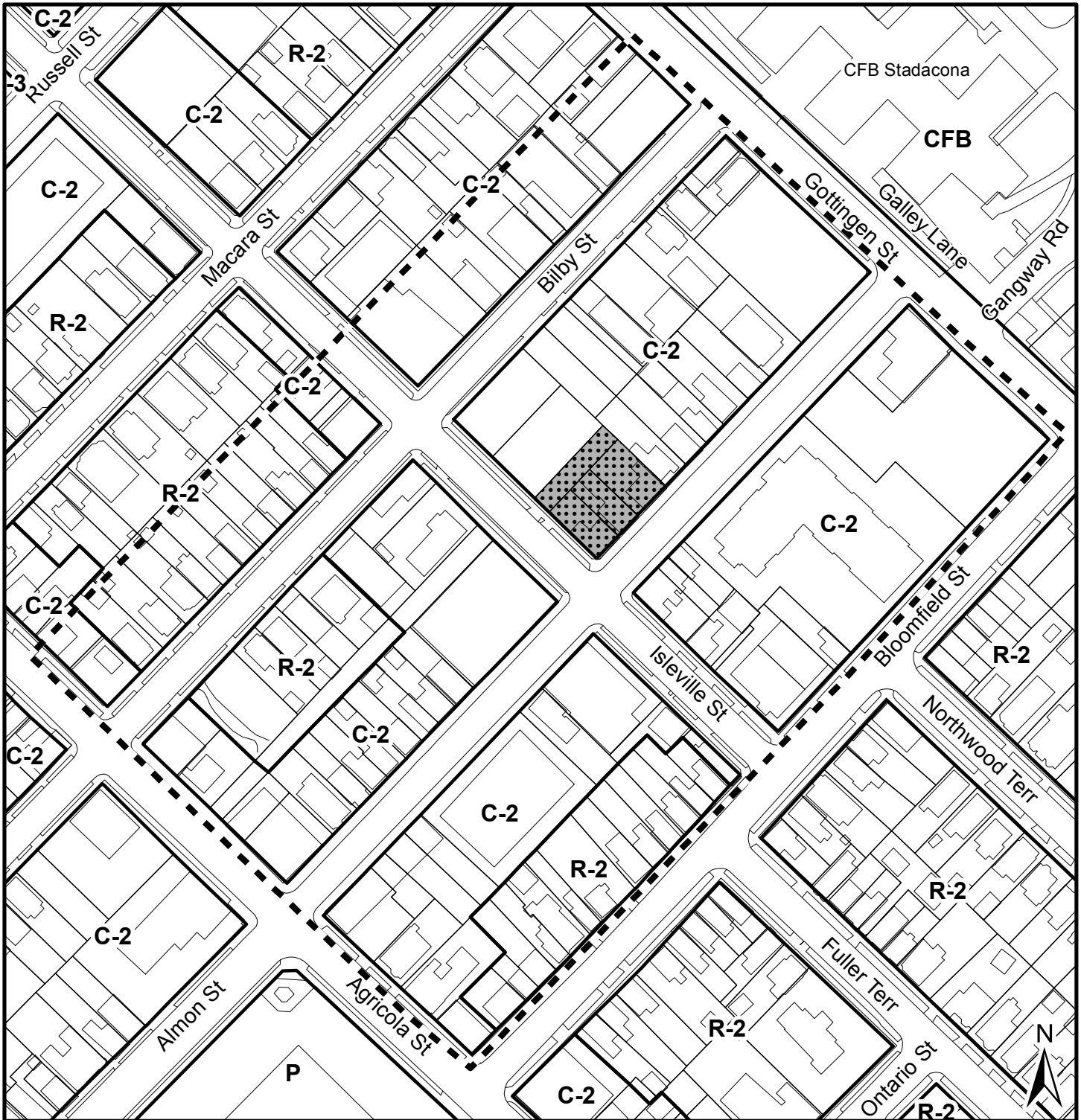


This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

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

Halifax Plan Area  
Peninsula North Secondary Plan Area






**Map 2 - Zoning and Notification**


5555,5549 and 5543 Almon Street  
Halifax



 Subject Property

- Zone**
- R-2 General Residential
  - C-2 General Business
  - CFB Canadian Forces Base
  - P Park and Institutional

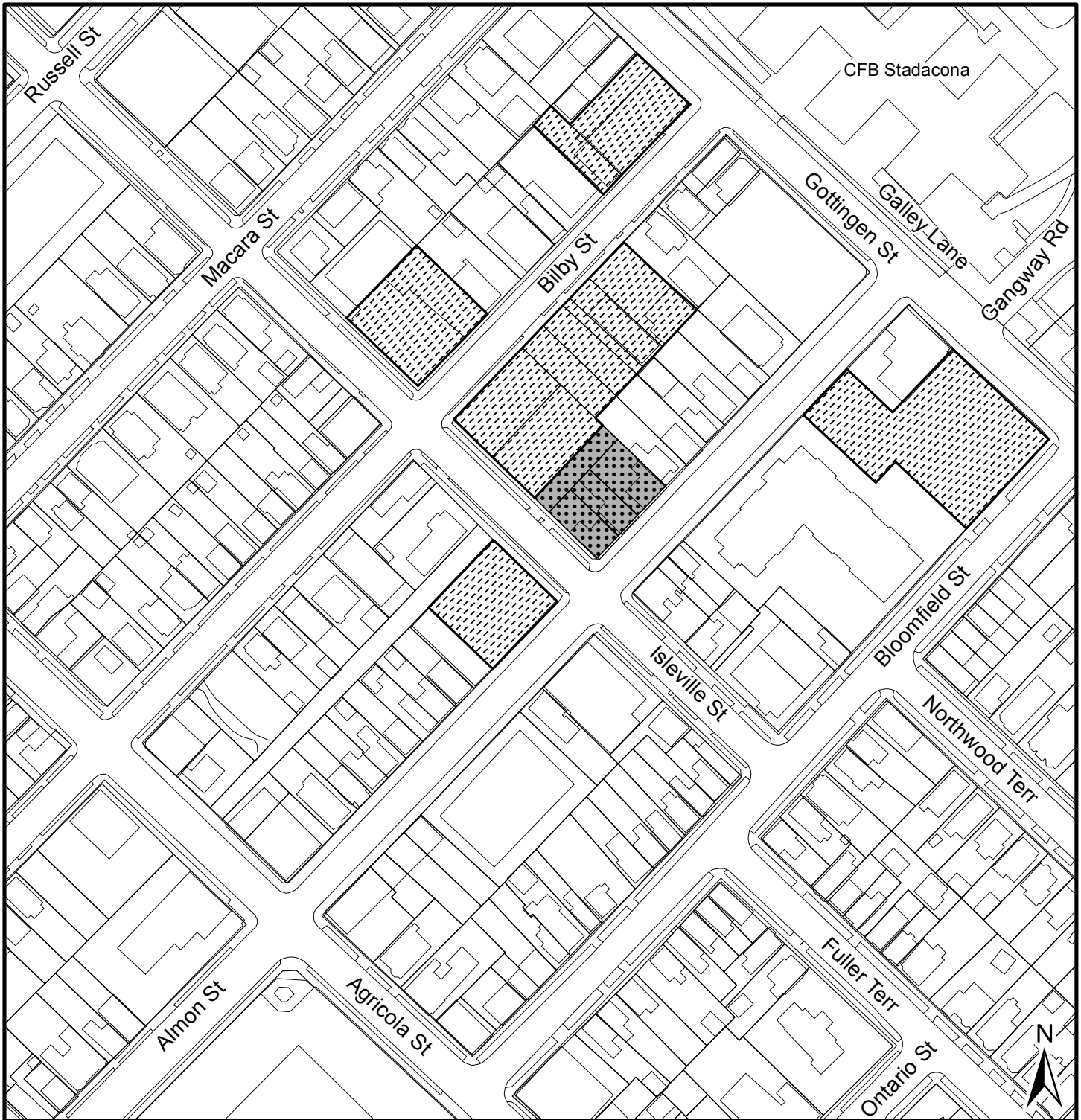


 Area of notification

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


Halifax Peninsula  
Land Use By-Law Area

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



**Map 3 - Schedule Q**

5555,5549 and 5543 Almon Street  
Halifax

 Area proposed to be included in Schedule Q

 Schedule Q

**HALIFAX**



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

Halifax Peninsula  
Land Use By-Law Area

**ATTACHMENT A**

**Proposed Amendments to the Halifax Peninsula Land Use By-law**

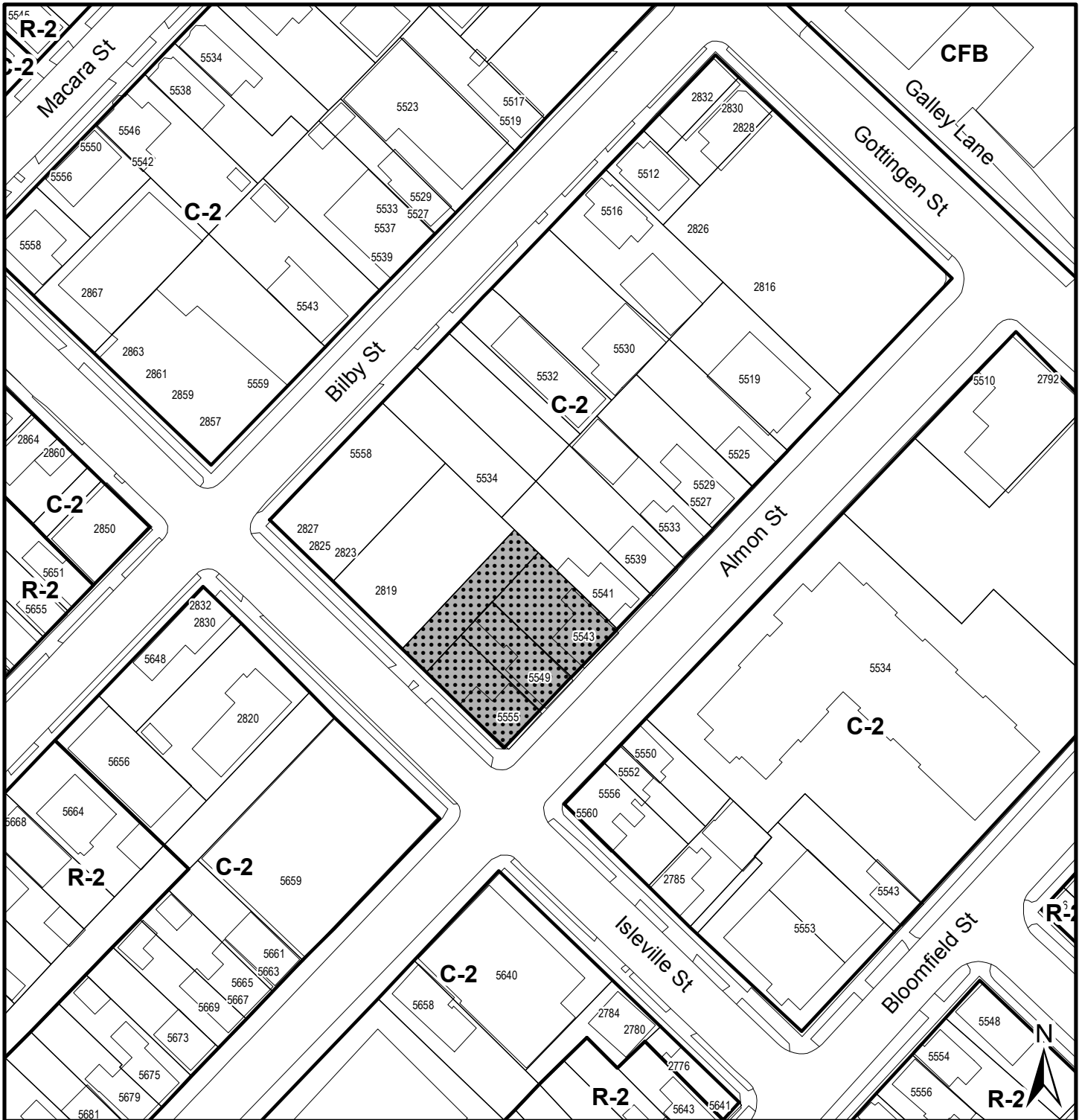
**BE IT ENACTED** by the Halifax and West Community Council of the Halifax Regional Municipality that the Halifax Peninsula Land Use By-law is hereby further amended as follows:

1. Amend Map ZM-2 of the Halifax Peninsula Land Use Bylaw by applying Schedule "Q" to properties identified as PID 00161398 on Isleville Street, and 5555, 5549, and 5543 Almon 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 \_\_\_\_\_, 20\_\_\_\_.


GIVEN under the hand of the municipal clerk and under the Corporate Seal of the said Municipality this \_\_\_\_day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Municipal Clerk



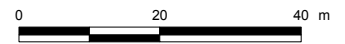
**Schedule A**

5555, 5549 and 5543 Almon Street  
Halifax

 Area proposed to be included in Schedule Q

**Zones**

- R-2 General Residential
- C-2 General Business
- CFB Canadian Forces Base
- P Park and Institutional



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                             , 201\_\_,

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 at the northeastern intersection of Almon Street and Isleville Street, identified as a vacant property on Isleville Street (**insert PID**) and 5555, 5549, 5543 Almon 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 **[INSERT DATE]** referenced as Municipal Case Number **19862**;

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**

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

### **1.2 Applicability of Land Use By-law and Subdivision By-law**

- 1.2.1 Except as otherwise provided for herein, the development, subdivision and use of the Lands shall comply with the requirements of the Land Use By-law for Halifax Peninsula 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/Federal Government and the Developer and/or Lot Owner agree(s) to observe and comply with all such laws, by-laws and regulations, as may be amended from time to time, in connection with the development and use of the Lands.
- 1.3.2 The Developer shall be responsible for securing all applicable approvals associated with the on-site and off-site servicing systems required to accommodate the development, including but not limited to sanitary sewer system, water supply system, stormwater sewer and drainage system, and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of the Municipality and other approval agencies. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer. All design drawings and information shall be certified by a Professional Engineer or appropriate professional as required by this Agreement or other approval agencies.

### **1.4 Conflict**

- 1.4.1 Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail.
- 1.4.2 Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.

### **1.5 Costs, Expenses, Liabilities and Obligations**

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

### **1.6 Provisions Severable**

- 1.6.1 The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

## **PART 2: DEFINITIONS**

### **2.1 Words Not Defined under this Agreement**

- 2.1.1 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:

- (a) "Indoor Amenity Space" means common amenity areas for residents of the development that are located within the building, including but not limited to, exercise facilities and multi-purpose rooms with associated kitchen facilities.

## **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 19862:

Schedule A	Legal Description of the Lands
Schedule B	Site Plan
Schedule C	Ground Level Setbacks & Land Uses
Schedule D	Second Level Setbacks
Schedule E	Third to Sixth Level Setbacks
Schedule F	Seventh Level Setbacks
Schedule G	Roof Plan
Schedule H	South Elevation
Schedule I	West Elevation
Schedule J	North Elevation
Schedule K	East Elevation

### **3.2 Requirements Prior to Approval**

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

- (a) A detailed Landscape Plan prepared by a Landscape Architect in accordance with Section 3.6 of this Agreement; and
- (b) 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 first Municipal Occupancy Permit, the Developer shall provide the Development Officer with certification from a member in good standing of the Canadian Society of Landscape Architects indicating that the Developer has complied with the landscaping provisions of this Agreement, or the posting of security in accordance with Section 3.6.6.

- 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 are the following:

- (a) Non-residential uses permitted by the C-2A (Minor Commercial) Zone, with the exception of a bowling alley, motion picture theatre, service station, billboard, and commercial recreation uses;
- (b) A lounge in conjunction with a permitted restaurant;
- (c) One (1) dwelling unit on the ground-floor;
- (d) An apartment house (multiple-unit residential uses); and
- (e) Uses accessory to any of the foregoing uses.

### **3.4 Detailed Provisions for Land Use**

- 3.4.1 Ground-floor land uses shall be limited to uses permitted by clauses 3.3(a), 3.3(b), and 3.3(c) of this Agreement. The remaining floors shall include multiple-unit residential, open space and residential accessory uses only.
- 3.4.2 A minimum of 118.9 square metres (1,280 square feet) of commercial space shall be provided on the ground-floor, which shall include contiguous frontage at the corner of Almon Street and Isleville Street. The ground-floor commercial space may be increased to a maximum of 297.3 square metres (3,200 square feet) if a dwelling unit is not located on the floor and provided that the additional commercial space is fronting onto Almon Street.
- 3.4.3 If a dwelling unit is provided on the ground-floor, the dwelling unit shall be a minimum of 111.5 square metres (1,200 square feet) and shall consist of 2 bedrooms and 1 den.
- 3.4.4 A maximum of 35 residential dwelling units shall be permitted within the multiple-unit residential portion of the building (floors 2 through 7).
- 3.4.5 Of the residential units on floors 2 through 7, a minimum of:
  - (a) 13 units shall consist of 2 bedrooms; and
  - (b) 2 units shall consist of 2 bedrooms and 1 den.

### **3.5 Architectural Requirements**

- 3.5.1 The development shall be exempted from the detailed requirements of the R-3 (Multiple Dwelling) Zone of the Land Use By-law. Instead, the Schedules and written provisions of this Agreement shall apply.
- 3.5.2 The building's height, massing, exterior design and materials (including tone of materials) shall be as shown on the Schedules.
- 3.5.3 The building shall be setback from property lines as shown on Schedules B through G of this Agreement. The property line setbacks shown on Schedules B through G may be increased



provided the overall massing of the building is generally consistent with Schedules H through K of this Agreement.

- 3.5.4 All guardrails associated with second level and third level landscape terraces and the rooftop terrace shall be made of metal framing with insert glass.
- 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 Any exposed foundation in excess of 0.3 m (1 foot) in height shall be architecturally detailed, veneered with stone or brick, or treated in an equivalent manner acceptable to the Development Officer.
- 3.5.7 Fixed or retractable awnings are permitted at ground floor levels provided the awnings are designed as an integral part of the building façade and subject to the requirements of any other applicable by-law, statute or regulation.

### **3.6 Amenity Space and Landscaping**

- 3.6.1 The multiple-unit residential portion of the building shall include a minimum of 81.3 square metres (875 square feet) of contiguous Indoor Amenity Space.
- 3.6.2 The multiple-unit residential portion of the building shall include outdoor landscaped open space for the residents of the building. Common outdoor landscaped open space shall be provided on the building rooftop as shown on Schedule G of this Agreement. Private outdoor landscaped open space shall be provided on rooftop terraces as shown on Schedules D and E of this Agreement.
- 3.6.3 Prior to the issuance of a Development Permit, the Developer shall provide a Landscape Plan which complies with the provisions of this section and conforms with the overall intentions of the landscaping shown on the Schedules of this Agreement. 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.
- 3.6.4 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.
- 3.6.5 At the time of issuance of the first 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, and where weather and time of year does not allow the completion of the outstanding landscape works 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. 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 The outdoor landscaped open space on the rooftop shall include composite decking and raised bed planters as shown on Schedule G of this Agreement.
- 3.6.8 Planting on rooftops and podiums above structures shall be carefully selected for their ability to survive in rooftop environments. Rooftop trees shall be located in planting beds or containers. 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 feet). 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.
- 3.6.9 Construction Details or Manufacturer's Specifications for all constructed landscaping features such as pergolas, benches, etc. shall be noted on the Landscape Plan required by Subsection 3.6.3, and shall describe their design, construction, specifications, hard surface areas, materials and placement so that they will enhance the design of individual buildings and the character of the surrounding area.

### **3.7 Signs**

- 3.7 Signage shall be limited to the following:
- (a) No ground sign shall be permitted on the Lands;
  - (b) Fascia signage shall be limited to the sizes and areas shown on Schedules H and I; and
  - (c) Two (2) temporary ground signs depicting the name or corporate logo of the Developer shall be permitted on the Lands prior to the issuance of the first Occupancy Permit. Temporary ground signs shall be removed prior to the issuance of the last residential occupancy permit.

### **3.8 Building and Site Lighting**

- 3.8.1 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.
- 3.8.2 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. Where appropriate these elements shall be painted to match the colour of the adjacent surface, except where used expressly as an accent.
- 3.9.2 All mechanical equipment, including rooftop mechanical, exhausts, propane tanks, electrical transformers, and other utilitarian features shall be visually concealed from abutting properties, including municipal rights-of-way, and shall include noise reduction measures.

### **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 development shall include, adjacent to the 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. All refuse and recycling materials shall be contained within the building.

### **3.12 Outdoor Storage**

No outdoor storage shall be permitted on the Lands.

### **3.13 Deliveries and Solid Waste Collection**

3.13.1 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.

3.13.2 Commercial delivery vehicles on the Lands shall only be permitted between the hours of 8:00 a.m. and 7:00 p.m.

3.13.3 A restaurant shall only be permitted to operate between the hours of 5:00 a.m. and midnight.

3.13.4 The hours specified under this section shall apply seven (7) days a week.

### **3.14 Parking and Bicycle Facilities**

3.14.1 Vehicular parking shall include parking within the building to accommodate a minimum of 27 vehicular parking spaces. Up to 75 percent of the parking spaces may be reduced in size to 8 feet by 17 feet. A minimum of 2 parking spaces shall be designated as visitor parking.

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

### **3.15 Construction/Sales Structure**

3.15.1 A temporary structure shall be permitted on the Lands for the purpose of housing equipment, materials and office related matters relating to the construction and sale 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 Archaeological Monitoring and Protection**

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

### **5.2 Sulphide Bearing Materials**

- 5.2.1 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 Non-Substantive Amendments**

- 6.1.1 The following items are considered by both parties to be not substantive and may be amended by resolution of Council:
- (a) changes to the exterior materials (not including tone) required by Section 3.5;
  - (b) changes to the landscaping required by Section 3.6;
  - (c) changes to the sign requirements of Section 3.7;
  - (d) changes to the functional elements requirements of Section 3.9;
  - (e) changes to the date of commencement of development specified in Section 7.3; and
  - (f) changes to the date of completion of development specified in Section 7.4.

### **6.2 Substantive Amendments**

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

## **PART 7: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE**

### **7.1 Registration**

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

## **7.2 Subsequent Owners**

- 7.2.1 This Agreement shall be binding upon the parties hereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the Lands which are the subject of this Agreement until this Agreement is discharged by Council.
- 7.2.2 Upon the transfer of title to any lot(s), the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot(s).

## **7.3 Commencement of Development**

- 7.3.1 In the event that development on the Lands has not commenced within 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.
- 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**

- 7.4.1 Upon the completion of the whole development or complete phases of the development, Council may review this Agreement, in whole or in part, and may:
- (a) retain the Agreement in its present form;
  - (b) negotiate a new Agreement;
  - (c) discharge this Agreement; or
  - (d) for those portions of the development which are completed, discharge this Agreement and apply appropriate zoning pursuant to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law, as may be amended from time to time.

## **7.5 Discharge of Agreement**

- 7.5.1 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.

## **PART 8: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT**

### **8.1 Enforcement**

- 8.1.1 The Developer agrees that any officer appointed by the Municipality to enforce this Agreement shall be granted access onto the Lands during all reasonable hours without obtaining consent of the Developer. The Developer further agrees that, upon receiving written notification from an officer of the Municipality to inspect the interior of any building located on the Lands, the Developer agrees to allow for such an inspection during any reasonable hour within twenty four hours of receiving such a request.

**8.2 Failure to Comply**

8.2.1 If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer 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: \_\_\_\_\_

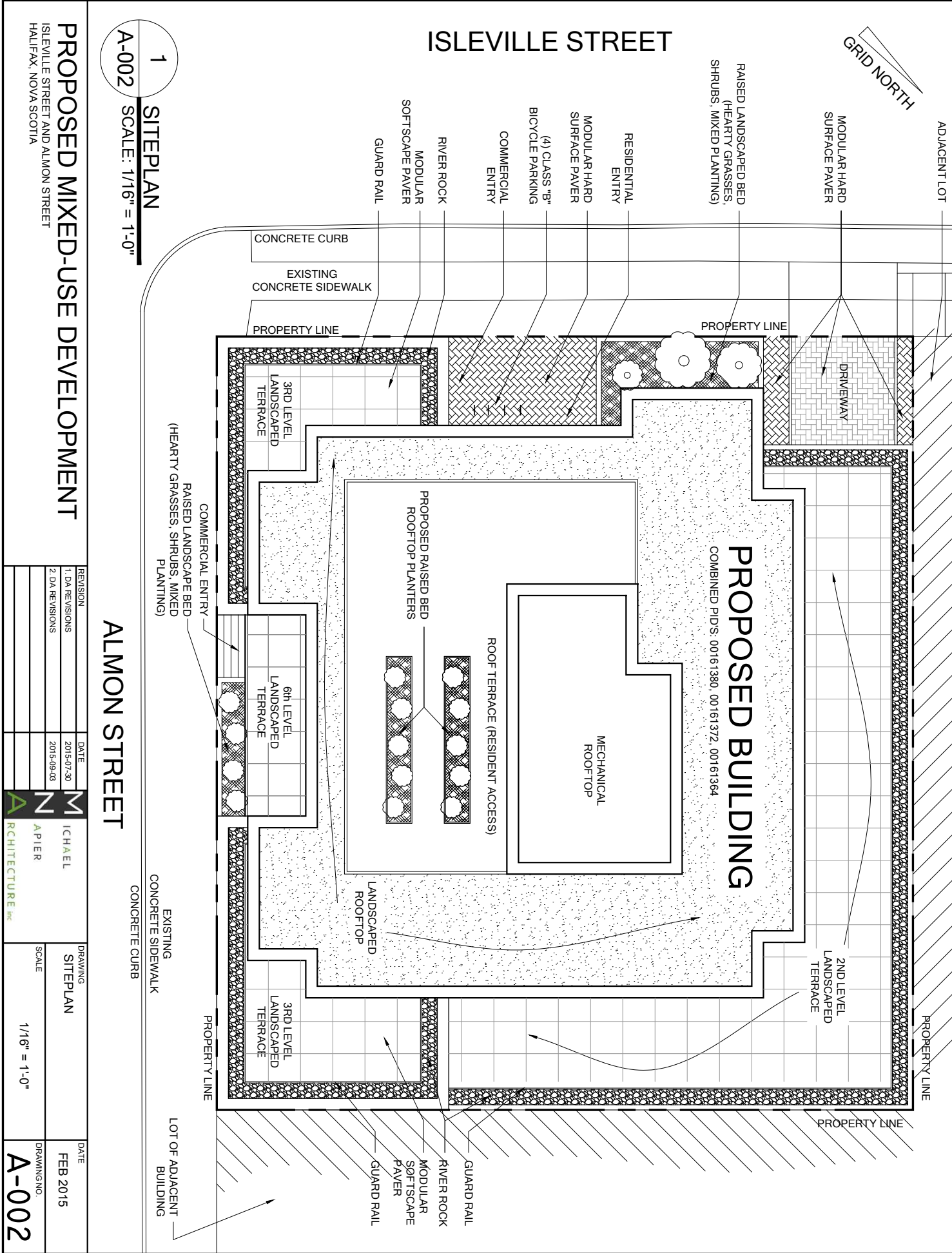
**MAYOR**

\_\_\_\_\_

Witness

Per: \_\_\_\_\_

**MUNICIPAL CLERK**



1 SITEPLAN  
 A-002 SCALE: 1/16" = 1'-0"

PROPOSED MIXED-USE DEVELOPMENT

ISLEVILLE STREET AND ALMON STREET  
 HALFAX, NOVA SCOTIA

ALMON STREET

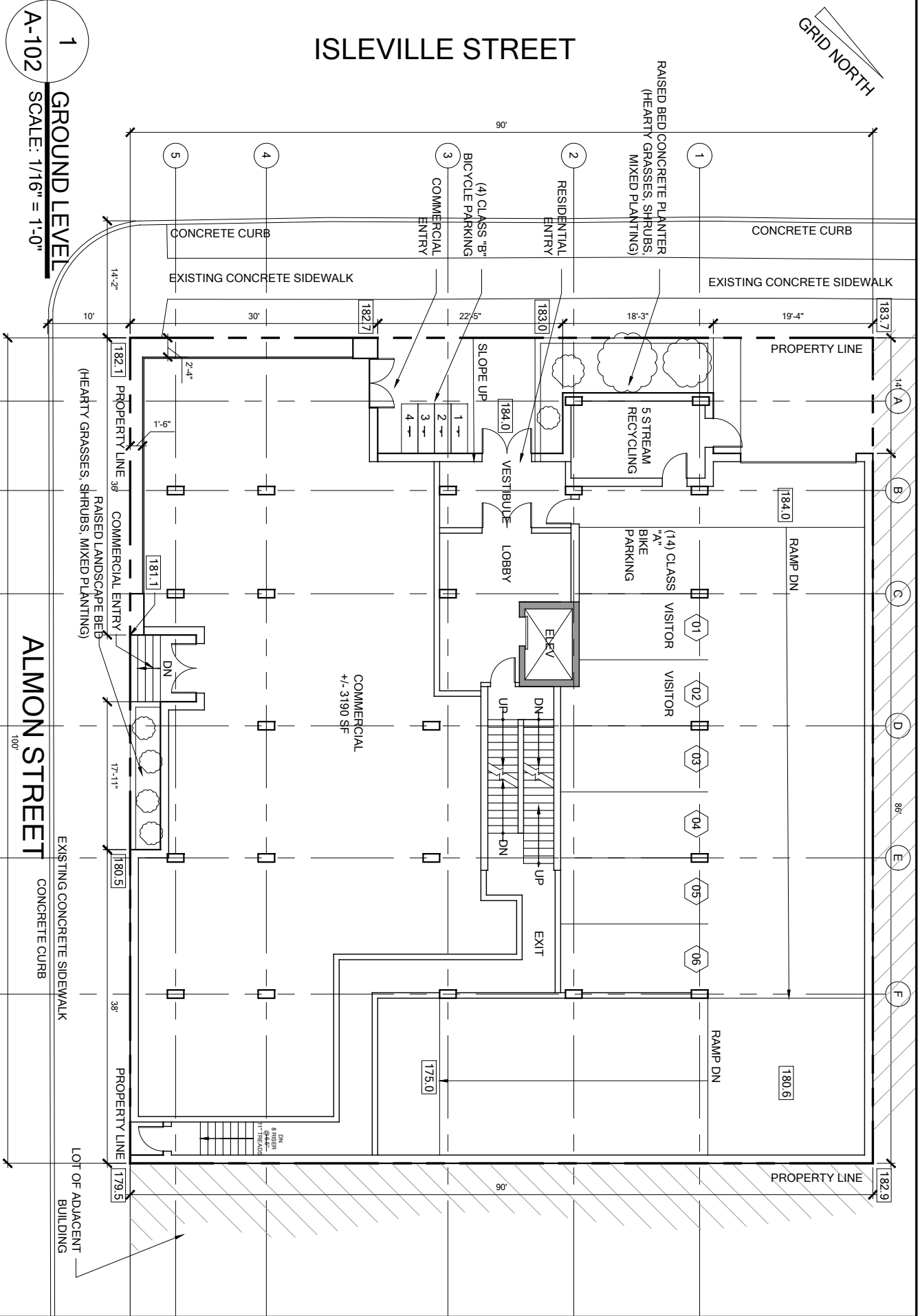
REVISION	DATE	BY	DATE
1. DA REVISIONS	2015-07-30	M	
2. DA REVISIONS	2015-09-03	N	

M ICHAE L  
 N APLER  
 ARCHITECTURE INC.

DRAWING	DATE
SITEPLAN	FEB 2015

SCALE: 1/16" = 1'-0"  
 DRAWING NO. A-002

# ISLEVILLE STREET



**1**  
**A-102**  
**GROUND LEVEL**  
 SCALE: 1/16" = 1'-0"

## PROPOSED MIXED-USE DEVELOPMENT

ISLEVILLE STREET AND ALMON STREET  
 HALFAX, NOVA SCOTIA

## ALMON STREET

CONCRETE CURB  
 100'

EXISTING CONCRETE SIDEWALK

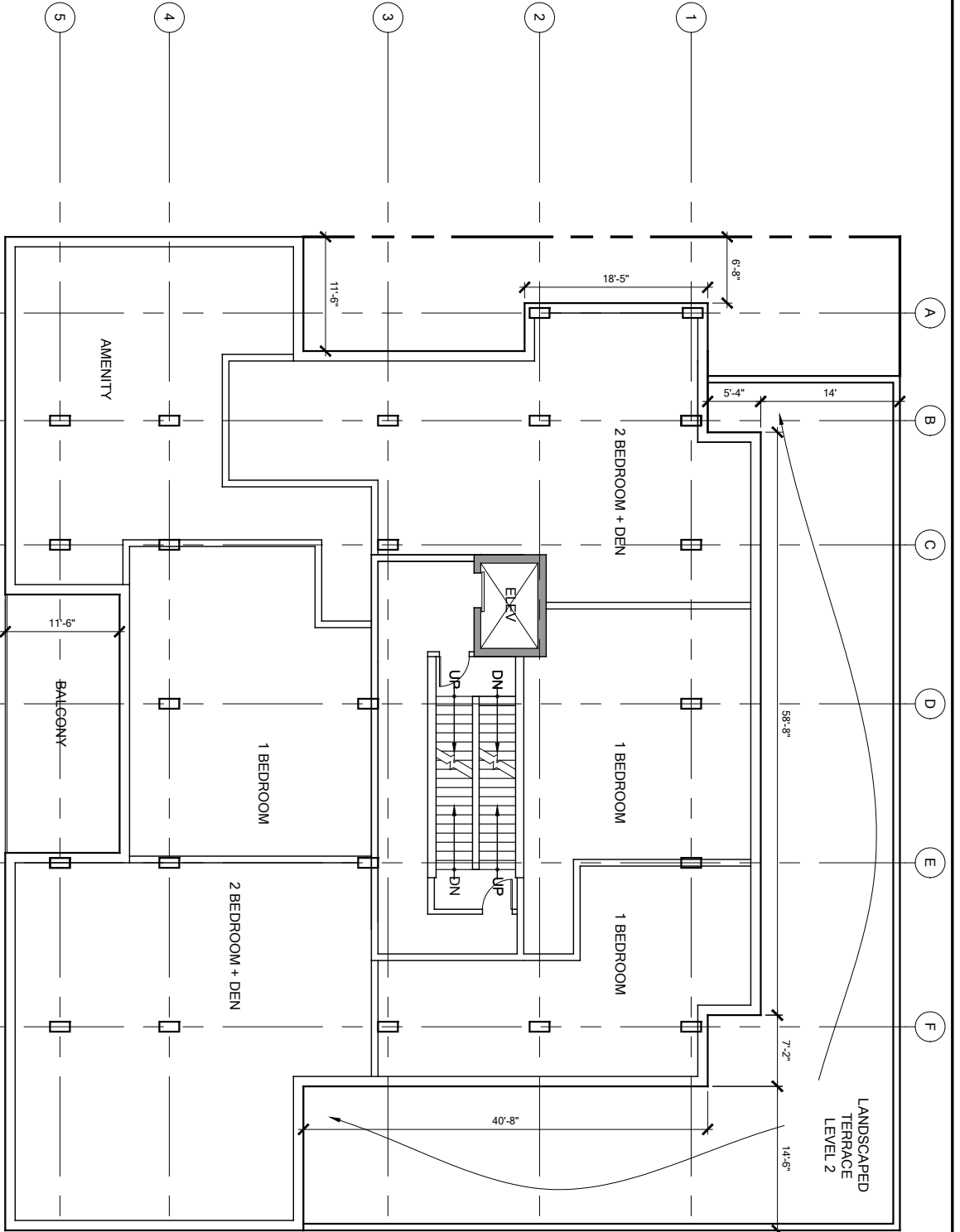
LOT OF ADJACENT BUILDING

COMMERCIAL  
 +/- 3190 SF

REVISION	DATE	DRAWING	DATE
1. DA REVISIONS	2015-07-30	GROUND LEVEL	FEB 2015
2. DA REVISIONS	2015-09-03	SCALE	DRAWING NO.
		1/16" = 1'-0"	A-102

**M** ICHAE L  
**N** APLER  
 ARCHITECTURE INC.





1 SECOND LEVEL  
 A-103 SCALE: 1/16" = 1'-0"

PROPOSED MIXED-USE DEVELOPMENT

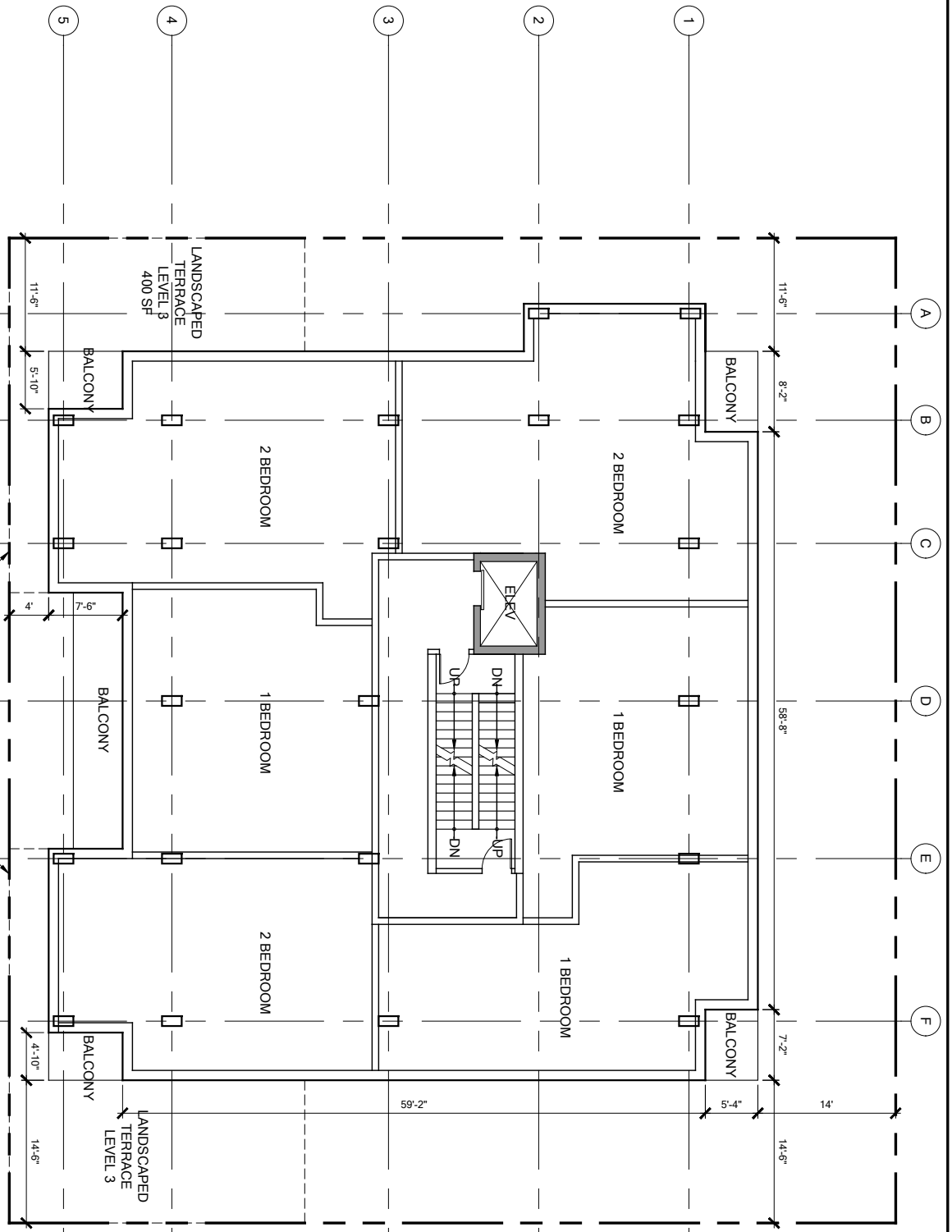
ISLEVILLE STREET AND ALMON STREET  
 HALFAX, NOVA SCOTIA

REVISION	DATE	DATE	DRAWING	DATE
1. DA REVISIONS	2015-07-30		SECOND LEVEL	FEB 2015
2. DA REVISIONS	2015-09-03		SCALE	DRAWING NO.
			1/16" = 1'-0"	A-103





1  
TYPICAL LEVEL  
A-104  
SCALE: 1/16" = 1'-0"



PROPOSED MIXED-USE DEVELOPMENT

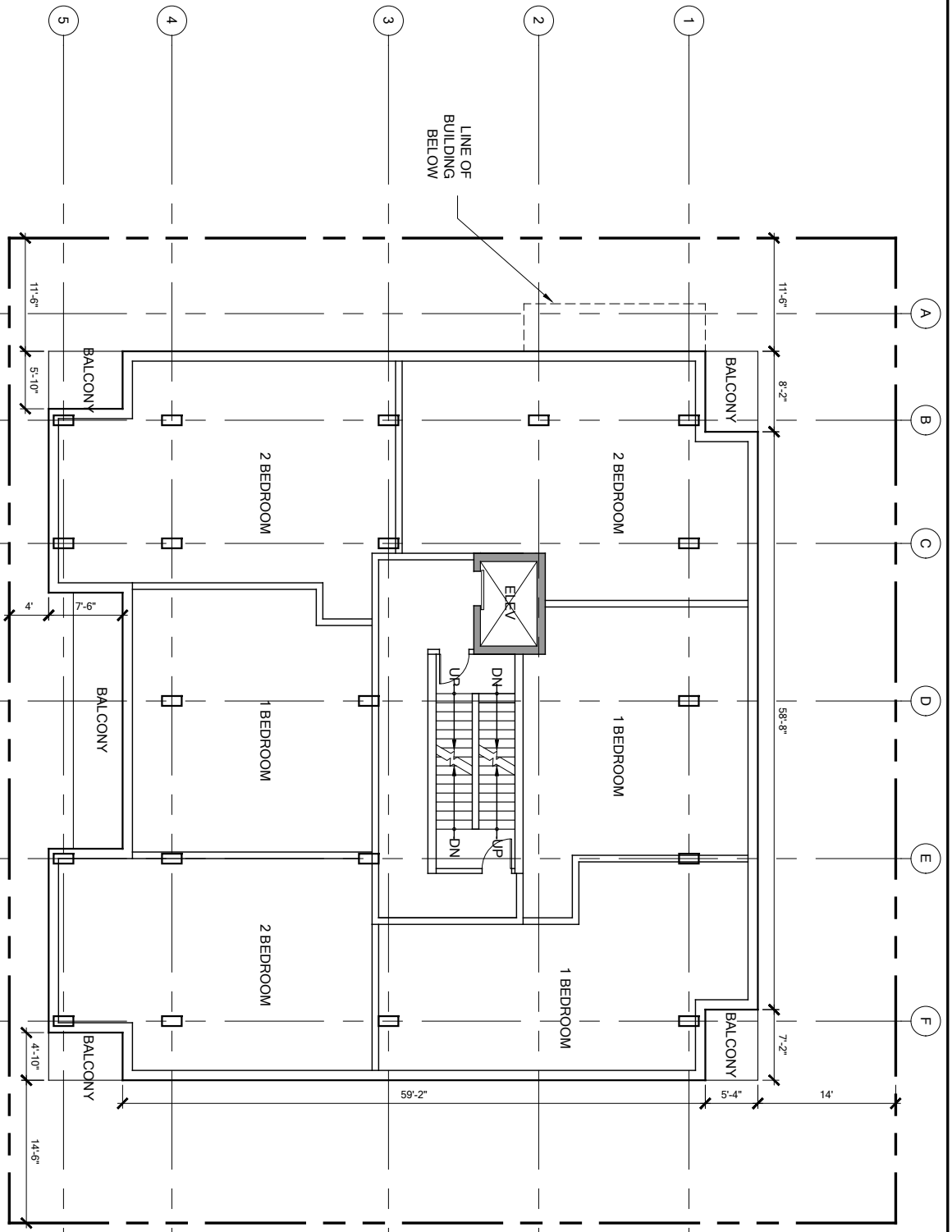
ISLEVILLE STREET AND ALMON STREET  
HALFAX, NOVA SCOTIA

REVISION	DATE	REVISION	DATE
1. DA REVISIONS	2015-07-30	1. CHAEL	
2. DA REVISIONS	2015-09-03	2. AP LER	
		3. ARCHITECTURE INC.	

DRAWING: TYPICAL LEVEL  
SCALE: 1/16" = 1'-0"  
DATE: FEB 2015  
DRAWING NO.: A-104



**1**  
**PENTHOUSE LEVEL**  
**A-105**  
 SCALE: 1/16" = 1'-0"

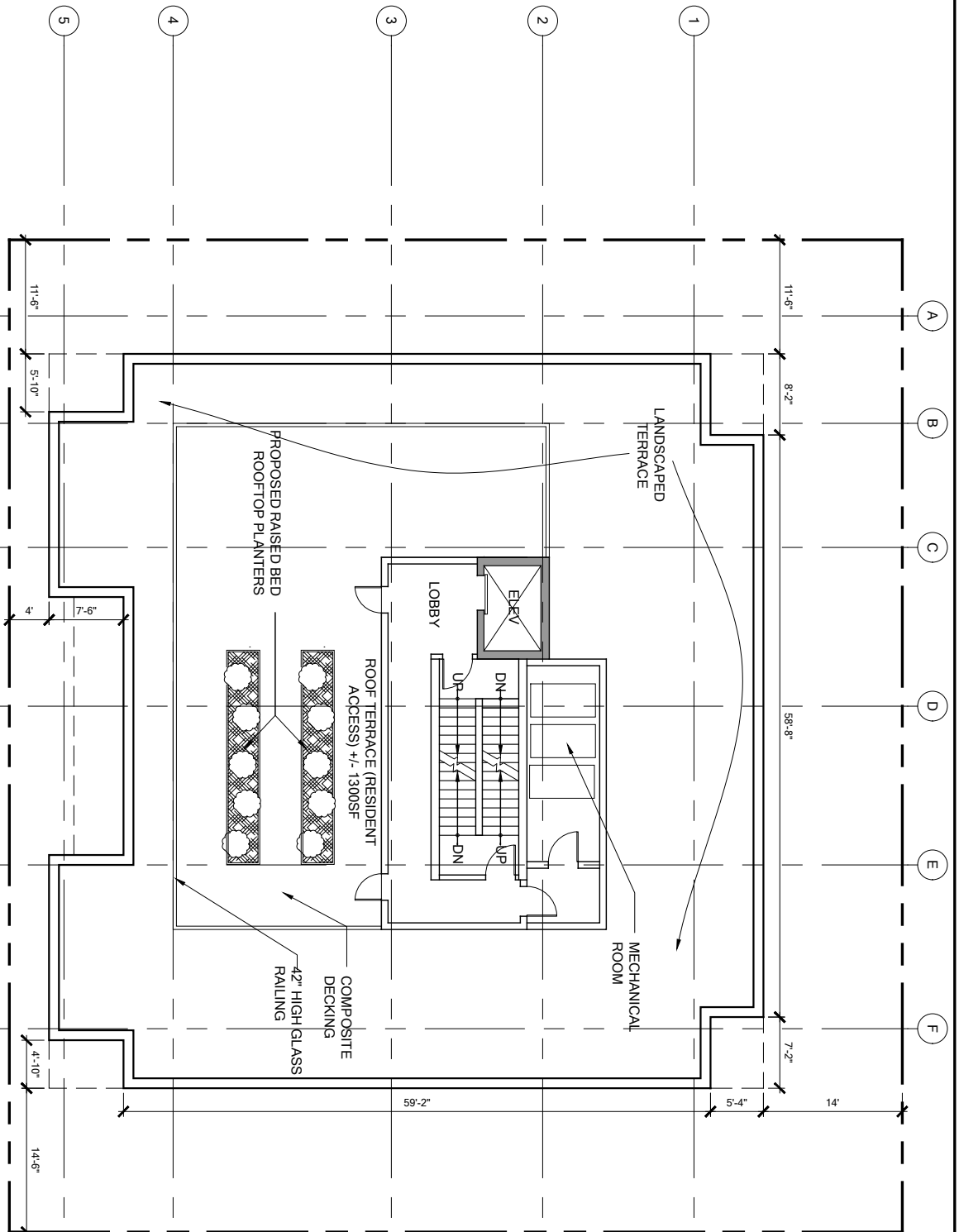


**PROPOSED MIXED-USE DEVELOPMENT**  
 ISLEVILLE STREET AND ALMON STREET  
 HALFAX, NOVA SCOTIA

REVISION	DATE	DRAWING	DATE
1. DA REVISIONS	2015-07-30	PENTHOUSE LEVEL	FEB 2015
2. DA REVISIONS	2015-09-03		



**Michael Appler**  
 ARCHITECTURE Inc.  
 SCALE: 1/16" = 1'-0"  
**A-105**



**1** ROOF PLAN  
 A-106 SCALE: 1/16" = 1'-0"

**PROPOSED MIXED-USE DEVELOPMENT**

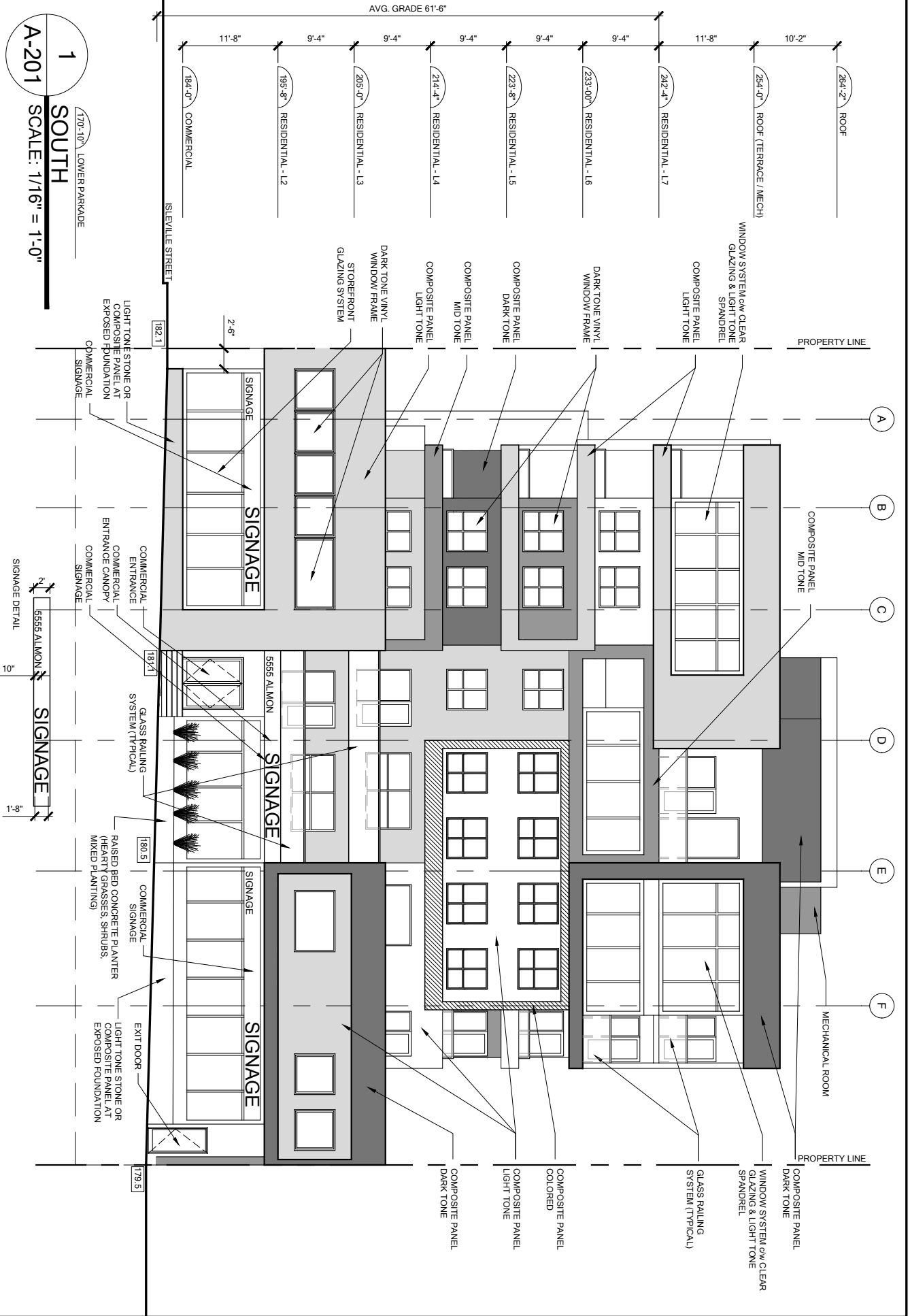
ISLEVILLE STREET AND ALMON STREET  
 HALFAX, NOVA SCOTIA

REVISION	DATE	DRAWING	DATE
1. DA REVISIONS	2015-07-30	ROOF PLAN	FEB 2015
2. DA REVISIONS	2015-09-03		



SCALE: 1/16" = 1'-0"  
 DRAWING NO. A-106

Schedule H - South Elevation



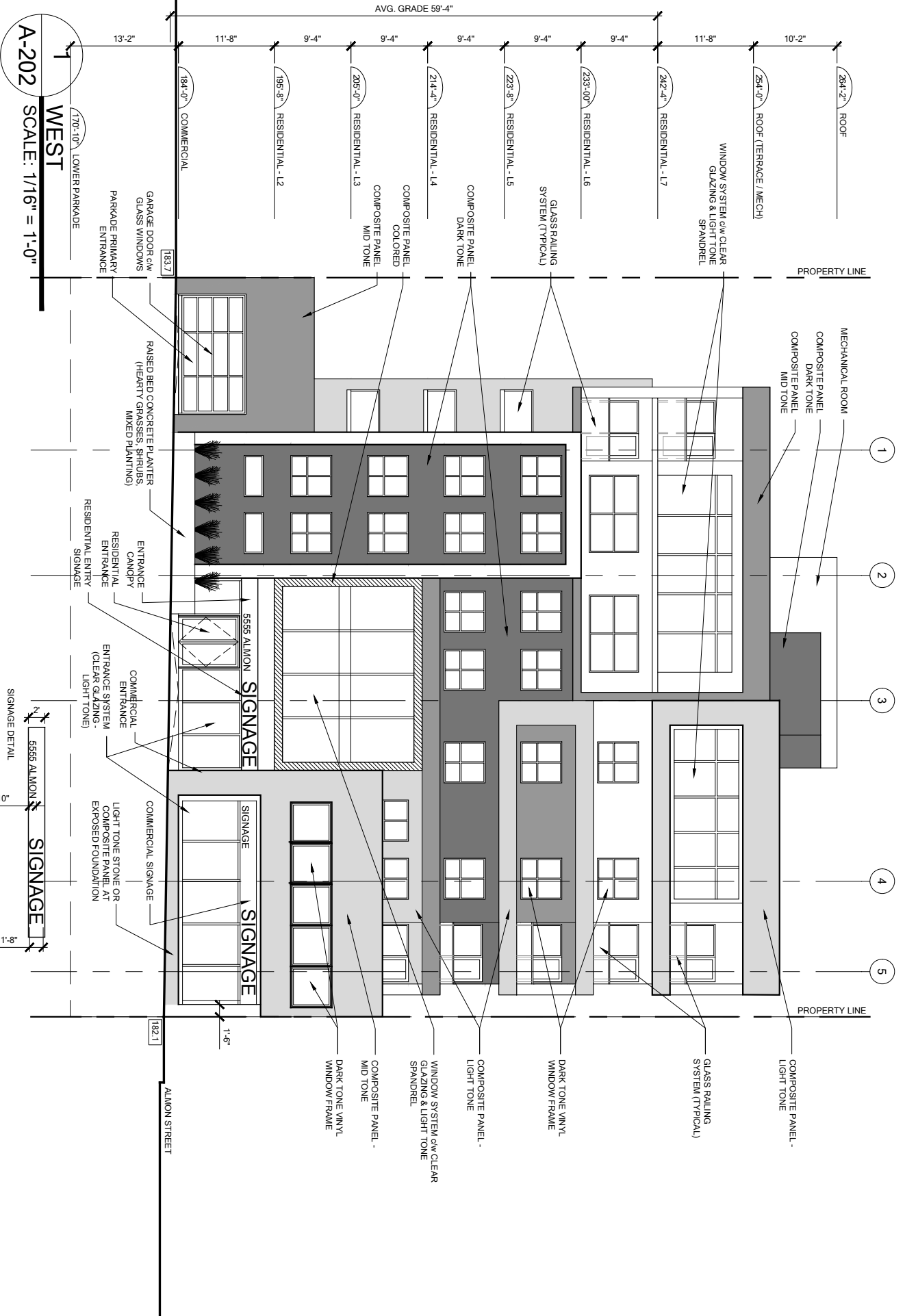
1 SOUTH  
 A-201 SCALE: 1/16" = 1'-0"

PROPOSED MIXED-USE DEVELOPMENT  
 SISEVILLE STREET AND ALMON STREET  
 HALIFAX, NOVA SCOTIA

REVISION	DATE	DRAWING	DATE
1. DA REVISIONS	2015-07-30	SOUTH ELEVATION	FEB 2015
2. DA REVISIONS	2015-09-03	SCALE	DRAWING NO.
		1/16" = 1'-0"	A-201



Schedule I - West Elevation



A-202 WEST SCALE: 1/16" = 1'-0"

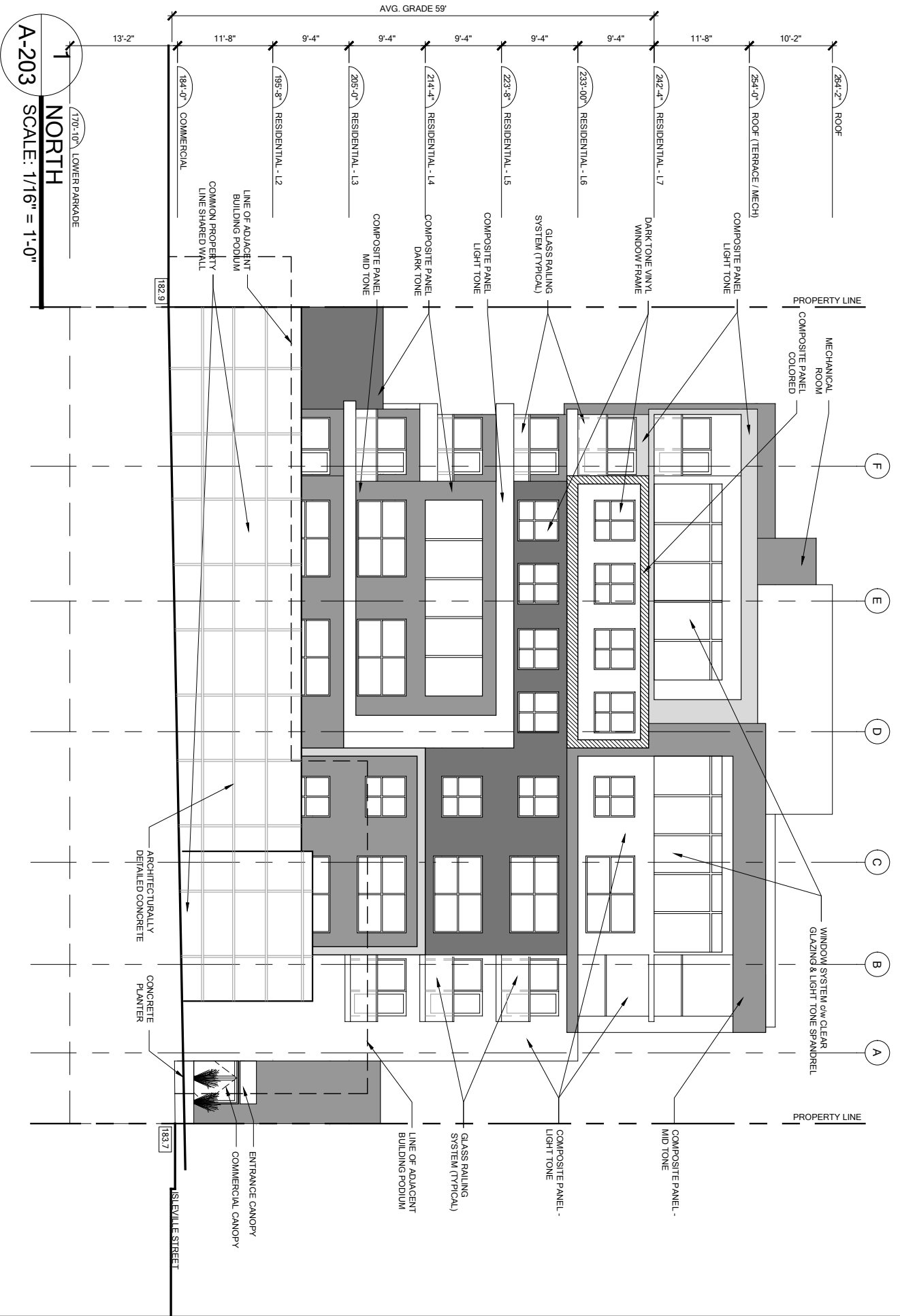
PROPOSED MIXED-USE DEVELOPMENT  
 ISLEVILLE STREET AND ALMON STREET  
 HALFAX, NOVA SCOTIA

REVISION	DATE	DRAWING	DATE
1. DA REVISIONS	2015-07-30	WEST ELEVATION	FEB 2015
2. DA REVISIONS	2015-09-03		

	SCALE: 1/16" = 1'-0"	DRAWING NO. A-202
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Schedule J - North Elevation



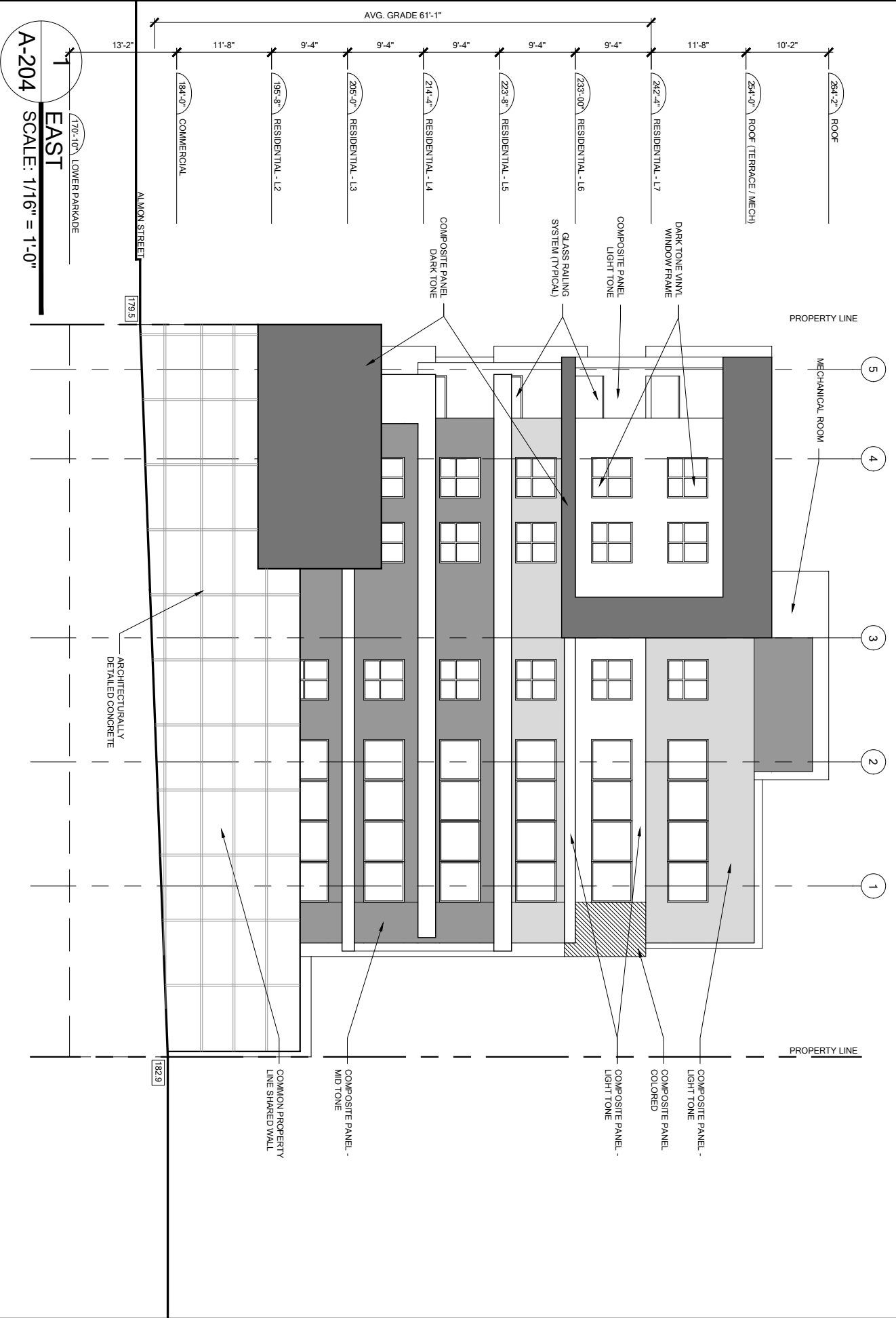
A-203  
NORTH  
SCALE: 1/16" = 1'-0"

PROPOSED MIXED-USE DEVELOPMENT  
ISEVILLE STREET AND ALMON STREET  
HALFAX, NOVA SCOTIA

REVISION	DATE	DRAWING	DATE
1. DA REVISIONS	2015-07-30	NORTH ELEVATION	FEB 2015
2. DA REVISIONS	2015-09-03	SCALE	DRAWING NO.
		1/16" = 1'-0"	A-203



Schedule K - East Elevation



1  
EAST  
SCALE: 1/16" = 1'-0"

PROPOSED MIXED-USE DEVELOPMENT  
 ISEVILLE STREET AND ALMON STREET  
 HALIFAX, NOVA SCOTIA

REVISION	DATE	DRAWING	DATE
1. DA REVISIONS	2015-07-30	EAST ELEVATION	FEB 2015
2. DA REVISIONS	2015-09-03	SCALE	DRAWING NO.
		1/16" = 1'-0"	A-204





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

<b>Halifax MPS – Section XI (Peninsula North Secondary Planning Strategy)</b> <b><u>Commercial Facilities – Policies 2.3.1, 2.3.2 &amp; 2.3.3</u></b>	
<i>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>	
<b>Policy Criteria:</b>	<b>Staff Comment:</b>
<p>2.3 <i>In areas designated major commercial, uses consistent with Section II, Policy 3.1.3 shall be permitted.</i>  <i>[Section II, 3.1.3: Major commercial centres should service a market area comprising most or all of the City. These centres may include major offices and hotels, in addition to uses suggested for minor commercial centres. The City should encourage parking facilities in these centres to serve several businesses in order to limit nuisance impact. The City's policy for major commercial centres in all other respects should be identical to Policy 3.1.2.]</i></p>	<p>In the Peninsula North Secondary Planning Strategy (Section XI of the Halifax MPS), the site is designated for Major Commercial land uses. The site is zoned C-2 (General Business), which permits major and minor commercial land uses as well as residential uses. Parking will be provided within the building and utilized by residential tenants and guests.</p>
<p>2.3.1 <i>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>	<p>The subject site comprises of a single mixed use building with multiple tenants. The surrounding neighbourhood consists of a mixture of uses that include residential, commercial, and institutional of varying intensities. As the property falls within a generally residential neighbourhood with various types other uses (commercial and institutional), there is an opportunity for comprehensive site planning by introducing residential and commercial uses, as well as built form requirements, that are suitable and compatible with the area.</p> <p>Schedule 'Q' is currently applied to a large area of Peninsula North which is designated Major Commercial. Therefore, the proposal represents a small expansion of the Schedule 'Q' area.</p> <p>The development agreement process alleviates potential land use conflicts through appropriate land use and built form requirements.</p>
<p>2.3.2 <i>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>	<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 7-storey residential building containing ground floor commercial uses. The proposed development presents an appropriate and beneficial opportunity for</p>

	comprehensive site planning.
<p>2.3.3 <i>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 amenity, convenience and development potential of adjacent properties through effective urban design and landscape treatment;</i></p>	<p>The immediate neighbourhood contains a mix of land use (see Staff Report).</p> <p>Substantial building heights and massing are achievable through the as-of-right permitting process in the major commercial portion of this area (C-2 Zone). However, the proposed building's height and mass is less than that which could be achieved in an as-of-right commercial situation. Through the development agreement process, staff negotiated with the applicant to achieve a reduction in the building's height and massing.</p> <p>Effective urban design treatment is created by a two storey streetwall along Almon Street and a portion of Isleville Street, which includes substantial amounts of glass and landscaping at ground-level. The building incorporates high quality materials such as stone, glass, composite panels, and metal/glass railings.</p> <p>To minimize potential land use conflicts, the proposed development agreement restricts land uses on the ground floor to select minor commercial uses, and a lounge in association with a restaurant. Hours of operation for a restaurant/lounge have also been restricted to midnight. The nature of the building's non-combustible construction materials will also assist with noise attenuation. Signs are limited to fascia signs at select locations, with additional limitations on size.</p>
<p><i>(ii) the appropriate integration of the development into the traditional grid street system of the Peninsula;</i></p>	<p>The site fronts Almon Street and Isleville Street. The proposed development integrates with the existing street grid.</p>
<p><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></p>	<p>The proposed development fronts on Almon Street and Isleville Street, and is located between major urban arterial streets: Agricola Street, Young Street and Gottingen Street.</p> <p>Both Almon Street and Isleville Street are two-lane local streets, and each street has sidewalks on both sides.</p> <p>A Traffic Impact Statement (TIS), prepared by a Professional Engineer, was reviewed by HRM and deemed acceptable. The TIS reviewed the proposed development, as well as each TIS prepared for six other developments in the general vicinity. The TIS concludes that the proposed development is not expected to have any significant impact to the level of performance of Almon Street, Isleville Street, the adjacent intersections, or the regional street network. The TIS further concludes that the net additional trips generated by the seven developments are not expected to have any significant cumulative effect on the traffic operations of local intersections or streets, or the regional street network.</p>
<p><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</i></p>	<p>The proposed agreement requires adherence to detailed landscaping requirements, which includes the provision of landscape planters at street level along Almon Street and Isleville Street. Signs are limited to fascia signs at select</p>

areas;	locations, with additional limitations on size.
(v) the provision of high quality open space and leisure areas of a size and type adequate for the resident population;	Open space and leisure areas consist of the common rooftop landscaped area, landscaped terraces, balconies, and common indoor amenity space. These spaces/areas will be adequate for the resident population.  Provisions in the agreement ensure the use of high quality materials and landscape design.
(vi) residential and commercial densities consistent with municipal services;	With respect to municipal wastewater services, Halifax Water has reviewed the proposal, with no concerns identified at this time. Halifax Water requires evidence of wastewater capacity at the time of connection (at the building permit stage).
(vii) encouraging high quality exterior construction materials such as masonry; and	Proposed exterior materials are of high quality and include stone, glass, composite panels, and metal/glass railings.
(viii) other relevant land use considerations which are based on the policy guidance of this Section.	None identified.
<b>Section II - City-Wide Objectives and Policies</b>	
<b>8. Environment:</b> <i>The preservation and enhancement, where possible, of the natural and man-made environment, and especially of those social and cultural qualities of particular concern to the citizens of Halifax.</i>	
<b>Policy Criteria:</b>	<b>Staff Comment:</b>
8.6 <i>The City should make every effort to ensure that developments do not create adverse wind and shadow effects. The means by which this policy shall be implemented shall be considered as part of the study called for in Part III.</i>	A qualitative wind assessment was prepared by the developer's Architect. The assessment states the proposed project will create a built form that will not add appreciably to the wind conditions in this area of Halifax or adversely affect the street quality of Almon and Isleville Streets. As there are no public open spaces immediately adjacent to the site, shadow impact on public open spaces is not a concern.

**Attachment D  
Minutes from the Public Information Meeting**

**HALIFAX REGIONAL MUNICIPALITY  
Public Information Meeting  
Case 19862**

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**Monday, June 8, 2015  
7:00 p.m.  
Halifax Forum (Maritime Hall)**

**STAFF IN**

**ATTENDANCE:** Miles Agar, Planner, HRM Development Approvals  
Alden Thurston, Planning Technician, HRM Development Approvals  
Cara McFarlane, Planning Controller, HRM Development Approvals

**ALSO IN**

**ATTENDANCE:** Councillor Jennifer Watts, District 8  
Michael Napier, Applicant, Michael Napier Architect & Associates  
Michael Schraefel, Applicant, Michael Napier Architect & Associates

**PUBLIC IN**

**ATTENDANCE:** Approximately 35

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The meeting commenced at approximately 7:00 pm.

**1. Call to order, purpose of meeting – Miles Agar**

Mr. Agar introduced himself as the Planner facilitating the application through the planning process; Cara McFarlane and Alden Thurston, HRM Development Approvals; Councillor Jennifer Watts, District 8; and Michael Napier, Michael Napier Architect and Associates.

The purpose of the Public Information Meeting (PIM) is to: identify that HRM has received a proposal for the site; highlight the current planning approach in this particular neighbourhood; describe the proposal; explain the process; and the applicant will present the proposal. This is the beginning of the process and no decisions will be made at this PIM. Staff is here to gather feedback from the public.

**2. Overview of planning process – Miles Agar**

The PIM is the beginning of the process. Staff will include comments from a detailed internal/external review, public input and feedback from Districts 7 and 8 Planning Advisory Committee (PAC) in a Staff Report, in the form of a recommendation, to Halifax and West Community Council (HWCC). HWCC is required to hold a public hearing and make a decision in regards to this application. HWCC's decision is subject to an appeal process.

**3. Presentation of Proposal – Miles Agar**

There are four properties (the one on Iselville Street is vacant) that make up the development site (highlighted in yellow).

As part of the Halifax Municipal Planning Strategy (MPS) there is a Secondary Planning Strategy for the Northend which is broken into several neighbourhoods. This particular one, bounded by Robie, Young, Gottingen and North Streets, is known as Peninsula North Area 5.

On the map, areas shown in orange are designated Major Commercial through the MPS. The areas not highlighted are considered medium density residential. In the Major Commercial area, there are two approaches when it comes to planning and development: C-2 zoning and Schedule Q.

The site is zoned C-2 and has no design controls. There are no height limits except for some land along Agricola Street on the east side. Depending on lot configuration, there is potential, through the as-of-right permitting process, for some rather large projects.

Mr. Agar identified some projects that have moved forward by way of the C-2 Zone approach over the last decade.

The second approach is applying Schedule Q to the property which would promote commercial and residential redevelopment and comprehensive site planning. If Schedule Q is applied, then a development agreement could be considered on the property. This process allows the Municipality to control things like building mass and design. He identified some examples of where this approach has been used in the neighbourhood.

Mr. Agar talked briefly about the Centre Plan. Regional Council has directed Staff to rethink planning policy for basically the Peninsula of Halifax and areas of Dartmouth within the Circumferential Highway and make them consistent. Public consultation is scheduled for the Fall 2015 with new policies anticipated to be forwarded to Regional Council in the Fall of 2016. Until that time, any proposal for the Major Commercial sites within this neighbourhood will continue to be evaluated under the two aforementioned processes.

The proposal is for a seven-storey, 35 unit (18 one bedroom and 17 two bedroom), mixed-used building with approximately 3300 square feet of ground-floor commercial. The commercial component is positioned at the corner and along the street frontage of Almon Street. There is a proposed access off of Almon Street with a secondary access off of Isleville Street. There is a two-storey form (streetwall) along the base. The building next door (approved but not constructed) has a two-storey streetwall and rises to seven storeys in total. The building across the street (under construction) has a one-storey streetwall with commercial on the first floor and residential above.

The site plan was shown. The access for commercial comes off of Almon Street with the secondary commercial access off of Isleville Street. The primary entrance to the residential portion of the building was shown. The driveway access to the underground parkade is on the north side of the property. There is some proposed landscaping at grade. The building is hard up to the property line in some cases and recesses in others. The elevations were shown. There is a proposed amenity space (rooftop area) recessed from the edges of the roof in the middle part of the building.

### **Presentation of Proposal – Michael Napier**

He introduced **Michael Schraefel, Michael Napier Architect and Associates**, who has been leading the process on this proposal. An informal information meeting was held in December 2014. Unfortunately, the weather at the time discouraged members of the public from attending.

**Mr. Schraefel** – This project is located on Almon and Isleville Streets. Proposed is a seven-storey, 35-unit mixed use building with approximately 3000 to 3500 square feet of commercial space on the ground floor. He is cognizant of the fact that for many in attendance this would become part of their day to day life.

This neighbourhood is zoned C-2. There is a broad array of programming here and varying typologies. The neighbourhood has a rich fabric of single family houses at its core and is bookended by Bloomfield to the south and the Hydrostone to the north. The neighbourhood is quite diverse.

The fabric of the proposed building is quite a departure from the formal design of many of the other buildings. It has a strong character making it exciting and interesting. Almon Street is a throughfare for traffic and pedestrians. The adjacent property (currently under construction) will have some ground-floor commercial space as well and will flow nicely with this proposed ground-floor commercial. This is an opportunity for the community to be in this space. The Hydrostone District works very well and he acknowledges the fact that two commercial spaces will not be the catalyst to create a Hydrostone District, but it's well intentioned to aspire towards getting people there.

He showed some slides in respect to some additional use and context in the area.

#### 4. Questions and Comments

**Judith Meyrick, lives in the neighbourhood** – What parking allowances will there be for parking in the building? Will there be enough spaces to accommodate all of the needs of the building itself and the commercial space around it? The neighbourhood is already stressed for parking. **Mr. Agar** – From a staff perspective, the proposed parking will be reviewed and a recommendation provided to HWCC. **Mr. Napier** – There are 35 units and approximately 27 underground parking spots. Some people don't have cars. Parking is always a contentious issue in this area. Stadacona puts great pressures on the neighbourhood as far as parking. **Ms. Meyrick** – The residents there do not have parking plus there are Stadacona and Northwood staff that come and go all day. Anything that adds another car onto the street is in fact a huge issue in this downtown part of the City. If there was more parking, the spaces could be rented to people who need a place to put their car in the winter. Has this been considered? Why is there never enough parking? It is serendipitous to think that some people might not have cars. Some may have two. The stress on the inner city neighbourhood will be extreme and not just from this building but from all of the other buildings. **Mr. Napier** – The residents of the neighbourhood are most important here and people who work at Stadacona and Northwood are the ones creating the hardship. Not everyone needs a car. To build a parking garage to rent would be very expensive, add onto the timeline for construction and cause a lot of noise as there would be a lot of digging required. **Ms. Meyrick** – What happens with the overflow when there is not enough parking? **Mr. Napier** – These issues do not stem just from a multi-unit building. It is something that is shared in a community in an urban context.

**Harry Ward, 5553 Almon Street** – Parking has always been an issue especially throughout the day. His main concern is the traffic. The statistics used in traffic reports are from five years ago. In the last couple of years, 200 to 300 units have been approved in this area. The situation with the vehicles may change in the future but today is what counts. Traffic in the area is getting worse. Every traffic report has a different scenario to make things look fine but in fact traffic keeps getting worse. Is anything going to be done about traffic as a result of all the development in the area? **Mr. Agar** – There was a Traffic Impact Statement (TIS) submitted as part of this proposal and is available on the HRM webpage. The engineer looks at the TIS along with the analysis of other buildings that have been approved recently and will work with HRM's Traffic Department. Staff does not have any comment back to date.

**Steve Hart, Fuller Terrace** – Who will own and construct the building? **Mr. Napier** – He is the applicant on behalf of the owner. Some owners carry through with the developments and others sell the properties before the development takes place. **Mr. Hart** – He is concerned that what is being proposed at this meeting may change with new ownership. He was curious as to the width of the sidewalk that was shown in the presentation. Will that actually be there? Who gets to decide? **Mr. Agar** – The agreement will only deal with the private property. In terms of the sidewalk, it would only get bigger or wider if some of the sidewalk actually moved onto an entrance plaza for that residential building. **Mr. Hart** – He has a problem with the public being convinced that the development will be as shown in the presentation but knowing there could be a change and it won't look anything like the representation. In reality, this sidewalk may be very small and would affect the neighbourhood when walking along that site. Why is the commercial portion abutting the sidewalk and the upper storeys setback? It would be nicer to have it the other way around. **Mr. Agar** - This is what has been proposed to Staff for evaluation. The tools used to evaluate are the conditions (the criteria) that are listed in the MPS. As the proposal moves through the process, Staff will ensure that it meets the conditions of the Policy. Commercial character introduced very close to the street is a common condition in general urban design. Residential units on the upper floors provide some relief for the occupants from the noise and so on. **Mr. Napier** – That design follows the guidelines of HRMbyDesign for Downtown Halifax. The guidelines don't apply here but people feel that the rationale is desirable. The guidelines don't allow buildings to be constructed as suggested. He feels that commercial is important at ground level. In this design, instead of an entrance at the corner, a glazed corner is proposed. This is also favoured by HRMbyDesign. As far as the width of the sidewalk, it may be a bit narrow on the grass but the representation is not far off of what exists. **Mr. Schraefel** – His intent was not to misrepresent but it is very difficult to create the reality for many reasons. Sometimes these things end up changing inevitably. The representation of the sidewalk may be off a bit but the intent is there to create a corner space for this community. **Mr. Ward** – Is the owner going to give up his land space to create a bigger sidewalk? A bigger sidewalk has been created for the representation of the building but what exists there is a basic sidewalk. **Mr. Napier** – There is more there than meets the eye. **Mr. Schraefel** – He doesn't feel that what is being proposed is a stretch of the imagination.

**Mr. Ward** – Over the years, he has witnessed properties with development agreements attached to them

be sold to other developers resulting in different buildings being constructed as to what was proposed. Why does this happen? **Mr. Agar** – When Schedule Q has been applied to a property in this area, a development agreement was also registered on the title of the property. The agreement typically contains conditions and elevation drawings as to how the site and building are to be developed and regardless of who owns the property, the clauses of the agreement are to be followed. Sometime development agreements, depending on the site, can be very general in nature. That is why feedback from this PIM is very beneficial.

**Jerry Blumenthal** – Parking is a worry for people but the more people that move into the area, the less parking you will need because they will walk or take the bus. He feels that parking should be taken away. The current traffic problems are from traffic already coming into the downtown.

**Jennifer Beamer, Bilby Street** – She likes the different and interesting design of the building in the context of the other seven being developed in the area. What was the rationale and who is envisioned to move into the one and two bedroom units? Why not some other configuration? **Mr. Napier** – Market demand dictates the configuration. One bedroom units are popular and there aren't many newer ones in the City. Unfortunately, very few families in Halifax live in apartments.

**Patrick Lawlor, Bilby Street** – Parking should be at least a ratio of 1:1. Some of the tenants may not have cars but they do have friends that will visit which will put pressure on the residents. All the forthcoming developments are short-changed for parking. Why is there only one entrance for parking? Some have two accesses to help alleviate some of the traffic. Future approvals by the City should be condo units as opposed to apartment rentals. **Mr. Napier** – The driveway location is dictated by traffic standards which discourages two entrances and in some cases don't allow it at all. The traffic entrance to a parkade is required to be off of the minor street, not the major thoroughfare to avoid backups. In reference to the condos versus apartments, the design of the buildings and units are far superior in quality and would be the same either way. **Mr. Lawlor** – He is suggesting it for the tax base for the City. Three to four times the tax revenue can be generated by condos. For the longevity of the people, it is a better solution and gives a balance. Currently, there is no balance of condos and apartments. **Mr. Blumenthal** – He reminded the public that condos owners can rent their units. **Mr. Agar** – HRM regulates land use and does not have the ability to regulate occupancy.

**Mike LeBlanc** – Who will look after the landscaping? **Mr. Agar** – The property owner is required to do so. **Mr. LeBlanc** – During the twelve years he's lived in the area, the applicant's track record is not good. Snow removal has been atrocious. Parking is going to be a chronic problem with cars on the street blocking in tenants. He's not crazy about the shape of the building but the building itself looks fine.

**Peter Lavell, Belle Aire Terrace** – In order to have successful densification, there needs to be an architecture where people are going to live their whole lives within the centre of the City. By the applicant's own admission, families with children are not going to live there. Leading into the Centre Plan, there are so many applications requiring Schedule Q to be applied to properties in the area. They are all seven storey building proposals along Iseville and Almon Streets. There is no hope for successful densification if childless people live in the City. This proposal, and the other projects in the area, is an example of the wrong way to increase densification. This building is nice, but it is not a solution to the problem.

**Mary McLaren, Bilby Street** – She is not against densification and believes it is necessary for the City to survive. She likes the look and feel of the building. She is very concerned about the upcoming eight buildings being one and two bedroom apartments. It was said that people don't move families into these units but isn't that what the City wants. Many people would love to move into an apartment in a neighbourhood where they could walk to their work downtown, their children walk to school and feel safe. There are many families in the area that are surrounded by a sea of commercial. Does the orange block on the screen mean that there is going to be a sea of one and two bedroom high rise apartments? Is there no other vision for how to achieve densification? Currently, families are not a priority. **Mr. Agar** – Some of the other proposals in the area have townhouse style units along the street instead of commercial. These units would be geared towards families. **Mr. Napier** – He believes that these developments will continue on thoroughfares and that the inner areas will remain protected. **Ms. McLaren** – There is a feel and a vibe in the neighbourhood but there are no guarantees that everyone is going to construct a building like what is being proposed. **Mr. Napier** – He doesn't see all of these approved projects going forward. This building could be another year before HWCC makes a decision on it and

then it has to be constructed; therefore, it will probably be four years before anyone will move in.

**Lloyd Hawes, Isleville Street** – In his experience, the public is forever being told that a proposal will not have any impact on traffic. How much water will this building use and how much will it cost residents? How much garbage will be generated and what will it cost to dispose of it? He has noticed a turn in development and architecture in the area. Urban renewal is real and affects this area; therefore, listen to what the residents have to say.

**Graham Edgar, Cunard Street** – Traffic, parking, water and garbage are issues that come up constantly. He believes that these issues are not particular to one building but they are inherent in the process of densifying the Peninsula. These issues will not be solved in this building alone and a ratio of 27 to 35 parking spaces is fair. He commended the architectural quality and suspects that the other proposals will follow. How can the City invite families to come? **Mr. Agar** – Staff will look at the proposal and determine whether or not the addition of some three bedroom units would be a benefit to the area now and in the future.

**Mr. Lavell** – St. Joseph's Square is an example of a development that has gone through the planning process and subsequently sold to another developer. The new developer was able to increase the number of units by way of a non-substantial amendment which did not involve a public hearing. Can this happen here? **Mr. Agar** – He doesn't have a lot of familiarity with St. Joseph's Square but development agreements, in general, typically include a section in the agreement that identifies the matters that are non-substantive. The approval of a non-substantive amendment is still subject to the standard appeal process. **Mr. Lavell** – Basically, some of tonight's issues might be non-substantive as well. It makes a mockery of the process.

**Councillor Jennifer Watts** – The building code requires accessible units after a certain number. **Mr. Napier** - the building code of Nova Scotia requires one barrier free unit for every 20 units; therefore, this building will have two barrier free units. There are two barrier free parking spaces provided in the parkade to accommodate those two units. **Councillor Watts** – She encouraged people to write to her and Mr. Agar regarding specific things they would like to see as a result of the project. PAC members would be informed as well. The St. Joseph's Square amendments were non-substantive. The revisions affected the unit configuration not overall density. She has struggled for a number of years with how to bring families to the area and believes there needs to be a combination of things in the neighbourhood (schools, playgrounds, parks). It is important for people to engage in the public process for the Centre Plan to provide suggestions and comments on issues like the ones mentioned tonight.

**Ms. Meyrick** – Was a wind study at ground level done? **Mr. Napier** – The streetwall has a mitigating effect on the wind that will come over the top of the building. The entrances were placed in areas that will be less affected by wind. Normally, the planner will determine if further research is required.

**Neila MacDonald, Bilby Street** – What will be between the two buildings? **Mr. Napier** – The streetwalls and the podium will join together. **Ms. MacDonald** – She likes the building but is not fussy about the other proposed buildings in the area.

**Michael Murphy** – Is this a condo or rental building? **Mr. Agar** – The Municipality doesn't regulate one or the other. **Mr. Murphy** – How much parking is there? **Mr. Agar** – There are 35 units and 27 underground parking spaces proposed. **Mr. Napier** – There will be 1.5 levels of parking.

## 5. Closing Comments

**Mr. Agar** thanked everyone for coming and expressing their comments.

## 6. Adjournment

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