

PO Box 1749 Halifax, Nova Scotia B3J 3A5 Canada

## MEMORANDUM

TO: Chairperson and Members of the Halifax Waters Advisory Board

FROM: Andrew Bone, Senior Planner

DATE: September 10, 2012

# SUBJECT: Case 17651: Development Agreement – Multiple Unit Dwelling, Inn on the Lake, 3009 Highway 2, Fall River

## Background

An application has been submitted by Genivar Inc. on behalf of RIN Hospitality Investments Limited to enter in to a development agreement to permit a multiple unit dwelling at 3009 Highway 2, Fall River.

## **Proposal:**

The Planning District 14 and 17 Municipal Planning Strategy (MPS) enables the consideration of development agreements for multiple unit dwellings where there is an existing oversized septic system or sewer treatment plant.

Attached are the relevant policies from the MPS.

The proposal is to add a new six storey addition to the existing Inn on the Lake hotel. The addition would add 75 residential units to the existing building which currently houses 39 hotel units plus meeting/event space and a restaurant and pub. Plans are attached which show the conceptual site plan, floor layout and renderings of the building addition.

The existing Inn on the Lake draws its water from Lake Thomas and with the proposed expansion this is proposed to continue. This expansion will likely require a water withdrawal permit from Nova Scotia Environment.

The existing Inn on the Lake discharges its sewage effluent to Lake Thomas via an existing sewer treatment plant. With the proposed expansion the developer would like to expand and replace the existing plant with a proposed bioreactor membrane system. This expansion will require permits from Nova Scotia Environment.

Background information regarding sewage and water provided in support of this application has been attached for your reference.

## **Background Information:**

The subject lands are within the Shubenacadie Lakes watershed and within the sub-watershed for Lake Thomas.

## Site:

The subject site is immediately adjacent and exiting watercourse on the north side of the site and has lake frontage on Lake Thomas. Riparian buffers of 20m are also indicated on the plan. Please note that the developer is proposing development within the riparian buffer as there is existing disturbance within the 20m buffer. This existing disturbance includes a gravel parking lot and existing tennis courts. The proposed disturbance consists of the following:

- Driveway and parking areas on the north side of the site.
- Access driveway to underground parking; and
- Pool and sewage treatment plant in the north west section of the site.

## Watershed Advisory Board:

Pursuant to the Board=s terms of reference, your input with respect to the potential impact on the areas watercourses is requested. Please find attached relevant MPS Policies that the application will be reviewed under.

If you have any questions on the above matter, please contact me at 869-4226.

## Attachments:

Planning District 14 and 17 MPS Policies – Open Space Subdivisions Air Photo Application Letter Context Map – Inn on the Lake Concept Plan – Inn on the Lake Survey Plan- Inn on the Lake Building Renderings

## Planning District 14 and 17 MPS Policies

While the predominant form of housing within the Residential Designation is the single unit dwelling, there are also some two unit dwellings and apartment buildings located in this designation as well as throughout the Plan Area. Past experience with septic system failures and overall concern with density, community form, and the need to protect surface water quality, suggests that multiple unit housing is not appropriate without full central municipal services. New multiple unit dwellings will not, therefore, be permitted within the Plan Area.

There are however, a number of locations where private sewage treatment plants or extremely large septic tanks and fields have already been installed. While some of these systems are not in use it may be appropriate to consider their redevelopment for multiple unit residential uses subject to the provisions of a development agreement.

- P-68 It shall be the intention of Council to prohibit the development of new multiple unit dwellings within the plan area. Council may, however, consider permitting multiple unit residential uses within any designation, on lands which are served by oversize septic tanks and fields or private sewage treatment plants which were in existence prior to the effective date of this strategy, according to the provisions of Sections 55, 66 and 67 of the <u>Planning Act</u>. In considering such an agreement, Council shall have regard to the following:
  - (a) the means by which solid and liquid waste will be treated;
  - (b) provisions for the continuing maintenance of the proposed development;
  - (c) that the architectural design and scale of any building(s) is compatible with nearby land uses;
  - (d) provisions for landscaping;
  - (e) the location, size and number of access points and parking areas, and
  - (f) the provisions of Policy P-155.
- P-155 In considering development agreements and amendments to the land use by-law, in addition to all other criteria as set out in various policies of this Plan, Council shall have appropriate regard to the following matters:
  - (a) that the proposal is in conformity with the intent of this Plan and with the requirements of all other municipal by-laws and regulations;
  - (b) that the proposal is not premature or inappropriate by reason of:
    - (i) the financial capability of the Municipality to absorb any costs relating to the development;
    - (ii) the adequacy of central or on-site sewerage and water services;
    - (iii) the adequacy or proximity of school, recreation or other community facilities;
    - (iv) the adequacy of road networks leading or adjacent to or within the development; and
    - (v) potential for damage to or for destruction of designated historic buildings and sites.
  - (c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:
    - (i) type of use;
    - (ii) height, bulk and lot coverage of any proposed building;
    - (iii) traffic generation, access to and egress from the site, and parking;
    - (iv) open storage;
    - (v) signs; and
    - (vi) any other relevant matter of planning concern.
  - (d) that the proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility or flooding.
  - (e) Within any designation, where a holding zone has been established pursuant to AInfrastructure Charges - Policy P-64F@, Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the AInfrastructure Charges@ Policies of this MPS. (RC-Jul 2/02;E-Aug 17/02)

## <u>Air Photo – Inn on the Lake</u>





Ref. No. D11372

March 9, 2012

Mr. Andrew Bone, Senior Planner Halifax Regional Municipality Central Region Office – Acadia Centre 636 Sackville Drive Sackville, NS, B4C 2S3

#### Re: Inn On the Lake – Condominium Development HRM Case 17215 - Application for Development Agreement 3009 Highway #2, Fall River, Nova Scotia

Dear Mr. Bone:

On behalf of our client, Inn on the Lake, GENIVAR is pleased to make full application for a development agreement to permit a new condominium development at 3009 Highway #2 in Fall River (PIDs 00526871 and 40500449). This application comes after consideration of the pre-application comments for HRM Case 17215 provided by HRM, Nova Scotia Environment, Nova Scotia Transportation and Infrastructure Renewal, the Nova Scotia Condominium Registrar, and our meeting of January 5, 2012.

The following supporting documents are included to assist with the application:

- 1. Completed Planning Application Form
- 2. \$2,270 HRM Application Fee \*previously submitted
- 3. Site Plan 10 copies
- 4. Elevations Plans 4 copies
- 5. Renderings 6 views
- 6. Typical Floor Plan 4 copies
- 7. Underground Parking Plan 4 copies
- 8. Servicing Analysis 6 copies
- 9. Traffic Impact Statement with addendum 4 copies
- 10. Copy of latest survey plan
- 11. NSPI Easement details

A summary of the proposed development and how it relates to the planning policy is provided for your reference.

#### **Development Proposal**

Based on the comments provided during the pre-application process, the Inn On The Lake condominium project has been revised to consist of a 76 unit condominium building on the combined 4.2 acre site. Seventy-five units are intended to be residential and the final unit is intended to be the Inn On The Lake boutique hotel. This proposal has been reduced from the previous design of 85 units plus the Inn. The Inn is intended as a unit within the

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condominium to work within the Provincial condominium legislation particularly related to sanitary treatment and potable water supply. The Inn is proposed to operate within the condominium corporation. This option has been discussed with the Condominium Registrar and is presented as a viable option for this project.

Given the proposed building crosses the property line of the two subject parcels, the lots will be consolidated through the subdivision process as the development agreement moves forward. The new building will be located behind the existing Inn on the Lake building effectively 'fronting' on Lake Thomas. The proposed building features below grade parking and architectural features in keeping with the existing Inn On The Lake, such as the mansard roof and a variety of roof pitches and roof line. The existing Inn is considered as a landmark building within the Fall River area and the attached residential development is intended to maintain consistency with the design features of the Inn. We propose a list of allowable uses for the site to accommodate the proposal and to be included in the development agreement.

#### Proposed Allowable uses:

- a) Maximum 75 multiple dwelling units;
- b) Hotel and guest rooms (39 existing);
- c) Meeting rooms (existing);
- d) Retail and service shops not to exceed 5,000 sq ft; and,
- e) Restaurant and lounge (existing).

We propose to include flexibility in the agreement to enable possible future conversion of the hotel rooms into additional multiple unit dwellings within the condominium. This flexibility could be incorporated as a non-substantial amendment clause. At this time it is difficult to project the continued success of the Inn once a residential condominium development has been added to the site. Enabling this type of flexibility will allow the developer to make adjustments as required given the variability in the market. The clause could state that an increase in the number of dwelling units is permitted provided the building size and maximum height have not increased and the exterior appearance of the building is not affected. Additionally, we propose to have the ability to convert the existing meeting rooms and exterior garage into retail and service space to provide amenity to the hotel guests and condominium residents. We understand the parking requirement to be the same for meeting room use and retail/service less than 5,000 sq ft use making the conversion option feasible in terms of parking.

In order to address Policies P-68 and P-155 of the MPS, we note the following:

#### Solid and Liquid Waste

The means by which solid and liquid waste will be treated has been addressed in this development proposal. The Inn on the Lake has retained ABL Environmental Consultants Limited to provide expertise in the field of sanitary treatment (see attached letter from Mr. Tom Austin, P.Eng.). A new membrane biological reactor (MBR) is proposed to treat the sanitary flows with a significant reduction in phosphorus loading over the existing treatment, which has been identified as a concern in the Shubenacadie Lakes System. The MBR is a superior sanitary treatment system which can achieve greater than tertiary treatment of sanitary waste. The effluent produced by an MBR system is of very high quality, which in the case of Lake Thomas would be very beneficial to maintaining lake water quality. The treatment system would service the residential units and the Inn as the entire development is proposed under one condominium arrangement. We would recommend that the

development agreement include sanitary treatment disposal guidelines especially related to phosphorus to minimize impact on the receiving waters.

#### Water Services

The Inn on the Lake currently draws surface water from Lake Thomas for potable water use. This is a private central water supply. ABL Environmental is proposing a two-stage membrane treatment plant using micro and nano filtration membranes to accommodate the potable water requirements for the new 75 residential units and the Inn. We understand that an Approval for water withdrawl from NSE is required as well as registration as a Public Drinking Water Supply. We suggest the development agreement include provisions related to ensuring all applicable permits are obtained from provincial jurisdictions.

#### Maintenance

The existing Inn has been meticulously maintained and renewed from its original character and look of 1986. The same maintenance standards would be carried forward and would be the responsibility of a condominium association. We recommend that the development agreement includes a clause related to continuing maintenance of the buildings and overall site.

#### Compatibility

To address compatibility with nearby land uses, the building is designed to enhance and add to the existing 'look and feel' of the Inn on the Lake. The architectural articulation with stepping back from the existing Inn contributes to diminishing the overall building mass viewed from Highway #2. The comments from the pre-application have been respected for the proposed building. The proposed design has incorporated:

- Reducing the length of continuous sections of the roof line
- Varying the height of the roof line
- Increasing the distinct sections of the building with projections

In addition, the design mitigates the impact of additional height by treating all elevations with the same architectural finish and character as the existing Inn, which has been identified as a landmark building within the Fall River community. The Community Planning Group involved with the Fall River Visioning process has identified the Inn On The Lake site as an important part of the community. We recommend that the development agreement include provisions to ensure the architectural character of the new condominium building is consistent with the existing Inn.

#### Building Height

The proposed development is for a height of four storeys facing Highway #2 and six storeys facing Lake Thomas. The difference in height is due to the grades of the site which necessitates a 'walk-out' type bottom floor facing Lake Thomas. Due to the grades of the site and the setback from Highway #2, the proposed condominium building will not appear dominating when viewed from Highway #2, just higher than the existing Inn. Maintaining the existing Inn helps to mitigate the perception of height of the proposed building as the new building is stepped back above the third story of the existing Inn (please refer to elevation plan and renderings). A maximum of four storeys facing Highway #2 is in keeping with the general design principle that buildings should be no taller than the street right-of-way width to mitigate the perception of height. Please refer to the elevation plans for greater detail. We suggest the development agreement include provisions restricting maximum height to accommodate the grade change.

#### Density

The proposed building will contain a maximum of 75 residential units and 39 hotel rooms, which translates to a density of approximately 27 units (residential and hotel) per acre based on the site area of 4.2 acres. The residential units will generally consist of one and twobedroom dwellings, subject to future study. There is no development densities specified in policy; however, the Fall River Visioning process is looking at implementing various density requirements within the Fall River area. The density makes sense for this site given several factors: 1) The increased density would permit the highest form of sanitary treatment (proposed MBR) to be financially viable; and 2) there is an identified need for a variety of housing types in Fall River, which is mostly single unit dwelling to enable people to remain in the community when homeownership is no longer an option.

Given the trends towards more sustainable developments and infill development, the benefits of seeking higher density levels in overall terms are well recognized and can help to generate the critical mass of people able to support services such as local shops and schools as well as making superior wastewater treatment options financially viable. The following table notes benefits of higher density on the Inn on the Lake site:

## Benefits of higher densities

#### Social

- Social proximity encourages positive interaction and diversity
- Improves viability of and access to community services
- Enables more housing options

#### Economic

- Enhances economic viability of development
- Provides economies of infrastructure

#### Transportation

- Encourages possibility of commuter transit route
- Makes underground parking economically viable

#### Environmental

- Increases energy efficiency
- Opportunities for superior wastewater treatment MBR system
- Preserves and helps fund maintenance of public open space
- Reduces overall demand for development land avoiding sprawl

We suggest the agreement includes a maximum of 75 dwelling units permitted along with maintaining the existing Inn.

#### Landscaping and Amenity Space

The existing site is fully landscaped. Existing vegetation and landscaping will be retained where possible. The site offers future residents and Inn guests' ample opportunity to walk and enjoy the property particularly on the lake side. The site is intended to offer amenity to both future residents and Inn guests. The following outlines proposed amenities:

- Outdoor pool and exercise equipment (see <u>www.toshimisports.com</u>);
- Paddle boats and canoes with appropriate safety equipment;
- Vegetable gardens and small greenhouse;
- Approximately 370 metres of trail around the entire property;
- Individual condominium unit decks (approximately 50 sq ft each);

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- Shared rooftop landscaped patio (5,000+ sq ft);
- Condominium tenant lounge and common area with sharing library;
- Existing Encore Fine Dining and Oliver Gastropub;
- Full lake access;
- Condominium tenants will have access to the Inn services housekeeping; business centre, security, exercise room; and,
- Condominium tenants will have preferred Inn rates for friends and family.

The impervious surface coverage on the site is currently 42%. With the addition of the proposed condominium building, the impervious surface coverage will increase to 51.1%. In determining the impervious surface coverage, the analysis used buildings, asphalt, and other hard surfaces, such as the tennis courts.

We recommend that the development agreement include provisions related to landscaping and site amenities.

#### Site Access and Parking

Based on the comments from NSTIR and the Traffic Impact Statement, the proposed development is intended to use one driveway. The other existing service driveway is intended to close. Access to the underground parking for the residential units will use the main driveway from Highway #2 and use a separate route to enter the underground parking area as illustrated on the Site Plan. In order to mitigate potential site conflicts for users of the Inn and residential units, simple wayfinding signage is proposed to direct users to the appropriate location for parking.

A total of 190 parking stalls are proposed for the project. 87 surface parking spaces are intended to service the existing Inn, restaurant, lounge, and meeting rooms. The following table outlines the parking requirement and the how the proposal complies:

Proposed Use	LUB Parking Requirement	Proposed Parking
39 Unit Hotel	1 / sleep room (39) + 2 mobility	41 – complies
1,700 SF restaurant	20 / 1,000 SF (34)	34 – complies
1,000 SF lounge	1 / 100 SF (10)	4 – does not
		comply
2,230 SF meeting rooms	3.3 / 1,000 SF (8)	8 – complies
75 multiple dwelling units	1.5 / unit (113) + 3 mobility	103 – does not
		comply

The underground parking will consist of 103 spaces, providing 1.4 spaces for each residential unit. We request a relaxation on the parking requirements for the residential component of this development from 1.5 spaces per unit to 1.4 spaces per unit.

Statistics available from the Inn On The Lake identified that 40% of hotel patrons arrive from the Halifax International Airport and use a shuttle service to arrive at the hotel. These patrons do not use a parking spot during the duration of their stay. In addition, the peak business season for the hotel is generally July, August, and September which coincides with typical summer vacation season for Canadians. This assists to lessen the potential impact of maximum site usage.

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According to the Fall River Visioning process, a community transit route is proposed along Highway #2, which could improve transportation options for future residents and Inn partrons. While the timing and feasibility of this route is generally unknown, the future possibility is encouraging as an added benefit to increasing density in the Fall River area to support transit.

Please see the Traffic Impact Statement and the Traffic Addendum for more information regarding traffic and access.

#### Watercourse Buffers

As per the comments from the pre-application, the proposed building has been further separated from the watercourse buffer from Lake Thomas by greater than one metre. It is understood that no alteration of land levels or the removal of vegetation in relation to development is permitted within the buffer. It is anticipated that appropriate construction measures including location of cranes will be carefully planned to avoid the buffer.

In addition, the driveway entrance to the underground parking is proposed within the watercourse buffer for the brook at the north end of the property. We note that that area has been previous disturbed and is in a natural state. Furthermore, we note that driveway crossings are permitted within the watercourse buffer as per HRM Regional Plan policy E-10. This driveway crossing is mitigated by the provision that the service entrance is being closed and the land within the buffer will be re-instated to a natural condition closest to Highway #2.

#### Community Facilities

The subject site is in proximity to the Gordon Snow Centre, Fall River Village Centre, and several schools (Ash-Lee Jefferson and Georges P. Vanier). Please refer to the proximity plan illustrating proximity to schools, recreation, and other community facilities.

#### Conclusion

We are of the opinion that the proposed development supports the policy provisions of P-68 and P-155 and is consistent with the intent of the Shubenacadie Lakes MPS. We look forward to moving ahead through the public planning process on this application.

Should you have any comments or questions, please call.

Yours truly, **GENIVAR Inc.** 

Nathan Rogers, MCIP, LPP Project Planner

Enclosures

cc. Mr. Ron Nelson, Inn On The Lake



GENIVAR 1 Spectacle Lake Drive, Dartmouth, NS, B3B 1X7

#### attention: Nathan Rogers

Dear Sir,

we are pleased to provide the following information related to the proposed development of the Inn on the Lake property.

We understand that the development is proposed as a 75 to 100 condominium development which would require an average of about 30,000 gallons per day of potable water. The existing facility currently uses about 5,000 gpd of water based on wastewater discharged. Actual water use is greater due to landscaping and pool uses. We will need a nominal 50,000 gpd water treatment system to ensure a supply water to the residents and the Inn and which meets all the Canadian Drinking Water Quality Guidelines. This can be achieved by a two stage membrane treatment plant which uses micro and nano filtration membranes. The source of the water is assumed to be from the adjacent lake as the Inn currently draws their water from that location. Nova Scotia Environment (NSE) may require a withdraw permit for the larger volume. The water treatment system could be enclosed in the Condominium building at the ground floor level and would require a reservoir to ensure adequate storage.

The development would produce residential type wastewater which would be combined with the Inn's wastewater for treatment before discharge. A new permit would be required from NSE fro a discharge of about 40,000 gpd or 150 m<sup>3</sup>/d. The Inn currently has an extended aeration treatment plant which does not have the capacity required for the proposed development. A new treatment facility would be required. Since the lake is the receiving water for all activities in the watershed and development of all types has had an impact on water quality through nutrient and other discharges, the new development will probably be required to provide a very high standard of treatment.

The development is proposing to build a new treatment facility which is capable of producing high quality effluent. The proposed treatment plant would be comprised of biological treatment with membranes to purify the effluent. This is called a membrane biological reactor of MBR. These systems are capable of biochemical oxygen demands (BOD) of 5 mg/l and total suspended solids (TSS) of 2 mg/l. This is accomplished because the membranes provide an absolute barrier preventing the loss of materials to the effluent. The membranes also prevent bacteria from leaving the facility but UV disinfection will also be provided to ensure that the plant is not a source of bacterial contamination to the environment. Given the high quality for the treated effluent it is feasible to consider water reuse for landscape uses etc. A further advantage of the proposed treatment system is that chemical precipitation can be used to reduce phosphorus concentrations in the effluent to less than 0.2 mg/l. because of the high bacterial mass contained

in the system, the effluent is also very low in other nutrients such as ammonia and total nitrogen. Therefore the treatment proposed is technology proven to produce the high quality water for return to the environment and to minimize impacts of the development.

The current plant is rated at 10,000 USGPD or 37 m<sup>3</sup>/d. The effluent quality of the current permit indicates the plant is in compliance at 20 mg/l for each of BOD and TSS, and less than 5 mg/l of PO<sub>4</sub>. This computes to the following permitted loads to the lake:

BOD	0.756 Kg/d
TSS	0.756 Kg/d
PO <sub>4</sub>	0.189 Kg/d

The proposed treatment plant will produce an effluent meeting a permit requirement of 5 mg/l for BOD and 2 mg/l of TSS and less than 0.5 mg/l of PO<sub>4</sub>. This computes to the following loads at the new capacity:

BOD	0.75 Kg/d
TSS	0.30 Kg/d
PO <sub>4</sub>	0.03 Kg/d

This indicates that the proposed development would result in a slight reduction of BOD and TSS load to the environment and a significant, six fold reduction of  $PO_4$  which is the greatest concern for eutrophication and threat to the lakes. The proposed development would produce an effluent superior to that of any current municipal plant in HRM.

For ABL Environmental

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Thomas P. Austin MSc., P.Eng. President



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