

Peninsula Community Council
August 13, 2012

TO: Chair and Members of Peninsula Community Council



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

DATE: July 18, 2012

SUBJECT: Case 17256 – LUB Amendment and Development Agreement – 6100
Young Street, Halifax

ORIGIN

Application by 215 Pembroke Street East Limited.

RECOMMENDATION

It is recommended that Peninsula Community Council:

1. Give First Reading to consider approval of the proposed amendment to the Halifax Peninsula Land Use By-law, contained in Attachment A, to include 6100 Young 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 mixed-use development and schedule a public hearing. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1; and
3. Adopt the amendment to Map ZM-2 of the Halifax Peninsula Land Use By-law as presented on Maps 1 and 2.

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

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

BACKGROUND

An application has been submitted by 215 Pembroke Street East Limited to remove the existing commercial building at 6100 Young Street, Halifax, and replace it with a mixed-use development consisting of high density residential and commercial uses. To enable the proposal to proceed, the applicant has requested that the subject site be included within Schedule “Q” of the Halifax Peninsula Land Use By-law in order to allow for the proposed development to proceed by development agreement. This process will allow the site to be developed comprehensively and to minimize land use conflicts.

Subject Property and Surrounding Area:

The subject site:

- is located at the intersection of Young Street and Monaghan Drive in Halifax, opposite the Atlantic Superstore and Young Tower;
- consists of three separate properties which total approximately 2.4 acres;
- has approximately 350 feet of street frontage on Young Street and 300 feet on Monaghan Drive;
- contains an existing one-storey commercial building;
- is located on a large city block which includes the Halifax Forum complex, Canada Post facility and other businesses;
- has been leased by the applicant since 1994 and purchased in September of 2011 from the Municipality;
- lies within Area 2 of the Peninsula North Secondary Planning Strategy (Section XI of the Halifax Municipal Planning Strategy [MPS]) and is designated for Major Commercial development; and
- is zoned C-2 (General Business) by the Halifax Peninsula Land Use By-law.

The surrounding area is predominantly comprised of major commercial uses including retail and offices such as:

- Atlantic Superstore and Young/ Kempt Centre across Young Street to the north;
- Young Tower (Eastlink building) across Monaghan Drive to the east;
- Mayflower curling club and Canada Post facility to the south; and
- Provincial government offices and the Halifax Forum site to the west.

Enabling Policy and Zoning Context

The subject application is made pursuant to Policy 2.3.1 of Section XI of the MPS which allows Council to identify areas designated Major Commercial for comprehensive site planning through a 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.

Schedule "Q" is currently applied to those lands on the west side of Robie Street between Young and North Streets, including the Mayflower Curling Club which abuts the subject property (Map 3).

The C-2 Zone permits commercial buildings with no front, side or rear yards and a height of eighty feet, with allowance for additional height if the building is set back from the property line. 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 property supersedes the requirements of the C-2 Zone by requiring that projects of greater than four dwelling units be considered by development agreement. This provides flexibility by enabling the modification of the standard land use by-law requirements for development on a site-by-site basis through the development agreement process.

Proposal:

The applicant wishes to remove the existing building, consolidate the three properties, and construct a mixed-use development consisting of two 13-storey residential towers atop a 4-storey, mixed-use podium. Details of the proposal are as follows:

- Approximately 260 residential units within the two towers and portions of the podium;
- Ground level and second floor commercial uses, with option to substitute second floor commercial with residential uses;
- Surface parking for commercial uses and interior parking for residential uses; and
- Landscaped areas including publicly accessible ground level walkway and patio areas in front of retail storefronts and private rooftop landscaped areas and amenity space for the building tenants.

Approval Process

The approval process for this application involves two steps:

- i) First, Council must consider and, if deemed appropriate, approve the proposed amendment to the Land Use By-law (Map ZM-2) to include the subject land within "Schedule Q"; and
- ii) Secondly, Council shall consider and, if deemed appropriate, approve the proposed development agreement.

A single public hearing can be held by Council to consider both the LUB amendment and the development agreement. However, Council can only render a decision on the development agreement following the approval of the LUB amendment. An appeal mechanism to the Nova Scotia Utility and Review Board exists for both decisions of Council.

DISCUSSION

Staff has reviewed the proposal relative to all relevant policies and have determined that the proposed development is consistent with the MPS. Attachment C provides an evaluation of the proposed LUB amendment and development agreement in relation to the relevant MPS policies. The following issues have been identified for more detailed discussion.

LUB Amendment (Schedule “Q”)

The inclusion of the subject site in Schedule “Q” will allow the development to benefit from comprehensive site planning which is achieved through the development agreement process. The proposal represents a small expansion of the “Schedule Q” area, as the schedule is currently applied to a large area of Peninsula North which is designated Major Commercial, including the Mayflower Curling Club which abuts the subject property. Due to the site’s size and its location within the major commercial area, in which little or no residential uses currently exist, the proposal will benefit from the controls and flexibility that the development agreement process provides to reduce future land use conflicts.

Development Agreement

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

- Architectural, signage and lighting requirements;
- Parking (bicycle and vehicular), circulation and site access;
- Detailed landscaping requirements and plan for public and private landscaped areas;
- Building services, maintenance and waste facilities;
- Wind tunnel testing and mitigation measures; and
- Options for various non-substantive amendments by resolution of Council, including allowance for two additional floors on each of the residential towers, minor changes to land uses, building architecture and landscaping details, signage and changes to timeframes for development.

Of the matters addressed by the proposed development agreement, the following elements have been identified for more detailed discussion.

Building Design and Neighbourhood Compatibility:

The proposed building design incorporates high quality exterior materials such as brick, pre-cast concrete panels and trim, stucco, glass, architectural panels and metal rails. The proposed design also incorporates canopies over building entrances for aesthetic and wind reduction purposes. In order to mitigate against blank walls on the building’s south and west elevations, the Agreement requires differing architectural wall treatments and vegetation to be utilized.

To minimize land use conflicts, there will be no residential uses on the ground floor of the building and the residential towers will be set back from streets and side/ rear lot lines to provide separation between differing land uses. The nature of the building’s non-combustible

construction materials will also assist with noise attenuation. Signs are limited to awnings, fascia and projecting signs but no sign shall be back-lit.

Population Density:

The MPS encourages reinvestment and redevelopment within major commercial areas by allowing for flexibility with regard to the residential population density requirements of the Halifax Peninsula Land Use By-law, provided that proposed densities are “consistent with municipal services”. In this case, a sewer capacity analysis was conducted by the developer’s consultant and reviewed by Halifax Water, who has indicated that they have no issues or concerns with the proposal relative to municipal central sewage and water systems.

Traffic/Site Access:

A traffic impact study was prepared, by the developer’s consultant and reviewed by HRM and deemed acceptable. The Study concludes that there are no resultant issues or concerns with the proposal. The proposed agreement requires the vehicles accessing and egressing from the site to utilize Young Street as it is identified in the MPS as a principal street. Additionally, an existing driveway off Monaghan Drive which is currently located too close to the intersection of Young/ Monaghan will be relocated further from the intersection as part of the proposal.

Traffic signals are currently warranted at the Young/ Monaghan intersection without the proposed development. However, due to the location of driveways opposite the intersection on the north side of Young Street (Superstore, Young Kempt Centre), their installation is not possible until such time as those driveways are combined and aligned with the intersection. This is a separate matter which staff intends to pursue with the applicable property owners and other HRM departments.

Landscaping and Open Space:

The applicant intends to provide both open space and leisure areas within the proposal consisting of publicly accessible features such as ground level walkway and patio areas in front of retail storefronts, and private features such as rooftop landscaped areas, indoor amenity space for building tenants and individual private balconies. The proposed agreement requires these areas be built with high quality materials. The agreement also requires adherence to detailed landscaping requirements and the submission of a detailed landscape plan prepared by a landscape architect. The proposed public and private areas meet the needs of the tenants of the proposed building.

Wind / Shadow:

HRM’s practice has been to examine wind and shadow effects of development proposals which involve tall buildings on a site-by-site basis by requiring the proponent to submit a wind or shadow assessment/ study. The assessment of wind and shadow impacts by a development take into account the effect of the development on both public open spaces (parks, boardwalks, plazas) and sidewalks.

A preliminary wind assessment was carried out by the developer’s wind consultant. This assessment involved a qualitative, desktop analysis which was based on a review of meteorological data, design drawings, site and area photographs and wind engineering expertise.

This statement indicates that the building design, with the residential towers set above and back from the commercial base, results in a minimal amount of wind impact at tower entrances, sidewalks and parking areas. However, some concern was raised with regard to potential high wind activity near building corners and on roof deck areas. The study recommends that wind tunnel testing (quantitative analysis) be undertaken in order to determine possible mitigation measures. As a result, the proposed agreement requires that wind tunnel testing be carried out and a report be submitted to HRM at the detailed design stage which a) confirms / quantifies the expected wind comfort and safety conditions, and b) where necessary, outlines proposed wind mitigation measures to achieve accepted industry standards for pedestrian wind comfort and safety. If a substantive change to the building is required for wind mitigation purposes, then such a change would be considered by Council through an amendment to the agreement.

In regard to shadow impacts, there are no public open spaces in the immediate area. As result, a shadow analysis was not required for the development.

Environmental Issues/ Concerns:

The subject area is known to contain sulphide (acid) bearing slates. Any disturbance to these slates during construction must be undertaken in accordance with the requirements of the Nova Scotia Department of Environment and Labour.

Conclusion:

In the opinion of staff, the proposed LUB amendment and development agreement are in keeping with the objectives and policies of the Halifax MPS to develop the lands in a comprehensive manner and to address compatible issues with the surrounding uses. Therefore, staff recommends approval of the proposed LUB amendment (Attachment A) and development agreement (Attachment B).

BUDGET IMPLICATIONS

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

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

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

The level of community engagement was consultation, achieved through a public information meeting held on October 5, 2011. Attachment D contains a copy of the minutes from the meeting. Notices of the Public Information Meeting were posted on the HRM website, in the newspaper and mailed to property owners within the notification area shown on Map 3.

A public hearing must be held by Community Council before they can consider approval of any amendments to the LUB or the approval of a development agreement. Should 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 3 will be advised of the public hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.

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

ENVIRONMENTAL IMPLICATIONS

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

ALTERNATIVES

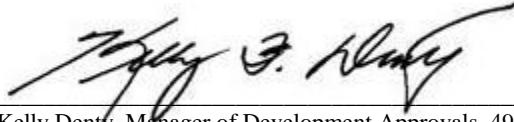
1. Council may choose to approve the proposed LUB amendment and development agreement as set out in Attachments A and B of this report. This is the recommended course of action.
2. Council may choose to approve the proposed LUB amendment and development agreement subject to modifications. This may necessitate further negotiation with the applicant and the need to hold a second public hearing.
3. Council may choose to refuse the proposed LUB amendment and development agreement, and in doing so, must provide reasons based on a conflict with MPS policies. This alternative is not recommended, as the proposal is consistent with the MPS.

ATTACHMENTS

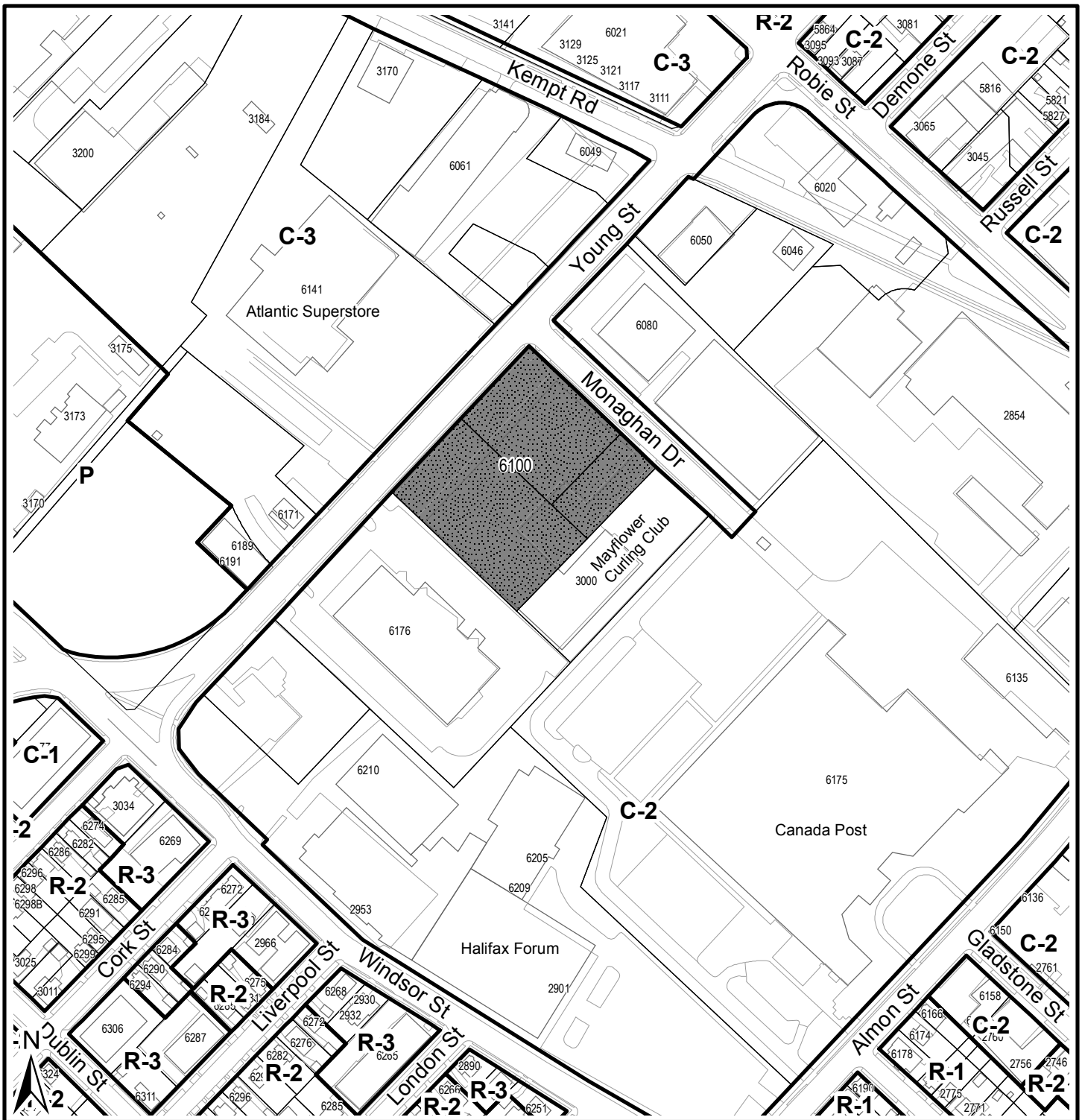
Map 1	Location and Zoning Map
Map 2	Generalized Future Land Use Map
Map 3	Area of Notification
Attachment A	Proposed Amendment to the Halifax Peninsula LUB
Attachment B	Proposed Development Agreement
Attachment C	Review of Relevant Sections of the Halifax MPS
Attachment D	Minutes of Public Information Meeting

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

Report Prepared by: Paul Sampson, Planner 1, Planning Services, 490-6259


A handwritten signature in black ink, appearing to read "Kelly Denty", is written over a horizontal line.

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



Map 1 - Location and Zoning

6100 Young Street
Halifax

 Area proposed to be added to Schedule Q

Halifax Peninsula
Land Use By-Law Area

Zone

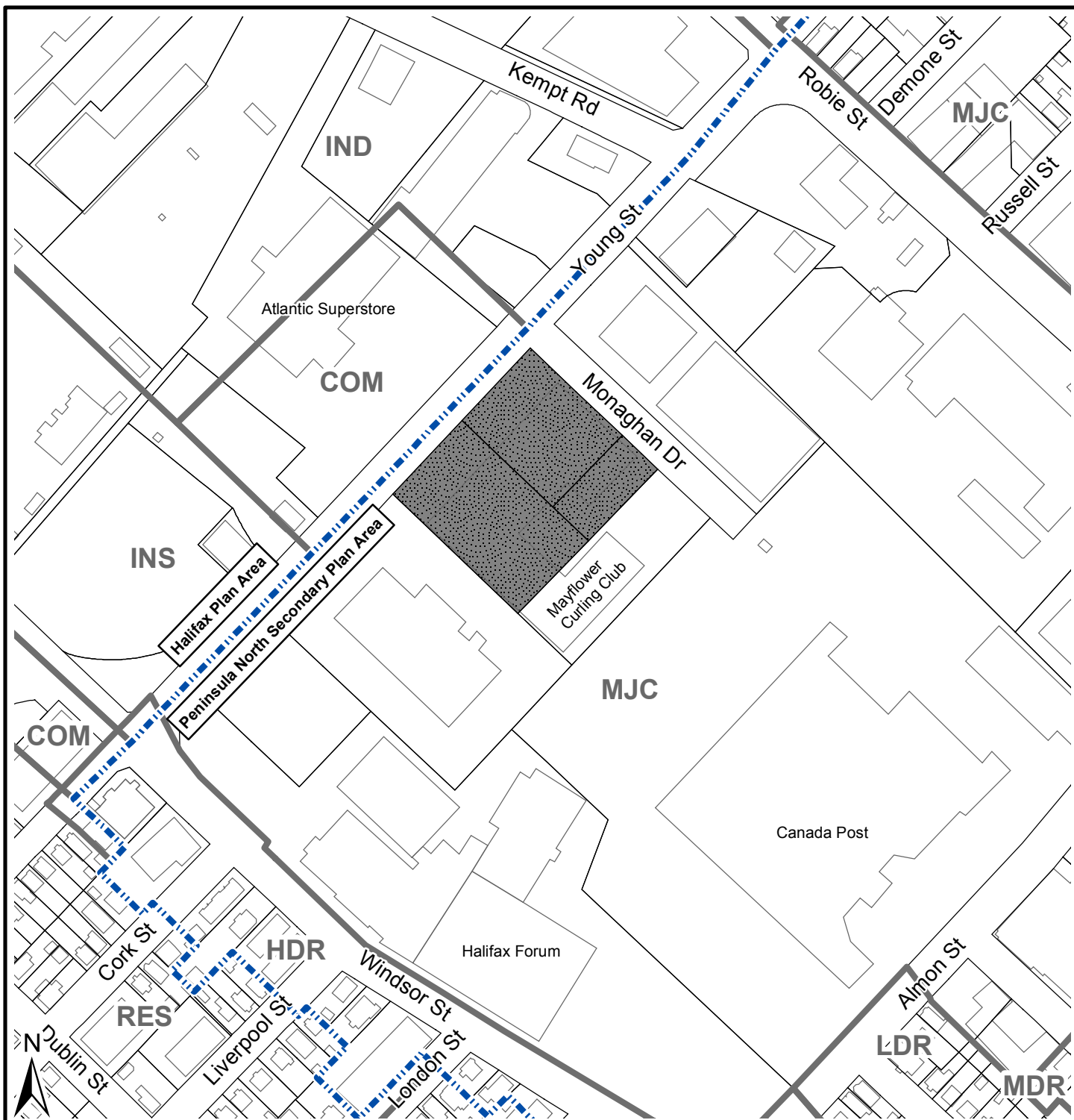
- R-1 Single Family Dwelling
- R-2 General Residential
- R-3 Multiple Dwelling
- C-1 Local Business
- C-2 General Business
- C-3 Industrial
- P Park and Institutional

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS
PLANNING SERVICES

0 30 60 m



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


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



Map 2 - Generalized Future Land Use

6100 Young Street
Halifax

 Area proposed to be added to Schedule Q

 Detailed plan area boundary

Halifax Plan Area
Peninsula North Secondary Plan Area

Designation - Peninsula North

LDR Low Density Residential
MDR Medium Density Residential
HDR High Density Residential
MJC Major Commercial
MNC Minor Commercial

Designation - Halifax

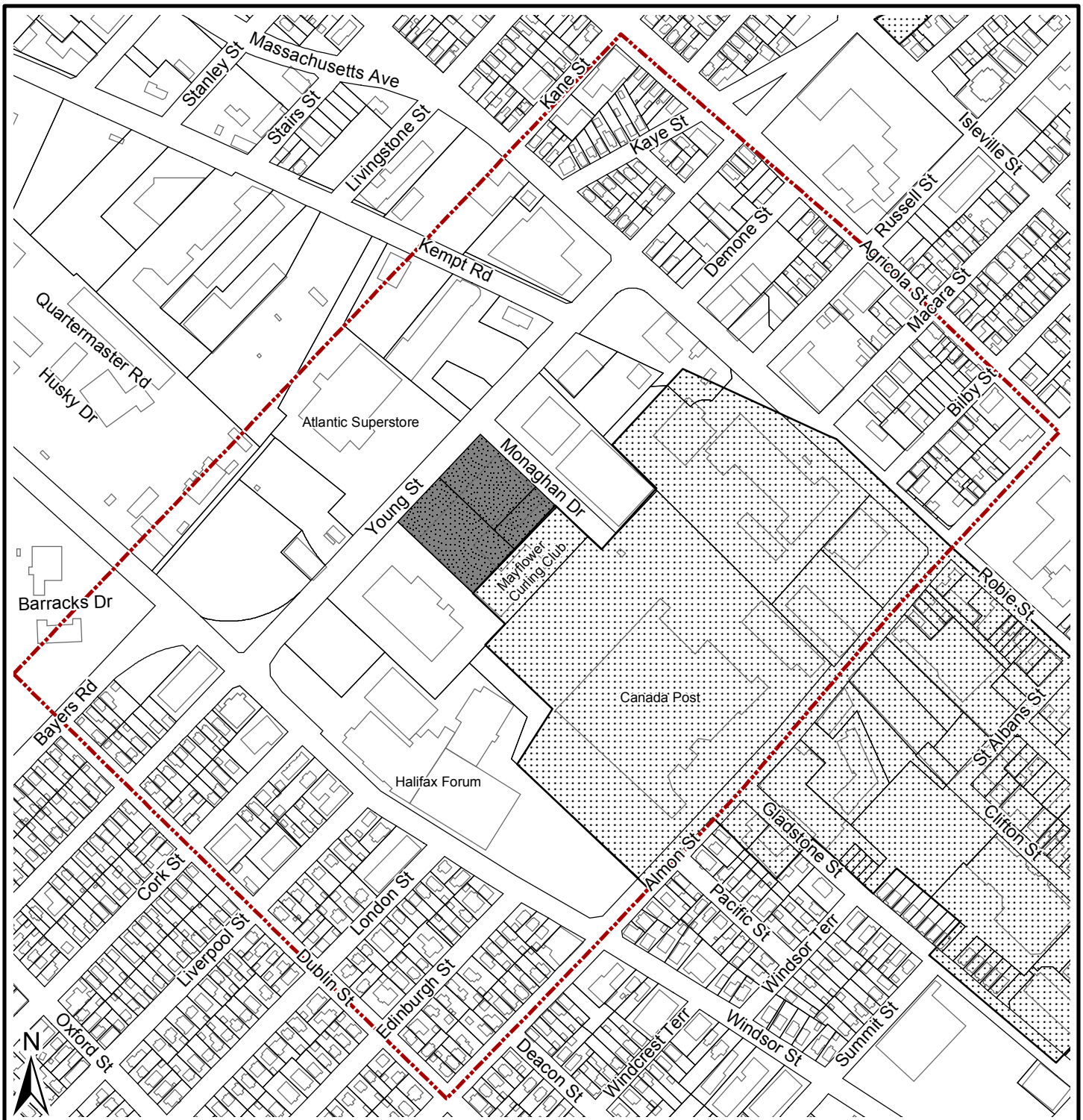
RES Residential Environments
COM Commercial
IND Industrial
INS Institutional

HALIFAX
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PLANNING SERVICES

0 30 60 m



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Map 3 - Area of Notification


6100 Young Street
Halifax

 Area proposed to be added to Schedule Q

 Schedule Q

 Area of notification

HALIFAX
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DEVELOPMENT APPROVALS
PLANNING SERVICES

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Halifax Peninsula
Land Use By-Law Area

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

Attachment A

1. Proposed Amendments to the Halifax Peninsula Land Use By-law

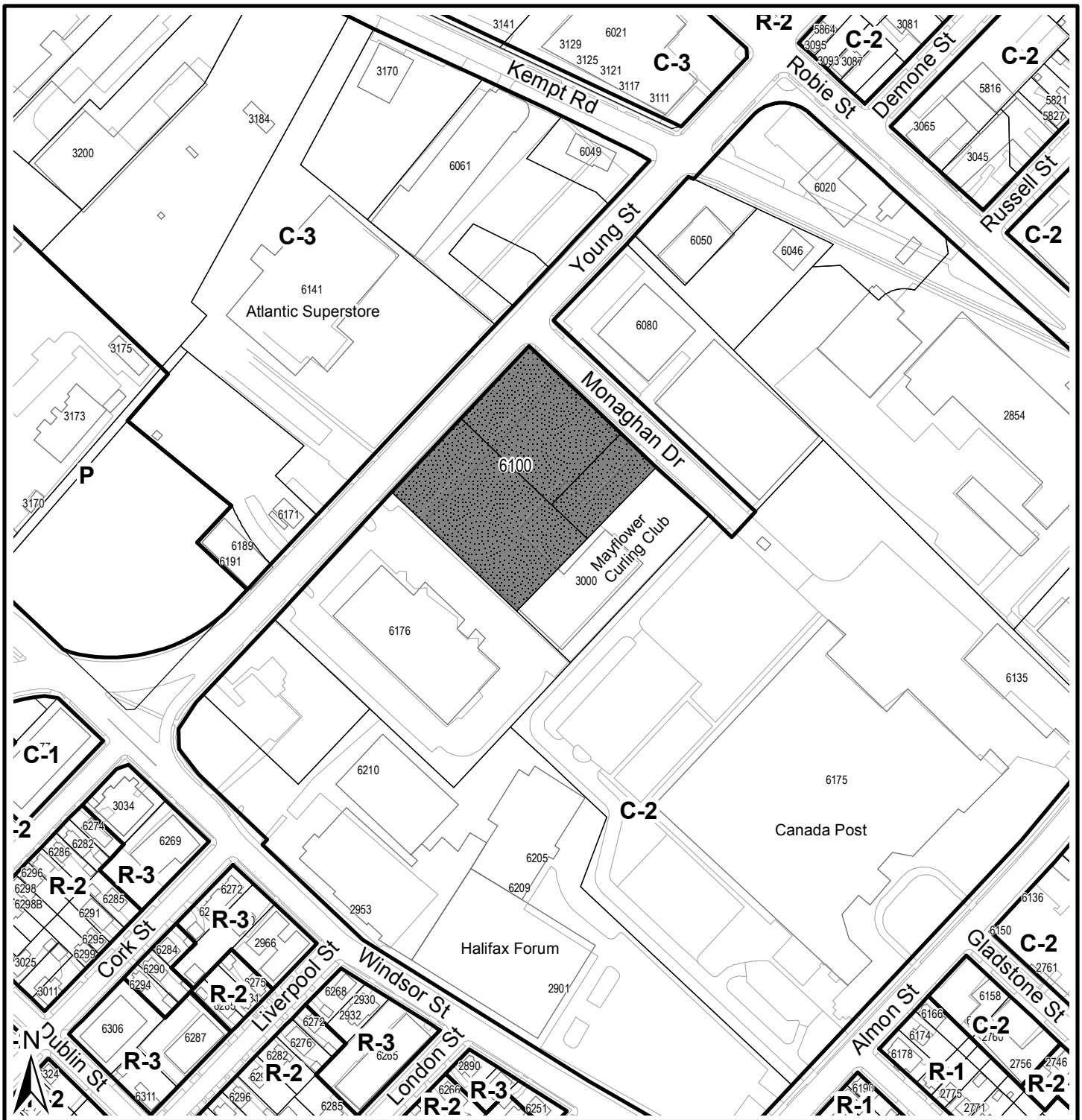
BE IT ENACTED by the Peninsula Community Council of the Halifax Regional Municipality that the Halifax Peninsula Land Use By-law is hereby amended as follows:

1. Amend Map ZM-2 to include the subject lands in Schedule Q, as presented on Map 1.

I HEREBY CERTIFY that the amendments to the Halifax Peninsula Land Use By-law, as set out above, were duly passed by a majority vote of the Halifax Peninsula Community Council at a meeting held on the day of , 2012.


GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this day of , 2012.

Municipal Clerk



Map 1 - Location and Zoning

6100 Young Street
Halifax

 Area proposed to be added to Schedule Q

Halifax Peninsula
Land Use By-Law Area

Zone

- R-1 Single Family Dwelling
- R-2 General Residential
- R-3 Multiple Dwelling
- C-1 Local Business
- C-2 General Business
- C-3 Industrial
- P Park and Institutional

HALIFAX
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DEVELOPMENT APPROVALS
PLANNING SERVICES

0 30 60 m


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Attachment B: Proposed Development Agreement

THIS AGREEMENT made this day of , 2012,

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 6100 Young Street, Halifax, and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a development agreement to allow for a mixed-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 Peninsula Community Council for the Municipality approved this request at a meeting held on _____, 2012, referenced as Municipal Case Number 17256;

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

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

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

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

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

1.3 Applicability of Other By-laws, Statutes and Regulations

1.3.1 Further to Section 1.2, nothing in this Agreement shall exempt or be taken to exempt the Developer, lot owner or any other person from complying with the requirements of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement), or any statute or regulation of the Provincial/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

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

1.6 Provisions Severable

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

PART 2: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS

2.1 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 17256:

Schedule A	Legal Description of the Lands	
Schedule B	Site Plan	Plan # 17256-001
Schedule C	Landscape Plan	Plan # 17256-002
Schedule D	Level P1 – Underground Parking	Plan # 17256-003
Schedule E	Level 1 - Ground Floor	Plan # 17256-004
Schedule F	Level 2 – Parking/Commercial Ceiling Area	Plan # 17256-005
Schedule G	Level 3 - Commercial Floor 2/ Podium	Plan # 17256-006
Schedule H	Level 4&5 - Typical Low-Rise Residential	Plan # 17256-007
Schedule I	Typical Tower Floor Plan	Plan # 17256-008
Schedule J	Residential Penthouse Level	Plan # 17256-009
Schedule K	North Elevation (Young St.)	Plan # 17256-010
Schedule L	East Elevation (Monaghan Dr.)	Plan # 17256-011
Schedule M	South Elevation	Plan # 17256-012
Schedule N	West Elevation	Plan # 17256-013
Schedule O	East Elevation Detail	Plan # 17256-014
Schedule P	North Elevation Detail	Plan # 17256-015

2.2 Requirements Prior to Approval

2.2.1 Prior to the issuance of a Construction Permit, the Developer shall provide the following to the Development Officer:

- (a) Landscape Plan in accordance with Section 2.6 of this Agreement; and
- (b) Pedestrian wind study identifying any mitigation measures / solution concepts in accordance with Section 2.13 of this agreement.

- 2.2.2 Prior to the issuance of the first Municipal Occupancy Permit, the Developer shall provide the Development Officer with certification from a qualified professional indicating that the Developer has complied with the Landscape Plan, or the posting of security in accordance with Section 2.6.9.
- 2.2.3 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.

2.3 General Description of Land Use

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

- (a) Any commercial enterprise permitted in the C-2 (General Business) zone;
- (b) Apartment house (multiple-unit residential uses); and
- (c) Uses accessory to any of the foregoing uses.

2.4 Detailed Provisions for Land Use

- 2.4.1 The number and type of residential units, building design and exterior materials, vehicular parking and open space shall comply with that shown on Schedules B through P.
- 2.4.2 Notwithstanding Section 2.1 and Subsection 2.4.1, the type and number of residential units may vary from that shown on the Schedules, provided that a minimum of 25% of the units consist of 2 or more bedrooms.
- 2.4.3 Ground floor spaces shown on Schedule E shall be limited to non-residential uses permitted in the C-2 zone. Notwithstanding Section 2.1 and Subsection 2.4.1, residential uses (instead of commercial) may be permitted on the second floor level (Schedule G) and the overall building height may be reduced slightly to accommodate such residential uses, provided the exterior appearance is generally in conformance with Schedules K through P.

2.5 Architectural Requirements

- 2.5.1 The building's exterior design and materials shall be as shown on Schedules K through P.
- 2.5.2 Multiple storefronts shall be visually unified through the use of complementary

architectural forms, similar materials and colours. Covered walkways, arcades, awnings, open colonnades and similar devices shall be required along long facades to provide shelter, and encourage pedestrian movement.

- 2.5.3 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.). Specifically, the two-storey wall shown on Schedules M and N (South and West Elevations) shall contain a combination of architectural detail, relief and plantings, the details of which shall be shown on the Landscape Plan required pursuant to Subsection 2.6.1.
- 2.5.4 Any exposed foundation in excess of four feet in height shall be architecturally detailed, veneered with stone or brick or treated in an equivalent manner acceptable to the Development Officer.

2.6 Landscaping

- 2.6.1 Prior to the issuance of a Construction Permit, the Developer shall provide the Municipality with a detailed Landscape Plan, prepared by a Landscape Architect, which shall provide details of all landscaped areas shown on Schedule C.
- 2.6.2 Landscaped areas shown on the Schedules shall be either active areas generally accessible to building occupants and shall contain a combination of concrete pavers, walkways, sod, ground cover, shrubs, deciduous and coniferous trees, site furnishings and landscaping features, or may be extensive (passive) landscaped roof areas designed to be generally self-sustaining, requiring minimal maintenance and accessibility.
- 2.6.3 The low-rise roof deck above the 5th floor level and the tower rooftops may be landscaped and used as open space, the details of which shall be provided on the Landscape Plan pursuant to Subsection 2.6.1.
- 2.6.4 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 ft.). It is the responsibility of the Developer to ensure that the underground parking structures or other structures are capable of supporting loads from all landscaping as well as the anticipated mature weight of the plant material on any rooftop and podium.
- 2.6.5 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.

- 2.6.6 Planting details for each type of plant material proposed on the Landscape Plan shall be provided, including species list with quantities, size of material, and common and botanical names (species and variety). Mass shrub plantings or mixed shrub and ground cover plantings are preferred instead of perennial beds.
- 2.6.7 Construction Details or Manufacturer's Specifications for all constructed landscaping features such as pergolas, benches, etc. shall be provided to the Development Officer or shall be noted on the Landscape Plan required by Subsection 2.6.1, 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.
- 2.6.8 Prior to issuance of an Occupancy Permit, the Developer shall submit to the Development Officer a letter prepared by a member in good standing of the Canadian Society of Landscape Architects certifying that all landscaping has been completed according to the terms of this Development Agreement.
- 2.6.9 Notwithstanding the above, an Occupancy Permit may be issued provided that the weather and time of year does not allow the completion of the outstanding landscape work and the Developer supplies a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping as shown on the Landscape Plan. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the landscaping as described herein and as approved by the Development Officer. Should the Developer not complete the landscaping within twelve months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.

2.7 Signs

- 2.7.1 Exterior signs shall meet the requirements of the C-2 zone of the Land Use By-law and shall be limited to:
- (a) awning signs made of fabric material above ground level windows and doors; and
 - (b) fascia and projecting signs at the ground floor and second floor levels.
- 2.7.2 Awning, fascia and projecting signs shall be either non-illuminated or illuminated from the front (not back-lit).

2.8 Building and Site Lighting

- 2.8.1 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.
- 2.8.2 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.

2.9 Functional Elements

- 2.9.1 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.
- 2.9.2 Other than roof mounted equipment, any mechanical equipment, 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.

2.10 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.

2.11 Solid Waste Facilities

All refuse and recycling materials shall be contained within a building, or within suitable containers which are fully screened from view from any street or sidewalk. Further, consideration shall be given to locating of all refuse and recycling material to ensure minimal effect on abutting property owners by means of opaque fencing or masonry walls with suitable landscaping.

2.12 Parking and Bicycle Facilities

- 2.12.1 Notwithstanding the Schedules, additional underground parking levels may be permitted. Parking level(s) may include, and the amount of parking may be reduced to accommodate, bicycle parking required by the Land Use By-law and solid waste facilities required by Section 2.11.

2.13 Wind Mitigation Measures

- 2.13.1 Prior to the issuance of a Construction Permit, the Developer shall undertake wind tunnel testing of the development by a qualified professional experienced in wind engineering and submit a report to the Development Officer that:
- (a) Confirms/ quantifies the expected wind comfort and safety conditions; and
 - (b) Where necessary, outlines proposed wind mitigation measures to achieve accepted industry standards for pedestrian wind comfort and safety.
- 2.13.2 Appropriate mitigation measures shall be approved by the Development Officer prior to the issuance of a Construction Permit, except those which, in the opinion of the Development Officer, involve a substantive change to the building. In these instances, such measures shall require a substantive amendment pursuant to Section 5.1.
- 2.13.3 Mitigation measures shall be shown on the building plans submitted for Construction Permit and be completed prior to the issuance of an Occupancy Permit.

PART 3: STREETS AND MUNICIPAL SERVICES

3.1 General Provisions

- 3.1.1 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.
- 3.1.2 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 4: ENVIRONMENTAL PROTECTION MEASURES

4.1 Sulphide Bearing Materials

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

PART 5: AMENDMENTS

5.1 Substantive Amendments

Amendments to any matters not identified under Section 5.2 shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Halifax Regional Municipality Charter*.

5.2 Non-Substantive Amendments

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

- a) minor changes to the land uses and provisions of Sections 2.3 and 2.4 and any changes to corresponding Schedules;
- b) the inclusion of up to two additional residential floors on each of the residential towers shown on the Schedules, provided that revised sewer capacity and traffic analyses are submitted by the Developer and reviewed and deemed acceptable by the Municipality and Halifax Water;
- c) minor changes to the architectural requirements and exterior architectural appearance or materials as detailed in section 2.5 and corresponding Schedules;
- d) changes to the landscaping requirements as detailed in Section 2.6 which are beyond the authority of the Development Officer under Section 2.1;
- e) changes to the sign requirements of Section 2.7;
- f) changes to the functional elements as detailed in Section 2.9;
- g) changes to the date of commencement of development specified in Section 6.3;
and
- h) changes to the date of completion of development specified in Section 6.4.

PART 6: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

6.1 Registration

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

6.2 Subsequent Owners

6.2.1 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.

6.2.2 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).

6.3 Commencement of Development

6.3.1 In the event that development on the Lands has not commenced within four years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law.

6.3.2 For the purpose of this section, commencement of development shall mean installation of the footings and foundation for the proposed building.

6.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 5.2, 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.

6.4 Completion of Development

Upon the completion of the whole development or complete phases of the development, Council may review this Agreement, in whole or in part, and may:

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

6.5 Discharge of Agreement

If the Developer fails to complete the development after six years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office Council may review this Agreement, in whole or in part, and may:

- (a) retain the Agreement in its present form;
- (b) negotiate a new Agreement; or
- (c) discharge this Agreement.

PART 7: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

7.1 Enforcement

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

7.2 Failure to Comply

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

- (a) The Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defense based upon the allegation that damages would be an adequate remedy;
- (b) The Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the Agreement, whereupon all reasonable expenses whether arising out of the entry onto the Lands or from the performance of the covenants or remedial action, shall be a first lien on the Lands and be shown on any tax certificate issued under the *Assessment Act*;
- (c) The Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; or

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

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

SIGNED, SEALED AND DELIVERED
in the presence of:

=====

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

**[Insert Name of Corporation/Business
LTD.]**

Per: _____

Per: _____

=====

**HALIFAX REGIONAL
MUNICIPALITY**

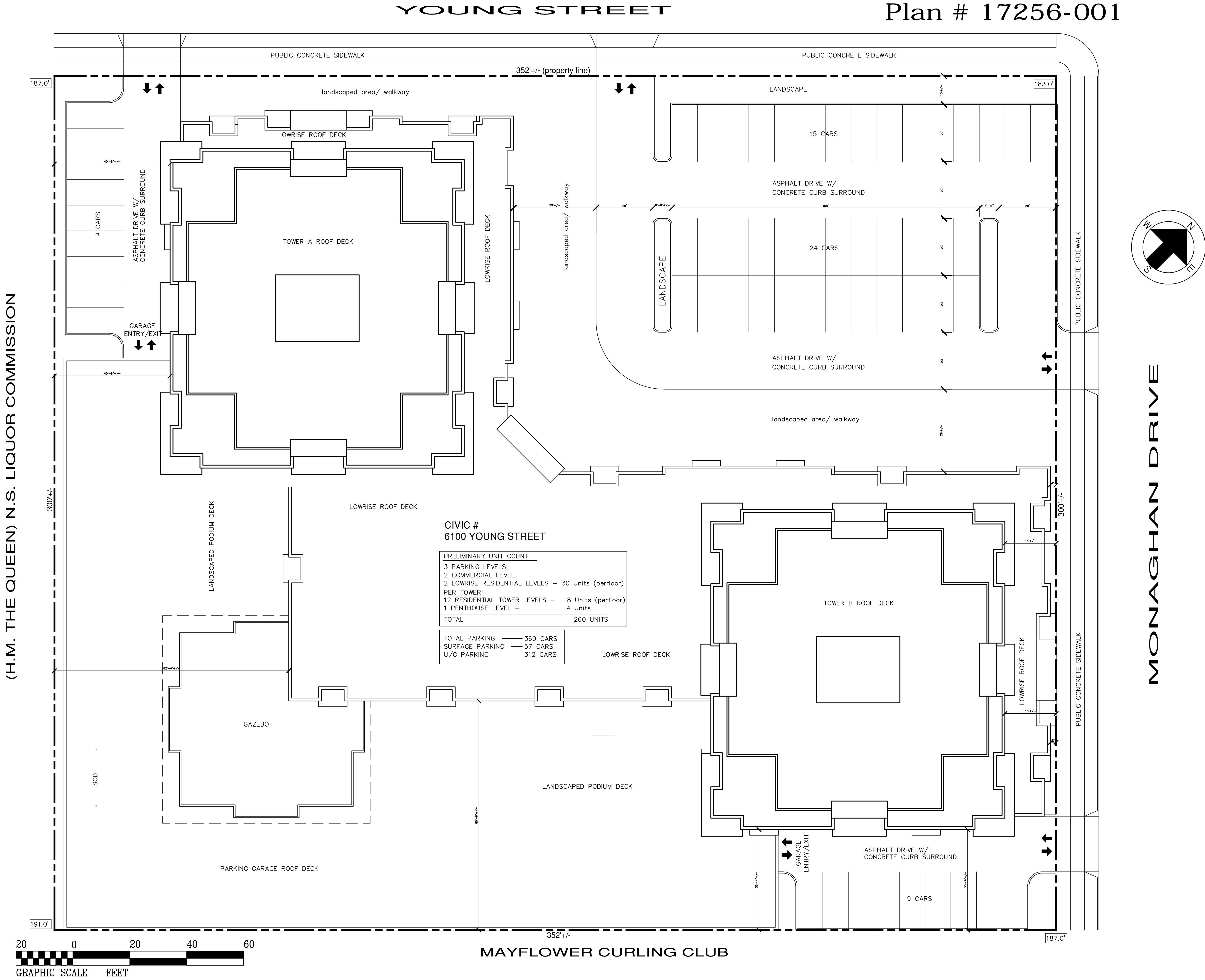
Per: _____

Mayor

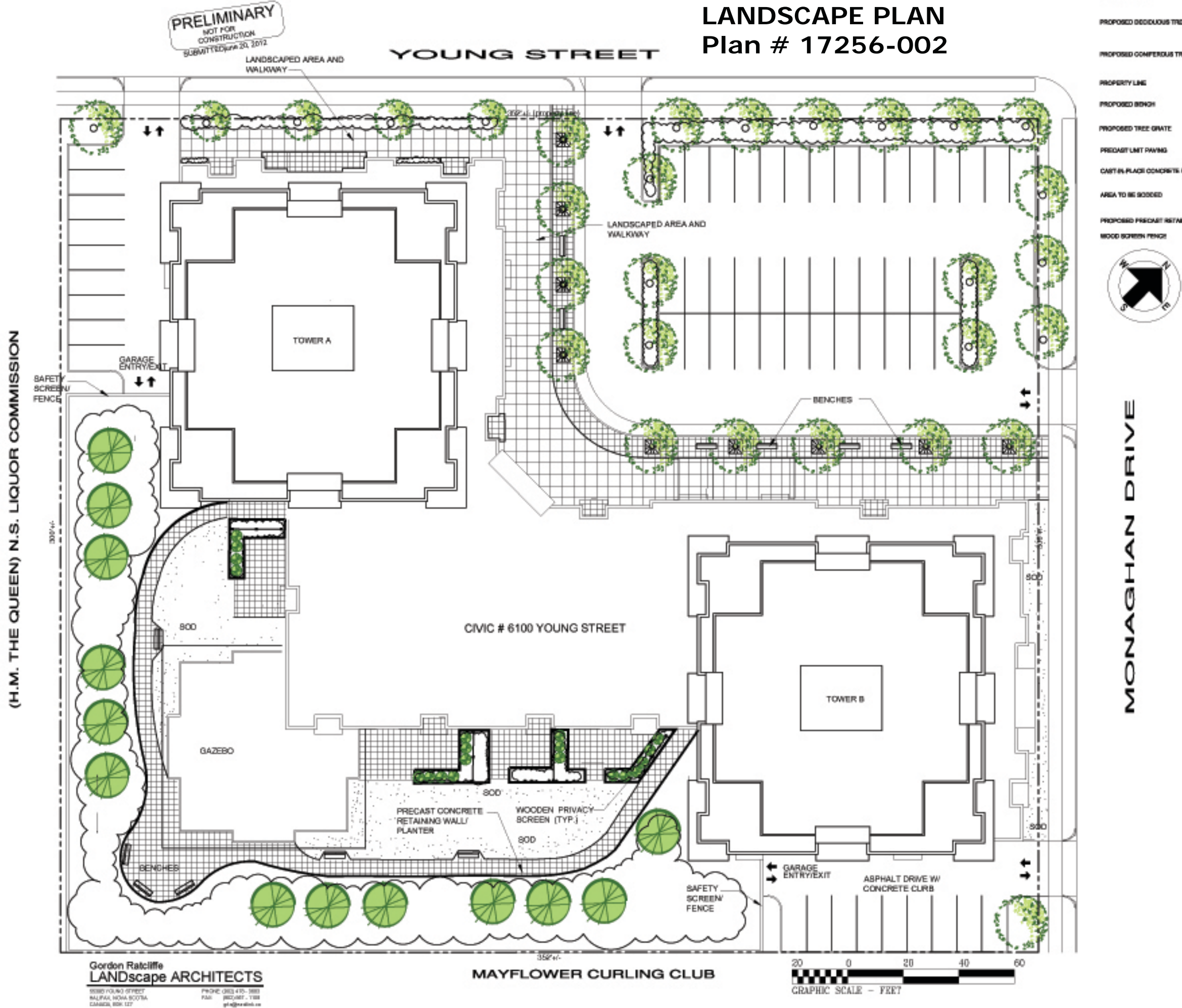
Per: _____

Municipal Clerk

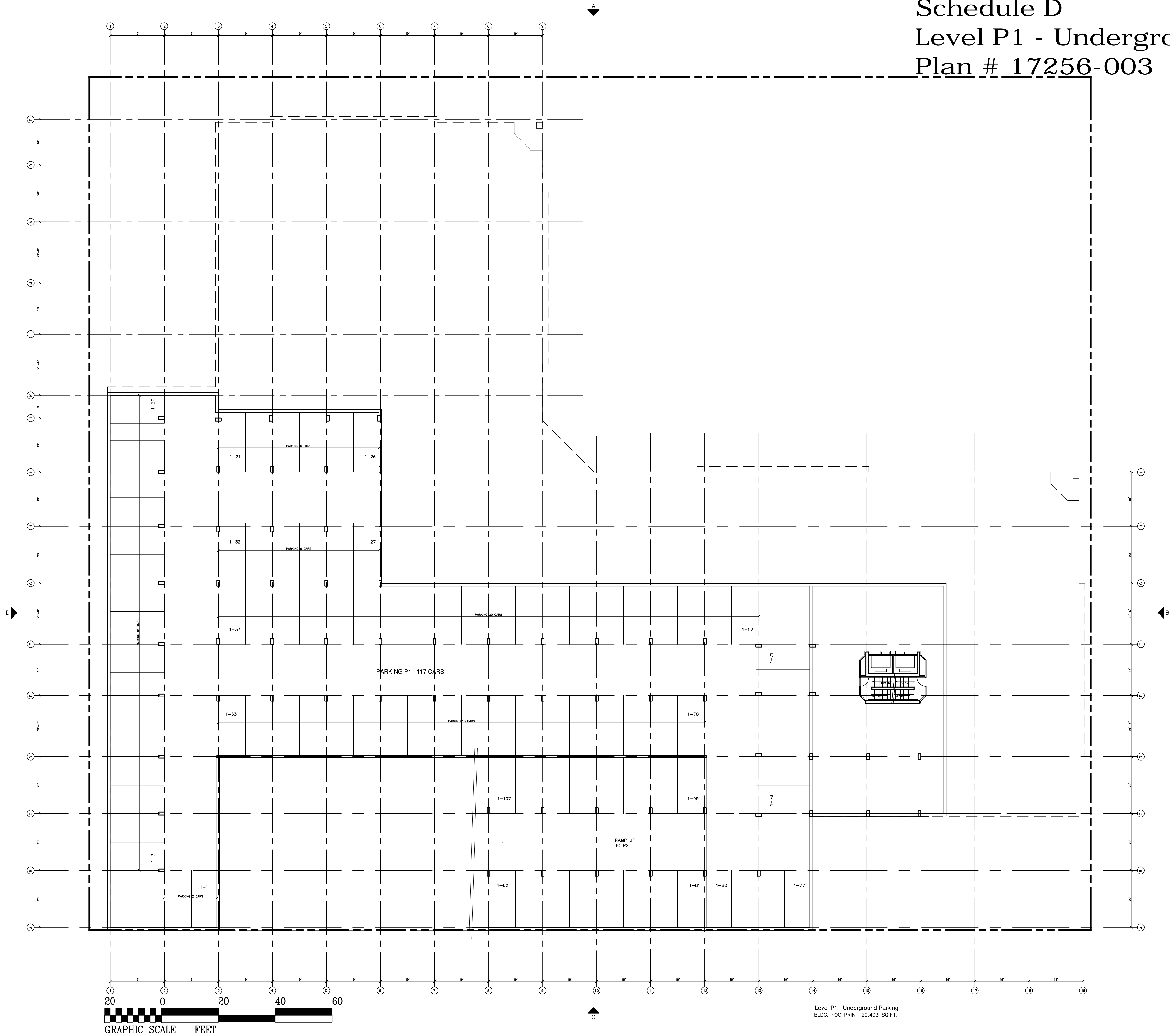
Schedule B Site Plan
Plan # 17256-001



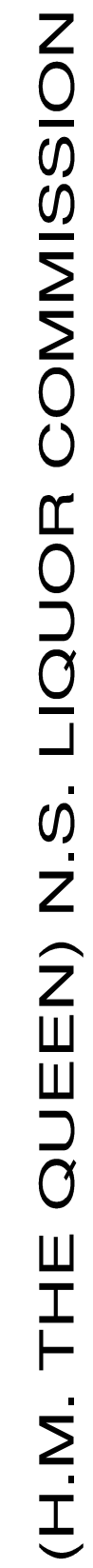
Schedule C
LANDSCAPE PLAN
Plan # 17256-002



Schedule D
Level P1 - Underground Parking
Plan # 17256-003

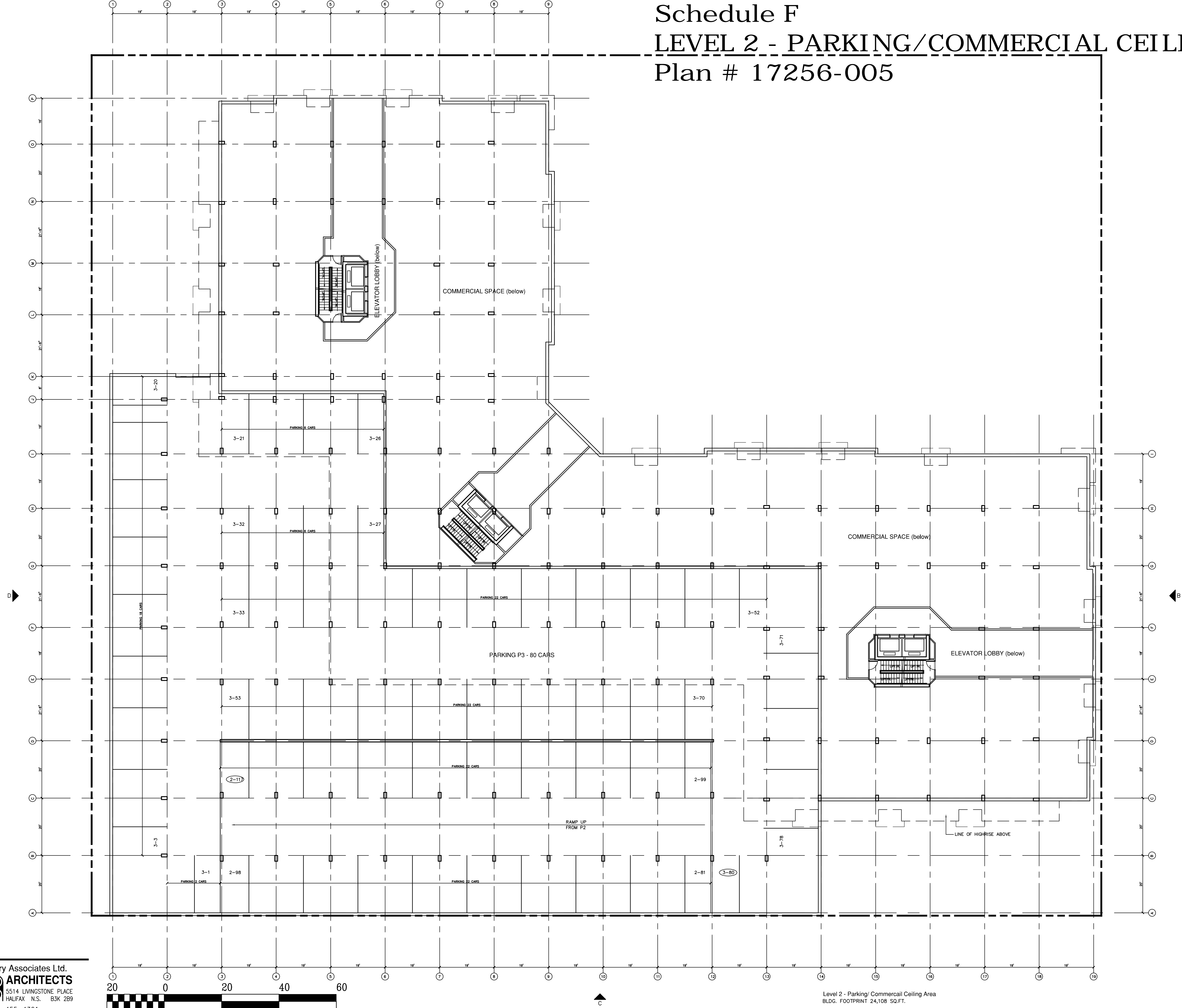


YOUNG STREET

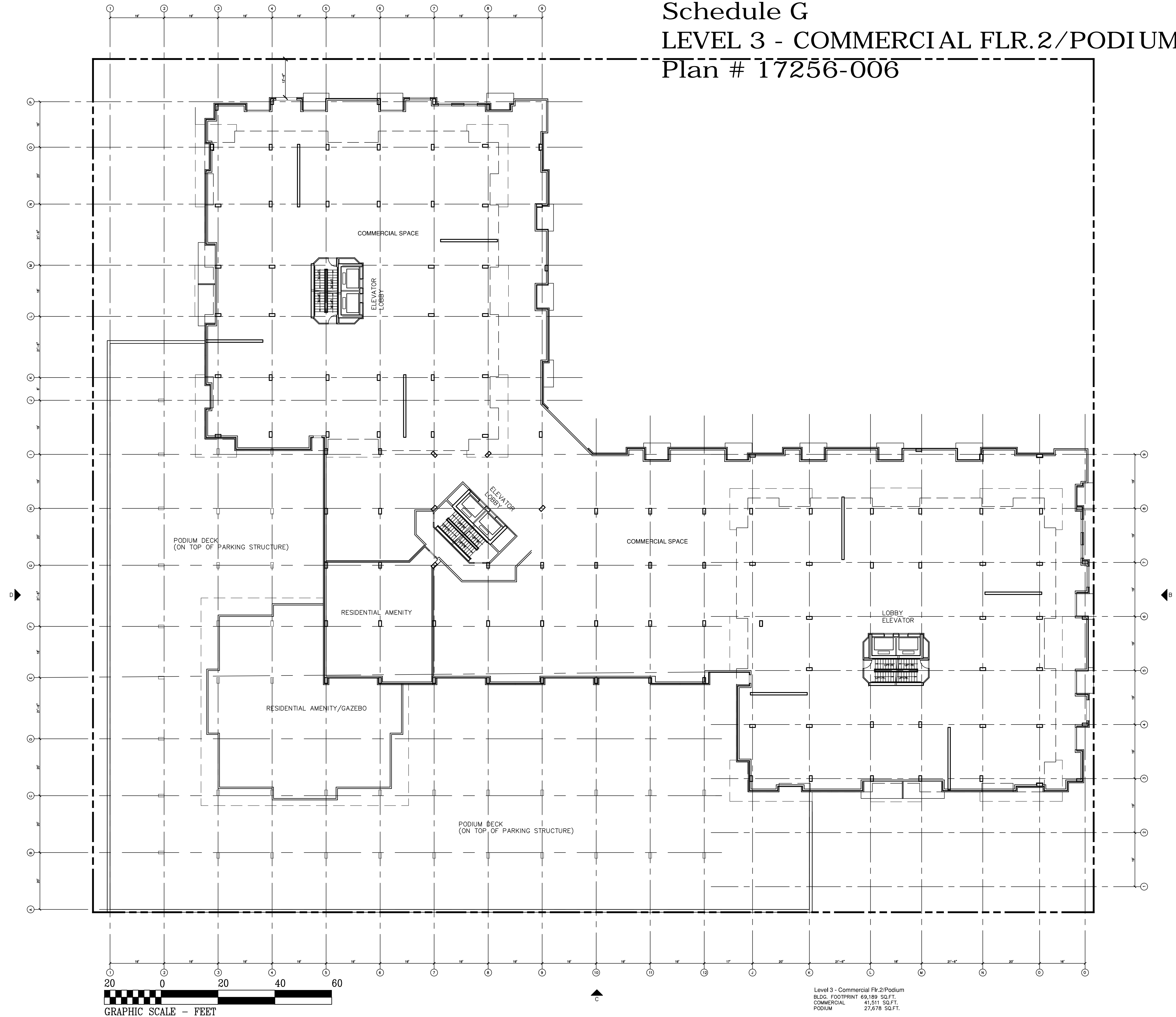


MONAGHAN DRIVE

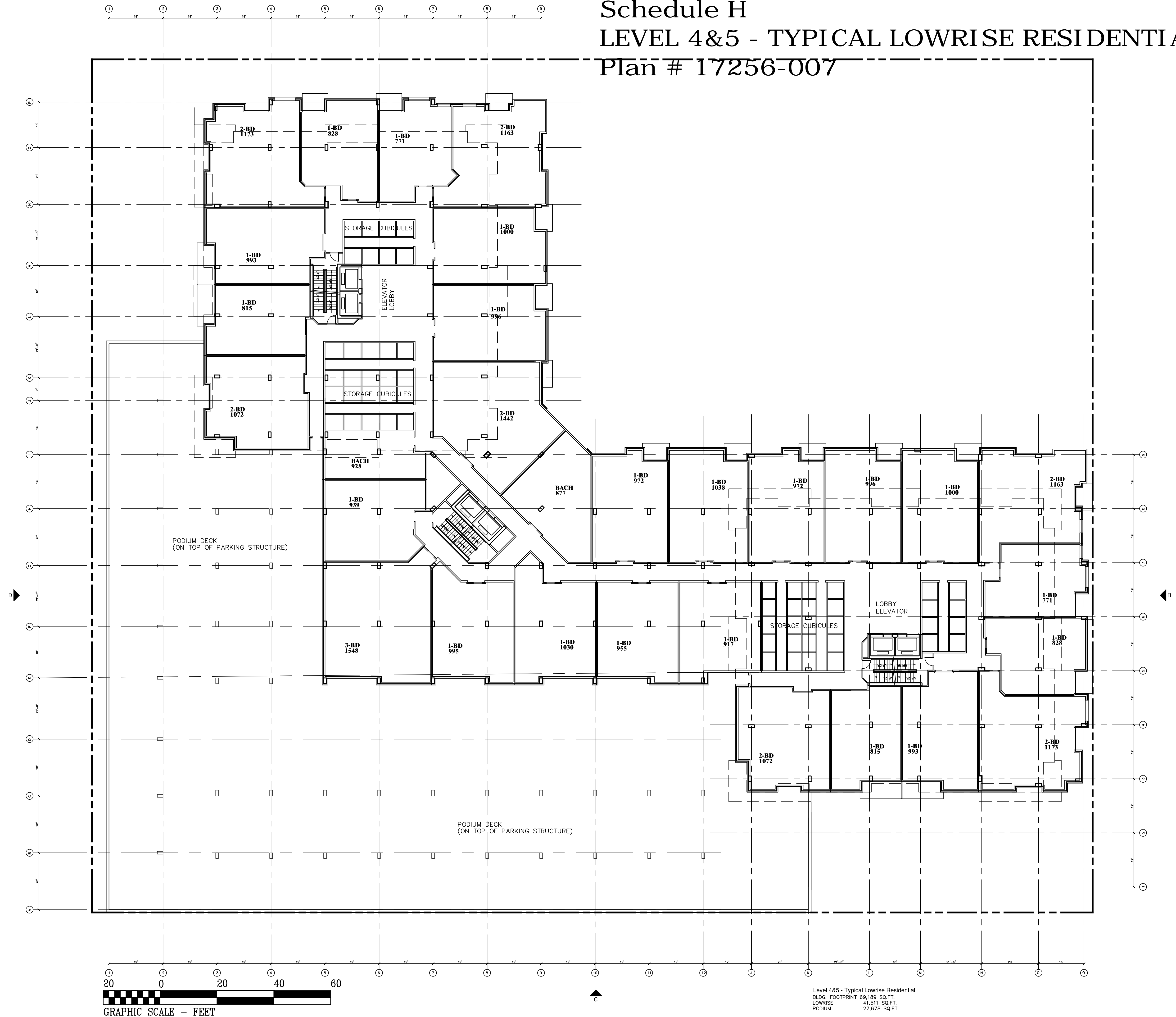
Schedule F
LEVEL 2 - PARKING/COMMERCIAL CEILING AREA
Plan # 17256-005



Schedule G
LEVEL 3 - COMMERCIAL FLR.2/PODIUM
Plan # 17256-006



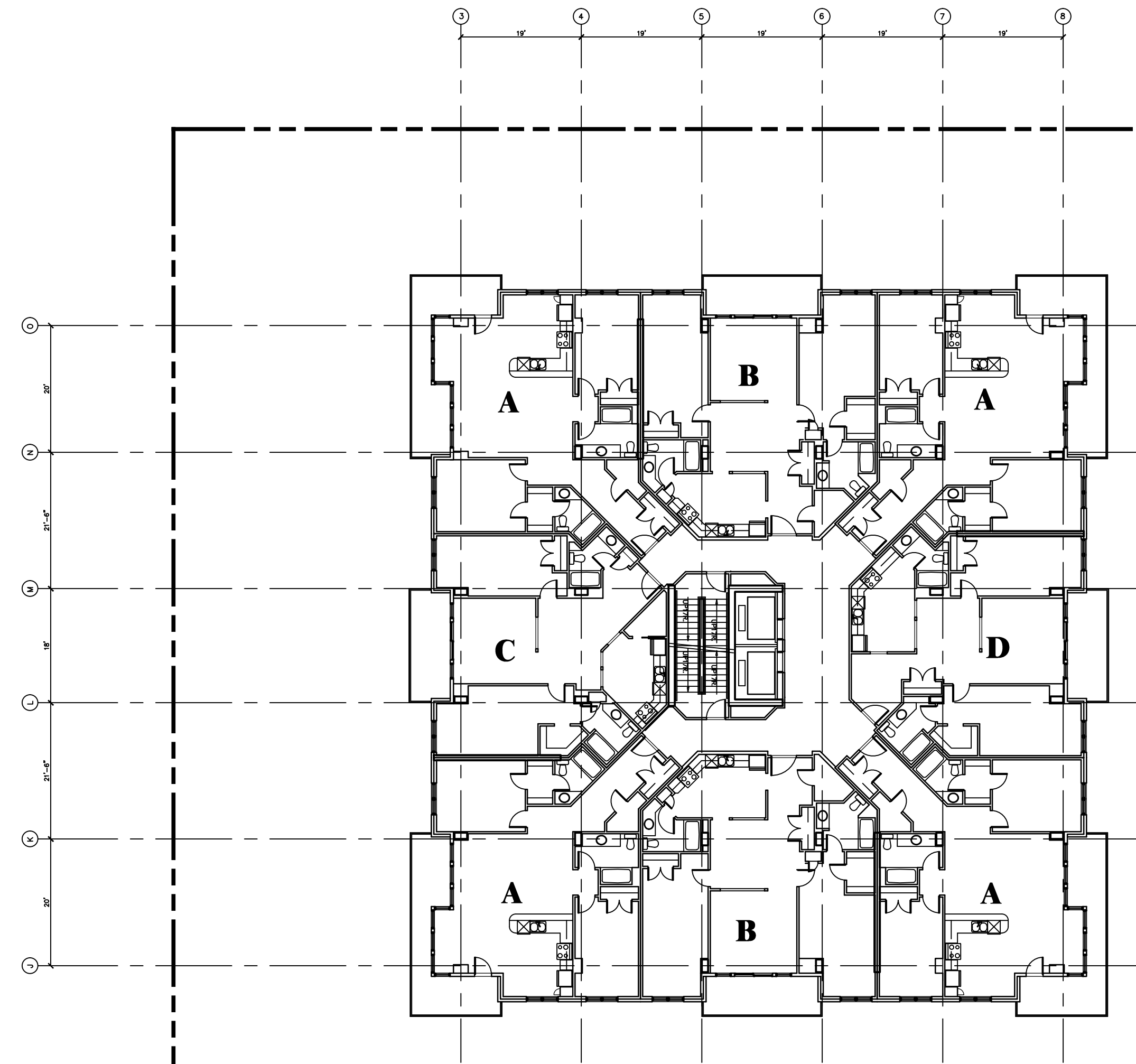
Schedule H
LEVEL 4&5 - TYPICAL LOWRISE RESIDENTIAL
Plan # 17256-007



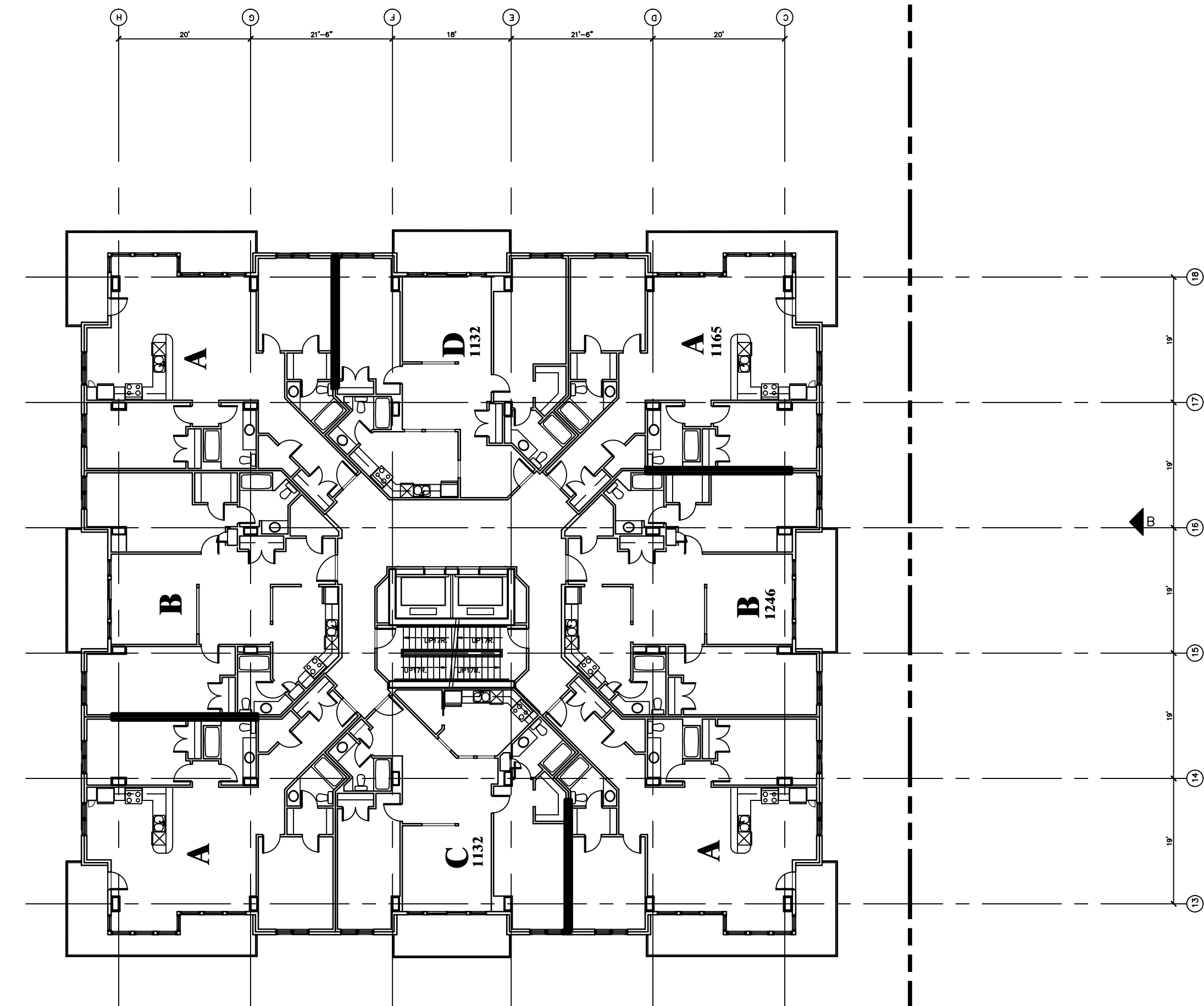
Schedule I

Typical Tower Floor Plans

Plan # 17256-008

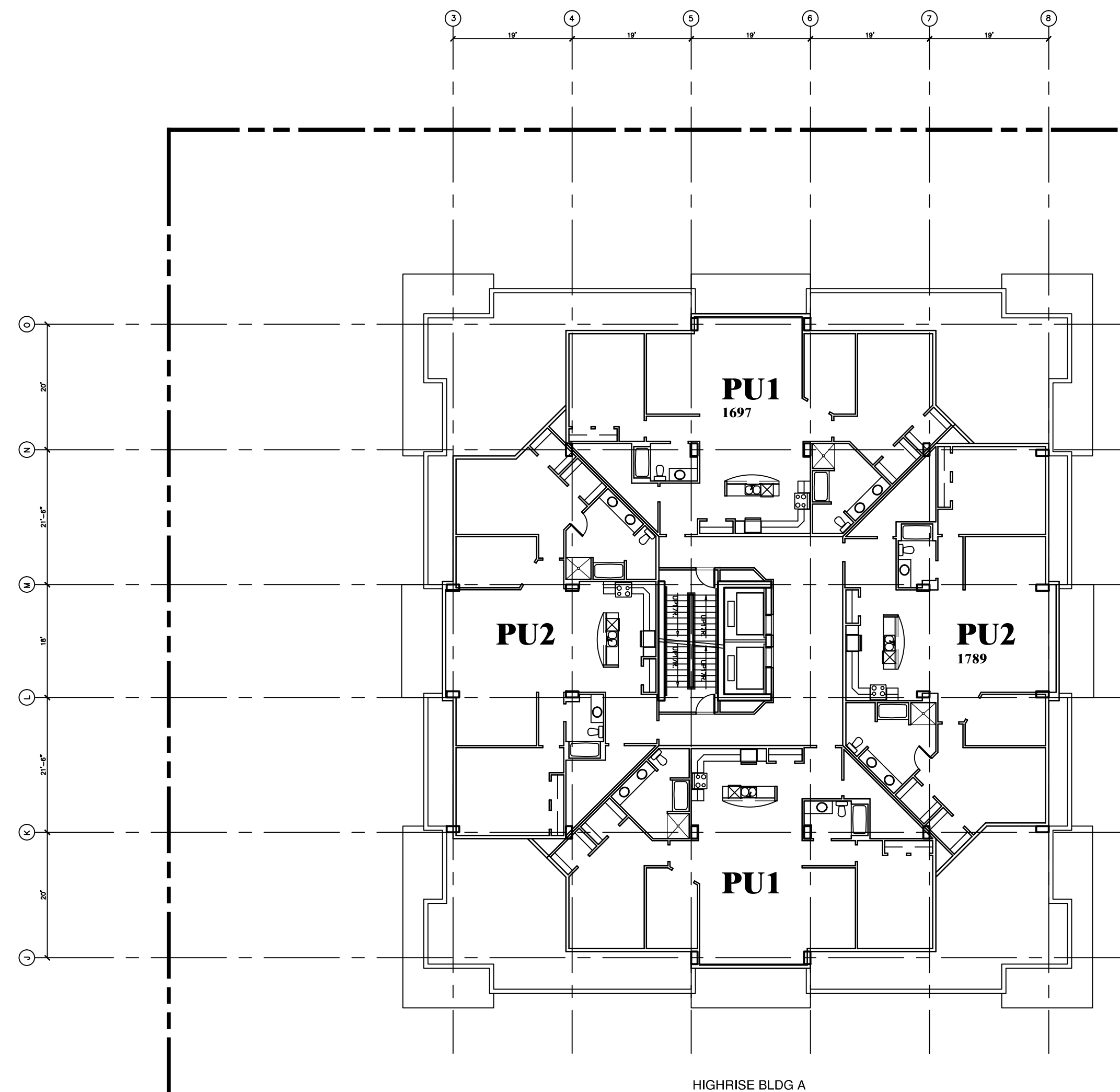


HIGHRISE BLDG A

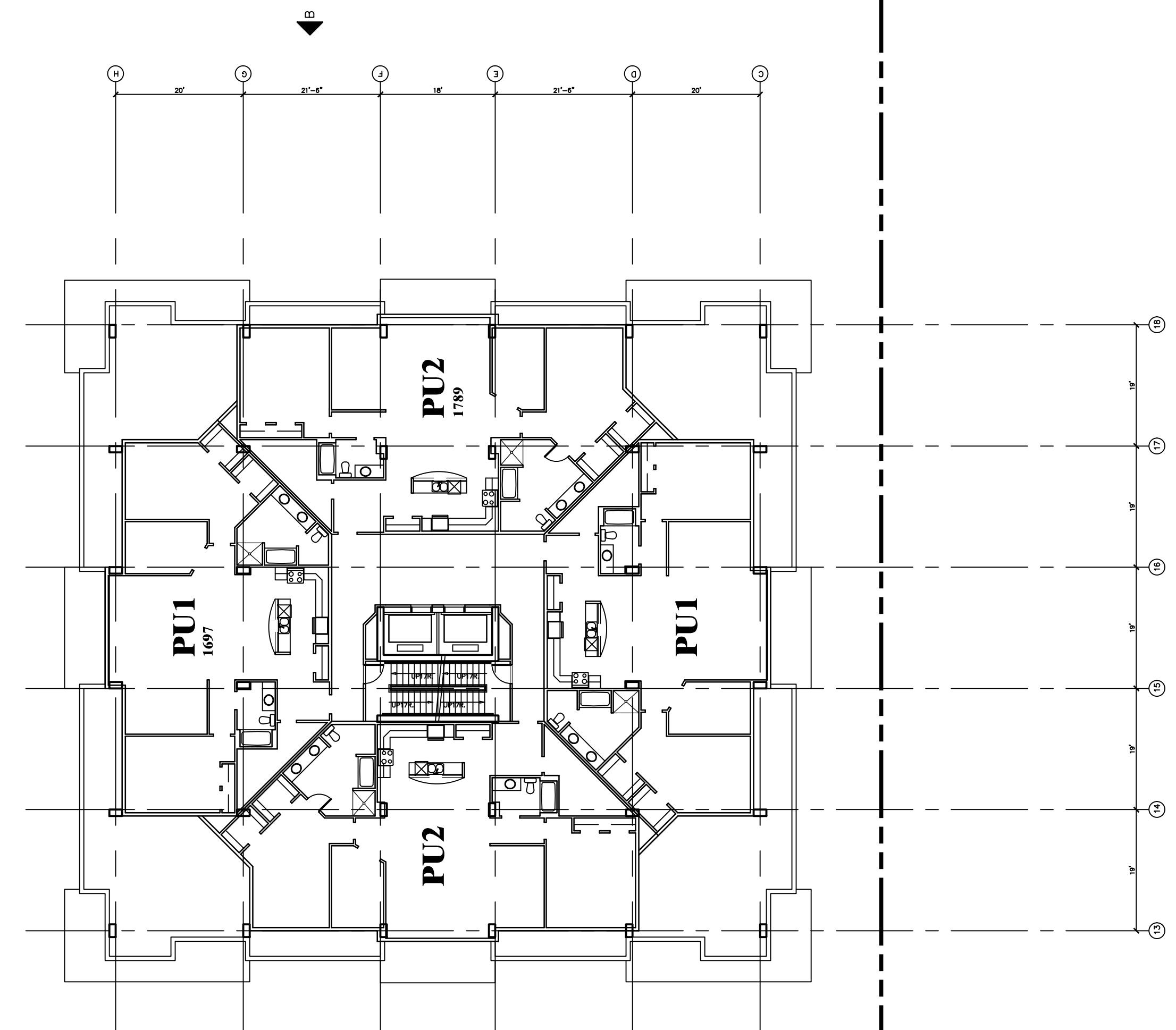


HIGHRISE BLDG B

Schedule J
~~Residential-Lever Penthouse~~
Plan # 17256-009

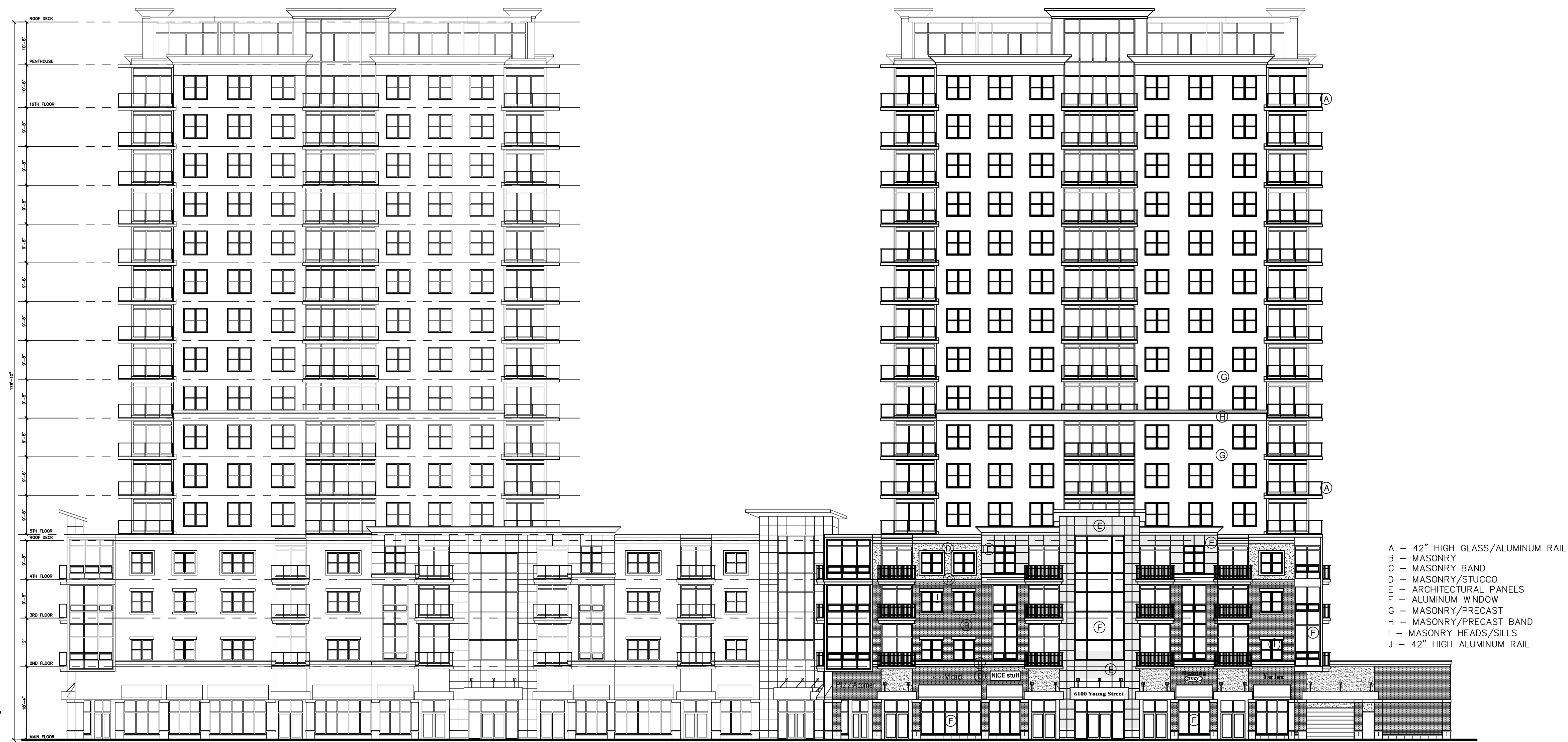


HIGHRISE BLDG A



HIGHRISE BLDG B

Schedule K
North Elevation (Young St.)
Plan # 17256-010



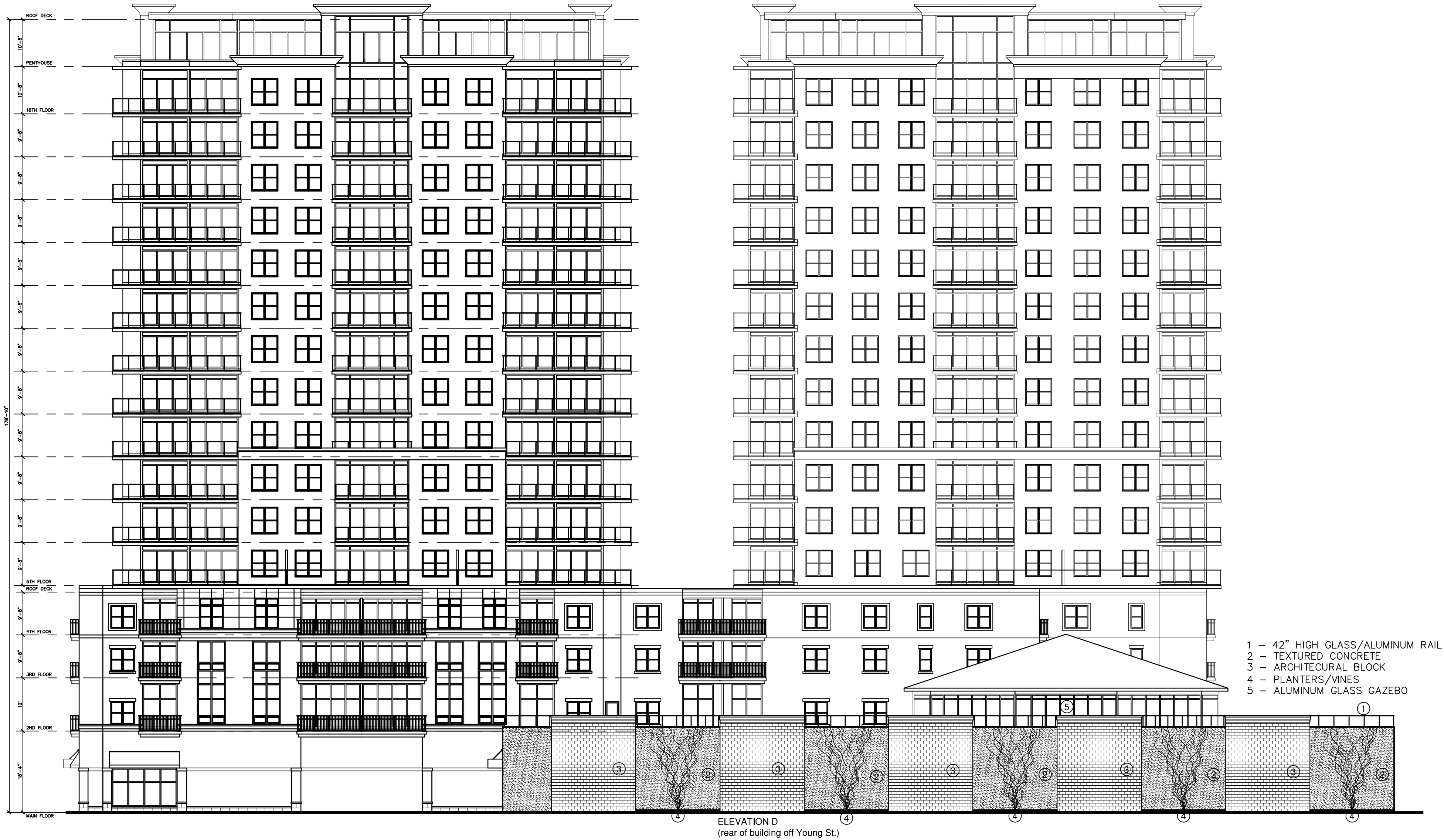
Paul Skerry Associates Ltd.
ARCHITECTS
5514 LIVINGSTONE PLACE
HALIFAX N.S. B3K 2B9
PHONE: 902-455-4361
FAX: 902-455-7778
EMAIL: pskerry@pskerry.ca

ELEVATION A
(Young Street)

Plan # 17256-011

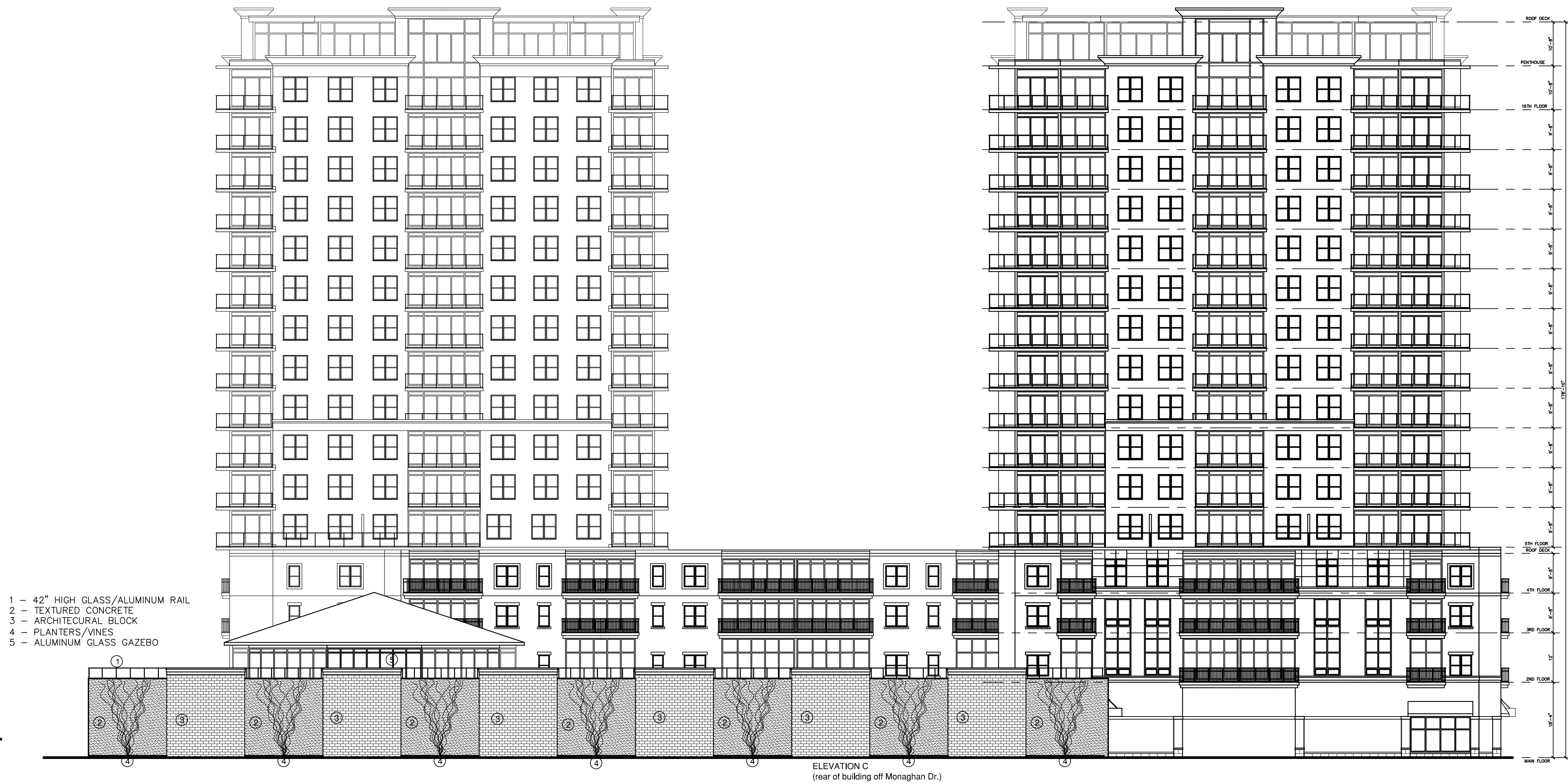


Schedule M
South Elevation
Plan # 17256-012



Paul Skerry Associates Ltd.
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HALIFAX N.S. B3K 2B9
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EMAIL: pskerry@pskerry.ca

Schedule N
West Elevation
Plan # 17256-013



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FAX: 902-455-7778
EMAIL: pskerry@pskerry.ca

Schedule O
Elevation Detail
Plan # 17256-014

- A – 42” HIGH GLASS/ALUMINUM RAIL
- B – MASONRY
- C – MASONRY BAND
- D – MASONRY/STUCCO
- E – ARCHITECTURAL PANELS
- F – ALUMINUM WINDOW
- G – MASONRY/PRECAST
- H – MASONRY/PRECAST BAND
- I – MASONRY HEADS/SILLS
- J – 42” HIGH ALUMINUM RAIL



Schedule P
Elevation Detail
Plan # 17256-015



- A - 42" HIGH GLASS/ALUMINUM RAIL
- B - MASONRY
- C - MASONRY BAND
- D - MASONRY/STUCCO
- E - ARCHITECTURAL PANELS
- F - ALUMINUM WINDOW
- G - MASONRY/PRECAST
- H - MASONRY/PRECAST BAND
- I - MASONRY HEADS/SILLS
- J - 42" HIGH ALUMINUM RAIL

Case 17256 Attachment C
Review of Relevant Sections of the Halifax Municipal Planning Strategy

Halifax MPS – Section XI (Peninsula North Secondary Planning Strategy) <u>Commercial Facilities – Policies 2.3.1, 2.3.2 & 2.3.3</u>	
<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>	
<i>Policy Criteria:</i>	<i>Staff Comment:</i>
<p><i>2.3 In areas designated major commercial, uses consistent with Section II, Policy 3.1.3 shall be permitted.</i></p> <p><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 serve and be utilized by residential and commercial tenants and the public and the majority of it will be underground parking.</p>
<p><i>2.3.1 In order to promote investment in commercial and residential redevelopment and to prevent conflict between new and existing uses the city may, through the land use by-law, identify areas that provide an opportunity for and will benefit from comprehensive site planning.;</i></p>	<p>The site is appropriate for and will benefit from comprehensive site planning due to its size and its location within a major commercial area - with street frontage on both Young Street and Monaghan Drive. "Schedule Q" is currently applied to a large area of Peninsula North which is designated Major Commercial, including the Mayflower Curling Club which abuts the subject property (Map 3). Therefore, the proposal represents a small expansion of the "Schedule Q" area. The development agreement process can help alleviate and minimize potential land use conflicts.</p>

<p><i>2.3.2 In those areas identified in the land use by-law pursuant to Policy 2.3.1 all residential and mixed residential-commercial development over four units shall be by agreement.</i></p>	<p>The proposal is for a mixed residential-commercial development. The proposed agreement is included as Attachment B.</p>
<p><i>2.3.3 In considering agreements pursuant to Policy 2.3.2, Council shall consider the following:</i> <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>There will be no residential uses on the ground floor of the building and the residential towers are set back from streets and side/ rear lot lines, thereby providing separation between differing land uses. Noise mitigation will be enhanced through the use of non-combustible construction materials.</p>
<p><i>(ii) the appropriate integration of the development into the traditional grid street system of the Peninsula;</i></p>	<p>The site abuts both Young Street and Monaghan Drive. 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>Young Street is identified in the MPS as a principal street. Vehicles will utilize Young Street, which minimizes infiltration through neighbourhoods. Additionally, an existing driveway off Monaghan Drive which is currently located too close to the intersection will be relocated further from the intersection as part of the proposal. A traffic impact study, prepared by the developer's consultant, was reviewed by HRM and deemed acceptable. Refer to staff report for more information.</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 areas;</i></p>	<p>The proposed agreement requires adherence to detailed landscaping requirements and the submission of a detailed landscape plan prepared by a landscape architect. Signs are limited to awnings, fascia and projecting signs which are not illuminated or illuminated from the front only. Canopies will be used over building entrances for aesthetic and wind reduction purposes. There will be no on-street vehicle lay-bys. Instead, internal drop-off and loading areas will be utilized.</p>
<p><i>(v) the provision of high quality open space and leisure areas of a size and type adequate for the resident population;</i></p>	<p>Open space and leisure areas will consist of public, ground level walkway/ patio areas in front of retail storefronts and private rooftop landscaped areas, indoor amenity space for building tenants and individual private balconies. These spaces/ areas will be adequate for the resident population. The specifications in the agreement ensure the use of high</p>

**HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE # 17256**

**7:00 p.m.
Wednesday, October 5, 2011
Bayers Road office, Halifax**

IN ATTENDANCE: Paul Sampson, Planner, HRM Planning Services
Holly Kent, Planning Technician, HRM Planning Services
Sharlene Seaman, Planning Controller, HRM Planning Services
Councillor Jennifer Watts
Councillor Jerry Blumenthal
Applicant, Robert Margeson
Architect, Paul Skerry

**PUBLIC IN
ATTENDANCE:** Approximately 13

The meeting commenced at approximately 7:00 p.m.

1. Opening remarks/Introductions/Purpose of meeting - Paul Sampson

Paul Sampson opened the meeting by introducing himself as a planner for the Western Region with Halifax Regional Municipality (HRM). He introduced HRM staff, the Councillors present and the applicant. He welcomed everyone and thanked them for coming.

He stated that the reason for the meeting was to receive information from the public and provide the public with the process involved. He noted that the application is for 6100 Young Street. The proposal is from the applicant to the HRM Council. The properties that are abutting to the site are the Province offices (former Liquor Commission site) and the Mayflower curling club.

2. Overview of planning process/Presentation of Proposal - Paul Sampson

He noted that the Municipal Planning Strategy for Halifax labels the property as a major Commercial area. Young Street is referred to as a principle Street. It is zoned as C-2, which is the general business zone. There is no height precinct/limit on the property so for commercial uses and some residential uses, the current regulations are pretty relaxed. The regulations would allow for a large project to be built on the site, through construction permits. In terms of a commercial use in this zone, it allows for very high buildings. There is a set height limit with step backs before the building can go higher. He noted that the building can go 80 feet high in the commercial zone, from the property line but can go higher, beyond that limit, if it steps in. This can happen through the permit process.

Mr. Sampson stated that the process includes a Land Use By-law amendment and a Development Agreement. The development agreement sets out the rules for the development, such as, materials used, landscaping, parking, etc. The approval is through the Peninsula Community Council, not Regional Council. The purpose of the process is to allow for reinvestment in the area, primarily residential reinvestment. It is also geared to prevent conflict between the commercial and industrial types of uses in the area as well as new residential tenants moving in. This would allow more residential density than what would normally be permitted as of right, for the developer. It allows HRM to have some input into the design process, landscaping, site design, etc.

He stated that under the policy, Council can consider the building design, the massing, the exterior materials, signage, entrances and things such as that. The open space will be private but will have a public component at ground level. The more private component of the landscaping would be rooftop landscaped area that can only be accessed by the tenants of the building.

He noted that after the public information meeting, there will be a detailed review by HRM staff. There will be a staff report prepared that will go to Peninsula Community Council. Council will decide whether or not to hold a public hearing. If they hold a hearing, they will decide at that time, if the application is rejected and approved. The decision can be appealed to the Nova Scotia Utility and Review Board.

Mr. Sampson passed the floor to Paul Skerry, the architect for the project.

3. Presentation of Proposal - Paul Skerry

Paul Skerry introduced himself as the architect for the project and introduced the applicants. He went over some of the architectural features of the project and described it from an architect's point of view.

He noted that there is a lot of parking in the neighborhood. He feels that this area has been a highway/commercial development area, with parking out front and the stores behind. He feels that this is ugly. The site gives opportunity to change the pattern of a suburban strip mall by redeveloping the site and introduce a residential component. This ups the quality of the commercial use and gets rid of the surface parking as it will be hidden in the structure. The proposal consists of an L shape development, with a little bit of surface parking in the front and also has ground level commercial development that has an apron located in front of it so it is large enough so the commercial uses can extend to the outside in favorable weather conditions. This is to provide more activity and interest at ground level. Parking is limited to around forty cars. This would be for short duration parking. The rest of the parking is hidden behind the façade of the building. There are 3 low rise residential units located at the top of the commercial. These levels will have 8 units per floor, have a minimum profile.

He stated that in the planning of the structure, there is commercial and residential. There is a possibility of having a second commercial level, if the market allows for it. The low rise residential unit faces the street and into the landscaped court, located on top of the parking structure. They are integrated with the high rise structures behind. There are three levels of

parking and if needed, they will excavate another level of parking underground.

He stated that the roof of the parking structure is called a green roof as it will be landscaped and will be used as amenity space for the users of the property.

He noted that there is about 28,000 square feet of commercial and about 300 units envisioned for the project. They would be split 1/3 and 2/3 between low rise and higher units. The apartments are all two bedroom at this stage of the design. They are incorporating corner balconies which reduce the visual mass of the building. The top of the building would be capped off with a penthouse structure which would be used to give an architectural cap to the building. It would be stepped back and may have more glazing.

Mr. Skerry stated that the low rise structure would employ a number of different local material such as clay brick, masonry bands, clear glazing, metal panels, projecting canopy's and up and down roofs to give it an architectural interest at eye level. The buildings are also set back at twenty feet. The towers would be either a masonry precast concrete skin, with glazed balconies. All of the units will have access to exterior balconies, to the landscape area to the back and also to the street level. The three major entrances will be off of Monahan Street, Young Street and a small side street. All services for the building will take place off Monahan and Young Streets. They will have separate vehicle entrances. He asked if there were any questions.

Mr. Sampson went over the ground rules and guideline and opened the floor for questions and comments.

4. Questions/Comments

Jessica Metter, Halifax, noted that she is a resident in a building that was built by Mr. Skerry. She is relieved to see the landscaped portion as she did not see it until the meeting. She asked to see the landscape plan as she wondered how the businesses could open up toward the street.

Mr. Skerry stated that the twenty foot wide sidewalk is designed to receive the business when they choose to do so. In the earlier submission to HRM, there was more parking. After talking with the city planners, they agreed to limit the parking and increase pedestrian activity at ground level. These things can happen because of the extended apron. They envision that the people moving up and down Young Street can go to this area and relax, away from the traffic.

Ms. Metter asked if it would be landscaped with trees.

Mr. Skerry stated that it would.

Ms. Metter stated that her major concern is that it is a commercial area. She asked how you turn this area into a neighborhood. She lives in the area. She feels that to become a neighborhood it has to invite people to walk along, linger and to congregate. She is concerned about parking as the store are set back from the street.

Mr. Skerry stated that in the design, some parking areas have been excluded as they have a secondary street type of approach. He reminded everyone that this is a very early stage of development.

Ms. Metter is concerned about the height as she feels that Gladstone is an eyesore and cuts into the skyline.

Mr. Skerry stated that he feels that height is always an issue with maritimers.

Ms. Metter stated that just because it can be built very high doesn't mean that it is wise to do it. She feels that it looks ugly. She is not oppose to density but would like more direction from the City stating that this is an area that they would like to see more density. She feels that there is not enough green space in the City currently. She feels that human beings are less stressed in city environments when they have greenery to look at. She feels that the project should be scaled back.

Mr. Skerry stated that as an architect, he always struggles with height and mass. They talk to planners and tend to agree on a number of issues; one struggle being that they do need a higher building to create a higher density. They have come to the conclusion that this can happen as long as it doesn't happen right from street level and go straight up. When you develop a staggered step back system, it is a successful technique as it provides density without limiting the view of the sky, etc. Secondly, the physical size of the building is very important. The footprint tends to be more important than the height. He gave examples of his other projects.

Paul Sampson stated that there is a plan underway for the area in question. Currently the Municipal Planning Strategy gives direction. It has been recognized. Council will continue to give direction with things such as landscaping and the scale of the building.

Ms. Metter stated that she is worried about the skyline as the project might interfere. She referred to Gladstone.

Mr. Skerry stated that this part of the city needs redevelopment and the project is unique. He referred to projects in Vienna and Vancouver.

Ms. Metter stated that she is was involved with neighborhood zoning and planning in Vancouver. The tall buildings were done in conjunction with an area plan. This is the point she was trying to make. She asked if they were considering geothermal as it would be a great thing.

Mr. Skerry stated that it would be built with modern wall systems and would be highly efficient.

Blair Beed, Halifax, noted some of projects that he has been against. He faces a five story building across from his home. He doesn't know anyone in the building that interacts with people on street level. He moved there after the building was already built. He feels that this area is a wasteland, with no two story houses or heritage houses. It is great to see something that brings residential. He noted but is not fighting the environmental issues. He doesn't see any public art component and noted that it isn't required. He asked if any consideration has been given to public art.

Mr. Skerry stated that it had not been considered but is a great idea.

Mr. Beed requested that they use materials and styles from some older buildings that were destroyed in the Halifax explosion. Such as granite as it is a wonderful bench item and is a local

material. Precast concrete looks like a drab monstrosity of dripping stuff, in the rain. He has always felt that the area is underutilized land and believes that the development may start a neighborhood. He likes the plan.

Mr. Skerry stated that he agreed with both comments and wished there were a granite quarry in Nova Scotia but unfortunately it would have to be shipped in.

Kirk MacCulloch, Halifax, stated that he likes the project but would like care taken into the details and the materials. He is hopeful that the project will look great.

Mr. Skerry stated that the material can be looked into as they are at an early stage in the drawings.

Paul Sampson stated that the development agreement allows for specification in what materials can and cannot be used.

Bruce Bangild, Halifax, asked if there would be a fence between the “liquor commission” building and the project site.

Mr. Skerry stated that it was placed there as a driveway only and there were currently no thoughts of putting a fence there.

5. Closing comments

Mr. Sampson provided his contact information and thanked everyone for coming.

6. Adjournment

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

	quality materials and landscape design.
<i>(vi) residential and commercial densities consistent with municipal services;</i>	A sewer capacity analysis, prepared by the developer's consultant, was reviewed by Halifax Water and deemed acceptable.
<i>(vii) encouraging high quality exterior construction materials such as masonry; and</i>	Proposed exterior materials include various forms of masonry including brick and pre-cast concrete panels and trim, as well as stucco, glass, architectural panels and metal rails.
<i>(viii) other relevant land use considerations which are based on the policy guidance of this Section.</i>	None identified.
<u>Section II - City-Wide Objectives and Policies</u>	
<u>8. Environment:</u> <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>	
<i>Policy Criteria:</i>	<i>Staff Comment:</i>
<i>8.6 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>	As there are no public open spaces immediately abutting the site, a shadow analysis was not necessary. A preliminary wind assessment was carried out by the developer's wind consultant. The study recommends, and the proposed agreement requires, that wind tunnel testing (quantitative analysis) be undertaken in order to determine possible mitigation measures. Refer to staff report for more information.