

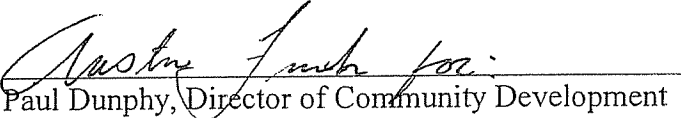
10.1.1



PO Box 1749
Halifax, Nova Scotia
B3J3A5 Canada

Peninsula Community Council
May 11, 2009

TO: Chair and Members of the Peninsula Community Council

SUBMITTED BY: 
Paul Dunphy, Director of Community Development

DATE: April 16, 2009

SUBJECT: Case 01228 - Development Agreement - 6955 Bayers Road, Halifax

ORIGIN

Application by 3106631 Nova Scotia Limited, for a development agreement to permit a 9 storey residential multiple unit building with 124 units at 6955 Bayers Road, Halifax.

RECOMMENDATION

It is recommended that Peninsula Community Council:

1. Move Notice of Motion to consider approval of the proposed Development Agreement contained in Attachment A to allow for a 124 unit apartment building, and schedule a public hearing;
2. Approve the proposed Development Agreement for 6955 Bayers Road, Halifax, presented as Attachment A of this report; and
3. Require the proposed Development Agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, 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

Location, Designation and Zoning: The subject property, which is located on the north side of Bayers Road was part of the former St. Andrews School site previously owned by Halifax Regional Municipality. The site, abutting the St. Andrews Community Centre and Alta Gymnastics, is 2.22 acres in area and is now vacant. The lands adjoin an HRM owned cemetery which is the Memorial Grave Site for Unidentified Victims of the Halifax Explosion, and separate, private family plots.

The property is located within the Park and Institutional (P) Zone (Refer to Map 1). The lands are designated Residential Environments on the Generalized Future Land Use Map of the Halifax Municipal Planning Strategy (MPS). The property falls within an Urban District Centre designation under the Regional Plan.

History of the Property:

- in the late 1990's Council approved amendments to the Halifax MPS and Peninsula Land Use By-law (LUB) and an associated Development Agreement (DA) to permit a combined senior citizen housing and cultural centre complex for the Italian Canadian Cultural Association (ICCA) of the Halifax and Dartmouth Area;
- this project never proceeded and the property was transferred to the current Developer;
- on August 12, 2008, Regional Council approved amendments to the Halifax MPS and Peninsula LUB to permit multiple unit residential buildings on the property by development agreement (Case 00930);
- the Developer had proposed a 16 storey, 121 unit residential building which Council refused in November, 2008; this decision was appealed by the Developer to the Utility and Review Board (URB);
- the current application was submitted at the end of 2008;
- the Developer consulted with members of the community for assistance in determining what building form would be more acceptable than the previous proposal and more suitable for the site and context;
- the Developer withdrew his appeal of the previous application to the URB in March, 2009.

Synopsis of the Proposed Development: The current proposal is for a 124 unit residential apartment building with underground parking. It is 9 storeys in height at the rear of the property and steps down to 6 storeys abutting Bayers Road. Other details of the project are as follows:

- the proposed building meets the R-3 (Multiple Dwelling) Zone standards;
- the Developer is dedicating a 0.35 acre developed park area to HRM;
- the Developer is providing site improvements including decorative fencing and tree placement for the Memorial Grave Site for Unidentified Victims of the Halifax Explosion;
- improvements will be made to the existing driveway including new curbs and sidewalks; and
- an improved entry at Bayers Road will allow only right turns into and out of the site.

DISCUSSION

The MPS contains policies (Attachment B) that enable a development agreement for this use. The current proposal is appropriate to those policies as the siting and design of the building takes into consideration the surrounding uses and allows for visual and physical linkages for pedestrians and vehicles to the site and abutting recreation facilities and the cemetery. In particular, the policies have been addressed as follows:

- the servicing capacity of the site has been determined to be adequate;
- the architectural design including building materials has been specified in the DA;
- the parking facilities meet and exceed the land use by-law requirements;
- enhancement of the existing cemetery and improved vehicular and pedestrian access to the Community Centre are components of the DA;
- public access to the existing cemetery and new parkland is being built;
- improvements to both vehicular and pedestrian access and egress are proposed;
- the DA includes the provision of new public open space;
- adequate site landscaping and buffering is required within the DA; and
- the scale, height and massing of the building are compatible with the community.

Some of the details of the Development Agreement include:

- sections dealing with the building architecture, landscaping, parking, circulation and access, services, maintenance, public parkland and archaeological monitoring;
- provisions for the Developer to facilitate site improvements which include:
 - the dedication and development of 0.35 acres of public parkland¹ which will function as a passive recreational area and provide access and parking for funeral processions to the HRM-owned cemetery which is the Memorial Grave Site for Unidentified Victims of the Halifax Explosion; and
 - the replacement of existing fencing and landscaping within the Memorial Grave Site with decorative metal fencing and appropriate trees.
- an emphasis has been placed on high quality materials and the exterior building materials are proposed to be aluminum/glass curtain wall, tinted precast concrete panels and concrete columns (see Schedules C, D, E and F of Attachment A);
- a detailed landscape plan prepared by a Landscape Architect is required at the building permit stage and minimum requirements have been identified;
- on-site monitoring by a Professional Archaeologist during any excavation adjacent the Memorial Grave Site is required; and
- improvements to the existing HRM owned access driveway from Bayers Road including new curb and gutter, sidewalk and asphalt surface.

The Regional Plan designates this area as a Urban District Centre which calls for a mix of high density residential, commercial, institutional and recreational uses. With commercial uses to the west

¹ The park dedication is not required under HRM by-laws; the Developer is donating the land at no cost to HRM.

and recreation and institutional uses bordering this site, a high density, residential use at this location meets the goals of the Regional Plan.

The current proposal for a 9 storey multiple unit dwelling was developed with community consultation and includes a developed park and improvements to an important regional memorial site. Staff suggest that approval of the proposed development agreement is the most appropriate action.

Public Consultation: A public information meeting was held on January 28, 2009, and the minutes are attached (Attachment C). The main concern raised at the meeting was related to traffic. An Addendum to the original Traffic Impact Statement (TIS) was completed for this project which stated that "site generated trips will not have any noticeable impact on Bayers Road traffic performance." Staff believe that the single building that is now being proposed is more integrated with the abutting Community Centre and Memorial site than was the previous 16 storey proposal. The area of notification to be used should a public hearing be held is shown on Map 1.

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, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating Reserves, as well as any relevant legislation.

ALTERNATIVES

1. Peninsula Community Council may choose to move a Notice of Motion to consider approval of the proposed development agreement appended as Attachment A to permit a 124 unit apartment building, and schedule a public hearing.
2. Peninsula Community Council may choose to refer the Case back to Staff with specific changes to modify the development agreement to permit a residential building with different standards to address concerns.
3. Peninsula Community Council may choose to refuse the proposed development agreement. Reasons must be provided for a refusal.

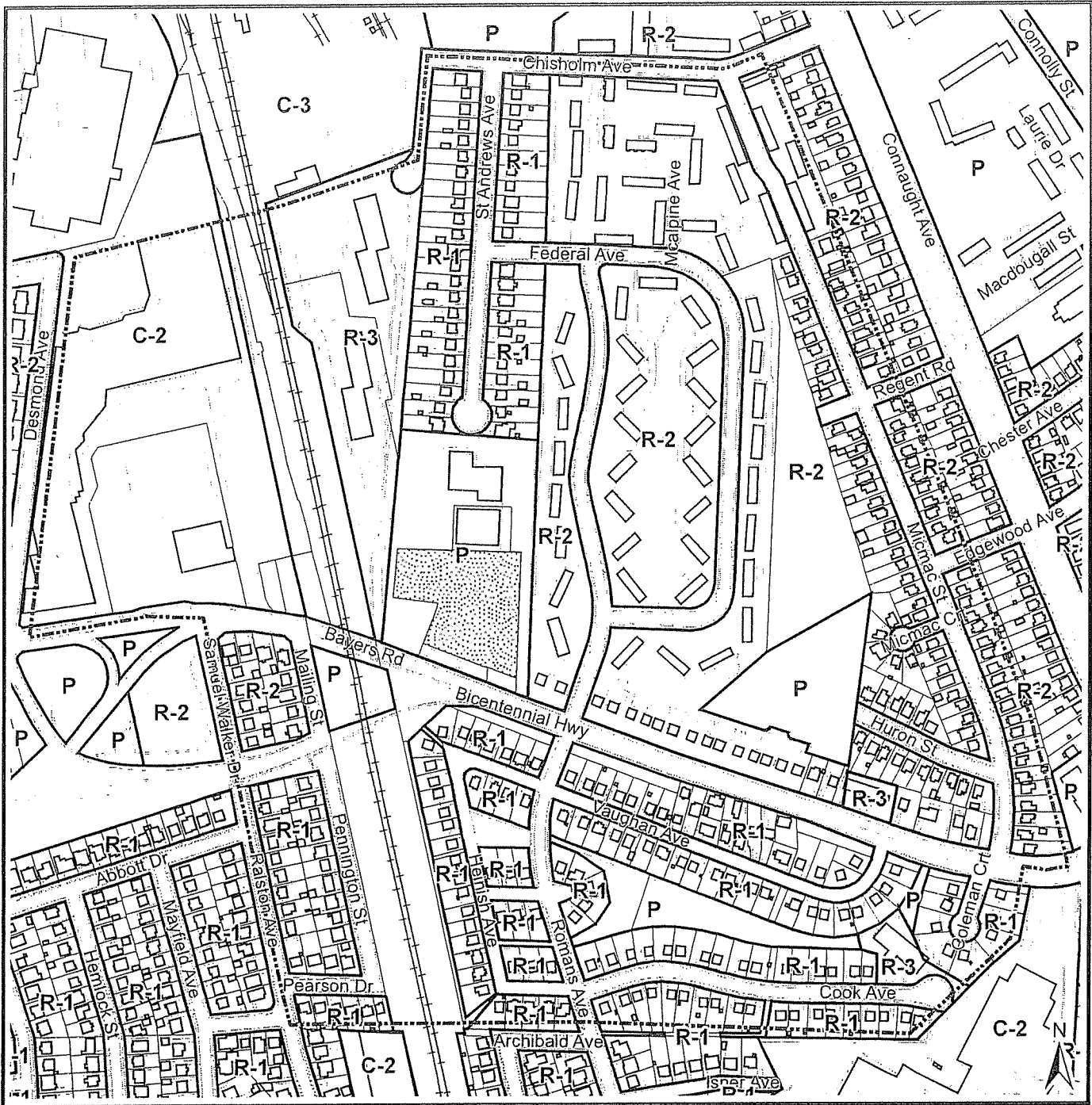
ATTACHMENTS

- Map 1 Location and Zoning
- Map 2 Generalized Future Land Use
- Attachment A Development Agreement with Schedules
- Attachment B Extracts from the Municipal Planning Strategy and the Peninsula Land Use By-law
- Attachment C Minutes of the January 28, 2009, 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: Randa Wheaton, Senior Planner, Community Development, 490-4499

Report Approved by: _____
Austin French, Manager, Planning Services, 490-6717



Map 1 - Location and Zoning

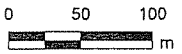
6955 Bayers Road
Halifax

-  Subject property
-  Area of notification

Halifax Peninsula
Land Use By-Law Area

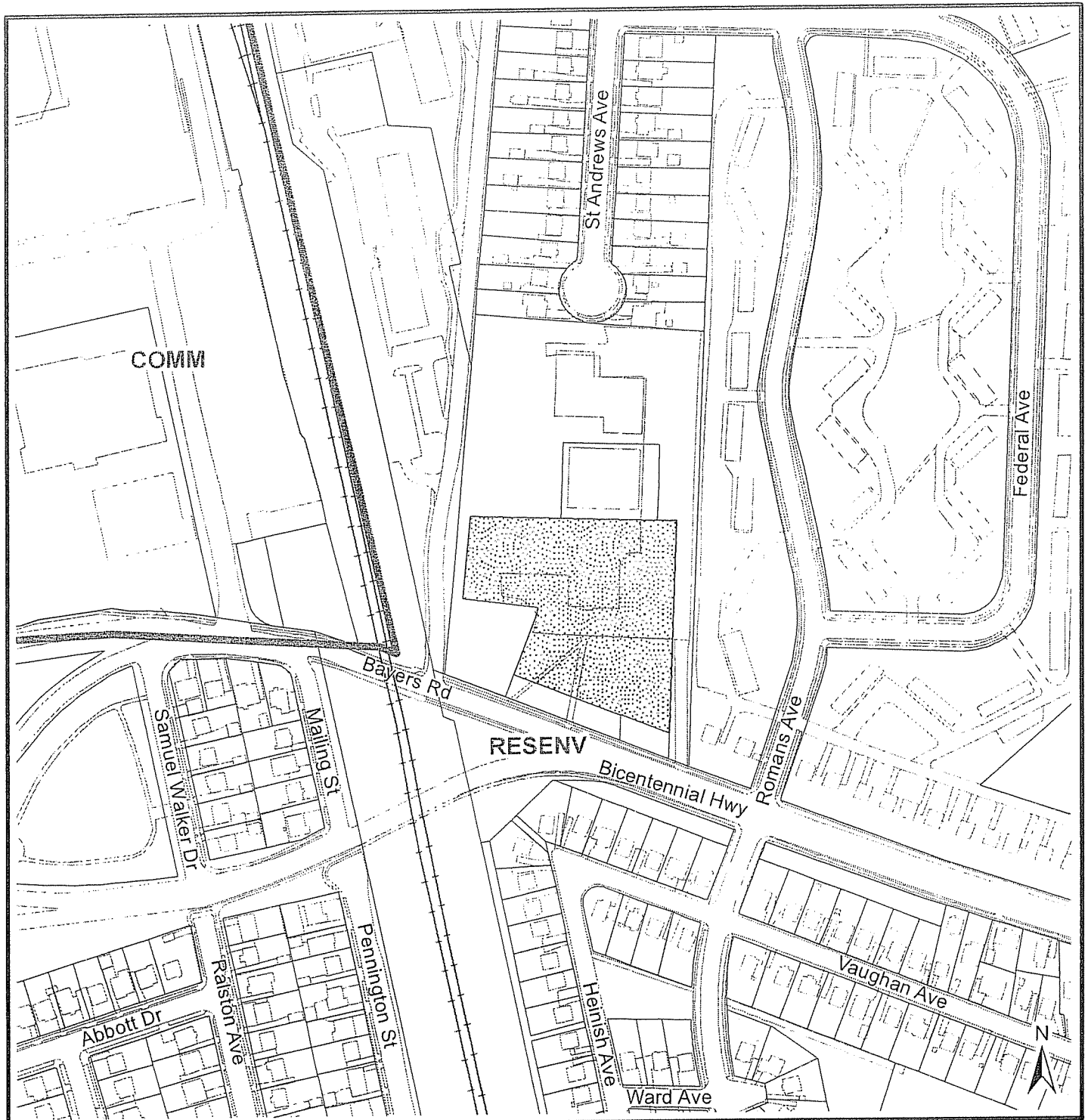
Zone	
R-1	Single Family Dwelling
R-2	General Residential
R-2T	Townhouse
R-3	Multiple Dwelling
C-2	General Business
C-3	General Industrial
P	Park and Institutional

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES




This map is an unofficial reproduction of a portion of the Zoning Map for the Halifax Peninsula Land Use By-Law area

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



Map 2 - Generalized Future Land Use

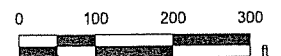
6955 Bayers Road
Halifax

 Subject property

Designation

RESENV Residential Environments
COMM Commercial

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Halifax Plan Area

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

Halifax Plan Area

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

Except as otherwise provided for herein, the development and use of the Lands shall comply with the requirements of the Halifax Peninsula Land Use By-law and the Regional Subdivision By-law.

1.3 **Applicability of Other By-laws, Statutes and Regulations**

1.3.1 Further to Section 1.2, nothing in this Agreement shall exempt or be taken to exempt the Developer, lot owner or any other person from complying with the requirements of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement), or any statute or regulation of the Provincial/Federal Government and the Developer or Owner agrees to observe and comply with all such laws, by-laws and regulations 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**

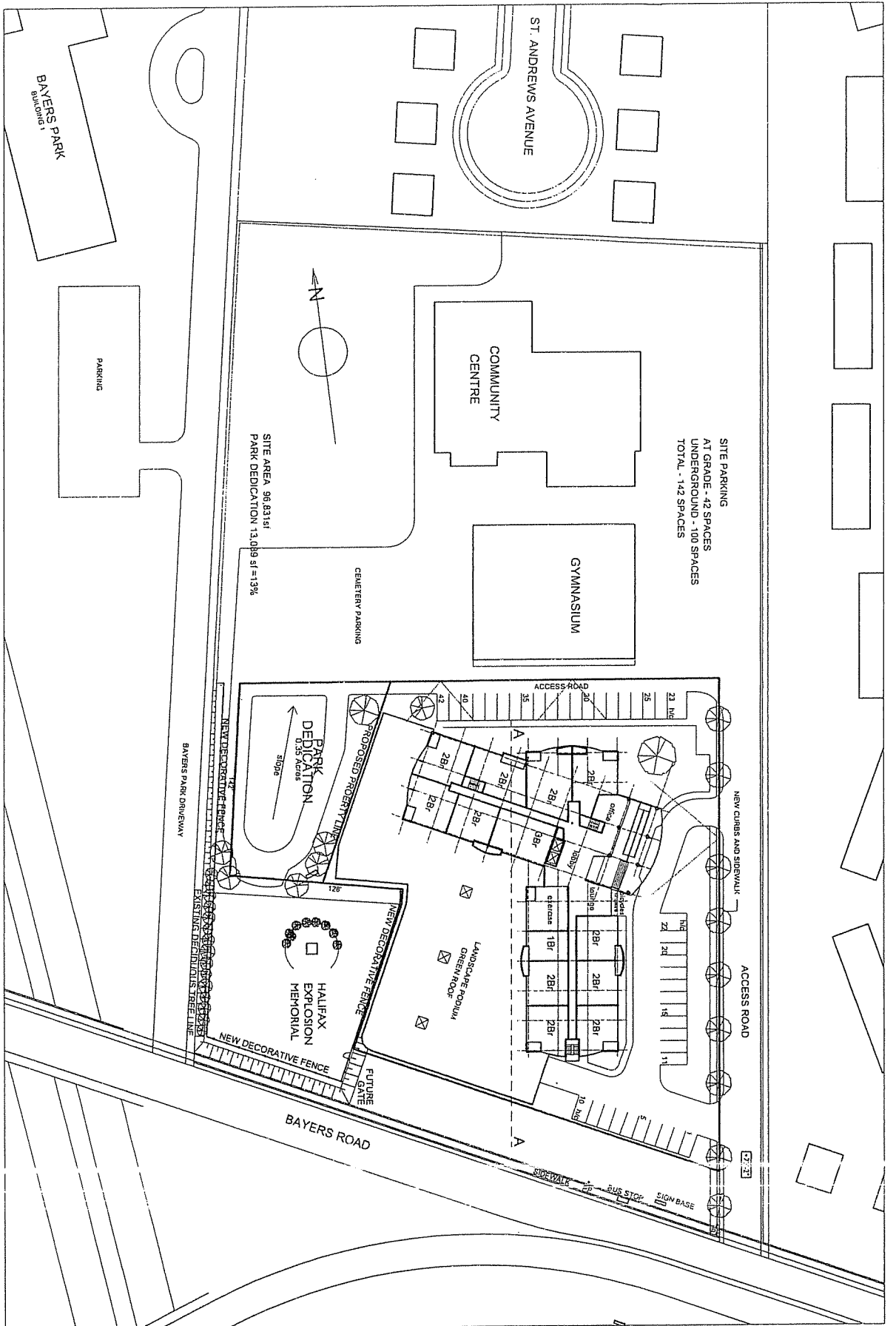
1.4.1 Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement) or any Provincial or Federal statute or regulation, the higher or more stringent requirements shall prevail.

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.

1.4.3 Where metric values conflict with imperial values within the written text of this Agreement, the metric values 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 regulations, by-laws or codes applicable to the Lands.



SITE PARKING
 AT GRADE - 42 SPACES
 UNDERGROUND - 100 SPACES
 TOTAL - 142 SPACES

SITE AREA 96.831st
 PARK DEDICATION 13.089 sq = 13%

PROPOSED RESIDENTIAL DEVELOPMENT

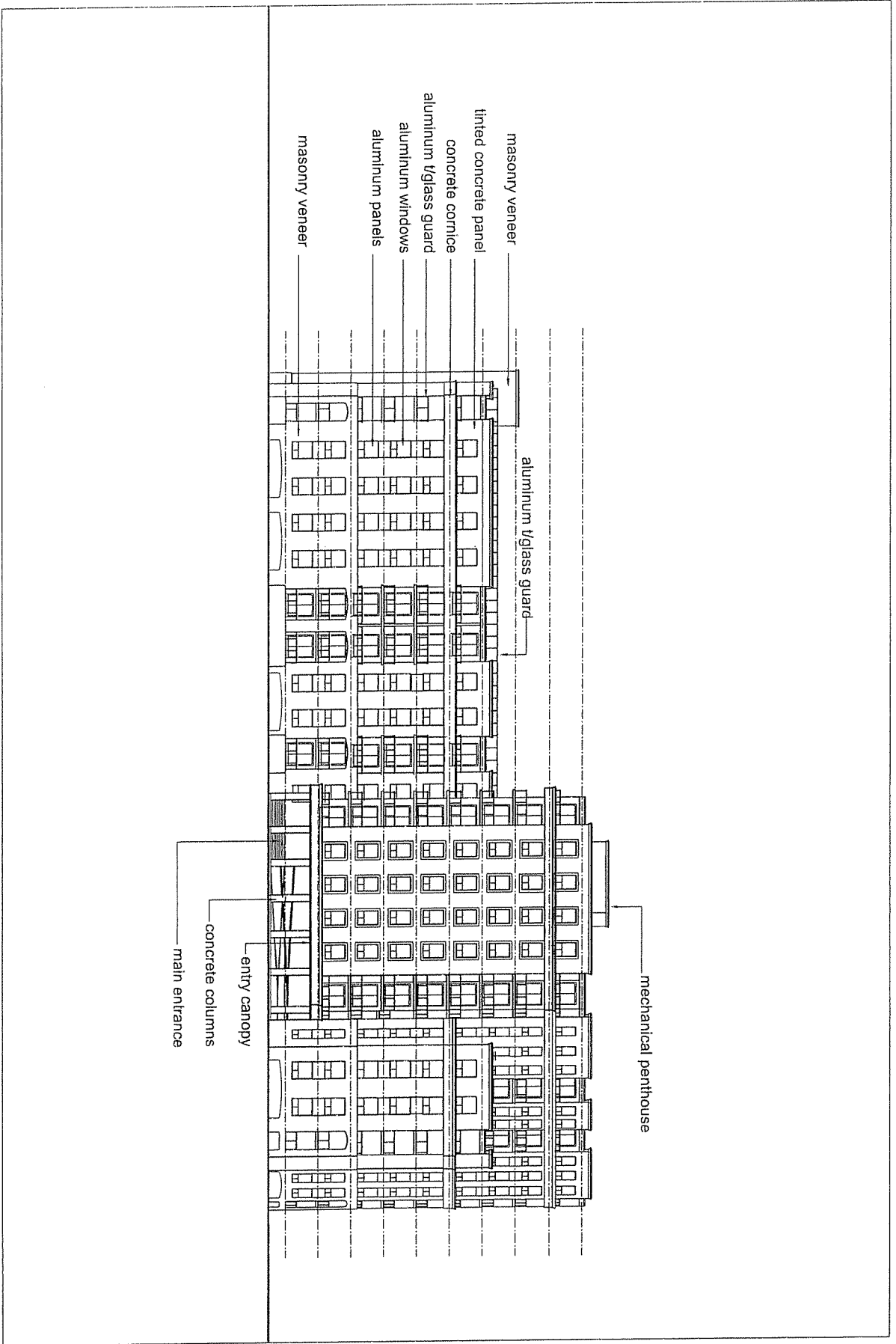
6955 BAYERS ROAD

SITE PLAN

KASSNER/GOODSPEED ARCHITECTS
 SUITE 200, 5663 CORNWALLIS ST.
 HALIFAX, N.S., B3K 1B6 (902) 422-1557

Schedule B Site Plan
 Case # 01228-0022

SCALE 1" = 100' (1:1200)
 Mar 20, 2009



PROPOSED RESIDENTIAL DEVELOPMENT

6955 BAYERS ROAD

EAST ELEVATION

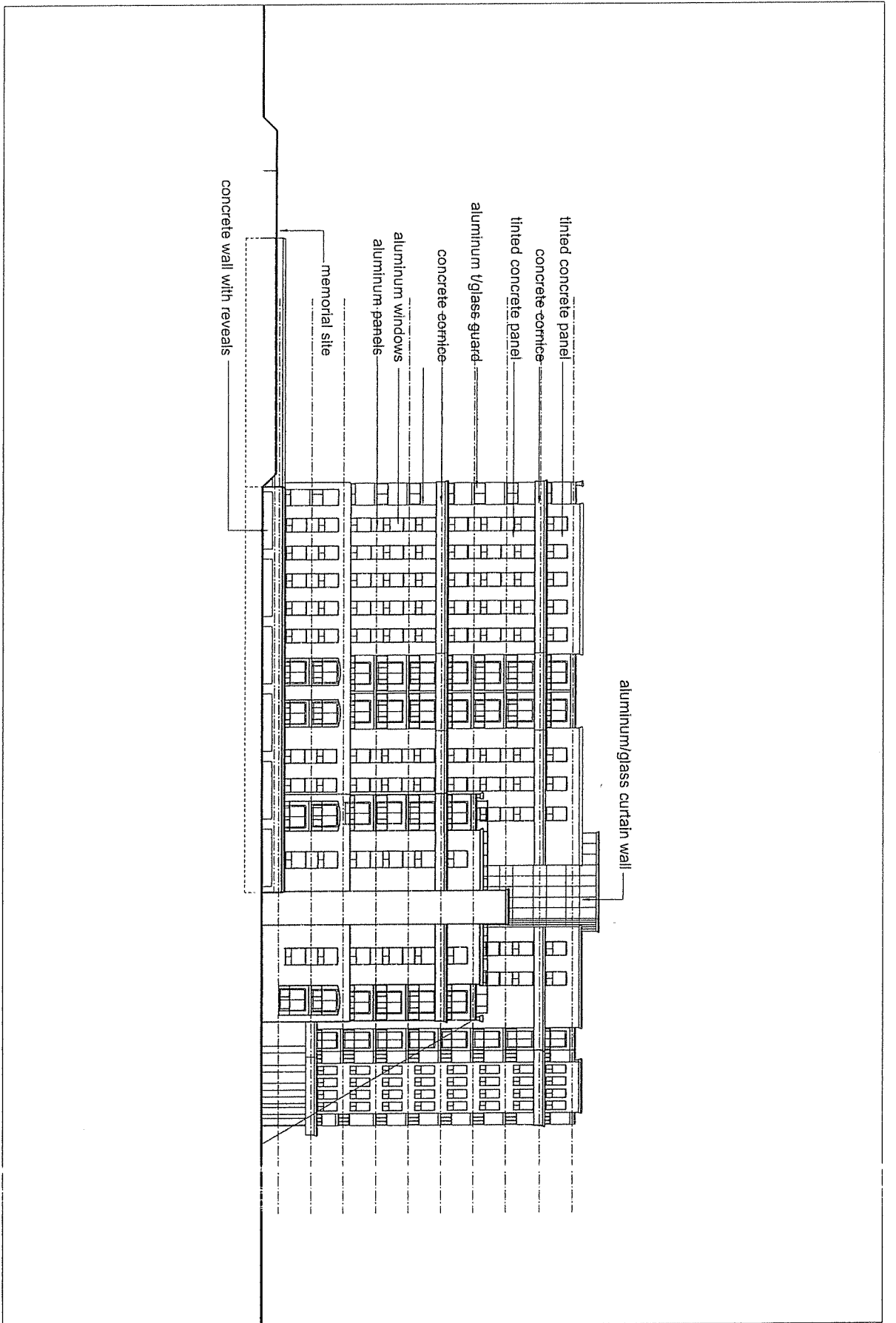
KASSNER/GOODSPEED ARCHITECTS

SUITE 200, 5663 CORNWALLIS ST.
 HALFAX, N.S., B3K 1B6 (902) 422-1557

Schedule C East Building Elevation (Main Entrance)

Case # 01228-0018

SCALE 1" = 40' (1:480)
 MOR 12, 2009



PROPOSED RESIDENTIAL DEVELOPMENT

6955 BAYERS ROAD

SOUTH ELEVATION -- BAYERS RD

KASSNER/GOODSPEED ARCHITECTS

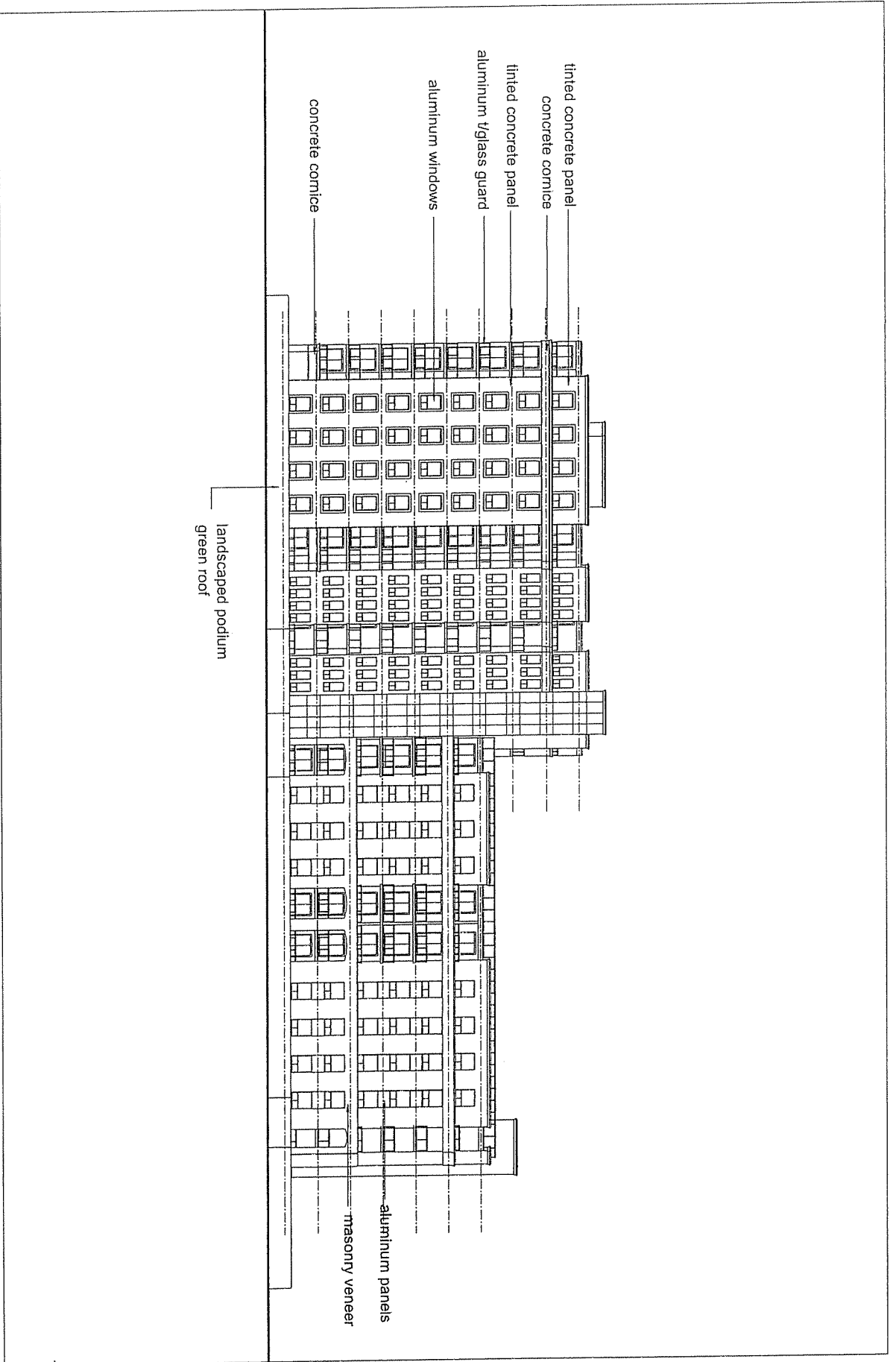
SUITE 200, 5663 CORNWALLIS ST.
HALIFAX, N.S., B3K 1B6 (902) 422-1557

Schedule D South Elevation (Bayer's Road)

Case # 01228-0018

SCALE

Mar 12, 2009



PROPOSED RESIDENTIAL DEVELOPMENT

6955 BAYERS ROAD

WEST ELEVATION

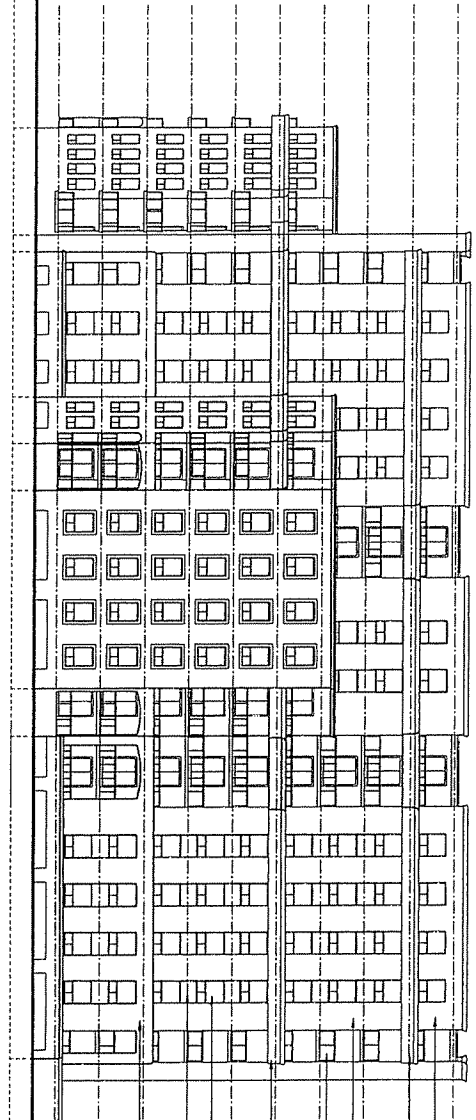
KASSNER/GOODSPEED ARCHITECTS

SUITE 200, 5653 CORNWALLIS ST.
 HALLFAX, N.S., B3K 1B6 (902) 422-1557

Schedule E West Elevation (Memorial Site)

Case # 01228-0019

SCALE 1" = 40' (1:480)
 Mar 12, 2009



- tinted concrete panel
- concrete cornice
- tinted concrete panel
- aluminum tyglass guard
- concrete cornice
- aluminum windows
- aluminum panels
- masonry veneer

landscaped podium
green roof

PROPOSED RESIDENTIAL DEVELOPMENT

6955 BAYERS ROAD

NORTH ELEVATION

KASSNER/GOODSPEED ARCHITECTS

SUITE 200, 5663 CORNWALLIS ST.
HAUFAX, N.S., B3K 1B6 (902) 422-557

Schedule F North Elevation (Comm Ctr)

Case # 01228-0020

SCALE 1" = 40' (1:480)

Mar 12, 2009

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 AND DEVELOPMENT PROVISIONS

2.1 Schedules

The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, is generally in conformance with Schedules B to F inclusive attached to this agreement and the plans numbered 01228-0017 to 01228-0020 inclusive and 01228-0022 filed in the Halifax Regional Municipality as Case Number 01228 and shall not develop or use the Lands for any purposes other than a 124 unit 9 storey residential apartment building.

The schedules are:

Schedule A	Legal Description of the Lands
Schedule B	Site Plan numbered 01228-0022
Schedule C	East Building Elevation (main entrance) numbered 01228-0017
Schedule D	South Elevation (Bayer's Road) numbered 01228-0018
Schedule E	West Elevation (Memorial Site) numbered 01228-0019
Schedule F	North Elevation (Comm Ctr) numbered 01228-0020

2.2 Requirements Prior to Approval

2.2.1 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Lands for any of the uses permitted by this Agreement unless an occupancy permit has been issued by the Municipality. No Occupancy Permit shall be issued by the Municipality unless and until the Developer has complied with all applicable 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.

2.2.2 Prior to the application for any municipal permits, the Developer shall complete the MICI (Multi-unit/Industrial/Commercial/Institutional/Commercial) process, as outlined by the Municipality.

2.2.3 Prior to the issuance of a Construction Permits for any component of the development on the Lands, the Developer shall provide a detailed Landscape Plan prepared by a Landscape Architect in accordance with Section 2.8 of this Agreement to the Development Officer, unless otherwise stated by the Municipality.

2.2.4 Prior to the issuance of any Occupancy Permit, the Developer shall provide certification from a qualified professional indicating that the Developer has complied with the Landscaping Plan required pursuant to this Agreement to the Development Officer, unless otherwise stated by the Municipality.

2.2.5 The Developer shall convey to the Municipality the public park dedication as identified on Schedule B as specified under Sections 2.8.8 and 2.11 of this agreement.

2.3 **General Description of Land Use**

2.3.1 The use of the Lands permitted by this Agreement, subject to its terms and as generally illustrated on the Schedules attached hereto, is as follows:

- (a) one nine (9) storey stepping down to six (6) storeys, 124 unit residential building, plus an underground parking level; and
- (b) public parkland with an access driveway allowing parking for the Memorial Grave Site for Victims of the Halifax Explosion.

2.3.2 The Municipality agrees that the variance provisions and procedures enabled by the *Halifax Regional Municipality Charter* (Sections 259 to 261) shall apply to the development of the Lands permitted by this Agreement except that, where the Charter references "Land Use By-law", the words "this Agreement" shall be substituted.

2.4 **Detailed Provisions for Land Use**

2.4.1 The nine storey building shall be designed in accordance with the Multiple Dwelling (R-3) Zone provisions contained within the Land Use By-law for Halifax Peninsula.

2.4.2 For the purposes of determining permissible density, one bedroom plus den units shall be considered to be a one-bedroom unit and a two bedroom plus den units shall be considered to be a two-bedroom unit.

2.4.3 The Development Officer may approve minor modifications to the following provided such modifications are minor in nature and, in the opinion of the Development Officer, further enhance the appearance of the building and the Lands:

- (a) Changes to the architectural requirements/details/design of the building as shown on the attached schedules or as detailed in Section 2.5 such as facade features and the type of exterior materials;
- (b) A change of the number of residential units provided the allowable density in the Halifax Peninsula Land Use By-law is not exceeded and that plans are submitted for any changes to the building design;
- (c) Changes to the proposed improvements to the cemetery or the design/layout of the Public Parkland which, in the opinion of the Parkland Planner and the

- Development Officer are minor in nature; and
- (d) Changes to the landscaping measures as detailed in Section 2.8.
- 2.4.4 The area of land to be conveyed to the Municipality for public parkland purposes, comprising 1,216 square metres (13,089 square feet), shall be allowed to be used for the purpose of calculating density, open space and landscaped open space requirements and shall function as recreational amenity space for the proposed development.
- 2.4.5 A trailer shall be permitted on the Lands for the purpose of housing equipment, materials and office related matters relating to the construction and sale of the development in accordance with this Agreement. The construction trailer shall be removed from the Lands prior to the issuance of the last Occupancy Permit. Signs depicting the name or corporate logo of the Developer shall be permitted while a sales office is located on site.
- 2.5 **Architectural Requirements**
- 2.5.1 The Developer agrees that the building constructed on the Lands shall be as generally illustrated on Schedules B to F inclusive.
- 2.5.2 Architectural treatment shall be continued around all sides of the building as identified on Schedules C, D, E and F.
- 2.5.3 Exterior building materials shall not include vinyl siding or exposed treated lumber but may include any one or more of the following:
- (a) aluminum/glass curtain wall;
 - (b) tinted precast concrete panels;
 - (c) concrete columns;
 - (d) noncombustible cladding; or
 - (e) materials, which in the opinion of the Development Officer, are acceptable equivalents.
- 2.5.4 The maximum height of the building shall not exceed 30 metres (100 feet) above the existing average grade of the abutting access driveway.
- 2.5.5 The dwelling units shall not contain any non-habitable rooms, which in the opinion of the Development Officer, could be converted to habitable rooms.
- 2.5.6 All vents, down spouts, flashing, electrical conduits, metres, 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.

- 2.5.7 All roof mounted mechanical systems or telecommunication equipment shall be visually integrated into the roof design or screened from public view.
- 2.5.8 Any exposed foundation or parking garage face in excess of one (1) metre (3 feet) in height shall be architecturally detailed, veneered with stone or brick or treated in an equivalent manner acceptable to the Development Officer.
- 2.5.9 A minimum of 60 bicycle parking spaces shall be provided with a minimum of 50 provided inside the building.
- 2.5.10 Decorative lighting is to be provided on the building face at the pedestrian level for security and aesthetic purposes. Lighting shall be directed to driveways, parking areas, building entrances and walkways and shall be arranged so as to divert the light away from streets, adjacent lots and buildings.
- 2.5.11 The roof top perimeter fencing/guardrail and balcony railings shall be comprised of decorative metal and tempered, tinted glass complementary to the building.
- 2.5.12 The Developer shall be entitled to modify the internal floor plans and the configuration of internal units provided the number of units and building size does not increase and the exterior appearance of the building is not affected.
- 2.5.13 A maximum of 2 signs identifying the name and civic address of the building shall be allowed provided that they do not obstruct the vision of drivers leaving/entering the roadway or driveways. Signs shall only be externally illuminated and any lighting shall be arranged so as not to be directed at neighbouring properties. Billboard signs shall not be permitted.

2.6 **Parking, Circulation and Access**

- 2.6.1 The internal driveway layout and the number and layout of at-grade parking spaces on the Lands shall be as generally illustrated on Schedule B. The Developer agrees that the parking on the Lands shall comply with the following:
- (a) a minimum of 95 spaces shall be provided underground and a minimum of 125 parking spaces shall be provided in total.
 - (b) all parking areas, driveways, circulation aisles and walkways shall have a finished hard surface such as asphalt, concrete, paving blocks or an acceptable equivalent in the opinion of the Development Officer.
 - (c) all parking lots shall be delineated by non-asphalt curbing.

2.7 Amenity Space

Amenity space shall be reserved for recreational purposes such as common recreational areas, play areas, recreational rooms, exercise rooms, balconies and roof decks. Amenity space shall include all area(s) set aside for the purposes of visual improvement or recreation and not used for buildings, structures, parking areas or driveways, and shall include areas of grass, flower beds, shrubbery, trees, landscaping, balconies, roof terraces, green roofs, landscaped parking podiums and sundecks. Amenity space shall have no dimension less than nine (9) metres (30 feet), except those integral to the building such as landscaped podium, roof garden, sundecks and balconies, and a minimum of 50 percent of the outdoor recreational space shall have grades between 0-8 percent.

2.8 Landscaping

- 2.8.1 All plant material shall conform to the current Canadian Nursery Trades Association Metric Guide Specifications and Standards and sodded areas to the current Canadian Nursery Sod Growers' Specifications
- 2.8.2 A detailed Landscape Plan prepared by a Landscape Architect (that is a full member, in good standing, of the Canadian Society of Landscape Architects) shall be submitted with the application for Development Permit. The detailed landscape plan shall include, as a minimum, planting as identified in this agreement. The landscape proposal for the lands currently owned or to be owned by the Municipality to be reviewed and found satisfactory to the Parkland Planner and the Development Officer.
- 2.8.3 Planting details for each type of plant material proposed on the plan shall be provided, including species list with quantities, size of material, and common and botanical names (species and variety).
- 2.8.4 Construction Details or Manufacturer's Specifications for all constructed landscaping features such as fencing, retaining walls and benches shall be provided to the Development Officer, and shall describe their design, construction, specifications, model numbers, quantities, manufacturers, materials and placement.
- 2.8.5 It is the responsibility of the Developer to ensure that the underground parking structure or other structure is designed to be capable of supporting loads from the weight of landscaping including such items as decorative planters/pots, the anticipated mature weight of the plant material, as well as the weight of any hard surface material.
- 2.8.6 A minimum of 18, salt tolerant, high branching deciduous trees, minimum 60 mm caliper (2.4 inch diameter) in size, shall be planted on the Lands adjacent to the existing access road and along the Bayer's Road frontage. A minimum of 20, mid size trees, a minimum 45 mm caliper (1.7 inch diameter) in size, and 40 mixed deciduous and coniferous shrubs, a minimum height of 60 cm (2 ft.) shall be planted on the landscaped

podium. Outdoor bicycle racks and associated hard surface shall be provided in the location indicated on Schedule B.

- 2.8.7 The Developer shall provide new, decorative metal fencing, to the satisfaction of the Parkland Planner, to be located to the west, south and east of the existing Memorial site as shown on Schedule B. The eight existing overgrown conifer trees within the Memorial site are to be replaced by the Developer with an equal number of trees of a size and type satisfactory to the Parkland Planner and the Municipality's Urban Forester. The installation work shall be co-ordinated with the Municipality's Cemeteries/Capital District Maintenance section. The Developer agrees to make every effort to preserve the existing trees along the west side of the memorial site, in particular, during the removal and installation of fencing. The existing cemetery shall be upgraded in accordance with Schedule B prior to the issuance of an Occupancy Permit for the building.
- 2.8.8 The Developer shall be responsible for completing improvements to the public parkland as identified on Schedule B and as further detailed in the landscape plans required under section 2.8.2 of this agreement to the satisfaction of the Parkland Planner prior to the conveyance of ownership to the Municipality and prior to the issuance of any Occupancy Permit for the building. The landscape treatment shall include tree planting, a minimum of one bench and one garbage receptacle, decorative metal fencing along the west side, a 5.0 metre (16.4 ft.) wide access drive with a 3 metre wide layby for use by the cemetery and be fine graded, top soiled and sodded.
- 2.8.9 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 raised planting beds or containers. Minimum planted sizes shall be as follows:
- (a) deciduous trees: 45 mm caliper (1.8 inch diameter);
 - (b) coniferous trees: 1.5 m (5 ft.) high;
 - (c) shrubs: 2 gallon pot.
- 2.8.10 A minimum of 15 cm (6 inches) of drainage gravel over the extent of the landscape podium or roof top plus an additional 40 cm (16 inches) of topsoil for sod; 60 cm (2 ft.) of topsoil for shrubs; and 90 cm (3 ft.) of topsoil for trees, or an equivalent system proposed by a Landscape Architect, shall be provided.
- 2.8.11 Prior to the issuance of the Occupancy Permit, the Developer shall submit to the Development Officer a letter certifying that all landscaping has been completed according to the terms of this Development Agreement.
- 2.8.12 Notwithstanding the above, should the weather or seasonal conditions be such that the Developer is unable to complete the landscape works (i.e., between November 15 and March 15) then the Occupancy Permit may be issued provided the Developer supplies security in the amount of 110 per cent of the estimated cost to complete all of the

landscaping. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the work as described herein and illustrated on the Schedules, and as approved by the Development Officer. Should the Developer not complete the landscaping within twelve months of issuance of the Occupancy Permit, the Municipality may use the security to complete the landscaping as set out in this Section of the agreement. The Developer shall be responsible for all costs in this regard exceeding the security. The security or any unused portion thereof shall be returned to the Developer upon completion of the work and its certification.

2.9 Maintenance

The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the interior and 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/ice removal/sanding of walkways and driveways, including the existing access road abutting the site. The maintenance of the public parkland will become the responsibility of the Municipality upon its acceptance of the deed for that parcel.

2.10 Archaeological Monitoring and Protection

The Developer shall contact the Curator of Special Places with the Heritage Division of the Department of Tourism, Culture and Heritage of the Province of Nova Scotia prior to any disturbance of the site and the Developer shall comply with requirements set forth by the Province in this regard. The Developer shall provide on-site monitoring by a Professional Archaeologist during any excavation immediately adjacent to the east and north sides of the Memorial site, pursuant to the requirements of the Nova Scotia Museum under the *Special Places Protection Act*.

2.11 Public Park Dedication

2.11.1 The Developer shall convey to the Municipality public parkland, of approximately 1,216 square metres (13,089 square feet) (as shown on Schedule B) fully developed as identified in Section 2.8.8., upon completion of all site works and prior to the issuance of Occupancy Permits for the building. The existing cemetery shall be improved in accordance with Schedule B and Section 2.8.7 of this agreement by the Developer prior to the issuance of an Occupancy Permit for the building.

2.11.2 Should the landscape work in the public parkland not be completed as a result of weather or seasonal conditions (i.e., between November 15 and March 15) at the Occupancy Permit stage, then the land shall be deeded to the Municipality prior to issuance of an Occupancy Permit and the Developer shall provide a cost estimate for all

incomplete work, which includes itemized unit costs, to the Development Officer and shall provide Equivalent Value security in favour of the Municipality in the form of a certified cheque or irrevocable automatically renewing Letter of Credit issued by a chartered bank in the amount of 110% of the amount of the cost estimate. The Development Officer shall return the security to the Developer upon acceptance of the outstanding site works. Should the outstanding landscape works not be completed within the growing season immediately following the issuance of the Occupancy Permit for the building then the securities shall be cashed and utilized for the completion of the outstanding landscape works. The Developer shall be responsible for all costs in this regard exceeding the security.

PART 3: STREETS AND MUNICIPAL SERVICES

- 3.1 All construction shall satisfy the Municipal Service Systems Specifications and By-law S-300 unless otherwise provided for in this Agreement and shall receive written approval from the Development Engineer prior to undertaking the work.
- 3.2 Any disturbance to existing off-site infrastructure resulting from the development, including but not limited to, 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 Officer, in consultation with the Development Engineer.
- 3.3 The Developer shall be responsible for the upgrading of the existing HRM-owned access driveway from Bayers Road along the eastern property boundary of the site including new curb and gutter, new sidewalk, asphalt surface and reconfiguration of the access onto Bayers Road in accordance with Schedule B to the satisfaction of the Development Engineer.
- 3.4 If it is determined during the design or construction stage that the power pole located west of the access driveway on Bayers Road is to be relocated to accommodate any improvements to the entrance driveway from the site to Bayers Road, the Developer shall be responsible for all associated costs.

PART 4: SUBDIVISION OF THE LANDS

Unless otherwise acceptable to the Development Officer, a subdivision application shall be submitted to the Development Officer, prior to the issuance of an Occupancy Permit, in accordance with the plan presented as Schedule B and the Development Officer shall grant subdivision approval for the public park dedication subject to and in accordance with the Sections 2.8.2, 2.8.8 and 2.11 of this agreement.

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 non-substantive and may be amended by resolution of Peninsula Community Council:

- (a) The granting of an extension to the date of commencement of construction as identified in Section 7.3.1 of this agreement;
- (b) The granting of an extension to length of time for the completion of the development as identified in Section 7.4.1 of this agreement; and
- (c) A reduction in the height and/or floor area of the building.

PART 6: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

6.1 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 one day of receiving such a request.

6.2 Failure to Comply

If the Developer fails to observe or perform any covenant or condition of this Agreement after the Municipality has given the Developer thirty (30) days written notice of the failure or default, except that such notice is waived in matters concerning environmental protection and mitigation, 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 development 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 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; and/or
- (d) in addition to the above remedies the Municipality reserves the right to pursue any other remediation under the *Halifax Regional Municipality Charter* or Common Law in order to ensure compliance with this Agreement.

PART 7: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

7.1 Registration

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

7.2 Subsequent Owners

7.2.1 This Agreement shall be binding upon the parties thereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the lands which is the subject of this Agreement until this Agreement is discharged by the Council.

7.2.2 Upon the transfer of title to any lot, the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot.

7.3 Commencement of Development

7.3.1 In the event that development on the Lands has not commenced within three years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, 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.

7.3.2 For the purposes of this section, commencement shall mean the installation of the footings and foundation for the proposed building.

7.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 4.2, if the Municipality receives a written request from the Developer at least sixty (60) days prior to the expiry of the commencement of development time period.

7.4 **Completion of Development**

7.4.1 If the Developer fails to complete the development, or after five years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office, whichever time period is less, 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.

7.4.2 Upon the completion of the development or portions thereof, or within/after five years from the date of registration of this Agreement with the Registry of Deeds or Land Registry Office, whichever time period is less, 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 on the condition that for those portions of the development that are deemed complete by Council, the Developer's rights hereunder are preserved and the Council shall apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use By-law for Halifax Peninsula, as may be amended from time to time.

WITNESS that this Agreement, made in triplicate, was properly executed by the respective Parties on this _____ day of _____, A.D., 2009.

SIGNED, SEALED AND DELIVERED in
the presence of:

3106631 NOVA SCOTIA LIMITED

Per: _____

Per: _____

=====

=====

HALIFAX REGIONAL MUNICIPALITY

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

Per: _____

Mayor

Per: _____

Clerk

ATTACHMENT B
Relevant Halifax Municipal Planning Strategy and
Halifax Peninsula Land Use By-law Policy
adopted August 12, 2008

Section II (City-Wide Objectives and Policies) of the Halifax Municipal Planning Strategy

2.14 For the property at 6955 Bayers Road (PID # 40824005) the Municipality may permit the development of multiple unit residential buildings by development agreement.

2.14.1 Any development permitted pursuant to Policy 2.14 shall be compatible with the surrounding area and this shall be achieved by attention to a variety of factors for which conditions may be set out in the development agreement, such as but not limited to:

- a) the adequacy of the servicing capacity of the site;
- b) the architectural design of the building including building materials;
- c) the adequacy of parking facilities;
- d) preservation and/or enhancement of the function of the larger site which includes the existing Cemetery and Community Centre;
- e) provide opportunities for public access to the existing indoor and outdoor components of the larger site;
- f) provision for vehicular and pedestrian access and egress patterns from the surrounding area;
- g) the provision of open space;
- h) adequate site landscaping and buffering; and
- i) scale, height and massing of the buildings.

Halifax Peninsula Land Use By-law

99(9) 6955 Bayers Road (PID #40824005)

Council may, by development agreement, pursuant to Policies 2.14 and 2.14.1 of Section II of the Halifax Municipal Planning Strategy, permit the development of multiple unit residential buildings at 6955 Bayers Road, Halifax (PID #40824005).

ATTACHMENT C
Public Information Meeting
Case 01228
January 28, 2009

In attendance: Randa Wheaton, Planner
Kelly Denty, Supervisor, Planning Applications
Councillor Blumenthal
Councillor Watts
Councillor Walker
Dan Goodspeed, Architect

Introductions, Purpose of meeting

Ms. Randa Wheaton called the public information meeting (PIM) to order at approximately 7:00 p.m. at St. Andrews Centre. We are here to discuss an application by 3106631 Nova Scotia Limited to allow, by development agreement, a nine storey multiple unit residential building with a total of 124 units at 6955 Bayers Road, Halifax.

Overview of planning process

Ms. Wheaton reviewed the development agreement process with the use of a flow chart:

- an application was received just before Christmas
- staff did a preliminary review
- we hold a PIM, which is what we are doing tonight. This is the first opportunity for public comment on the proposal.
- staff will do a detailed review of the application, and consult with any other agencies and departments involved with comment
- we will negotiate the terms of a draft development agreement. A development agreement is a contract between HRM and the developer which lays out all the terms and conditions that would be required for that development to proceed.
- the draft agreement and staff report is tabled with Peninsula Community Council
- Community Council either decides to proceed further or rejects the application
- if they proceed, they would set a public hearing date
- Community Council would hold the public hearing
- following the public hearing, Community Council would make a decision
- there is an appeal process

Ms. Wheaton reviewed the location and zoning:

- it is a vacant property of 2.22 acres in size
- it adjoins the grave site for the unidentified victims of the Halifax Memorial explosion
- it is currently zoned P (Park and Institutional)

Ms. Wheaton displayed an aerial view of the site and surrounding area. She pointed out the St. Andrews Centres as well as the memorial site.

Ms. Wheaton reviewed the policy framework that will be used to determine whether this proposal can be recommended in favour or not. This policy was put in place last year and is site specific to this particular location. Policy 2.14 talks about permitting a development of multiple unit residential buildings by development agreement. Policy 2.14.1 is the more detailed portion of the policy and it talks about the specific criteria that we would be looking at in reviewing the application to determine whether or not it is an appropriate development for the site.

Proposal

Mr. Dan Goodspeed, Kassner Goodspeed Architects, indicated they have been looking at this site for about 3 to 3.5 years and this is the third go around.

Mr. Goodspeed displayed a version of their site plan. One of the most intriguing things about this site is the memorial site. It was only three years ago that he found out what it was. He had to climb through the fence to go in and read the monument. He displayed some pictures of the site. It is all leveled and paved. It has one access road which is a problem no matter what happens on this site. There are pedestrian routes across the site now. He displayed a picture of the monument, noting it is also an active cemetery. He believe there is as many as 200 more people who could be buried there. In terms of the surroundings, there is the gym and playing fields in behind and the recreation centre.

Mr. Goodspeed noted Randa mentioned some of the planning issues. This property was determined to be surplus to HRM needs and was sold off seven to eight years ago. It is zoned Park which is one of the reasons they need to go through a public approval process in order to do something there. It is a very prominent location at the entrance to Halifax off the 102. It is not appropriate for commercial use. There is no frontage which you could develop for commercial given the one way situation out front, but it is considered appropriate for residential use. The Regional Plan identified this area as a potential Regional Centre and it encourages commercial development and high density residential development.

Mr. Goodspeed noted there are all different kinds of housing surrounding the site. He displayed a plan showing their analysis. These lines (pointed out) show the people flow and the bridge flow. The bridge is a major determinant in the area. Pretty much any one who wants to get further north into Halifax has to come across the site and across the bridge.

Mr. Goodspeed indicated under the R-3 zoning, if you do the calculations you could accommodate up to 300 people on this site which translates into something between 100 and 130 suites, depending on their size. That is in conformance with the R-3 controls.

Mr. Goodspeed advised their client asked them to design a building on this site that would be high quality residential, non combustible, a mix of one, two and three bedroom suites, large windows, balconies, visitor parking, etc.

Mr. Goodspeed noted in the first round they came up with four different approaches and he brought photos of the models with him tonight:

- The first has four storey buildings; three of them with 40 units in each one and covers 37% of the land. By a point of comparison, they recently completed the Brickyard project on Brunswick Street near Cornwallis. That project which is quite dense. It is about 36 units an acre; this would be 60. The buildings are way too close together to create any kind of quality environment there.
- If you go to a two building scenario, they first looked at 6 storey buildings and found that they overlapped a lot here (pointed out) and came out quite strongly to the street. They covered 22% of the land.
- To go to an 8 storey solution, which makes them slightly taller and brings the coverage down by about 3%, what they began to like was it starts to open the site a bit and as you drive by on Bayers Road there would be less of a sense that the residential presents a barrier between that and the uses behind.
- Then they came to the infamous single building solution which is the one that was brought forward at the last meeting and was subsequently voted on by Community Council, resulting in a tie vote, which results in a negative vote, and is still under appeal at the N.S. Utility and Review Board. Once that was turned down, they had to start again. This is the site plan for the single tower building, a very early sketch, which attracted them because it only covered 11% of the land, and left open a large area here (pointed out) which they felt gave an opportunity to kind of solve the access problem that is there with regard to the memorial site.

When the single building was not accepted, consideration went back to the two 8 storey buildings. They provide basically the same number of units but basically occupy the whole site. One of their main concerns was that this building here (pointed out) basically overwhelms the memorial site. The memorial site would seem like a piece of landscaping in the front yard of the building which did not seem right. They then had some meetings with a number of people. One of their main concerns was wanting to see a lower mass coming out towards Bayers Road. At the same time, they were trying to find a way to free up some space to at least allow some measure of access to the memorial site.

After much consideration, they came up with a solution that was to push the buildings together so they have a 6 storey building here (pointed out) that is perpendicular to Bayers Road which is about 60' back from this boundary of Bayers Road, and it is about 95' back from the actual curb line of Bayers Road and then the 9 storey piece of it is set parallel to Bayers Road and crosses the other. The elevators come up to where the two cross. The reason they like this a lot is because they were able to get their quota of underground parking and are able to preserve a piece of land that can be used to properly access the memorial site.

They built a model of that (shown), pointing out the memorial site, they have left a bit of a circular driveway here so that funeral vehicles can come and park and the appropriate access can be gained. They will continue with what has been suggested before and will review the fence around the memorial site. It is all an attempt to make this acceptable and to allow it to be used properly and celebrate the memorial that it is.

This building presents more of a wall to Bayers Road than he would really like to see but the mass is concentrated in front of the others so it leaves a big open viewplane through here (pointed out) and as you come in Bayers Road, you would be aware of the public and recreation uses that happen behind the site.

In the final analysis, the detailed plan would look something like this (displayed). They would come in the access road and there are improvements to be done at that intersection, though what they are will depend on the long range plans for Bayers Road and how the widening takes place. What is shown is how it stands at the moment but it does need to be reconfigured. Adding an extra lane to Bayers Road at that point would probably ease access to this particular site.

They have come in the access road here, they have provided a new sidewalk and street trees along here (pointed out) as a means to access the gym and community centre, this loop road gives access to the indoor building (pointed out) and access to the underground parking happens here (pointed out). They held the building back as much as they could and opened up the driveway through here (pointed out). It actually ends up being shared across the property line.

One of the issues is that the gym is only about 7 or 8' away from the property line so unless there is some accommodation on this site, there is no way to get vehicle traffic through here. It is almost the only choice in terms of providing vehicle access to the back yard. They have managed to keep about 80' across through here (pointed out) and made a loop road and what they would refer to as a mini park with the idea there is some paved surface here (pointed out) which could be used for parking in conjunction with the memorial and cemetery and this loop road can be used for funeral vehicles, etc.

Our idea would be that while there is a new fence around three sides of the memorial, it would really be open this way (pointed out) and there would be no fence across this fourth side. Most of the parking for the project is in a parking garage that is here (pointed out) that is roughly half buried. It is about 4 or 5' down into the ground and 4 to 5' up. The level of this podium will be just slightly below the level of the memorial site. They have tried to do some things in terms of bicycle parking associated with this building and they tried to create an area here (pointed out) where they would see less of the parking related to these uses. They have a solution that is kind of cooperative and tries to solve a lot of problems and issues that have been brought up over the last three years. This is what they would like to go forward with for approval.

Questions and comments

Mr. Dave MacDougall stated he was speaking on behalf of the Bayers Road Neighbourhood Committee and represented about 14 people that lived on both sides of Bayers Road. They have come to a consensus on this project, so he was speaking on behalf of everybody. They still have all the concerns that were outlined in Case 00930 but he thought they have come to some compromise on some of them. Specifically, they have had concerns about the servicing capacity, vehicular access, and the scale, height and massing of the project. It has to be sensitive to the density of the proposal and they also feel that the scale, height and massing needs to be compatible with the neighbourhood. They met with the developer and he did compromise on the height by reducing it to 6 and 9 storeys which they are quite pleased about. Their expectation is that the developer will drop the Review Board appeal for the 16 storey building as they move forward together on this. In summary, they are in favour of the 6 and 9 storeys as proposed.

Mr. James Dusty Miller commented there is an old saying "good fences make good neighbours" but there is also a saying that "no fence makes better neighbours". He was at the meeting with Dave and his committee. A few of the individuals were supposed to come with him tonight. The gate that goes to their property, the first apartment building, he found out tonight was owned by the City. They could not climb up the snow to come across the back of the building to get here because of the ice. The months have passed. There has been controversy. The first meeting they had here was a bit of a circus but it is good for the education. It was good working with people like Dave's committee, and the developer, and with Dan Goodspeed at the meetings, and it was good to come to a satisfactory conclusion.

Mr. Miller noted one of the main things he did was to get at the business of the memorial cemetery. He was surprised that people who lived in this area as long as he did, which is over thirty years, never knew the cemetery existed or what it was for. He went in through it and had to scape doggie doo off the stones to find out who the families were and was surprised that people are still being buried there. He was glad that a consensus was able to be reached in favour. Thanks to all those they worked with and came to an agreement.

Mr. John Greatwich commented he slipped on the ice coming through tonight because the City did not look after the parking lot. He noticed last fall somebody repaved the driveway next to the development. Was that the developer or the City?

Ms. Wheaton responded she understood it was the City.

Mr. Greatwich commented he was surprised because working for the City it is hard to fill in the potholes on the property and he thought the developer was trying to get good with the people around here and repaved the driveway.

Mr. Greatwich stated that driveway is still a pain for the people coming in and out of the site. He knew the City and developer kept saying there are no problems with that driveway. He thought the

developer said there would be some improvements. From a measurement point of view, is the paved driveway going to be wider or is that the existing driveway plus the sidewalk next to it?

Mr. Goodspeed, referencing the map, pointed out their property boundary. There is about 30' left on the other side. He was not exactly sure just how far in from the property the edge of the pavement is. A typical City street is 30', so they have been planning on 30'. This would be renewed from here on out (pointed out) and then they have a curb and a sidewalk so they have a proper way to walk. This is a very long driveway that goes in from Bayers Road. At the risk of sticking his nose in where it did not belong, there was a suggestion made by someone during this process that it would be interesting if this portion of it became a City street to a turn around here so that you actually had the potential to do that as a loop. You could still, in his opinion, have quite a nice entry into the Bayers Road Apartments but that would give another way in around the memorial site and provide a second access point if there was ever a problem here. He was not really sure how one makes progress on a suggestion like that. He was not working for the people who owned the land but it was a suggestion that seemed to make a lot of sense.

Mr. Greatwich said he was going to suggest the same thing because walking up the street, they have brilliant traffic planners with HRM doing all kinds of stuff but the two houses on the corner of Bayers Road, their driveways are not on Bayers Road. This development, with the old school which is now the recreation centre, used the existing driveway which was probably okay way back when the old school was there but it was not a great idea when HRM decided to turn it into a recreation centre and now there is a development of two towers in the front of the property which would use the existing driveway. He would suggest the City go back and talk with Bayers Road Apartments about the possibility of either expropriating the roadway there or doing something with it. That way there could be traffic lights. They raised this in past meetings about access to the site, and earlier on it was suggested the driveway would be more appropriate in the center of the property, away from the edge of the property, and that was passed on by the developer.

Mr. Goodspeed stated it was not necessarily passed on by the developer. Early on in the process they looked into the possibility of bringing an entry in across this stretch of the frontage and it was the opinion of HRM staff that one driveway in through here was not all it should be. Between here and here (pointed out), they did not want to add another one. That was a reflection of the difficulty that already exists there in terms of accessing Bayers Road. This strip here (pointed out) has been owned by the City for quite some time. It is designated as a road widening strip. They tried to open several discussions about how to reconfigure this and were told it was a little premature. There are a lot of factors and players involved. It is their intention to pursue improvements here, so at the very least they get a square on approach to this street.

Mr. Greatwich said he did not think anything they are going to do with the existing driveway is going to improve the situation. The City moved the bus stop which was on the corner of Bayers Road before Romans Avenue. People could get in and out of the recreation centre property a lot easier then because the busses were stopping there and blocking the right lane of traffic. Right now, with the way the traffic situation is and with the City changing the traffic lights on Romans Avenue, everyone

has to wait a prolonged period to try and get across Bayers Road because they are forcing all the traffic to give the go ahead on Bayers Road - inbound and outbound. He was sure the residents have seen the difference in the timing of the traffic lights. Barely four cars were getting through the intersection. Because of the busses stopping, people get annoyed at being stopped and people trying to get out of this area cannot get out because the busses are stopped right in front of this proposed development for a bus stop. People cannot turn but the people on Bayers Road have such a long light that it does not really affect them.

Mr. Greatwich noted in the past, they have seen all kinds of traffic calming measures to try and get traffic out of the neighbourhood. It has helped to a certain degree but he found it is even more annoying trying to get access to where he lived. He either had to go the long way around or fight his way through traffic on Romans Avenue. It would be a logical idea that the City and developer should look into the Bayers Road Apartment idea to see if that could be opened up there for both properties and a proper traffic light installed. That would alleviate all the traffic problems coming in and out of there.

Ms. Wheaton advised she would take the suggestion back to our Development Engineer and our Traffic section. When they do the more detailed review of the proposal, they will look at that as an option, and how they can reconfigure the entrance to at least make it better than it is now.

Mr. Greatwich requested that they ask them to re-install the one way sign that got knocked down on Bayers Road.

Mr. Greatwich indicated on St. Andrews Avenue, up towards the cul de sac end, he had the opportunity of growing up here when Bayers Road Apartments was just open space. All of a sudden a developer came in and put up 10 storey apartments. Lately the developer over at Bayers Road Shopping Centre realized that retail shopping is not the way to go so they decided to build one tower out front and then they built a tower on top of the old Zellers store. Now when he got to where he lived, he not only had to look at the Bayers Road Apartments, but also a new tower on top of Zellers. With this development here, they are going to have some more high rise development on the front part of the property. There is nothing to say down the road that the Province does not come in and say there is residential over here, so now it is time to put high rise apartments on this side because it is a great chunk of land. The City flipped this land without asking the residents what they thought the land use was, and it was originally park and institutional.

Ms. Wheaton clarified it is still park and institutional.

Mr. Greatwich countered not for long. In terms of the cemetery, it is very nice the developer is going to try and fix up the City owned cemetery that we have kind of neglected. The problem with it is people are taking their dog in for exercise and there is dog poop everywhere so improving it is a good idea, but more traffic in that area might not be a great idea on the cemetery part. Contrary to popular belief, there has been a sign there which was replaced two or three years ago identifying it is a memorial site for street traffic. The developer has a new round about with kind of like a grass

area. The City has a right-of-way for a certain distance so at least we can get a pick-up truck along the fence by the cemetery.

Mr. Greatwich stated from the get go he talked about the power pole being next to the driveway making it hard for people to get in and out. Nobody has done anything about that. Maybe the City should have that moved to improve the driveway. This time of year it is one vehicle coming into the driveway and one going out and nobody can get in. He still has not heard from the developer or the City about what the measurement is for this driveway. He knew there is a sidewalk and curb going in and he has asked the question about whether the driveway was going to be widened.

Ms. Wheaton noted Mr. Goodspeed did say he thought it was a 30' right-of-way that is existing.

Mr. Greatwich said that means absolutely nothing to him. He thought what is existing there right now is probably a 4'-5' grass median to the fence and then the driveway.

Ms. Wheaton noted Mr. Goodspeed indicated the sidewalk and the street trees are going to be basically on their property or at the property boundary. Any of the area that is currently the road access area will be returned to road but improved with curb.

Mr. Greatwich stated that still does not answer his question. Somebody should have taken the measurement to be able to tell him how wide the driveway is and where the sidewalks are going.

Mr. Goodspeed stated it is 30' from here to the property (pointed out), so if you take the 4 or 5' you mentioned off, it would be a 25' wide driveway and that is about the maximum width of the curb cuts will have to be.

Mr. Greatwich suggested for the next meeting somebody needs to have a diagram picture so they can see the driveway.

Ms. Wheaton advised the detailed review has not been undertaken yet. When that occurs, it will be reviewed in detail about how that is going to be designed and functions, so there will be a higher level of detail about what it will be in the end. Through the process we will get survey information that will show the width of that access and through that we will be able to determine what the width of the driveway will be.

Mr. Greatwich stated it is very easy for somebody in the City to ask where this driveway is in relation to that property.

Ms. Wheaton advised that will be done. The process has just begun. We will be doing a more detailed review of the application which will include details such as that, but at this point in time they have just submitted the application. This meeting is the first step in the process. As we proceed through the process, those details will be worked out.

Mr. Greatwich stated this is the first step of the process they keep meeting about, but this is the third or fourth meeting over trying to develop the front part of this property.

Ms. Wheaton advised this is the first meeting where we have come to discuss this specific proposal. She reiterated we would be looking into further detail.

Mr. Greatwich suggested they bring the information to the next meeting so they can see what is being proposed about using the existing driveway and doing improvements such as the new curbs, new sidewalks and new trees. Also, to have a measurement and a drawing so they can see what it is in relation to the existing HRM driveway.

Ms. Jackie deMostral noted Dave eluded to there being an appeal of the 16 storey building. If the process with this plan goes ahead, is that appeal still going to happen and, if they should win the appeal, does that mean they get a 16 storey building on this site and not this proposal?

Ms. Wheaton advised the decision of Community Council on the 16 storey building was appealed to the N.S. Utility and Review Board. At this point in time, that appeal is in abeyance. The developer and HRM has agreed they will not proceed with the appeal at this time. No date has been set for the appeal to proceed. The reason for that, which was given to the Review Board, was because of a request to bring this new proposal to the public. Once that had been done, that would give the developer an opportunity to consider whether or not he wanted to continue with the appeal or not, once he had an opportunity to gauge public opinion on this proposal.

Ms. deMostral commented chances are a favourable response to this project will put an end to the other proposal.

Ms. deMostral said it is kind of an interesting position of buildings. Depending on what you put on the facade and how it is built, will determine how it looks. She wondered if details like that have been worked out yet. Will it be brick or concrete?

Mr. Goodspeed responded they are not resolved yet. The owner would like to know if it is worth investing the time in it. The thoughts to date are that we would probably use a pre-cast panel for a lot of the outside wall that they can control the colour of with tints. Probably even working with two different tones. Sympathetic, but related, so this mass is in one tone and this is in a slightly darker tone. There will be very large windows but he did not think at this point they are considering any large expanses of glass. They would express the base, the first storey on this part (pointed out) and the first two storeys on this part in a little different material, and different detail around the windows to get something to set on. They would work with a accent band toward the top of each mass so there is a base, a middle, and a top. They have at this point elevators come up to here (pointed out) so there is an opportunity to let light into the building, but also to let people out on the roof of the 6 storey part which they would like to set up as a common terrace. They have done a number of projects with Soloman who is very open to wanting his buildings to present themselves very well. Most recently there is the Lexington at the corner of Robie Street and Cunard Street. They would like to take that

level of expression. Probably not identical to that, but more than just plain walls. As they come to a subsequent public meeting, they will have renderings and visuals to that people can get a clearer idea of what they are heading towards.

Ms. deMostral asked what environmental attributes the building would have so that this building will not be just like a building built ten or twenty years ago but will reflect that we have to take this climate change seriously and reduce our carbon footprint.

Mr. Goodspeed responded there are a number of things:

- Most importantly is the way they build exterior walls on these buildings within the last five or ten years and the way they are sealed and the insulation is added and then the rainscreen cladding. That tends to make the buildings very tight. In an individual unit in a building like this, of 1200-1400 sq. ft., it would cost approximately ½ to 2/3 what it would cost energy wise to operate a single family house. In some cases, it is even less than that.
- They have a green roof all through here over top of the parkade which does several things. Aside from the obvious visual benefits, it tends to slow down the water that falls on the site because it controls the drainage, thus combined with the control flow drains they would use on the roof, the stormwater flow away from a building like this is much improved over what happens now when it hits the pavement and runs right to the catch basin. It takes the load off our collective pipe system.
- They like to use really large windows and focus on the day lighting in units light this so they can keep them as bright as possible.
- They have three stream garbage system here built into the building so there are facilities for composting, for recycling, and for trash.
- They will be planning to make this a very bicycle friendly building. They have sort of a back door set up here (pointed out) and they anticipate as you come in there, there would be a large locked up and secure room where everybody could park their bicycles, and then you are just a few steps away from the elevator in the building. There would be some bicycle parking by the front door of the building and over here (pointed out).
- They have some issues to explore about the best way to put the environmental controls such as heating and ventilation, in this building and there are some new things that have come about in the last few years which are very interesting. Unfortunately the drop in the cost of oil in the past 4-5 months has kind of taken the steam out of that. They are looking three years down the road. Rest assured that as designers, they are aware that buildings are responsible for 40-50% of the greenhouse gas emissions that we as a society give off.

Ms. deMostral referenced bicycles and parking and indicated part of the reason for putting this multiple residential unit on the peninsula is to have more people close to downtown and more people not using their cars to go to work but using their bikes or walking or taking the busses. In terms of the biking, that is great, but where are you going to bike from here? When Bayers Road gets widened and becomes a six lane highway, as they are taking about, where are the bikes going to go and where will people go if they want to go downtown from the location? It will be tricky. She would ask that when you are talking to the transportation people, are they going to insist when they do the changes to Bayers Road that proper bike lanes are put in, in both directions and access to the bike lanes.

Ms. Wheaton noted in terms of the bicycle parking, it is now a requirement of HRM that there be bicycle parking in any multi residential building, so they are required to do that.

Mr. Goodspeed pointed out they have gone a little further than the HRM regulations require them to.

Ms. Wheaton noted if you come to the meeting being held at this building on February 11th about the Bayers Road widening, then she could certainly comment to them about including bike lanes in their proposals for Bayers Road.

Ms. deMostral noted there was reference in earlier remarks about crossing over Rolands Avenue. In the winter time she took the bus and she came through St. Andrews and she cut across there and then went to the corner of Romans Avenue and you wait and wait for that light to change and the busses go by and they stop and then they go out into the traffic and you have to wait for the next twenty minutes for the next bus to come along. It is that crossing over onto Romans Avenue that frustrates everybody using it now and to put 300 more people into that building will mean more frustrated people standing on the corner there. That was an interesting suggestion about the bus stopping at the far side of Romans Avenue because then cars on Romans Avenue get a chance to get onto the street rather than being caught behind the busses there. At present the bus stop, when you are coming out of town, is sort of half way between the driveway and the memorial. Is there going to be a fence in case the bus stop does not get moved? What would you do to the south edge of the property?

Mr. Goodspeed, referencing the plan, noted this is about 4' higher than this (pointed out).

Ms. deMostral noted they would not be able to cross over it then. It would not be walking area.

Mr. Goodspeed responded not through there.

Ms. deMostral noted a lot of them at the moment stop there at the bus stop and cross over to the gym or cross over to the apartment buildings.

Ms. Margaret Murray commented she was quite delighted with the model over here. She liked the way it transitions. One of the concerns she had about the 16 storey building is that it just did not fit.

She knew the smaller footprint was a consideration but it seems to her that 6-9 storeys kind of works much better.

Ms. Murray said she was still concerned about traffic. She counted somewhere over 20 turns in her driveway on Vaughan Avenue just through supper hour one evening. Even when she was out there working, they turned in her driveway because you are not allowed to make a u-turn there. Anybody going in and having to go around back onto Bayers Road has to find a way to turn, so that would be one of the issues that will need to be considered.

Ms. Murray indicated it sounds like they have several ideas around keeping it green which looks appealing. She was with David and the committee. This is something she could say yes to, even with some of the other concerns. She thought it looks pretty good.

Mr. Roski stated he has lived there for some 47-48 years. When Mr. Medjuck built those two apartment buildings, there was no access onto Chisholm Avenue and he did not have one for a couple of years after he built them. Subsequently he talked to CNR about selling him some land and made an exit onto Chisholm Avenue. He was dead against them making an exit onto their driveway from this development because invariably those people are not going to go out to Bayers Road. If a person lives in Dartmouth, he could not see them coming out of there and going all the way around to the Fairview Overpass to get to Dartmouth when he can go down that driveway, out onto Chisholm and Connaught and over the bridge. They already have more traffic on Chisholm Avenue than they need. They get rush hour traffic sometimes backed up on Bayers Road all the way along Romans, Federal, and St. Andrews. To add more traffic on Chisholm Avenue went against his principles.

Mr. Miller referenced an earlier comment about the traffic light at Romans Avenue and Bayers Road. He and his wife were almost eighty years old. They count the steps. There is a fence and a gate. That fence belongs to their building. Just opposite it, there is a gate and they take that and come around to get into this building, but they can also go down that road to go to the bus stop that is going to downtown or the Halifax Shopping Centre. In the summer time, they can walk along Romans Avenue but in the winter time they take the bus. The lights going up and down Bayers Road are on forever. The one's going across Bayers Road to Romans Avenue is ten of his paces and the light goes to a flashing red. It is about six seconds of walk time. When Councillor Fougere was the councillor for District 14, a long time ago, it was brought up and they asked and asked to be given a break to give them time to walk across Bayers Road or even time to get to the centre of the road. In terms of widening Bayers Road, it is one way traffic coming this way down. Why widen the road when you are not allowed to touch the bridge. The bridge is one of the most hazardous bridges in Halifax.

Ms. Margaret Gentleman asked what arrangements have been made for visitor parking, and how many spaces.

Mr. Goodspeed responded there are 120 apartments planned. There is underground parking for 100 cars and there is another 24 here (pointed out). There are about 20 spaces there for visitors.

Ms. Gentleman asked if it would be marked out for visitors parking.

Mr. Goodspeed, referencing the plan, pointed out the area mostly intended for visitor parking.

Closing comments

Ms. Wheaton thanked everyone for attending. When the report and draft development agreement goes to Community Council, the minutes of the meeting will be attached to the report. She encouraged that people sign the attendance sheet to make sure they are included on the notification list, should there be a public hearing. She asked that anyone having any additional comments or questions, either call or email her.

Adjournment

The meeting adjourned at approximately 8:30 p.m.