


**Item No. 10.1.2**

**Halifax and West Community Council  
March 25, 2014**

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

**SUBMITTED BY:**   
**for:** Brad Anguish, Director of Community & Recreation Services

**DATE:** February 27, 2014

**SUBJECT:** Case 18555 – LUB Amendment and Development Agreement – 2857-2863 Isleville Street and 5559 Bilby Street, Halifax

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**ORIGIN**

Application by WSP Canada Inc.

**LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter, Part VIII, Planning & Development*

**RECOMMENDATION**

It is recommended that Halifax and West Community Council:

1. Give First Reading to consider approval of the proposed amendment to Map ZM-2 of the Halifax Peninsula Land Use By-law to include 2857-2863 Isleville Street and 5559 Bilby Street, Halifax, in Schedule Q, as presented on Attachment A and Maps 1 and 2 of this report, and schedule a public hearing.
2. Move Notice of Motion to consider the proposed development agreement as contained in Attachment B to allow for an 8-storey residential development and schedule a public hearing. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1.
3. Adopt the amendment to Map ZM-2 of the Halifax Peninsula Land Use By-law as presented on Attachment A and Maps 1 and 2 of this report.

**RECOMMENDATIONS CONTINUED ON PAGE 2**

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

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

### **BACKGROUND**

An application has been submitted by WSP Group, on behalf of the property owner, Onyx Properties, to enable the development of an 8-storey residential building containing apartment type units within a tower and townhouse-style units on the ground level at the north east corner of Isleville Street and Bilby Street in the north end of the Halifax peninsula (Map 1). As the proposal cannot be enabled through the existing zoning, the applicant has requested that the subject site be included within Schedule “Q” of the Halifax Peninsula Land Use By-law (LUB), which would then allow the proposed residential building to proceed by development agreement.

#### **Location, Subject Area and Surrounding Area**

The subject area:

- is located on the north eastern corner of Bilby and Isleville Street (Maps 1 and 2);
- is comprised of a single property and one building with residential and commercial tenants; and
- totals approximately 970.0 square metres (10,440.0 square feet) in area and has approximately 31 metres (101.7 feet) of street frontage on Isleville Street and 31.5 metres (103.3 feet) on Bilby Street.

The surrounding area is comprised of commercial, residential, and institutional uses. Surrounding land uses include:

- Canadian Forces Base Stadacona;
- a 2 storey commercial building containing a locksmith shop;
- low and medium density residential uses;
- an Ultramar service station; and
- an auto repair use.

#### **Designation and Zoning:**

The subject property;

- lies within Area 5 of the Peninsula North Secondary Planning Strategy (Section XI of the Halifax Municipal Planning Strategy [MPS]), is designated for Major Commercial development (Map 1), and falls within the Regional Centre designation of the Regional MPS; and

- is zoned C-2 (General Business) by the Halifax Peninsula Land Use By-law (Map 2).

### **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 the development agreement process. This process is achieved through the application of Schedule “Q” of the Halifax Peninsula Land Use By-law. Schedule “Q” was established to address the challenge of introducing new residential uses into existing commercial and industrial areas by negotiating, on a site by site basis, the conditions of a development agreement including;

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

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

The C-2 Zone permits commercial buildings with no restrictions on front, side or rear yards but limits the height to 24.4 metres (80 feet), with an allowance for additional height if 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 projects of greater than four dwelling units to 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 on the subject property and construct a 8-storey residential building containing multi-unit residential and townhouse units. To achieve this development, the applicant has requested that the subject property be included within Schedule “Q” of the LUB to allow for the proposed development to proceed by development agreement. This process will allow the site to be developed comprehensively with care taken to minimize land use conflicts. Further detailed elements of the proposal are as follows:

- 4 townhouse-style units on the ground level;
- a maximum of 36 units within the residential tower;
- an enclosed 2-level vehicle parking garage; and
- amenity space in the form of indoor and outdoor podium space.

### **Approval Process**

The approval process for this application involves two steps:

- i) First, Community 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, Community Council shall consider and, if deemed appropriate, approve the proposed development agreement.

A single public hearing can be held by Community Council to consider both the LUB amendment and the development agreement. However, Community Council can only render a decision on the development agreement following the approval of the LUB amendment. Community Council will be provided with a supplementary report once the LUB amendment is in effect, at which time it can consider approval of the development agreement. An appeal mechanism to the Nova Scotia Utility and Review Board exists for both decisions of Council.

## **DISCUSSION**

Staff has reviewed the proposal relative to all relevant policies and has 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”)**

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

### **Development Agreement**

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

- permitted residential uses (maximum of 36 multi-unit and 4 townhouse-style units; minimum of 17 two-bedroom units);
- architectural, signage, lighting and maximum building height requirements;
- parking (bicycle and vehicular), circulation and site access;
- detailed landscaping requirements and plan for terrace/rooftop landscaped areas;
- building services, maintenance and waste facilities; and
- options for various non-substantive amendments by resolution of Council, including: building architecture, landscaping details, amenity space details; signage, functional elements and changes to timeframes for development.

In staff’s opinion, the attached development will permit a residential development that is compatible and appropriate with the neighbourhood. Of the matters addressed by the proposed development agreement, the following have been identified for more detailed discussion.

### Siting and Neighbourhood Compatibility

In order to achieve investment in commercial and residential redevelopment, the MPS requires that Council consider “*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*”. The subject block, and those immediately abutting it, are designated Major Commercial and are zoned C-2 (General Business). Substantial building heights and massing are achievable through the as-of-right zoning applied to this area. However, through the development agreement process, staff was able to negotiate with the applicant to address compatibility and design issues. As a result, a building of greater density with a massing and height less than that which could be achieved in an as-of-right situation has been accommodated.

One of key considerations when reviewing an application of such scope is the compatibility of the proposed land use with the existing neighbourhood. Planning Policies encourage establishing regulations and provisions that control the intensity of land uses in order for new proposals to be compatible with existing land uses (Attachment C).

A variety of land uses are located in the area surrounding the subject property that include single unit and two-unit dwellings, 4 to 5-storey multi-unit buildings, as well as a few commercial and industrial businesses. Moreover, the property is located in close proximity to sites that recently received Council’s approval for comprehensive site planning under Schedule “Q” subject to development agreements (Map 3). Approved proposals include 7 to 8-storey residential and mixed use buildings which consist of townhouse units, commercial ground floors and/or office spaces. One of those sites is located on the south east corner of Isleville and Bilby Streets, which is on the opposite corner of the subject property. In January 2013, Halifax and West Community Council approved amendments to the LUB to include that site within Schedule “Q” and approved a development agreement that permits a 56-unit, 7-storey residential building that includes 8 townhouse units on the ground level (refer to Case 17511). Council should note that there is currently an active Planning Application for comprehensive site planning under Schedule “Q” policies for the property located on the south side of Bilby Street, which is referred to as Case 18591. A decision by Council has not been made.

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

### Building Design

The MPS encourages effective urban design treatments and the use of high quality exterior building materials. Attachment D includes 3D renderings of the proposed development provided by the applicant in support of the application.

Effective urban design treatment is established by a two storey streetwall along both Isleville and Bilby Streets, which is consistent with height of the neighbouring properties. The building design utilizes differing architectural wall treatments in order to mitigate against blank walls on the building’s north and east elevations. The building incorporates high quality materials such as

stone masonry, cement siding, glass and metal rails. Signs are limited to awnings, fascia and projecting signs. The back lighting is limited to the lettering of each sign.

Also, the design of the proposed building includes measures to reduce land use conflicts, such as including larger stepbacks from neighbouring property line for the upper storeys of the building and through the nature of the building's non-combustible construction materials, which will assist with noise attenuation. These design aspects not only help mitigate the impact of the development from existing uses, but also intend to lessen the potential impact for the future development of adjacent sites.

#### Traffic/Site Access

MPS policy encourages vehicular traffic to use principal streets and discourages it within existing neighbourhoods. A Traffic Impact Statement, prepared by the applicant's consultant, was reviewed by HRM and was deemed acceptable. The Study concludes that there are no resultant issues with the proposed residential development on the local street network. The proposed Development Agreement requires vehicles accessing the site to utilize Isleville Street for underground parking spaces and Bilby Street for above-ground parking area.

#### 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 and deemed sufficient relative to municipal central sewage and water systems.

#### Landscaping and Open Space

MPS policy calls for the provision of on-site open space and leisure areas which are adequate for the building residents. The proposed development agreement requires at least 119.0 square metres (1,280.0 square feet) of indoor amenity space and a minimum of 97.5 square metres (1,050.0 square feet) of amenity space outside the building. The outdoor amenity space is required to be located on the podium, which is located on the third level of the development, and amenity space on the upper levels in the form of landscaped areas. Council should note that the proposed development agreement ensures the use of high quality materials and landscape design. It also requires adherence to detailed landscaping requirements and the submission of a detailed landscape plan prepared by a landscape architect.

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

This application was presented to the Districts 7 & 8 Planning Advisory Committee (PAC) on October 28, 2013. The recommendations of the PAC on the application are sent to Community Council by means of a separate report.

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



- ensuring adequate pedestrian circulation space in order to support private green spaces in front of the townhouses and tree planting in HRM right-of-way in consultation with HRM Urban Forester; and
- considering additional aesthetic and architectural treatments in the design of the building.

Staff has reviewed the recommendations of the PAC and has incorporated provisions within the proposed development agreement that deal with the architectural design of facades and entrances, landscaping, mitigation measures, type of materials, bike parking, lighting and signage.

### **Conclusion**

In staff's opinion, 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 potential compatibility issues with the surrounding uses. Therefore, staff recommends approval of the proposed LUB amendment (Attachment A) and development agreement (Attachment B).

### **FINANCIAL IMPLICATIONS**

There are no financial implications. The Developer will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement. The administration of the Agreement can be carried out within the approved 2013/14 budget with existing resources.

### **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through a public information meeting held on September 18, 2013. Attachment E 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 2.

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 Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be advised of the public hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.

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

## ENVIRONMENTAL IMPLICATIONS

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

## ALTERNATIVES

1. Community 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. A decision of Council to approve the proposed LUB amendment or development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Community 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. Community 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. A decision of Council to refuse the proposed LUB amendment or development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

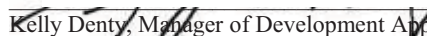
## ATTACHMENTS

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

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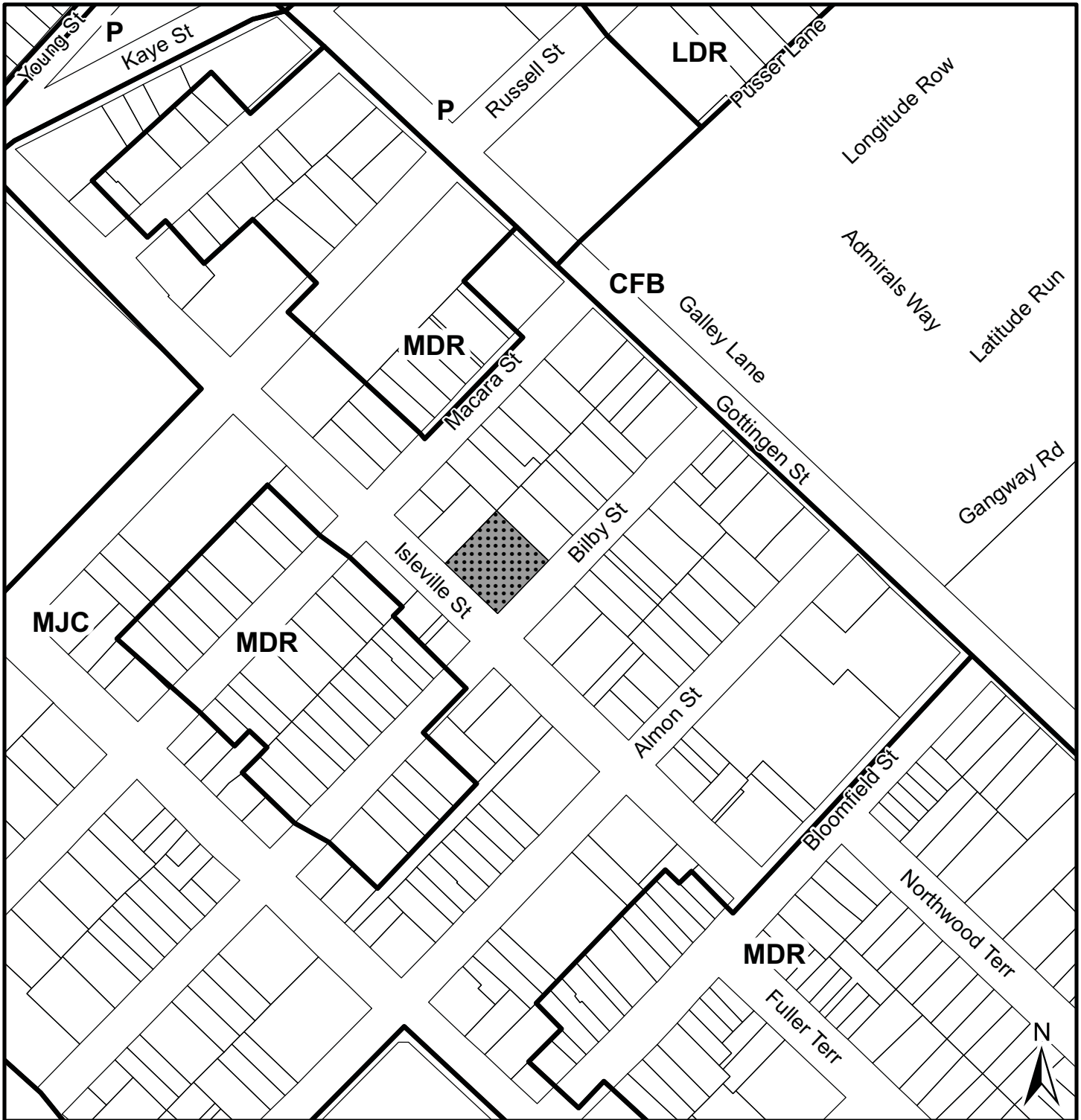
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Dali H. Salih, Planner, Development Approvals, 490-1948  
Original Signed

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


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**Map 1 - Generalized Future Land Use**

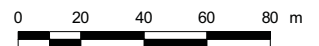
2857-2863 Isleville Street  
 and 5559 Bilby Street  
 Halifax

 Area proposed to be added to Schedule Q

Halifax Plan Area  
 Peninsula North Secondary Plan Area

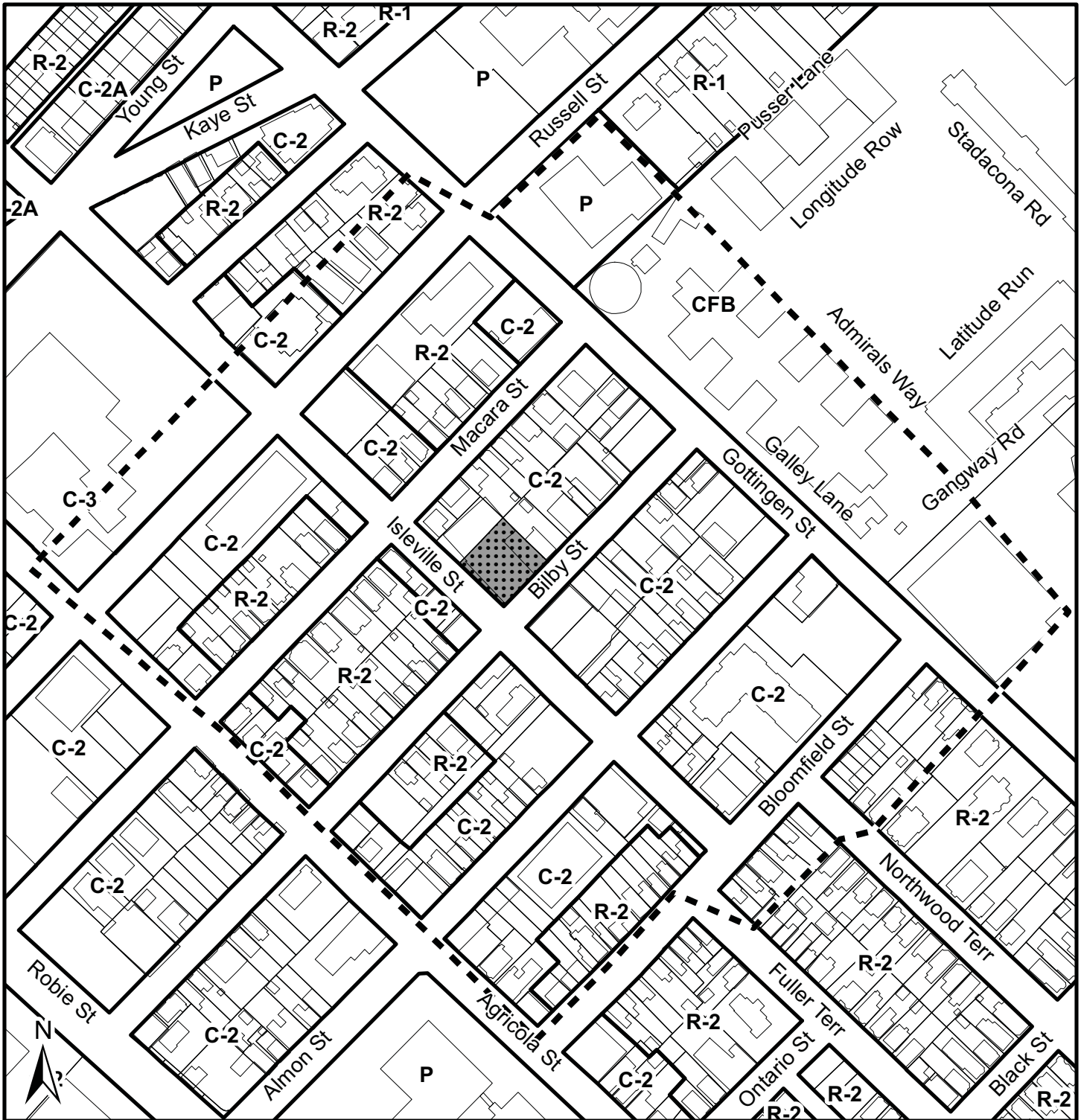
**Designation**

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




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


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



**Map 2 - Zoning and Notification**

2857-2863 Isleville Street  
 and 5559 Bilby Street  
 Halifax

 Area proposed to be added to Schedule Q

 Area of notification

Halifax Peninsula  
 Land Use By-Law Area

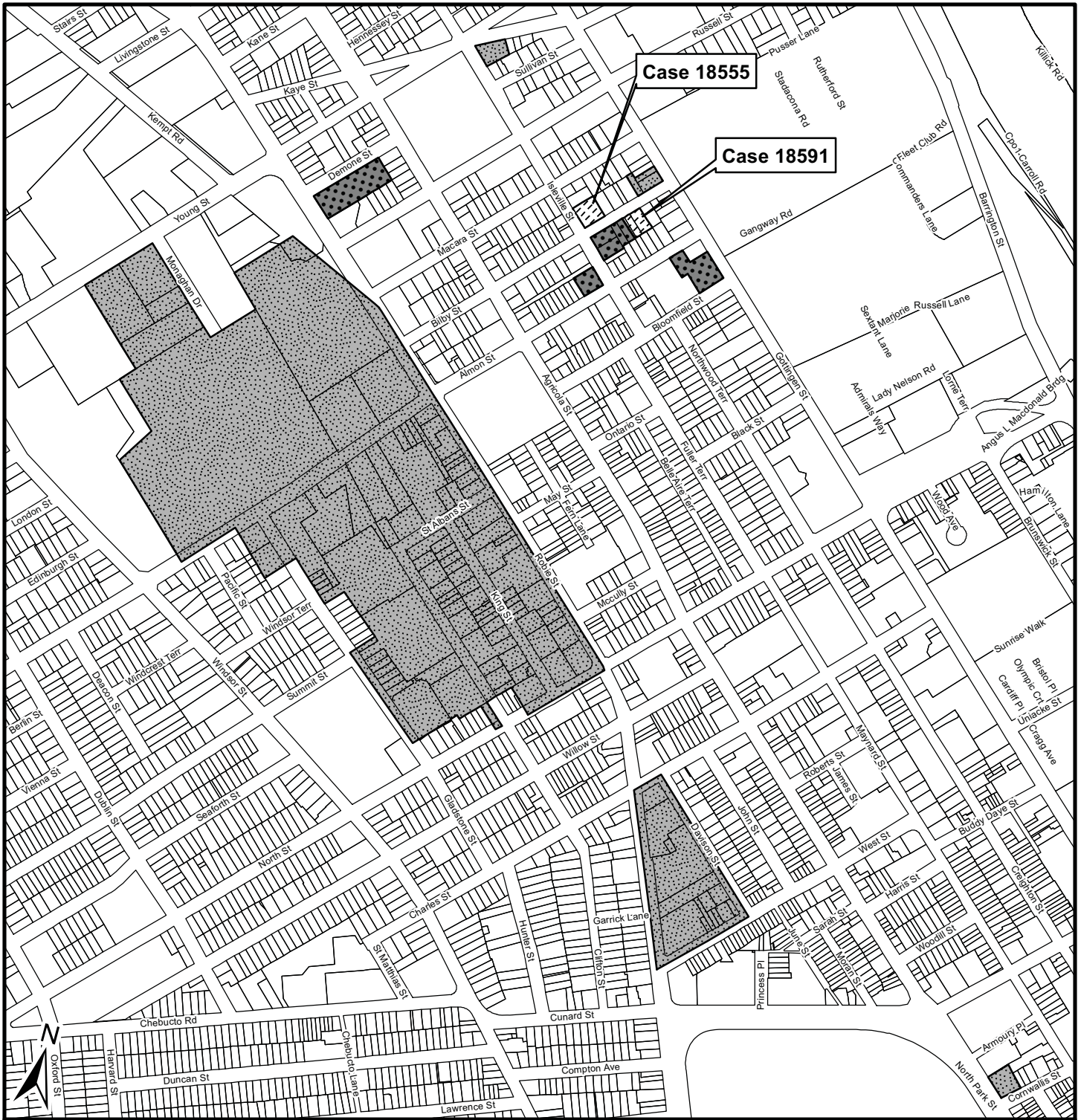
**Zone**

R-1	Single Family
R-2	General Residential
C-2	General Business
C-2A	Minor Commercial
C-3	Industrial
CFB	Canadian Forces Base
P	Park and Institutional






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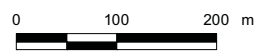


### Map 3 - Schedule Q Areas

Halifax Peninsula

-  Schedule Q
-  Schedule Q areas approved in 2013
-  Area proposed to be added to Schedule Q (currently under application)

Halifax Peninsula  
Land Use By-Law Area



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.

**ATTACHMENT A:**  
**Proposed Amendments to the Halifax Peninsula Land Use By-law (LUB)**

BE IT ENACTED by the Halifax and West Community Council of the Halifax Regional Municipality that the Land Use By-law for Halifax Peninsula as adopted by Regional Council on the 30<sup>th</sup> day of March, 1978, and approved by the Minister of Municipal Affairs on the 11<sup>th</sup> day of August, 1978, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the [**insert date of ‘appeal periods’**] is hereby amended as follows:

1. Amend Zoning Map, **ZM-2**, by including the property located on the north east corner of Isleville Street and Bilby Street, identified by 2857-2863 Isleville Street and 5559 Bilby Street, Halifax, in Schedule Q, as presented on Schedule A.

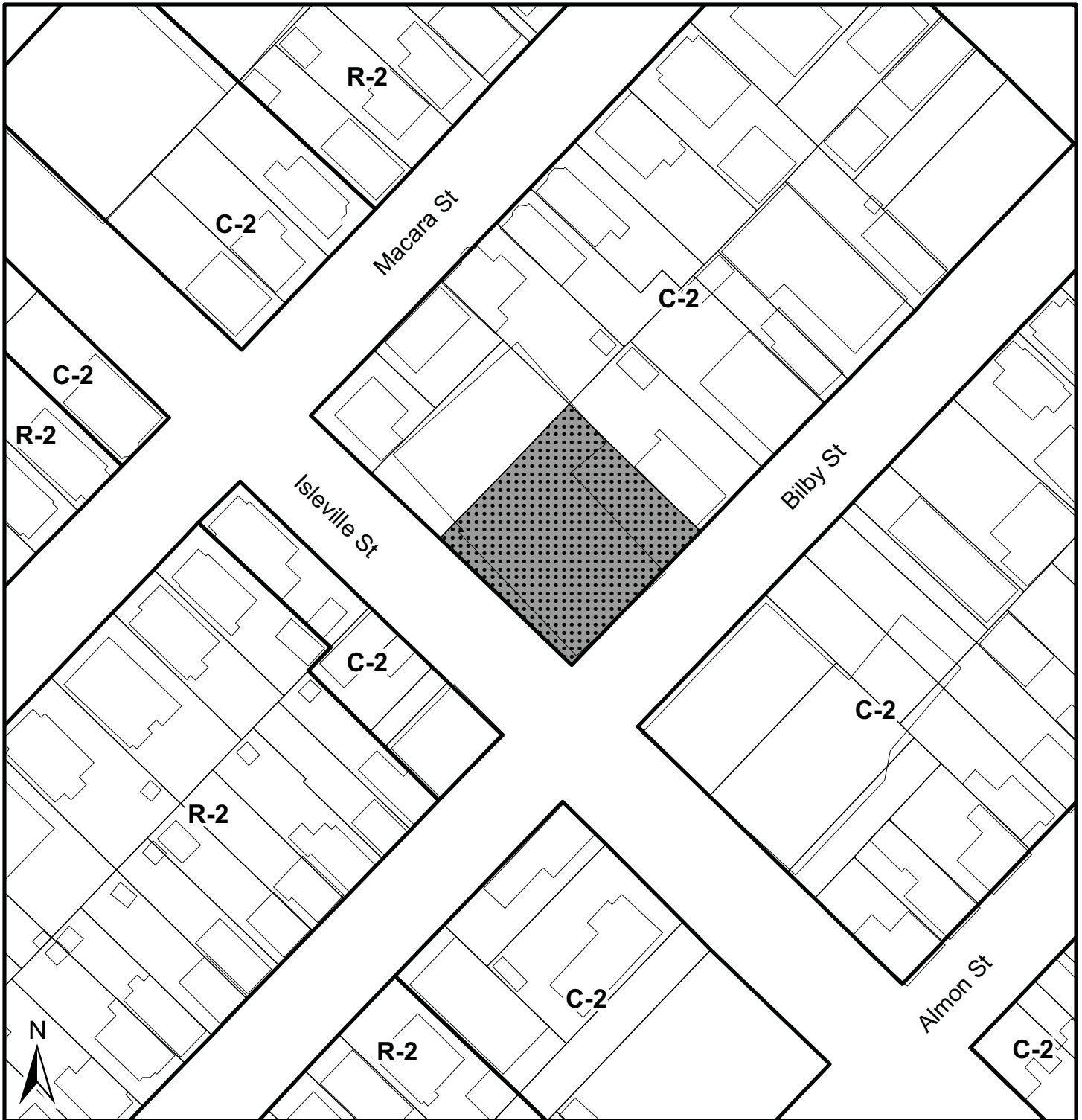
I HEREBY CERTIFY that the amendments to the Land Use By-law for Halifax Peninsula, as set out above, were duly passed by a majority vote of the Halifax and West Community Council at a meeting held on the \_\_\_ day of \_\_\_\_\_, 2014.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this \_\_\_ day of \_\_\_\_\_, 2014.

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Municipal Clerk





**Schedule A**

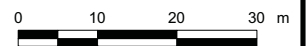
2857-2863 Isleville Street  
 and 5559 Bilby Street  
 Halifax

 Area to be added  
 to Schedule Q

Halifax Peninsula  
 Land Use By-Law Area

**Zone**

R-2 General Residential  
 C-2 General Business



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.

**ATTACHMENT B:**  
**Proposed Development Agreement**

THIS AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_,

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 on the north east corner of the intersection of Isleville Street and Bilby Street, identified as 2857-2863 Isleville Street and 5559 Bilby 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 residential development consisting of multiple units and townhouse units on the Lands pursuant to the provisions of Section XI of the *Halifax Regional Municipality Charter* and pursuant to Policies 2.3.1, 2.3.2 and 2.3.3 of the Halifax Municipal Planning Strategy and Section 92 of the Halifax Peninsula Land Use By-law;

AND WHEREAS the Halifax and West Community Council for the Municipality approved this request at a meeting held on [INSERT DATE], referenced as Municipal Case Number **18555**;

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



## **PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION**

### **1.1 Applicability of Agreement**

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

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

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

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

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

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

### **1.4 Conflict**

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

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

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

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

## **1.6 Provisions Severable**

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

## **PART 2: DEFINITIONS**

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

All words unless otherwise specifically defined herein shall be as defined in the applicable Land Use By-law and Subdivision By-law, if not defined in these documents their customary meaning shall apply.

## **PART 3: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS**

### **3.1 Schedules**

The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, conforms with the following Schedules attached to this Agreement and filed in **the Halifax Regional Municipality as Case Number 18555**:

Schedule A	Legal Description of the Lands(s)
Schedule B	Site Plan
Schedule C	Parking Floor Plan – Underground Level
Schedule D	Parking Floor Plan – Parking & Townhouse Units
Schedule E-1	South Elevation
Schedule E-2	North Elevation
Schedule E-3	East Elevation
Schedule E-4	West Elevation
Schedule F	Preliminary Landscape Plan (Ground Level, Podium Level & Rooftop)

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

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

- a) a written confirmation and photographs demonstrating that the existing building on the Lands has been removed, in accordance with Section 3.6 of this Agreement;
  - b) an outdoor Lighting plan in accordance with Section 3.8 of this Agreement; and
  - c) a detailed Landscape Plan prepared by a Landscape Architect in accordance with Section 3.9 of this Agreement.
- 3.2.2 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.

### **3.3 General Description of Land Use**

- 3.3.1 The use(s) of the Lands permitted by this Agreement, subject to its terms and as generally illustrated on the Schedules attached hereto, are the following:
- (a) An 8-storey apartment house (multi-unit residential uses); and
  - (b) Townhouse units.

### **3.4 Detailed Provision for Land Use**

- 3.4.1 Ground-floor land uses shall be limited to uses permitted by Section 3.3.1(b), and as shown on Schedule D.
- 3.4.2 Further to Section 3.4.1, the townhouse units shall:
- (a) be up to a maximum of 4 units, where three (3) of the four (4) units contain at least 2 bedrooms;
  - (b) form a part of the overall building as well as the apartment house;
  - (c) consist of 2 storeys;
  - (d) comprise a minimum of 68 square meters (730 square feet) in gross floor area for each unit; and
  - (e) be permitted to include home occupation uses.
- 3.4.3 A maximum of 36 residential dwelling units shall be permitted within the multiple-unit residential portion of the building.
- 3.4.4 The Developer shall provide the Development Officer with sufficient information to

verify that the proposed development conforms to each of the following requirements:

- (a) Height: The height of building above grade shall be up to a maximum of 24.4 metres (80 feet), and shall not include the underground parking garage. Height shall be defined as the vertical distance of the highest point of the roof above the mean grade of the finished ground adjoining the building along Isleville Street and Bilby Street. Height exemptions included in the Halifax Peninsula Land Use By-law shall apply with the exception of penthouses;
- (b) Population Density: The total density for the residential building shall be up to a maximum of 80 persons. For the purposes of calculating population density on the Lands, the following shall apply:
  - i. Bachelor units shall be assigned 1 person per unit;
  - ii. One (1) Bedroom units shall be assigned 2 persons per unit; and
  - iii. Two (2) Bedroom or more units shall be assigned 2.25 persons per unit;
- (c) Further to 3.4.1(b), for the purposes of determining permissible density, one bedroom plus den units shall be considered one-bedroom units and two bedrooms plus den shall be considered two bedroom units;
- (d) Unit Mix: A minimum of 44% of the residential units shall consist of 2 or more bedrooms; and
- (e) Amenity Open Space: The proposed development shall include a minimum of 119.0 square metres (1,280.0 square feet) of amenity space within the building and a minimum of 97.5 square metres (1,050.0 square feet) of amenity space outside the building in the form of landscaped open space.

### **3.5 Siting and Architectural Requirements**

- 3.5.1 The development shall be exempted from the detailed requirements of the R-3 (Multiple Dwelling) Zone of the Land Use By-law. Instead, the Schedules and written provisions of this Agreement shall apply.
- 3.5.2 The building's height, massing, exterior design and materials shall be as shown on the Schedules.
- 3.5.3 The building's exterior design shall be as shown on Schedules E-1 and E-4.
- 3.5.4 Entrances to the townhouse units shall front on Isleville Street and Bilby Street as shown on Schedules E-1 and E-4.
- 3.5.5 The main entrance shall be emphasized by detailing, changes in materials, and other architectural devices such as but not limited to lintels, pediments, pilasters, columns,

porticos, overhangs, corner boards, fascia boards or an acceptable equivalent approved by the Development Officer.

- 3.5.6 The façades of the building facing Isleville Street and Bilby Street shall be designed and detailed, as generally shown on the Schedules. Further, architectural treatment shall be continued around all sides of the building as identified on the Schedules.
- 3.5.7 Large blank or unadorned walls shall not be permitted. The scale of large walls shall be tempered by the introduction of textural plantings and architectural detail to create shadow lines (implied windows, cornice lines, offsets in the vertical plane, etc.).
- 3.5.8 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 compliment the colour of the adjacent surface, except where used expressly as an accent.
- 3.5.9 Building shall be designed such that the mechanical systems (HVAC, exhaust fans, etc.) are not visible from Isleville Street, Bilby Street or abutting residential properties. Furthermore, no mechanical equipment or exhaust fans shall be located between the building and the adjacent residential properties unless screened as an integral part of the building design and noise reduction measures are implemented. This shall exclude individual residential mechanical systems.
- 3.5.10 Windows shall be vertical in orientation where possible, or square. If shutters are used, they must be sized to fit the opening and must be provided for all windows.
- 3.5.11 All roof mounted mechanical or telecommunication equipment shall be visually integrated into the roof design or screened from adjacent properties.

### **3.6 Demolition of Existing Building(s)**

The Developer shall remove all existing buildings and structures on the Lands prior to the issuance of a Development Permit.

### **3.7 Parking, Access and Circulation**

- 3.7.1 Parking, circulation and access shall be in conformance with the following:
  - (a) Parking area shall accommodate a maximum of 30 parking spaces;
  - (b) All enclosed parking areas shall be as generally shown on Schedules C and D;
  - (c) Notwithstanding clauses (a) and (b), up to one quarter (1/4) of the individual parking spaces may be reduced in size to a minimum of 8 feet by 17 feet; and

- (d) Bicycle parking shall be provided as per the requirements of the Halifax Peninsula Land Use By-law.

### **3.8 Outdoor Lighting**

- 3.8.1 An outdoor lighting plan shall be submitted to the Development Officer, prior to the issuance of a Development Permit.
- 3.8.2 Lighting required for each multiple unit dwelling shall be shown on the site plan and building drawings prior to the issuance of a Development Permit. Lighting required for each multiple unit dwelling shall be installed prior to the issuance of an Occupancy Permit.
- 3.8.3 Outdoor lighting shall be directed to driveways, parking areas, loading areas and building entrances and shall be arranged so as to direct the light away from streets, adjacent lots and buildings.
- 3.8.4 The building may be illuminated for visual effect provided such illumination is directed away from streets, adjacent lots and buildings and does not flash, move or vary in intensity such that it creates a hazard to public safety.

### **3.9 Landscaping**

- 3.9.1 Prior to the issuance of a Development Permit, the Developer shall provide a Landscape Plan, which complies with the provisions of this section. The Landscape Plan shall be prepared by a Landscape Architect (a full member, in good standing with Canadian Society of Landscape Architects) and comply with all provisions of this section.
- 3.9.2 All plant material shall conform to the Canadian Nursery Trades Association Metric Guide Specifications and Standards and sodded areas to the Canadian Nursery Sod Growers' Specifications.
- 3.9.3 Landscaped areas shall conform with the following:
  - (a) Provisions of new street trees along the Isleville Street and Bilby Street frontages shall conform to the HRM Municipal Design Guidelines and shall be in consultation with HRM's Urban Forester and Development Engineer;
  - (b) Landscaped open spaces shall include any combination of trees, shrubs, flowers, grass or other horticultural, and decorative stonework, pavers, screening or other landscape architectural elements; and
  - (c) The minimum requirement for landscaped open space horticultural elements shall be grass sod.



- 3.9.4 At the time of issuance of the Occupancy Permit, the Developer shall submit to the Development Officer a letter prepared by a member in good standing of the Canadian Society of Landscape Architects certifying that all landscaping has been completed according to the terms of this Agreement.
- 3.9.5 Notwithstanding Section 3.9.1, the Occupancy Permit may be issued provided that the weather and time of year does not allow the completion of the outstanding landscape works and that the Developer supplies a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping. The cost estimate is to be prepared by a member in good standing of the Canadian Society of Landscape Architects. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the work as described herein and illustrated on the Schedules, and as approved by the Development Officer. Should the Developer not complete the landscaping within twelve months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping as set out in this section of the Agreement. The Developer shall be responsible for all costs in this regard exceeding the deposit. The unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.

### **3.10 Maintenance**

- 3.10.1 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 and ice control, salting of walkways and driveways.
- 3.10.2 All disturbed areas shall be reinstated to original condition or better.

### **3.11 Signs**

- 3.11.1 Exterior signs shall meet the requirements of the C-2 Zone of the Halifax Peninsula Land Use By-law.
- 3.11.2 Two (2) temporary ground signs depicting the name or corporate logo of the Developer shall be permitted on the Lands prior to the issuance of the first Occupancy Permit. The temporary ground sign shall be removed prior to the issuance of the last residential occupancy permit.

### **3.12 Solid Waste Facilities**

- 3.12.1 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.

### **3.13 Construction/Sales Structure**

A temporary structure shall be permitted on the Lands for the purpose of housing equipment, materials and office related matters relating to the construction and sale of the development in accordance with this Agreement. The structure shall be removed from the Lands upon the issuance of the last Occupancy Permit.

## **PART 4: STREETS AND MUNICIPAL SERVICES**

### **4.1 General Provisions**

- 4.1.1 All construction shall conform to the most current edition of the HRM Municipal Design Guidelines and Halifax Water's Design and Construction Specifications unless otherwise varied by this Agreement and shall receive written approval from the Development Engineer prior to undertaking any work.
- 4.1.2 Any disturbance to existing off-site infrastructure resulting from the development, including streets, sidewalks, curbs and gutters, street trees, landscaped areas and utilities, shall be the responsibility of the Developer and shall be reinstated, removed, replaced, or relocated by the Developer as directed by the Development Engineer. Furthermore, the Developer shall be responsible for all costs and work associated with the relocation of on-site/ off-site underground services, overhead wires and traffic signals to accommodate the needs of the development.

## **PART 5: Amendments**

### **5.1 Non-Substantive Amendments**

The following items are considered by both parties to be not substantive and may be amended by resolution of Council.

- (a) A reduction in the number of storeys;
- (b) Minor changes to the exterior architectural appearance of the building, which in the opinion of the Development Officer do not conform with the attached Schedules as per Section 3.1;
- (c) Changes to the landscaping requirements as detailed in Section 3.9, which in the opinion of the Development Officer do not conform with the attached Schedules as per Section 3.1;

- (d) The granting of an extension to the date of commencement of construction, as identified in Section 6.3 of this Agreement; and
- (e) The length of time for the completion of the development, as identified in Section 6.5 of this Agreement.

## **5.2 Substantive Amendments**

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

## **PART 6: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE**

### **6.1 Registration**

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

### **6.2 Subsequent Owners**

- 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 (4)** years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law.
- 6.3.2 For the purpose of this section, commencement of development shall mean installation of the footings and foundation for the proposed residential building.
- 6.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 5.1(d), 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 the 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 **eight (8)** 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.

**N WITNESS WHEREAS** the said parties to these presents have hereunto set their hands and affixed their seals the day and year first above written.

**SIGNED, SEALED AND DELIVERED** in the presence of:

**(Insert Registered Owner Name)**

\_\_\_\_\_  
Witness

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

**HALIFAX REGIONAL MUNICIPALITY**

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

\_\_\_\_\_  
Witness

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

\_\_\_\_\_  
Witness

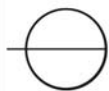
Per: \_\_\_\_\_  
MUNICIPAL CLERK

**KEY PLAN**



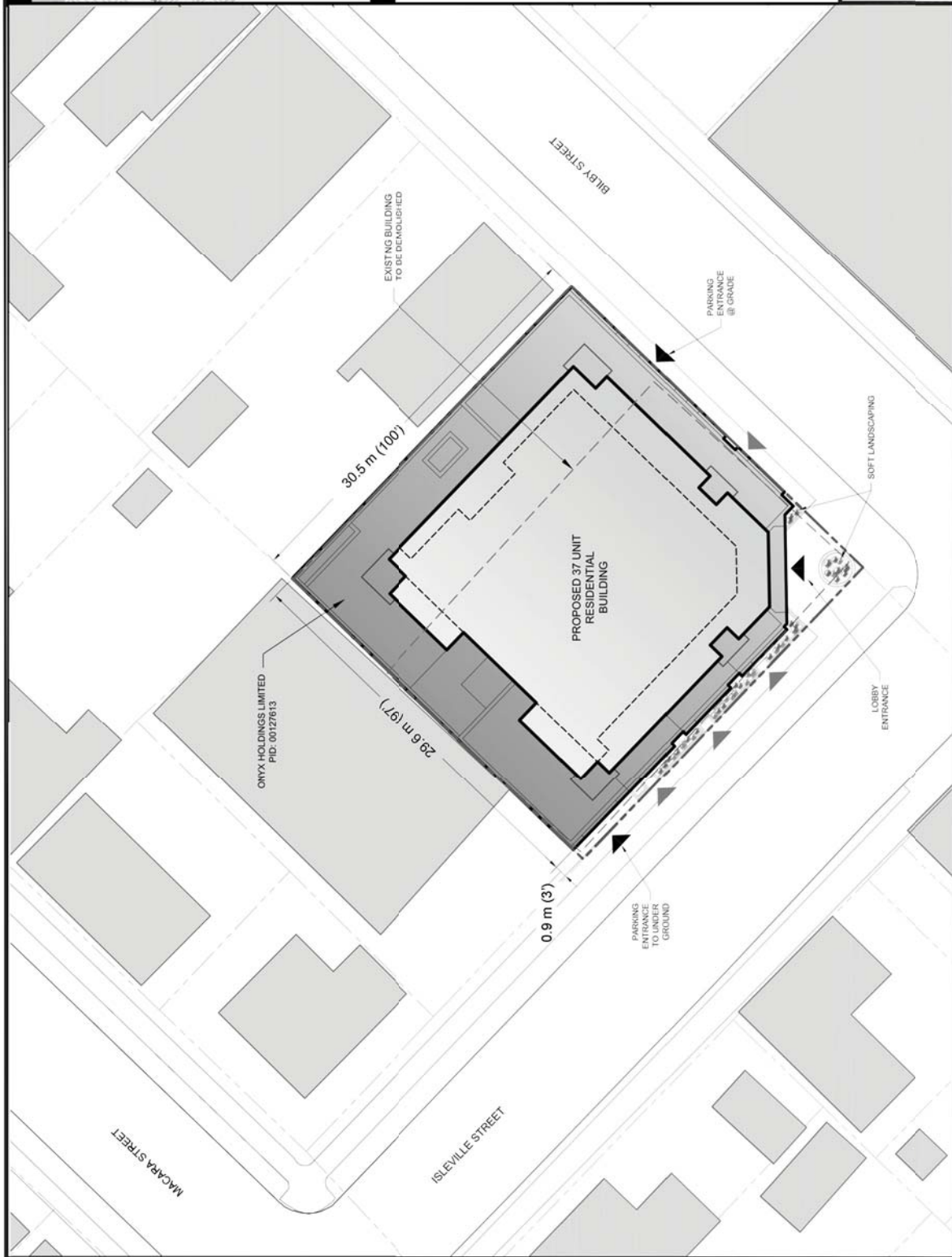
**LEGEND**

- Site Boundary
- - - Adjacent Property Boundary
- ▲ Building Access
- ▲ Townhouse Unit Access

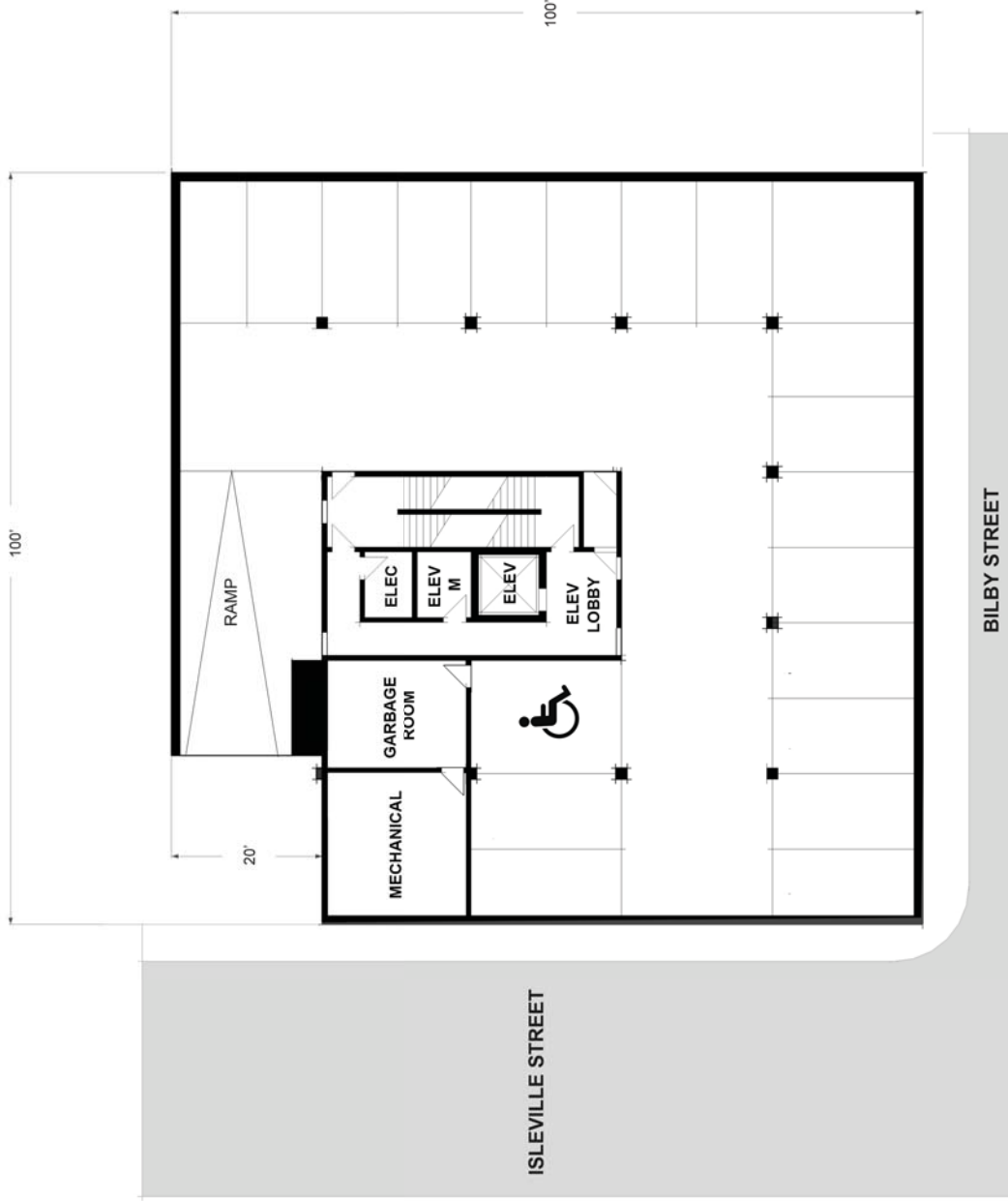


DATE: 10-OCT-2013

**Schedule B-Site Plan**  
 Proposed Residential Development  
 North East Corner Bilby Street and Iselville Street, Halifax



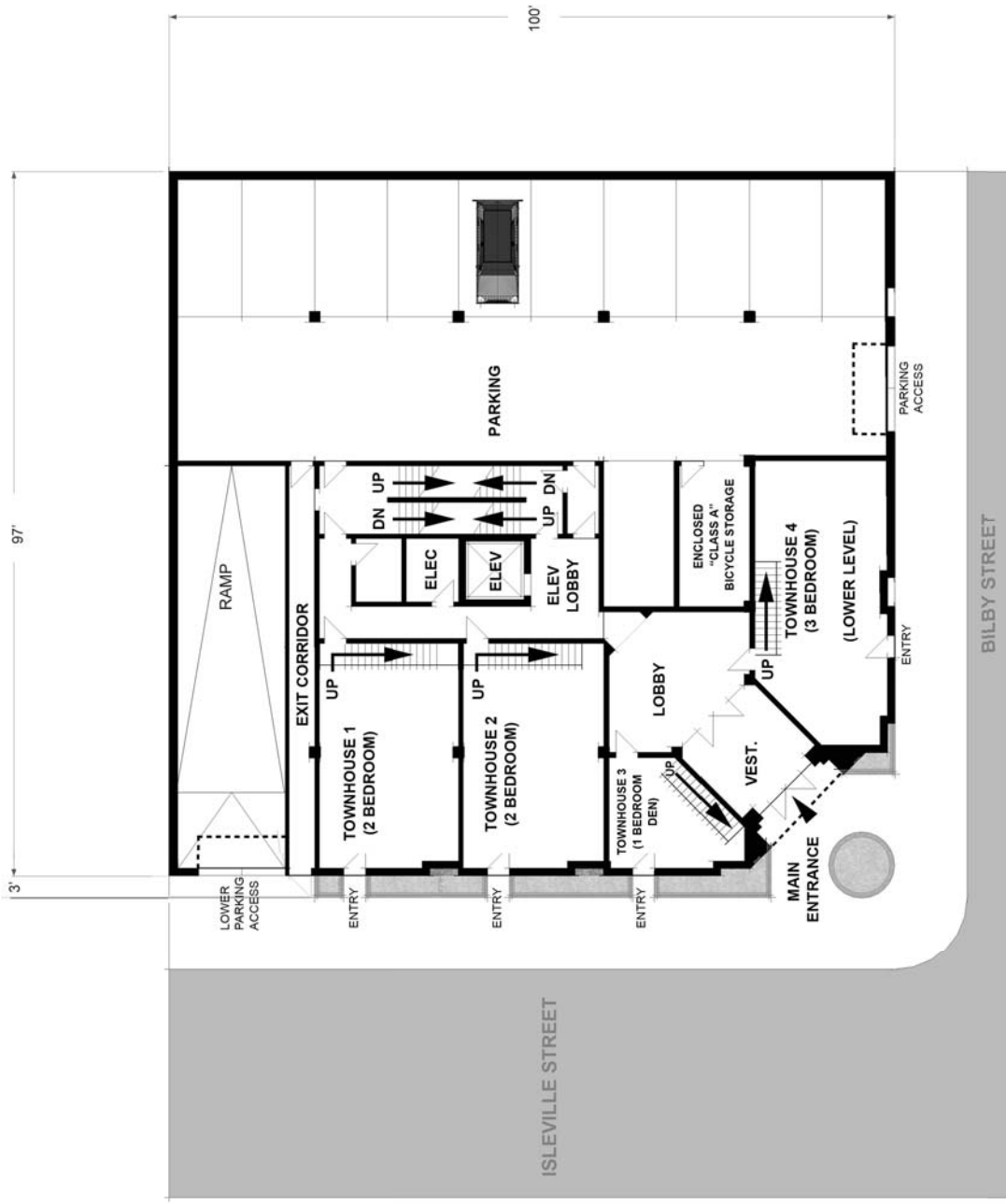




**Schedule C-Parking Floor Plan-Underground Level**  
 Proposed Residential Development  
 North East Corner Bilby Street and Iselville Street, Halifax



DATE: 10-OCT-2013



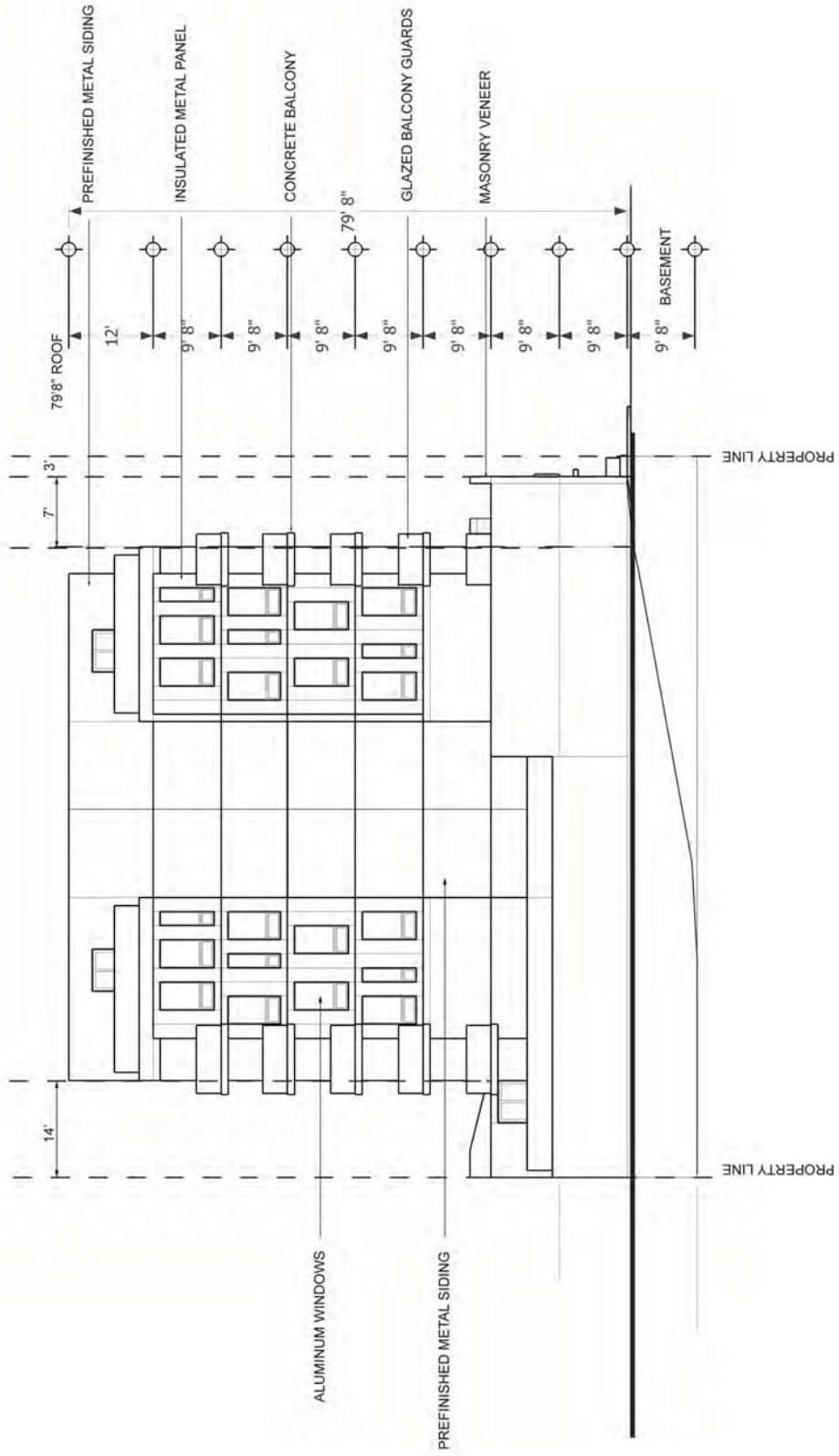
**Schedule D-Parking Floor Plan and Townhouse Units**  
 Proposed Residential Development  
 North East Corner Bilby Street and Iselville Street, Halifax



DATE: 10-OCT-2013



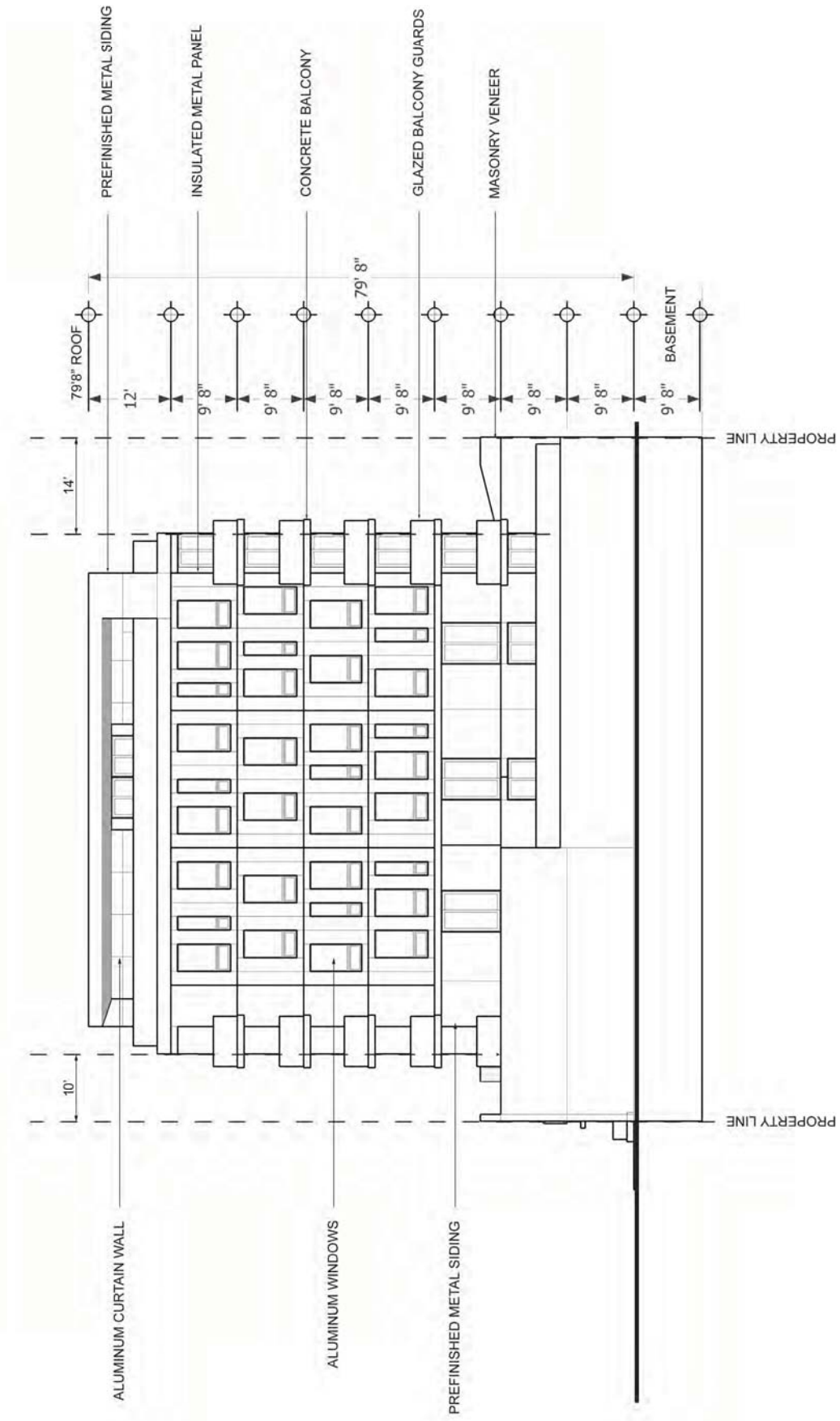




**Schedule E2-North Elevation**  
 Proposed Residential Development  
 North East Corner Bilby Street and Iselville Street, Halifax

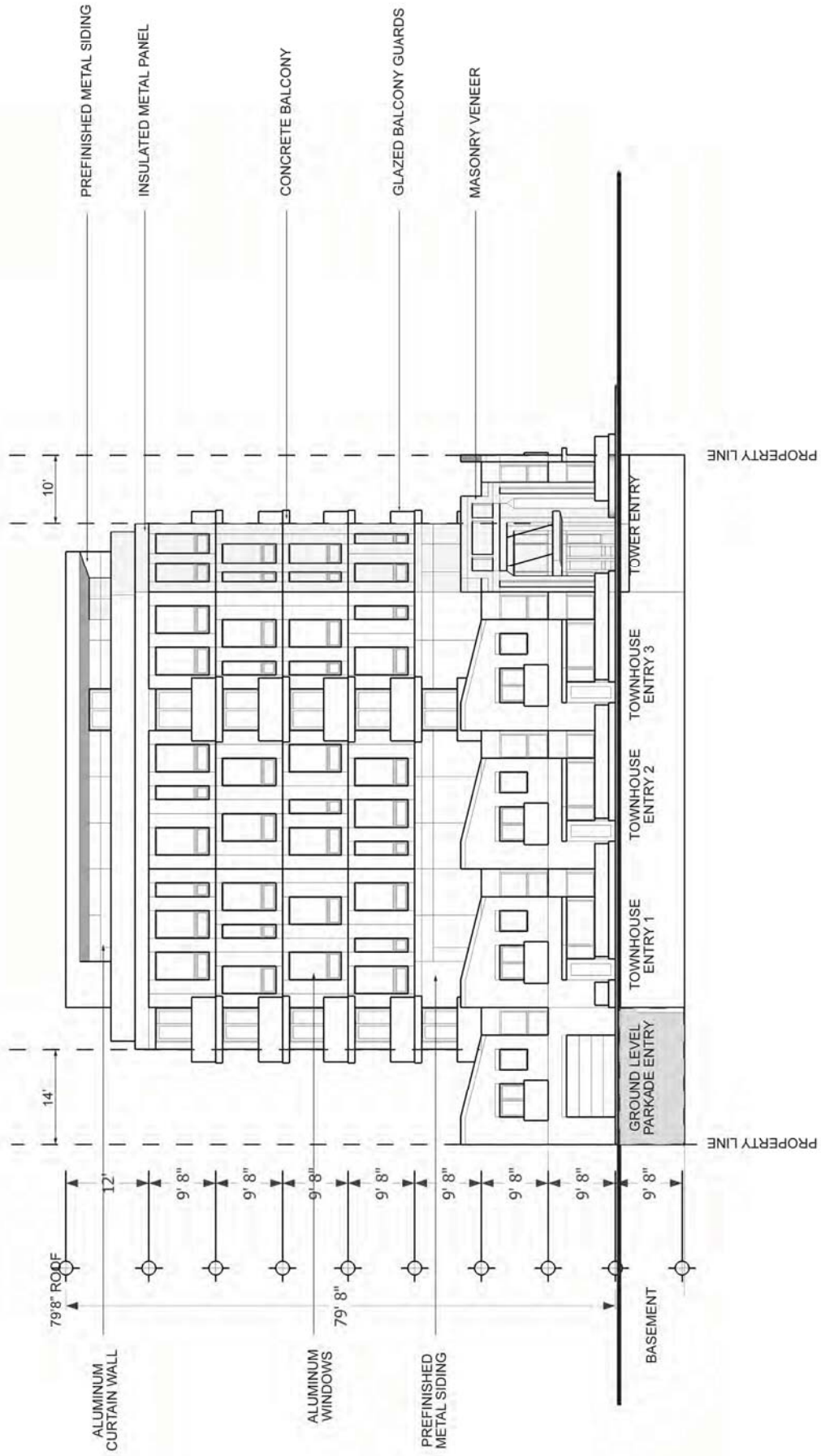


DATE: 10-OCT-2013



**Schedule E3-East Elevation**  
 Proposed Residential Development  
 North East Corner Bilby Street and Iselville Street, Halifax

DATE: 10-OCT-2013

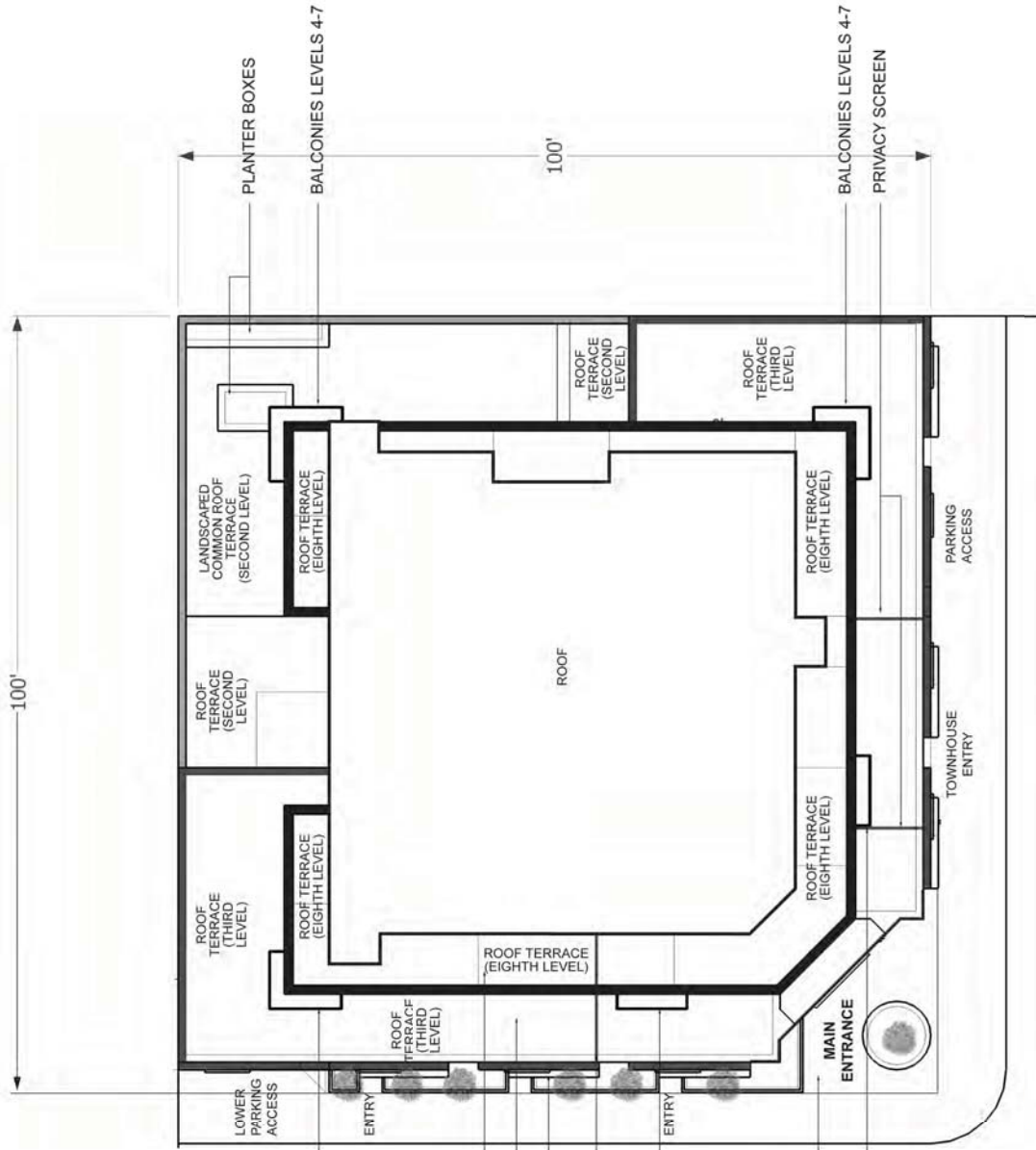


DATE: 10-OCT-2013

**Schedule E4-West Elevation**  
 Proposed Residential Development  
 North East Corner Bilby Street and Iselville Street, Halifax







BALCONIES LEVELS 4-7

ROOFTOP LEVEL  
 PODIUM LEVEL  
 GROUND LEVEL  
 PRIVACY SCREEN

BALCONIES LEVELS 4-7

LANSKAPED AREA STREET LEVEL  
 BALCONIES LEVELS 4-7

**Schedule F-1-Preliminary Landscape Plan (Ground Level, Podium Level & Rooftop)**  
 Proposed Residential Development  
 North East Corner Bilby Street and Iselville Street, Halifax



DATE: 10-OCT-2013

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

The proposal may be considered by Council through Policies 2.3, 2.3.1, 2.3.2 and 2.3.3 of the Halifax Municipal Planning Strategy (MPS). Findings that support this position are as follows:

**Halifax Municipal Planning Strategy (MPS)**  
**Section XI (Peninsula North Secondary Planning Strategy)**

Commercial Facilities Designation:

*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.*

<b>Applicable Policies</b>	<b>Staff Comments</b>
<p><b>Policy 2.3:</b> In areas designated major commercial, uses consistent with Section II, Policy 3.1.3 shall be permitted.</p> <p>[Section II, Policy 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.]</p>	<ul style="list-style-type: none"> <li>• In the Peninsula North Secondary Planning Strategy (Section XI of the Halifax MPS), the subject area is designated for Major Commercial land uses and zoned C-2 (General Business). This permits major and minor commercial land uses as well as residential uses.</li> <li>• The proposed above-ground and underground parking will serve and be utilized by building tenants.</li> </ul>
<p><b>Policy 2.3.1:</b> 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.</p>	<ul style="list-style-type: none"> <li>• The subject site comprises of a single mixed use building with multiple tenants. The surrounding neighbourhood consists of a mixture of uses that include residential uses and, commercial and industrial operations. As the property falls within a residential neighbourhood with various types of commercial uses, there is an opportunity for comprehensive site planning by introducing residential uses that are suitable and compatible with the area.</li> <li>• Schedule 'Q' is currently applied to a large area of Peninsula North which is designated Major Commercial. Therefore, the proposal</li> </ul>

Applicable Policies	Staff Comments
	<ul style="list-style-type: none"> <li>• represents a small expansion of the Schedule ‘Q’ area.</li> <li>• The development agreement process can help alleviate potential land use conflicts.</li> </ul>
<p><b>Policy 2.3.2:</b> 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.</p>	<ul style="list-style-type: none"> <li>• Contingent upon approval of the LUB amendment to apply as Schedule ‘Q’, Council may consider the proposed development agreement.</li> <li>• The proposal is for an 8-storey, 37-unit residential development that consists of two components, 4 townhouse units on the ground-floor and 33 units within a residential tower. The proposed development presents an appropriate and beneficial opportunity for comprehensive site planning.</li> </ul>
<p><b>Policy 2.3.3:</b> In considering agreements pursuant to Policy 2.3.2, Council shall consider the following:</p> <p>(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;</p>	<p><u>Relationship of New Development to Adjacent Uses:</u></p> <ul style="list-style-type: none"> <li>• The uses currently present along Isleville Street and Bilby Street are in the form of a mixture of various residential uses and housing types, and commercial uses.</li> <li>• The separation distance between the proposed residential building and existing buildings on Isleville Street and Bilby Street is considered acceptable for an urban setting.</li> <li>• The proposed building meets the as-of-right height for commercial development permitted under the C-2 Zone (Attachment D).</li> </ul> <p><u>Effective Urban Design and Landscape Treatment:</u></p> <p>The overall building design is proposed to:</p> <ul style="list-style-type: none"> <li>• mimic setbacks of existing adjacent buildings from streets;</li> <li>• incorporate high quality materials and landscaping design, which will reinforce the nature and character of the neighbourhood; and</li> <li>• use of non-combustible construction materials in order to enhance noise mitigation.</li> </ul>

<b>Applicable Policies</b>	<b>Staff Comments</b>
(ii) the appropriate integration of the development into the traditional grid street system of the Peninsula;	The proposal utilizes the existing frontages on Isleville Street and Bilby Street. The proposed development integrates with the existing street grid.
(iii) the design and layout of the development should encourage vehicular traffic to use Principal Streets and discourage traffic from infiltrating through existing neighbourhoods;	<ul style="list-style-type: none"> <li>• The proposed development fronts on Bilby Street and Ilseville Street, and is located between major urban arterial streets, Agricola Street, Young Street and Gottingen Street.</li> <li>• Both Bilby and Isleville Streets are two-lane local streets, and both streets have sidewalks on both sides.</li> <li>• A Traffic Impact Statement (TIS), prepared by the developer's consultant, was reviewed by HRM and deemed acceptable.</li> </ul>
(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;	<p>The proposed development agreement:</p> <ul style="list-style-type: none"> <li>• requires adherence to detailed landscaping requirements and the submission of a detailed landscape plan prepared by a landscape architect;</li> <li>• includes provisions for the street level portion of the residential building, which includes landscaping and controls on signage;</li> <li>• consists of provisions related to landscaped open space, which is in the form of landscaped common roof terrace on the 3<sup>rd</sup> storey, as well as a roof terrace on the 8<sup>th</sup> storey; and</li> <li>• excludes vehicle lay-by areas off the public street. Vehicular access is proposed from Isleville Street and Bilby Street, where vehicles accessing and egressing from the site will be utilizing Isleville Street for underground parking spaces and Bilby Street for above-ground parking (total of 29 spaces).</li> </ul>

Applicable Policies	Staff Comments
(v) the provision of high quality open space and leisure areas of a size and type adequate for the resident population;	<ul style="list-style-type: none"> <li>• Open space and leisure areas will consist of the podium and rooftop landscaped areas, indoor amenity space for building tenants and individual private balconies for units in the residential tower.</li> <li>• The provisions in the agreement ensure the use of high quality materials and landscape design.</li> <li>• Street trees are proposed along the HRM right-of-way of Isleville Street and Bilby Street, which will be in consultation with HRM Urban Forester and HRM Development Engineer.</li> </ul>
(vi) residential and commercial densities consistent with municipal services;	The proposed density for the overall site is 80 persons per acre. A sewer capacity analysis, prepared by the developer's consultant, was reviewed by Halifax Water and deemed acceptable.
(vii) encouraging high quality exterior construction materials such as masonry; and	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.
(viii) other relevant land use considerations which are based on the policy guidance of this Section.	No other matters were identified for consideration under the proposed development agreement.

ATTACHEMENT D  
Project Renderings





ATTACHEMENT D  
Project Renderings



**ATTACHMENT E**  
**Public Information Meeting Minutes – September 18, 2013**

**7:00 p.m.**  
**Bloomfield Centre**  
**2786 Agricola Street, Halifax**

**STAFF IN**

**IN ATTENDANCE:** Dali H. Salih, Planner, HRM Development Approvals  
Cara McFarlane, Planning Controller, HRM Development Approvals  
Holly Kent, Planning Technician, HRM Development Approvals  
Councillor Jennifer Watts, District 8

**ALSO IN**

**ATTENDANCE:** Norm Dube - Property Owner  
Jeffry Haggett – Consultant, Genivar

**PUBLIC IN**

**ATTENDANCE:** Approximately 10

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

**1. Call to order, purpose of meeting – Dali Salih**

**Ms. Salih** introduced herself as the Planner facilitating the application through the Planning Process; Cara McFarlane and Alden Thurston, HRM Planning Applications; Norm Dube, property owner; Jeffry Haggett, GENIVAR Inc.; and Councillor Jennifer Watts (District 8).

Case No. 18555 is an application by GENIVAR Inc., on behalf of Onyx Properties Limited, to amend the Halifax Peninsula Land Use By-law (LUB) to include 2857 to 2863 Isleville Street and 5559 Bilby Street within Schedule Q to allow for an eight storey residential building by development agreement.

The purpose of the Public Information Meeting (PIM) tonight is to inform the residents of the proposal that has been submitted by the applicant and to explain Planning Policy and Process associated with this application.

The PIM agenda was reviewed.

**2. Presentation of Proposal – Dali Salih**

The subject site is located on the corner of Isleville and Bilby Streets and is comprised of approximately 929 square metres (about 10,000 square feet). The applicant is proposing an eight storey residential building with a maximum height of 80 feet to include 33 residential units within a residential tower and four townhouse units. There will be 11 parking spaces at grade and entry to them will be from Isleville Street. There are 19 underground parking spaces with an entrance from Bilby Street.

The property is designated MC (Major Commercial) under the Halifax Municipal Planning Strategy (MPS) and zoned C-2 (General Commercial) Zone under the Halifax Peninsula LUB. Because the proposed building is eight storeys and approximately 80 feet, it is not permitted as of right under the C-2 Zone regulations.

An example of what the development might look like if constructed as-of-right was shown.

Ms. Salih explained the definition of a development agreement. She reminded the residents that their comments would be beneficial when negotiating the development agreement.

A rendering of the proposed building was shown.

Planning Policy and regulations allow the applicant to apply for a development agreement but certain criteria have to be met. Those criteria are basically specific to the design of the building, massing, street level elements, exterior cladding, landscaping and open space, traffic, site access parking and impacts on municipal services.

### **3. Presentation of Proposal – Jeffrey Haggett, GENIVAR Inc.**

Together with WHW Architects, tonight's presentation will show some of the details on the building's design and some of the background of the proposed project. From research, it was determined that the building was built in two sections sometime before 1940s and 1950s. Presently, it is occupied by three tenants (one commercial and two residential).

Tonight's PIM will allow the applicant to hear ideas and comments in addition to ones heard at a previous public consultation held by GENIVAR. When creating this proposed development, the application considered the site context, not just the immediate and surrounding area, but also the area in general (number of applications in process, some of the business developments that are going on in the area, parks, schools, etc.). The applicant will be looking at market demand while following HRM policies, regulations, building codes and guidelines.

The Developer's (Norm Dube) family has a strong history and tradition in the North end with a family business of Camille's Fish and Chips followed by Metro Electric. This project is named in honor of his parents and also their contribution to the community. The vision for this development is to create a building that is not only a delight to look at but also one that contributes to the community and pays tribute to that family heritage.

This area is in transition but also has a great history of being diverse architecturally. The applicant has looked at some of the more interesting contemporary designs incorporating brick

and corner entrances into the project. When engaging the public, the applicant realized that the existing community (area below Isleville and Bilby Streets, between Gottingen and Isleville Streets), has a history. The public also understands that a residential transition along Isleville Street is happening and the idea is to help establish and compliment a more stable community that is developed around it. People expressed their dislike for blank walls but liked the brick detail. The public want this to reflect the heritage and character of the existing residential area, want to see an improvement of the pedestrian experience and a support of the community's green principles. They also want residential units that can help sustain variety and mixture of people living in this community and particularly families.

The applicant recognizes the industrial character of the area and wanted to respect that as well as the incredible emerging local business development happening in this area. The idea is to support that by bringing additional residences into the area. There is also an incredible mixture of parks in the area and the community is not only historic but the architectural design is diverse.

Mr. Haggett showed the elevations of the building. This project is a two storey streetwall, a ten foot stepback from the building lot edge along the front corners and along the side interior lot line, a 14 foot stepback. At the top floor, an eight foot stepback will help create a nicer pedestrian experience and reduce the visual impact and weight of the building along the street edge. A 40 foot depth stepback along the buildings two edges to emulate the residential character in the surrounding area and allow for an amenity terrace and amenity room with a gym and community room. A landscaped area where kids can play throughout the day and used for community functions during the night has been created.

For improvements of the pedestrian experience, sidewalks would be redone through the project, grass would be replanted along the edge and the treeline would continue all the way from Young Street to Almon Street. In front of the townhouses there are three foot green spaces. The community expressed their interest in the residents of the building being able to create their own landscaping by having the opportunity to plant themselves to reflect their own character.

The applicant would like to contribute to the sustainability of Halifax's urban core, reinforce the residential character of Isleville Street and assist in reducing sprawl. Also, offer access to great walking, cycle and transit routes that are already exist in the area and buildings that support some of the existing infrastructure. This building will offer economic benefits for the city and for the region.

#### **4. Overview of Planning Process – Dali Salih**

When an application is received by HRM, Staff makes sure there is policy within the MPS for Council to consider the proposal. A PIM is then held to receive public comments which assist Staff in preparing a recommendation and Staff Report that would go to District 7&8 Planning Advisory Committee. The Committee would then forward their recommendation of approval or refusal to Halifax and West Community Council (HWCC). HWCC would give the application First Reading and schedule a Public Hearing at which time the public is given another opportunity to comment before a decision is made by HWCC to approve or refuse the application. Whether approved or refused, a 14-day appeal period follows. The application can



be appealed through the NSURB.

## 5. Questions and Comments

**Neila MacDonald, Halifax** – Likes the look of the building but is concerned about traffic. She lives on Bilby Street and knows there is no room to have entrance for parking come onto the street. The corner for the proposed building is very busy and hazardous.

Ms. Salih mentioned that as part of the application, a Traffic Impact Statement (TIS) performed by a Traffic Engineer was submitted by the applicant. The Engineer takes into account the growth rate in the area (approved and potential developments). The statement was reviewed by HRM Traffic and Right-of-Way Services and HRM Development Engineering and was deemed acceptable. Ms. Salih also stated that she can forward additional information about that Traffic Impact Statement.

**Lois Randall, Halifax** – Asked when the A.M. and P.M. peak times were and for what period of time. Mr. Haggett said for A.M. peak, it was between 6:00 and 9:00 A.M. and for P.M. peak was either between 3:00 and 6:00 P.M. or 4:00 and 7:00 P.M. He will double check and let Ms. Salih know. Ms. Randall believes that the traffic study is a valued judgment. These counts at peak times do not include the St. Joseph Square development, the 18-storey building that is going to go up and any other buildings (the townhouse development that burned down). In the P.M. peak you are looking at another 114 cars coming and going in a three hour period of time, which impacts her life. She finds the building attractive but is concerned with the amount of density in a compact area. All traffic impact statements say there will be no impact from the developments but it will and already has.

**Fred Connors, Halifax** – What is the capacity for parking in this development?

Ms. Salih said there are a total of 30 parking spaces (11 parking spaces at ground level with an entrance from Bilby Street and 19 parking spaces underground with an entrance from Isleville Street).

**Jennifer Beamer, Halifax** – In general, she likes the building. She attended the previous meeting that the applicant had for input from the community. They did take into account some of the things that were said and she is generally in agreement. My comment is more focused on the city and the fact that there are seven buildings within a few blocks, not including an 18 storey building and ones that haven't been talked about yet. She would like to see a complete picture of what the block will look like with the renderings combined. She asked if the developer would contribute money toward paint and funding to allow the residents to paint that intersection.

Ms. Salih explained that that would be something to discuss with the consultant and property owner.

**One resident** – Will these be condos or apartments? Mr. Haggett said it is the developer's intent to make these condos.

**Patrick Lawlor, Halifax** – Do any changes to the development agreement, if approved, require the developer to come back for further approval?

Ms. Salih explained that once the public hearing is held and HWCC approves the application, any changes to the development agreement would require council to hold a second public hearing. Mr. Lawlor finds the building very attractive and feels it will add some value that neighbourhood.

**Ms. Randall** – If the developer decides to have apartments instead of condos, does that have to come before the public again?

Ms. Salih said that whether the building has apartments or condos, it is something that would not be regulated through the development agreement, so it's the developer's decision.

**Mr. Connors** – Young professionals want to be within walking or biking distance from their work place. They want to live in developments of high quality so that they can raise their families and build careers within neighbourhoods where they don't have to drive to work.

**Jim Trites, Halifax** – Shares Mr. Connor's concern about quality of buildings and the materials that are used. Can these types of things be built into development agreements? This building seems to have nice materials that seem to compliment the neighbourhood and city. As a resident, I have a strong belief that people who are living in their own space (owner/occupied) are healthier in general for neighbourhoods. My hope is that this does stay as condominiums so people will own, invest and live in the neighbourhood.

Ms. Salih explained that the materials used in the development will be included as an essential part of the development agreement. Norm Dube said that he intends to build condos. There are too many apartment buildings in the neighbourhood.

**Councillor Watts** – In reference to the question raised about the place making project. HRM encourages the project and it has amazing community benefits but there is a process through Traffic Services and Right-of-Ways to follow.

## **6. Closing Comments**

**Ms. Salih** thanked everyone for coming and expressing their comments.

## **7. Adjournment**

The meeting adjourned at approximately 7:52 p.m.