

**Halifax and West Community Council**  
**July 22, 2013**

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

Original Signed

**SUBMITTED BY:** \_\_\_\_\_  
Brad Anguish, Director of Community and Recreation Services

**DATE:** June 26, 2013

**SUBJECT:** **Case 18254 – LUB Amendment and Development Agreement – 2776-2778 Gottingen Street, Halifax**

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**ORIGIN**

Application by Cantwell and Company Ltd.

**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 2776-2778 Gottingen Street, Halifax, in Schedule Q, as presented on Attachment A and Maps 1, 2 and 3 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 a mixed-use development and schedule a public hearing. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1; and
3. Adopt the amendment to Map ZM-2 of the Halifax Peninsula Land Use By-law as presented on Attachment A and Maps 1, 2 and 3 of this report.

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

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

## **BACKGROUND**

An application has been submitted by Cantwell and Company Ltd., on behalf of the property owner, Beaufort Investments Incorporated, to enable the development of an 8-storey, mixed-use building, containing multi-unit residential uses in conjunction with ground-level commercial space, along Gottingen Street and a portion of Bloomfield Street in the north end of the Halifax peninsula. The subject property is approximately 0.51 acres (0.21 ha) in area and has remained vacant since 2007, when a fire destroyed the previous building, which contained the North End Pub/Diner. 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 mixed use building to proceed by development agreement. This process will allow the site to be developed comprehensively and to be designed and regulated to minimize land use conflicts with the surrounding neighbourhood.

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

The subject property:

- is located at the intersection of Gottingen Street and Bloomfield Street in Halifax (Maps 1 and 2); and
- totals approximately 0.51 acres (0.21 ha) and has approximately 135 feet of street frontage on Gottingen Street, 124 feet on Bloomfield Street, and 64 feet on Almon Street.

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

- Canadian Forces Base Stadacona;
- a 3 storey multi-unit residential building containing a Subway restaurant;
- 4 storey multi-unit residential buildings;
- a 2 storey residential building containing a pizza shop;
- an Ultramar Service Station;
- a Royal Canadian Legion Branch; and
- low and medium density residential uses.

### **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 and North Streets, and has also been applied more recently to select lands 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 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 through the development agreement process. 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 negotiation of a development agreement.

### **Proposal**

The applicant has proposed an 8-storey mixed-use building containing multi-unit residential uses in conjunction with ground-level commercial space along Gottingen Street and a portion of Bloomfield Street. 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.

General details of the proposal are as follows:

- Ground-level minor commercial uses;
- 70 residential units;
- surface parking for commercial uses and underground parking for residential uses; and
- landscaped areas including streetscape landscaping, a second floor landscaped terrace, and a rooftop landscaped amenity area for the building tenants.

### **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, 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 have determined that the proposed development is consistent with the MPS. Attachment C provides an evaluation of the proposed LUB amendment and development agreement in relation to the relevant MPS policies. The following issues have been identified for more detailed discussion.

### **LUB Amendment (Schedule “Q”)**

The inclusion of the subject property in Schedule “Q” will remove the as-of-right ability to construct a multi-unit residential building (more than 4 units) and allow the development and surrounding neighbourhood to benefit from comprehensive site planning achieved through the development agreement process. “Schedule Q” is currently applied to a large area of Peninsula North which is designated Major Commercial on the west side of Robie Street, and to other select sites also designated Major Commercial (Map 3). Although the subject property is located within a major commercial designation, adjacent areas to the south and west are designated and zoned medium density residential (R-2). The proposal and the surrounding neighbourhood will benefit from controls and flexibility that the development agreement process provides which help to reduce future land use conflicts.

### **Development Agreement**

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

- permitted land uses (select minor commercial at ground-level and the option for a lounge in conjunction with a restaurant on the ground);
- residential uses (maximum of 70 units – minimum of 22 two-bedroom units);
- hours of operation (a restaurant/lounge shall not operate past midnight);
- architectural, signage, lighting and maximum building height requirements;
- parking (bicycle and vehicular), circulation and site access;
- detailed landscaping requirements and plan for ground level and 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, signage, and changes to timeframes for development.

In staff's opinion, the attached development will permit a mixed-use 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.

Building Height, Design 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 immediate neighbourhood contains a mix of land uses. The subject block and the block to the north are designated and zoned for major commercial uses. The block to the south is designated medium density residential and zoned R-2, which includes a local commercial use located immediately south of the site (southwest corner of Gottingen Street and Bloomfield Street). The block to the west is partially designated and zoned for major commercial uses and is partially designated and zoned for medium density residential uses (R-2). The block to the east is designated and zoned Canadian Forces Base.

Substantial building heights and massing are achievable through the as-of-right permitting process in the major commercial portion of this area (C-2 Zone). However, the proposed building's height and mass is much less than that which could be achieved in an as-of-right situation. Through the development agreement process, staff negotiated with the applicant to achieve a reduction in the building's height and massing, which address compatibility and design issues.

The MPS encourages effective urban design treatments and the use of high quality exterior building materials. Effective urban design treatment is created by a three storey streetwall along Gottingen Street and a portion of Bloomfield Street, which includes substantial amounts of glass and landscaping at ground-level. The building incorporates high quality materials such as masonry brick, stone, fibre cement siding, glass, and metal rails. The proposed design also includes decorative goose neck lighting along the street and incorporates recesses and European style balconies along the streetwall.

To minimize potential land use conflicts, no residential uses are permitted on the ground floor of the building and the residential portion of the building along Bloomfield Street will be set back from the street. In addition, the proposed development agreement restricts land uses on the ground floor to select minor commercial uses, and a lounge in association with a restaurant. Hours of operation for a restaurant/lounge have also been restricted to midnight. The nature of the building's non-combustible construction materials will also assist with noise attenuation. Signs are limited to fascia signs that are not back-lit, with the exception of a back-lit channel letter sign on the north side of the building near the roofline for the purposes of identifying the residential development.

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.

Traffic/Site Access:

MPS policy encourages vehicular traffic to use principal streets and discourages traffic from infiltrating through existing neighbourhoods. A traffic impact statement, prepared by the applicant’s consultant, was reviewed by HRM and was deemed acceptable. While the driveways are proposed to be located on Bloomfield and Almon Streets, vehicles accessing the site will also utilize Gottingen Street, which is identified in the MPS as a principal street. From a public transit perspective, Metro Transit has reviewed the proposal and has advised there are no issues with bus service in the area. Metro Transit has also confirmed the frequency of Route 7 will be adjusted in August (2013) to provide additional service to the area.

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 includes a detailed landscaping plan prepared by a landscape architect, and requires strict adherence to this landscaping plan. Open space and amenity areas consisting of a second floor outdoor landscaped terrace and a rooftop landscaped area are required, as well as individual private balconies. The proposed landscaping and amenity areas meet the intent of this policy and the needs of the tenants of the proposed building.

Environmental Issues/Concerns:

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

**Conclusion:**

In the opinion of staff, the proposed LUB amendment and development agreement are in keeping with the objectives and policies of the Halifax MPS to develop the lands in a comprehensive manner and to address 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 (PIM) held on January 23, 2013. Attachment D contains a copy of the minutes from the meeting. As noted in the PIM minutes, the applicant expressed an intent to re-establish a restaurant and lounge, which has been reflected as an option in the proposed development agreement. However, more recently, the applicant has advised the ability to re-establish a restaurant and lounge is doubtful given current circumstances. 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 4.

A public hearing must be held by Community Council before they can consider approval of any amendments to the LUB or the approval of a development agreement. Should Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 4 will be advised of the public hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.

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

## **ENVIRONMENTAL IMPLICATIONS**

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

## **ALTERNATIVES**

1. Council may choose to approve the proposed LUB amendment and development agreement as set out in Attachments A and B of this report. This is the recommended course of action. A decision of Council to approve the proposed LUB amendment and/or development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Council may choose to approve the proposed LUB amendment and development agreement subject to modifications. This may necessitate further negotiation with the applicant and the need to hold a second public hearing.
3. Council may choose to refuse the proposed LUB amendment and development agreement, and in doing so, must provide reasons based on a conflict with MPS policies. This alternative is not recommended, as the proposal is consistent with the MPS. A decision of Council to refuse the proposed LUB amendment and/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 2	Zoning
Map 3	Schedule Q
Map 4	Area of Notification
Attachment A	Proposed Amendment to the Halifax Peninsula LUB
Attachment B	Proposed Development Agreement
Attachment C	Review of Relevant Sections of the Halifax MPS
Attachment D	Minutes of Public Information Meeting

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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.

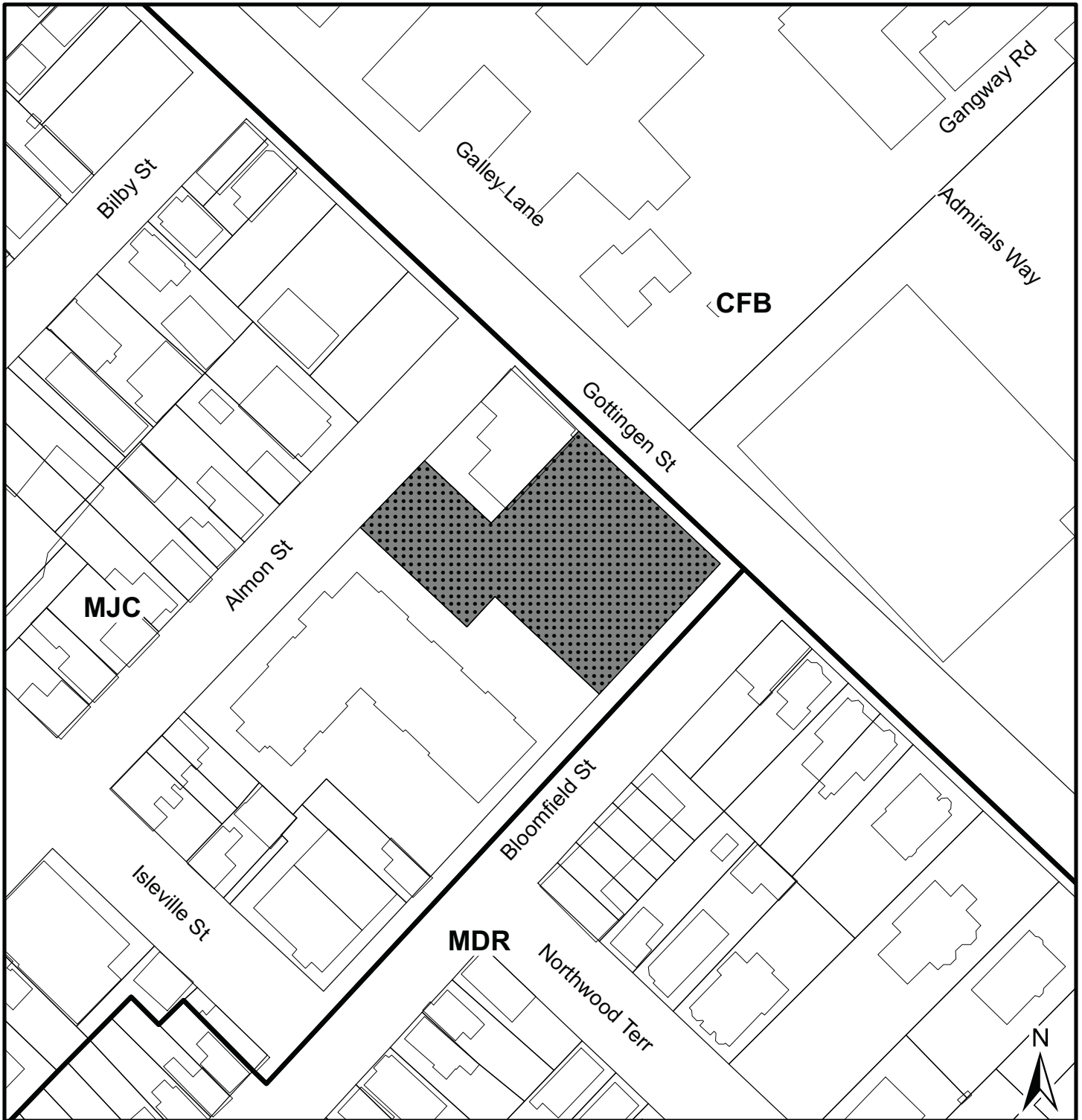
Report Prepared by: Miles Agar, LPP, Planner, 490-4495

Original Signed

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


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**Map 1 - Generalized Future Land Use**

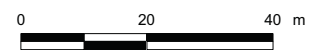
2776-2778 Gottingen Street  
and 5509 Bloomfield Street  
Halifax

 Area proposed to be included in Schedule Q

Halifax Plan Area  
Peninsula North Secondary Plan Area

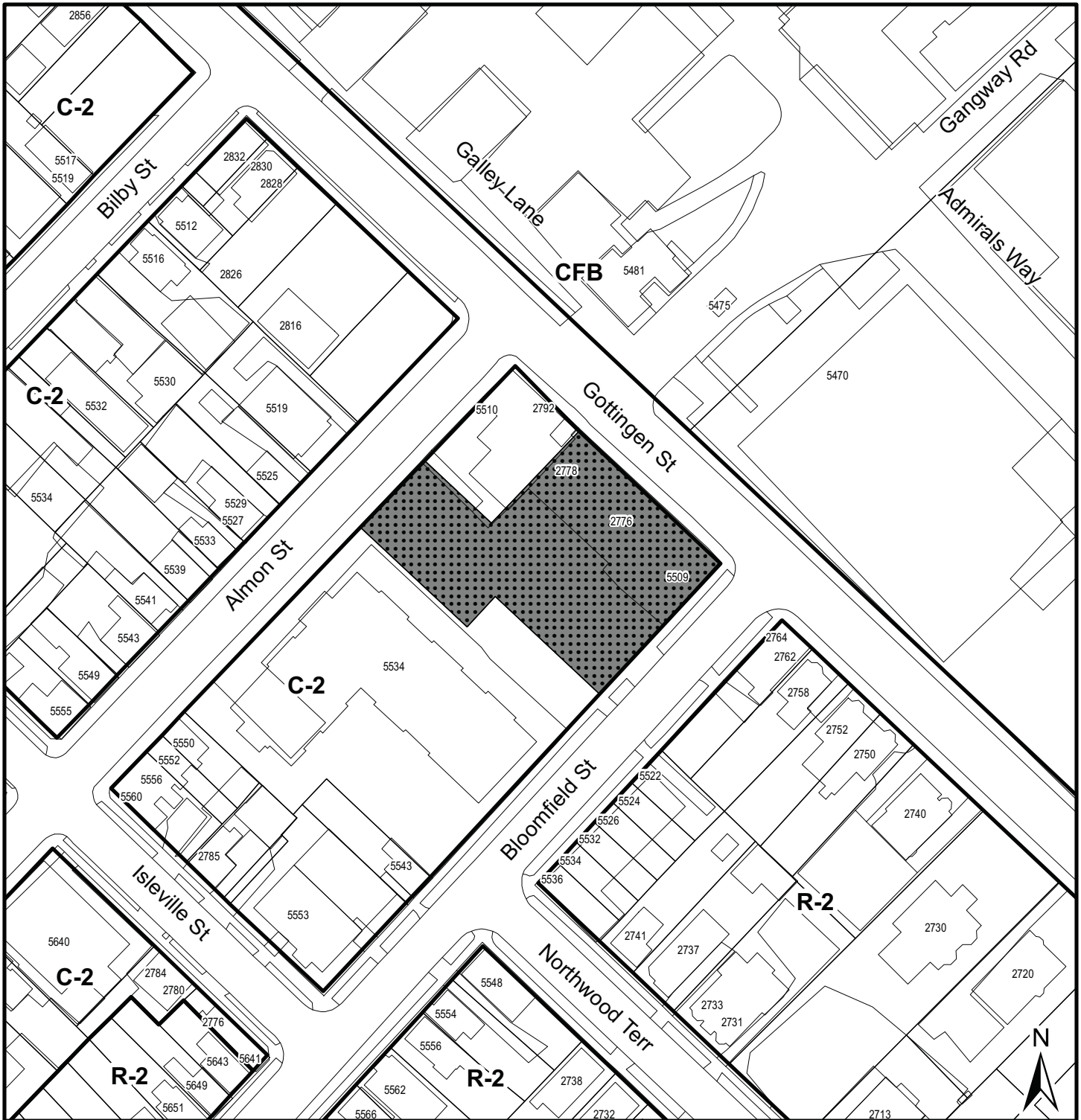
**Designation**

- MDR Medium Density Residential
- MJC Major Commercial
- 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.



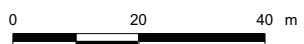
**Map 2 - Zoning**

2776-2778 Gottingen Street  
 and 5509 Bloomfield Street  
 Halifax

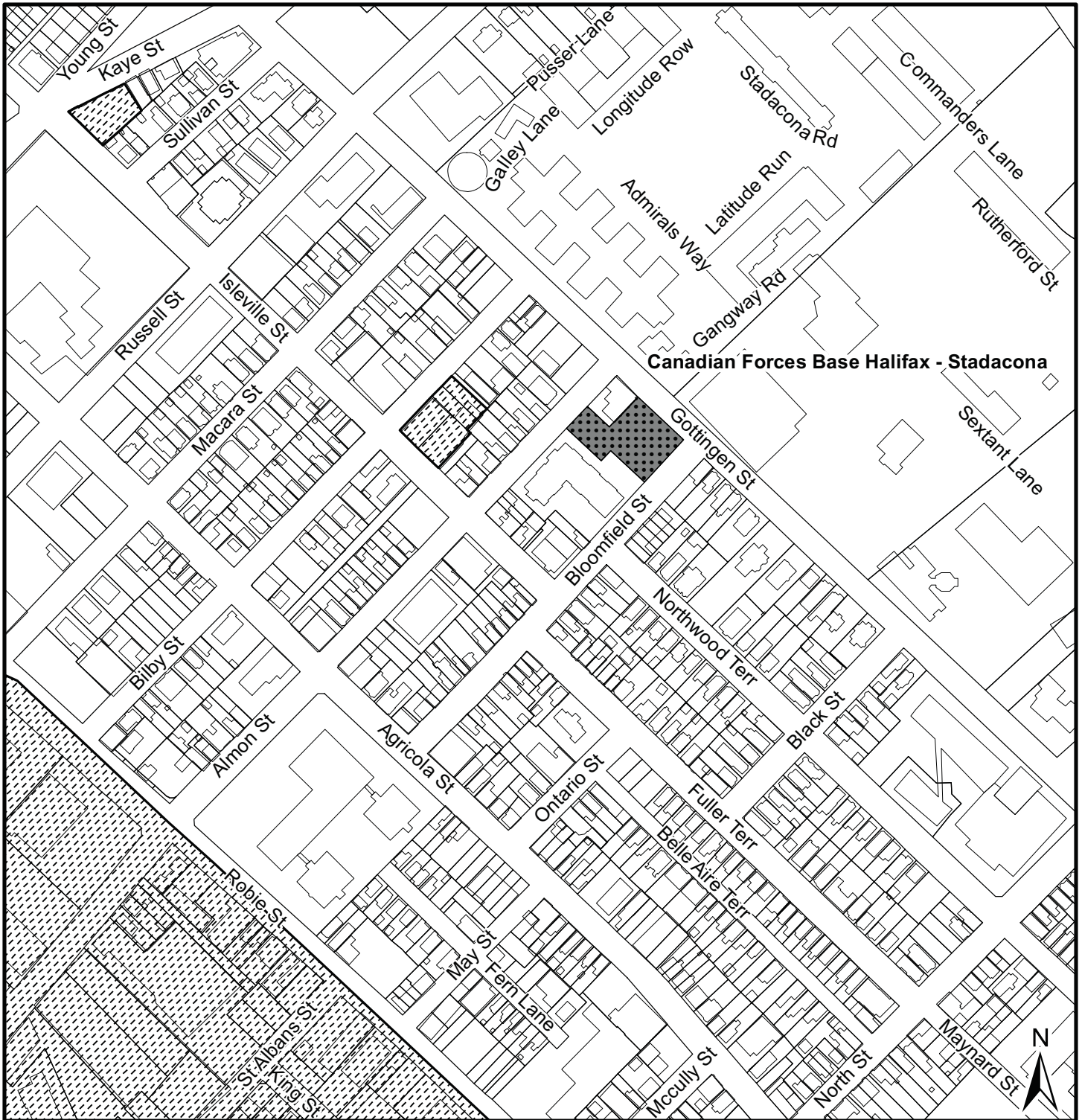
 Area proposed to be included in Schedule Q

Halifax Peninsula  
 Land Use By-Law Area

- Zone**
- R-2 General Residential
  - C-2 General Business
  - CFB Canadian Forces Base





This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.  
 HRM does not guarantee the accuracy of any representation on this plan.

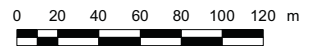


**Map 3 - Schedule Q**

2776-2778 Gottingen Street  
and 5509 Bloomfield Street  
Halifax

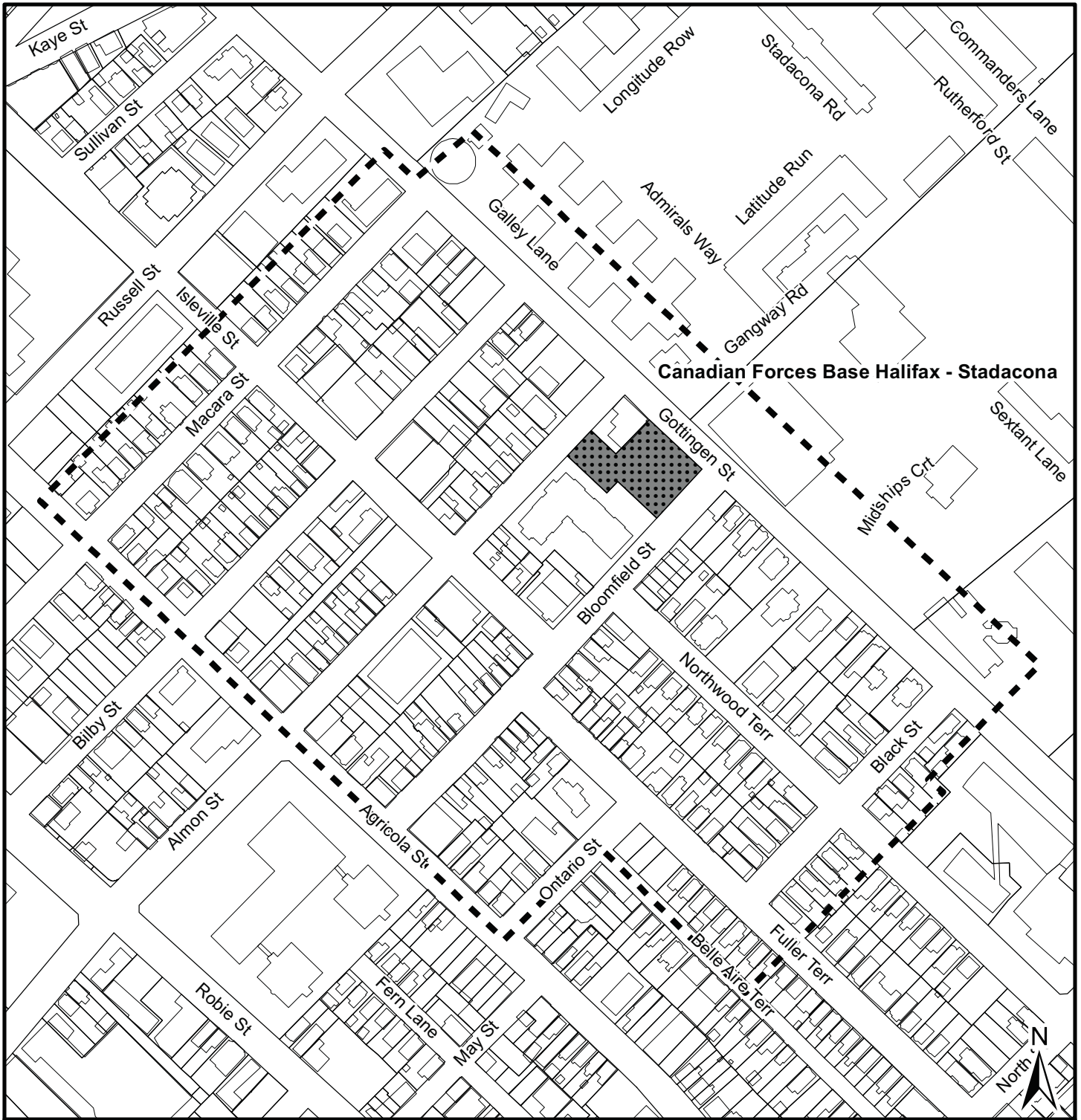
-  Area proposed to be included in Schedule Q
-  Schedule Q

Halifax Peninsula  
Land Use By-Law Area





This map is an unofficial reproduction of a portion of the Schedules and Secondary Plan Areas Map for the plan area indicated.

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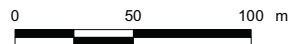


**Map 4 - Area of Notification**

2776-2778 Gottingen Street  
and 5509 Bloomfield Street  
Halifax

-  Area proposed to be included in Schedule Q
-  Area of notification

Halifax Peninsula  
Land Use By-Law Area



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**ATTACHMENT A**

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

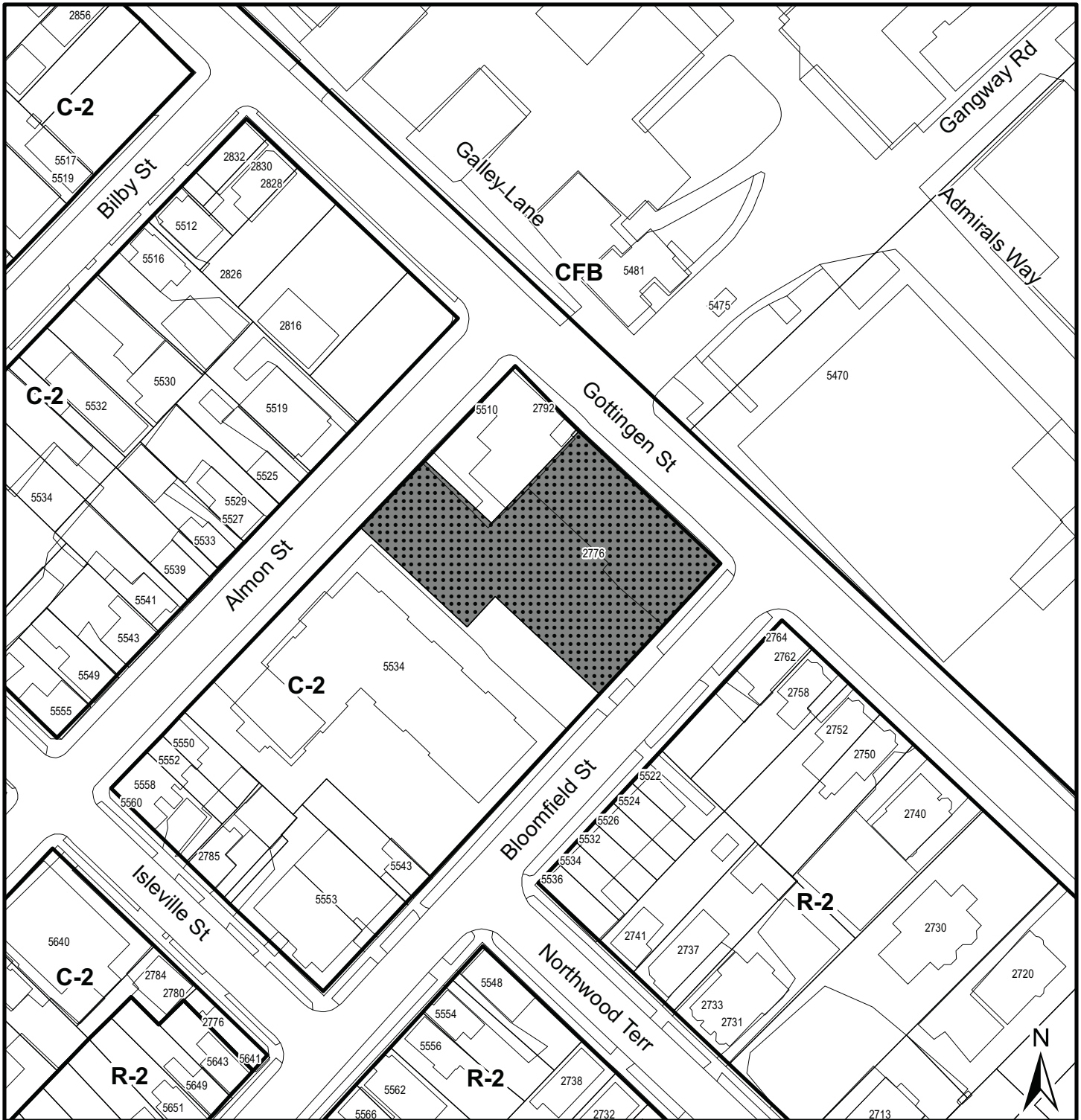
BE IT ENACTED by the Halifax and West Community Council of the Halifax Regional Municipality that the Land Use By-law for Halifax Peninsula as adopted by the former City of Halifax on the 30th day of March, 1978, and approved by the Minister of Municipal Affairs on the 11th day of August, 1978, which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

1. Amend Zoning Map ZM-2 by including 2776-2778 Gottingen Street and 5509 Bloomfield Street, Halifax in Schedule Q, as presented on Schedule A.

I HEREBY CERTIFY that the amendments to the Halifax Peninsula Land Use By-law, as set out above, were duly passed by a majority vote of the Halifax and West Community Council at a meeting held on the      day of                      , 2013.


GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this      day of                      , 2013.

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



**Schedule A**

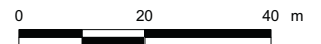
2776-2778 Gottingen Street  
and 5509 Bloomfield Street  
Halifax

 Area proposed to be included in Schedule Q

Halifax Peninsula  
Land Use By-Law Area

**Zone**

- R-2 General Residential
- C-2 General Business
- CFB Canadian Forces Base



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.



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

### **1.1 Applicability of Agreement**

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

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

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

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

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

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

### **1.4 Conflict**

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

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



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

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.

### **2.2 Definitions Specific to this Agreement**

2.2.1 The following words used in this Agreement shall be defined as follows:

- (a) 'streetwall' means the three storey portions the building facing and abutting a street, which does not include minor recesses for elements such as doorways or intrusions such as bay windows.
- (b) 'window muntin bar' means a metal or vinyl strip separating and holding panes of glass in a window.

## **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 18254:

Schedule A	Legal Description of the Lands
Schedule B	Site Plan
Schedule C	Landscape Plan
Schedule D	Parking Garage Plan
Schedule E	First Floor Plan
Schedule F	Roof Deck
Schedule G	East Elevation
Schedule H	South Elevation

Schedule I	West Elevation
Schedule J	North Elevation
Schedule K	Exterior Building and Parking Lot Lighting

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

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

- (a) A detailed Landscape Plan prepared by a Landscape Architect in accordance with Section 3.6 of this Agreement; and
- (b) A Site Servicing Plan prepared by a Professional Engineer and acceptable to the Development Engineer in accordance with Section 4.1 of this Agreement.

3.2.2 Upon the issuance of the first Municipal Occupancy Permit, the Developer shall provide the Development Officer with certification from a member in good standing of the Canadian Society of Landscape Architects indicating that the Developer has complied with the landscaping provisions of this Agreement, or the posting of security in accordance with Section 3.6.5.

3.2.3 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Lands for any use permitted by this Agreement unless an Occupancy Permit has been issued by the Municipality. No Occupancy Permit shall be issued by the Municipality unless and until the Developer has complied with all provisions of this Agreement and the Land Use By-law (except to the extent that the provisions of the Land Use By-law are varied by this Agreement) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.

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

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

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

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

3.4.1 Ground-floor land uses shall be limited to uses permitted by Section 3.3(a) and Section

3.3(b). The remaining floors shall include multiple-unit residential, open space and accessory uses only.

3.4.2 A maximum of 70 residential dwelling units shall be permitted within the multiple-unit residential portion of the building.

3.4.3 A minimum of 22 of the residential dwelling units shall consist of 2 or more bedrooms.

### **3.5 Architectural Requirements**

3.5.1 The development shall be exempted from the detailed requirements of the R-3 (Multiple Dwelling) Zone of the Land Use By-law. Instead, the Schedules and written provisions of this Agreement shall apply.

3.5.2 The building's height, massing, exterior design and materials shall be as shown on the Schedules.

3.5.3 The portions of the building exterior shown as 'Masonry Brick – Type 2' on the Schedules shall be light in colour. The portions of the building exterior immediately above the 'Masonry Brick – Type 2' and shown as a 'Stucco Band' on the Schedules shall also be light in colour.

3.5.4 All window and door frames shall be aluminum or vinyl in material and dark in colour. All window muntin bars shall be aluminum or vinyl in material and dark in colour.

3.5.5 All balcony guardrails shown on the Schedules shall be made of metal framing with insert glass. The aluminum framing shall be dark in colour.

3.5.6 Notwithstanding Section 3.5.5, the second and third storey balcony guardrails shown on the Gottingen Street and Bloomfield Street associated with the streetwall shall be constructed as shown on the Schedules.

3.5.7 All guardrails associated with outdoor common open space shall be made of metal framing with insert glass. The metal framing shall be dark in colour.

3.5.8 Large blank or unadorned walls shall not be permitted. The scale of large walls shall be tempered by the introduction of artwork (murals), textural plantings and trellises, and architectural detail to create shadow lines (implied windows, cornice lines, offsets in the vertical plane, etc.).

3.5.9 Any exposed foundation in excess of one (1) foot in height shall be architecturally detailed, veneered with stone or brick or treated in an equivalent manner acceptable to the Development Officer.

3.5.10 Fixed or retractable awnings are permitted at ground floor levels provided the awnings are designed as an integral part of the building façade and subject to the requirements of

any other applicable by-law, statute or regulation.

3.5.11 All at-grade fencing shown on the Schedules shall be made of metal and masonry brick.

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

3.6.1 The multiple-unit residential portion of the building shall include outdoor landscaped open space for the residents of the building. Outdoor landscaped open space shall be provided on the second floor podium and the building rooftop as shown on the Schedules.

3.6.2 Prior to the issuance of a Development Permit, the Developer shall provide a Landscape Plan which complies with the provisions of this section and conforms with the overall intentions of the Landscape Plan shown on Schedule C of this Agreement. The Landscape Plan shall be prepared by a Landscape Architect (a full member, in good standing with Canadian Society of Landscape Architects) and comply with all provisions of this section.

3.6.3 All plant material shall conform to the Canadian Nursery Trades Association Metric Guide Specifications and Standards and sodded areas to the Canadian Nursery Sod Growers' Specifications.

3.6.4 Upon the issuance of the first Occupancy Permit, the Developer shall submit to the Development Officer a letter prepared by a member in good standing of the Canadian Society of Landscape Architects certifying that all landscaping has been completed according to the terms of this Agreement.

3.6.5 Notwithstanding Section 3.6.4, an 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 security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.

3.6.6 The outdoor landscaped open space on the rooftop shall include decorative pavers and landscaping.

- 3.6.7 Planting on rooftops and podiums above structures shall be carefully selected for their ability to survive in rooftop environments. Rooftop trees shall be located in planting beds or containers. Approximately 50 percent of the plant material shall be evergreen or material with winter colour and form. Deciduous trees shall have a minimum size of 45 mm caliper (1.8 inch diameter). Coniferous trees shall be a minimum of 1.5 m (5 ft.) high and upright shrubs shall have a minimum height of 60 cm. (2 ft.). It is the responsibility of the Developer to ensure that the underground parking structures or other structures are capable of supporting loads from all landscaping as well as the anticipated mature weight of the plant material on any rooftop and podium.
- 3.6.8 Construction Details or Manufacturer's Specifications for all constructed landscaping features such as pergolas, benches, etc. shall be provided to the Development Officer or shall be noted on the Landscape Plan required by Subsection 3.6.1, and shall describe their design, construction, specifications, hard surface areas, materials and placement so that they will enhance the design of individual buildings and the character of the surrounding area.

### **3.7 Signs**

3.7 Signage shall be limited to the following:

- (a) No ground sign shall be permitted on the Lands;
- (b) Fascia signage shall be limited to the stucco band shown on the Schedules immediately above the ground floor aluminium glazing system;
- (c) Fascia signs shall not exceed 3 feet in height and 15 feet in width. One fascia sign up to 5 feet in height and 15 feet in width may be permitted for the purposes of identifying a restaurant;
- (d) Fascia signs shall not be internally illuminated or backlit but may be surround lit;
- (e) Notwithstanding Sections 3.7(c) and 3.7(d), a maximum of one (1) fascia sign shall be permitted on the northern façade of the building for the purposes of identifying the residential portion of the development as shown on the Schedules. This fascia sign shall be constructed of individual letters, which may be internally illuminated or backlit. All individual letters used to create this fascia sign shall not occupy a surface area greater than 20 feet in width and 10 feet in height;
- (f) 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.

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

- 3.8.1 The site and building shall be illuminated as shown on Schedule K of this Agreement.
- 3.8.2 Lighting required pursuant to Section 3.8.1 shall be directed away from adjacent lots and buildings and shall use a full cut-off design. Lighting 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 Any additional 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.
- 3.8.5 Exterior goose neck lighting fixtures along the stucco band immediately above the ground floor aluminium glazing system are permitted as shown on the Schedules and are subject to the requirements of any other applicable by-law, statute or regulation.

### **3.9 Functional Elements**

- 3.9.1 All vents, down spouts, electrical conduits, meters, service connections, and other functional elements shall be treated as integral parts of the design. Where appropriate these elements shall be painted to match the colour of the adjacent surface, except where used expressly as an accent.
- 3.9.2 All mechanical equipment, including rooftop mechanical, exhausts, propane tanks, electrical transformers, and other utilitarian features shall be visually concealed from abutting properties, including municipal rights-of-way, and shall include noise reduction measures.

### **3.10 Maintenance**

The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the exterior of the building, fencing, walkways, recreational amenities, parking areas and driveways, and the maintenance of all landscaping including the replacement of damaged or dead plant stock, trimming and litter control, garbage removal and snow removal/salting of walkways and driveways.

### **3.11 Solid Waste Facilities**

All refuse and recycling materials shall be contained within the building.

### **3.12 Outdoor Storage**

No outdoor storage shall be permitted on the Lands.

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

3.13.1 The private collection of refuse and recyclables on the Lands shall occur only between the hours of 9:00 a.m. and 7:00 p.m.

3.13.2 Commercial delivery vehicles on the Lands shall only be permitted between the hours of 9:00 a.m. and 7:00 p.m.

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

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

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

3.14.1 Vehicular parking shall include a combination of underground parking and exterior surface parking to accommodate a minimum of 70 vehicular parking spaces. Up to 25 percent of the parking spaces may be reduced in size to 8 feet by 17 feet.

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

### **3.15 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: ENVIRONMENTAL PROTECTION MEASURES**

### **5.1 Archaeological Monitoring and Protection**

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

### **5.2 Sulphide Bearing Materials**

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

## **PART 6: AMENDMENTS**

### **6.1 Substantive Amendments**

Amendments to any matters not identified under Section 6.2 shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Halifax Regional Municipality Charter*.

### **6.2 Non-Substantive Amendments**

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

- (a) minor changes to the architectural requirements and exterior architectural appearance or materials as detailed in Section 3.5 and corresponding Schedules;
- (b) changes to the landscaping requirements as detailed in Section 3.6 which are beyond the authority of the Development Officer under Section 3.1;
- (c) enlargement of the rooftop outdoor landscaped open space, provided the increase does not extend further south;
- (d) changes to the sign requirements of Section 3.7;
- (e) changes to the functional elements as detailed in Section 3.9;
- (f) changes to the date of commencement of development specified in Section 7.3;



and

- (g) changes to the date of completion of development specified in Section 7.5.

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

### **7.1 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.

### **7.2 Subsequent Owners**

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

### **7.3 Commencement of Development**

- 7.3.1 In the event that development on the Lands has not commenced within four (4) years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law.
- 7.3.2 For the purpose of this section, commencement of development shall mean installation of the footings and foundation for the proposed building.
- 7.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 6.2, if the Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the commencement of development time period.

### **7.4 Completion of Development**

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

- (a) retain the Agreement in its present form;
- (b) negotiate a new Agreement;
- (c) discharge this Agreement; or
- (d) for those portions of the development which are completed, discharge this Agreement and apply appropriate zoning pursuant to the Halifax Municipal

Planning Strategy and Halifax Peninsula Land Use By-law, as may be amended from time to time.

## **7.5 Discharge of Agreement**

If the Developer fails to complete the development after five (5) years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office Council may review this Agreement, in whole or in part, and may:

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

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

### **8.1 Enforcement**

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

### **8.2 Failure to Comply**

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

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

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

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

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

**(Insert Registered Owner Name)**

\_\_\_\_\_  
Witness

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

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

**HALIFAX REGIONAL MUNICIPALITY**

\_\_\_\_\_  
Witness

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

\_\_\_\_\_  
Witness

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

**NOTES:**

- 1) THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE EXISTING CONDITIONS ON SITE AND REPORTING ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING.
- 2) USE THE SCALE FROM DRAWINGS. USE PAIRED DIMENSIONS.
- 3) DRAWING DIMENSIONS TAKE PRECEDENCE OVER DIMENSIONS SHOWN ON SPREADSHEETS & SCHEDULES OUTSIDE THE DRAWINGS.
- 4) CHANGES FROM THESE PLANS & SPECS. MUST BE MADE TO THE ARCHITECT & OWNER BEFORE PROCEEDING.
- 5) ONLY THOSE DIMENSIONS MARKED "AS SHOWN" ARE TO BE USED FOR CONSTRUCTION.
- 6) THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE SPECS.

**Paul Sherry Associates Ltd. ARCHITECTS**  
 2014 LINDSEY PLAZA  
 PHOENIX, AZ 85004-4381  
 FAX: 602-465-7778  
 EMAIL: paul@sherryaz.com

**REGISTERED PROFESSIONAL ARCHITECT**  
 STATE OF ARIZONA  
 NO. 17507

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITS	2-24-20
2	ISSUED FOR PERMITS	2-28-20
3	ISSUED FOR PERMITS	3-14-20
4	ISSUED FOR PERMITS	3-11-20

**PROJECT:**  
 PROPOSED COMMERCIAL/APARTMENT LOT N GOTTINGEN ST. ALMOM & BLOOMFIELD FOR BEAUFORT INVESTMENTS INC.

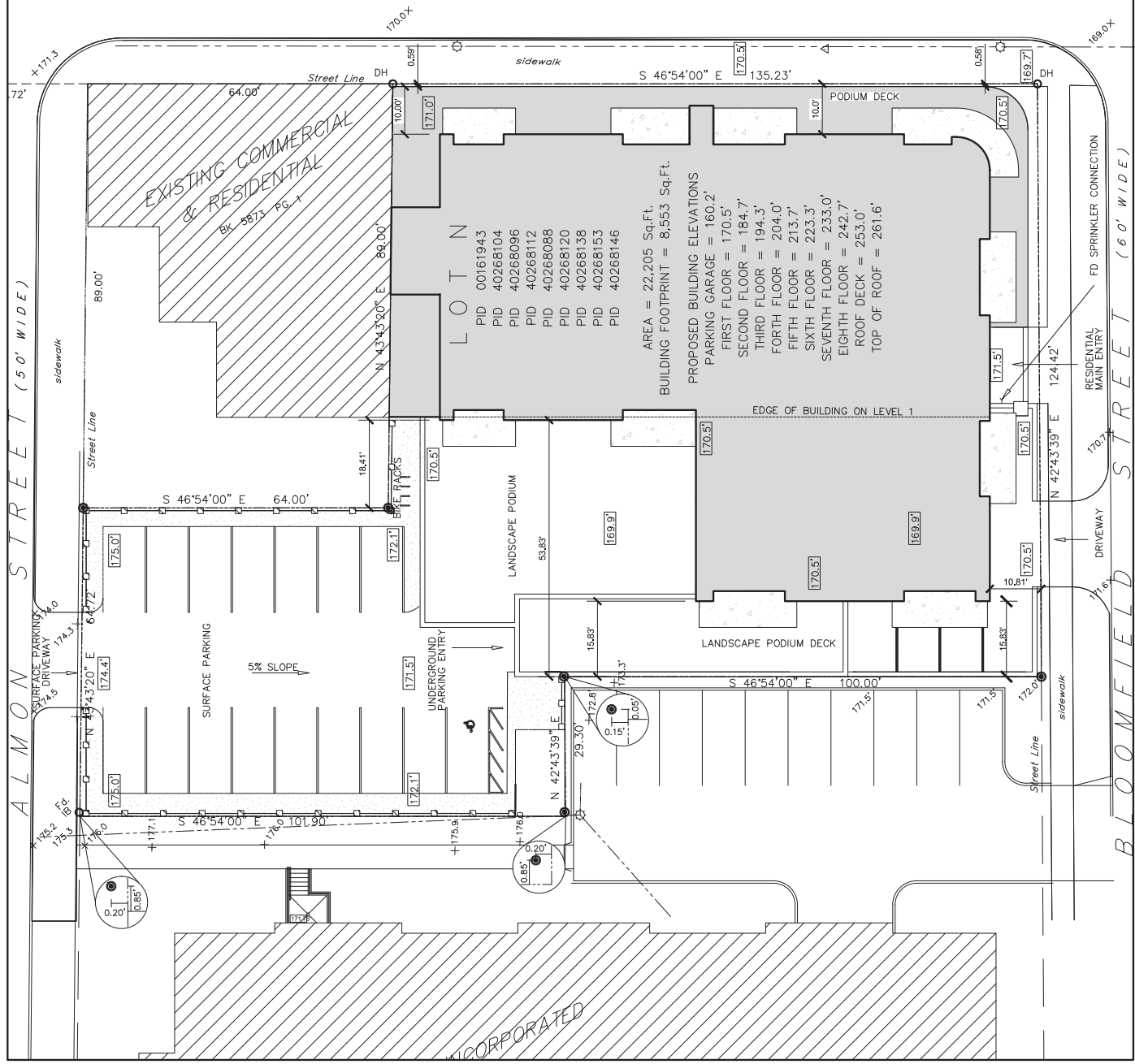
**TITLE:** SITE PLAN

Drawn By: CJ  
 Checked: PS  
 Date: MARCH 28, 2013  
 Approved: PS  
 Scale: 1"=50'  
 Project #: A1



**LEGEND:**  
 +175.9 EXISTING ELEVATION  
 170.5 PROPOSED ELEVATION

GOTTINGEN STREET  
 (55' WIDE)



SCHEDULE B

NOTES:

- 1) THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE EXISTING UTILITIES, ERECTION OF ANY NECESSARY UTILITY STRUCTURES, AND PROTECTING EXISTING UTILITIES AND STRUCTURES DURING CONSTRUCTION.
- 2) DO NOT SCALE FROM DRAWINGS. USE FIGURED DIMENSIONS.
- 3) DRAWING REPRESENTATIONS MAY BE IN CONFLICT WITH ANY CITY, STATE, OR FEDERAL REGULATIONS. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.
- 4) CHANGES FROM THESE PLANS & SPECIFICATIONS SHALL BE MADE BY THE CONTRACTOR IN WRITING, AND APPROVED BY THE ARCHITECT BEFORE PROCEEDING.
- 5) ALL PLANTINGS SHALL BE INSTALLED AND MAINTAINED FOR A PERIOD OF 12 MONTHS AFTER COMPLETION OF CONSTRUCTION. THE CONTRACTOR SHALL PROVIDE A MAINTENANCE SCHEDULE TO THE OWNER.
- 6) THESE DIMENSIONS ARE TO BE USED IN CONNECTION WITH THE SPECIFICATIONS.

Paul Skerry Associates Ltd.  
**ARCHITECTS**  
 1000 WEST 10TH AVENUE  
 SUITE 1000  
 DENVER, CO 80202  
 PHONE: 303-455-4351  
 FAX: 303-455-4352  
 EMAIL: PAUL@PSAARCH.COM

Carroll Raloff  
**LANDSCAPE ARCHITECTS**  
 1000 WEST 10TH AVENUE  
 SUITE 1000  
 DENVER, CO 80202  
 PHONE: 303-455-4351  
 FAX: 303-455-4352  
 EMAIL: CARROLL@CARROLLRALOFF.COM



No.	DESCRIPTION	Date
1	FOR REVIEW	10/11/11
2	FOR REVIEW	10/11/11
3	FOR REVIEW	10/11/11
4	FOR REVIEW	10/11/11
5	FOR REVIEW	10/11/11
6	FOR REVIEW	10/11/11

REVISIONS

PROJECT: PROPOSED COMMERCIAL APARTMENT @ ALMON & BLOOMFIELD HALIFAX, N.S.

TITLE: LANDSCAPE PLAN - SCHEDULE C

drawn by: LONLUP

date: JULY 12

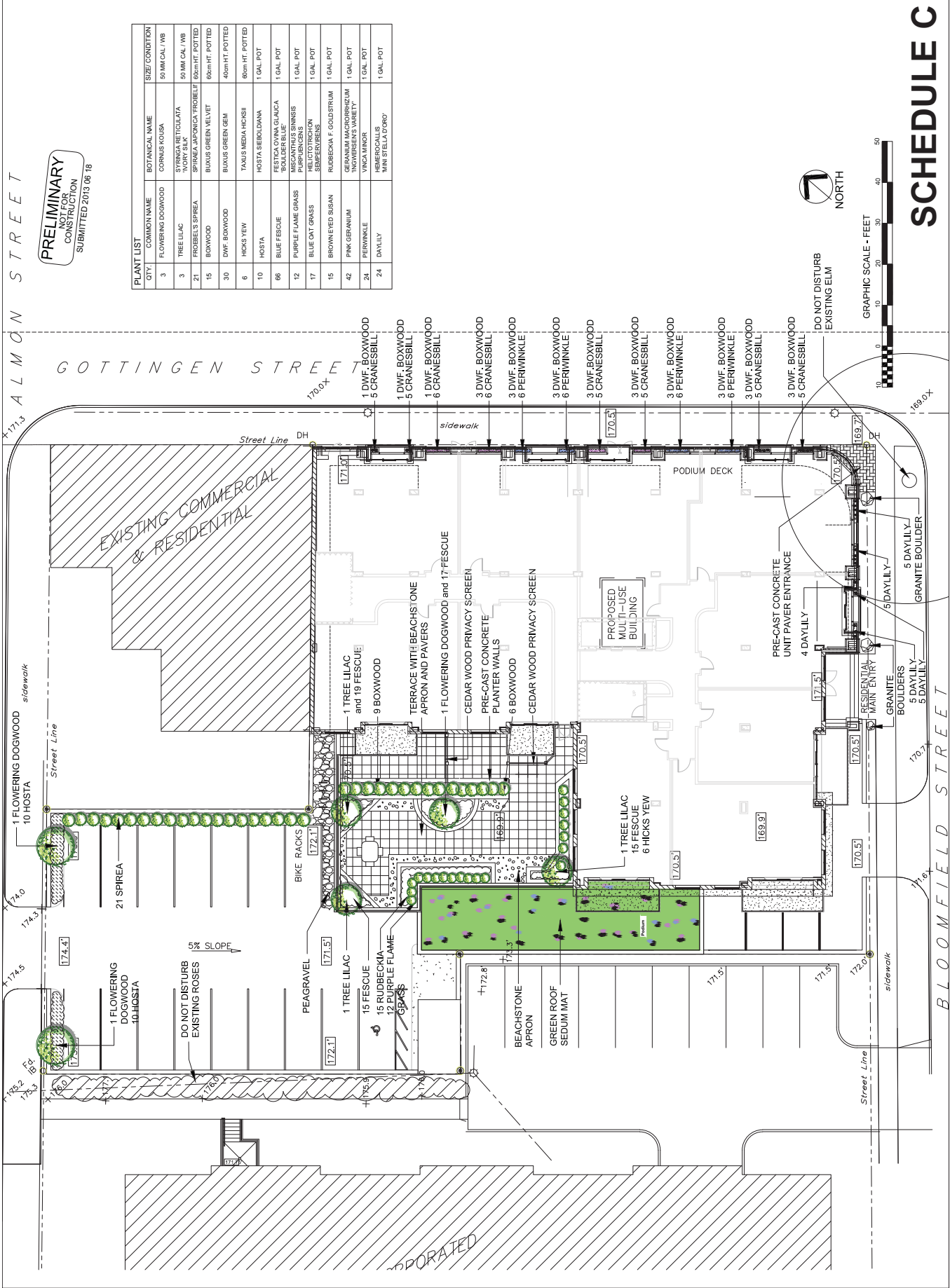
scale: AS NOTED

project #: 2324

L1

**PRELIMINARY**  
 FOR CONSTRUCTION  
 SUBMITTED 2013 06 18

PLANT LIST	COMMON NAME	BOTANICAL NAME	SIZE/CONDITION
3	FLOWERING DOGWOOD	CORNUS KOUSA	50MM CAL / WB
3	TREE LILAC	SYRINGA RETICULATA	50MM CAL / WB
21	SPYREA	SPYREA-SPYRACHA FROBELLII	60cm HT / POTTED
15	BOXWOOD	BUXUS GREEN VELVET	60cm HT / POTTED
30	DWF. BOXWOOD	BUXUS GREEN GEM	40cm HT / POTTED
6	HICKS YEW	TAXUS MEDIA HICKSII	60cm HT / POTTED
10	HOSTA	HOSTA SEBOLDIANA	1 GAL. POT
66	BLUE FESCUE	FESTUCA OVINA GLAUCA	1 GAL. POT
12	PURPLE PLANE GRASS	MISCANTHUS SINENSIS PURPUREUS	1 GAL. POT
17	BLUE OAT GRASS	HELOTOTRICHON SPERMOPHYTES	1 GAL. POT
15	BROWN EYED SUSAN	RUBROCKIA F. GOLDSTRUM	1 GAL. POT
42	PAK GERANIUM	GERANIUM MACRORRHIZUM 'INDONESIA'S VARIETY'	1 GAL. POT
24	PERIWINKLE	VIOLA MINOR	1 GAL. POT
24	DAYLILY	HEMEROCALLIS 'MRS. STELLA D'ORO'	1 GAL. POT



# SCHEDULE C



**Paul Skerry Associates Ltd. ARCHITECTS**  
 5514 LIVINGSTONE PLACE  
 HALIFAX, N.S. B3K 2B9  
 paulskerry@pskerry.ca

**PAUL SKERRY ASSOCIATES**  
 5514 Livingstone Place  
 Halifax, NS B3K 2B9  
 Tel: 902-465-4835  
 Fax: 902-465-7778  
 email: drawing@pskerry.ca

**NOTES:**

- THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND REPORTING ANY DISCREPANCY TO THE ARCHITECT BEFORE PROCEEDING.
- DO NOT SCALE FROM DRAWINGS USED FOR CONSTRUCTION.
- DRAWING REPRESENTATIONS MAY BE IN VARIANCE WITH DETAIL SPECIFICATIONS & SCHEDULES IN THE DRAWINGS.
- CHANGES FROM THESE PLANS & SPECS. MUST BE APPROVED BY THE ARCHITECT & OWNER BEFORE PROCEEDING WITH CONSTRUCTION.
- ONLY THOSE DRAWINGS MARKED APPROVED FOR CONSTRUCTION ARE TO BE USED FOR CONSTRUCTION.
- THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE SPECS.

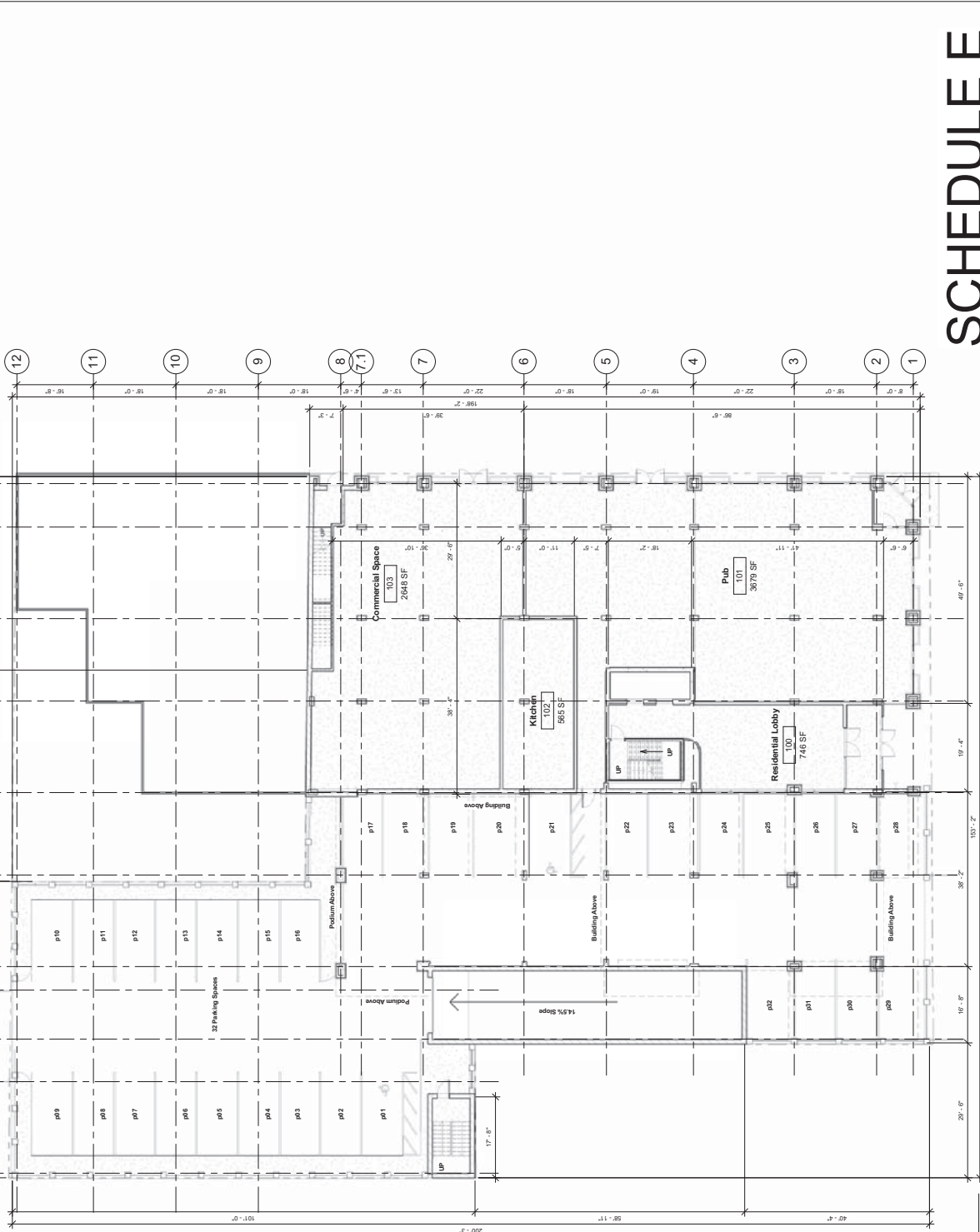


No.	Description	Date
01	ISSUE FOR PERMIT	02/21/12
02	ISSUE FOR PERMIT	02/21/12

Proposed  
 Commercial/Apartment  
 Lot N  
 Almon & Bloomfield  
 Halifax, N.S.

Scale	3/32" = 1'-0"
Date	March 28, 2013
Drawn by	GU
Checked by	PS
Project number	2924

NOTE: MECHANICAL DRAWINGS TO BE READ IN CONJUNCTION WITH ALL ARCHITECTURAL DRAWINGS.  
 REPORT ANY DISCREPANCIES IMMEDIATELY.  
 -SEE MECHANICAL & ELECTRICAL DRAWINGS FOR LOCATION & SIZE OF ALL HOLES IN FOUNDATION WALLS & STRUCTURAL SLABS. (SOME HOLES ARE INDICATED ON ARCHITECTURAL FOR FINAL LOCATION/SIZE SEE MECH/ELECT. DWGS.)  
 -ALL PARKING LINES/PAVING LINES TO BE PAINTED ON SLAB (BLUE)  
 -STORAGE CURBLES ALSO USED FOR BICYCLE STORAGE



# SCHEDULE E

Level 1  
 3/32" = 1'-0"





**Paul Skerry Associates Ltd. ARCHITECTS**  
 5514 LIVINGSTONE PLACE  
 HALIFAX N.S. B3K 2B9  
 paulskerry@skerry.ca

**PAUL SKERRY ASSOCIATES**  
 5514 Livingstone Place  
 Halifax, NS B3K 2B9  
 Tel: 902-465-4835  
 Fax: 902-465-7778  
 email: drawing@skerry.ca

**NOTES:**

- THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND REPORTING ANY DISCREPANCY TO THE ARCHITECT BEFORE PROCEEDING.
- DO NOT SCALE FROM DRAWINGS USED FOR FOUNDATION WORK.
- DRAWING REPRESENTATIONS MAY BE IN VIOLATION OF THE NATIONAL BUILDING CODE AND/OR LOCAL BY-LAWS. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND REPORT ANY DISCREPANCY TO THE ARCHITECT BEFORE PROCEEDING.
- CHANGES FROM THESE PLANS & SPECS. MUST BE MADE BY THE ARCHITECT & OWNER, BEFORE PROCEEDING WITH CONSTRUCTION. ANY CHANGES MADE FOR CONSTRUCTION SHALL BE TO BE USED FOR CONSTRUCTION ONLY.
- THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE SPECS.

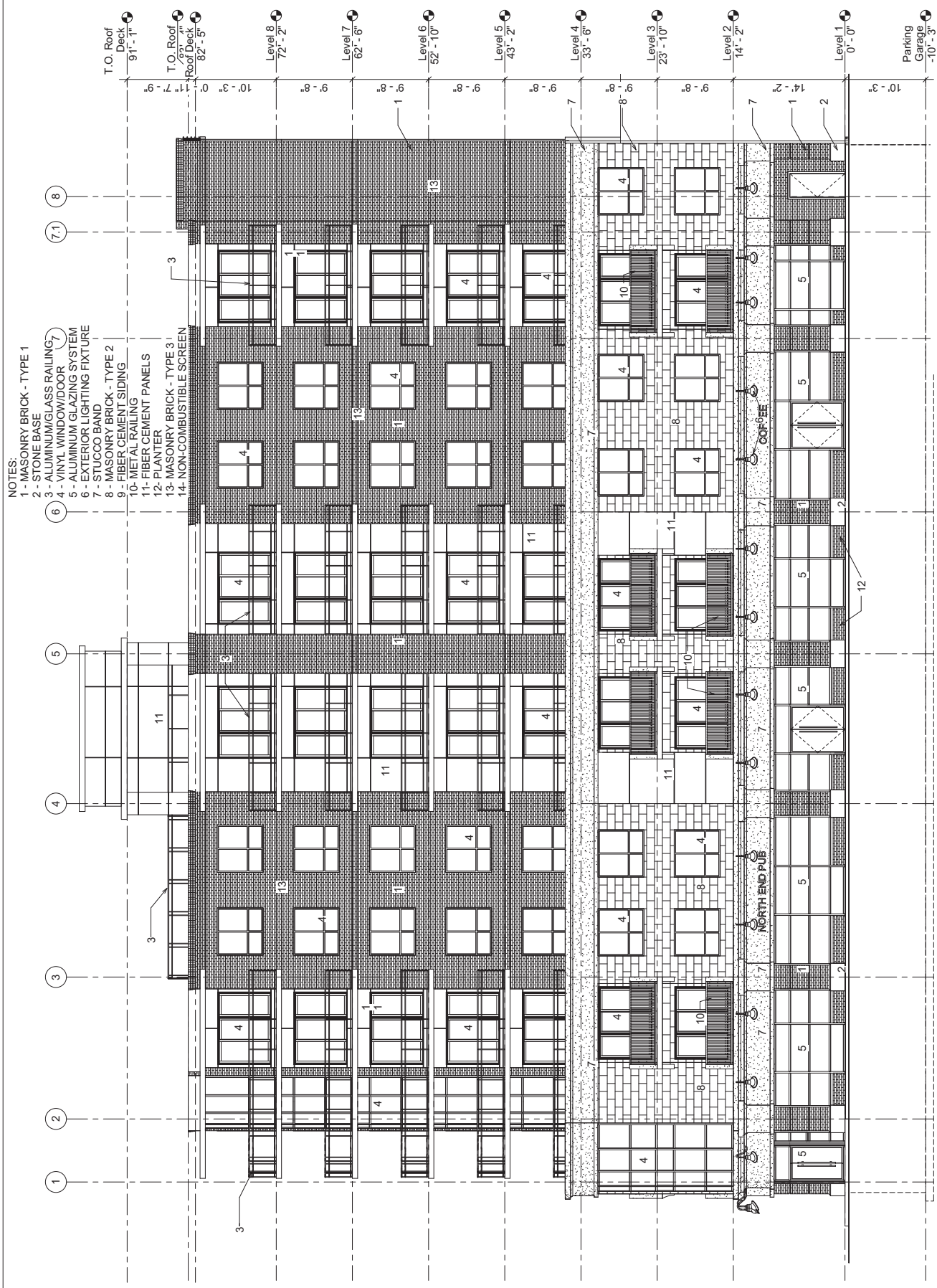


No.	Description	Date
01	ISSUE FOR PERMIT	12/21/12
02	ISSUE FOR CONSTRUCTION	02/21/13

Proposed  
 Commercial/Apartment  
 Lot N  
 Almon & Bloomfield  
 Halifax, N.S.

**East Elevation**

Scale	3/16" = 1'-0"
Date	March 28, 2013
Drawn by	GL
Checked by	PS
Project number	2924



- NOTES:**
- 1- MASONRY BRICK - TYPE 1
  - 2- STONE BASE
  - 3- ALUMINUM/GLASS RAILING
  - 4- VINYL WINDOW/DOOR
  - 5- ALUMINUM GLAZING SYSTEM
  - 6- EXTERIOR LIGHTING FIXTURE
  - 7- STUCCO BAND
  - 8- MASONRY BRICK - TYPE 2
  - 9- FIBER CEMENT SIDING
  - 10- METAL RAILING
  - 11- FIBER CEMENT PANELS
  - 12- PLANTER
  - 13- MASONRY BRICK - TYPE 3
  - 14- NON-COMBUSTIBLE SCREEN

**SCHEDULE G**

**NOTES:**

- 1) THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND REPORTING ANY DISCREPANCY TO THE ARCHITECT BEFORE PROCEEDING.
- 2) DO NOT SCALE FROM DRAWINGS USED FOR CONSTRUCTION.
- 3) DRAWING REPRESENTATIONS MAY BE IN CONFLICT WITH DETAILS, SPECIFICATIONS & SCHEDULES IN THE DRAWINGS.
- 4) CHANGES FROM THESE PLANS & SPECS. MUST BE APPROVED BY THE ARCHITECT & OWNER, BEFORE PROCEEDING WITH CONSTRUCTION. ONLY THESE DRAWINGS MARKED APPROVED FOR CONSTRUCTION, ARE TO BE USED FOR CONSTRUCTION.
- 5) THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE SPECS.



No.	Description	Date
01	PRELIMINARY	12/21/12
02	REVISED	02/21/13
03	REVISED	03/21/13
04	REVISED	03/21/13
05	REVISED	03/21/13
06	REVISED	03/21/13
07	REVISED	03/21/13
08	REVISED	03/21/13
09	REVISED	03/21/13
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19	REVISED	03/21/13
20	REVISED	03/21/13

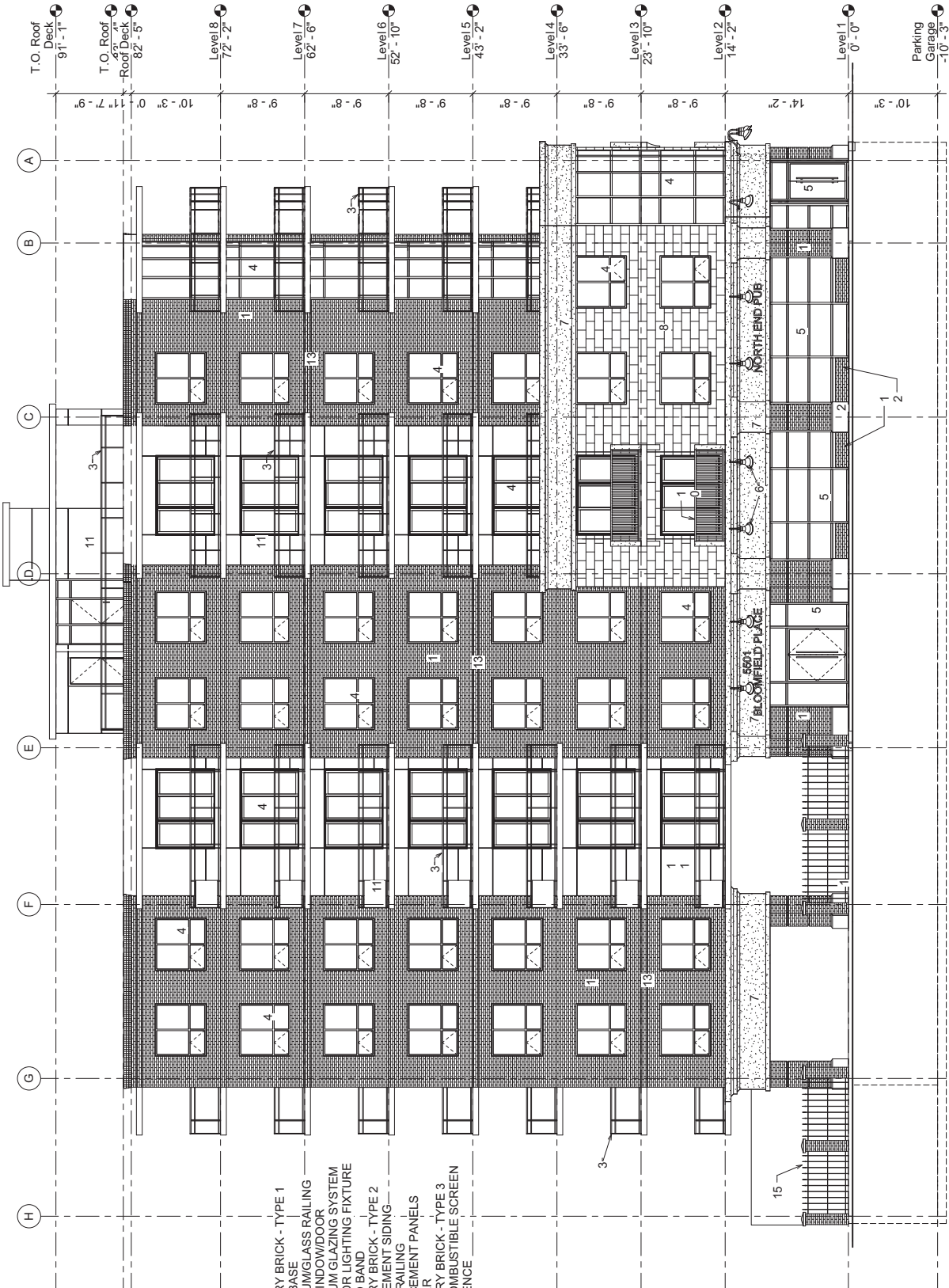
Proposed  
 Commercial/Apartment  
 Lot N  
 Almon & Bloomfield  
 Halifax, N.S.

**South Elevation**

Scale	3/16" = 1'-0"
Date	March 28, 2013
Drawn by	GU
Checked by	PS

**A5.1**

Project number	2924
----------------	------



- NOTES:**
- 1- MASONRY BRICK - TYPE 1
  - 2- STONE BASE
  - 3- ALUMINUM GLASS RAILING
  - 4- VINYL WINDOW/DOOR
  - 5- ALUMINUM GLAZING SYSTEM
  - 6- EXTERIOR LIGHTING FIXTURE
  - 7- STUCCO BAND
  - 8- MASONRY BRICK - TYPE 2
  - 9- FIBER CEMENT SIDING
  - 10- METAL RAILING
  - 11- FIBER CEMENT PANELS
  - 12- PLANTER
  - 13- MASONRY BRICK - TYPE 3
  - 14- NON-COMBUSTIBLE SCREEN
  - 15- IRON FENCE

South Elevation  
 3/16" = 1'-0"

**SCHEDULE H**

**NOTES:**

- 1) THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND REPORTING ANY DISCREPANCY TO THE ARCHITECT BEFORE PROCEEDING.
- 2) DO NOT SCALE FROM DRAWINGS USED FOR FILING.
- 3) DRAWING REPRESENTATIONS MAY BE IN VIOLATION OF REGULATED SPECIFICATIONS & REQUIREMENTS IN THE DRAWINGS & SCHEDULES OUTSIDE THE DRAWINGS.
- 4) CHANGES FROM THESE PLANS & SPECS. MUST BE APPROVED BY THE ARCHITECT & OWNER, BEFORE PROCEEDING.
- 5) ONLY THESE DRAWINGS MARKED APPROVED FOR CONSTRUCTION, ARE TO BE USED FOR CONSTRUCTION.
- 6) THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE SPECS.



No.	Description	Date
1	ISSUE FOR PERMIT APPLICATION	12/21/12
2	ISSUE FOR SUBMISSION	02/21/13

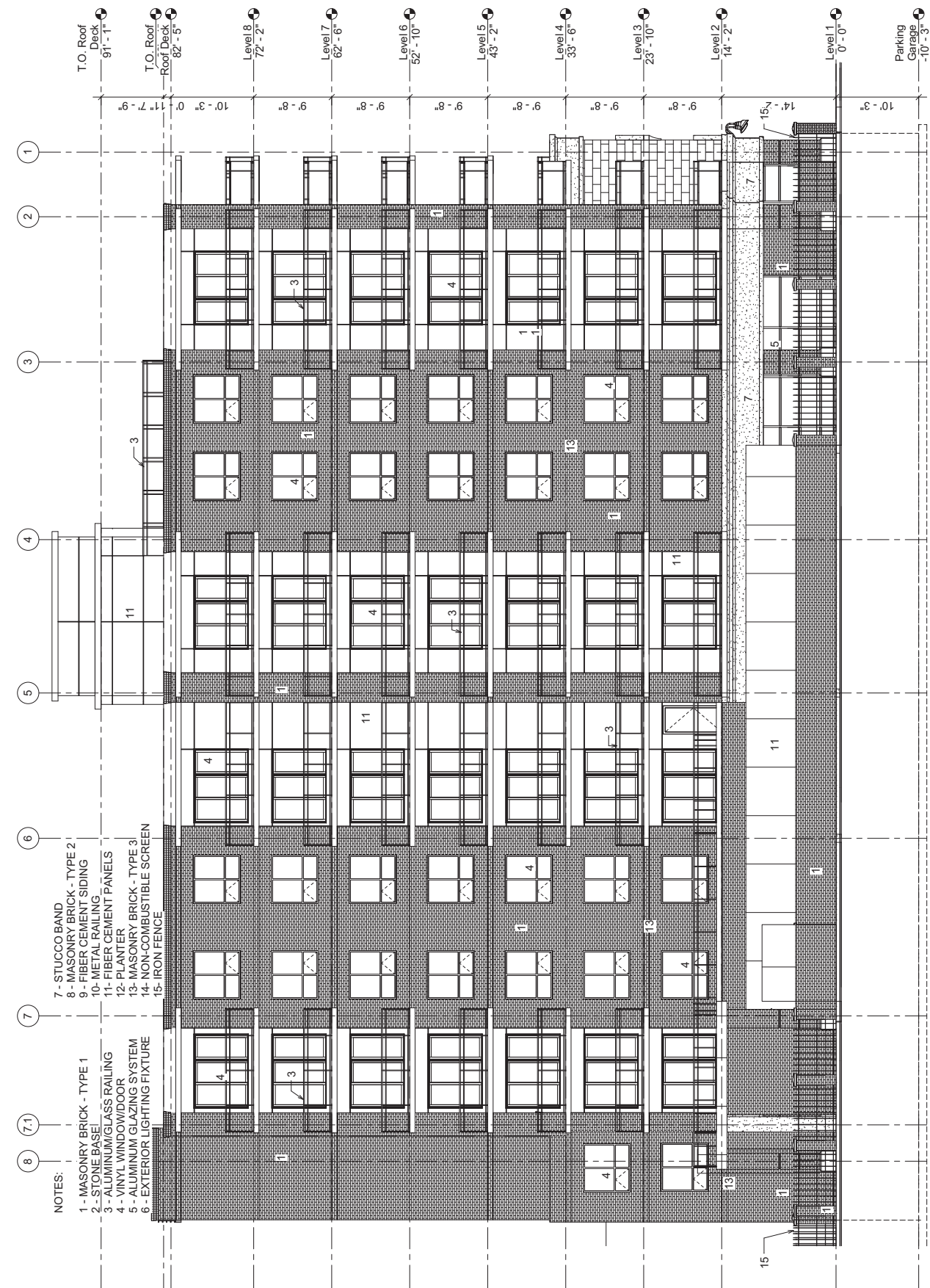
Proposed  
 Commercial/Apartment  
 Lot N  
 Almon & Bloomfield  
 Halifax, N.S.

**West Elevation**

Scale	3/16" = 1'-0"
Date	March 28, 2013
Drawn by	GJ
Checked by	PS

**A5.2**

Project number: 2924



- NOTES:**
- 1 - MASONRY BRICK - TYPE 1
  - 2 - STONE BASE
  - 3 - ALUMINUM/GLASS RAILING
  - 4 - VINYL WINDOW/DOOR
  - 5 - ALUMINUM GLAZING SYSTEM
  - 6 - EXTERIOR LIGHTING FIXTURE
  - 7 - STUCCO BAND
  - 8 - MASONRY BRICK - TYPE 2
  - 9 - FIBER CEMENT SIDING
  - 10 - METAL RAILING
  - 11 - FIBER CEMENT PANELS
  - 12 - PLANTER
  - 13 - MASONRY BRICK - TYPE 3
  - 14 - NON-COMBUSTIBLE SCREEN
  - 15 - IRON FENCE

**SCHEDULE I**

West Elevation  
 3/16" = 1'-0"

NOTES:

- 1) THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND REPORTING ANY DISCREPANCY TO THE ARCHITECT BEFORE PROCEEDING.
- 2) DO NOT SCALE FROM DRAWINGS USED FOR CONSTRUCTION.
- 3) DRAWING REPRESENTATIONS MAKE NO WARRANTY WITH REGARD TO SPECIFICATIONS, MATERIALS, OR METHODS OF CONSTRUCTION. THE ARCHITECT & OWNER, BEFORE PROCEEDING WITH CONSTRUCTION, MUST VERIFY THAT ALL DIMENSIONS, MATERIALS, AND METHODS OF CONSTRUCTION ARE TO BE USED FOR CONFORMANCE WITH THE SPECIFICATIONS.



No.	Description	Date
1	ISSUE FOR PERMIT	1/24/12
2	ISSUE FOR PERMIT CORRECTED	3/13/13

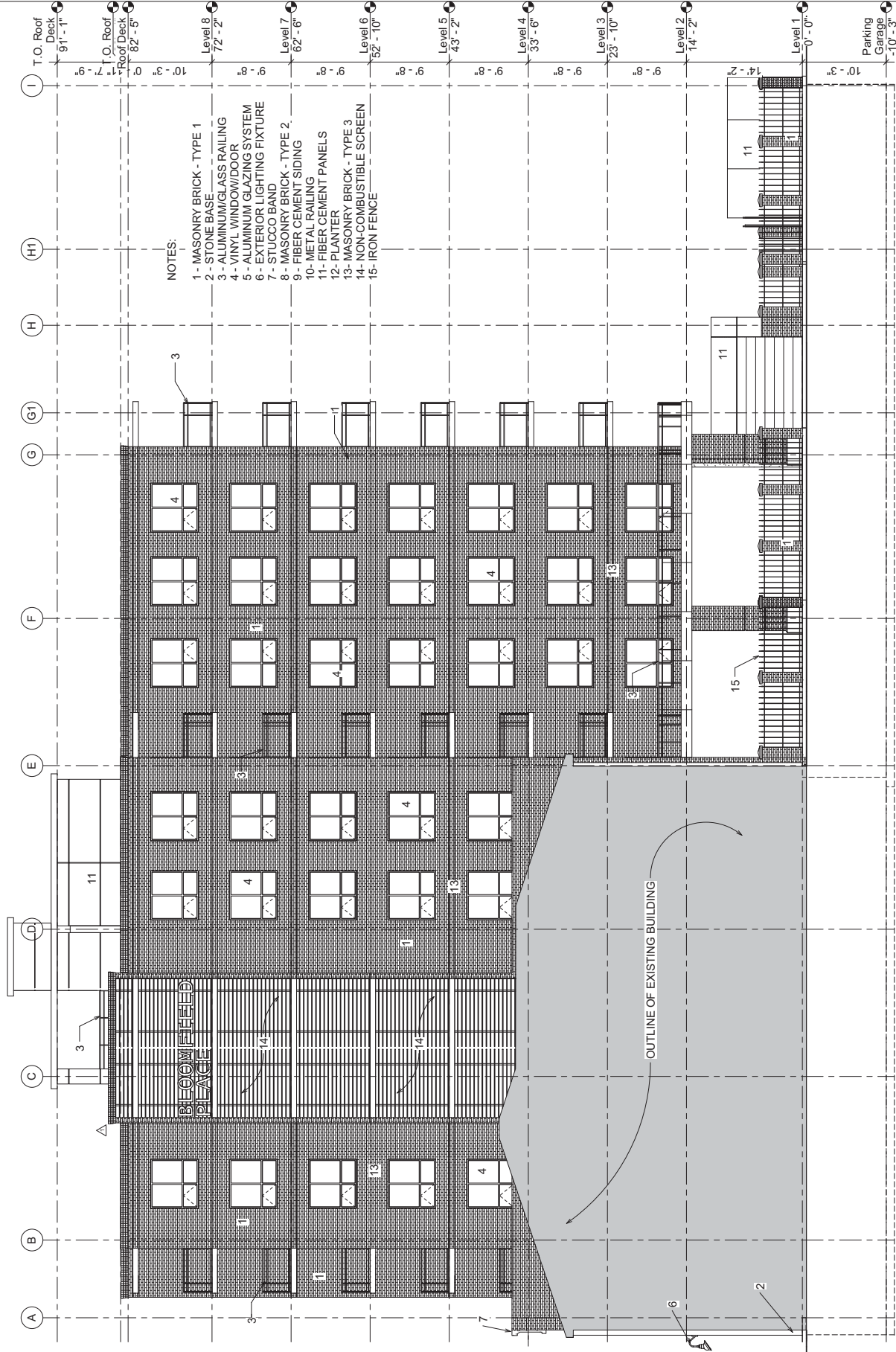
Proposed Commercial/Apartment Lot N  
 Almon & Bloomfield  
 Halifax, N.S.

North Elevation

Scale: 3/16" = 1'-0"  
 Date: March 28, 2013  
 Drawn by: GJ  
 Checked by: PS

A5.3

Project number: 2924



# SCHEDULE J

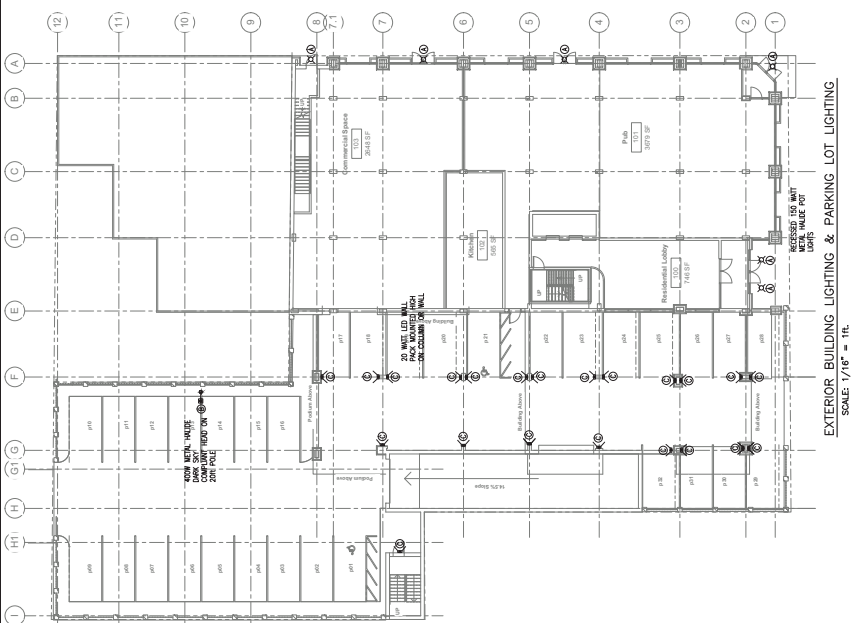
North Elevation  
 3/16" = 1'-0"

**NOTES:**

- 1) THE DIMENSIONS ARE INDICATED ON THE DRAWINGS. ALL DIMENSIONS ON THIS DRAWING ARE TO BE CHECKED AND APPROVED BY THE ARCHITECT BEFORE PROCEEDING.
- 2) DO NOT SCALE FROM DRAWINGS. USE FIGURED DIMENSIONS.
- 3) DRAWING REPRESENTATIONS MAY BE CHANGED FROM THESE PLANS & SCHEDULES, AS SUCH CHANGES WILL BE MADE TO REFLECT THE OWNER'S REQUIREMENTS. THE DRAWINGS WILL BE REVISED TO REFLECT THESE CHANGES.
- 4) CHANGES FROM THESE PLANS & SCHEDULES, AS SUCH CHANGES WILL BE MADE TO REFLECT THE OWNER'S REQUIREMENTS. THE DRAWINGS WILL BE REVISED TO REFLECT THESE CHANGES.
- 5) ONLY THOSE DIMENSIONS, MARKED AS APPROVED FOR CONSTRUCTION, ARE TO BE USED FOR CONSTRUCTION. ALL OTHER DIMENSIONS ARE TO BE USED FOR CONSTRUCTION. ALL OTHER DIMENSIONS ARE TO BE USED FOR CONSTRUCTION.
- 6) THESE DIMENSIONS ARE TO BE USED IN CONJUNCTION WITH THE SPECS.

Paul Slattery Associates Ltd.  
**ARCHITECTS**  
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**REVISIONS**

No.	DESCRIPTION	Date
1	REVISION	18 JUNE 2013

**PROJECT**  
 PROPOSED COMMERCIAL APARTMENT BUILDING WITH PARKING LOT  
 100-100-100-100-100-100  
 HALIFAX, N.S.  
 FOR BEAUFORT INVESTMENTS

**TITLE**  
 EXTERIOR BUILDING AND PARKING LOT LIGHTING

Drawn by: AS/PSB  
 Date: 18 JUNE 2013  
 Approved: PSB  
 Scale: AS NOTED  
 Project #: 100-100-100-100-100-100  
 Sheet #: E-1-1

# SCHEDULE K

**LUMARK**  
 XTOR CROSS-TOUR LED  
 100-100-100-100-100-100

**DESCRIPTION:**  
 The XTOR Cross-Tour LED is a high-performance, energy-efficient lighting fixture designed for outdoor use. It features a durable, weather-resistant housing and a long-life LED light source. The fixture is available in multiple finishes and is suitable for a variety of outdoor applications, including parking lots, walkways, and building exteriors.

**FEATURES:**  
 - High-efficiency LED technology  
 - Durable, weather-resistant housing  
 - Available in multiple finishes  
 - Suitable for outdoor use

**PORTFOLIO™**  
 ML 13150  
 100-100-100-100-100-100

**DESCRIPTION:**  
 The Portfolio ML 13150 is a modern, energy-efficient lighting fixture designed for outdoor use. It features a sleek, minimalist design and a long-life LED light source. The fixture is available in multiple finishes and is suitable for a variety of outdoor applications, including parking lots, walkways, and building exteriors.

**FEATURES:**  
 - Modern, minimalist design  
 - High-efficiency LED technology  
 - Durable, weather-resistant housing  
 - Available in multiple finishes  
 - Suitable for outdoor use

**COOPER LIGHTING - LUMARK**  
 TRIBUTE  
 100-100-100-100-100-100

**DESCRIPTION:**  
 The Tribute is a high-performance, energy-efficient lighting fixture designed for outdoor use. It features a durable, weather-resistant housing and a long-life LED light source. The fixture is available in multiple finishes and is suitable for a variety of outdoor applications, including parking lots, walkways, and building exteriors.

**FEATURES:**  
 - High-efficiency LED technology  
 - Durable, weather-resistant housing  
 - Available in multiple finishes  
 - Suitable for outdoor use

**PORTFOLIO™**  
 ML 13150  
 100-100-100-100-100-100

**DESCRIPTION:**  
 The Portfolio ML 13150 is a modern, energy-efficient lighting fixture designed for outdoor use. It features a sleek, minimalist design and a long-life LED light source. The fixture is available in multiple finishes and is suitable for a variety of outdoor applications, including parking lots, walkways, and building exteriors.

**FEATURES:**  
 - Modern, minimalist design  
 - High-efficiency LED technology  
 - Durable, weather-resistant housing  
 - Available in multiple finishes  
 - Suitable for outdoor use

**PORTFOLIO™**  
 ML 13150  
 100-100-100-100-100-100

**DESCRIPTION:**  
 The Portfolio ML 13150 is a modern, energy-efficient lighting fixture designed for outdoor use. It features a sleek, minimalist design and a long-life LED light source. The fixture is available in multiple finishes and is suitable for a variety of outdoor applications, including parking lots, walkways, and building exteriors.

**FEATURES:**  
 - Modern, minimalist design  
 - High-efficiency LED technology  
 - Durable, weather-resistant housing  
 - Available in multiple finishes  
 - Suitable for outdoor use

**PORTFOLIO™**  
 ML 13150  
 100-100-100-100-100-100

**DESCRIPTION:**  
 The Portfolio ML 13150 is a modern, energy-efficient lighting fixture designed for outdoor use. It features a sleek, minimalist design and a long-life LED light source. The fixture is available in multiple finishes and is suitable for a variety of outdoor applications, including parking lots, walkways, and building exteriors.

**FEATURES:**  
 - Modern, minimalist design  
 - High-efficiency LED technology  
 - Durable, weather-resistant housing  
 - Available in multiple finishes  
 - Suitable for outdoor use

**Case 18254 Attachment C**  
**Review of Relevant Sections of the Halifax Municipal Planning Strategy**

<b>Halifax MPS – Section XI (Peninsula North Secondary Planning Strategy)</b> <b><u>Commercial Facilities – Policies 2.3.1, 2.3.2 &amp; 2.3.3</u></b>	
<i>Objective: A variety of appropriately located commercial facilities to serve the needs of both the resident and working populations of Peninsula North and the City as a whole.</i>	
<b>Policy Criteria:</b>	<b>Staff Comment:</b>
<p>2.3 <i>In areas designated major commercial, uses consistent with Section II, Policy 3.1.3 shall be permitted.</i>  <i>[Section II, 3.1.3: Major commercial centres should service a market area comprising most or all of the City. These centres may include major offices and hotels, in addition to uses suggested for minor commercial centres. The City should encourage parking facilities in these centres to serve several businesses in order to limit nuisance impact. The City's policy for major commercial centres in all other respects should be identical to Policy 3.1.2.]</i></p>	<p>In the Peninsula North Secondary Planning Strategy (Section XI of the Halifax MPS), the site is designated for Major Commercial land uses. The site is zoned C-2 (General Business), which permits major and minor commercial land uses as well as residential uses. Parking will be provided for and utilized by residential and commercial tenants and the general public. The majority of parking spaces will be underground.</p>
<p>2.3.1 <i>In order to promote investment in commercial and residential redevelopment and to prevent conflict between new and existing uses the city may, through the land use by-law, identify areas that provide an opportunity for and will benefit from comprehensive site planning.;</i></p>	<p>The site is appropriate for and will benefit from comprehensive site planning. The site is located within a major commercial area, but adjacent to a variety of land uses, low and medium density residential, and has prominent street frontage on Gottingen Street at its intersection with Bloomfield Street. The development agreement process can help alleviate and minimize potential land use conflicts.</p>
<p>2.3.2 <i>In those areas identified in the land use by-law pursuant to Policy 2.3.1 all residential and mixed residential-commercial development over four units shall be by agreement.</i></p>	<p>The proposal is for a mixed residential-commercial development. The proposed development agreement is included as Attachment B.</p>

<p>2.3.3 <i>In considering agreements pursuant to Policy 2.3.2, Council shall consider the following:</i></p> <p><i>(i) the relationship of new development to adjacent properties and uses; and, the mitigation of impacts on the amenity, convenience and development potential of adjacent properties through effective urban design and landscape treatment;</i></p>	<p>The immediate neighbourhood contains a mix of land use (see Staff Report).</p> <p>Substantial building heights and massing are achievable through the as-of-right permitting process in the major commercial portion of this area (C-2 Zone). However, the proposed building's height and mass is much less than that which could be achieved in an as-of-right situation. Through the development agreement process, staff negotiated with the applicant to achieve a reduction in the building's height and massing.</p> <p>Effective urban design treatment is created by a three storey streetwall along Gottingen Street and a portion of Bloomfield Street, which includes substantial amounts of glass and landscaping at ground-level. The building incorporates high quality materials such as masonry brick, stone, fibre cement siding, glass, and metal rails. The proposed design also includes decorative goose neck lighting along the street and incorporates recesses and European style balconies along the streetwall.</p> <p>To minimize potential land use conflicts, no residential uses are permitted on the ground floor of the building and the residential portion of the building along Bloomfield Street will be set back from the street. In addition, the proposed development agreement restricts land uses on the ground floor to select minor commercial uses, and a lounge in association with a restaurant. Hours of operation for a restaurant/lounge have also been restricted to midnight. The nature of the building's non-combustible construction materials will also assist with noise attenuation. Signs are limited to fascia signs that are not back-lit, with the exception of a back-lit channel letter sign on the north side of the building near the roofline for the purposes of identifying the residential development.</p>
<p><i>(ii) the appropriate integration of the development into the traditional grid street system of the Peninsula;</i></p>	<p>The site abuts Gottingen, Bloomfield and Almon Streets. The proposed development integrates with the existing street grid.</p>
<p><i>(iii) the design and layout of the development should encourage vehicular traffic to use Principal Streets and discourage traffic from</i></p>	<p>Gottingen Street is identified in the MPS as principal street. While driveways are proposed on Almon and Bloomfield Streets, vehicles will utilize Gottingen Street, which minimizes infiltration through neighbourhoods. A</p>

<i>infiltrating through existing neighbourhoods;</i>	traffic impact study, prepared by the developer's consultant, was reviewed by HRM and deemed acceptable. Further, Metro Transit has reviewed the proposal and has advised there are no issues with bus service in the area. Metro Transit has also confirmed that Route 7 will undergo frequency adjustments in August (2013) to provide additional service to the area.
<i>(iv) the creation of high quality design detail at street level through attention to such matters as landscaping, signs, building entrances, and vehicle layby areas;</i>	The proposed agreement requires adherence to detailed landscaping requirements, which includes the provision of landscape planters at street level along Gottingen Street and part of Bloomfield Street. Signs are limited fascia are not back-lit, with the exception of channel letter signs on the north side of the building near the roofline. The design also includes decorative goose neck lighting along the street and incorporates recesses and European style balconies along the streetwall. There will be no on-street vehicle lay-bys. Instead, internal drop-off and loading areas will be utilized.
<i>(v) the provision of high quality open space and leisure areas of a size and type adequate for the resident population;</i>	Open space and leisure areas will consist primarily of a second floor landscaped terrace and a landscaped rooftop area for building tenants. The design of the building also includes individual private balconies. These spaces/areas will be adequate for the resident population.
<i>(vi) residential and commercial densities consistent with municipal services;</i>	A sewer capacity analysis, prepared by the developer's consultant, was reviewed by Halifax Water and deemed sufficient.
<i>(vii) encouraging high quality exterior construction materials such as masonry; and</i>	Proposed exterior materials are of high quality and include masonry brick, stone, fibre cement panels, and glass with metal rails.
<i>(viii) other relevant land use considerations which are based on the policy guidance of this Section.</i>	None identified.

## **Section II - City-Wide Objectives and Policies**

### **8. Environment:**

*The preservation and enhancement, where possible, of the natural and man-made environment, and especially of those social and cultural qualities of particular concern to the citizens of Halifax.*

#### ***Policy Criteria:***

*8.6 The City should make every effort to ensure that developments do not create adverse wind and shadow effects. The means by*

#### ***Staff Comment:***

A qualitative wind assessment was carried out by the developer's architect. The assessment states wind level should be acceptable at the pedestrian level of the building



*which this policy shall be implemented shall be considered as part of the study called for in Part III.*

(Gottingen and Bloomfield Streets), and adverse wind conditions at or near the proposed development are not anticipated.

As there are no public open spaces immediately adjacent to the site, shadow impact on public open spaces is not a concern.

**Attachment D – Minutes of Public Information Meeting**

**HALIFAX REGIONAL MUNICIPALITY  
PUBLIC INFORMATION MEETING  
CASE # 18254**

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**7:00 p.m.  
Wednesday, January 23, 2013  
St. Joseph's-Alexander McKay Elementary School  
5389 Russell Street**

**STAFF**

**IN ATTENDANCE:** Miles Agar, Planner, HRM Planning Services  
Paul Sampson, HRM Planning Services  
Holly Kent, Planning Technician, HRM Planning Services  
Jayne Anderson, Planning Controller, HRM Planning Services

**ALSO IN**

**ATTENDANCE:** Councillor Jennifer Watts  
Ross Cantwell, Cantwell & Company  
Paul Skerry, Architect  
Greg Johnston, Intern Architect

**PUBLIC IN**

**ATTENDANCE:** Approximately 21

---

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

**1. Opening remarks/Introductions/Purpose of meeting – Paul Sampson**

**Mr. Paul Sampson** opened the meeting by introducing himself as a planner for the Western Region with Halifax Regional Municipality (HRM), he introduced Mr. Miles Agar, the planner assigned to this file. Mr. Agar has laryngitis tonight, so I'll do the speaking. Mr. Sampson then introduced Councillor Jennifer Watts and other HRM staff.

He thanked everyone for coming and noted that the meeting was being held to assess application 18254 for a mixed-use project on the site on the corner of Bloomfield, Gottingen and Almon St.

Mr. Sampson stated the purpose of the meeting was to identify and provide information on the proposal and to get feedback. When it comes to questions and answers, all your comments will be made available to council at a later date. The minutes get attached to the staff report.

He stated he would go over the proposal and the process and then he'll hand it over to Ross Cantwell who is representing the property owner tonight. The architect Paul Skerry is here tonight to provide details. Then we will have questions and comments. There are some ground rules that we'll go over a little later. Please hold all comments and questions until the after the presentations. No decision will be made tonight it is just an information exchange.

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

The application is by Cantwell & Company for an 8-storey mixed-used building with commercial on the ground floor, and 70 residential units above. Mr. Sampson showed an image of the proposal. Parking is a combination of surface and underground with frontage on Gottingen, Bloomfield and Almon St. The site is vacant and has approximately 22,000 sq. ft. in area it's the former site of the North End Diner Pub. Ross & Paul are going to give you more detail later on.

The property is under the Municipal Planning Strategy (MPS) for Halifax. This property is designated as major commercial, although it is in an area of mixed land uses and although the area may be dominated with residential uses over commercial, its set aside as a major commercial designation. Zoning of this property is a C-2 zone, general business zone. The C-2 zone is primarily to the northwest of the site, there is quite a bit of R-2 zoning to the southwest, and CFB zoning, Canadian Forces Base, Stadacona to the east. That's the mix in the area.

The current zoning is pretty broad and it allows for large buildings for commercial purposes but also for residential uses. Some of the apartment buildings in the area have been constructed under the current zoning in place. The Northwood building down the street, another on the corner of Almon go under the current zoning. This is just to give you an idea of the type of buildings and size which can be built under the current building permit process. Under the C-2 zoning commercial buildings can be constructed quite large and with significant height. Mr. Sampson showed a slide of angular planes stating that residential uses are subject to angular planes.

**Mr. Sampson** introduced Ross Cantwell, the applicant.

## **3. Presentation of Proposal – Ross Cantwell, Cantwell & Company Ltd.**

**Mr. Ross Cantwell** thanked everyone for coming out. We have been working on these plans for half a year and they have been through a number of changes to date and we expect they will continue to evolve as we move through the process. This site has been developed well over a century and it has a history of pubs; it was called the North End Diner. The last building had commercial and residential and unfortunately burned down in 2007. It's owned by a company that is also involved in food and beverage industry, so their intent would be to create a family style pub in this location and with residential apartments above it. As Mr. Sampson pointed out, there is opportunity to go in and file for a building permit right now but the owner would like to do some other things to the building make it look better than what would be allowed. Our current proposal is 7,000 sq. ft. of commercial space, with about two thirds being occupied by a family oriented pub/restaurant that would be a little bit different than the old North End Diner. The kind of place you could take your mother. On the ground floor level there would be space for another commercial tenant; we don't know who that would be at this point. The upper level has 70

residential units of 1 and 2 bedrooms. Mr. Cantwell showed a site plan of Bloomfield St, Gottingen and the parkade coming through the entrance off Almon and exit off Bloomfield.

**Mr. Cantwell** then introduced Paul Skerry, the Architect.

**Mr. Paul Skerry** introduced Greg Johnston from his office who is the project Architect. Mr. Skerry advised that both Greg and he will be available for questions.

**Mr. Greg Johnston** introduced himself as the intern Architect in training. Paul Skerry is the lead Architect on this project. To begin the base of this building is to have a strong edge on the street level, most of the buildings on this street are either 2 or 3 stories, and we want to keep that feel to it as a pedestrian walking down the street. Mr. Johnston stated that right along the street we go over three stories, then we have a step back, and we will go up to 8 stories. Mr. Johnston showed slides of the proposed building elevation drawings (east elevations on Gottingen Street, south elevation on Bloomfield Street, and west elevation facing the Northwood building which is also a Paul Skerry building right next to each, and the north elevation facing Almon Street). Mr. Johnston explained they are looking for high quality retail space, with the use high quality materials for the first 3 stories, with granite brick. The second storey has stone; what was used in the Starbucks building at the Hydrostone. A thirty foot street wall, use of windows, use of lights coming into the building, making it open, and making it airy. The entrance to the apartment building will be on Bloomfield Place, with a parking lot in the back, and there is also a garage that goes down to the underground floor for parking. Mr. Johnston showed plans for the ground floor, including the pub, the kitchen, and the addition commercial space. The residential lobby will have access to elevators and entrance to the parking lot for the pub. Going up one level it will be all residential with a neat feature on the second level, and a landscape podium that is over the lot of service parking that gives us the opportunity for some open space to put some planters in that area. This would be open to any of the residents in the building.

Floors 3-8 are going to be very similar, 10 units per floor. We want to maximize the apartment space and minimize the corridor space there. Mr. Johnston showed an image of the surface parking on the main level. We have two entrances off of Bloomfield and Almon, and we want to avoid a straight shot into the parking, have the path travelled making it less obvious. This created a ramp that goes down to the parking level. The second floor will have a roof garden. He showed a slide of the parking garage with storage spaces.

**Mr. Cantwell:** As Paul indicated before, the four elevations would show the angle control showing what is allowed as of right. Mr. Cantwell showed a slide that does not meet the current zoning requirement. The majority of the building meets the current zoning land use by-law. This is a shadow a study, showing the shadows cast for the middle of June at 11 a.m. and March 21, which would be the same as the Fall. There is virtually very little impact on Bloomfield St and the other directions. There is plenty of capacity for water and sewer.

Traffic is showing roughly 50 % would come from residential; 50% from retail. Transportation engineers considered insignificant impact on traffic in the area. There are 8 transit buses on Gottingen St and there will be a fair amount of bike parking provided for residents.

So why do we think this development makes sense? It is smart growth. The Regional Plan

talked about more development on the peninsula and this area already has sewer and water all in place. Building permit fees and annual property taxes to HRM certainly help the other amenities in the area such as schools, parks, etc. It's going to provide a lot of neighborhood retail that we think is going to help in terms of the area as it continues to evolve, and we have received numerous calls when plans announced the potential for the rebirth of the North End Diner.

**Mr. Sampson** explained that the application is twofold. Applying a zoning schedule to the site eliminates the ability to do apartment buildings by just applying for a permit. Schedule Q basically says that any residential building over 4 residential units has to be through a Development Agreement (DA) process. So instead of just applying for a permit for the residential building they wish to apply for this Schedule in place so they can go through a DA. A DA is a legal agreement between the Municipality and the property owner and it regulates how the property is developed, designed and the size and its exterior design of building materials. The DA is enabled through our MPS but also the HRM Charter, a Provincial Act. Some of the things we can address in the DA are building design, landscaping and open space so we can require that as part of the DA. In terms of population density, this process also allows for somewhat higher residential population density to be permitted as a trade off. So what the Municipality gets is instead of a large commercial building or a building with a number of commercial floors and a number of floors residential, we primarily an apartment building with some commercial and we have a say in the design. There is a tradeoff.

In terms of process, we are here at the public information meeting, staff will do a detailed review and we will look at the different studies that have been prepared. Following that, we prepare a report to Halifax & West Community Council. They receive a staff report and basically they decide what to do with that. They would schedule a public hearing and you would receive notices by mail again at that time. Following Council's decision, there is also the ability for an appeal to the Nova Scotia Utility and Review Board. The process usually takes a number of months.

The floor was opened for questions. Please come up to microphone to ask questions or make a comment. Please focus on the proposal itself and respect everyone's point of view. Please identify yourself and your comments will become part of the record.

#### **4. Questions/Comments**

**Ms. Colleen Ritchie, Gottingen Street**, stated she is a home owner and is very pleased with this style of development with residential units. This area is a wonderful place to live, great parks, great schools and good things in the neighborhood. Happy to see it developed and more development in the area. The people involved with putting the building up, do they want the Schedule Q or does the City want it?

**Mr. Sampson** replied that it's considered a combination of both. It gives us a say in the design and we can have the developer tweak the proposal in certain ways. And it gives you a chance too.

**Ms. Ritchie** questioned if Schedule Q was the next step and where they are right now with Schedule Q.

**Mr. Sampson** stated there have been other proposals in the area that have gone through a similar process so the application of the Schedule is the first step. The second step would be for council to make a decision on the DA, which is the legal binding agreement that regulates the site as opposed to just the zoning rules.

**Mr. Sampson** mentioned that following the meeting any comments by email or letter should be addressed to Mr. Agar. Written comments will be attached to a staff report so Council gets to see the minutes from tonight's meeting but also any additional comments

**Ms. Jennifer Beamer, Bilby Street**, asked why only 1 or 2 bedrooms, and not any 3 bedroom apartments?

**Mr. Cantwell** replied that he believed the intent of the developers was to look at the building as a very long term investment. Demographics in the area show family sizes getting smaller. Two persons per household is an average on the peninsula, so there is a demand for family units but there is a fair amount of residential housing on Bloomfield St and Northwood St. On the flip side, people who want a 1 or 2 bedroom usually can't afford the rent of a whole house.

**Mr. Sampson** added quite often in the DA we tend to put off putting in requirements for a minimum number or minimum percentage of larger units. We can request 3 bedroom units, but what we tend to do is put in a percentage of units that have to be at least 2 bedrooms or greater, which gives the developer the option based on market conditions at the time. They can gauge the market and if there is more demand for large units they can do that. So we tend to say 2 or more.

**Mr. Peter Lavell, Belle Aire Terrace**, asked a question about the 30 foot podium and if the balconies are recessed right to the top of the building?

**Mr. Skerry** replied above the third floor the balconies are set into the face a little bit. They are cantilevered probably 4 feet on the lower floors, a European style balcony. These balconies are cantilevered from the building face, but we don't come up to the building face to the building below and so on.

**Mr. Lavell:** So, in certain areas the recession is 10 feet where the windows are, and then the recession is 7 or 8 feet?

**Mr. Skerry** advised they are cantilevered out.

**Mr. Lavell** replied there are many nice 5 and 6 storey building around and I can see the need for density, however, I'm not whole hearted supporter. It seems to me that one way to solve the problem with angles with that building is to drop the top 2 stories. Because of Schedule Q, I'm not sure on the issue of density that might be available compared to as of right.

**Mr. Sampson** replied the proposed residential density is greater than what would be permitted in an as of right situation. That doesn't necessarily mean that you couldn't build buildings that may not look like this and may not have that many residential units in it or that much floor space devoted to residential. The reason we show the slides with the angles was to just give an idea of

what the potential.

**Mr. Lavell** stated that there must be guidelines relative to density? What would be the density of this building and what would be the density as of right?

**Mr. Sampson** answered the residential density would be low, but I can't give you an exact number. Your comments are very valid; we could maybe look the upper most floor. You communicated about setting the floor in a little bit more; it is something to be looked at.

**Mr. Lavell** commented that when it comes to 3 bedrooms I would also like to cast a vote in favor of that. Residential housing is available nearby, but property values are going through the roof and with what is happening in this northend neighborhood the average person won't be able to buy here anymore.

**Mr. Skerry** stated a few comments to Mr. Lavell on density. If you went out into a newer suburban section of Halifax, you'll see the investment in schools. All new schools put this one to shame. What's happening is that we are making it impossible to live downtown. We have to start reversing the process, bringing people back into the communities so that there is repopulation of the school and the infrastructure we have here. People get hysterical over 3 stories; an 8 or 10 storey building is modest for an urban form. We have to as Haligonians start thinking about higher buildings because we don't have the big sites in Halifax. I've worked here all my life and it's hard to get a site. This one is an opportunity in the economics of development where if you don't have a big site, you have to go up. The guy who owns the property is saying is it really worth my time to build it. With construction costs high, taxes are high. I think it's a good solution.

**Mr. Lavell** replied that he didn't stand up to get into a debate over the issue; he got up to express his opinion. Paris, which is one of the densest cities in the world, is only 6 stories high. As far as land value goes, the higher the building is next door to his building, the greater the value of the neighboring building. So if the paradox is a 100 storey building on your property, then the value of the land is so high that your house is worth nothing. You can argue it a number of ways, but I just wanted to express my opinion.

**Ms. Lois Randall, Russell St.,** stated that she is exhausted by all these public meetings for all the buildings in our neighborhood. The building is not unattractive and she has concerns about the height of the building and density. Concerns about the lack of family style accommodations; we want density on the peninsula, we want to keep schools populated. We need families here, not 1 or 2 bedroom apartments which create, to my way of thinking, a transitory type of neighborhood. This building is extending somewhat out to the sidewalk all the way around with not a blade of grass or green space anywhere, other than maybe on that landscape podium which will be enjoyed by the people who live in the building. The neighborhood will not get any enjoyment from that. She was not enamored by the blank concrete looking wall above where Needs is. The traffic studies I find are somewhat disingenuous, as they are all based on 2007 data, and they don't do anything to reflect upon the other 4 or 5 buildings in the works right now for this area. To say it is minimal or no impact in the area is just disingenuous. I've lived here for 19 years and it's going to keep changing with all these buildings, with all the people coming and going and all the commercial.

**Ms. Ritchey** questioned why 2 bedroom units couldn't be family units. My brother and sister both live in the neighborhood and have 2 children and the children share the bedroom. In largely urban populated areas across the country, small amounts of space, 1,000 square feet, can accommodate families. So I don't necessarily think they have to increase bedrooms to accommodate a family. I don't think that 1 or 2 bedroom units mean that people are transient. Single people with children are families and help towards building a community.

**Mr. Fred Connors, Bloomfield Street**, stated that he is a lover of the north end. I pass this site once a day and think of the possibilities that can exist on this site. As I pass the Northwood building what a perfectly ordinary building and a great facility for the people who live there. But think how exciting it could be if the people who lived there have an extraordinary building to greet them every time they came home. So when I look at this proposal, I think of something that is expected, ordinary. I'm not seeing or hearing the passion that went into this project, and would love to know what buildings in the neighborhood inspired this project? So there is nothing inspirational; it is expected, it's nice, but nice is the enemy of excellence. It's everything we need in the Halifax community to make them great places to live, and I think the developer and property owner should have the responsibility to our community to want to build buildings and spaces that don't just offer something to the people who live in them, but offer something to the people who live around them. What the people in this neighborhood are looking for is more than nice. What Halifax needs is excellent design. It needs people who care, to go above and beyond what is expected and ordinary and predictable, and deliver something that we as a community can be proud of, so that in 25 years we will look at the buildings that are being built today and say they are still ll examples of excellent design, and people are proud to live there. Beauty exists in anything that is done well and we can have beautiful neighborhoods if we build them beautifully. I went to a hearing at City Hall two nights ago where a building was being built on Bilby Street and Isleville Street. It was being presented with zero opposition and concern because it was beautiful. If you design and build something beautiful, people will get excited about it, regardless of how high it is and how many rules we break trying to get it up there.

**Mr. Sampson** stated that we only want specifics. The plans are on our website and as planners we are looking for specifics, building material, how balconies should look, what you like and don't like about the building.

**Ms. Irene Clark, States Street**, expressed concerns about the number of parking stalls in these apartment buildings. The city claims it wants to increase Metro transit ridership, increase more pedestrian traffic flow and get more people riding their bicycles. Don't see that happening with the 5 current development applications that are within a 4 block radius. Two buildings on Bilby Street will have more than 100 vehicles coming in and out of Bilby St. How does a traffic engineer not catch the impact that is going to have? What will the cost be for a 1 bedroom and 2 bedroom unit?

**Mr. Sampson** stated that one of the things we require not only in the DA but also in our Zoning By-Law is the requirement for bicycle parking and storage facilities. Some of those storage facilities in the underground level may have been in fact designated as storage or for bicycles. So we will require that of this building also.



**Ms. Clark** replied if you add up the numbers of parking spaces on a surface level or underground these 5 buildings, there would be an extra 305 vehicles coming and going according to the TIF, so even if you allow for 10 currently for each of those spots that would be 50 so 250 additional vehicles every day. Right in front of the Needs store there is a crosswalk and it's a very busy intersection currently because of Stadacona. Most of the traffic is coming down Gottingen and down Almon trying to get into Stadacona.

**Mr. Sampson** replied that the traffic study is being reviewed by HRM staff and that gives us an opportunity to look at the details of the intersection in terms of numbers. Relative to the cumulative number of building proposals in the area, we are looking at that and will talk to our HRM traffic planner to see if they have concerns or issues. I know it's been an issue that was brought up recently.

**Councillor Jennifer Watts** stated it is something we should look into although that's not to say our traffic engineers don't look at that on a regular basis, but there have been a number of proposals for this area. In terms of transit I believe the application is being circulated to Metro Transit. Obviously there are transit routes in the area. Whether or not all these building proposals will require additional service or not, I can't answer tonight.

**Mr. Cantwell** replied to the parking comments, that the general rule is 1 parking space per unit, sometimes 1-1/4 space per unit. In this building we are actually less than that we .75 parking spaces per unit. We intentionally cut back on the number of parking spaces because we have 8 bus routes out front. A lot of people will pay a few extra dollars to live in this location. We have 7500 sq. ft. of commercial space on the ground floor and although the owner is very interested in reactivating the community pub, it may not happen because of the economics of running a food and beverage industry these days. In order for some of that retail to be bought there, there has to be adequate parking. Some of those residents will have a car so during the week it sits there. The target market for the building may be Stadacona across the street, which is why when they did speak to them, military personnel would need storage.

There would be a mix from single working people, couples, and small families - the whole range. The goal of these building is to have long term tenants. Prices right now are \$1.50 to \$1.90 per square foot. For example, 1000 square feet for 2 bedroom units would be \$1000.00 to \$1500.00 a month, but then again it can't be established right now. Construction costs have been going up 6-7% every year. There continues to be all sorts of additional costs, such as Halifax Water and the Power Corporation. The key intent of putting up a building like this would be to create a neighborhood.

**Mike Cuverlier, Columbus Street**, stated that he didn't know when a traffic study stopped a project. The Hydrostone Blvd. is getting chewed up and getting smaller and smaller, which is something to think about. I am concerned about traffic. This part of the city is old and this school that we are in has been here for almost 100 years. There are 262 students and parents and don't feel ashamed of this school. This is the oldest building in HRM.

**Mr. Troy Leblanc** asked about the materials being used for energy efficiency.

**Mr. Skerry** stated that we will exceed the N.S. Building Code; a very high insulation value in

the wall and the ceiling. We have an efficient air moving system and recovery and it will have a gas fired heating system. In terms of active solar panels, whether they will be thermal units, we haven't gotten that far yet. But we have put thermal solar units in apartment buildings before and we have a green roof proposal for this building. When it comes to green buildings, my architect is green certified. These things are a concern to us and we will incorporate as much as we can.

**Mr. Leblanc** asked how many seats will be in the pub?

**Mr. Cantwell** replied he thinks 20 seats in the pub area and 60-80 in the dining area. Maybe 100 seats all together, something similar to what was there before.

**Mr. Sampson** states that the DA process cannot require a specific service type of use. It can state that it has to be commercial use, or retail on the ground floor, but we don't tend to get into the specifics in terms of a pub versus a retail store or office.

**Mr. Leblanc** asked what would be the construction schedule?

**Mr. Cantwell** advised if all went well 2014.

**Mr. Matthew Ritchie, Willow Street**, had some questions about the green space requirements and whether it will be like the parks up on Belle Aire Terrace, a community green space rather than the green space in this proposal.

**Mr. Sampson** replied that the Planning Strategy requires council to consider landscaping and open space for tenants of the building. It's a situation where we would be looking for public open space unless it was a larger parcel of land. With the Gladstone Development that was done by Westwood Developments, there is actually quite a green space and some if it is owned by HRM and it cuts through the site. The green space on this site is on the building podium above the parking level, and that really is for the tenants. So what we are obligated to look at here is whether there is adequate green space for the tenants? It can be a combination of surface, landscaping, building amenities, like an indoor space and also individual balconies. As long as there is an adequate amount for the tenants in the building is how the policy reads.

**Mr. Ritchie** asked Paul Skerry what his inspiration was for this building and his inspiration for the aesthetics of the building.

**Mr. Skerry** explained we tend to do a lot of residential construction. My inspiration is when someone comes to me and says they'd really like to live in one of his buildings. We try very hard to design with a very liveable material, functional and useful exteriors, balcony spaces, and open plan concepts so that you get a more modern use of the space, making the living spaces, kitchen, living room in a residential environment, and providing beautiful materials and lots of glass. The face of the building is more the pub town concept, more a traditional, almost historical; the lighting system; opening the corner with glass; fronted by a variety of traditional materials, with different treatments.

**Ralph Pineau, Gottingen Street**, stated he was concerned with the design of the façade, and that coming down Bloomfield it looks like the back of the building.

Mr. Skerry stated that is where the commercial façade ends and changes to a residential façade, with entry to the residential building and access to the parking. Everyone they talked to in the initial study, the police included, wanted this to continue on into the other.

**Mr. Pineau** asks how much of the sidewalk on the Gottingen St side was left.

**Mr. Skerry** replied all, and basically the way it was worked the distance back to the street curb. I don't think there would be a sidewalk that would be on our property because the old North End Pub was to go right to the streetline.

**Mr. Pineau** questioned if it was possible to restrict the owner's use of the building? This permit may say he's putting in a restaurant type pub but he may not?

**Mr. Sampson** stated, what we intend to do is specify categories of land use, so it says it has to be retail; what we can't do is specify a particular type of use. We can't, for example, say it has to be a pub, or it has to be a restaurant. Usually we leave that up to market conditions; we don't want to necessarily control the market.

**Mr. Pineau** stated that is makes a huge difference to the people living by it if it's an insurance office, compared to a restaurant or a bar.

**Mr. Sampson** replied that what we could do is specify that it has to be more like a street oriented retail type of use. That way there are options available, a store or restaurant, but we can't get into the specifics.

**Mr. Cantwell** stated that the owner runs about 10-20 food and beverage establishments, but they can't guarantee it's going to happen here as there are so many other things in play. As to insurance places and things like that, it doesn't add value to the building. Where this neighborhood is going is more active, street oriented retail. The challenge with this retail is that a lot of the retail built on Gottingen St got ahead of its time, and so rents are really supporting the retail. Down near Cogswell there is a new building there and it as a wonderful store, other than it is just sitting there boarded up. Anytime you see an insurance or travel agency on the ground floor, that's a sign that retail is unhealthy. You'll never see ground floor office space on Spring Garden Rd because you can't afford the rent.

**Mr. Connors** asked if the green roof intended to be at the podium level where the residents would have access to it, or is it a green control storm water runoff on top of the building. Because a green roof as I understand, would be to control storm water runoff at the roof level, so is the top level of this building going to control storm water?

**Mr. Skerry** stated the bulk of HRM is storm water controlled, whether it's a sedum or membrane roof, which takes storm water at its peak flow and slows it down to the predeveloped runoff of the site. All that sedum and green stuff on the roof does is hold the water.

**Mr. Connors** asked if those sedum mats were intended for the roof level or the podium level?

**Mr. Skerry** replied podium level.

**Councillor Jennifer Watts** thanked everyone for coming and it's very helpful to have your comments. Getting your ideas about the issue around the number zone in this area traffic study and I have asked staff to go back and look at that. I want to make that clear in the report ahead of time, that in fact HRM staff be more proactive. Consultation around transit should begin around February, for precisely these types of issue, when making better connection to people you will have an opportunity over the next year. So if you're not on the email list come see me and I'll give you my card. There will be a lot of public consultation this year on transportation and transit in the Regional Plan.

**5. Closing comments**

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

**6. Adjournment**

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