

Halifax and West Community Council
July 22, 2013

TO: Chair and Members of Halifax and West Community Council

SUBMITTED BY: original signed
Brad Anguish, Director of Community & Recreation Services

DATE: June 28, 2013

SUBJECT: **Case 17756: LUB Amendment and Development Agreement – 5659
Almon Street and 2814 Isleville Street, Halifax**

ORIGIN

Application by Michael Napier Architecture

LEGISLATIVE AUTHORITY

HRM 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 amendments to Map ZM-2 of the Halifax Peninsula Land Use By-law to include 5659 Almon Street and 2814 Isleville Street, Halifax, in Schedule Q, as presented on Attachment A 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 of this report.

RECOMMENDATIONS CONTINUED ON PAGE 2

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

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

BACKGROUND

An application has been submitted by Michael Napier Architecture, on behalf of the property owner, to enable the development of a 7-storey, 42 multi-unit residential tower in conjunction with a ground-level commercial space on the corner of Almon Street and Isleville Street, Halifax. The subject site consists of two separate properties: a large vacant parcel and a small residential property that comprises a single unit dwelling (Map 2). 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 to minimize land use conflicts with surrounding neighbourhood.

Location, Designation, Zoning and Surrounding Land Use

The subject site:

- is located on the north western corner of Almon Street and Isleville Street (Map 2);
- consists of two separate properties, which comprise a total area of 1648.8 square metres (17,747.5 square feet);
- is located within Area 5 of the Peninsula North Secondary Planning Strategy (Section XI of the Halifax Municipal Planning Strategy [MPS]) and is designated for Major Commercial development (Map 1);
- is zoned C-2 (General Business) by the Halifax Peninsula Land Use By-law (LUB) (Map 2); and
- surrounded by residential uses that include a mixture of single unit dwellings, duplexes and low-rise multiple unit residential buildings.

Enabling Policy and Zoning Context

The subject application is made pursuant to Policy 2.3.1 of Section XI of the MPS which allows Council to identify areas designated Major Commercial for comprehensive site planning through a development agreement process. This process is achieved through the application of Schedule “Q” of the Halifax Peninsula Land Use By-law. Schedule “Q” was established to address the

challenge of introducing new residential uses into existing commercial and industrial areas by negotiating, on a site-by-site basis, the conditions of a development agreement including:

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

Schedule "Q" is currently applied to those lands on the west side of Robie Street, on properties located on the corner of Kaye Street and Isleville Street, on 6100 Young Street, and on the corner of Bilby Street and Isleville Street (Map 3).

The C-2 Zone permits commercial buildings with no restrictions on front, side or rear yards but limits height to eighty 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 (refer to Attachment D). The application of Schedule "Q" to a property supersedes the requirements of the C-2 Zone by requiring that projects of greater than four dwelling units be considered 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 wishes to remove the existing building on the subject site, consolidate the properties, and construct a 6-storey residential tower atop a single storey of commercial space at ground level. The applicant has requested that the subject site be included within Schedule "Q" of the Halifax Peninsula Land Use By-law 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.

Details of the proposal are as follows:

- 7-storey (23.7m in height) mixed use building that contains 42-units and 400 square metres (4,300 square feet) of ground floor commercial space with frontage on Almon Street (Schedules E-1 through E-4 of Attachment B);
- the commercial space is individually-accessed at the street level with the residential units being accessed via an exterior lobby;
- vehicular access to the building is from Isleville Street, where side by side driveways lead to an internal, grade level parking area and a ramp to a single level of underground parking (total of 40 parking spaces); and
- private rooftop landscaped areas and amenity space for the building tenants.

Approval Process

The approval process for this application involves two steps:

- i) First, 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 lands within “Schedule Q”; and
- ii) Secondly, Community Council shall consider and, if deemed appropriate, approve the proposed development agreement.

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

DISCUSSION

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

LUB Amendment (Schedule ‘Q’)

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

Development Agreement

To ensure the proposed development is properly integrated into the existing land uses, Policies 2.3.1, 2.3.2 and 2.3.3 include criteria for Council to consider when evaluating proposals prior to the Municipality entering into a development agreement. The proposed development agreement addresses the following matters:

- land use, building and site requirements;
- architectural, signage and lighting requirements;
- parking (bicycle and vehicular), circulation and site access;
- detailed landscaping requirements for public and private landscaped areas;
- building services, maintenance and waste facilities; and
- options for various non-substantive amendments by resolution of Council, such as changes to the exterior architectural appearance of the building, including materials, colours, and architectural treatments and changes to timeframes for development.

In staff's opinion, the attached development agreement 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 elements have been identified for more detailed discussion.

Siting, Building 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 subject site is located within a residential neighbourhood that consists of low density residential dwellings around Isleville Street and Almon Street, and medium density, 4 to 5-storey residential buildings on Almon Street. There are also a number of commercial uses on Almon Street that include a bank, a number of convenient stores, a barber shop and a few antique shops. The subject site is considered an ideal location for the proposed development as it creates a step-up transition from the existing residential and commercial nature of that area.

The proposed development agreement restricts the height of the proposed building to 7 storeys to address the massing and scale of the building relative to the land use development along Isleville Street. Moreover, the proposal provides an acceptable transition between the mid-rise residential buildings to the west and north of the subject site. The visual prominence of the proposed building has been tempered by the addition of an at-grade commercial space with frontages on both of Isleville Street and Almon Street, and the inclusion of balconies on the residential portion of the building. Further, the separation distance between the proposed mid-rise residential building and the existing residences on Isleville Street and Almon Street is considered acceptable for an urban setting as it promotes good urban design concepts.

The residential development incorporates high quality exterior materials such as brick, pre-cast concrete panels and trim, stucco, glass, architectural panels and metal rails. The design of the proposed commercial space incorporates a direct street level pedestrian access with doorways recessed back from the streetwall. Further, the mixed use building will be setback from property lines consistent with the existing setbacks and streetwalls of adjacent buildings.

The upper storeys are proposed to be stepped back from building lines to minimize their enclosure of the streetscape and to accommodate landscaped areas and amenity spaces. The building design utilizes differing architectural wall and green wall treatments in order to mitigate against blank walls on the building's north elevation.

Population Density

The applicant is proposing a total of 95 persons per acre for the mixed use development, which is approximately a 53% increase over the density permitted as-of-right under the C-2 Zone. Such an increase is considered acceptable as it complies with the intent of the MPS to encourage reinvestment and redevelopment within major commercial areas by allowing for flexibility with regard to the residential population density requirements of the Halifax Peninsula LUB, provided the 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, which indicates that they have no concerns with the proposal relative to the adequacy of municipal central sewage and water systems and the proposed development.

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. The Study concludes that there are no resultant issues with the proposed mixed use development. The proposed development agreement requires vehicles accessing the site to utilize Isleville Street for underground parking spaces and the private lane off Isleville Street for above-ground parking.

It should be noted that Almon Street is a two-lane minor collector street and Isleville Street is a two-lane local street, and both streets have sidewalks on both sides. Currently, traffic signals are not warranted at the Almon Street and Isleville Street intersection; traffic is controlled by two way stop signs at Almon Street to the west (Map 2).

Landscaping and Open Space

The applicant intends to provide both open space and leisure areas within the building that consist of private features such as rooftop landscaped areas, indoor amenity space for building tenants, and individual private balconies. Council should note that the proposed development agreement ensures the use of high quality materials and landscape design. It also requires adherence to detailed landscaping requirements and the submission of a detailed landscape plan prepared by a landscape architect.

Conclusion

In staff's opinion, the proposed LUB amendments and development agreement are consistent with the intent, objectives and policies of the Halifax MPS to develop the lands in a comprehensive manner and to address compatibility issues with the surrounding uses. Therefore, staff recommends that Halifax and West Community Council approve the proposed LUB amendment and the proposed development agreement, as presented in Attachments A and B, respectively.

FINANCIAL IMPLICATIONS

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

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through a public information meeting held on October 4, 2012. Attachment E contains a copy of the

minutes from the meeting. Notices of the Public Information Meeting were posted on the HRM website, in the newspaper and mailed to property owners within the notification area shown on Map 2.

A public hearing must be held by Community Council before they can consider approval of any amendments to the LUB or the approval of a development agreement. Should Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be advised of the public hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.

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

ENVIRONMENTAL IMPLICATIONS

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

ALTERNATIVES

1. 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*.

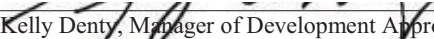
ATTACHMENTS

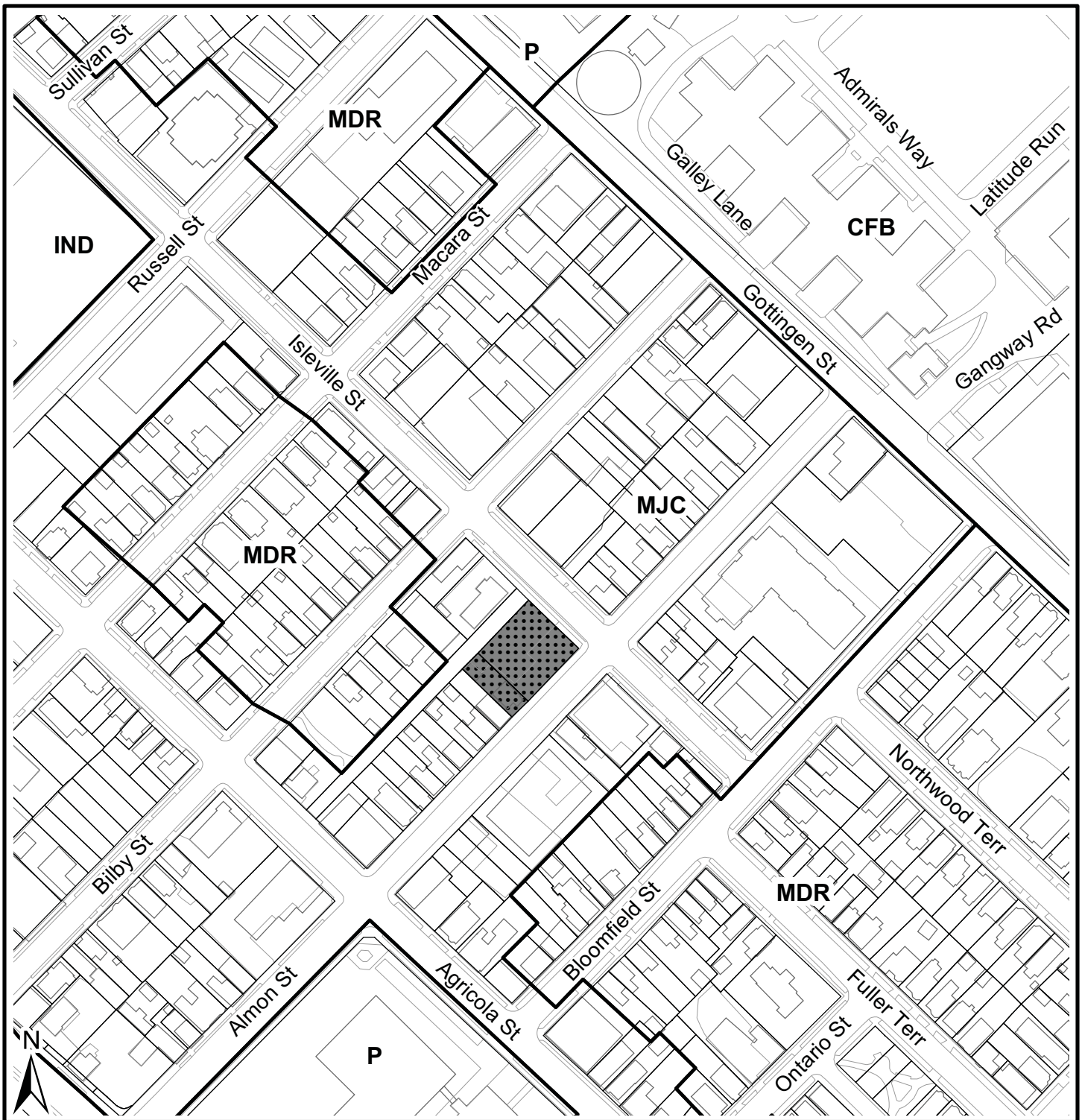
Map 1	Generalized Future Land Use Map
Map 2	Zoning and Notification Map
Map 3	Properties within Schedule Q
Attachment A	Proposed Amendment to the Halifax Peninsula LUB
Attachment B	Proposed Development Agreement

Attachment C	Review of Relevant Policies of the Halifax MPS
Attachment D	Excerpts from Halifax Peninsula LUB
Attachment E	Minutes of Public Information Meeting
Attachment F	Additional Correspondence from Neighbouring Residents

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

Report Prepared by: Dali H. Salih, Planner, Development Approvals, 490-1948
original signed


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



Map 1 - Generalized Future Land Use

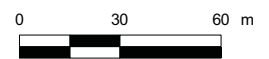
5659 Almon Street
and 2814 Isleville Street
Halifax



 Subject area

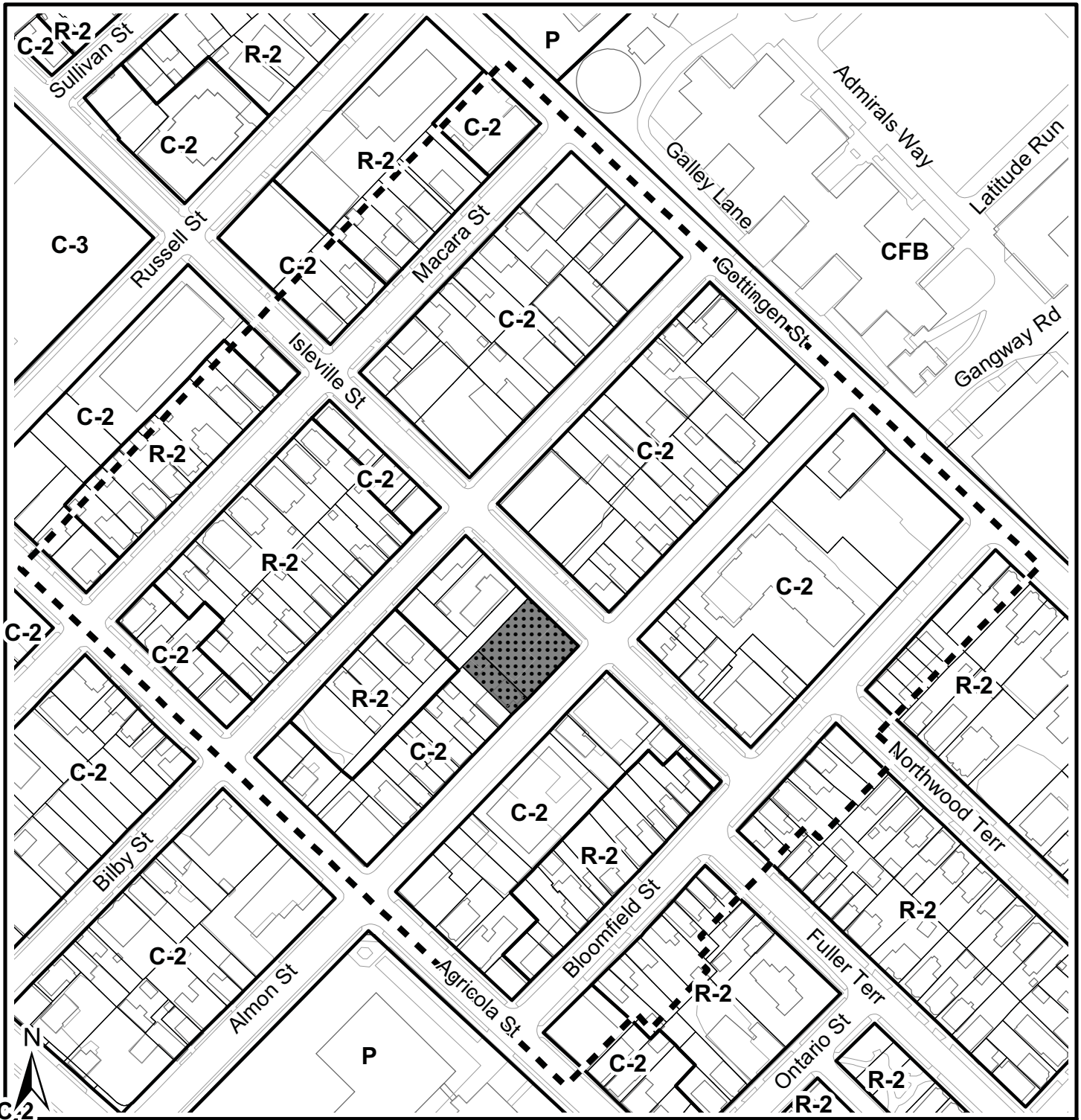
Designation

- MDR Medium Density Residential
- MJC Major Commercial
- P Park and Open Space
- IND Industrial
- CFB Canadian Forces Base





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

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



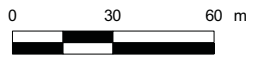
Map 2 - Zoning and Notification

5659 Almon Street
and 2814 Isleville Street
Halifax

-  Subject area
-  Area of notification

Halifax Peninsula
Land Use By-Law Area

Zone	
R-2A	General Residential Conversion
R-3	Multiple Dwelling
P	Park and Institutional





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.

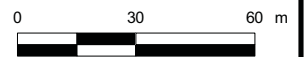


Map 3 - Properties Within Schedule Q

5659 Almon Street
and 2814 Isleville Street
Halifax

-  Subject area
-  Properties within Schedule Q

Halifax Peninsula
Land Use By-Law Area



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

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

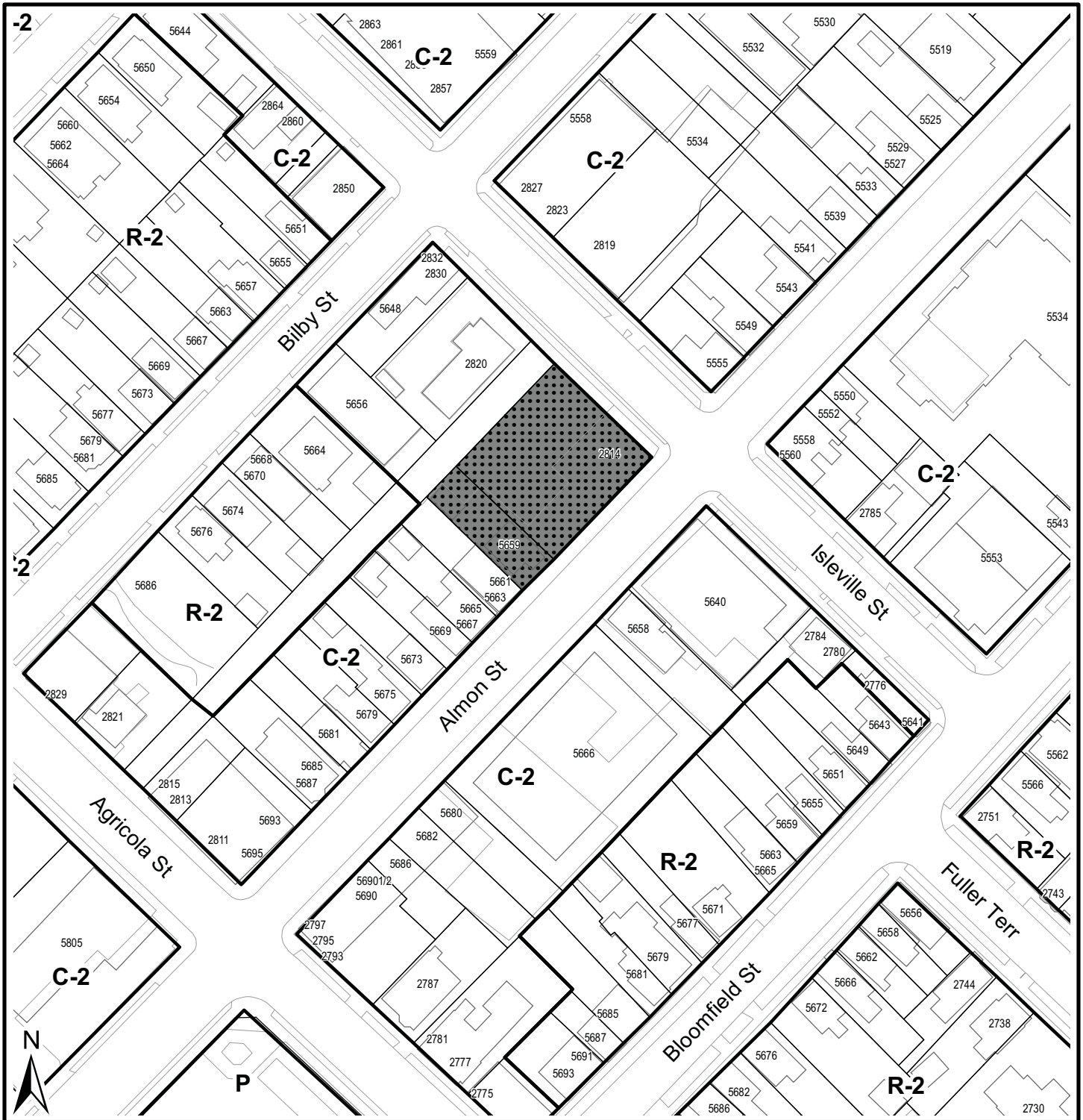
BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Halifax Peninsula as adopted by Regional Council on the 30th day of March, 1978, and approved by the Minister of Municipal Affairs on the 11th day of August, 1978, which includes all amendments thereto 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 5659 Almon Street and 2814 Isleville Street, Halifax, in Schedule Q, as presented on Schedule A.

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

5659 Almon Street
and 2814 Isleville Street
Halifax

 Area to be included
within Schedule Q

Halifax Peninsula
Land Use By-Law Area

Zone

- R-2 General Residential
- C-2 General Business
- P Park and Open Space



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

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

ATTACHMENT B:
Proposed Development Agreement

THIS AGREEMENT made this _____ day of _____, 20__,

BETWEEN:

[INSERT Name of Corporation/Business LTD]
a body corporate, in the Province of Nova Scotia
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY
a municipal body corporate, in the Province of Nova Scotia
(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located on the north western corner of the intersection of Almon Street and Isleville Street, identified as 5659 Almon Street and 2814 Isleville Street, Halifax and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a development agreement to allow for a mixed-use development consisting of residential and commercial uses on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policies 2.3.1, 2.3.2 and 2.3.3 of the Halifax Municipal Planning Strategy and Section 92 of the Halifax Peninsula Land Use By-law;

AND WHEREAS the Halifax and West Community Council for the Municipality approved this request at a meeting held on [INSERT DATE], referenced as Municipal Case Number **17756**;

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

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

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

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

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

1.3 Applicability of Other By-laws, Statutes and Regulations

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

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

1.4 Conflict

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

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

1.5 Costs, Expenses, Liabilities and Obligations

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

1.6 Provisions Severable

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

PART 2: DEFINITIONS

2.1 Words Not Defined under this Agreement

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

PART 3: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS

3.1 Schedules

The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, conforms with the following Schedules attached to this Agreement **and filed in the Halifax Regional Municipality as Case Number 17756:**

Schedule A	Legal Description of the Lands(s)
Schedule B	Site Plan
Schedule C	Parking Floor Plan
Schedule D	Ground Floor Plan – Parking & Commercial Space
Schedule E-1	South Elevation (Almon Street)
Schedule E-2	East Elevation (Isleville Street)
Schedule E-3	North Elevation (Private Lane)
Schedule E-4	West Elevation
Schedule F-1	Preliminary Landscape Plan (Ground & Podium Levels)
Schedule F-2	Preliminary Landscape Plan (Roof Top)

3.2 Requirements Prior to Approval

3.2.1 Prior to the issuance of a Development Permit, the Developer shall provide the following to the Development Officer, in accordance with Section 3.7 of this Agreement, unless otherwise permitted by the Development Officer:

- (a) Written confirmation and photographs demonstrating the existing buildings and structures on the Lands have been removed; and
 - (b) Plan of Survey of the approved Lot Consolidation of the Lands.
- 3.2.2 Upon the issuance of an Occupancy Permit, the Developer shall provide the Development Officer with written confirmation from a qualified professional accompanied by a photographic record demonstrating compliance with the required Landscape Plans in accordance with Section 3.10 of this Agreement.
- 3.2.3 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Lands for any of the uses permitted by this Agreement unless an Occupancy Permit has been issued by the Municipality. No Occupancy Permit shall be issued by the Municipality unless and until the Developer has complied with all applicable provisions of this Agreement and the Land Use By-law (except to the extent that the provisions of the Land Use By-law are varied by this Agreement) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.

3.3 General Description of Land Use

- 3.3.1 The use(s) of the Lands permitted by this Agreement, subject to its terms and as generally illustrated on the Schedules attached hereto, is a mixed use building within a total of seven (7) storeys that shall consist of:
- (a) A residential tower containing 42 residential units; and
 - (b) The following commercial uses: banks, commercial recreation uses, offices, personal service uses, or stores for retail trade or restaurants. The commercial ground level shall not exceed 400 square metres (4,300 square feet)
- 3.3.2 Further to 3.3.1(b), in no case shall adult entertainment or lounge uses be permitted.

3.4 Detailed Provision for Land Use

- 3.4.1 The Developer shall provide the Development Officer with sufficient information to verify that the proposed development conforms to each of the following requirements:
- (a) Height: The height of building above grade shall not exceed 23.7 metres (78 feet), and shall not include the underground parking garage. Height shall be defined as the vertical distance of the highest point of the roof above the mean grade of the finished ground adjoining the building along Isleville Street and Almon Street. Height exemptions included in the Halifax Peninsula Land Use By-law shall apply with the exception of penthouses;

- (b) Population Density: The total density for the mixed use building shall not exceed a maximum of 95 persons. For the purposes of calculating population density on the Lands, the following shall apply:
- i. Bachelor units shall be assigned 1 person per unit;
 - ii. One (1) Bedroom units shall be assigned 2 persons per unit; and
 - iii. Two (2) Bedroom or more units shall be assigned 2.25 persons per unit;
- (c) Further to 3.4.1(b), for the purposes of determining permissible density, one bedroom plus den units shall be considered one-bedroom units and two bedrooms plus den shall be considered two bedroom units;
- (d) Unit Mix: A minimum of 43% of the residential units shall consist of 2 or more bedrooms; and
- (e) Amenity Open Space: The proposed development shall include 341.3 square metres (1,120 square feet) of amenity space within the building and 612.8 square metres (6,596 square feet) of amenity space outside the building in the form of landscaped open space.

3.6 Siting and Architectural Requirements

- 3.6.1 Multiple storefronts shall be established for the ground-level commercial space and shall be visually unified through the use of complementary architectural forms, similar materials and colours. Covered walkways, arcades, awnings, open colonnades and similar devices shall be required along long facades to provide shelter, and encourage pedestrian movement.
- 3.6.2 The residential tower shall be stepped back from the building line of the ground-level commercial space, as shown on Schedules B through E-4, inclusive.
- 3.6.3 Entrances to the building shall be emphasized by detailing, changes in materials, and other architectural devices such as but not limited to lintels, pediments, pilasters, columns, porticos, overhangs, corner boards, fascia boards or an acceptable equivalent approved by the Development Officer.
- 3.6.4 The façades of the building facing Isleville Street and Almon Street shall be designed and detailed as shown on the Schedules. Further, architectural treatment shall be continued around all sides of the building as identified on the Schedules.
- 3.6.5 Large blank walls shall be tempered by the introduction of textural plantings and trellises, and architectural detail to create shadow lines (implied windows, cornice lines, or offsets in the vertical plane).
- 3.6.6 All vents, down spouts, flashing, electrical conduits, metres, service connections, and other functional elements shall be treated as integral parts of the design. Where

appropriate these elements shall be painted to compliment the colour of the adjacent surface, except where used expressly as an accent.

3.6.7 Building shall be designed such that the mechanical systems (HVAC, exhaust fans, etc.) are not visible from Isleville Street, Almon Street or abutting residential properties. Furthermore, no mechanical equipment or exhaust fans shall be located between the building and the adjacent residential properties unless screened as an integral part of the building design and noise reduction measures are implemented. This shall exclude individual residential mechanical systems.

3.6.8 Windows for each component shall be designed as illustrated on the Schedules. All windows shall be vertical in orientation, or square. If shutters are used, they must be sized to fit the opening and must be provided for all windows. Windows shall be vertically proportioned, where possible.

3.6.9 All roof mounted mechanical or telecommunication equipment shall be visually integrated into the roof design or screened from adjacent properties.

3.7 Demolition and Lot Consolidation

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

3.7.2 The Developer shall submit a subdivision application to the Development Officer to consolidate the properties, as shown on Schedule B, into a single parcel. No Building Permit shall be issued until the consolidation plan has been approved.

3.8 Parking, Access and Circulation

3.8.1 Parking, circulation and access shall be in conformance with the following:

(a) Parking area shall contain no more than 40 parking spaces;

(b) Underground and above-ground parking areas shall be as generally shown on Schedules C and D; and

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

3.8.2 The parking area shall be finished with a hard surface.

3.9 Outdoor Lighting

3.9.1 Outdoor lighting shall be directed to driveways, parking areas, loading areas and building entrances and shall be arranged so as to direct the light away from streets, adjacent lots and buildings.

3.9.2 The building may be illuminated for visual effect provided such illumination is directed away from streets, adjacent lots and buildings and does not flash, move or vary in intensity such that it creates a hazard to public safety.

3.10 Landscaping

3.10.1 Prior to the issuance of a Development Permit, the Developer agrees to provide a Landscape Plan which complies with the provisions of this section and generally conforms with the overall intentions of the Preliminary Landscape Plan shown on Schedules F-1 and F-2. 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.

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

3.10.3 Landscaped areas shall conform with the following:

- (a) Provisions of new street trees along the Isleville Street and Almon Street frontages shall conform to the HRM Municipal Design Guidelines and shall be in consultation with HRM's Urban Forester and Development Engineer;
- (b) Landscaped open spaces shall include any combination of trees, shrubs, flowers, grass or other horticultural, and decorative stonework, pavers, screening or other landscape architectural elements;
- (c) The minimum requirement for landscaped open space horticultural elements shall be grass sod; and
- (d) Further to 3.6.5, the building's side wall fronting on the private lane as shown on Schedule E-3 shall be tempered by introducing vegetation upon the wall of the building.

3.10.4 Notwithstanding Section 3.10.1, the Occupancy Permit may be issued provided that the weather and time of year does not allow the completion of the outstanding landscape works and that the Developer supplies a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping. The cost estimate is to be prepared by a member in good standing of the Canadian Society of Landscape Architects. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the work as described herein and illustrated on the Schedules, and as approved by the Development Officer. Should the Developer not complete the landscaping within twelve months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping as set out in this section of the Agreement. The Developer shall be

responsible for all costs in this regard exceeding the deposit. The unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.

3.11 Maintenance

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

3.11.2 All disturbed areas shall be reinstated to original condition or better.

3.12 Signs

Exterior signs shall meet the requirements of the C-2 Zone of the Halifax Peninsula Land Use By-law.

3.13 Solid Waste Facilities

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

3.14 Temporary Construction Building

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

PART 4: STREETS AND MUNICIPAL SERVICES

4.1 General Provisions

4.1.1 All construction shall conform to the most current edition of the HRM Municipal Design Guidelines and Halifax Water's Design and Construction Specifications unless otherwise varied by this Agreement and shall receive written approval from the Development Engineer prior to undertaking any work.

4.1.2 Any disturbance to existing off-site infrastructure resulting from the development, including streets, sidewalks, curbs and gutters, street trees, landscaped areas and utilities,

shall be the responsibility of the Developer and shall be reinstated, removed, replaced, or relocated by the Developer as directed by the Development Engineer. Furthermore, the Developer shall be responsible for all costs and work associated with the relocation of on-site/ off-site underground services, overhead wires and traffic signals to accommodate the needs of the development.

PART 5: Amendments

5.1 Non-Substantive Amendments

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

- (a) Minor changes to the exterior architectural appearance of the building, which are beyond the authority of the Development Officer, under section 3.1;
- (b) The granting of an extension to the date of commencement of construction as identified in Section 6.3 of this Agreement; and
- (c) The length of time for the completion of the development as identified in Section 6.5 of this Agreement;

5.2 Substantive Amendments

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

PART 6: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

6.1 Registration

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

6.2 Subsequent Owners

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

6.3 Commencement of Development

- 6.3.1 In the event that development on the Lands has not commenced within five (5) years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law.
- 6.3.2 For the purpose of this section, commencement of development shall mean installation of the footings and foundation for the proposed residential building.
- 6.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 5.1(b), if the Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the commencement of development time period.

6.4 Completion of Development

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

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

6.5 Discharge of Agreement

If the Developer fails to complete the development after ten (10) years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office Council may review this Agreement, in whole or in part, and may:

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

PART 7: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

7.1 Enforcement

The Developer agrees that any officer appointed by the Municipality to enforce this Agreement shall be granted access onto the Lands during all reasonable hours without obtaining consent of the Developer. The Developer further agrees that, upon receiving written notification from an officer of the Municipality to inspect the interior of any

building located on the Lands, the Developer agrees to allow for such an inspection during any reasonable hour within twenty four hours of receiving such a request.

7.2 Failure to Comply

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

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

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: _____

HALIFAX REGIONAL MUNICIPALITY

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

Witness

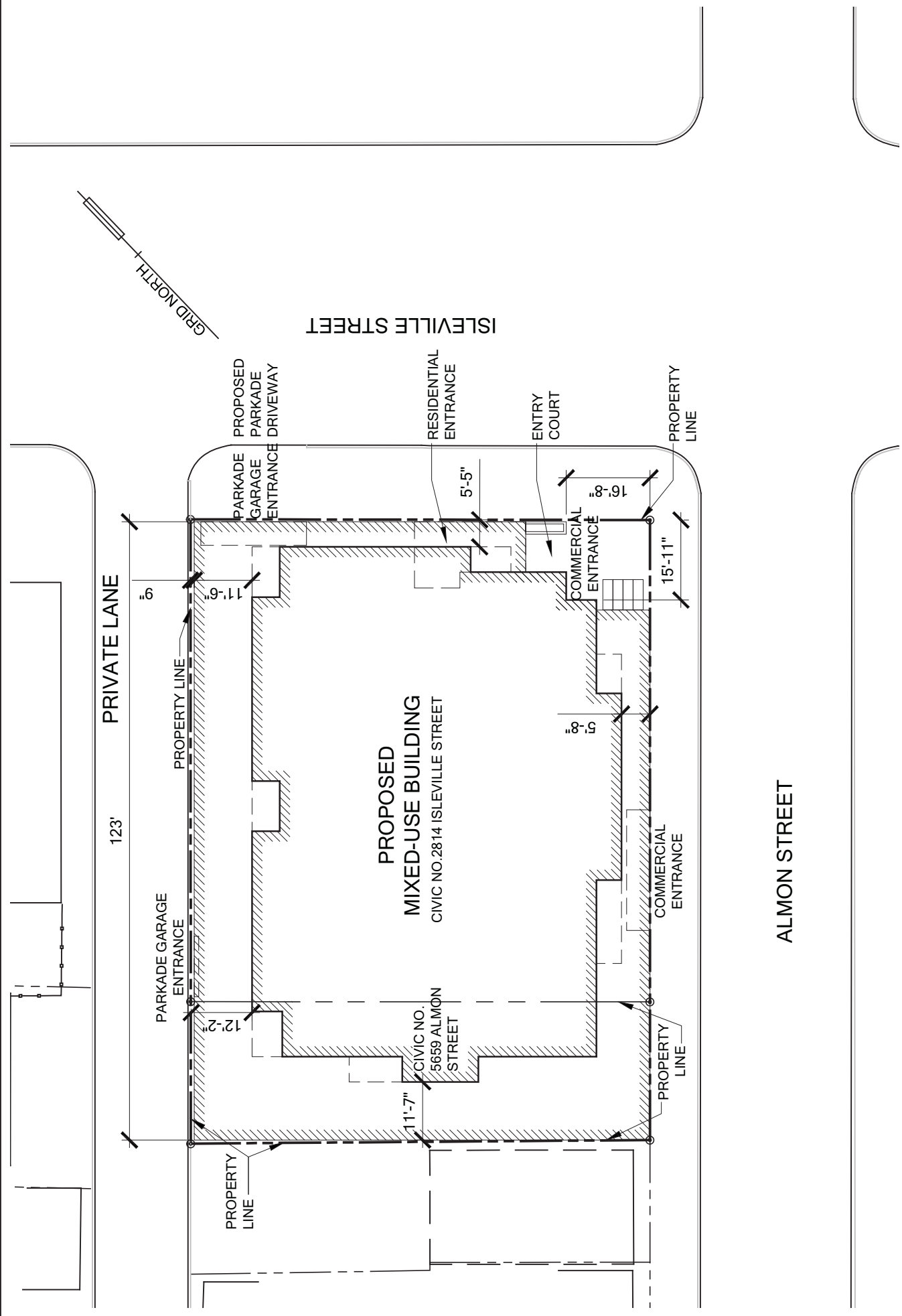
Per: _____

MAYOR

Witness

Per: _____

MUNICIPAL CLERK



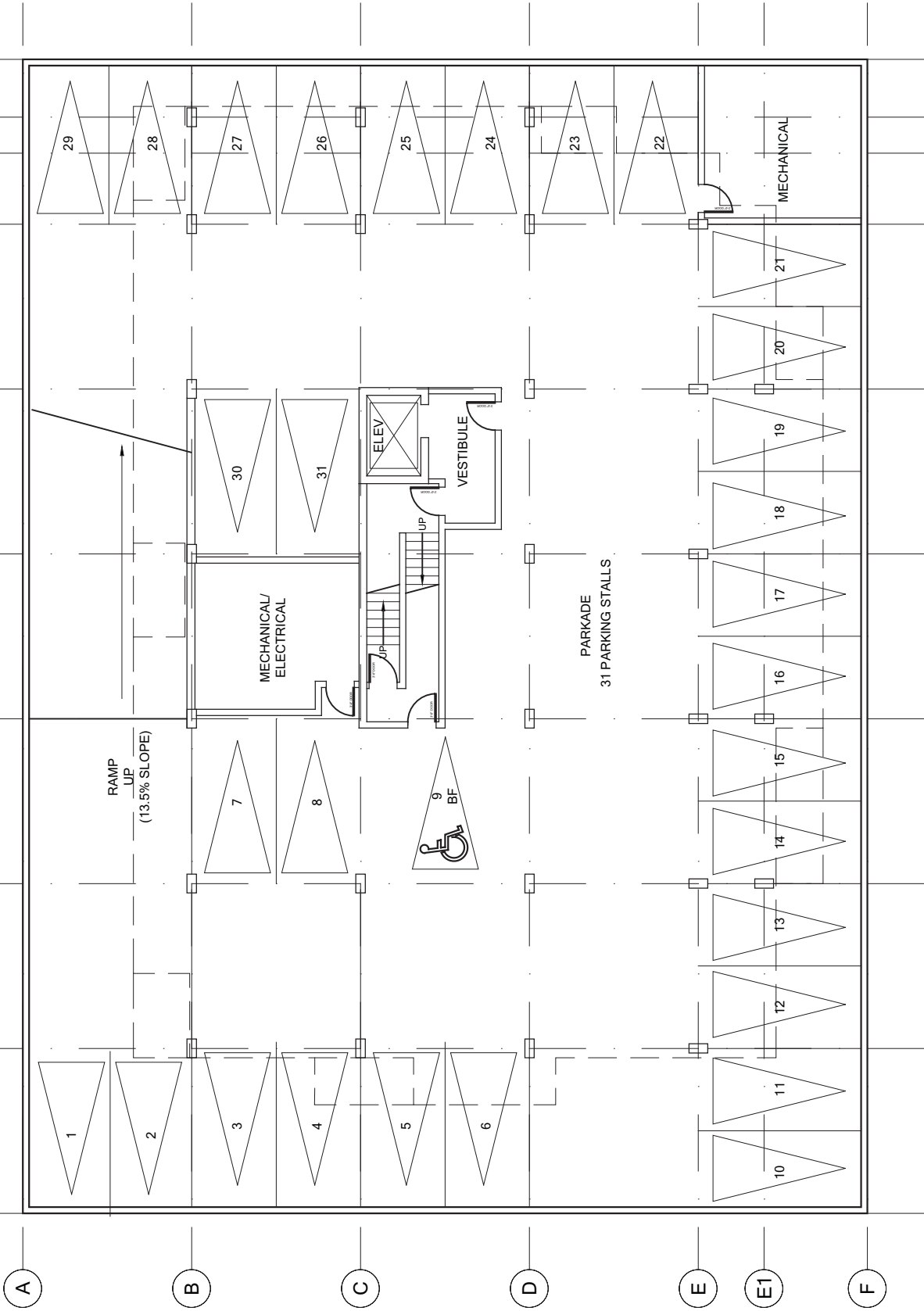
SCHEDULE 'B' - SITE PLAN
PROPOSED MIXED-USE DEVELOPMENT
 5659 ALMON ST AND 2814 ISLEVILLE ST
 HALIFAX, NOVA SCOTIA

REVISIONS		DRAWING		DATE
NO.	REVISION NAME	DRAWN	DATE	
1	ISSUED FOR DA APPLICATION	18/03/12		MAY 22 2013
2	RE-ISSUED FOR DA APPLICATION	19/09/12		
3	RE-ISSUED FOR DA APPLICATION	06/05/13		
4	RE-ISSUED FOR DA APPLICATION	13/05/13		
5	RE-ISSUED FOR DA APPLICATION	22/05/13		

SCALE: N.T.S.

A-100

1 2 3 4 5 6 7 7A 8A 8



SCHEDULE 'C' - PARKING FLOOR PLAN
PROPOSED MIXED-USE DEVELOPMENT
 5659 ALMON ST AND 2814 ISLEVILLE ST
 HALIFAX, NOVA SCOTIA



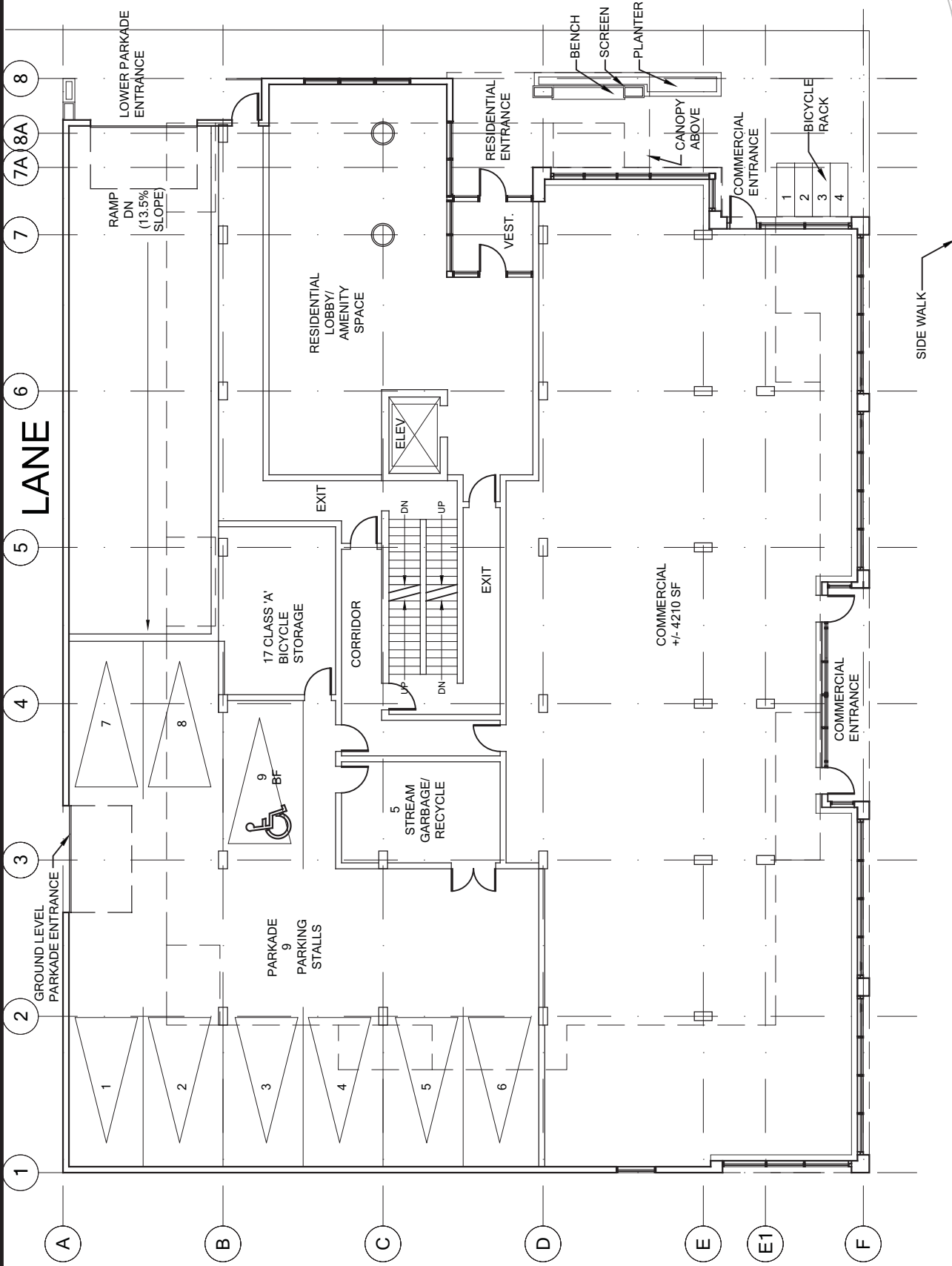
REVISIONS	
NO	REVISION NAME
1	ISSUED FOR APPLICATION
2	RE-ISSUED FOR APPLICATION
3	RE-ISSUED FOR APPLICATION

DRAWING	
DATE	SCHEDULE 'C'
MAY 13 2013	PARKADE FLOOR PLAN
SCALE	
N.T.S.	

DRAWING	
DATE	SCHEDULE 'C'
MAY 13 2013	PARKADE FLOOR PLAN
SCALE	
N.T.S.	

DRAWING NO. A-101

ISLEVILLE STREET



ALMON STREET

SCHEDULE 'D' - GROUND FLOOR PLAN (PARKING AND COMMERCIAL SPACE) PROPOSED MIXED USE DEVELOPMENT
 5659 ALMON ST AND 2814 ISLEVILLE ST
 HALIFAX, NOVA SCOTIA

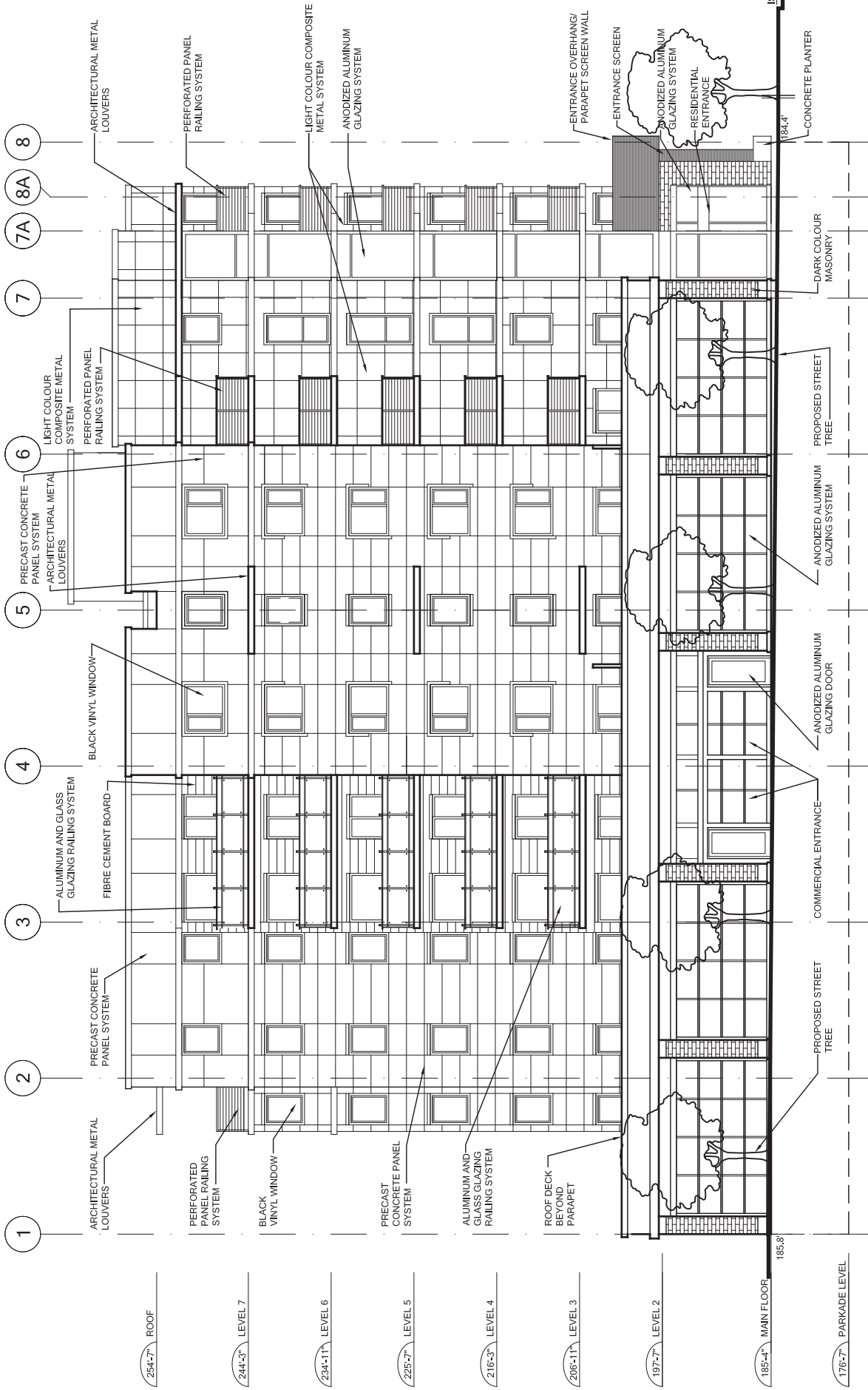


NO.	REVISION NAME	DATE
1	ISSUED FOR DA APPLICATION	18/03/12
2	RE-ISSUED FOR DA APPLICATION	19/09/12
3	RE-ISSUED FOR DA APPLICATION	13/05/13

DRAWING	DATE
SCHEDULE 'D'	MAY 13 2013
GROUND FLOOR PLAN	

SCALE	N.T.S.

DRAWING NO.	DRAWING NO.
A-102	

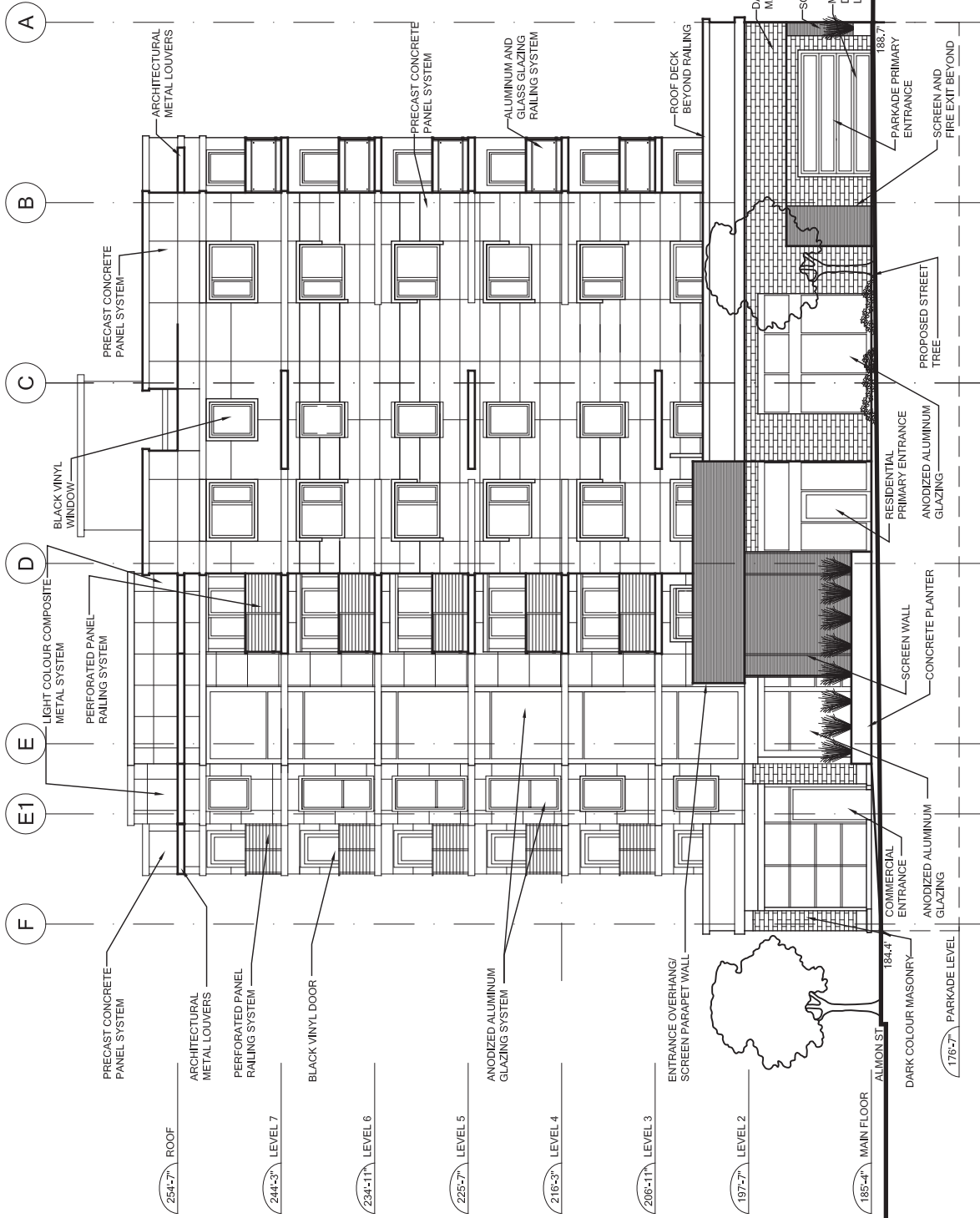


SCHEDULE E-1 - SOUTH ELEVATION (ALMON STREET)
PROPOSED MIXED USE DEVELOPMENT
 5659 ALMON ST AND 2814 ISLEVILLE ST
 HALIFAX, NOVA SCOTIA

REVISIONS		DRAWING	DATE
NO.	REVISION NAME	SOUTH ELEVATION	MAY 06 2013
1	ISSUED FOR DA APPLICATION		
2	RE-ISSUED FOR DA APPLICATION		
3	RE-ISSUED FOR DA APPLICATION		

SCALE	N.T.S.
DRAWING NO.	A-201





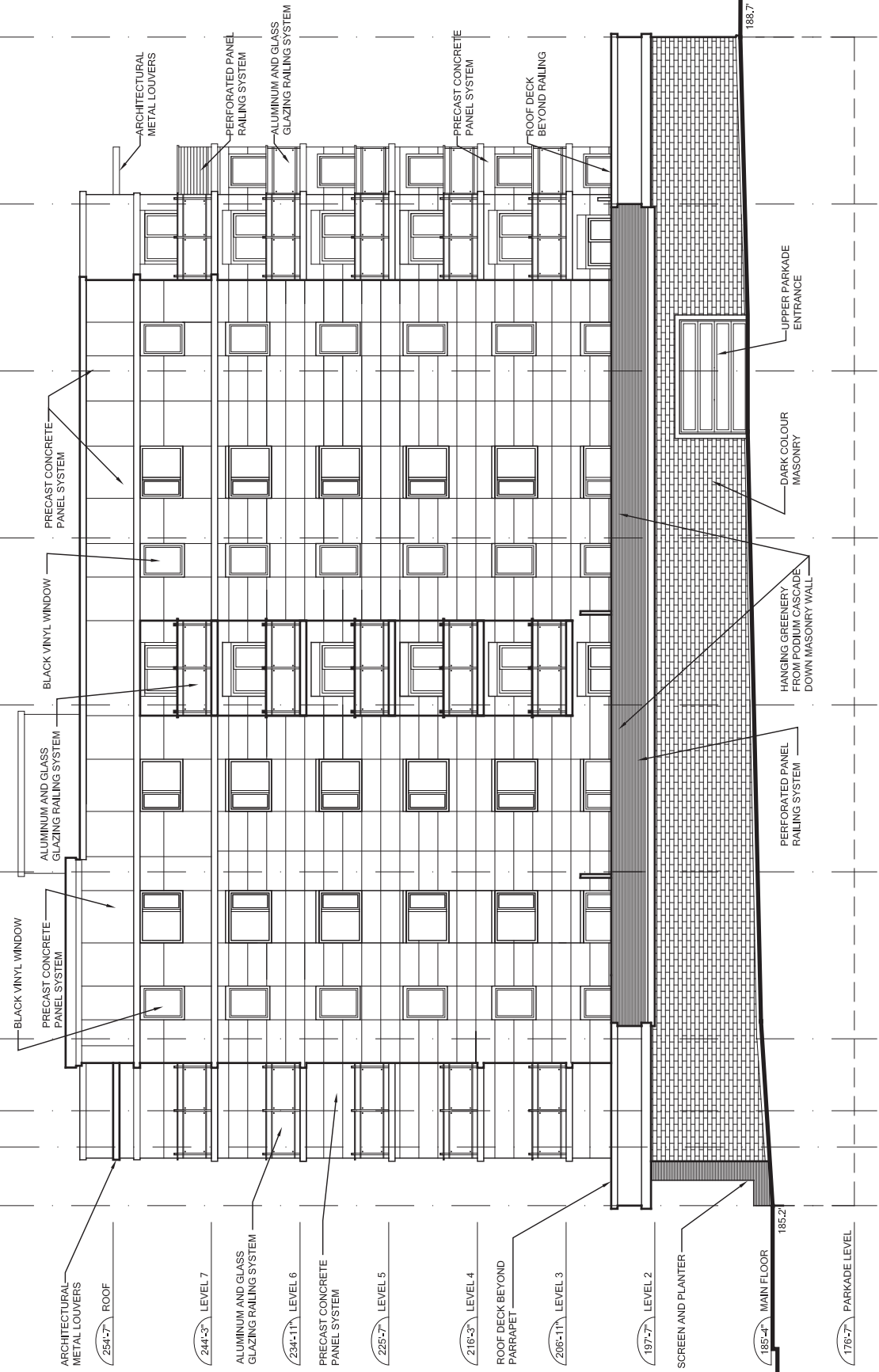
SCHEDULE E-2 - EAST ELEVATION (ISLEVILLE STREET)
PROPOSED MIXED USE DEVELOPMENT
 5659 ALMON ST AND 2814 ISLEVILLE ST
 HALIFAX, NOVA SCOTIA



REVISIONS	
NO.	REVISION NAME
1	ISSUED FOR DA APPLICATION
2	REVISED FOR DA APPLICATION
3	REVISED FOR DA APPLICATION

DRAWING	EAST ELEVATION
DATE	MAY 06 2013
DRAWING NO.	A-202
SCALE	N.T.S.

1
2
3
4
5
6
7
8
8A
7A



ARCHITECTURAL METAL LOUVERS
254'-7" ROOF
244'-3" LEVEL 7
ALUMINUM AND GLASS GLAZING RAILING SYSTEM
234'-11" LEVEL 6
PRECAST CONCRETE PANEL SYSTEM
225'-7" LEVEL 5
216'-3" LEVEL 4
ROOF DECK BEYOND PARRAPET
206'-11" LEVEL 3
197'-7" LEVEL 2
SCREEN AND PLANTER
185'-4" MAIN FLOOR
176'-7" PARKADE LEVEL

ARCHITECTURAL METAL LOUVERS
PERFORATED PANEL RAILING SYSTEM
ALUMINUM AND GLASS GLAZING RAILING SYSTEM
PRECAST CONCRETE PANEL SYSTEM
ROOF DECK BEYOND RAILING

PRECAST CONCRETE PANEL SYSTEM
BLACK VINYL WINDOW
ALUMINUM AND GLASS GLAZING RAILING SYSTEM
BLACK VINYL WINDOW
ALUMINUM AND GLASS GLAZING RAILING SYSTEM
BLACK VINYL WINDOW
PRECAST CONCRETE PANEL SYSTEM

188.7
185.2
176.7

UPPER PARKADE ENTRANCE
DARK COLOUR MASONRY
HANGING GREENERY FROM PODIUM CASCADE DOWN MASONRY WALL
PERFORATED PANEL RAILING SYSTEM

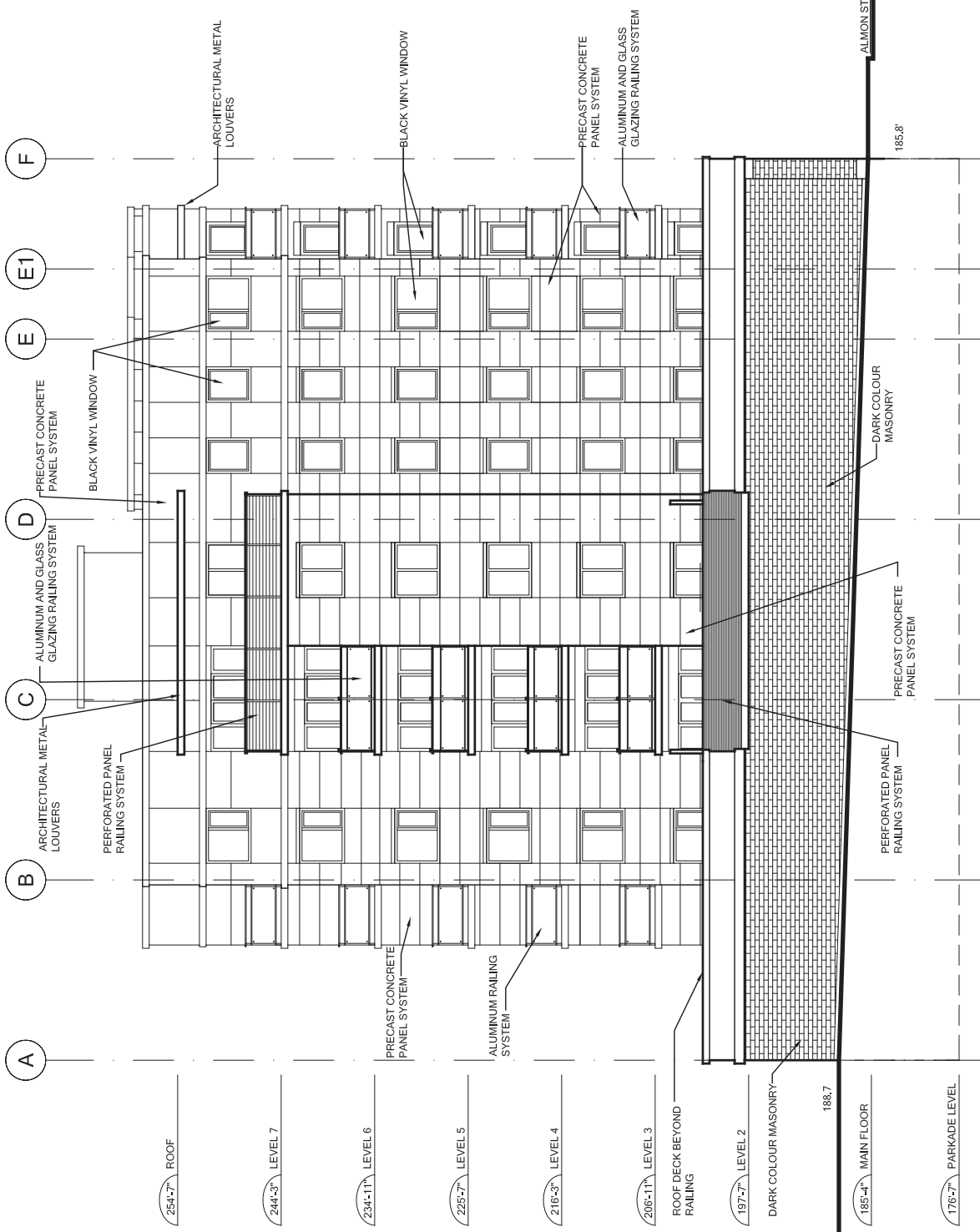
SCHEDULE E-3 - NORTH ELEVATION (PRIVATE LANE)
PROPOSED MIXED USE DEVELOPMENT
 5659 ALMON ST AND 2814 ISLEVILLE ST
 HALIFAX, NOVA SCOTIA



REVISIONS	
NO.	REVISION NAME
1	ISSUED FOR DA APPLICATION
2	RE-ISSUED FOR DA APPLICATION
3	RE-ISSUED FOR DA APPLICATION

DRAWING NORTH ELEVATION
 SCALE N.T.S.

DATE MAY 06 2013
 DRAWING NO. A-203



SCHEDULE E-4 - WEST ELEVATION
PROPOSED MIXED USE DEVELOPMENT
 5659 ALMON ST AND 2814 ISLEVILLE ST
 HALIFAX, NOVA SCOTIA

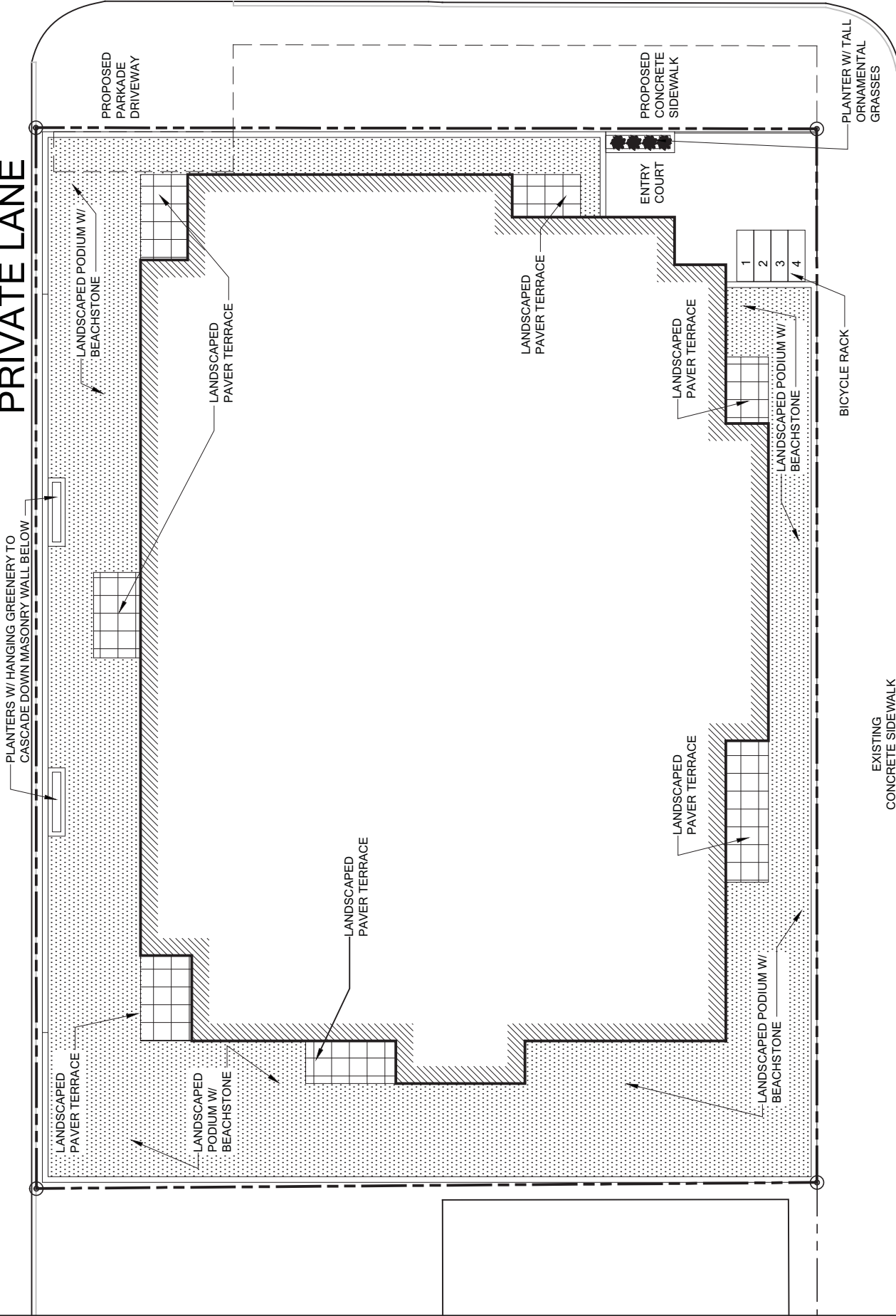


REVISIONS		DATE
NO.	REVISION NAME	DATE
1	ISSUED FOR DA APPLICATION	18/08/12
2	RE-ISSUED FOR DA APPLICATION	18/09/12
3	RE-ISSUED FOR DA APPLICATION	08/25/13

DRAWING: WEST ELEVATION
 DATE: MAY 06 2013
 SCALE: N.T.S.
 DRAWING NO.: A-204

PRIVATE LANE

ISLEVILLE STREET



ALMON STREET

SCHEDULE 'F-1' - PRELIMINARY LANDSCAPE PLAN (GROUND & PODIUM LEVELS) PROPOSED MIXED USE DEVELOPMENT
 5659 ALMON ST AND 2814 ISLEVILLE ST
 HALIFAX, NOVA SCOTIA

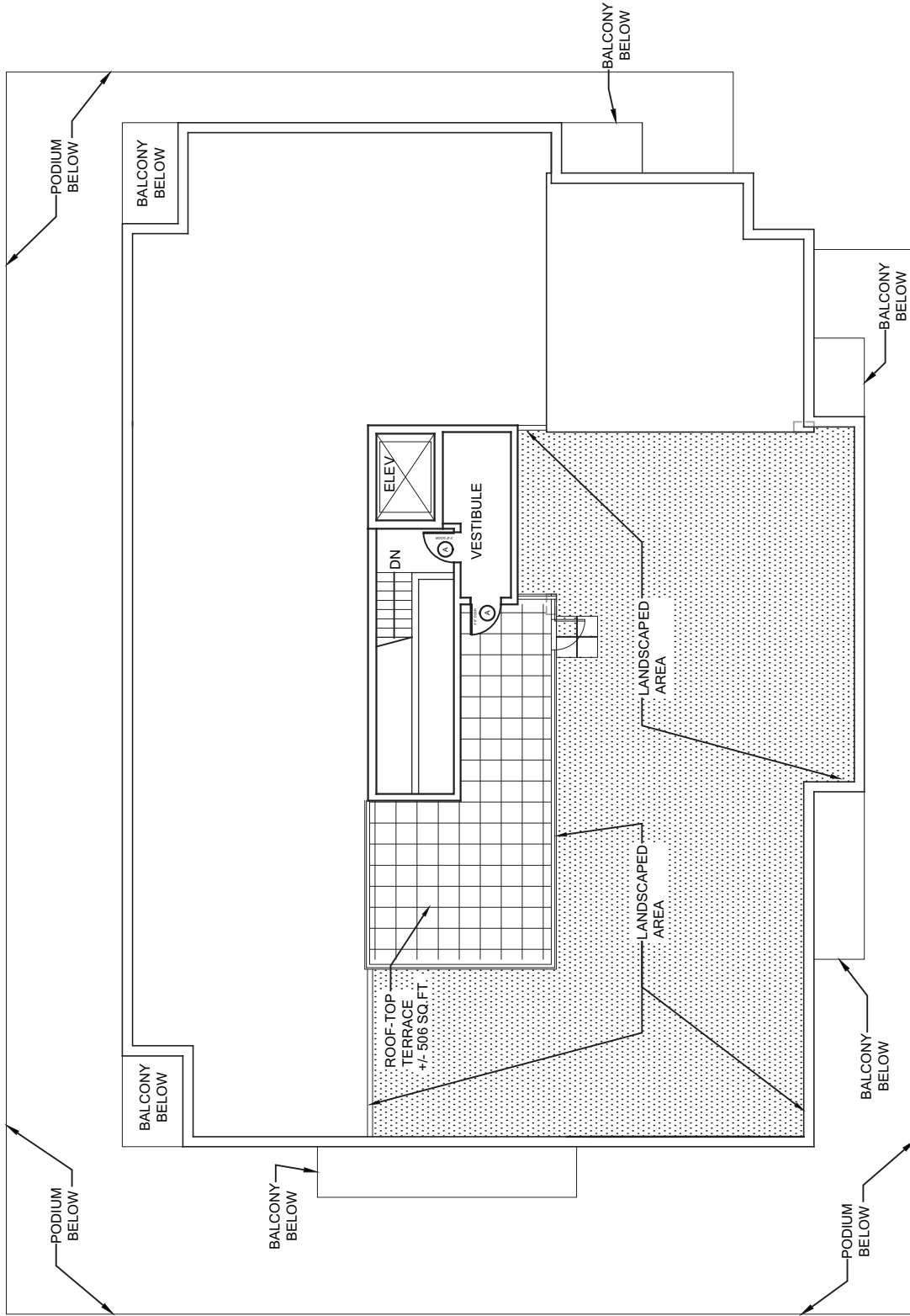
DATE: MAY 22 2013
 DRAWING NO.: A-100b

REVISIONS:

NO	REVISION NAME	DRAWN BY
1	ISSUED FOR DA APPLICATION	BK64172
2	RESUBMITTED FOR DA APPLICATION	1800112
3	RESUBMITTED FOR DA APPLICATION	1800215
4	RESUBMITTED FOR DA APPLICATION	1800313

SCALE: N.T.S.
 SCHEDULE F-1: PRELIMINARY LANDSCAPE PLAN

MNA ARCHITECTURE



SCHEDULE 'F-2' - PRELIMINARY LANDSCAPE PLAN (ROOF TOP)
PROPOSED MIXED USE DEVELOPMENT
 5659 ALMON ST AND 2814 ISLEVILLE ST
 HALIFAX, NOVA SCOTIA



REVISIONS		DRAWING	DATE
NO.	REVISION NAME	SCHEDULE F-2	MAY 22 2013
1	ISSUED FOR DA APPLICATION	PRELIMINARY	
2	REVISED FOR DA APPLICATION	LANDSCAPE PLAN	
3	REVISED FOR DA APPLICATION	SCALE	
4	REVISED FOR DA APPLICATION	N.T.S.	
5	REVISED FOR DA APPLICATION		

DRAWING NO. **A-100C**

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

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

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

Commercial Facilities Designation:

Objective: A variety of appropriately located commercial facilities to serve the needs of both the resident and working populations of Peninsula North and the City as a whole.

Applicable Policies	Staff Comments
<p>Policy 2.3: In areas designated major commercial, uses consistent with Section II, Policy 3.1.3 shall be permitted.</p> <p>[Section II, Policy 3.1.3: Major commercial centres should service a market area comprising most or all of the City. These centres may include major offices and hotels, in addition to uses suggested for minor commercial centres. The City should encourage parking facilities in these centres to serve several businesses in order to limit nuisance impact. The City's policy for major commercial centres in all other respects should be identical to Policy 3.1.2.]</p>	<ul style="list-style-type: none"> • In the Peninsula North Secondary Planning Strategy (Section XI of the Halifax MPS), the subject area is designated for Major Commercial land uses and zoned C-2 (General Business). This permits major and minor commercial land uses as well as residential uses. • The proposed above-ground and underground parking will serve and be utilized by residential tenants.
<p>Policy 2.3.1: In order to promote investment in commercial and residential redevelopment and to prevent conflict between new and existing uses, the city may, through the land use by-law, identify areas that provide an opportunity for and will benefit from comprehensive site planning.</p>	<ul style="list-style-type: none"> • The subject site comprises of a vacant property and another parcel occupied by a single unit dwelling. The surrounding neighbourhood consists of a mixture of uses that include residential units and, commercial and industrial operations. As the property falls within a residential neighbourhood with various types of commercial uses, there is an opportunity for comprehensive site planning by introducing residential and commercial uses that are suitable and compatible with the area. • Schedule 'Q' is currently applied to a large area of Peninsula North which is designated

	<p>Major Commercial. Therefore, the proposal represents a small expansion of the Schedule ‘Q’ area.</p> <ul style="list-style-type: none"> • The development agreement process can help alleviate potential land use conflicts.
<p>Policy 2.3.2: In those areas identified in the land use by-law pursuant to Policy 2.3.1, all residential and mixed residential-commercial development over four units shall be by agreement.</p>	<ul style="list-style-type: none"> • Contingent upon approval of the LUB amendment implemented as Schedule ‘Q’, Council may consider the proposed development agreement. • The proposal is for a 7-storey mixed-use development that consists of two components, a commercial ground-floor and 42 residential units by development agreement.
<p>Policy 2.3.3: In considering agreements pursuant to Policy 2.3.2, Council shall consider the following:</p> <p>(i) the relationship of new development to adjacent properties and uses; and, the mitigation of impacts on the amenity, convenience and development potential of adjacent properties through effective urban design and landscape treatment;</p>	<p><u>Relationship of New Development to Adjacent Uses:</u></p> <ul style="list-style-type: none"> • The uses currently present along Isleville Street and Almon Street are in the form of a mixture of various residential uses and housing types, and commercial uses. • The separation distance between the proposed mixed use building and existing buildings on Isleville Street and Almon Street is considered acceptable for an urban setting. • The proposed building is lower in height than the as-of-right commercial development permitted under the C-2 Zone for commercial uses (Attachment D). <p><u>Effective Urban Design and Landscape Treatment:</u></p> <p>The overall building design is proposed to:</p> <ul style="list-style-type: none"> • mimic setbacks of existing adjacent buildings from streets; • incorporate high quality materials and landscaping design, which will reinforce the nature and character of the neighbourhood; and • use of non-combustible construction materials in order to enhance noise

	mitigation.
(ii) the appropriate integration of the development into the traditional grid street system of the Peninsula;	The proposal utilizes the existing frontage on Isleville Street and Almon Street. The proposed development integrates with the existing street grid.
(iii) the design and layout of the development should encourage vehicular traffic to use Principal Streets and discourage traffic from infiltrating through existing neighbourhoods;	<ul style="list-style-type: none"> • The proposed development fronts on Almon Street and Ilseville Street and is located between major urban arterial streets, Agricola Street, Young Street and Gottingen Street. • Almon Street is a two-lane minor collector street and Isleville Street is a two-lane local street, and both streets have sidewalks on both sides. • No traffic signals are warranted at the Almon Street and Isleville Street intersection; traffic is controlled by two way stop signs at Almon Street to the west. • A Traffic Impact Statement (TIS), prepared by the developer's consultant, was reviewed by HRM and deemed acceptable.
(iv) the creation of high quality design detail at street level through attention to such matters as landscaping, signs, building entrances, and vehicle layby areas;	<p>The proposed development agreement:</p> <ul style="list-style-type: none"> • requires adherence to detailed landscaping requirements and the submission of a detailed landscape plan prepared by a landscape architect; • includes provisions for the street level portion of the residential building, which includes landscaping and controls on signage; • consists of provisions related to landscaped open space, which is in the form of landscaped common roof terrace on the 2nd storey, as well as a roof terrace on the 7th storey; and • excludes vehicle lay-by areas off the public street as vehicular access is proposed from Isleville Street, where vehicles accessing and egressing from the site utilize Isleville Street for underground parking spaces and the private lane off of Isleville Street for above-ground parking (total of 40 spaces).

<p>(v) the provision of high quality open space and leisure areas of a size and type adequate for the resident population;</p>	<ul style="list-style-type: none"> • Open space and leisure areas will consist of podium and rooftop landscaped areas, indoor amenity space for building tenants and individual private balconies for units in the residential towers. • The provisions in the agreement ensure the use of high quality materials and landscape design. • Street trees are proposed along the HRM right-of-way of Isleville Street and Almon Street, which will be in consultation with HRM Urban Forester and HRM Development Engineer.
<p>(vi) residential and commercial densities consistent with municipal services;</p>	<p>The proposed density for the overall site is 95 persons per acre. A sewer capacity analysis, prepared by the developer's consultant, was reviewed by Halifax Water and deemed acceptable.</p>
<p>(vii) encouraging high quality exterior construction materials such as masonry; and</p>	<p>Proposed exterior materials include various forms of masonry including brick and pre-cast concrete panels and trim, as well as stucco, glass, architectural panels and metal rails.</p>
<p>(viii) other relevant land use considerations which are based on the policy guidance of this Section.</p>	<p>No other matters were identified for consideration under the proposed development agreement.</p>

ATTACHMENT D:
Excerpts from the Halifax Peninsula Land Use By-law

C-2 (General Business) Zone:

56(1) The following uses shall be permitted in any C-2 Zone:

- (a) R-1, R-2, R-2T, R-2A, R-3, C-1 and C-2A uses;
- (b) Any business or commercial enterprise except when the operation of the same would cause a nuisance or a hazard to the public and except adult entertainment uses, junk yards and amusement centres;
- (c) Billboards not to exceed twenty-eight square meters (28 m²) in area and not to extend more than eight meters (8 m) above the mean grade on which it is situated.
- (d) Uses accessory to any of the foregoing uses.

56(2) No person shall in any C-2 Zone, carry out, cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).

56(3) No person shall in any C-2 Zone, use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

REQUIREMENTS

57(1) No front, side or rear yards are required for C-2 uses in C-2 Zones.

57(2) (Deleted)

58 The height of a building in a C-2 Zone shall not exceed a height of eighty (80) feet, but for each foot that the building or that portion of the building which would exceed eighty (80) feet in height is set back from the property line, two (2) feet may be added to the height of the building.

R-1, R-2, R-3, C-1, R-2T AND C-2A USES IN C-2 ZONE

58A(1) Buildings erected, altered or used for R-1, R-2, R-2T, R-2A, R-3, C-1 and C-2A uses in a C-2 Zone shall comply with the requirements of their respective zones.

58A(2) (Deleted)

58A(3) (Deleted)

CENTRAL BUSINESS DISTRICT

58B(1) Deleted (RC-Jun 16/09;E-Oct 24/09)

58B(2) Deleted (RC-Jun 16/09;E-Oct 24/09)

PENINSULA NORTH - AREA 8:

58C(1) Notwithstanding Sections 6, 8 and 58A(1), buildings erected, altered, or used for R-1, R-2, R-2A, R-2T, R-3, RC-3, C-1, C-2A uses in the C-2 zone of the “**Peninsula North Area (Area 8)**” shall comply with the requirements of the C-2 zone.

58C(2) In the **Peninsula North Area - (Area 8)**, all buildings constructed for commercial or industrial purposes, shall be required to provide direct access to pedestrians from Gottingen Street into the building, which is not more than two feet above grade; for the purposes of this section, grade shall be defined as being the elevation of the ground at any one point along the official street line of Gottingen Street abutting such lot.

58C(3) In the **Peninsula North Area - (Area 8)**, the maximum setback for the first storey of: (1) buildings constructed for commercial or industrial uses, or (2) additions to buildings used for commercial or industrial uses, shall be 2 feet from the official street line of Gottingen Street.

58C(4) In the **Peninsula North Area - (Area 8)**, buildings of over 50 feet width measured parallel to Gottingen Street shall have the appearance of two or more buildings by altering the appearance of the facade and/or roof in increments no greater than 50 feet. In addition, one third of the surface area of the face of the ground floor of the building shall be comprised of windows.

58C(5) In the **Peninsula North Area - (Area 8)** the following applies:

- (1) for buildings constructed for minor commercial purposes which are on a lot greater than 20,000 square feet in area, parking shall be provided at a rate of 1 space for every 1000 square feet of gross commercial area.
- (2) for additions to existing buildings used for minor commercial purposes that are 50 percent or more of the gross commercial floor area of the existing building, are on a lot greater than 20,000 square feet in area, parking shall be provided at a rate of 1 space for every 1000 square feet of gross commercial floor area of the addition.

58C(6) In the **Peninsula North Area - (Area 8)**, all parking areas shall comply with the following requirements:

- (i) Where commercial or industrial parking abuts a residential zone, an opaque fence a minimum of five feet shall be erected to visually screen abutting properties.
- (ii) Parking areas abutting a street shall be set back a minimum of 5 feet from any street line; the setback area shall be landscaped with natural ground cover to

reach a height of no more than 2 feet upon maturity, or other materials, along that part of the street not required for any parking pedestrian entrance.

- (iii) Parking shall be constructed with a stable surface such as asphalt or concrete.
- (iv) Lighting for parking area shall be directed away from any adjacent residential properties and from the street.

ATTACHMENT E
Public Information Meeting Minutes – October 4, 2012

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

STAFF IN

IN ATTENDANCE: Paul Sampson, Planner, HRM Development Approvals
Holly Kent, Planning Technician, HRM Development Approvals
Councillor Jerry Blumenthal

ALSO IN

ATTENDANCE: Michael Napier, Michael Napier Architecture

PUBLIC IN

ATTENDANCE: Approximately 18

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

Opening Remarks/Introductions/Purpose of Meeting – Paul Sampson

Mr. Sampson opened the meeting by introducing himself as a Planner for Development Approvals in Western Region with Halifax Regional Municipality (HRM). He introduced HRM staff, the applicant and the Councillor present. He welcomed everyone and thanked them for coming.

Mr. Sampson gave the agenda for the meeting and reviewed the ground rules.

Presentation on Application – Paul Sampson

Mr. Sampson stated the HRM Planning Department received an application by Michael Napier Architecture to amend the Halifax Peninsula Land Use By-law by applying Schedule 'Q' to 5659 Almon Street and 2814 Isleville Street, Halifax, which would enable the development of a 7-storey, 42 multi-unit residential tower with a ground-level commercial space by development agreement.

Mr. Sampson described the location of the site, which consists of two properties. One of the properties is vacant and the other one contains a single unit dwelling. As part of the application, buildings currently on site will be demolished. He also illustrated images and aerial views of the properties.

He stated that the purpose of the meeting was to inform the public of the application, to give understanding of HRM's process, and to receive comments and questions from the public. There will be no decisions made at the meeting. He provided his contact information.

Mr. Sampson noted that the site was within a Major Commercial area in Peninsula North, within the Halifax Municipal Planning Strategy. There is a process, by which developers can apply, for a Land Use By-law amendment and development agreement process. The property is zoned C-2 (General Business). He stated that much of the area around the site is zoned C-2, which is a zone that predates the Planning Strategy in 1978. The zone is intended to allow for commercial and residential uses. A mixed use within the area, and allows buildings of quite a large size. As of right, it is potential for very large buildings in the C-2 zone. Commercial uses and apartment buildings can precede through the permit process currently As- of-right.

He stated that the process allows HRM staff and the public to give input as to what is placed in the development agreement. The plan encourages development that is compatible with the area, preventing any land use conflicts between the existing and the proposed. He encouraged input on this topic. The process allows the ability to have a higher density than what could happen through an as-of-right permit process. The developer can go directly to HRM Development Services and apply for a building and construction permit. This would mean that public and HRM staff input would not be necessary, other than the review of the permits applied for.

Mr. Sampson stated that Council would be looking at things such as the design and mass of the building, landscaping, traffic, site access, etc. He noted that a development agreement is a written agreement between the developer and HRM. It is a legal document that gets filed with the Registry of Deeds. It is enforceable by the Municipality.

He stated that after the Public Information Meeting, staff will give a detailed review of the application, prepare a report to Community Council. Next will be a Public Hearing where a decision will be made to accept or reject the proposal.

Mr. Sampson turned the floor over to Michael Napier to give his presentation of the proposal.

Presentation of Proposal - Michael Napier

Mr. Napier introduced himself as the applicant/consultant on behalf of the property owners, Steven and Tony Metlege. Mr. Napier illustrated the image of the residential portion of the building on the corner of Almond and Isleville. He noted that the building will contain approximately 4,200 square feet of commercial space on the ground floor along Almond Street. Along Isleville Street, there will be an entrance the residential tower and further back the entrance to the parkade.

Mr. Napier compared the current proposal to the building that houses Starbucks on the corner of Kaye Street and Isleville Street. He noted that the size of that site is approximately the same size of the subject site. Also, the size, lot coverage and height of the proposed building are the same as the building on the corner of Kaye Street and Isleville Street.

The proposed building consists of one level of commercial, which gives an additional floor of residential space, with 7 units per floor. He noted that the proposed units are smaller in size, and there will be a total of 42 units in this building. There is one level of underground parking, and above-ground parking. There are 42 units with 40 parking spots available.

Mr. Napier illustrated different views of the development with 3-D images from all sides of the proposed building and described the various aspects of the site. There will be a landscaped podium on the top of the commercial area and street trees around the perimeter on the street level. The main commercial space has no current proposed use, but space can be divided up to house a combination of tenants.

Mr. Napier showed the proposed Site Plan and discussed matters such as parking, landscaped open space, underground and above-ground parkade parking, bike parking, and recycling aspects of the project. He described the amenity space on the landscaped roof with images of the materials used, which consist of a combination of aluminum with glass on lower level, pre-casting and metal panels, and glass balconies.

Questions and Answers

Mr. Sampson explained all of the rules for question and answer period.

Jeff Fisher stated that the development looks nice. He asked how many levels of parking are in the plan.

Mr. Napier advised there will be one level of parking underground, and parking spots to the back.

Mr. Fisher – What is the impact on the back laneway? Are you paving it, or doing anything with it?

Mr. Napier – The City has no rights over the private lane. We would love to do something with the lane way but it is a private lane. We have rights to the lane to access the property.

Mr. Sampson stated that he spoke to HRM Development Engineers regarding the laneway and there is nothing that the Municipality can do about the lanes. HRM has no rights to enforce the maintenance on the piece of property.

Mr. Fisher – The property owner has passed away for a very long time, and it would be nice for the city to take possession of the lane way. Parking spaces on the side of the development- you have rights to 8 parking spaces?

Mr. Napier – No parking would actually take place on the lane; the parking would be inside. We only have parking access to the parking inside.

Mr. Fisher stated that he sees trees along Almon Street. Is it your plan to open up the pads on Almon Street and throw trees in there?

Mr. Napier – At the end of construction, new sidewalks and curbs will be all around that corner. Put in recess areas with trees.

Mr. Fisher – Is there an opportunity to open up the other pads down along the street, which I have a lot of interest from the neighbours since the other one was opened up by the City. It would be great if the city would be interested in doing it, as part of this project.

Mr. Sampson – As part of the development, current sidewalks and curbs would be damaged during construction, and any damage be replaced when the development is completed.

Mr. Napier stated that the sidewalk would be closed during construction, for access purposes to the site. We would want to replace, to help with the enhancement of the site and the enhancement to the community. Along Almon Street if a café was to go in, we would like a hard surface out in front. That is why we only showed street trees on there at this time.

J. Gillespie stated that she owns two properties on Agricola Street. She indicated that she had some questions concerning what happened to the historic designation of the area. That was set up in the historic Bloomfield area a few years ago. She did not believe that the building fits in with the historic aspects of the area. She stated that all the neighbours have been restoring their houses to the historic value, herself included, and didn't think that this building and the other one that was approved on Isleville and Bilby, fit in with this historic designation of this area. The traffic flow and the speed that they travel on these streets especially Isleville Street, small children on these streets, parking on our own street is difficult because of parking from CFB Halifax.

Mrs. Gillespie named various sites around the area and her concerns about the heights that could be potentially being built there. She is concerned with how these future developments are going to fit in with the streetscapes in this area. No crosswalks for the children in this area coming from the schools. She does not like the square boxes of these buildings. Traffic accidents on all the streets around this area: Bilby; Agricola; and Macara Street.

Mrs. Gillespie pointed out the commercial areas in the area, and is concerned about what type of commercial will come to the area. She is concerned about the tax increases with all of the increased development of commercial in the area, and the amount of traffic going to be coming into this area do to these new developments?

Mrs. Gillespie would like to see traffic lights put in at the intersections of Agricola Street and Isleville Street because of speeding in this area. She stated that she would really like to know what happened to the historic designation for this area.

Mr. Sampson commented that he was not aware of any historic designation or historic area for this area. Individual lots are historic sites within this area. The Bloomfield study was done, and request proposals were done for the Bloomfield site, but no decisions have been made on that site.

Mr. Sampson also commented that the North End is being included within a corridor study that is currently taking place by HRM. He noted that a Traffic Impact Statement was submitted for the project, and HRM Traffic Engineers and HRM Development Engineers have reviewed the statement and deemed it acceptable.

Mr. Napier commented that he lives in this area as well, and it is the traffic from other places that is the issue. The idea is to bring the density to this area to help with that issue.

Mr. Sampson restated that staff will have to review the traffic impact statement. The report also goes to council and it becomes public. Staff is in the middle of reviewing everything and staff will comment on any issues that come out tonight and in the reports.

Mr. Sampson put a question to Michael Napier regarding parking for commercial uses. Will there be parking spaces available for the commercial uses within the underground parking or is the parking only for the residential components of the building?

Mr. Napier stated that parking is currently almost at a one to one ratio. Maybe extra spaces for the commercial, but residential is the main use. Without knowing the commercial use at this time we don't know how many spaces might be needed. Thru fare is what we want to promote.

Mr. Sampson - This is an area of interest for developers. Issues to this project are site specific such as the driveway entrance and the look and feel the project has from the sidewalk. Bigger picture issues are what HRM will continue to look into, like sidewalks, and street light intersections.

Lois Randall – The corner is not attractive, the building is attractive. She is concerned with the amount of vacant lots within the area. No creativity for the developments coming into the area. Density rules area being exceeded all around this area, and all around the city.

Mrs. Randall is concerned about the development not being single family dwellings. People are not going to want to come to the city to have families. People who want families are not going to be living here. People want back yards for children! You're not stopping people who will commute into the city. It would be nice to have single family homes coming to these vacant lots.

J. Gillespie – We don't want boxes – I am not against development. We want development that fits in with the scape of the area. We are tired of these big buildings. We want buildings to reflect the heritage of this area. Parking should all be underground for all units.

Jennifer Beamer stated that she doesn't mind any buildings that are being proposed. These buildings are not getting looked at collectively. A traffic study should be done collectively as a whole. All development should be planned as a whole. Is the City looking at the development of this area collectively?

Mrs. Beamer is concerned about the commercial in all of these buildings. Is there a plan to help encourage helping fill these spaces?

Mrs. Beamer has concerns about the construction of the development. What is the time limit on the construction? What is the plan for the noise on the site? Is there no way to fix up that the back alley? Has the drawing changed from the original drawing that was posted on the HRM website?

Mr. Napier - yes it has changed.

Mrs. Beamer stated that she was pleased with the new location.

Mr. Sampson stated that the private lane way is privately owned. Maintenance and enforcement of parking on the right-of-way is not regulated by HRM. Individual owners have to maintain the care of the lane. It is a private matter, and private access to the property.

Councilor Jerry Blumenthal stated that he has tried to get the City and the community to get some money together to take it over. Police could not haul cars out. There is nothing you can do unless everyone gets together to see if the City will take it over.

Mr. Sampson stated that the hydrostone, for example, has services under the lane and HRM maintains the street. This lane is a different scenario altogether. The parking entrance will handle most of the traffic, beside the recycling and garbage collection. The parking entrance to the parkade will be reviewed by staff. Some rights are there to you as a property owner to access the lane.

Mr. Napier commented the construction time would be 18 to 24 months. The winter time might delay that time. Parking is only one level down, so that is one advantage, so less blasting time, as compared to the other development. Construction hours are governed by HRM rules from 7 till evening. No blasting, but rock chipping, and about a month to complete that.

Mrs. Beamer stated that she is concerned about the blasting.

Myles Baldwin stated that he had an architectural question. He owns an older home that he lives in, and is concerned by the historic feel of the neighborhood, and would like to know if any consideration has been taken to maintain look of historic nature of the building to fit in with the surrounding neighborhood. I understand that there are wood and height restrictions in the area, but what are they have the developers looked at them. Mr. Baldwin mentioned the C-2 zoning and if there is any opportunity of having public input as to what commercial uses might we want to see go in.

Mr. Napier stated that under the current C-2 zoning, we could put 100 percent lot coverage and go 80 ft high, and we could put a box on the entire property. He described the design of the building across the street in comparison to his building. Historic aspects of the building across the street, encompasses wood and angle controls in that building and we could have designed that type of building as of right. He stated that it is very hard to design a building that is going to fit in with a two storey look of Halifax, and it is not economically feasible. The lots are too expensive to build only a two storey building.

Mr. Sampson described the difference between the as-of-right development possibility and the Development Agreement process. The as-of-right allows the developer to come in and put what you see across the street by permit only with no public input. The development agreement allows more input into the design of the building, and all aspects of the development of the site.

Mr. Ramsey stated that he is the owner of building across the street and he attended the meeting to see what the developers are looking to do with the lot. We will respect your decision, and hope that you will respect my building. I don't have any issue with your building as long as it will have the same quality and look as the building down the street. I support this building 100 percent, even though you are my competition.

Mr. Sampson stated that current proposal is to have it at grade level so that people can walk into the commercial and residential portion of this building. We have outdated regulations that will still allow them to develop buildings that do not fit within today's designs. Similar density and similar height can be built as-of-right on this site. Similar size buildings can be built without public comments. I would like comments about the design of the building, type of building materials. Please send an email, or comments to me regarding any aspects of the design that you might want to see on this site.

Mr. Ramsey commented that they have worked for many years to clean up the neighbourhood, so that the developer could come in and design this nice of a building in this neighbourhood.

Hanita Koblents stated that she has lived in this neighbourhood and has children, and she is very glad that vacant lots are going to be built upon. She welcomed the new development and just wanted to touch base on some of the comments that were made regarding these apartment buildings not encouraging families to the neighbourhood, unless the developers create larger units in the buildings. The podiums on the second floor would act as a back yard for some of these families living in the buildings. Three bedroom units might encourage families to the area.

Mrs. Koblents is concerned about the blank wall on the back of the building in the alley and believes that it might become a graffiti target, and encourages the developers to consider that aspect. Mrs. Koblent also suggested some commercial options for the space on the ground floor. Paul Sampson asked the question to Michael Napier, what is the unit break down?

Mr. Napier commented that the largest will only be two units. Halifax families don't tend to move to apartments.

Mrs. Koblents asked if a daycare centre opens in the ground floor, will move families into the building.

Mr. Sampson stated that within a development agreement, we can regulate the number of single unit and bachelors. We can require a minimum number of two units within the buildings so that the units do not increase in the future.

Mr. Napier discussed the options of the one bedroom units and bachelor units within buildings around Halifax.

Mr. Sampson suggested that they send comments to him after tonight and encourage the public to look at the drawings and send comments.

Kristine Leger - How much traffic to you expect through the Lane? Is it just going to be service trucks?

Mr. Napier stated generally service trucks come once every two or three days at the most. They are loud and noisy. As far as the number of vehicles for the area, the entire building there will be about 12 to 14 trips in the morning, and not a lot of traffic.

Mrs. Leger commented that there is park space on the other side of this lot being used by her and others with their children and using the alley to access this space. She is concerned about the traffic speeding up through there.

Mrs. Leger is concerned about construction of the two sites close across the street from one another at the same time, blocking both sides of the sidewalks, and the safety of the children going to school.

Mr. Sampson stated that fences and the blocking of sidewalks are regulated through HRM bylaws.

Mrs. Leger- sidewalks in previous construction sites were closed, causing issues in other areas.

Mr. Sampson stated that developers have to make an application to block off the sidewalks, which would be regulated through specific by-laws.

Mr. Napier commented that there was a project on Spring Garden where two projects were being built at the same time, and they closed off the street and made it a one way street to help with the safety aspect of the road at that time during construction.

Mrs. Leger stated that she would like to have a collective plan for the area and hopes that the construction of the two sites continues to make the streets safe for the children.

Closing Comments

Mr. Sampson thanked everyone for coming. He encouraged everyone to sign the sign-up sheet and anyone on that list will be notified of the upcoming public hearing.

Adjournment

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

ATTACHMENT F
Additional Correspondence from Neighbouring Residents

From: Jennifer Beamer
Sent: July 19, 2012 1:55 PM
To: Salih, Dali
Subject: Case #17756

Hi Dali,

I had emailed this question to Leticia Smillie (since I know her from outside work)...and she suggested I contact you.

Anyway...there is a 7 story building being proposed for basically my backyard (corner of Almon and Isleville) and given the location and timing it won't fall under any of the new rules you guys are looking to put in place, so I'm wondering what the current rules/regulations say about setbacks from property lines...or if you can point me to where on the HRM site I might find this or who I should ask?

Leticia told me she found a Development Agreement Application for the properties next to me PID 00161265- Case #17756, but there aren't any details online about the proposal, which could mean that it hasn't gotten that far yet. Do you know where this application sits? or what they can do under the as-of-right zoning? As well as any rules for set backs from property lines?

Thank you,

Jennifer Beamer

From: Jennifer Beamer
Sent: July 26, 2012 11:55 AM
To: Salih, Dali
Subject: Re: Case #17756

Thanks for the info Dali,

While I am all for the development of the rather ugly empty lots in my neighbourhood, I do have concerns (but will try and keep the "not in my backyard" comments to a minimum as I do believe they aren't very productive).

That being said, I have 2 main concerns.

1. The "wall" along Isleville. It doesn't seem very hospitable or contribute to the neighbourhood. I like the windows of the commercial side on Almon, but wish there was something similar for

Isleville. Right now it kind of reminds me of the terrible property across the street (with the empty grey wall along Almon).

While I appreciate that behind that wall are services essential to the building, I wish it could be "dressed up" a bit more to make the street more walkable/contribute to people wanting to walk around the neighbourhood. Maybe a green wall? Right now it feels cold, almost like the back end of all the banking buildings downtown on Granville St.

2. Traffic. I cannot pretend to really understand the various traffic studies, but I do feel like each one is done in isolation of other developments on the horizon. Fine, the numbers don't seem that bad for this development, but when you add in the Isleville/Bilby one, the likely Bilby/Gottingen one, the Bilby/Robie one and the Robie/Russell one and the Gottingen/Russell one...that seems to me like there will be a lot more cars moving through this residential (although I know it's not actually zoned that way), neighbourhood.

I am wondering why, in fact, they need 45 parking spots for 42 units...when the traffic study makes note of all the available public transit and walk-ability of the neighbourhood? With all sort of 1 bedroom units, it seems to me the target is not families, but rather younger people who might be quite happy without a car?

I am also concerned about the cars/speed, etc and the number of kids we have in the neighbourhood who have direct access to that alley. While I would love to see speed bumps or other traffic calming measures on Bilby and Isleville, I have been already told that isn't possible/warranted, but what about in the alley...could a few bumps be added there to prevent speeding through the various backyards of the residential properties on Almon/Bilby? We are already very conscious of the car noise from that alley and the added traffic will only increase this?

Just a few comments from Bilby St,

Jennifer

From: IF Clark [REDACTED]
Sent: August 13, 2012 2:03 PM
To: Salih, Dali
Cc: Watts, Jennifer; Blumenthal, Jerry; Sloane, Dawn; Uteck, Sue; Office, Clerks
Subject: Case 17756 Traffic Impact

Dear Ms. Salih,

After reading the Traffic Impact Statement for case 17756, I immediately thought of the property involved in case 17511 - on the very next city block. As both impact statements were filed by the same company and the same company representative, Ken O'Brien P. Eng., I am surprised the results of the first TIS were not somehow incorporated in his conclusions on the second.

Mr. O'Brien's final remarks on both reports are almost identical in concluding the regional street network will be minimally impacted...

Case 17511. Genivar Inc.'s Traffic Impact Statement (Ref. No. Ref. No. DA11193):

"The low numbers of additional vehicle trips generated by the redeveloped site are not expected to have any significant impact to the performance of Bilby Street intersections, adjacent streets, or the regional street network."

Case 17756. Genivar Inc.'s Traffic Impact Statement (Ref. No. 111-26082):

"Since traffic volumes are low on adjacent streets, the low numbers of site generated trips are not expected to have any significant impact to the level of performance of Almon Street, Isleville Street, the adjacent intersection or the regional street network."

Photo 3 of Traffic Impact Statement #111-26082 for case 17756 clearly shows the property in question for case 17511 – on the corner of Isleville and Bilby Street (brick building behind the red truck). Surely, density and traffic flows should be reviewed and evaluated within context of neighbouring developments and not in isolation, as this one appears to be doing.

Earlier this year, I noticed a speed monitoring device was set up on/near the corner of Bilby Street on Isleville Street. I called the city to inquire; but, I was unable to find out who and/or why it had been put in place. Perhaps residents called to complain about the speed of traffic since the Starbucks opened on the corner of Kaye Street and Isleville Street? I don't know. I do know that it has become more dangerous to ride my bicycle along Isleville Street since the coffee shop opened.

I ask you to consider the Regional Street Networks as a whole rather than individual case Traffic Impact Statements.

Thank you for your time and consideration,

Irene Clark