

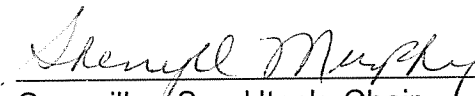


P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

9.2.1

Halifax Regional Council  
June 22, 2004

TO: His Worship Mayor Peter Kelly and  
Members of Halifax Regional Council

FROM:   
Councillor Sue Uteck, Chair  
Peninsula Community Council

DATE: June 18, 2004

SUBJECT: **Case 00628 - Halifax MPS and LUB Amendment, Development  
Agreement - 5837 Cunard Street and 2372 June Street**

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**ORIGIN**

Peninsula Community Council June 14, 2004

**RECOMMENDATION**

Peninsula Community Council recommend that:

1. Regional Council give First Reading to the proposed amendment to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use Bylaw as contained in Attachment A of the May 18, 2004 staff report and schedule a joint public hearing with Peninsula Community Council.
2. Regional Council approve the amendments to the Halifax Municipal Strategy and the Halifax Peninsula Land Use By-law as contained in Attachment A of the May 18, 2004 staff report.

**PLEASE RETAIN FOR PUBLIC HEARING**

## **BACKGROUND**

This matter was before Peninsula Community Council as the result of an application by Amalthea Holdings Limited to amend the Halifax Municipal Planning Strategy and Land Use By-law to enable a development agreement at 5837 Cunard Street and 2372 June Street.

## **DISCUSSION**

Peninsula Community Council gave Notice of Motion for the Development Agreement, as contained in Attachment B of the staff report dated May 18, 2004, to permit a 150-unit building and to schedule a joint public hearing with Regional Council.

## **BUDGET IMPLICATIONS**

N/A

## **FINANCIAL MANAGEMENT/BUSINESS PLAN**

N/A

## **ALTERNATIVES**

1. Give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and Peninsula Land Use Bylaw and schedule a public hearing.
2. Reject the recommendation of Peninsula Community Council and take no further action in this regard.

## **ATTACHMENTS**

1. June 1, 2004 report from the District 12 PAC re Case 00628: Halifax MPS and LUB Amendment, Development Agreement - 5837 Cunard Street and 2372 June Street

Additional copies of this report and information on its status can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208. Report prepared by: Sherryl Murphy, Legislative Assistant 490-6517.
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PO Box 1749  
Halifax, Nova Scotia  
B3J3A5 Canada

10.1

Peninsula Community Council  
June 14, 2004

**TO:** Peninsula Community Council

**SUBMITTED BY:** Heather Ternoway  
Heather Ternoway, Chair

**DATE:** June 1, 2004

**SUBJECT:** Case 00628: Halifax MPS and LUB Amendment, Development Agreement  
- 5837 Cunard Street and 2372 June Street

**ORIGIN**

District 12 Planning Advisory Committee meeting - May 31, 2004

**RECOMMENDATION**

The District 12 Planning Advisory Committee recommends that Peninsula Community Council:

1. Recommend that Regional Council give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use Bylaw as contained in Attachment A of the staff report dated May 18, 2004, and to schedule a public hearing.
2. Recommend that Regional Council approve the amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use Bylaw as contained in Attachment A of the staff report dated May 18, 2004.

The District 12 Planning Advisory Committee further recommends that Peninsula Community Council:

1. Move Notice of Motion for the development agreement, as contained in Attachment B of the staff report dated May 18, 2004, to permit a 150-unit building, and to schedule a joint public hearing with Regional Council.
2. Contingent upon the approval by Regional Council of the above Municipal Planning Strategy and Land Use By-law amendments and the coming into effect of said amendments, approve the development agreement, as contained in Attachment B of the staff report dated May 18, 2004. (Staff will bring this matter back to Peninsula Community Council for a decision at the appropriate time).

3. Require that the development agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

The Committee was advised that since the tabling of the report, the parking layout was revised to include 11 additional parking spaces. The revisions to the development agreement to reflect this change are highlighted in bold.

### ATTACHMENTS

Staff report dated May 18, 2004

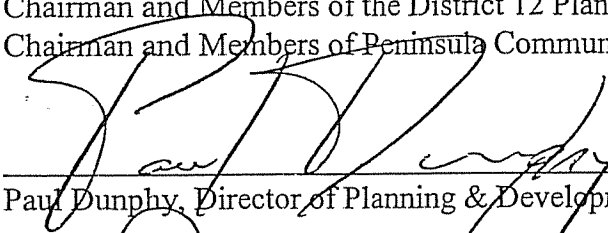
Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

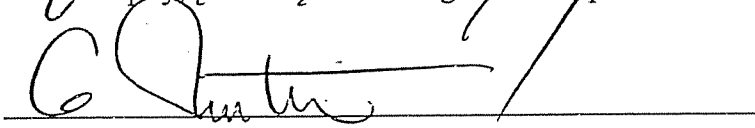
Report prepared by: Gail Hamish, Admin/PAC Coordinator, 490-4937

Heritage Advisory Committee - May 26, 2004  
District 12 Planning Advisory Committee May 31, 2004  
Peninsula Community Council June 14, 2004

**TO:** Chairman and Members of the Heritage Advisory Committee  
Chairman and Members of the District 12 Planning Advisory Committee  
Chairman and Members of Peninsula Community Council

Submitted by:

  
Paul Dunphy, Director of Planning & Development Services

  
Gary Porter, Planner II

Date: May 18, 2004

Subject: Case 00628: Halifax MPS and LUB Amendment, Development Agreement -  
5837 Cunard Street and 2372 June Street.

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**ORIGIN:**

Request by Amalthea Holdings Limited to amend the Halifax Municipal Planning Strategy and Land Use By-law to enable a development agreement at 5837 Cunard Street and 2372 June Street and request for a development agreement at 5837 Cunard Street and 2372 June Street to permit an apartment building.

**RECOMMENDATION:**

It is recommended that the District 12 Planning Advisory Committee recommend that Peninsula Community Council:

1. Recommend that Regional Council give First Reading to the proposed amendments to Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use Bylaw as contained in Attachment A and to schedule the public hearing.
2. Recommend that Regional Council approve the amendments to Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use Bylaw as contained in Attachment A.

**RECOMMENDATIONS CONTINUED ON PAGE 2**

It is further recommended that the **District 12 Planning Advisory Committee** recommend to Peninsula Community Council that it:

1. Move Notice of Motion for the development agreement, as contained in Attachment B, to permit a 150-unit building, and to schedule a joint public hearing with Regional Council
2. Contingent upon the approval by Regional Council of the above Municipal Planning Strategy and Land Use By-law amendments and the coming into effect of said amendments, approve the development agreement, as contained in Attachment B (Staff will bring this matter back to Peninsula Community Council for a decision at the appropriate time).
3. Require that the development agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

It is recommended that the **Heritage Advisory Committee**:

1. Consider the attached development agreement in relation to the potential impacts on the adjacent registered heritage property and provide its advice to Peninsula Community Council.

## **BACKGROUND:**

### **Initiation**

At the January 13, 2004 meeting of Regional Council staff was instructed to initiate a process to consider amending the Halifax Municipal Planning Strategy and Land Use Bylaw to enable a development agreement to permit an apartment building at 5837 Cunard Street and 2372 June Street. The District 12 Planning Advisory Committee held a public participation meeting on February 12, 2004. The minutes of that meeting are included as Attachment C.

### **Zoning**

The property at 5837 Cunard Street is zoned C-2A (Minor Commercial Zone) and the property at 2372 June Street is zoned R-2 (General Residential Zone). The property at 5837 Cunard Street is designated Mn. C (Minor Commercial) and the property at 2372 June Street is designated MDR (Medium Density Residential) (see Maps 1 and 2). The properties are located in Area 6 of the Peninsula North Secondary Planning Strategy. They are also within Schedule A where the permitted density for R-3 uses is 250 persons per acre. If this site was zoned R-3, it would have an "as of right" possibility of 305 persons (i.e., habitable rooms).

The site is currently vacant having been previously occupied by Royal Canadian Legion, Scotia Branch 25 at 5837 Cunard Street and Maritime Canvas Converters at 2372 June Street. Both uses were non-conforming under the existing zoning prior to being demolished by the applicant.

### “As of Right”

While the developer prefers to build an apartment building on this site, should Council not grant the necessary approvals for this to occur, a proposal pursuant to the existing zoning of the site has been prepared. This would see the legion site is to be developed for 17 two unit buildings containing 5 and 10 bedrooms with ground floor commercial. These would be linked together in two groups of six and one group of five. While it will have the appearance of three buildings, it would actually be 17 buildings on 17 separate lots. This is permitted by Section 59FA of the C-2A zone (see Attachment D). With respect to the former Canvas Converters site, the developer proposes a four unit apartment building each unit of which will contain seven bedrooms. This is also permitted by the present R-2 zone of this site.

Although the “habitable room” count is not a regulatory factor for C-2A and R-2 uses, for the sake of comparison, the above described proposal contains a total of 454 habitable rooms. This development would be limited to 35 feet in height and would require 38 parking spaces.

Section 59A of the C-2A zone relaxes many of the residential requirements when residential uses are combined with commercial uses. Staff feel the intention of these relaxations was to encourage residential in combination with commercial in existing buildings or infill situations. Staff do not feel the intent of section 59F was to allow for the intensity that has been identified under the proposed “as of right” scheme. Staff will be bringing forward draft amendments to the land use by-law to clarify this in the near future.

### Summary of Recent Events

The owner initially proposed to construct a 165-unit apartment building comprising a tower of nine storeys (plus mechanical penthouse) with two attached 3 storey wings (474 habitable rooms - density of 390.98 persons per acre) at 5837 Cunard Street and 2372 June Street. This did not comply with the provisions of the R-3 zone. Because of the severe degree to which this proposal did not meet the R-3 regulations, staff was not prepared to recommend initiation of an amendment to the Municipal Planning Strategy for this site to enable such building.

This was then reduced to 130 units (406 habitable rooms - density of 332.99 persons per acre) with the tower portion of the building being reduced to six full storeys and a smaller seventh floor containing units plus the mechanical portion of the building. The building along Princess Place and June Street remained at three storeys.

Because staff saw merit in an apartment building on this site and because the developer’s 130 unit proposal was a vast improvement over the as of right and other earlier proposals, albeit not yet to staff’s satisfaction, staff agreed to recommend *initiation only* on the basis of no specific proposal. Staff was also prepared to consider *some* concessions in order to allow a building which is acceptable to the community. On this basis, the following criteria were identified for considering an amendment to the Municipal Planning Strategy to enable a development agreement for this site:

- that an apartment building (rental or condominium) is an appropriate land use.
- that the development be compatible with the adjacent low rise residential neighbourhood.
- that the development be reasonably consistent with the provisions of the R-3 zone.

Following the February 12, 2004 public participation meeting, interested residents of the community held a number of meetings to consider development of this site, both “as of right” and as proposed by the developer. The majority of these meetings were also attended by Councillor Sloane and/or staff. The developer attended several of these meetings to respond to the matters raised by the residents. The current proposal is the result of these meetings. An e-mail from representatives of the community is included as Attachment E.

**Current Proposal**

The developer has now submitted a proposal for a 150 unit (306 habitable rooms), ten storey apartment building with mechanical penthouse. The building has been reduced to two storeys on Princess Place and June Street. This consists of 34 bachelor units, 76 one bedroom units and 40 two bedroom units. This results in a density of 250.3 persons per acre. A complete comparison of the proposed building with the R-3 requirements is provided below. Because of the irregular shape of the lot and the proposed building, commentary on the setbacks and angle controls are generalized and relate to the tower portion of the building.

**Comparison of proposed building to the as of right provisions of the land use bylaw for an R-3 use (apartment building) (excluding angle controls)**

Item	Required <sup>1</sup>	Provided	Comment
Lot frontage	90 feet	250.24 feet (Cunard)	meets bylaw
Lot area	8100 square feet	38,651 square feet	meets bylaw
Density	250 persons per acre	250.3 persons per acre	<i>does not meet bylaw</i>
Open space (at grade)	25,020 square feet	9,707 square feet ±	<i>does not meet bylaw</i>
Open space (total) <sup>2</sup>	29,280 square feet	13,967 square feet ± <sup>3</sup>	<i>does not meet bylaw</i>
Parking	150	75	<i>does not meet bylaw</i>
Setback <sup>4</sup> (front)	25.81 feet (to penthouse)	22 feet ±	<i>does not meet bylaw</i>

<sup>1</sup> All are minimum requirements except density and height precinct which are the maximum permitted.

<sup>2</sup> Includes landscaped open space at grade, balconies and other common recreation areas

<sup>3</sup> Although 10,658 square feet of balconies and other common recreation areas has been provided, the maximum that can be counted pursuant to S. 48(2)(a) of the land use by law is 4,260 square feet

<sup>4</sup> The minimum setback from the street is 10 feet for the 80° angle control and 20 feet for the 60° angle control. The maximum height permitted based on the minimum setback provided and the 60° angle control is 90 feet. The minimum shown in the table is the minimum required for the proposed height.



Item	Required <sup>5</sup>	Provided	Comment
Setback <sup>6</sup> (east)	55.8 feet (to penthouse)	20 feet	<i>does not meet bylaw</i>
Setback <sup>7</sup> (rear)	51.96 feet	varies: 32 - 145 feet	partially meets bylaw
Setback <sup>8</sup> (west)	14.6 feet (tower)	34 feet	meets bylaw

**Angle controls**

(building envelope control - maximum height permitted based on setback provided)

	Maximum permitted	Proposed	Comment
Angle control (front)	90 feet	96.66 feet	<i>does not meet bylaw</i>
Angle control (east)	32.64 feet	96.66 feet	<i>does not meet bylaw</i>
Angle control (rear)	55.42 / 251.1 feet	96.66 feet	partially meets bylaw
Angle control (west)	n/a (80° angle control)	96.66 feet	meets bylaw

**DISCUSSION:**

An amendment to the Municipal Planning Strategy generally requires two elements in order to be adopted; community acceptance and consistency with good planning principles.

**Community Acceptance**

The policies of the Municipal Planning Strategy are adopted only after consultation with the community to which they apply and should reflect the views of the community at the time of adoption. Requests to change the Municipal Planning Strategy by individuals are generally not supported by staff unless it can be shown that circumstances have changed since adoption which make the current designation or policy no longer appropriate. Site specific amendments to the MPS are not routine applications as is the case with rezoning and development agreement applications. The Municipal Government Act contemplates applications for rezoning and development agreements and sets out a procedure for a municipality to follow including an

<sup>5</sup> All are minimum requirements except density and the height precinct which are the maximum permitted.

<sup>6</sup> The minimum setback from a property line is 10 feet. The maximum height permitted based on the minimum setback and the 60° angle control is 17.32 feet. The minimum shown in the table is the minimum required for the proposed height.

<sup>7</sup> The minimum setback from a property line is 10 feet. The maximum height permitted based on the minimum setback and the 60° angle control is 17.32 feet. The minimum shown in the table is the minimum required for the proposed height.

<sup>8</sup> The minimum setback from a property line is 10 feet. The maximum height permitted based on the minimum setback and the 60° angle control is 17.32 feet. The minimum shown in the table is the minimum required for the proposed height.

appeal period. While there is an ability for Council to amend its MPS, it is under no obligation to do so and there is no appeal on its decision to amend or not amend.

This proposed amendment to the Municipal Planning Strategy proceeded on the basis that the previous non-conforming uses had been removed and an apartment building was an appropriate reuse of this site. There was also an understanding from preliminary meetings that there was or would be community support for an apartment building on this site.

The plans that are presented with this request are the result of negotiation between the developer and the residents of this area. Although not unanimous, there are a significant number of residents who support the proposed building and prefer it to what may be permitted under the current zoning. In staff's estimation, there is sufficient community support for the proposed changes to Municipal Planning Strategy (see Attachment E). Therefore, there is a basis for Council to consider this amendment.

### **Consistency with Good Planning Principles**

The initiation report identified three criteria as the basis for considering an amendment to the Municipal Planning Strategy to enable a development agreement for this site.

#### **An Apartment Building (Rental or Condominium) is an Appropriate Land Use.**

The stability of this neighbourhood has been improving for some time. Since the adoption of the Secondary Planning Strategy for this area, two commercial uses have been replaced with residential uses which has helped to reinforce this trend. Two more commercial uses have now been eliminated. Although the former legion site is zoned C-2A and has the potential for development of a variety of commercial uses, this zoning is no longer appropriate given the reduction of commercial uses in this area and the trend toward residential development.

Staff is on record as recognizing that Cunard Street, from Agricola Street to Robie Street may be suitable for apartment development, given its relation to the Common. As a result, in 1995, when the area 6 portion of the Peninsula North Secondary Planning Strategy was being prepared, staff recommended that a policy be included in the MPS which would allow multiple-family high density residential development on all properties on this portion of Cunard Street by development agreement<sup>9</sup>.

The staff report pointed out that redevelopment along Cunard Street could also include adjacent properties not directly fronting on Cunard Street and that guidelines would have to be put in place to ensure protection of adjacent stable low rise residential neighbourhood. This recommendation of staff was not accepted by the Planning Advisory Committee and was therefore not included in the material presented to Halifax City Council for consideration. However, staff continues to support the concept of an apartment building for this area, subject to adequate protection of adjacent stable low rise residential neighbourhoods.

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<sup>9</sup>

Staff report dated May 30, 1994

In order to reinforce this area as residential, as part of this Municipal Planning Strategy amendment, staff proposes to eliminate the commercial designation and zoning on the former legion site and replace it with a medium density designation and R-2 zone with the ability to have a development agreement for this proposed apartment building.

### **Compatibility with the Adjacent Low Rise Residential Neighbourhood.**

The former legion site is zoned C-2A. Along with a variety of commercial uses, this zone also allows residential uses in conjunction with commercial uses. However, in such instances, the land use by-law contains very few restrictions. The “as of right” for this site is described earlier in this report. A substantial number of residents of this neighbourhood prefer the proposed 150 unit apartment building to what is permitted “as of right”. Staff also prefers a single apartment building to what the applicant contemplates by way of “as of right” development.

In consultation with the community, the design of the proposed building has been altered to replicate the Princess Place townhouses along the site’s Princess Place frontage. This portion of the complex will be finished in stucco and painted “earth tones”. This design has been presented to the Heritage Advisory Committee for its consideration during the review stage of this request (see Attachment F for the HAC minutes). The June Street portion is also two storeys in height to be consistent with the nearby homes. This portion of the building will be clad in hardiplank to resemble the traditional wood cladding in the area.

The first three storeys of the 10 storey portion will be clad in precast panels resembling sandstone. Above this level, the building will be setback slightly to diminish the sense of height from street level and for consistency with the heights of adjacent buildings on Cunard street. This portion of the building will be clad in precast panels resembling red or red/brown brick with sandstone corner blocks.

As noted above, the current building design is the result of numerous meetings among residents of this neighbourhood and between the residents and the developer. This design is supported by a significant portion of the community. It is reasonable to conclude that the criterion respecting compatibility has been met.

### **Reasonable Consistency with the Provisions of the R-3 Zone.**

The R-3 zone sets out the regulations to which an apartment building of more than five units must comply. These are density, open space, parking, setbacks and angle controls. These are not mutually exclusive requirements. A serious deviation from one requirement will likely impact another. As can be seen in the table set out above, this proposal has *significant* areas of non compliance with the land use by-law. These are discussed in detail below.

#### Density

Density is the key element of the R-3 regulations. A density requirement is based on the principle is that the larger the property, the greater the number of people that can occupy it. It is the “yard stick” against which all R-3 developments are measured to ensure that properties under consideration for R-3 development are assessed fairly and equally. Therefore, it is important that the allowable density not be exceeded unless there are unusual and unique circumstances which would justify additional density.

As stated earlier, the maximum permitted density in this area is 250 persons per acre. As the number of people within a building cannot be regulated, density actually determines how many habitable rooms can be in a building. This is then used to arrive at the number of dwelling units that can be in a building. In this case, the area of this site will allow up to 305 habitable rooms (305.61 habitable rooms are actually permitted). The developer proposes 306 habitable rooms.

For all intents and purposes, the density is met.

#### Open space

An apartment building requires a certain amount of open space around it, based on the number and type of units it will contain. Most of this is required to be landscaped open space at grade. However, there is a provision for other areas, such as balconies or common tenant recreation areas, within the building to count toward a percentage of the total amount of open space required. Slightly less than half of the open space (47.7%) that should be provided for this building will be provided for this building.

Within the area where the density of 250 persons per acre is permitted, high buildings with small footprints are typically required in order to provide the amount of open space to meet the requirement of the land use by-law. Less height results in a greater footprint and less open space.

While this proposal is significantly deficient in open space, there are several mitigating factors. Approximately 6,400 square feet of balcony space in excess of the requirement of the land use by-law has been provided, the Central Common is directly opposite on Cunard Street and less height rather than more open space is preferred by the community.

#### Parking

The land use by-law requires that 150 parking spaces be provided for this building. The developer proposes 75 spaces in one underground level. Four visitor spaces will be provided along June Street.

Staff acknowledges that 1:1 parking is probably not necessary at this location given its proximity to major employment areas such as the downtown and the hospitals. It is on a bus route and also is within reasonable distance to others. This central location makes the site attractive to persons without cars. It can also be argued that persons requiring a parking space will not consider this building if parking is unavailable.

The bigger concern is the provision of visitor parking. Many residents do not have parking available on their own property and rely on the streets. There is significant competition for the available spaces at present and more people living in this area will increase this competition. The developer has provided four spaces which will help to address this situation but will not likely be adequate all of the time. However, there is no requirement to provide visitor parking and most apartment buildings do not do so.

### Setbacks

The land use by law requires minimum setbacks of 20 feet from the street line and 10 feet from other property lines. Under certain circumstances, portions of the building may be as close as 10 feet to the street line. These setbacks must increase as the height of the building increases. Setbacks could be increased, but there is merit in building closer to the street lines to be more in keeping with the character of this neighbourhood..

Further, if the setback from Cunard Street is increased, it will push the building closer to the lower density residential neighbourhood to the north. This would have a greater impact on that neighbourhood than the proposed location of this building.

### Angle controls

The angle controls are a height to setback ratio that creates the building envelope. As stated above, the permitted height increases as the setback increases. If setbacks are reduced, this will impact on the maximum height allowed. Although lower than the MacDonald, this building is approximately the same height as the Lexington now under construction at the corner of Robie, West and Cunard Streets and higher than the recently constructed apartment building at the corner of Cunard and Agricola Streets and the surrounding medium density neighbourhood.

### Summary with respect to zoning

With respect to compliance with the R-3 requirements, this building only complies with density. Some of the deficiencies are considerable and under different circumstances could be sufficient to recommend refusal. However, there are two reasons staff supports this proposal.

The proposal is consistent (albeit .3 persons per acre over) with the allowable density. The proposed number of habitable rooms is comparable to the number of habitable rooms that would be allowed on a similar sized lot pursuant to "as of right".

The second reason is that there is a significant level of community support for the proposed building. While in staff's view all of the requirements of the R-3 zone could be met, the resulting building would be much narrower and much higher. Such building would be less compatible with the community. However, as stated previously, this design and all of its components have been thoroughly considered by the community and it is prepared to accept some compromises in order to see this proposed building proceed.

### **Summary and conclusion**

While a decision on a development agreement or rezoning must be based on existing policies contained in the Municipal Planning Strategy, an amendment to the MPS relies heavily on community support for such amendment. Staff felt that an apartment building was an appropriate land use for this site subject to the building being compatible with the adjacent low rise residential neighbourhood and reasonably consistent with the provisions of the R-3 zone. In staff's view the current proposal complies with these guidelines.

The proposed amendments to the Municipal Planning Strategy and land use by-law are included in Attachment A. Highlights include:

- Redesignation of the former Legion site from Minor Commercial to Medium Density Residential.
- Rezoning of the legion site from C-2A to R-2.
- Enabling policy to permit a development agreement for an apartment building on former legion/canvass converters site.

The proposed development agreement is included in Attachment B. Highlights include:

- Height limit of 105 feet on Cunard Street
- Limitation of two floors on Princess Place and June Street
- Maximum of 306 habitable rooms
- Minimum of 75 underground parking spaces and four parking spaces on June Street.
- Architectural controls
- Landscaping requirements
- Masonry wall constructed along the rear lot line of the lots fronting on Princess Place.

#### **BUDGET IMPLICATIONS:**

None

#### **FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN:**

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

#### **ALTERNATIVES:**

1. **Regional Council** may approve the requested amendments to the Municipal Planning Strategy and land use by-law as contained in Attachment A and **Peninsula Community Council** may approve the development agreement as contained in Attachment B to permit a 150 unit apartment building at 5837 Cunard Street and 2372 June Street. This is the recommended course of action.
2. **Regional Council** could refuse the requested amendments to the Municipal Planning Strategy. A request to amend its Municipal Planning Strategy is completely at the discretion of Council. A decision not to amend the MPS cannot be appealed. Should Regional Council not adopt the proposed amendments to the Municipal Planning Strategy, the matter is at an end and there is no action required of Peninsula Community Council
3. **Peninsula Community Council** may refuse to enter into the development agreement, and in doing so, must provide reasons based on conflict with MPS Policy. Staff does not recommend this alternative, as the proposed amendments to the MPS have been drafted to permit this development agreement.

4. **Peninsula Community Council** may choose to request modifications to the development agreement. Such modifications may require further negotiations with the developer. This alternative is not recommended as the attached agreement is consistent with adopted MPS policy for the area.

**ATTACHMENTS:**

- A Proposed Amendments to the Halifax Municipal Planning Strategy and Peninsula Land Use By-law
  - B Draft Development Agreement
  - C Minutes of the February 12, 2004 public participation meeting.
  - D Excerpt from the C-2A zone
  - E E-mail from representatives of the community
  - F Excerpt from the April 28, 2004 Heritage Advisory Committee meeting.
- Map 1 Area Plan  
Map 2 5837 Cunard Street & 2372 June Street

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Gary Porter, Planner II, 490-4403

## Attachment A

### Proposed Amendments to the Halifax Municipal Planning Strategy

1. Amend Map 9Gf North of Section XI of the Halifax Municipal Planning Strategy by redesignating the properties known as LRIS PID No. 00150631 at the north east corner of Cunard Street and Princess Place and 40267908 June Street from Minor Commercial to Medium Density Residential.

2. Add Policy 1.8 to Section XI of the Halifax Municipal Planning Strategy to read as follows:

For the properties designated as Medium Density Residential known as LRIS PID No. 00150631 Cunard Street and 40267916, 00150573 and 40267908 June Street, the Municipality may permit an apartment building by development agreement.

- 2 Add Policy 1.8.1 to Section XI of the Halifax Municipal Planning Strategy to read as follows:

Any development permitted pursuant to Policy 1.8 shall be compatible with the surrounding area and this shall be achieved by attention to a variety of factors for which conditions may be set out in the development agreement, such as but not limited to:

- a) the adequacy of the servicing capacity of the site;
- b) architectural design of both the exterior and interior
- c) the scale, and massing of the building;
- d) the location and amount of parking provided;
- e) accesses to the site and building
- f) site landscaping including buffering;
- g) building materials

3. Add Policy 1.8.2 to Section XI of the Halifax Municipal Planning Strategy to read as follows:

Notwithstanding the generality of Policy 1.8.1, any development permitted pursuant to Policy 1.8 shall not:

- a) exceed 105 feet in height (exclusive of the mechanical penthouse) above the elevation of the Cunard Street street line where it is intersected by the east boundary of LRIS PID No. 00150631
- b) contain more than 306 habitable rooms



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

- 1 Amend Zoning Map ZM-1 by rezoning the property known as LRIS PID 00150631 at the north east corner of Cunard Street and Princess Place and 40267908 June Street from C-2A (Minor Commercial Zone) to R-2 (General Residential Zone).
- 2 Add subsection (g) to section 98(1) of the Halifax Peninsula Land Use Bylaw to read as follows:

**Cunard/June Streets**

permit an apartment building in accordance with Policy 1.8.

**Attachment B**

**THIS AGREEMENT** made this                    day of                    , 2004,

BETWEEN:

**AMALTHEA HOLDINGS LIMITED**  
(hereinafter called the "Developer")

OF THE FIRST PART

-and-

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

OF THE SECOND PART

**WHEREAS** the developer wishes to obtain permission to construct an apartment building at 5837 Cunard Street and 2372 June Street ( LRIS PID No. 00150631, 40267916, 00150573 and 40267908 ) , pursuant Policy 1.8 of Section XI of the Halifax Municipal Planning Strategy and Section 98(1)(f) of the Halifax Peninsula Land Use By-law;

**AND WHEREAS** the Developer warrants that it is the registered owner of the lands described in Schedule A hereto (hereinafter called the "Lands")

**AND WHEREAS** a condition of the granting of approval of Council is that the Developer enter into an agreement with the Halifax Regional Municipality;

**AND WHEREAS** the Peninsula Community Council of Halifax Regional Municipality, at its meeting on the    day of    2004, approved the said agreement to allow for a 150 unit apartment building on the lands subject to the registered owner of the lands described herein entering into this agreement;

**NOW THEREFORE THIS AGREEMENT WITNESSETH THAT** in consideration of the granting by the Municipality of the development agreement requested by the Developer, the Developer agrees 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 and use of the Lands shall comply with the requirements of the Halifax Peninsula Land Use By-law and the Subdivision By-law, as may be amended from time to time.

### **1.3 Applicability of Other Bylaws, Statutes and Regulations**

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 Province of Nova Scotia, and the Developer or lot owner agrees to observe and comply with all such laws, by-laws and regulations in connection with the development and use of the Lands.

### **1.4 Conflict**

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.

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

The Developer shall be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement and all federal, provincial and municipal regulations, by-laws or codes applicable to any lands owned by the Developer.

### **1.6 Provisions Severable**

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

## PART 2: USE OF LANDS AND DEVELOPMENT PROVISIONS

### 2.1 Schedules / Use of Lands

The Developer shall develop and use the lands for no purpose other than an apartment building containing a maximum of 150 dwelling units which, in the opinion of the Development Officer, is substantially in conformance with Plans No.051-060 filed in the Halifax Regional Municipality Planning and Development Services as Case 00628 and are attached as the following Schedules to this Agreement:

Schedule "A"	Legal Description of the Lands
Schedule "B"	South Elevation (051)
Schedule "C"	North Elevation (052)
Schedule "D"	East Elevation (053)
Schedule "E"	West Elevation (054)
Schedule "F"	Ground Floor Plan (055)
Schedule "G"	Floor 2 (056)
Schedule "H"	Floor 3 (057)
Schedule "I"	Floor 4 - 9 (058)
Schedule "J"	Penthouse Level (059)
<b>Schedule "K-1"</b>	<b>Parking Level 1 (061)</b>
<b>Schedule "K-2"</b>	<b>Parking Level 2 (062)</b>
Schedule "L"	Cunard Street material details
Schedule "M"	Princess Place material details
Schedule "N"	June Street material details

### 2.2 Architectural Requirements

- (a) The building shall be clad in precast concrete simulating sandstone and red or red/brown brick or a combination of precast and traditional masonry construction provided that the appearance of the building as shown on Schedules B - E is unaltered and red or red/brown brick is used
- (b) Detailing as shown on Schedules B - E and L - N shall be required.
- (c) The dwelling units shall not contain any non-habitable rooms, which in the opinion of the Development Officer, could be converted to habitable rooms.
- (d) Balconies shall have decorative steel or aluminium rails and balustrades or equivalent. No exposed wolmanized lumber is to be used.
- (e) The exposed parking garage faces shall be grey architecturally textured concrete or finished in coloured stucco or equivalent.
- (f) There shall be no vinyl or aluminum siding on the building.
- (g) Notwithstanding Schedule D, no more than one door per dwelling unit shall be permitted on June Street to a maximum of eight doors.

- (h) The clearance for the existing window as shown of Schedules F and G shall be to the satisfaction of the Development Officer so that its existing functionality is maintained or enhanced.

### **2.3 Height**

The height of the proposed building shall be as shown on Schedules B - E. For greater certainty, the building shall not exceed 10 storeys on Cunard Street (exclusive of the mechanical penthouse) and the height of the 10<sup>th</sup> floor roof shall not exceed 105 feet above the elevation of the Cunard Street street line where it is intersected by the east boundary of the Lands. The building shall not exceed two storeys on Princess Place and June Street.

### **2.4 Density**

Any building constructed on the lands shall not contain more than 306 habitable rooms. Additional one and two bedroom units may be created in exchange for bachelor units provided the density does not exceed 306 persons per acre and the parking provisions of the land use by law are met.

### **2.5 Land Use By-law**

For greater certainty, the provisions of the Peninsula Land Use By-law shall apply with the exception of density (48(1)), parking (6), setbacks and angle controls (47(2)-(5)) and open space (48(2)) which are altered only to the extent indicated on Schedules B - K or as specifically indicated in this agreement.

### **2.6 Solid Waste Facilities**

The building shall include designated space for three stream (refuse, recycling and composting) source separation services. This designated space for source separation services shall be shown on the building plans and approved by the Development Officer and Building Inspector in consultation with the General Manager of Solid Waste Resources.

### **2.7 Signs**

Signs shall be limited to those permitted by the R-3 zone.

### **2.8 Parking**

A minimum of 86 underground parking spaces at least nine feet wide and twenty feet long shall be provided. Four visitor parking spaces shall be provided on June Street as shown on Schedule G.

## **2.9 Landscaping**

- 2.9.1 The developer shall submit a landscape plan, prepared and sealed by a Landscape Architect in good standing with the Atlantic Provinces Association of Landscape Architects, to the Development Officer for approval as part of the development permit application and shall be subject to a non-substantial amendment to this agreement before a development permit may be issued. The intent of the landscaping is to provide aesthetic enhancement.
- 2.9.2 Landscaping shall be provided consisting of a minimum of upright shrubs with a minimum height of 60 cm. (2 ft.) in continuous planting beds and groundcover. The developer shall ensure that all soft landscape areas not planted with shrubs are to be sodded and the sod is to conform to the Canadian Nursery Sod Growers' Specifications. The developer shall ensure that all plant material is to conform to the Canadian Nursery Trades Association Metric Guide Specifications and Standards.
- 2.9.3 Landscaping shall be provided on the podium in order to provide some screening for the users. The shrub material shall be a minimum of 50% coniferous for year round cover. The podium may include sufficient and appropriate decorative seating.
- 2.9.4 It is the responsibility of the developer to ensure that the underground parking structure is to be capable of supporting loads for drainage gravel or an appropriate drainage system over the extent of the landscape podium plus topsoil for sod, shrubs and flowers, all of which is in addition to the anticipated mature weight of the plant material.
- 2.9.5 Landscaping may include containers planted with ornamental trees, shrubs and perennials/annuals.
- 2.9.6 All landscaping shall be completed prior to the issuance of the occupancy permit. Proof of completion shall be in the form of certification by a Landscape Architect in good standing with the Atlantic Provinces Association of Landscape Architects indicating that the landscaping has been done in accordance with the landscape plan approved as a non-substantial amendment to this agreement. An occupancy permit may be issued where the Developer supplies a security deposit in the amount of 120 per cent of the estimated cost to complete the landscaping. The security shall be in favour of the Municipality and may be in the form of a certified cheque or irrevocable letter of credit, with an automatic renewal clause, issued by a chartered bank. The security shall be returned to the Developer only upon completion of the work and receipt of certification by a Landscape Architect in good standing with the Atlantic Provinces Association of Landscape Architects indicating that the landscaping has been done in accordance with the landscape plan approved as a non-substantial amendment to this agreement.

## **2.10 Masonry Wall**

- 2.10.1 A masonry wall shall be constructed on the Lands along the rear lot line of the lots fronting on Princess Place.
- 2.10.2 The developer shall submit drawings showing the masonry wall on the Lands along the rear lot line of the lots fronting on Princess Place to the Development Officer for approval

as part of the development permit application and shall be subject to a non-substantial amendment to this agreement before a development permit may be issued. The purpose of the wall is to provide privacy for the abutting Princess Place properties.

### **2.11 Non-Substantial Amendments**

The following items are considered by both parties to be non-substantial matters and may be amended by resolution of the Peninsula Community Council:

- (a) Changes to the architectural detailing as shown on Schedules B - E and L - N
- (b) approval of a landscape plan
- (c) approval of the masonry wall to be constructed on the Lands along the rear lot line of the lots fronting on Princess Place.

### **2.12 Substantial Amendments**

Amendments to any matters not identified under section 2.11 shall be deemed substantial and may only be amended in accordance with the approval requirements of the Municipal Government Act.

### **2.13 Maintenance**

The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the interior and exterior of the building, fencing, walkways, recreational amenities, parking areas and driveways, and any landscaping as well as be responsible for litter control, garbage removal and snow removal/salting of walkways and driveways.

## **PART 3: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE**

### **3.1 Registration**

A copy of this Agreement and every amendment and discharge of this Agreement shall be recorded at the office of the Registry of Deeds at Halifax, Nova Scotia and the Developer shall pay for the registration cost incurred in recording such documents.

### **3.2 Subsequent Owners**

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

### **3.3 Commencement of Development**

In the event that construction of the project has not commenced within two years from the date of registration of this Agreement at the Registry of Deeds, the Municipality may, by resolution of Council, either discharge this Agreement whereupon this Agreement shall have no further force or effect, or upon the written request of the Developer, grant an extension to the date of

commencement of construction. For the purpose of this section, commencement shall mean the pouring of the footing and foundation for the development.

### **3.4 Completion of Development**

Upon the completion of the development or portions thereof, or within four years from the date of registry of this Agreement with the Registry of Deeds, whichever time period is less, Council may review this Agreement, in whole or in part, and may:

- (a) retain the Agreement in its present form;
- (b) negotiate a new Agreement;
- (c) discharge this Agreement on the condition that for those portions of the development that are deemed complete by Council, the Developer's rights hereunder are preserved and the Council shall apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use By-law, as may be amended.

### **3.5 Issuance of Permits**

The Municipality shall issue the necessary permits for the development upon the expiration of the fourteen day appeal period under Section 249 of the Municipal Government Act, as the same may be amended from time to time, or upon the withdrawal or dismissal of any appeal which may be taken; provided, however, that the Municipality shall not issue any occupancy permit for the development unless and until the development specified in the plans referred to in Part 2 hereof has been completed substantially in accordance with the said plans and the requirements of this Agreement have been met.

## **PART 4: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT**

### **4.1 Access**

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 seven (7) days of receiving such a request.

### **4.2 Failure or Default**

If the Developer fails to observe or perform any covenant or condition of this Agreement after the Municipality has given the Developer thirty (30) days written notice of the failure or default, 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 defence based upon the allegation that damages would be an adequate remedy;

- b. the Municipality may enter onto the Property and perform any of the covenants contained in this Agreement whereupon all reasonable expenses whether arising out of the entry onto the lands or from the performance of the covenants may be recovered from the Developer by direct suit and such amount shall, until paid, form a charge upon the Property and be shown on any tax certificate issued under the Assessment Act.
- c. the Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; and/or
- d. in addition to the above remedies the Municipality reserves the right to pursue any other remediation under the Municipal Government Act or Common Law in order to ensure compliance with this Agreement.

**IN WITNESS WHEREOF** the parties hereto have properly executed this Agreement as of the day and year first above written.

**SIGNED, SEALED AND DELIVERED**

) **AMALTHEA HOLDINGS LIMITED**

)

)

)

)

) Per \_\_\_\_\_

)

) **HALIFAX REGIONAL MUNICIPALITY**

)

)

)

) Per \_\_\_\_\_

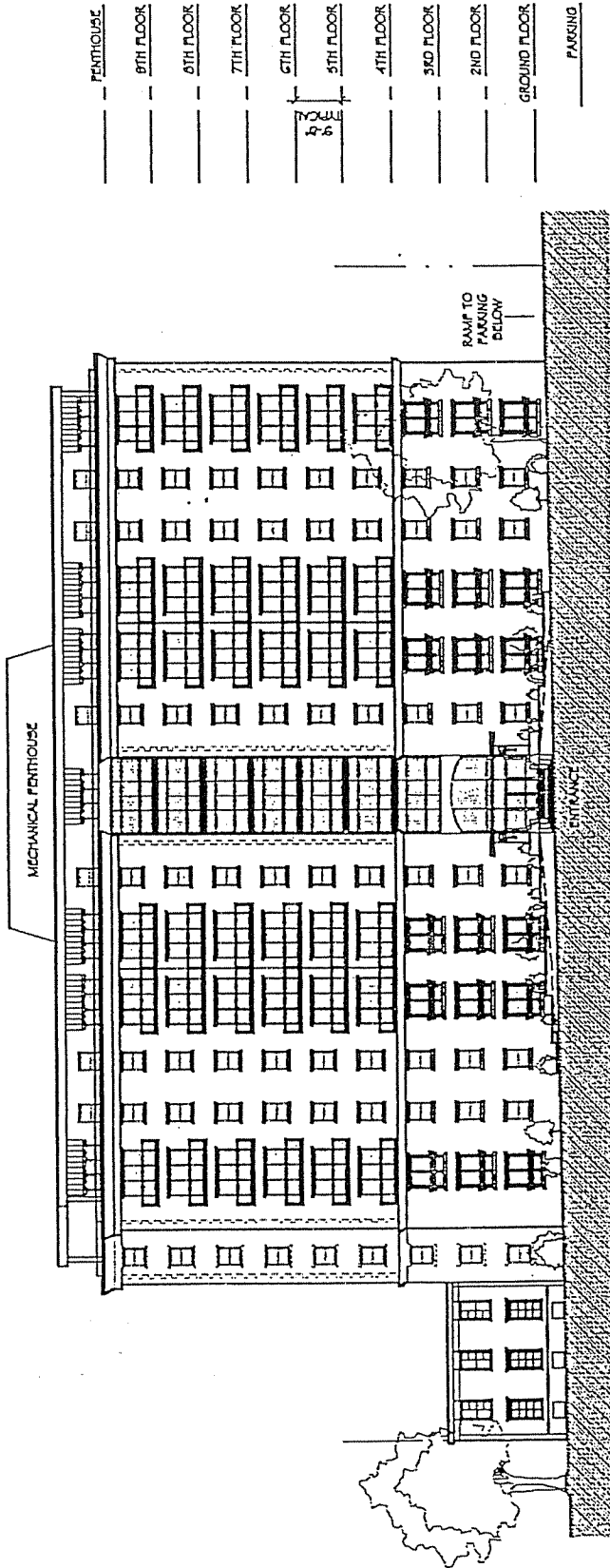
Mayor

)

)

) Per \_\_\_\_\_

Municipal Clerk

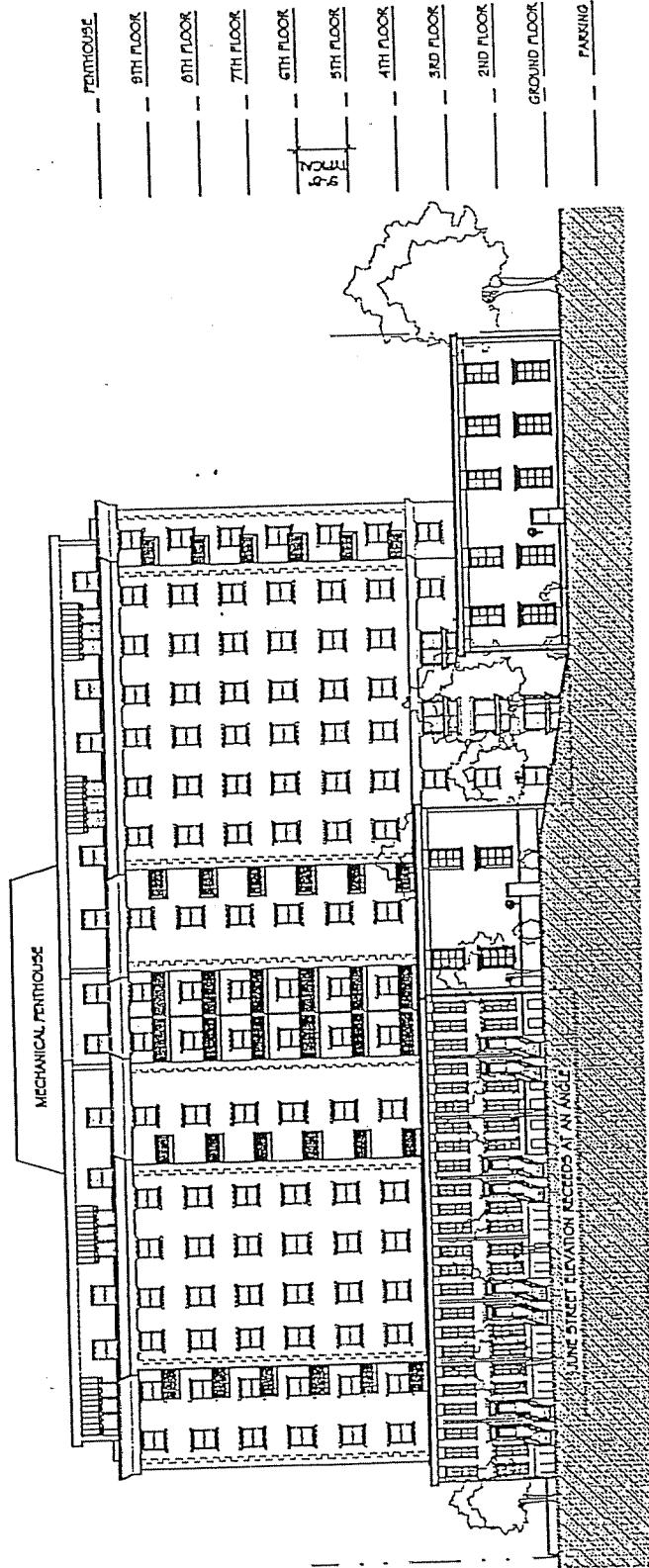


**SOUTH ELEVATION - CUNARD STREET**  
SCALE: 1" = 40'-0"

2 Storeys on Princess Place & June St  
9 Storeys & Penthouse on Cunard St

Development Agreement: Proposal  
5819 to 5837 Cunard St & 2372 June St Halifax  
Property Owner: Amalthea Holdings Ltd

REVISÉ April 1, 2004



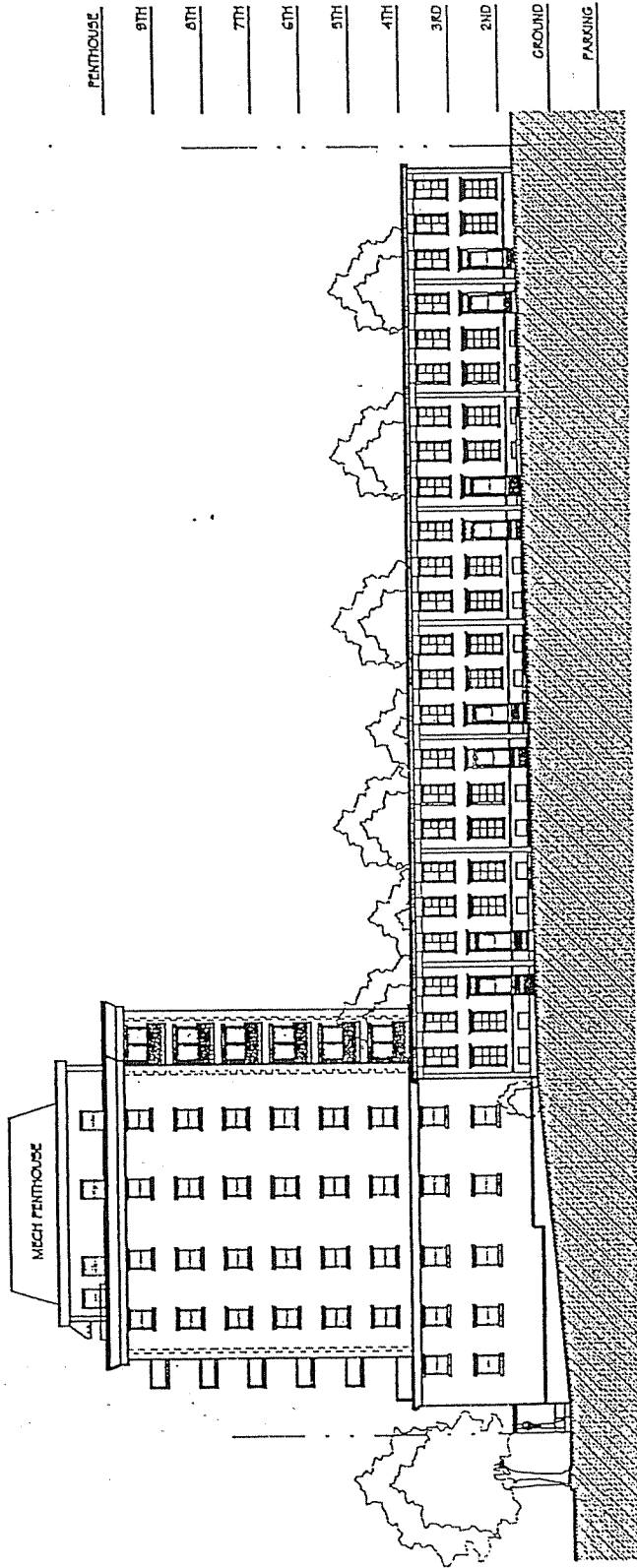
**NORTH ELEVATION - COURTYARD**

SCALE: 1" = 40'-0"

REVISED April 30, 2004  
 Property Owner: Amalthea Holdings Ltd

2 Storeys on Princess Place & June St  
 9 Storeys & Penthouse on Cunard St

Development Agreement Proposal  
 5819 to 5837 Cunard St & 2372 June St Halifax



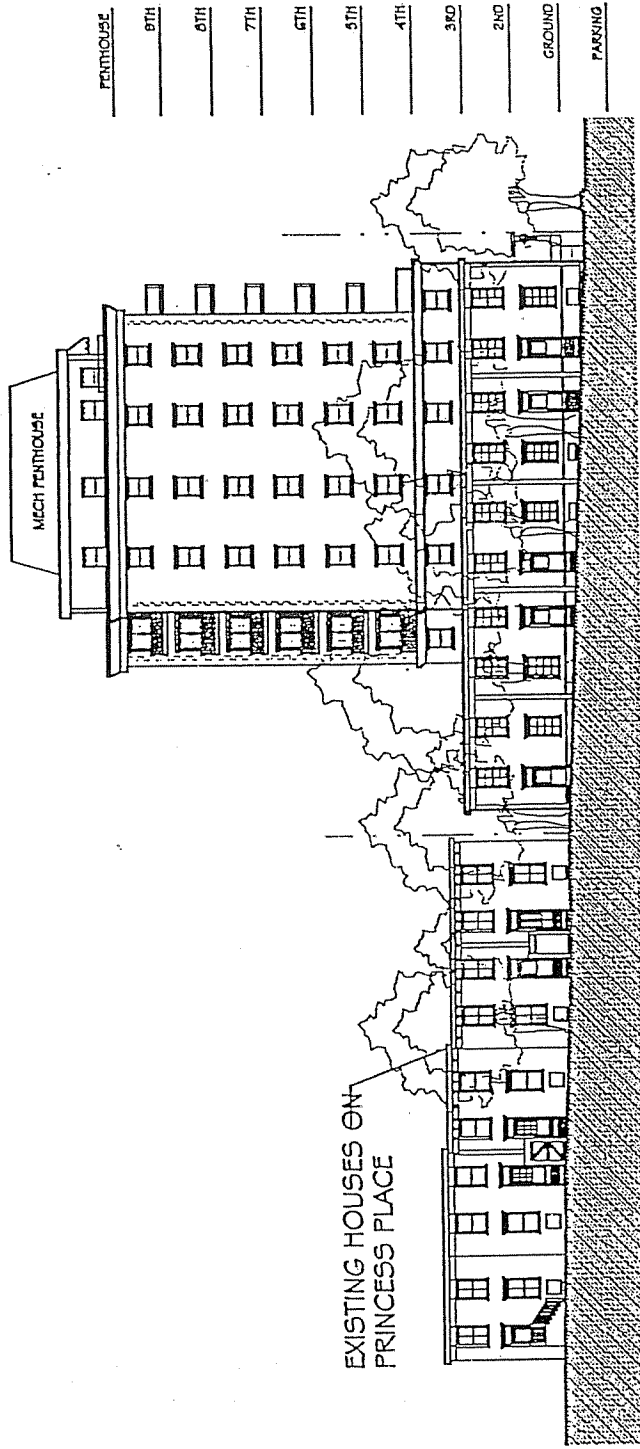
EAST ELEVATION - JUNE STREET

SCALE: 1" = 40'-0"

REVISED April 1, 2004  
 Property Owner: Amalthea Holdings Ltd

2 Storeys on Princess Place & June St  
 9 Storeys & Penthouse on Cunard St

Development Agreement Proposal  
 5819 to 5837 Cunard St & 2372 June St Halifax



WEST ELEVATION - PRINCESS PLACE

SCALE: 1" = 40'-0"

REVISED April 1, 2004  
Property Owner: Amalthea Holdings Ltd

2 Storeys on Princess Place & June St  
9 Storeys & Penthouse on Cunard St

Development Agreement Proposal  
5819 to 5837 Cunard St & 2372 June St Halifax

PLAN NORTH

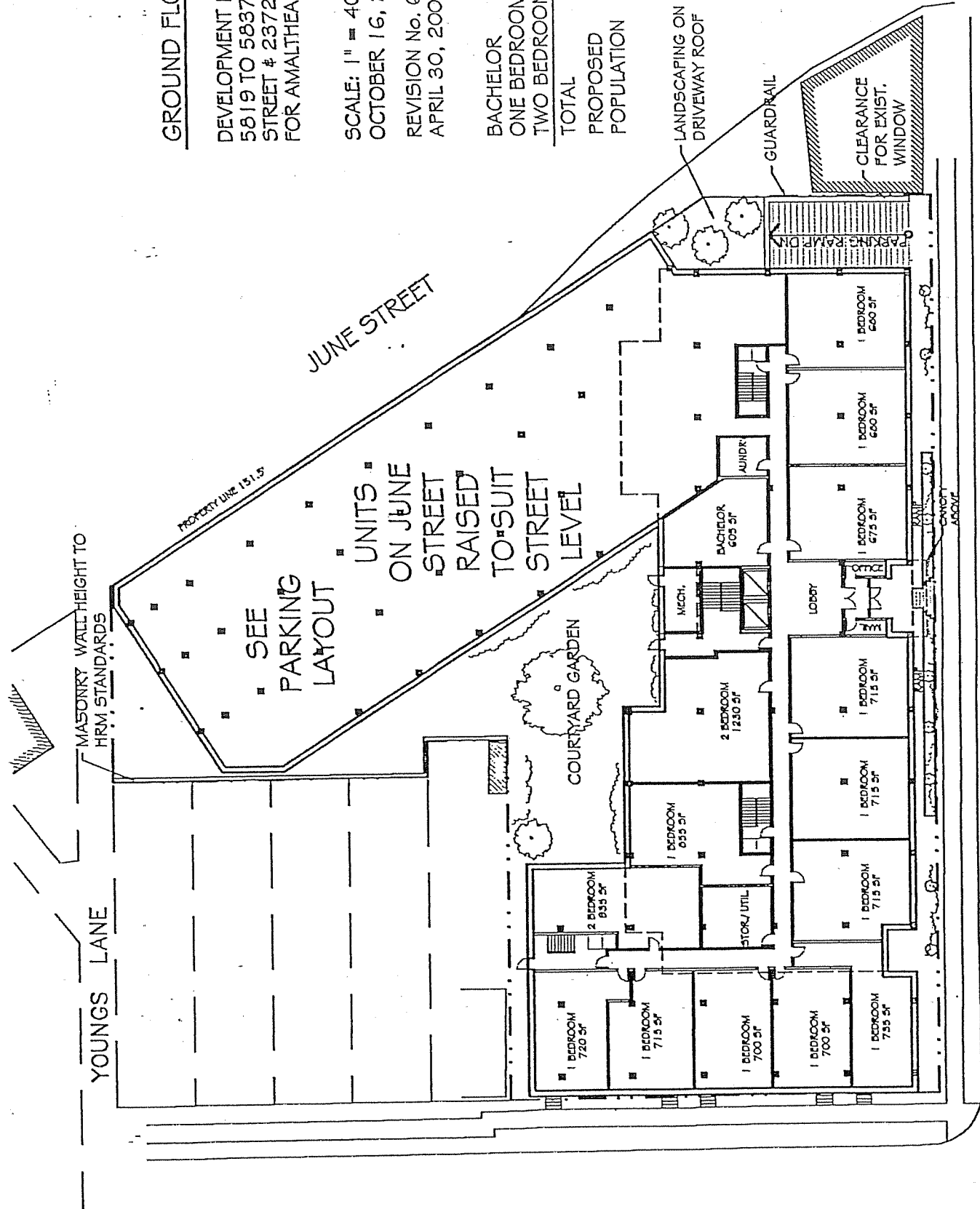


# GROUND FLOOR

DEVELOPMENT PROPOSAL  
5819 TO 5837 CUNARD  
STREET # 2372 JUNE STREET  
FOR AMALTHEA HOLDINGS LTD.

SCALE: 1" = 40'-0"  
OCTOBER 16, 2003  
REVISION No. 6A  
APRIL 30, 2004

BACHELOR	34 UNITS
ONE BEDROOM	76 UNITS
TWO BEDROOM	40 UNITS
<b>TOTAL</b>	<b>150 UNITS</b>
<b>PROPOSED</b>	<b>POPULATION</b>
	<b>306 PERSONS</b>



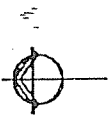
PRINCESS PLACE

Schedule "F"

CUNARD STREET

00628-055

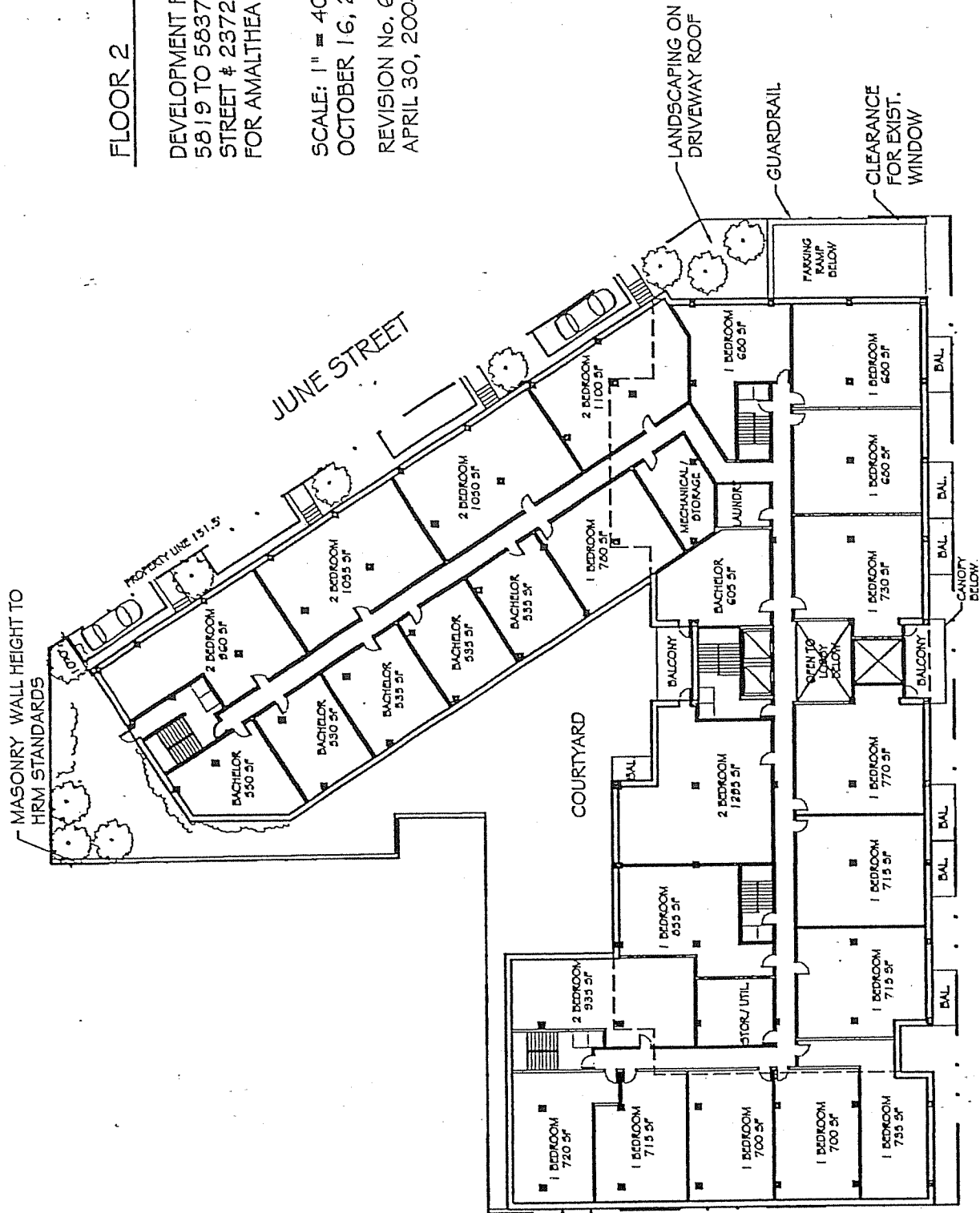
PLAN  
NORTH



FLOOR 2

DEVELOPMENT PROPOSAL  
5819 TO 5837 CUNARD  
STREET # 2372 JUNE STREET  
FOR AMALTHEA HOLDINGS LTD.

SCALE: 1" = 40'-0"  
OCTOBER 16, 2003  
REVISION No. 6A  
APRIL 30, 2004



CUNARD STREET

PRINCESS PLACE

00628-056

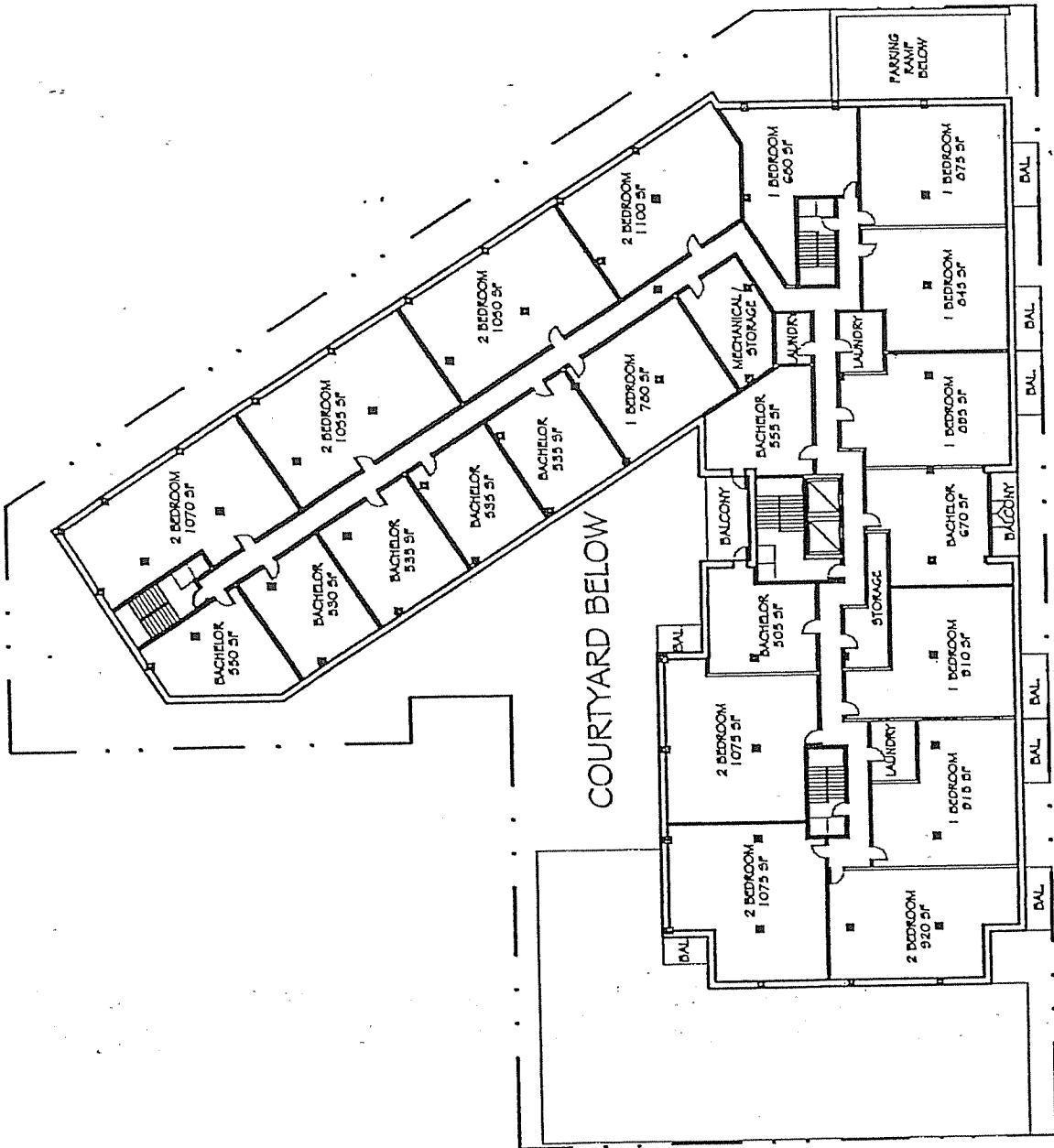
PLAN  
NORTH



# FLOOR 3

DEVELOPMENT PROPOSAL  
5819 TO 5837 CUNARD  
STREET # 2372 JUNE STREET  
FOR AMALTHEA HOLDINGS LTD.

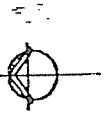
SCALE: 1" = 40'-0"  
OCTOBER 16, 2003  
REVISION No. 6A  
APRIL 30, 2004



00628-057



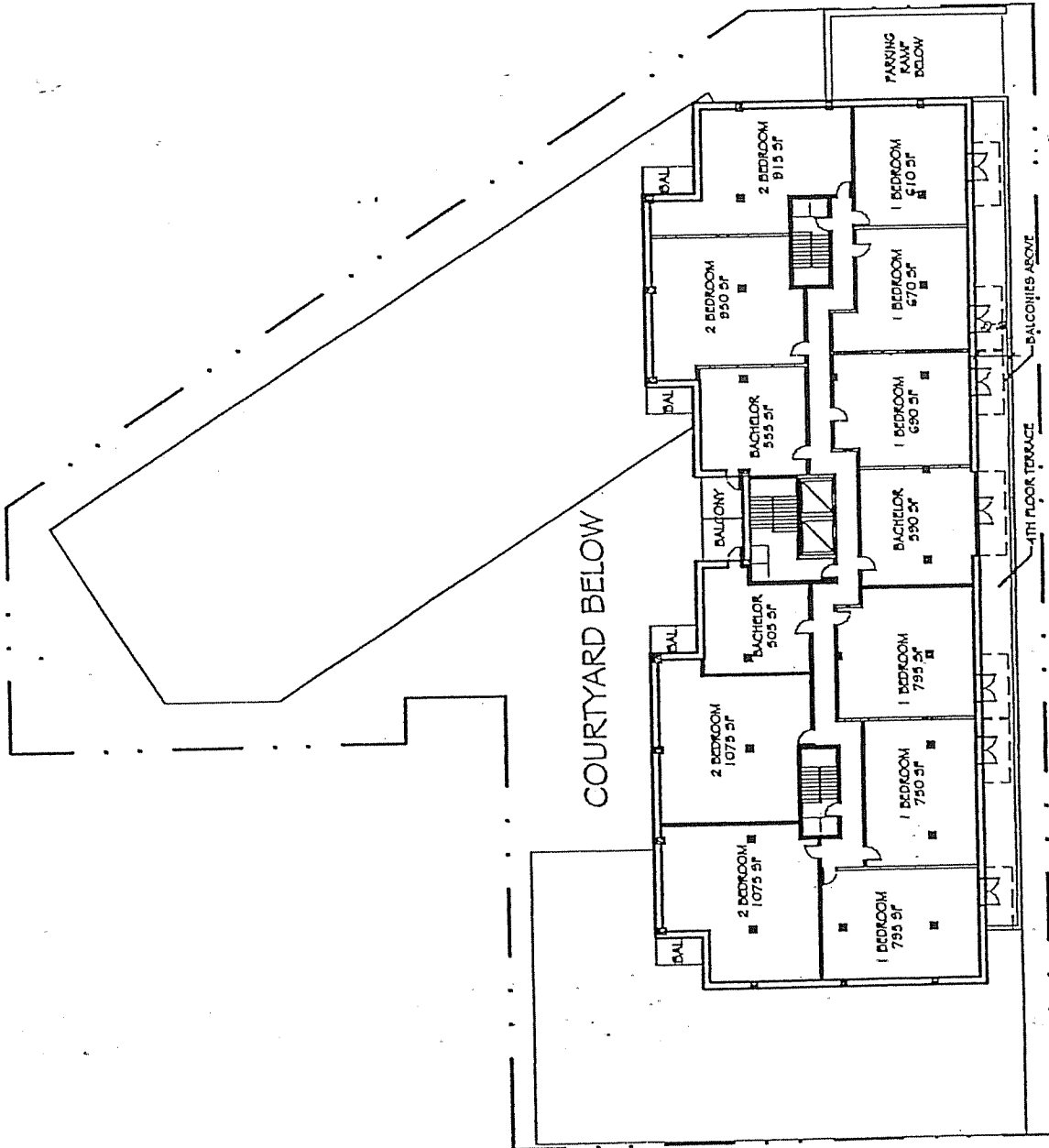
PLAN  
NORTH



FLOORS 4 TO 9  
(TOWER)

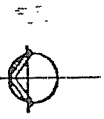
DEVELOPMENT PROPOSAL  
5819 TO 5837 CUNARD  
STREET & 2372 JUNE STREET  
FOR AMALTHEA HOLDINGS LTD.

SCALE: 1" = 40'-0"  
OCTOBER 16, 2003  
REVISION No. 6A  
APRIL 30, 2004



00628-058

PLAN  
NORTH

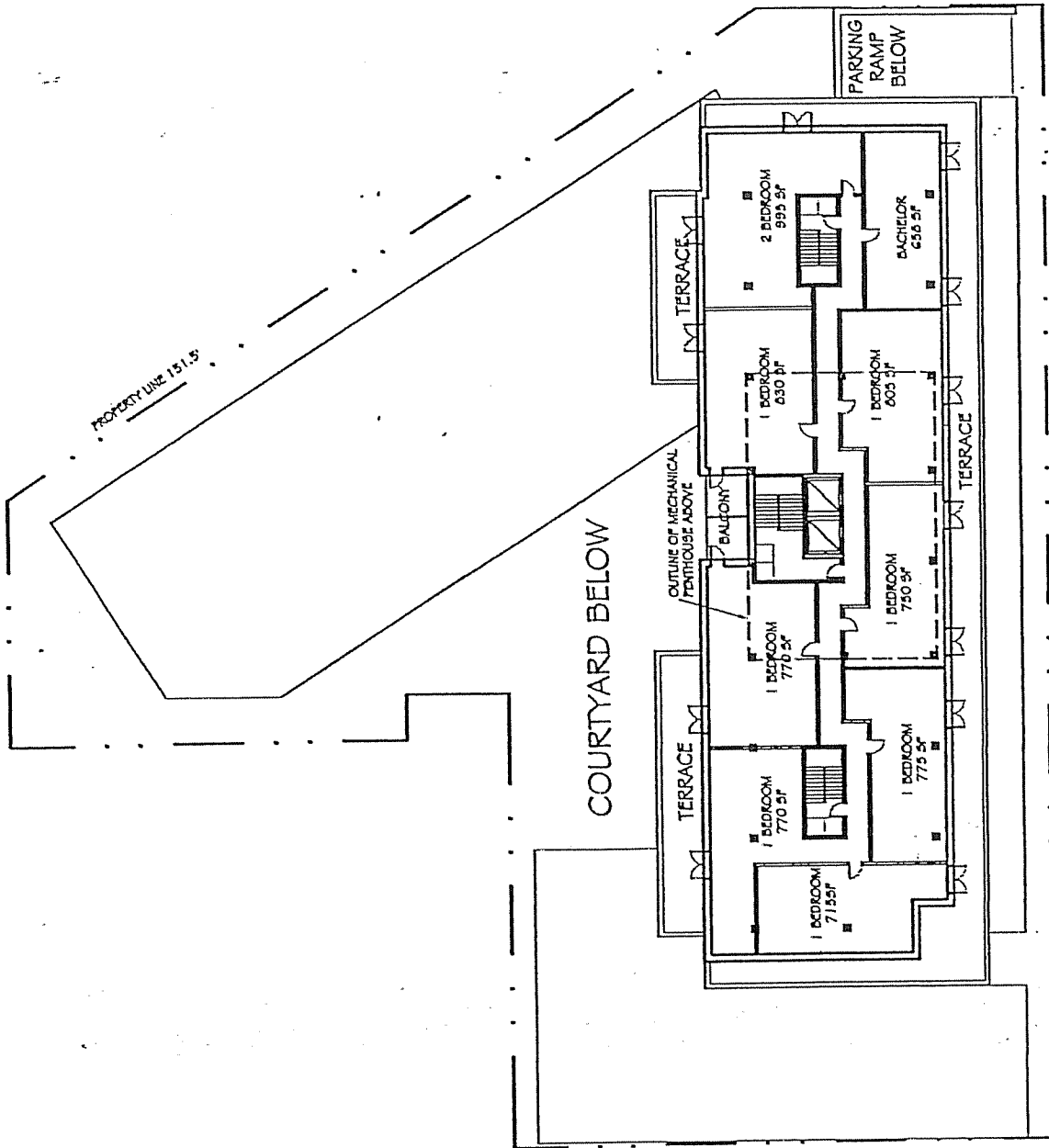


**PENTHOUSE LEVEL  
(MECH. ABOVE)**

DEVELOPMENT PROPOSAL  
5819 TO 5837 CUNARD  
STREET # 2372 JUNE STREET  
FOR AMALTHEA HOLDINGS LTD.

SCALE: 1" = 40'-0"  
OCTOBER 16, 2003

REVISION No. 6A  
APRIL 30, 2004



PLAN  
NORTH

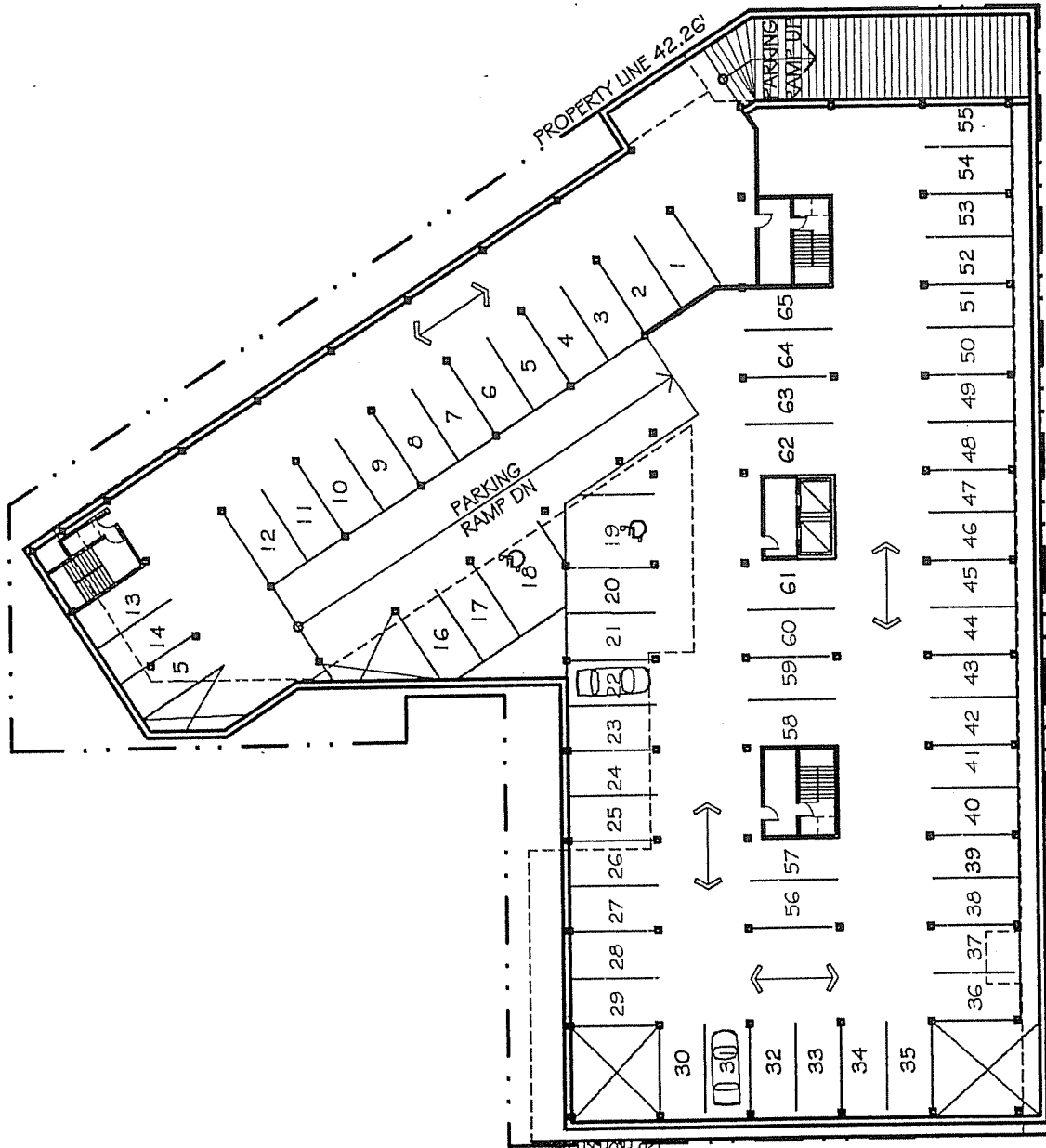


PARKING LEVEL 1 &  
PARTIAL P2

DEVELOPMENT PROPOSAL  
5819 TO 5837 CUNARD  
STREET & 2372 JUNE STREET  
FOR AMALTHEA HOLDINGS LTD.

SCALE: 1" = 40'-0"  
OCTOBER 16, 2003  
REVISION No. 6B  
MAY 28, 2004

Proposed Parking:  
86 Cars Underground  
4 Cars On-Grade  
90 Total



PLAN  
NORTH



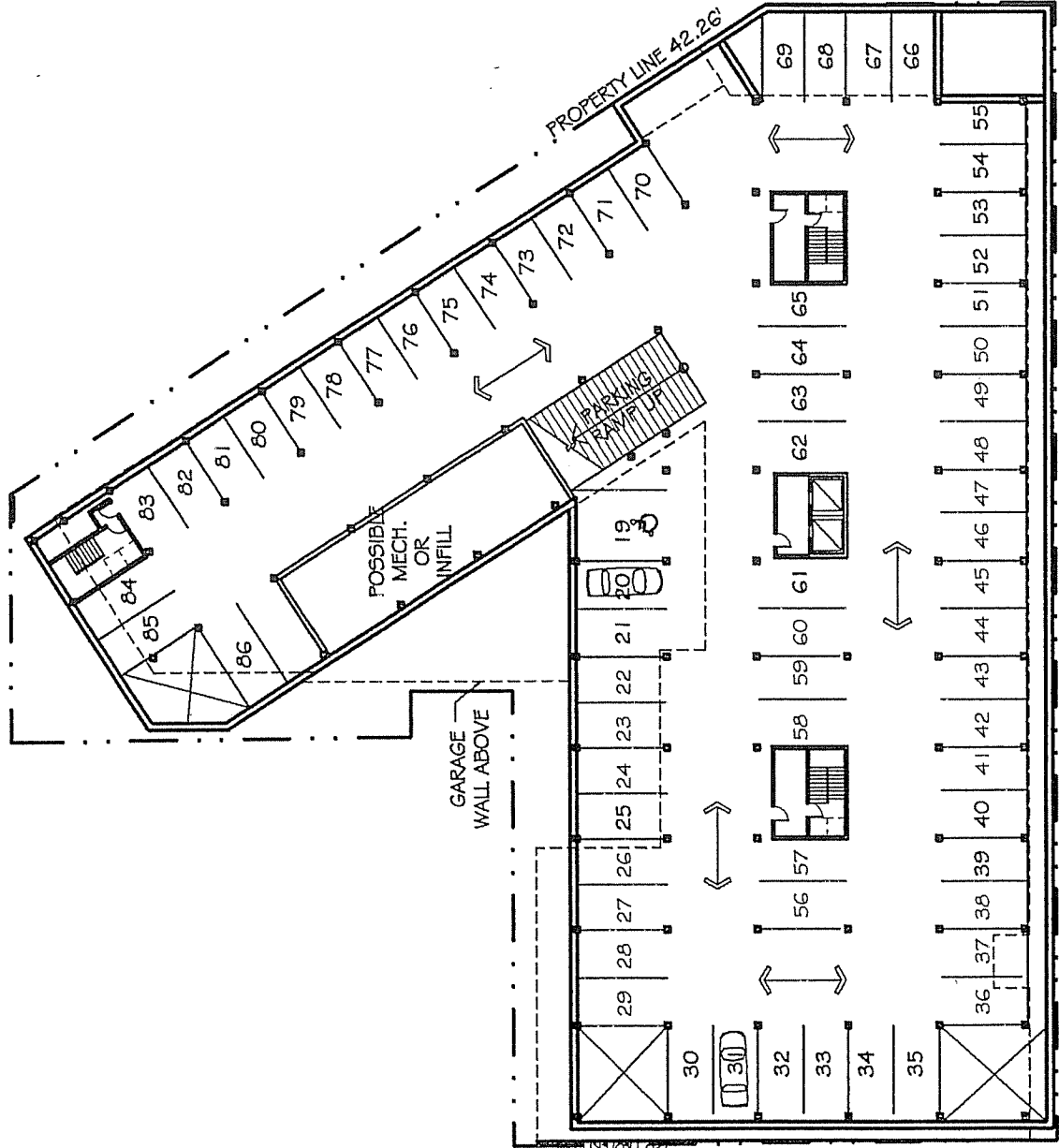
**PARKING LEVEL 2**

DEVELOPMENT PROPOSAL  
5819 TO 5837 CUNARD  
STREET & 2372 JUNE STREET  
FOR AMALTHEA HOLDINGS LTD.

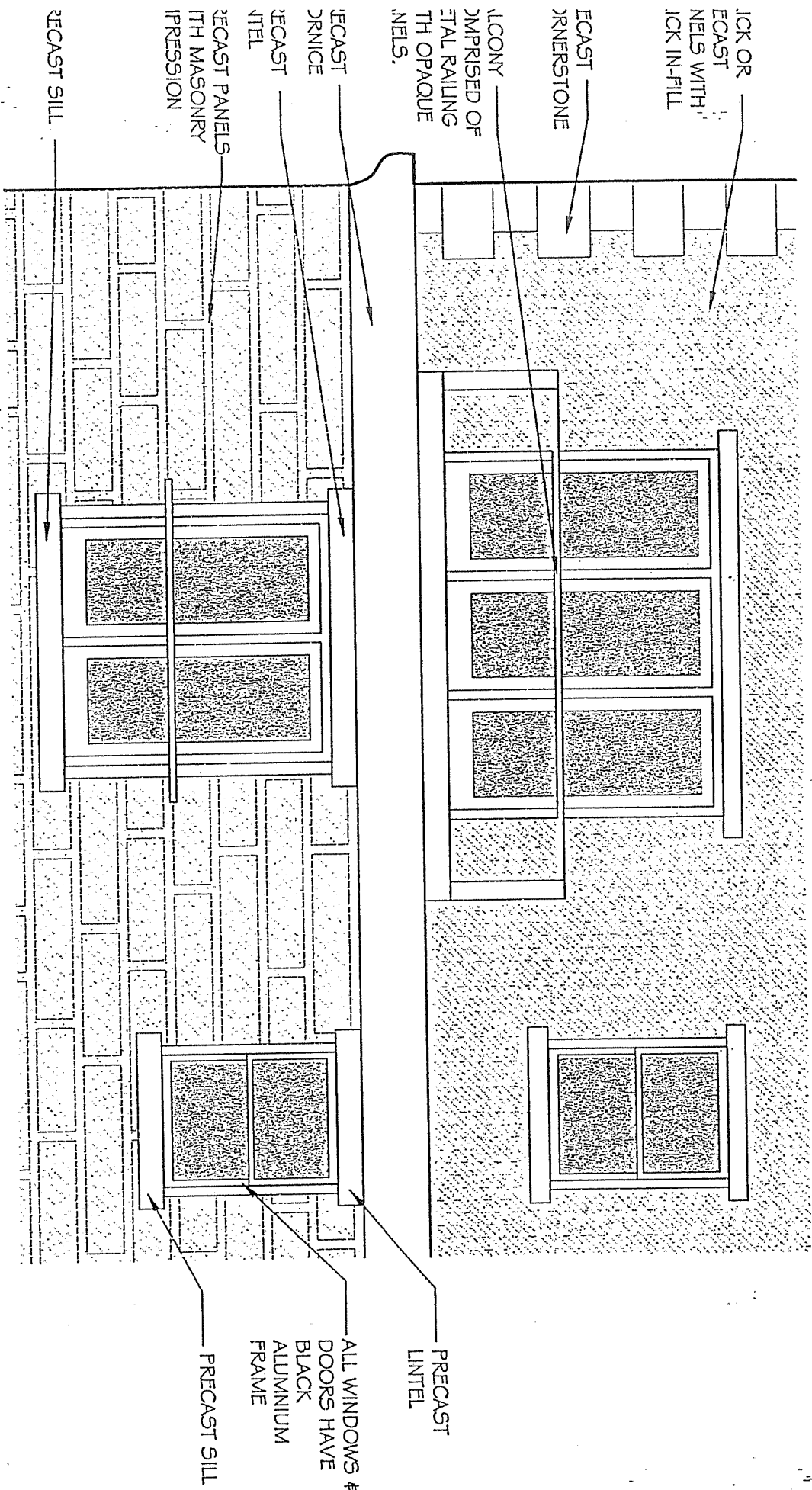
SCALE: 1" = 40'-0"  
OCTOBER 16, 2003

REVISION No. 6B  
MAY 28, 2004

Proposed Parking:  
86 Cars Underground  
4 Cars On-Grade  
90 Total



00623-062



WICK OR  
 PRECAST  
 PANELS WITH  
 WICK IN-FILL

PRECAST  
 CORNERSTONE

BALCONY  
 COMPRISED OF  
 METAL RAILING  
 WITH OPAQUE  
 PANELS.

PRECAST  
 CORNER  
 PANEL

PRECAST  
 LINTEL

PRECAST PANELS  
 WITH MASONRY  
 IMPRESSION

PRECAST SILL

PRECAST  
 LINTEL

ALL WINDOWS &  
 DOORS HAVE  
 BLACK  
 ALUMINIUM  
 FRAME

PRECAST SILL

**CUNARD STREET  
 MATERIAL DETAILS**

SCALE: 1/4" = 1'-0"

May 19, 2004

Property Owner: Amalthea Holdings Ltd

CORNICE DETAILING TO BE SIMILAR TO EXISTING ON ADJACENT HOUSES ON PRINCESS PLACE.

PAINTED STUCCO. SIMILAR IN APPEARANCE TO EXISTING FINISH ON ADJACENT HOUSES ON PRINCESS PLACE

SIZE & PROPORTION OF WINDOWS AND MUNTIN BARS SIMILAR TO EXISTING HOUSES ON PRINCESS PLACE.

DOOR ENTRANCE & TRANSOM DETAILING TO FOLLOW EXISTING HOUSES ON PRINCESS PLACE (BASED ON MEASURED DRAWING).

STAIR & RAILING STYLES TO BE SIMILAR TO EXISTING HOUSES ON PRINCESS PLACE.

CONCRETE FOUNDATION. PAINTED IN THIRD COLOUR. DETAILS FROM FORMWORK WILL BE BY DESIGN

RECESS IN FOUNDATION TO REFLECT BASEMENT WINDOWS OF EXISTING HOUSES. OPENING TO HAVE DETAILED FRAMING AND WROUGHT IRON GRILLE.

STUCCO OR SIMILAR FINISH IN CONTRASTING COLOUR

NOTE: THERE WILL BE SOME DELIBERATE VARIETY IN THE DETAILING.

PRINCESS PLACE MATERIAL DETAILS

SCALE: 1/4" = 1'-0"

CORNICE DETAILING TO BE SIMILAR TO EXISTING ON HOUSES IN SURROUNDING AREA.

SIZE & PROPORTION OF WINDOWS AND MUNTIN BARS SIMILAR TO EXISTING FINISH ON HOUSES IN SURROUNDING AREA.

DOOR ENTRANCE & TRANSOM DETAILING TO FOLLOW EXISTING HOUSES IN SURROUNDING AREA.

STAIR & RAILING STYLES TO BE SIMILAR TO EXISTING ON HOUSES IN SURROUNDING AREA.

CONCRETE FOUNDATION. PAINTED IN THIRD COLOUR. DETAILS FROM FORMWORK WILL BE BY DESIGN

PAINTED CLAPBOARD SIDING (NONCOMBUSTIBLE) WITH NARROW EXPOSURE TO FOLLOW THE SCALE OF THE NEIGHBOURING HOUSES.



RECESSES IN FOUNDATION TO REFLECT BASEMENT WINDOWS OF EXISTING HOUSES. OPENING TO HAVE DETAILED FRAMING AND WROUGHT IRON GRILLE.

NOTE: THERE WILL BE SOME DELIBERATE VARIETY IN THE DETAILING.

JUNE STREET MATERIAL DETAILS

SCALE: 1/4" = 1'-0"

**Attachment C**

**DISTRICT 12 PLANNING ADVISORY COMMITTEE  
PUBLIC INFORMATION MEETING  
MINUTES  
FEBRUARY 12, 2004**

**PRESENT:** Heather Ternoway, Chair  
Clary Kempton  
Beverly Miller  
Maureen Strickland  
Councillor Dawn Sloane

**ABSENT:** Mia Rankin

**STAFF:** Gary Porter, Planner II  
Chris Newson, Legislative Assistant

**1. CALL TO ORDER**

The Chair called the meeting to order at 7:00 p.m.

**2. PUBLIC PARTICIPATION:**

2.1 Case 00628: Halifax MPS and LUB Amendment - 5837 Cunard Street and 2372 June Street

- A staff report dated January 8, 2004 was before the Committee.

Mr. Gary Porter, Planner II, presented the report. He also encouraged those in attendance to include their names and addresses on the sign-in sheet being circulated in order to receive notification of future meetings regarding this proposal.

**Mr. Dave Boston, owner of property adjacent to Royal Canadian Legion parking lot**

- At this point the two lots in question have not been rezoned to R3?
- Is it the staff proposal to move to an R3 at this stage?

Mr. Porter responded the Canvas Converters site is R2 and the Legion site is C-2A, neither of which permit R3. He further responded staff are in agreement that an apartment building would be an appropriate use of the land but this would be decided by a development agreement and not the rezoning.



The Chair thanked Mr. Porter for his presentation and asked the applicant to come forward at this time.

**Mr. Michael Moore, Solicitor for the Applicant - Almathea Holdings Limited**

Mr. Moore advised it was decided to scale back the original nine (9) storey plus penthouse design to seven (7) storeys plus penthouse as a result of two previous public meetings and meetings with HRM staff. The result of this scale back was a reduction in square footage. He further advised there is an as-of-right position taken by the developer and those plans are available for viewing tonight. The developer's opinion is that the as-of-right could be 38 units, density of 456 persons with 39 parking spaces.

Mr. Moore advised demolition has begun on the two properties. He further advised any damage caused to area landowners will be reimbursed and apologized for any that may have occurred. He encouraged all residents to keep track of any and all damage, including documentation (photographs), and those claims will be reviewed and reimbursed. He added Dexter Construction is one of the most reputable and largest construction companies in Nova Scotia. He advised the area residents could submit their concerns to his office, to Mr. Tsimiklis's office or through Dexter Construction Limited. Mr. Moore explained fencing has been installed around the perimeter of the site to provide safety and security.

Mr. Moore further advised the developer's intention is to proceed with construction this spring. The construction will be by way of either the successful amendment to the Municipal Planning Strategy development agreement or an as-of-right. He briefly introduced the other presenters speaking on behalf of the developer this evening:

Mr. Chris Young, Architect with Duffus Romans Kundzins Rounsefell Architects Limited, who has been involved with the architectural drawings for the original, the current and the as-of-right development.

Ms. Jennifer Tsang, Terrain Group Inc., qualified Planner.

Mr. Thomas John McQuire, Technician of the 3D mockups of proposed 7 storey development.

**Unidentified member of the public**

- requested Mr. Moore repeat the as-of-right proposal.
- understood the density was only for 300 people and the as of right is for over 400
- asked for the number of parking spots for the as-of-right proposal
- is density not in the by-law?

Mr. Moore explained the position of the developer is that, in compliance with the existing land use by-laws, he can construct buildings on that property that would have a density of up to 456 people with 39 parking spots. Mr. Moore explained the density of 456 would comply with the existing by-law.

**Mr. Dave Boston, owner of property adjacent to Royal Canadian Legion parking lot**

- He has learned a lot from speaking with the city and attending the public meetings on this development for example: angles required on heights of buildings to adjacent

lot lines. In fairness to the developer, it would be good for Mr. Porter to give a general feel of what the rights of the neighbourhood are.

Mr. Moore advised, as residents, they have every right to oppose or support any project that comes into the neighbourhood and ultimately this issue will come to a public hearing and anyone may speak for or against the proposal at that time as well.

Mr. Gary Porter responded anything the developer proposes that meets the rules set out in R2 and C-2A is as-of-right and the community has no involvement in as-of-right. He added the apartment building proposal requires Regional Council to change the rules and there is a lot of public involvement. Mr. Porter further explained that ultimately the 23 members of Regional Council will decide whether or not the Municipal Planning Strategy may be amended. Mr. Porter clarified for a member of the public that under R2 or C-2A zoning, the height limit is 35' and is not related to the number of storeys. He suggested Mr. Young explain the as-of-right proposal and he will respond again after Mr. Young's presentation.

**Mr. Christopher Young, Architect with Duffus Romans Kundzins Rounsefell Architects Limited.**

Mr. Young explained there are three projects to focus on this evening;

1. The seven (7) storey and penthouse.

The application has been put in for a development agreement for this proposal. In response to a member of the public, Mr. Young stated the height for this proposal is approximately 86' compared to a little over 100' for the nine (9) storey proposal. The seven (7) storey and penthouse would have 130 apartment units, proposed population of 406 and proposed parking of 121 cars which meets the city requirements for this building plus an additional 10%. He added the height of the building has been reduced as well as the size of the units. Mr. Young responded to a member of the public stating the current proposal is 5' back from the property line along Princess Place and June Streets.

2. The nine (9) storey with penthouse and 3 storey wings.

This building had 165 condominium units, proposed population of 474 people and 183 underground parking spaces. It would have been an attractive masonry building with architectural detailing. It was important that it be an attractive building and that the three storey wings be compatible with the heritage buildings on Princess Place and June Street. Mr. Young advised HRM staff indicated they would prefer the building be lower, smaller, fewer people, and fewer units. He added this is what led to the seven (7) storey proposal that is before you this evening.

### 3. The as-of-right proposal.

There would be a four (4) storey building on the Maritime Canvas Converter site on June Street with four, seven bedroom units. It could have as many as 48 people total density for the building. Councillor Sloane asked where the parking access would be. Mr. Young responded the property would be accessed by June Street. Mr. Young stated required parking is one space per apartment so there would be four parking spaces.

Mr. Young advised the other development, on the Legion site, consists of three (3) buildings which would have a total of 34 apartments -17, five (5) bedroom units and 17, ten (10) bedroom units. He added the by-law density calculation would be for 408 people and required parking would be 35.

A member of the public commented this is called a 'bullying' technique. Mr. Young advised the developer is prepared to build the as-of-right proposal.

Mr. Porter commented the as-of-right proposal does appear to meet the by-law. He added the density being mentioned is applied to apartment buildings in R3 zones and the allowable density for this area is 250 persons per acre which allows for 304 or 306 people on this property. He further commented there is no requirement for a maximum number of rooms per unit and that is why you have the number of rooms being proposed.

Mr. Young advised he will be available after the meeting to answer Questions.

#### **Ms. Jennifer Tsang, Planner with Terrain Group**

Ms. Tsang presented a 3D video model of the proposed seven (7) storey building. She added some of the benefits are:

1. Redevelopment of both sites to one comprehensive site.
2. Two wings are designed to fit with the streetscape and residential homes in the area. There are architectural guidelines in terms of window treatments, exterior treatment, colour etc. that will be put into the development agreement.
3. Parking will be underground.
4. Streetscape design - placement of lanterns etc.
5. One access point on Cunard Street.

Ms. Tsang added this proposal is requesting a higher density than the R3 zoning would permit and for the reasons described we feel it is reasonable to allow a higher density when these kinds of sentiments are achieved.

Ms. Tsang then presented the computerized shadow demonstrations.

First scenario: June 21<sup>st</sup>, the longest day of the year at 11:00 am and 4:00 pm. Ms. Tsang advised the shadow shown is based on a 35' building (seven storey plus penthouse).

Second scenario: September 21<sup>st</sup>, mid-year at 11:00 am and again at 4:00 pm.

Third scenario: December 21<sup>st</sup>, shortest day of the year, afternoon.

A member of the public commented there would be major shadows over June Street at this time of year.

### **Questions from the Committee:**

**Councillor Sloane** inquired if there has been a wind study done of the nine and seven storey potential buildings. Ms. Tsang responded there has not but if it is suggested it will be taken under advisement.

**Ms. Maureen Strickland** commented not much is being shown concerning June Street and Princess Place as the focus has been on Cunard Street. She added it is important these streets be considered in regards to what they will look like and also in regards to shadows and wind studies. Ms. Strickland asked if two storeys had been considered on June Street and Princess Place in keeping with the two-storey residential area.

Mr. Michael Moore commented Princess Place has three level townhouses, the lower level being half above ground. He further added, from the developer's perspective, a certain amount of square footage is required and if you reconfigure the development to the general wishes of the residents, there has to be a certain amount of square footage available for the whole project whether it be four storeys along Princess Place or two storeys. He added it is the developer's position that square footage would have to be made up somewhere else. If you lower on June Street then the building would have to be either higher on Cunard Street or pushed further back in the courtyard behind the building. He added the developer will consider any amendment to the height as long as the gross area of the building is essentially the same.

**Ms. Beverly Miller** commented this is one of the most outrageous development proposals (the as-of-right proposal) she has ever seen. She inquired if she was right in assuming, from Ms. Tsang's presentation, that if the developer is not allowed to do at least seven storeys he will be forced to build an ugly building. Ms. Miller further commented she is objecting as she sees a threat, let us go up or we build a dump.

**Developer Mr. Steve Tsimikilis**, responded he never intended this (as-of-right proposal) as a threat. He added he cares about the neighbourhood and drives by the site at least ten times per day. He further commented he can get a permit tomorrow for his as-of-right. Mr. Tsimikilis read Ms. Miller's article from the February 8, 2004 edition of the Daily News in which she writes about quality development. Mr. Tsimikilis commented there have been two public information meetings, attended by approximately 40 people, regarding his current

proposal. He advised the concerns of the public have been addressed yet he still has to make money on his \$2.5 million dollar investment.

**Mr. Clary Kempton** inquired what the exterior finish would be for the as-of-right buildings.

Mr. Young commented the materials have not been finalized for the as-of-right construction but cost will be kept to a minimum and the exterior finish would be simplified. He added the construction has to be non-combustible, durable and require low maintenance.

**Ms. Maureen Strickland**, requested clarification from Mr. Gary Porter on how long the process will take. She explained this is in response to a comment made by Mr. Michael Moore who earlier stated the process will not take longer than this spring. Mr. Gary Porter advised there are a number of steps to follow and a development agreement associated with a plan amendment usually takes over a year from start to finish whereas an as-of-right could get a permit in a couple of days.

#### **PUBLIC COMMENTS:**

##### **Mr. Peter McQuire,**

- June Lane is a lane not a street. It is a one way country lane. There is no sidewalk and no curb. He added this is why June Lane could not be used as access to the as-of-right building.

Mr. Christopher Young clarified the seven storey building would have access off Cunard Street although HRM would rather the access be from June Lane or Princess Place. He advised they (the applicant) have gone through some effort to have access off Cunard Street for the underground parking.

##### **Mr. Alister Syms, lives at corner of Moran and Sarah Street**

- we are being asked to upgrade to R3 after a fair amount of effort a few years ago to down zone to R2.
- more comfortable with two storey buildings no higher than general height of buildings on Moran and Princess Place - would prefer townhouses.
- entrance off Cunard for access to centre building is more sensible
- when buildings are put up like this the best materials/products should be used so you attract people who are willing to buy the condos or pay rent and you don't denigrate the area all the way down the road.
- suggest current proposal is "bleak" in style and comes too close to the street. Should break up facade more to make it less oppressive. Could have a detrimental affect in the long run in who will be living in the space and what happens to the neighbourhood if all of a sudden things kinda crumble, then it is a waste of money.
- not unsympathetic to developer who has to realize a profit but suggests more money should be put out in the beginning for an income property that sets a standard that is welcomed into the community and generates a landmark of responsible development that we are all desirous of seeing.

**Mr. Steve Tsimikilis, Developer**

- commented he will do whatever the community wants as long as it takes the 150,000 square feet as he feels threatened when the community says it wants two storeys or nothing as he could go bankrupt.

**Ms. Beverly Miller, Committee Member**

- Referred to page 2 (last paragraph) of the staff report before the Committee regarding the MPS. She asked Mr. Porter how we are to interpret the suggestion that changes are only considered (to the MPS) if the circumstances have changed. Ms. Miller requested information on how circumstances have changed if at all considering the portion of the MPS applicable to this area was only adopted in 1995.

Mr. Porter responded the onus is on the applicant to answer that question and it has not been satisfactorily answered at this point. He advised the way the process works is that staff reviews the project initially to determine if there is some merit to it and then it comes to this stage (public meetings) then a final staff report has to be completed after all circumstances are evaluated. He added the applicant has submitted some information.

**Ms. Ramona Ryan, 2356 Moran Street**

- Inquired if it is possible for the neighbourhood to rezone to R3 and ask for the density per acre to be down to 250.
- Inquired if it is possible for the neighbourhood to do this, is there a loophole where the developer could switch it back up. She also inquired if there is something in the laws that the developer could sneak in.

Mr. Porter explained any decision Regional Council makes is based on the policies that are in the MPS (Municipal Planning Strategy). He advised in 1995 new policies came forward which reflected what the community valued as being important and zoning was then put in place. He added we are here tonight because someone has come forward and said they feel the MPS should be changed. Mr. Porter further explained the MPS's are adopted with the acceptance of the community and are to reflect community goals. He added the law is the law until it is changed and the developer could get a permit for the as-of-right any day until the law is changed. He added, technically, the law changes when an ad is placed in the paper and there is a 120 day freeze where no permits may be issued.

Mr. Michael Moore commented the purpose tonight was to discuss changes, or what is consistent/inconsistent with the MPS. He added residential development is the proper development for this site rather than commercial. He further added the C-2A zoning is not consistent with the wishes of the neighbourhood, it is a hard argument to make. He added the Maritime Canvas Converters were a non-conforming use. He commented the developer was not being treated fairly as the application is consistent with the residential use and character of the neighbourhood and is not the only building along Cunard Street that is more than three storeys. Mr. Moore advised the MPS amendment may not be approved but with the change, the neighbourhood would get a better quality building with strict architectural controls over the design of the building, materials/colour used on exterior, etc. He added he would be seriously concerned with the parking in this area regardless of what

development is there, and parking is as much an issue as density. He further advised it costs a lot of money to construct underground parking and this money has to be recouped and this is usually through increased density.

**Ms. Cindy Littlefair, Moran Street**

- certain practical considerations regarding the as-of-right - who would want to finance it - insure it?
- Regrettable Mr. Tsimikilis has wasted our goodwill and this opportunity with this as-of-right suggestion. She added you (Mr. Tsimikilis) had the community on side at the last meeting regarding the nine storey building.

Mr. Tsimikilis commented he is hearing varying opinions from members of the community from two storeys being acceptable up to nine storeys being acceptable. He added the city is telling him he can't have nine storeys so where does this leave him, the developer. He requested the community come together and decide what they would like to see developed.

The Chair commented this was a good suggestion and you (the developer) will hear here tonight what the community wants.

**Mr. David Faryniuk, 1122 Lucknow Street**

- concerned we have a development by threat. We make a proposal that is financially better for the developer or he will build an ugly as-of-right building. He asked why the as-of-right could not be something creative.
- he suggested the developer do something extra for the city as was recently done in Vancouver where a developer added two floors to his building and made it a gallery.

The Chair reminded the public this is their opportunity to tell the developer what you would like to see and encouraged more speakers to come forward.

**Mr. Larry Steele,**

- would like Council to consider the strong possibility that the MPS is exactly what we want to see exactly as it is now.
- commented he has not heard any strong arguments that we need to change it (the MPS).
- he asked if anyone has looked at the feasibility of developing the property zoned as it is.

**Ms. Kelly Thompson, June Street**

- integrity of the heritage of the North end has not been preserved in any way and Council should look at the heritage issues in this neighbourhood.
- June Lane is a lane and was never meant for cars, residents can't park there. The city does not plough it and the residents take care of shovelling and cleaning it. She added there was a collaborative effort during Hurricane Juan, we did not wait for the city workers to come to clean-up.
- the community is very strong and we don't want an ugly old building and it is nasty of you (the developer) to pressure the community into looking at that building and saying that is what you are going to get.

- Maritime Canvas Converters was not a problem, it did not interfere with the sun, the shadow study shows many will lose sun.
- you (the developer) have not asked any questions of the community of what they want to see.
- she added Council really needs to start looking at the issue of cars. She added there is not enough parking for the residents on June Street now.
- there is a lot of traffic that comes down from West Street to June Street and there are no visible signs (to indicate it is a one-way) and no adequate lighting.
- increased visitor traffic is a threat to this community. There are currently double parked cars any time of night or day on both sides of West Street, Agricola Street, June Street, Cunard Street, Moran Street etc. and the houses are right on the street with no sidewalk.

Mr. Tsimikilis commented he does care about the community and is asking for the neighbourhoods concerns and the areas under stress will be reviewed.

Councillor Sloane responded there will be future meetings with HRM Staff regarding development in this area.

Mr. Chris Young commented they (the developer) could put in additional parking and requested the community supply them with their wish list. He explained the developer would like to consider providing one spot per unit, which is not a city requirement, and then provide an additional number of parking spaces to help address the parking issues on the adjacent streets. He further added the plans have always been flexible and in regards to materials, samples could be provided and all this could be written into the development agreement.

**Ms. Judith Merrick, John Street**

- when people can't park on June Street they park on my street. If you have 400 people living in this building and only 120 parking spots, they have to go somewhere. We don't have parking and this is a huge issue.
- participated in the Municipal area development planning in the 1980's and is discouraging to see it rolling back.
- the neighbourhoods we live in are under stress, they are turn of the century neighbourhoods.
- The downtown needs revitalizing and development is the way to do it but you must take care. What brings people to Halifax, what makes Halifax so charming, will be gone. We have to develop in a thoughtful and attractive way.
- She referred to page 3 of the staff report, (last line in second paragraph of **Use as an Apartment site** section), and asked what is meant by "*adequate protection of adjacent residential neighbourhoods*". HRM needs to take a step to have neighbourhoods adequately protected and not leave it up to the developer. She added everything is so vague and it is frightening.

Mr. Porter responded the comments made here tonight will help to define that (adequate protection) and it is a principle the developer would have to respond to in regards to community concerns. He further added this the preliminary report and the final report will detail those issues.



**Mr. Chris Beaumont, 5670 Fenwick Street**

- Here tonight in support of your community. We have a development in the South End by the same developer on South Street.
- Strongly suggest you do not change density - no change to the zoning.
- The developer shouldn't buy a property if he can't develop it as-of-right in some reasonable way. All of this is the edge of the wedge and once it is driven into the MPS...We should be looking at neighbourhoods one at a time and asking if the MPS should be reviewed and not under threat of a development like this.

Councillor Sloane suggested a community meeting in the next few days to discuss options.

**Mr. Dave Boston**

- If the as-of-right goes through what will be the distance of lot line to my building. (Mr. Young responded it would be twenty feet).
- We all have to realize there is going to be a development here and all we are looking for is a reasonable approach. We have to get some ideas down on paper for the developer.
- Do not want a huge building against my property line but what about staggered levels?

**Ms. Bobbie Carter, 2384**

- Take into consideration traffic on June Street, can we shut it off or close it down so cars cannot use it.
- Maritime Canvas Converters was a quiet business and had seasonal traffic and the Legion had some evening traffic. Adding approximately 400 people to this development will definitely have a noise factor, traffic, shadowing, privacy issues. Can we control the streets and what is going on around us.

Councillor Sloane advised she will contact the Traffic Authority about this but added there may be a concern with fire service if the road is closed.

Mr. Tsimikilis advised if the as-of-right development cannot be accessed just off Cunard Street, he will have to access from June Street/Lane, Princess Place.

**Ms. Julie Martin, Moran Street**

- *comments not heard*

**Mr. Chris Ferns, 2327 Princess Place**

- told greatest care would be taken when demolishing buildings. Half my garden was knocked down and it is not just the cash value, it is six years of work digging trees etc.
- used to look at a Canvas factory covered by a huge Virginia Creeper, now I see chicken wire. At what point will my privacy be restored to me and at what point will a wall be built, how big will the wall be.
- Concern with the value of my property and value of my privacy.

Mr. Moore advised there will have to be a fence around the construction site but it is only temporary. He added the wall would be built after most of the major construction is done.

**Ms. Rebecca Jamieson, Fenwick Street**

- from experience with development in my neighbourhood, I advise the community residents to get a copy of the Land Use By-Laws and the MPS and memorize it inside out.
- she suggested they focus on the as-of-right proposal which includes some creative lot subdivisions, some R2 and R2T - residents should look very closely at how this has been done.
- residents should consider prospect of high-end low rise development as there was an ad in the paper for a house on Princess Place going for \$297,000.00 and if a developer cannot make a profit building nice houses of that scale in the area, there is a problem.

**Mr. Hugh Gillis, 2351 Moran Street**

- support redevelopment.
- parking is issue - units will have underground parking but visitors will not have parking. What about residential parking pass policy? The traffic issue will bounce around.
- there was limited parking on Agricola Street but now there is none.

Councillor Sloane explained the parking issue on Agricola Street could be for the winter as the street becomes too narrow for traffic and parking.

**Ms. Ramona Ryan**

- at last meeting we had asked for a traffic study. Has the developer done one?
- suggested there should be a study done as it is now for a base line study.

Mr. Moore responded a traffic study has not been done. Mr. Porter responded that in evaluating an apartment development it is the density that is reviewed and the other things come later. First is to get the density, decide on how many units there will be, and then work out the other details. Mr. Porter advised the city routinely gathers figures.

Mr. Tsimikilis clarified that a traffic study is not required for an as-of-right proposal.

**Mr. Larry Steele**

- discussion is slipping away into *we have to make a deal*.
- we have an MPS and I think the consensus in the room is that it should stay as it is and I hope this is the way Council will act.

**Ms. Kelly Thompson**

- I chose this area to live as it is not like any other. We have a great community, we have a June Bug Committee - we have a summer BBQ and do a lot of community things, Hurricane Juan was a tribute to our community, we came together.

The Chair thanked everyone for participating and expressing their concerns.

**3. CLOSING COMMENTS**

A public meeting, to be arranged by Councillor Sloane, is to be held in the near future. The goal is for the community to come together and discuss what they would like to see developed on this site in regards to density, aesthetics and to ensure the development will be compatible with the area considering there are a number of heritage properties in this location.

**4. ADJOURNMENT**

The meeting was adjourned at 9:15 pm.

## Attachment D

### Excerpt from the C-2A zone

#### PENINSULA NORTH AREA

59FA Notwithstanding Section 59B, for the area identified as "**Peninsula North Area**" residential uses shall be permitted in buildings containing non-residential uses in a C-2A Zone, provided the following requirements are complied with:

- (1) residential uses are located above the first floor:
- (2) there is a maximum of 4 dwelling units:
- (3) separate access to the exterior of the building at ground level is provided for residential uses: and
- (4) parking is provided as follows:
  - (a) one space for every unit of two or more bedrooms: and
  - (b) one space for every four or less bachelor or one bedroom units.

## Attachment E

### E-mail from representatives of the community

On April 13, after some 10 meetings of the June/Cunard/Princess Neighbourhood Group held since September 2003, we voted by a majority (109 in favour; 47 opposed) to support, in principle, the proposed development presented by Steve Tsimiklis and Amalthea Holdings.

In two subsequent meetings (April 26 and May 3), we concluded discussion of several outstanding issues, and upheld the majority vote in support of a development agreement.

The developer, his architect Chris Young, and Gary Porter of HRM have answered endless queries regarding concerns of ours, including population density, building height, shadow impact, compatibility of design and materials with the neighbourhood, traffic flow, waste storage and disposal, parking, landscaping, light and noise pollution, privacy issues and many, many more. Good lines of communication have been established, and thorough discussion has taken place.

The developer and his team have shown an understanding of our various points of view, and have responded to satisfy the concerns of the majority view.

Respectfully submitted,

Jan Peacock  
Notetaker and co-chair, Meeting of May 3 2004  
June/Cunard/Princess Neighbourhood Group

## Attachment F

### Excerpt from the April 28, 2004 Heritage Advisory Committee meeting.

#### 5.1 Case 00628 - 5819-37 Cunard St. - Amendment to the MPS - Gary Porter

- A memorandum to the Heritage Advisory Committee from Gary Porter, Planner, regarding the above, was circulated to the Committee.

Mr. Gary Porter, Planner, presented the report to the Committee. Mr. Porter and the proponents responded to questions of the Committee.

(Ms. Arbic took her place at the meeting at 4:05 p.m.)

Mr. Porter noted the finalized report will come back to the Committee before it is forwarded to Regional Council.

In discussion of the application, the following points were made:

- The design reflects the major concerns of the immediate community.
- The consultation process with the residents has been commendable, and the residents have been in direct dialogue with the developer.
- Some of the issues raised by the residents that are still being addressed are: balconies, location of air intakes and exhaust, parking garage, and landscaping on June Street, etc.

Mr. Porter stated he is looking for input from the Committee as to whether or not it believes the proposed development fits in with the heritage buildings in the area. And, if it does not, that the Committee provide details explaining its position.

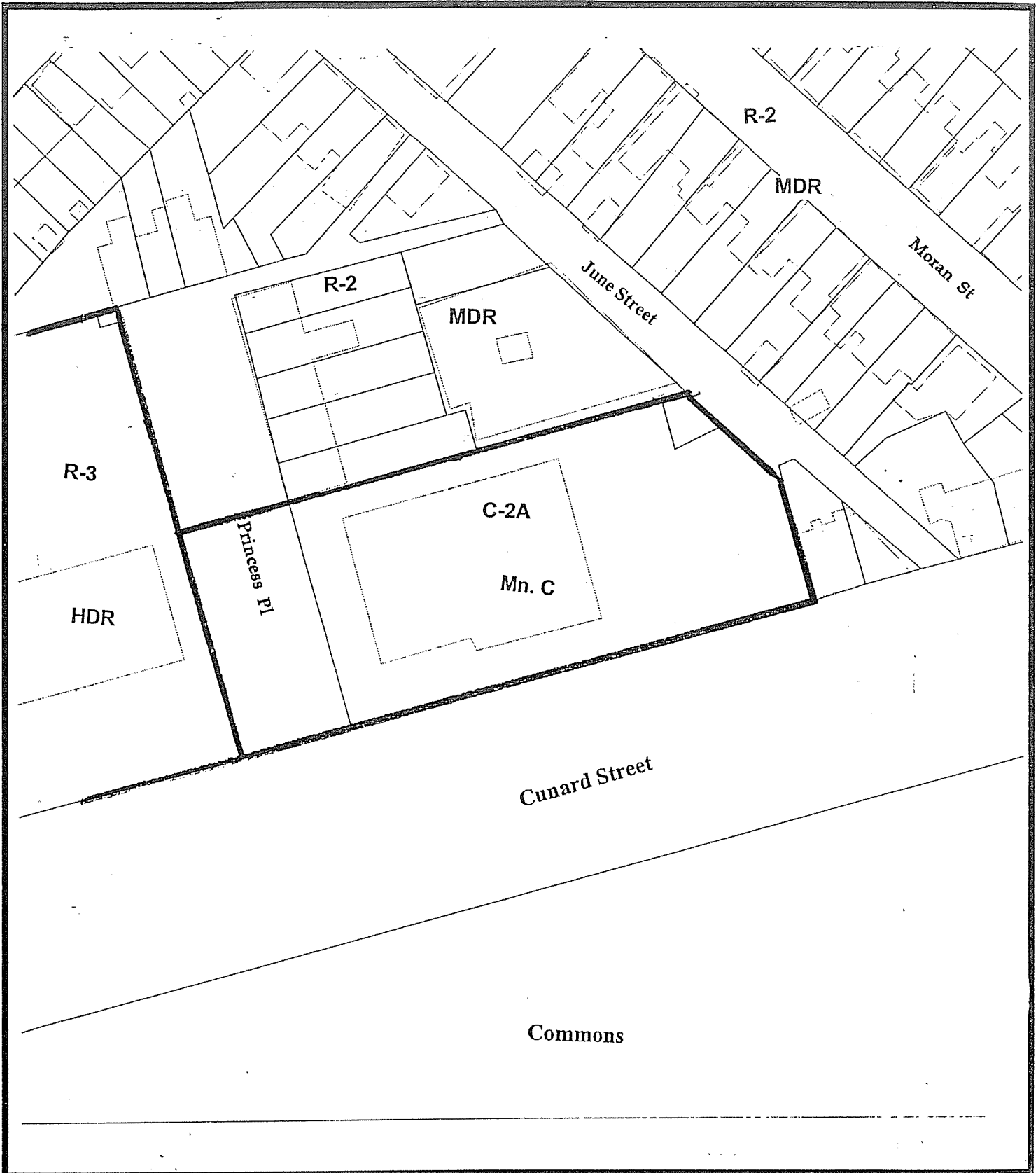
In response to concerns of Mr. MacLellan regarding the location of the tower, it was noted the tower was setback on the two residential streets (June Street and Princess Place) in response to concerns expressed by the residents.

Mr. Trites stated the only concern he has was with respect to the size of the main building and the potential dwarfing effect it will have on the smaller buildings. However, he acknowledged that cost was a factor in the decision to include the tower. Mr. Trites also noted there are many cases where new development blends well with heritage properties, and he was generally in support of this proposal.

Mr. Plaskett suggested a different material or colour for the first three storeys, other than brick, could help decrease the massing.

Following further discussion, the Committee was in general consensus of the proposed development, as presented. Mr. Porter noted the final report may be available for the Committee's next meeting.

(Councillor Sloane left the meeting at 4:50 p.m.)



**Map 1**  
Area Plan

R-2 - General Residential Zone  
 R-3 - Multiple Dwelling Zone  
 C-2A - Minor Commercial Zone

MDR - Medium Density Residential  
 HDR - High Density Residential  
 Mn. C - Minor Commercial

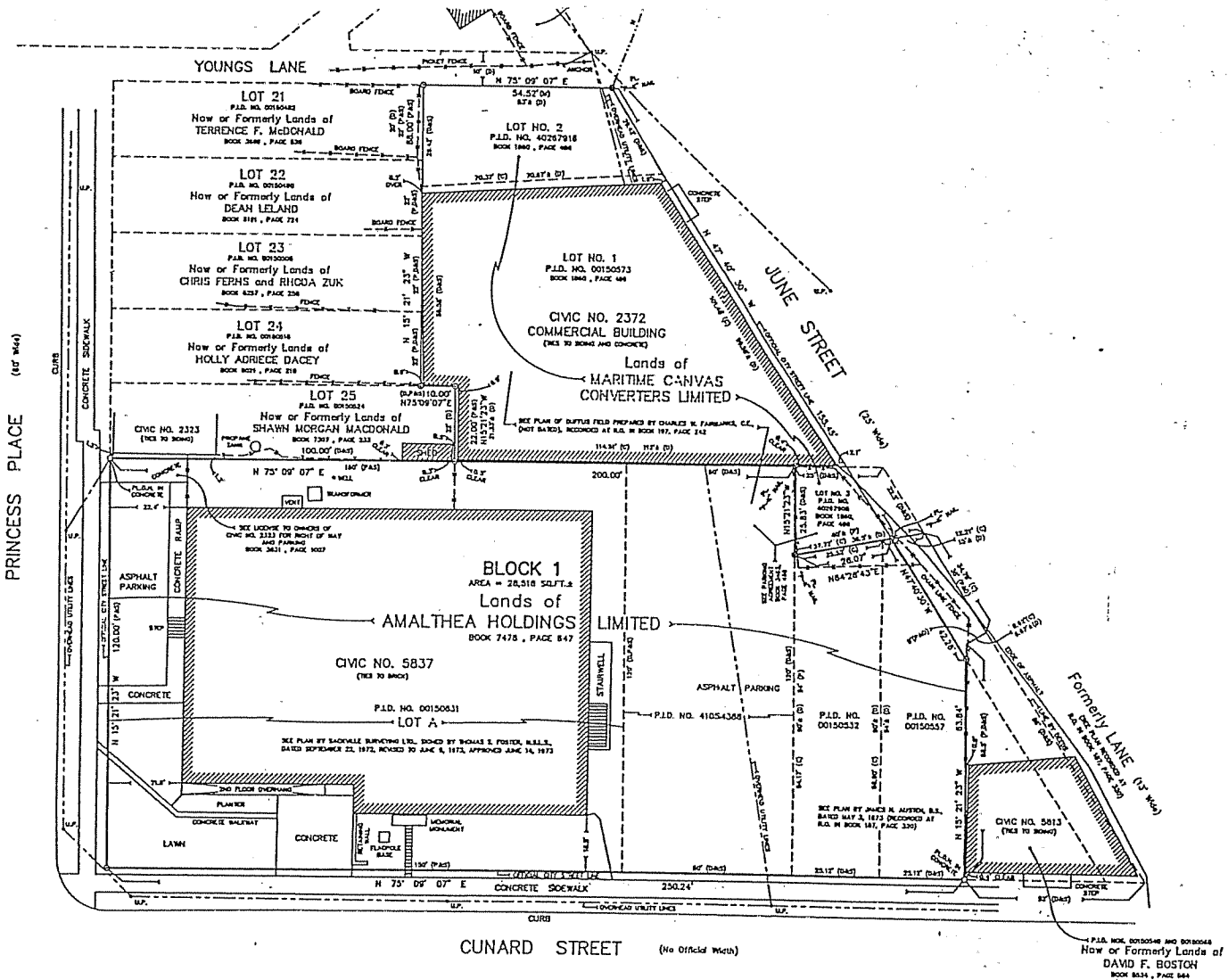


Planning and Development Services

PRINCESS PLACE (10' W44)

# Map 2

## 5837 Cunard Street - 2372 June Street



Planning and Development Services

Case 00628