



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

Item No. 11.3.2

Halifax Regional Council

August 2, 2011

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: Original Signed
Councillor Dawn Sloane, Chair, Peninsula Community Council

DATE: July 12, 2011

SUBJECT: Case 01325: MPS/LUB Amendments and Development Agreement for
the former St. Joseph's Church Site on Gottingen Street, Halifax

ORIGIN

Peninsula Community Council Meeting of July 11, 2011.

RECOMMENDATION

That Halifax Regional Council give First Reading to consider the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law, as contained Attachments A and B of the June 15, 2011 staff report and schedule a joint public hearing.

BACKGROUND/ DISCUSSION

At the July 11, 2011 meeting of Peninsula Community Council, a motion was passed recommending Regional Council consider scheduling a public hearing to consider amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use Bylaw as outlined in the June 15, 2011 staff report. Peninsula Community Council also moved Notice of Motion to hold a public hearing on the Development Agreement concurrently with the joint public hearing on the MPS/LUB amendments.

BUDGET IMPLICATIONS

Budget Implications are addressed in the attached staff report.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

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

COMMUNITY ENGAGEMENT

Not applicable with this report.

ALTERNATIVES

The attached staff report provides Alternatives.

ATTACHMENTS

Attachment 'A': Staff report dated June 15, 2011.

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

Report Prepared by: Sheilagh Edmonds, Legislative Assistant



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

Peninsula Community Council
July 11, 2011

TO: Chair and Members of Peninsula Community Council

SUBMITTED BY: Original signed
For Paul Dunphy, Director of Community Development

DATE: June 15, 2011

SUBJECT: Case 01325: MPS/LUB Amendments and Development Agreement for
the former St. Joseph's Church Site on Gottingen Street, Halifax

ORIGIN

Application by ECL General Partner IV Limited.

RECOMMENDATION

It is recommended that Peninsula Community Council recommend that Regional Council:

1. Give First Reading to consider the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law, as contained in Attachments A and B of this report, and schedule a joint public hearing.
2. Approve the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law, as contained in Attachments A and B of this report.

It is recommended that Peninsula Community Council:

3. Move Notice of Motion to consider the proposed development agreement, as contained in Attachment C of this report, to allow for a 9-storey mixed use residential and commercial building on the eastern side of Gottingen Street, between Kaye and Russell Streets, Halifax, site of the former St. Joseph's Church. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1.

EXECUTIVE SUMMARY

This report recommends amendments to the Halifax Municipal Planning Strategy (MPS) and the Halifax Peninsula Land Use By-law (LUB) to permit, via the development agreement process, a 9-storey mixed use residential and commercial building on the east side of Gottingen Street, between Kaye and Russell Streets in Halifax, the site of the former St. Joseph's Church. Generally, the applicant is proposing commercial uses and individually-accessible townhouse-style dwelling units on the ground floor, upper storey residential uses, and two levels of underground parking with access off Russell Street.

The longstanding MPS policies and LUB regulations that relate to the subject site reflect the property's longstanding use as a church. With the recent closure and demolition of the former St. Joseph's Church, circumstances have undoubtedly changed. Additionally, staff is not aware of any institutional uses currently seeking to locate in the area, which could make use of the site's existing P (Park and Institutional) Zone.

While not presently contemplated under the Park and Institutional Designation, or permitted through the P Zone, ECL's proposal for the site has merit on the basis that:

- The property is flanked by three streets, with Gottingen being a major street, which is a circumstance in which larger scale developments are often appropriate;
- There are no low-density residential uses abutting the property that may cause compatibility concerns; and,
- The ground floor commercial uses and townhouse style units create a desirable public-private interface with adjoining sidewalks.

The proposed site specific amendments to the Halifax MPS and Peninsula LUB would achieve the following:

- Allow for a mixed use residential and commercial development;
- Identify maximum building height, parking requirements, maximum allowable population density and the population density calculation methodology for the proposed development; and,
- Exempt the proposed development from the angle control regulations and open space requirements of the R-3 (Multiple Dwelling) Zone.

BACKGROUND

Initiation of MPS Amendments

At the October 27, 2009 meeting of Regional Council, staff was instructed to initiate a process to consider amending the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law to enable a development agreement to permit an 11-storey mixed use residential and commercial building on the eastern side of Gottingen Street, between Kaye Street and Russell Street (PID 40850463), Halifax.

Site History and Description

The property of the former St. Joseph's Church is located on the east side of Gottingen Street, between Russell Street and Kaye Street. The original St. Joseph's Church was established on the site in 1867, but destroyed during the Halifax Explosion in 1917. A new church building was constructed in stages over several decades and was eventually completed in 1961. Following a rationalization of property holdings, the Church was closed in June 2006 and the property was sold to ECL General Partner IV Limited. The Church building was demolished in the summer of 2009 and the property is currently vacant.

The vacant site has an area of 35,802 square feet and has frontage on three streets: Gottingen, Kaye and Russell. The subject property abuts the western boundary of the St. Joseph's – Alexander McKay Elementary School site (public school offering grades P-6) and is located across Russell Street from the Shambhala School (private school offering grades P-12). The opposite side of Kaye Street is mostly occupied by low-density residential buildings, while the opposite side of Gottingen Street is occupied by a church, an apartment building and some low-rise housing forms. The subject property is also located in close proximity to three north-end landmarks: the Hydrostone Market, Stadacona (CFB Halifax) and Fort Needham Memorial Park.

MPS Designation and Zoning

HRM's planning policies and zoning regulations for the property reflect its longstanding use. The site is located within the Peninsula North Secondary Planning Area and is designated P (Park and Institutional) under the Halifax Municipal Planning Strategy (MPS) and zoned P (Park and Institutional) under the Halifax Peninsula Land Use By-law (LUB) (see Maps 1 and 2).

"As-of-Right" Development Options

The P Zone currently allows the following uses:

- Public park;
- Recreation field, sports club, and community facilities;
- A cemetery;
- A hospital, school, college, university, monastery, church, library, museum, court of law, or other institutions of a similar type, either public or private;
- Day care facility
- Uses accessory to any of the above uses.

The Halifax Peninsula LUB requires that buildings erected, altered, or used for P uses in a P Zone must comply with the requirements of the R-3 Zone, including angle controls, which regulate building massing.

The Proposal

In its application, ECL General Partner IV Limited is seeking amendments to the Halifax MPS and the Halifax Peninsula LUB to establish a development agreement policy set that would allow

for the construction of a 9-storey mixed use residential and commercial building that is to be comprised of:

- Commercial uses and townhouse-style dwelling units on the ground floor;
- Upper storey residential uses; and,
- Two levels of underground parking with access off Russell Street.

Proposed MPS/LUB Amendments

The proposed site specific amendments to the Halifax MPS and Peninsula LUB (refer to Attachments A and B) would achieve the following:

- Allow for a mixed use residential and commercial development;
- Identify maximum building height, parking requirements, maximum allowable population density and the population density calculation methodology for the proposed development; and,
- Exempt the proposed development from the angle control regulations and open space requirements of the R-3 (Multiple Dwelling) Zone.

Highlights of the Draft Development Agreement

The draft development agreement (Attachment C) provides for all elements of the proposed development as outlined above, and specifically for the following:

- Maximum height of 33 metres;
- Maximum of 83 dwelling units;
- Maximum population of 200 persons on the site;
- Minimum of 90 parking spaces;
- A listing of the permitted commercial uses;
- Controls over the massing of the building;
- Requirement for a landscaped podium for the common use by residents of the building; and,
- Flexibility for the Development Officer to allow changes to the internal layout.

Approval Process

The proposed MPS/LUB amendments are under the jurisdiction of Regional Council. The draft development agreement is under the jurisdiction of Peninsula Community Council. A public hearing, which is required prior to a decision on both matters, may be held at the same time for both the MPS/LUB amendments and the development agreement. In the event that Regional Council approves the MPS/LUB amendments, Peninsula Community Council may only make a decision on the development agreement following the coming into effect of the MPS/LUB amendments.

DISCUSSION

Municipal Planning Strategy Amendments

The Municipal Planning Strategy is the expression of the Municipality's intent with respect to future land use patterns. Amendments to the MPS are not routine undertakings and Council is under no obligation to consider such requests. Amendments should only be considered when there is reason to believe that there has been a change in circumstances since the MPS was adopted or last reviewed, or where circumstances are significantly different from the situations that the Plan anticipated. Moreover, amendments to the MPS require community acceptance and general consistency with good planning principles before they can be adopted.

It should be noted that HRM's Regional Plan encourages new residential growth in the Regional Centre (Halifax Peninsula and Dartmouth inside the Circumferential Highway). To assist in achieving this, the Regional Plan directs growth to opportunity sites such as this one in the form of medium to high density residential and commercial uses. Such compact, mixed-use development on major streets with access to transit service, promotes the more complete, vibrant and walkable communities that are desired by the Regional Plan.

Rationale for Proposed Changes

In this case, the Park and Institutional Designation and the P Zone originally recognized the use of the property as a church. With its closure, circumstances have undoubtedly changed.

Although the Park and Institutional Designation and the P Zone apply to surrounding properties, the area is largely comprised of Residential and Commercial designations. ECL's proposal for the site has merit on the basis that:

- The property is flanked by three streets, with Gottingen being a major street, which is a circumstance in which larger scale developments are often appropriate;
- There are no low-density residential uses abutting the property that may cause compatibility concerns; and,
- The ground floor commercial uses and townhouse style units create a desirable public-private interface with adjoining sidewalks.

Additionally, staff is not aware of any institutional uses currently seeking to locate in the area.

ECL's submission about the merits of their project is attached to this report (Attachment D – Application Letter).

Specific Considerations

Height

When ECL first submitted its application for the St. Joseph's site, the proposal was for an 11-storey building with 85 dwelling units. The requested height subsequently became a contentious issue within the community. Following the public information meeting, staff undertook a detailed review of the application and determined that an 11-storey building was not an appropriate fit within the local context. Staff further took the position that a building on the site should not exceed 9 storeys. The applicant was informed of the staff position and agreed to a reduction in the number of floors. Staff is of the opinion that the revised height, together with the setbacks and variations in the building form responds well to its surroundings.

Traffic Impact

ECL commissioned GENIVAR to prepare a traffic impact study to evaluate the impacts of site generated traffic on the streets and intersections adjacent to the site. In its report submitted to HRM Planning Services and reviewed by HRM Traffic Services, GENIVAR concluded that the site generated trips are not expected to have any significant impacts to Russell Street at the site parking garage driveway, on the Gottingen Street / Russell Street intersection, or to the regional street system.

Wind Impact

As part of its application, ECL submitted a wind impact statement prepared by project architect Daniel B. Goodspeed of Kassner Goodspeed Architects. The wind impact statement anticipates some effect on the wind patterns in the immediate vicinity with the introduction of a 9-storey building. However, the statement also indicates that a number of wind control measures have been incorporated into the design of the proposed structure to mitigate against these anticipated impacts. The measures, which include several setbacks in the building mass, are expected to minimize the impact on the adjacent street rights of way, as well as result in negligible impacts on adjacent private lands.

Open Space

The proposal includes a landscaped podium for use by the residents of the building. This, together with the building's close proximity to Hydrostone Park and Fort Needham Memorial Park, will ensure a sufficient quantity of open space for the residents of the proposed development.

Density

The assigned population density for the area under the Halifax Peninsula LUB is 125 persons per acre. This results in a total allowable population for the site of 148 people.¹ However, given the site's unique attributes that have been outlined above, it should reasonably be able to support a greater population than that which is normally permitted. The development agreement (Attachment C) sets a maximum population of 200 persons on the site. The development

¹ The population density takes into account the gross lot area which is defined as the area of a lot plus the area of one-half the width of any street or permanent open space abutting such lot, or thirty feet, whichever is the lesser.

agreement will require a wastewater capacity analysis prior to the issuance of a Construction Permit to determine if there is adequate capacity in the sanitary sewer system to accommodate the additional density. Any system upgrades required to accommodate this application will be the responsibility of the Developer.

Conclusion

Staff feel that the proposed mixed use residential and commercial development is an appropriate use for the subject site. As such, staff recommend that Regional Council adopt the amendments to the Halifax MPS and the Halifax Peninsula LUB provided in Attachments A and B. Further to the adoption of the amendments, staff recommend that Peninsula Community Council approve the development agreement as contained in Attachment C.

BUDGET IMPLICATIONS

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

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

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

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through a public information meeting held on April 29, 2010. For the public information meeting, notices were posted on the HRM website, in a local newspaper and mailed to property owners within the notification area as shown on Map 1. Attachment E contains a copy of the minutes from the meeting.

Prior to considering the approval of any MPS amendments, Regional Council must hold a public hearing. Likewise, Peninsula Community Council must hold a public hearing before it can consider approving a development agreement. Under these circumstances, and because of the relationship of the proposed amendments to the draft development agreement, it is recommended that both Councils proceed with a joint public hearing.

Should Regional Council and Peninsula Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area will be notified as shown on Map 1. Area residents will be

able to forward comments in writing to the Clerk's Office prior to the public hearing or address Council verbally during the actual public hearing.

ALTERNATIVES

1. Regional Council may choose to approve the requested amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law, as contained in Attachments A and B. This is the recommended course of action.
2. Regional Council may choose to either adopt certain amendments but not others outlined in this report, or alternatively request that additional amendments not identified in this report be made, in which case an additional staff report and public hearing may be required.
3. Regional Council may choose to refuse the requested amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law, as contained in Attachments A and B. Regional Council is under no obligation to consider a request to amend its MPS and a decision not to amend the MPS cannot be appealed.

ATTACHMENTS

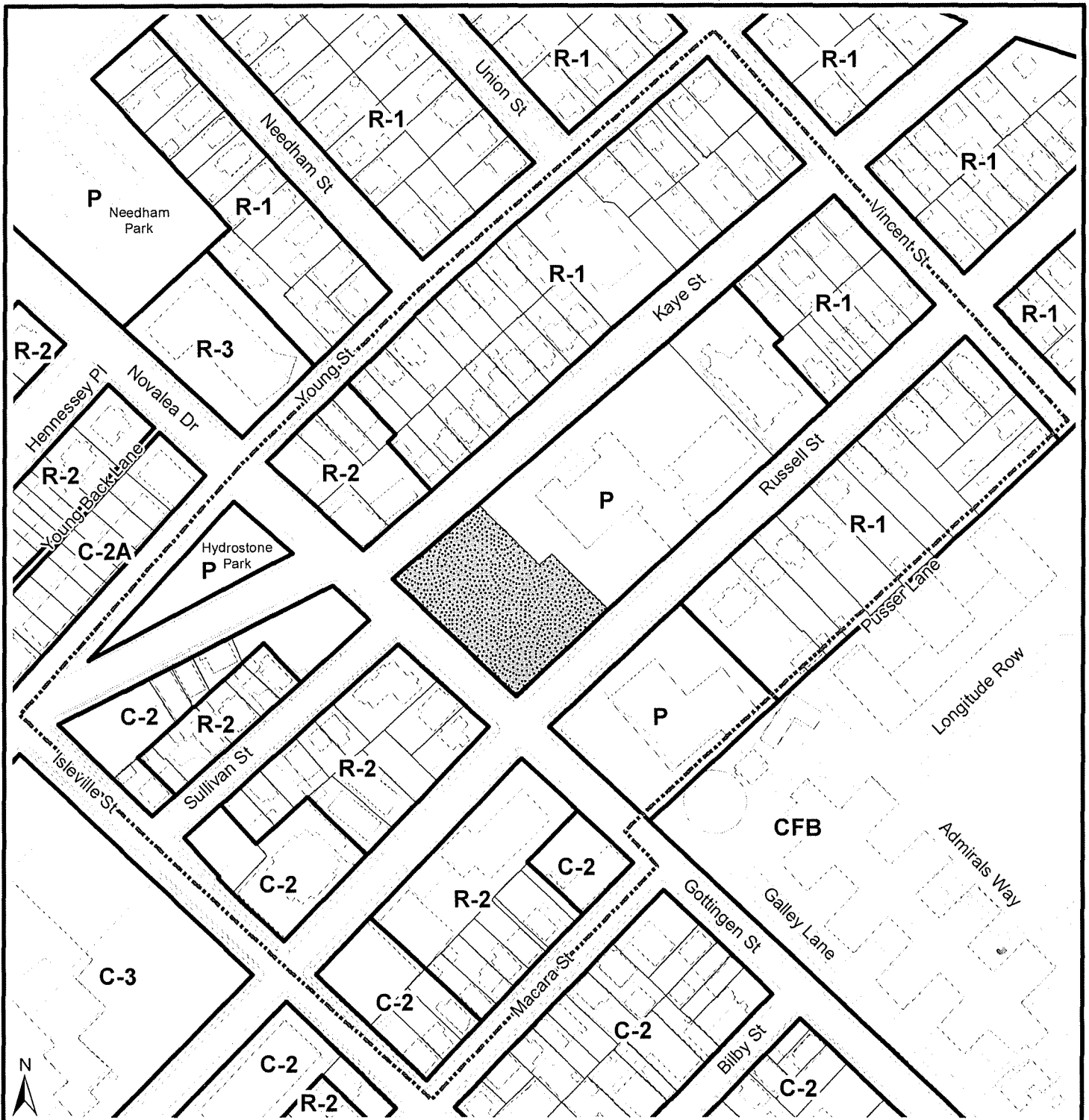
Map 1	Zoning, Location and Area of Notification
Map 2	Generalized Future Land Use
Attachment A	Proposed Amendments to the Halifax MPS
Attachment B	Proposed Amendments to the Halifax Peninsula LUB
Attachment C	Draft Development Agreement
Attachment D	Letter from the Applicant
Attachment E	Minutes from the April 29, 2010 Public Information Meeting
Attachment F	Written Submissions

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

Report Prepared by : Luc Ouellet, Senior Planner, 490-3689



Original Signed

Report Approved by: Austin French, Manager of Planning Services, 490-6111



Map 1 - Location and Zoning

5454 Kaye Street and
5455 Russell Street
Halifax


 Subject area
 Area of notification

Halifax Peninsula
Land Use By-Law Area

Zone

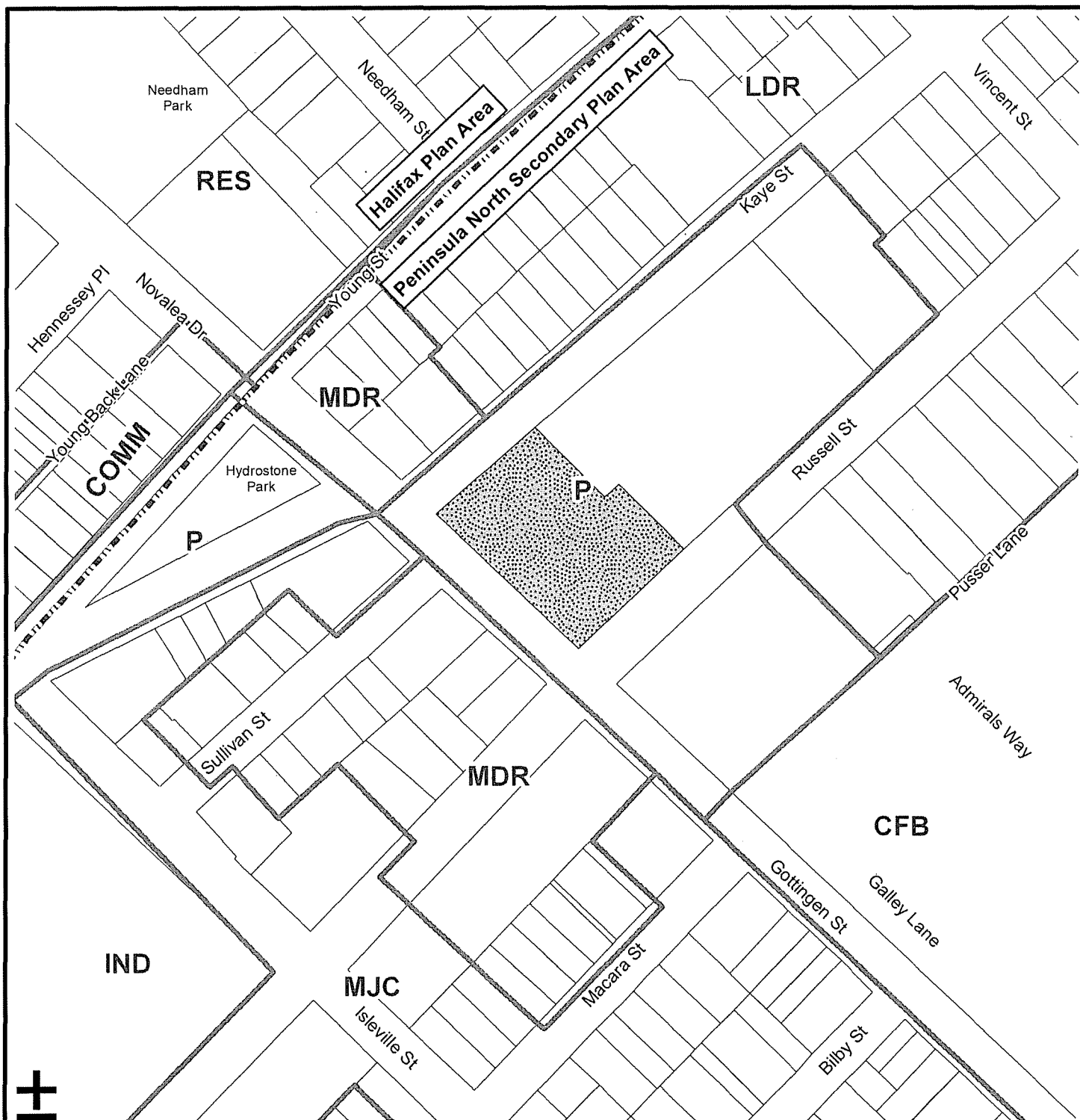
R-1 Single Family Dwelling
R-2 General Residential
R-3 Multiple Dwelling
C-2 General Business
C-2A Minor Commercial
C-3 General Industrial
CFB Canadian Forces
P Park and Institutional

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES

0 20 40 m



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

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



Map 2 - Generalized Future Land Use

5454 Kaye Street and
5455 Russell Street
Halifax

 Subject area

Halifax Plan Area
Peninsula North Secondary Plan Area


Designation - Halifax Plan Area

RES Residential Environments
COMM Commercial

Designation - Peninsula North SPS

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

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES

0 20 40 m


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

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

ATTACHMENT A – PROPOSED AMENDMENTS TO THE HALIFAX MUNICIPAL PLANNING STRATEGY

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Halifax is hereby amended as follows:

1. Amend Section XI, Part II, of the Municipal Planning Strategy for Halifax by adding the following policy after Policy 3.3:
 - 3.4 On the eastern side of Gottingen Street, between Russell Street and Kaye Street (PID # 40850463), the Municipality may permit, by development agreement, a mid-rise, mixed use residential and commercial building of up to 33 m in height.
 - 3.4.1 In considering an application under Policy 3.4, Council shall pay particular attention to the building's design to ensure that the building creates an animated streetscape through active ground floor uses with frequent entries and pedestrian scaled design features.
 - 3.4.2 Without limiting the generalities of Subsection 3.4.1, Council should encourage retail uses, individually accessed residential units, or a combination of both uses to occupy most of the street frontage of the building's base.
 - 3.4.3 If individually accessed residential units are proposed, they should have front doors on the street, with appropriate front yard privacy measures such as setbacks and landscaping. Front entrances and first floor slabs for individually accessed residential units should also be raised above grade level for privacy, and should be accessed through means such as steps, stoops and porches.
 - 3.4.4 In considering an application under Policy 3.4, Council may permit commercial uses to occupy both the ground floor and the second floor.
 - 3.4.5 In considering an application under Policy 3.4, Council shall pay particular attention to the building's interface with the existing sloping street conditions.
 - 3.4.6 In order to break up the massing of the building, Council shall require that the building's design be articulated into three separate and distinguishable sections: a base section, a middle section, and a top section.
 - 3.4.7 In order to ensure visual interest in the building, Council should encourage other opportunities to articulate the massing of the building by including vertical and horizontal recesses or projections, datum lines, and changes in material, texture or colour.

- 3.4.8 Any development permitted pursuant to Policy 3.4 shall be exempt from the angle control requirements of the R-3 (Multiple Dwelling) Zone of the Land Use By-law.
- 3.4.9 Any development permitted pursuant to Policy 3.4 shall be exempt from the open space requirements of the R-3 (Multiple Dwelling) Zone of the Land Use By-law.
- 3.4.10 Any development permitted pursuant to Policy 3.4 shall not exceed a population of 200 persons on the site.
- 3.4.11 For the purpose of calculating population density for any development permitted pursuant to Policy 3.4, the following population counts shall apply:
- (i) bachelor units shall be assigned one (1) person per unit;
 - (ii) one-bedroom units shall be assigned two (2) persons per unit; and,
 - (iii) all other dwelling units, including townhouse-style dwelling units, shall be assigned 2.25 persons per unit.
- 3.4.12 For the purpose of determining the amount of parking to be provided for any development permitted pursuant to Policy 3.4, each dwelling unit shall be assigned one (1) parking space, while the commercial portion of the development will not require the provision of parking.
- 3.4.13 Further to Subsection 3.4.12, any parking to be provided on site shall be located underground.
- 3.4.14 In considering an application under Policy 3.4, Council shall ensure that vehicular and service access to the building has minimal impact on the streetscape by minimizing the width of the frontage it occupies, and by requiring a design that integrates both functions.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the ____ day of _____, A.D., _____.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this ____ day of _____, A.D., _____.

Cathy Mellett, Municipal Clerk

**ATTACHMENT B – PROPOSED AMENDMENTS TO THE HALIFAX PENINSULA
LAND USE BY-LAW**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use By-law for Halifax Peninsula is hereby amended as follows:

1. By adding the following Section after Section 98(2):

Eastern Side of Gottingen Street between Russell Street and Kaye Street

- 98(3) Council may permit a mixed use residential and commercial development on the eastern side of Gottingen Street, between Russell Street and Kaye Street (PID # 40850463), in accordance with Policy 3.4 of the Halifax Municipal Planning Strategy (Section XI, Part II).

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the ____ day of _____, A.D., _____.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this ____ day of _____, A.D., _____.

Cathy Mellett, Municipal Clerk

ATTACHMENT C – DRAFT DEVELOPMENT AGREEMENT

THIS AGREEMENT made this ____ day of **[Insert Month]**, 20____,

BETWEEN:

[INSERT PROPERTY OWNER NAME]

a body corporate, in the Province of Nova Scotia
(hereinafter called the "Developer")

OF THE FIRST PART

-and-

HALIFAX REGIONAL MUNICIPALITY

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

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands fronting on the east side of Gottingen Street, between Russell and Kaye Streets (PID # 40850463), Halifax and which said lands are more particularly described in Schedule A attached hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a Development Agreement to allow for a nine (9) storey mixed use residential and commercial building with underground parking on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policy 3.4 (Section XI, Part II) of the Halifax Municipal Planning Strategy and Section 98(3) of the Halifax Peninsula Land Use By-law;

AND WHEREAS the Peninsula Community Council for the Municipality approved this request at a meeting held on **[Insert - Date]**, referenced as Municipal Case Number 01325;

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

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

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

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

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

1.3 Applicability of Other By-laws, Statutes and Regulations

- 1.3.1 Further to Section 1.2, nothing in this Agreement shall exempt or be taken to exempt the Developer, lot owner or any other person from complying with the requirements of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement), or any statute or regulation of the Provincial or Federal Government and the Developer or Lot Owner agree(s) to observe and comply with all such laws, by-laws and regulations, as may be amended from time to time, in connection with the development and use of the Lands.
- 1.3.2 The Developer shall be responsible for securing all applicable approvals associated with the on-site and off-site servicing systems required to accommodate the development, including but not limited to sanitary sewer system, water supply system, stormwater sewer and drainage system, and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of the Municipality and other approval agencies. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer. All design drawings and information shall be certified by a Professional Engineer or appropriate professional as required by this Agreement or other approval agencies.

1.4 Conflict

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

1.5 Costs, Expenses, Liabilities and Obligations

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

1.6 Provisions Severable

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

PART 2: DEFINITIONS

2.1 Words Not Defined under this Agreement

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

2.2 Definitions Specific to this Agreement

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

“Landscape Architect” means a professional, full member in good standing with the Canadian Society of Landscape Architects.

PART 3: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS

3.1 Schedules

The Developer shall develop and use the Lands in a manner, which, in the opinion of the Development Officer, is in conformance with the following Schedules attached to this Agreement and filed with the Halifax Regional Municipality as Case Number 01325:

Schedule A	Legal Description of the Lands
Schedule B	Site Plan
Schedule C	Gottingen Street Elevation
Schedule D	Kaye Street Elevation
Schedule E	East Elevation
Schedule F	Russell Street Elevation
Schedule G	Plan – Lower Parking
Schedule H	Plan – Upper Parking
Schedule I	Plan – Ground Floor
Schedule J	Plan – Second Floor
Schedule K	Plan – Typical Floor 3-7
Schedule L	Plan – Eight Floor
Schedule M	Plan – Upper Penthouse
Schedule N	Cross Section
Schedule O	Preliminary Landscape Plan
Schedule P	Monument Sign

3.2 Requirements Prior to Approval

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

- (a) A detailed Landscape Plan prepared by a Landscape Architect in accordance with Section 3.8 and Schedule O of this Agreement;
- (b) A Site Servicing Plan prepared by a Professional Engineer and acceptable to the HRM Development Engineer and Halifax Water; and,
- (c) A Wastewater Capacity Analysis acceptable to Halifax Water.

3.2.2 Prior to the issuance of the first Occupancy Permit, the Developer shall provide the following to the Development Officer:

- (a) Certification from a Landscape Architect indicating that the Developer has complied with the Landscape Plan required pursuant to Section 3.8.1 of this Agreement, or Security in accordance with Section 3.8.10; and,
- (b) Written confirmation from the HRM Development Engineer indicating compliance with Section 4.2 of this Agreement.

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

3.3 General Description of Land Use

The use(s) of the Lands permitted by this Agreement is a single nine (9) storey mixed use residential and commercial building with two (2) levels of underground parking.

3.4 Detailed Provisions for Land Use

3.4.1 The building shall contain a maximum of eighty-three (83) dwelling units.

3.4.2 The maximum permitted population is 200 persons for the entire site.

3.4.3 For the purpose of calculating the population on the Lands, bachelor units shall be assigned one (1) person per unit, one-bedroom units shall be assigned two (2) persons per unit, and all other dwelling units, including the townhouse-style dwelling units, shall be assigned 2.25 persons per unit.

3.4.4 The following uses shall be permitted in the portion of the building dedicated to commercial uses, as shown on Schedules I and J:

- (a) Retail, excluding adult entertainment uses and amusement centres;
- (b) Hair salons, barber shops, cosmetology clinics, day spas and fitness centres;
- (c) Day care facilities;
- (d) Medical, dental, optometry, physiotherapy, chiropractic, registered massage therapy, naturopathic, psychological, or veterinary clinics;
- (e) Restaurants;
- (f) Banks and other financial institutions; and,
- (g) Offices.

3.4.5 Each townhouse-style dwelling unit shall be permitted a home occupation use, subject to the requirements of section 16B and notwithstanding section 16B(2) of the Land Use By-law for Peninsula Halifax.

3.5 Building Siting, Massing and Scale

3.5.1 The building to be constructed on the Lands shall comply with the following siting, massing and scale requirements:

- (a) The building, including the underground parking garage/podium, shall be located on the Lands as shown on Schedules B, G and H;
- (b) The massing of the building shall be as shown on Schedules C to F and Schedules I to M, inclusive; and,
- (c) The maximum height of the building shall not exceed 33 metres above the mean grade of the finished ground adjoining the building.

3.5.2 The Development Officer may permit unenclosed structures attached to a main building such as verandas, decks, porches, steps, and mobility disabled ramps to be located within the required minimum front, side and rear yards as identified on Schedule B.

3.6 Architectural Treatments

3.6.1 All vents, down spouts, flashing, electrical conduits, meters, service connections, and other functional elements shall be treated as integral parts of the design. Where appropriate, these elements shall be painted to match the colour of the adjacent surface, except where used expressly as an accent.

3.6.2 The building shall be designed such that the mechanical systems (HVAC, exhaust fans, etc.) are not visible from Gottingen Street, Kaye Street, and Russell Street or the abutting

school property. Furthermore, no mechanical equipment or exhaust fans shall be located between the building and the adjacent properties unless screened as an integral part of the building design and noise reduction measures are implemented. This requirement shall exclude individual residential mechanical systems.

- 3.6.3 Fixed or retractable awnings and canopies are permitted at ground floor level, provided the awnings and canopies are designed as an integral part of the building façade.
- 3.6.4 All roof mounted mechanical or telecommunication equipment shall be visually integrated into the roof design or screened so that they are not visible from Gottingen Street, Kaye Street, and Russell Street or the abutting school property.
- 3.6.5 All exposed concrete surfaces shall be architecturally textured.
- 3.6.6 The large blank podium wall identified as architectural concrete on Schedule E shall be tempered by the introduction of vines, shrubs, textural plantings, trellises, or a combination thereof.

3.7 Parking, Circulation and Access

- 3.7.1 The driveway access layout and entrance to the underground parking garage on the Lands shall be as generally illustrated on Schedule B.
- 3.7.2 The driveway access on the Lands shall have a hard finished surface such as asphalt, concrete, or interlocking precast concrete paver stones.
- 3.7.3 The limits of the driveway access on the Lands shall be defined by curbing.
- 3.7.4 Where the driveway access is to be delineated by curbing, such curbing shall not be asphalt.
- 3.7.5 The building on the Lands shall be serviced by two (2) levels of underground parking containing a minimum of ninety (90) parking spaces.
- 3.7.6 All parking spaces contained within the two (2) levels of underground parking shall comply with the requirements of the Land Use By-law.
- 3.7.7 The development on the Lands shall include designated bicycle parking as per the requirements of the Land Use By-law.

3.8 Landscaping

- 3.8.1 Prior to the issuance of a Construction Permit, the Developer agrees to provide a Landscape Plan, which complies with the provisions of this section, the provisions of Subsection 3.6.6, and substantially conforms with the overall intentions of the

Preliminary Landscape Plan shown on Schedule O. The Landscape Plan shall be prepared by a Landscape Architect and comply with all provisions of this section.

- 3.8.2 The minimum acceptable sizes for plant material shall be as follows:
- (a) High branching deciduous trees at grade – 60 mm CAL;
 - (b) High branching deciduous trees on slab – 45 mm CAL;
 - (c) Coniferous trees – 1.5 m in height; and,
 - (d) Shrubs – 0.6 m in height or spread.
- 3.8.3 Planting details for at grade and on slab planting situations for each type of plant material proposed on the detailed Landscape Plan shall be provided, including a species list with quantities, size of material, and common and botanical names (species and variety).
- 3.8.4 All plant material shall conform to the Canadian Nursery Trades Association's Metric Guide Specifications and Standards and sodded areas to the Canadian Nursery Sod Growers' Specifications.
- 3.8.5 All proposed retaining walls shall be constructed of a decorative precast concrete or modular stone retaining wall system or equivalent.
- 3.8.6 All retaining wall systems are to be identified including the height and type of fencing proposed in conjunction with it. A construction detail of any fence and wall combination shall be provided and certified by a Professional Engineer.
- 3.8.7 Construction Details and Manufacturer's Specifications (including model and colour) for all tree protection hoarding, benches, light standards and luminaries, trash receptacles, bike racks, tree grates and guards, planter seating wall, wood arbour, patio table and chairs, outdoor garbage enclosure, railings, and fencing shall be provided to the Development Officer with the application of the Construction Permit, and shall describe their design, construction, specifications, hard surface areas, materials and placement so that they will enhance the design of the building on the Lands and the character of the surrounding area.
- 3.8.8 No HRM street trees are to be removed or damaged during the construction phase. The detailed Landscape Plan shall identify plywood tree protective hoarding located as close to the dripline of the existing street trees as possible to protect them during the construction phase.
- 3.8.9 Prior to the issuance of the first Occupancy Permit, the Developer shall submit to the Development Officer a letter prepared by a Landscape Architect certifying that all landscape works have been completed according to the terms of this Agreement.
- 3.8.10 Notwithstanding subsection 3.8.9, the Occupancy Permit may be issued provided that the weather and time of year does not allow the completion of the outstanding landscape works and that the Developer supplies a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping. The cost estimate is to be prepared by a

Landscape Architect. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the work as described herein and illustrated on the Schedules, and as approved by the Development Officer. Should the Developer not complete the landscaping within twelve (12) months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping as set out in this section of the Agreement. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.

3.9 Signs

- 3.9.1 Signage for the commercial uses shall be in accordance with the General Provisions Section of the Land Use By-law for Halifax Peninsula.
- 3.9.2 Signage for the home occupations shall be in accordance with Section 34 of the Land Use By-law for Halifax Peninsula.
- 3.9.3 Two (2) temporary ground signs depicting the name or corporate logo of the Developer shall be permitted on the Lands prior to and during construction. The temporary signs shall be removed prior to the issuance of the final Occupancy Permit.
- 3.9.4 A permanent ground monument sign, which is generally in conformance with Schedule P and which identifies the development, shall be permitted on the Lands near the corner of Gottingen Street and Russell Street. The ground monument sign shall not exceed a surface area of 5.2024 square metres per sign face and shall be located so as not to impede traffic sightlines.
- 3.9.5 The signs for the commercial uses, as well as the permanent ground monument sign, may only be externally illuminated.

3.10 Screening

Propane tanks, natural gas service hookups, and electrical transformers shall be located on the Lands in such a way to ensure minimal visual impact from Kaye Street, Gottingen Street and Russell Street. These facilities shall be secured in accordance with the applicable approval agencies and screened by means of opaque fencing or masonry walls with suitable landscaping.

3.11 Outdoor Lighting

Lighting shall be directed to driveways, parking areas, loading areas, building entrances and walkways and shall be arranged so as to divert the light away from streets, adjacent lots and buildings.

3.12 Maintenance

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

PART 4: STREETS AND MUNICIPAL SERVICES

4.1 Site Servicing Plan

The Developer shall provide a site servicing plan for the proposed building, including proposed wastewater flows. Prior to the issuance of a Construction Permit, a wastewater capacity analysis, as directed by Halifax Water, shall be submitted. Any system upgrades required to accommodate this application will be the responsibility of the Developer.

4.2 Off-Site Disturbance

Any disturbance to existing off-site infrastructure resulting from the development, including but not limited to, streets, sidewalks, curbs and gutters, street trees, landscaped areas and utilities, shall be the responsibility of the Developer, and shall be reinstated, removed, replaced or relocated by the Developer as directed by the Development Officer, in consultation with the HRM Development Engineer and the HRM Urban Forester.

4.3 Underground Services

All secondary electrical and communication distribution systems to the building shall be underground.

4.4 Outstanding Site Work

Securities for the completion of outstanding on site paving work (at the time of issuance of the first Occupancy Permit) may be permitted. Such securities shall consist of a security deposit in the amount of 110 percent of the estimated cost to complete the work. The security shall be in favour of the Municipality and may be in the form of a certified cheque or irrevocable automatically renewing letter of credit issued by a chartered bank. The security shall be returned to the Developer by the Development Officer when all outstanding work is satisfactorily completed.

4.5 Encroachments

Any proposed building encroachments into the street rights-of-way, illustrated on the attached schedules or otherwise, shall require HRM approval and a separate encroachment permit/licence

as per the requirements of the Encroachment By-law (By-law E-200).

PART 5: ENVIRONMENTAL PROTECTION MEASURES

5.1 Archaeological Resources

The Lands fall within the High Potential Zone for Archaeological Sites identified by the Province of Nova Scotia. The Developer shall contact the Curator of Special Places with the Heritage Division of the Department of Communities, Culture and Heritage of the Province of Nova Scotia prior to any disturbance of the site and the Developer shall comply with the requirements set forth by the Province in this regard.

PART 6: AMENDMENTS

6.1 Non-Substantive Amendments

The following items are considered by both parties to be non-substantive and may be amended by resolution of Council:

- (a) The granting of an extension to the date of commencement of development, as identified under Section 7.3.3 of this Agreement;
- (b) The granting of an extension to the length of time for the completion of the development, as identified under Section 7.4.3 of this Agreement;
- (c) Changes to the landscaping requirements detailed in Section 3.8 or which, in the opinion of the Development Officer are not generally in conformance with Schedule O;
- (d) An increase in the number of dwelling units, provided the building size, maximum height and allowed population have not increased and the exterior appearance of the building is not affected;
- (e) The replacement of the commercial space with individually accessible two-storey townhouse-style dwelling units; and
- (f) Minor changes to the exterior architectural appearance of the building, including materials, architectural treatments and fenestration pattern.

6.2 Substantive Amendments

Amendments to any matters not identified under Section 6.1 shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Halifax Regional Municipality Charter*.

PART 7: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

7.1 Registration

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

7.2 Subsequent Owners

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

7.3 Commencement of Development

- 7.3.1 In the event that development on the Lands has not commenced within five (5) years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law.
- 7.3.2 For the purpose of this section, commencement of development shall mean the excavation and construction of the footings and foundation for the proposed nine (9) storey commercial/residential mixed use building with two levels of underground parking.
- 7.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 6.1, if the Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the commencement of development time period.

7.4 Completion of Development

- 7.4.1 If the Developer fails to complete the development after eight (8) years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office, Council may review this Agreement, in whole or in part, and may:
 - (a) Retain the Agreement in its present form;
 - (b) Negotiate a new Agreement; or
 - (c) Discharge this Agreement.
- 7.4.2 For the purpose of this section, completion of development shall mean the issuance of the first Occupancy Permit.
- 7.4.3 For the purpose of this section, Council may consider granting an extension of the completion of development time period through a resolution under Section 6.1, if the

Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the completion of development time period.

7.5 Discharge of Agreement

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

- (a) Retain the Agreement in its present form;
- (b) Negotiate a new Agreement; or,
- (c) Discharge this Agreement and apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use By-law for Peninsula Halifax.

PART 8: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

8.1 Enforcement

The Developer agrees that any officer appointed by the Municipality to enforce this Agreement shall be granted access onto the Lands during all reasonable hours without obtaining consent of the Developer. The Developer further agrees that, upon receiving written notification from an officer of the Municipality to inspect the interior of any building located on the Lands, the Developer agrees to allow for such an inspection during any reasonable hour within twenty-four (24) hours of receiving such a request.

8.2 Failure to Comply

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

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

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

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

SIGNED, SEALED AND DELIVERED
in the presence of:

=====

(Insert Registered Owner Name)

Per: _____

Per: _____
=====

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

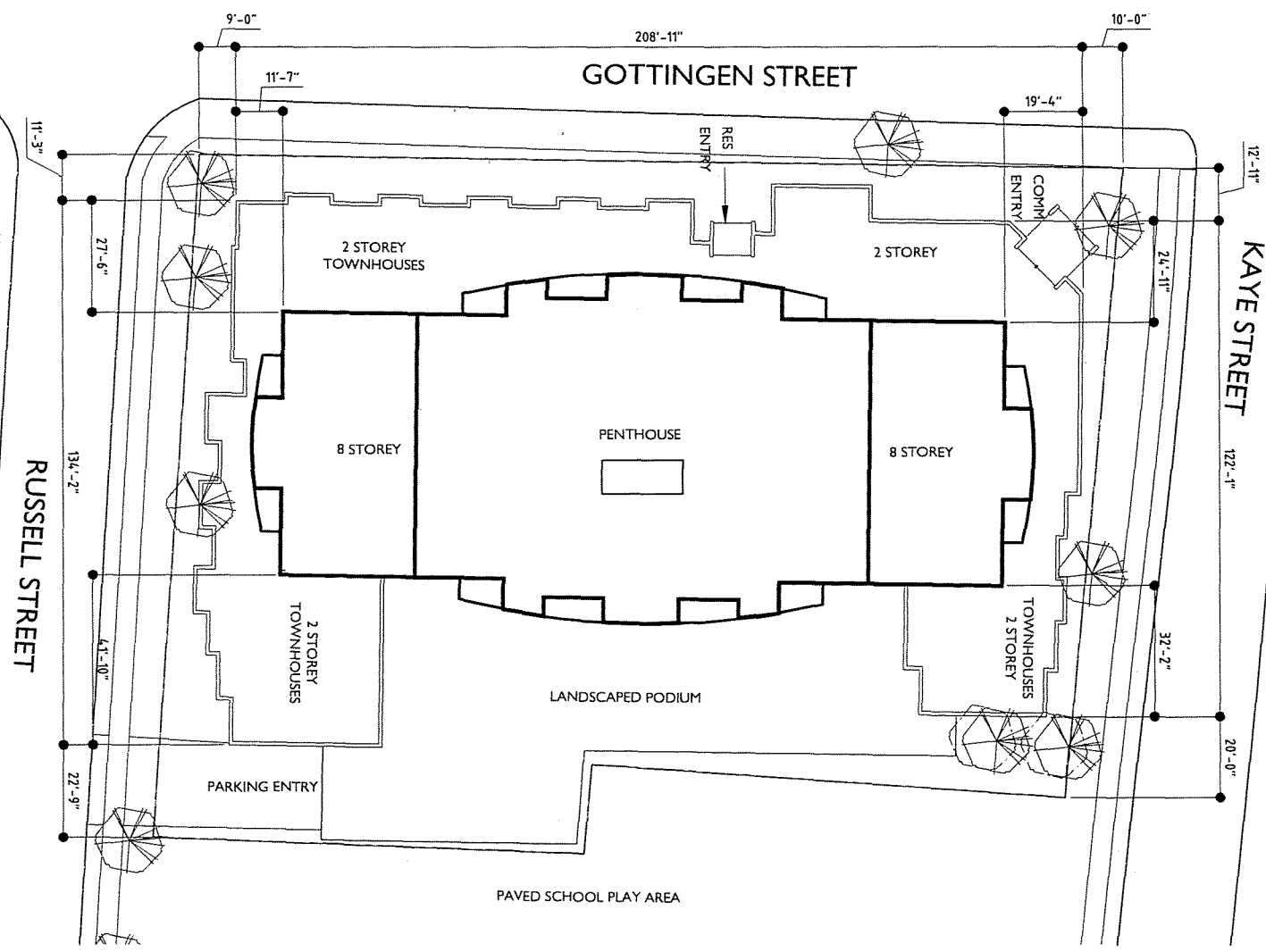
**HALIFAX REGIONAL
MUNICIPALITY**

Per: _____
Mayor

Per: _____
Municipal Clerk



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



ST. JOSEPH'S SQUARE CONDOMINIUMS
GOTTINGEN STREET, HALIFAX NS

SCHEDULE B
SITE PLAN

SCALE: 1"=40'
Mar 28, 2011

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SAINT JOSEPH'S SQUARE CONDOMINIUMS

GOTTINGEN STREET, HALIFAX NS

SCHEDULE C

GOTTIGEN STREET ELEVATION

KASSNER/GOODSPEED ARCHITECTS

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

SCALE: 1"=30'
Mar 28, 2011

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SAINT JOSEPH'S SQUARE CONDOMINIUMS

GOTTINGEN STREET, HALIFAX NS

SCHEDULE D

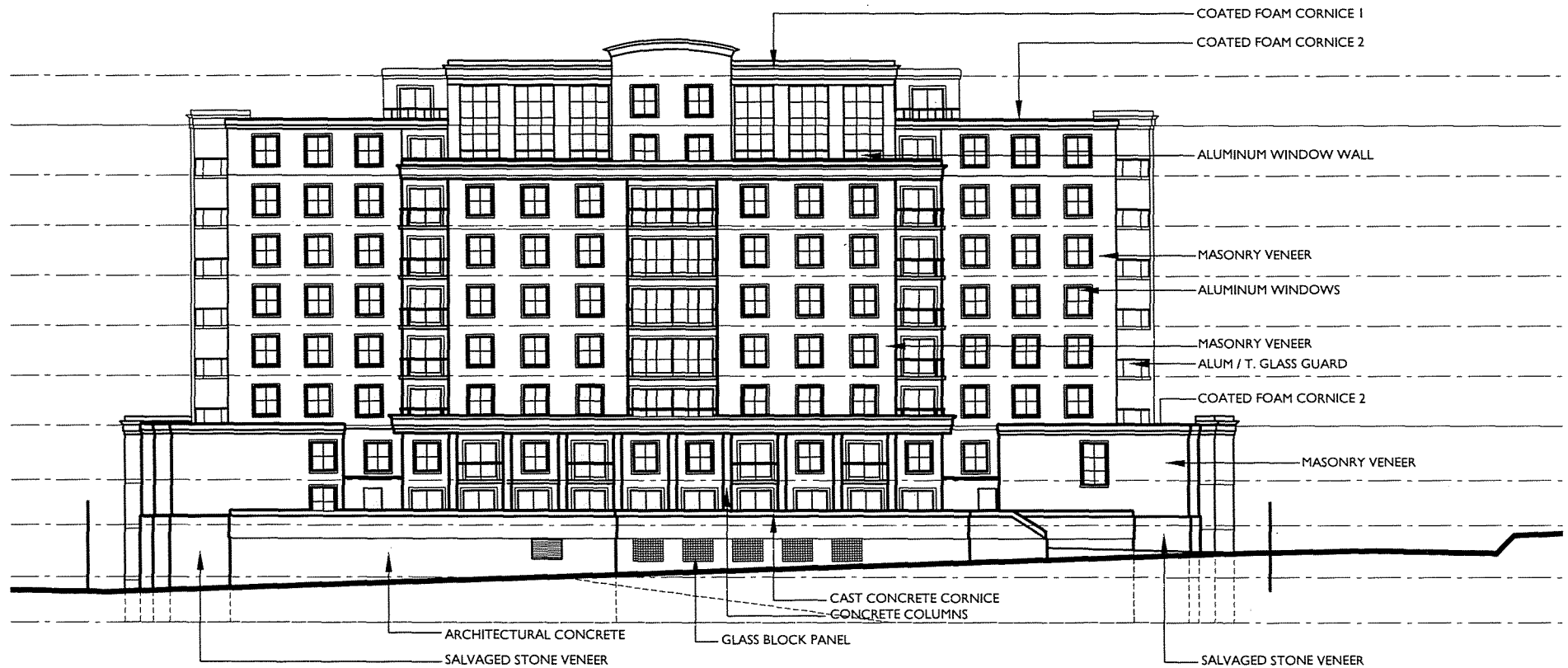
KAYE STREET ELEVATION

KASSNER/GOODSPEED ARCHITECTS

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

SCALE: 1"=30'
Mar 28, 2011

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SAINT JOSEPH'S SQUARE CONDOMINIUMS

GOTTINGEN STREET, HALIFAX NS

SCHEDULE E

EAST ELEVATION

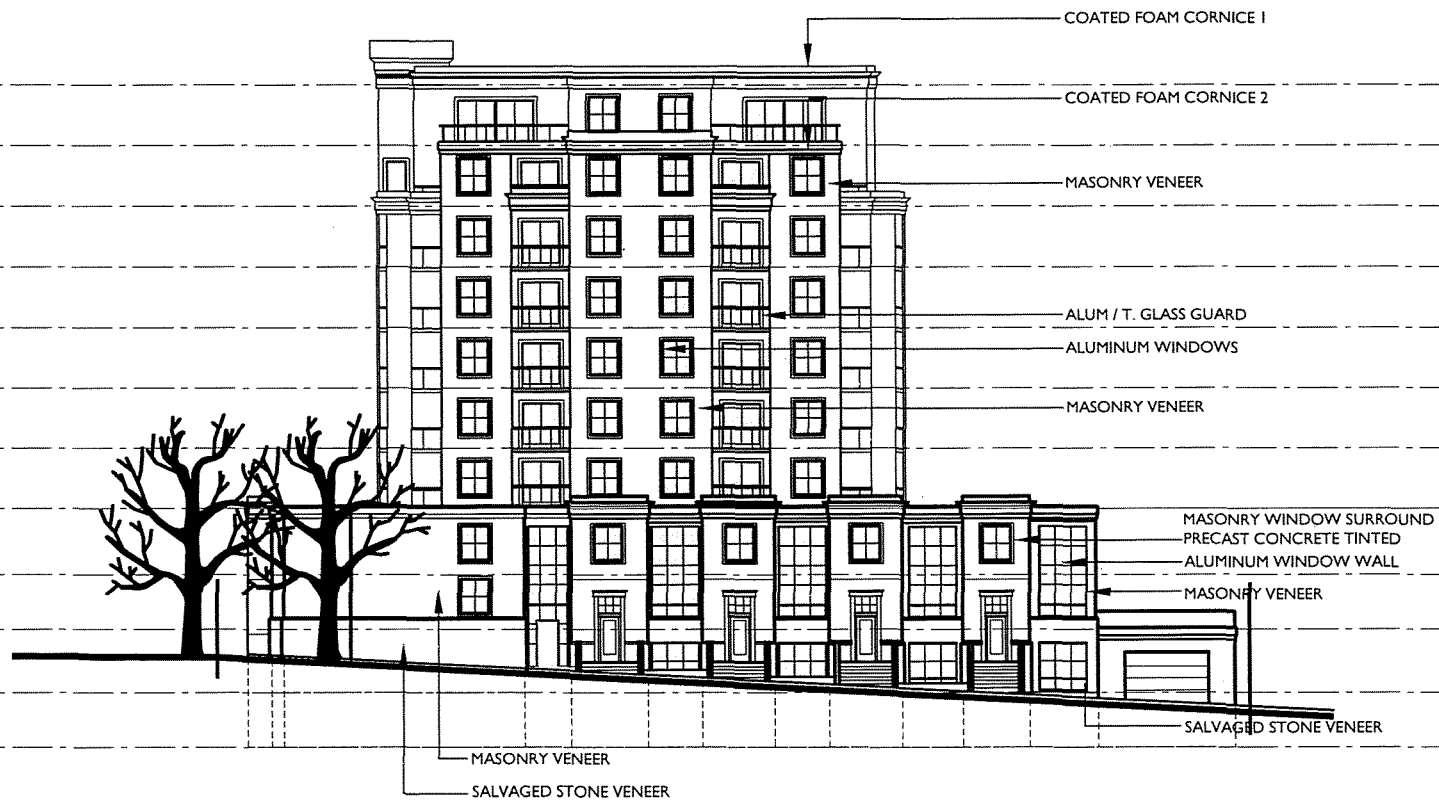
KASSNER/GOODSPEED ARCHITECTS

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

SCALE: 1"=30'

Mar 28, 2011

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SAINT JOSEPH'S SQUARE CONDOMINIUMS

GOTTINGEN STREET, HALIFAX NS

SCHEDULE F

RUSSELL STREET ELEVATION

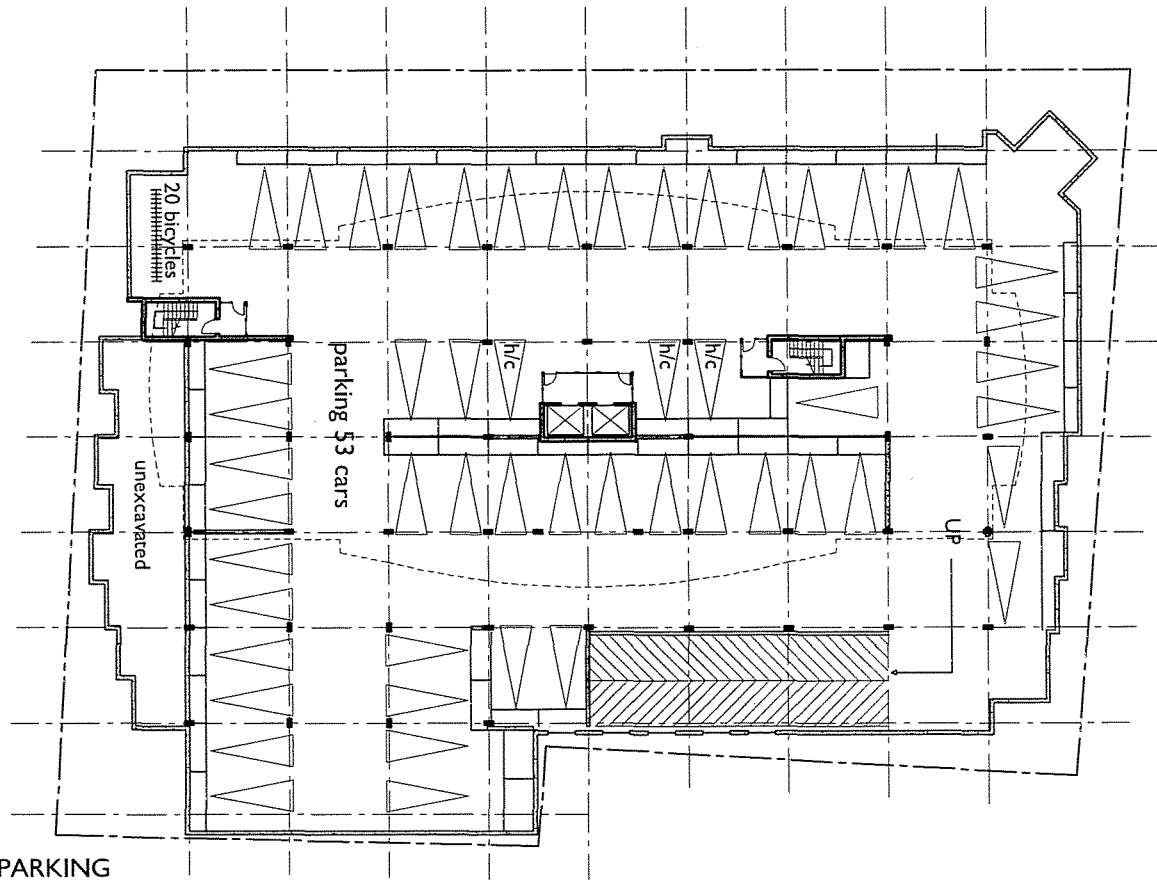
KASSNER/GOODSPEED ARCHITECTS

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

SCALE: 1"=30'
Mar 28, 2011



LOWER PARKING
GFA 27,224sf



SAINT JOSEPH'S SQUARE CONDOMINIUMS

GOTTINGEN STREET, HALIFAX NS

SCHEDULE G

PLAN - LOWER PARKING

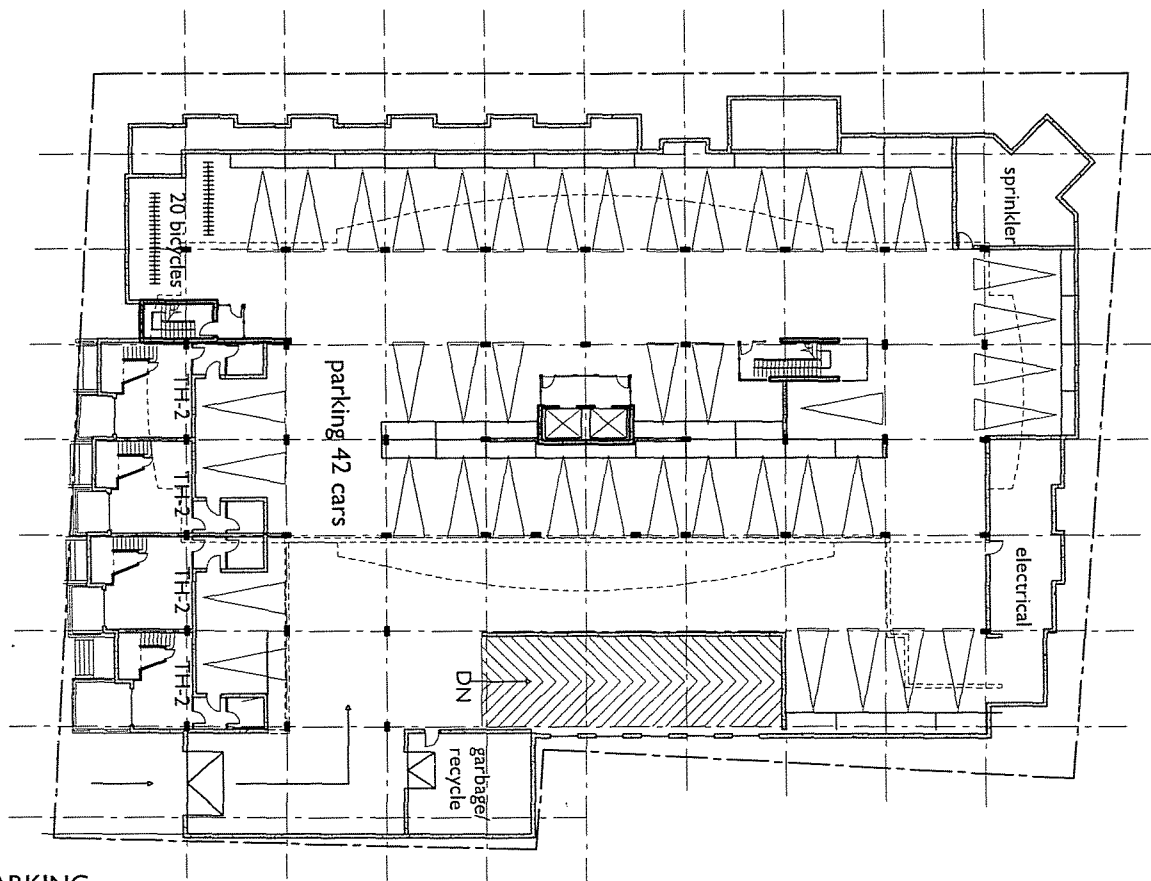
KASSNER/GOODSPEED ARCHITECTS

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

SCALE: 1"=40'
Mar 25, 2011



UPPER PARKING
GFA 28,020sf



SAINT JOSEPH'S SQUARE CONDOMINIUMS

GOTTINGEN STREET, HALIFAX NS

SCHEDULE H

PLAN - UPPER PARKING

KASSNER/GOODSPEED ARCHITECTS

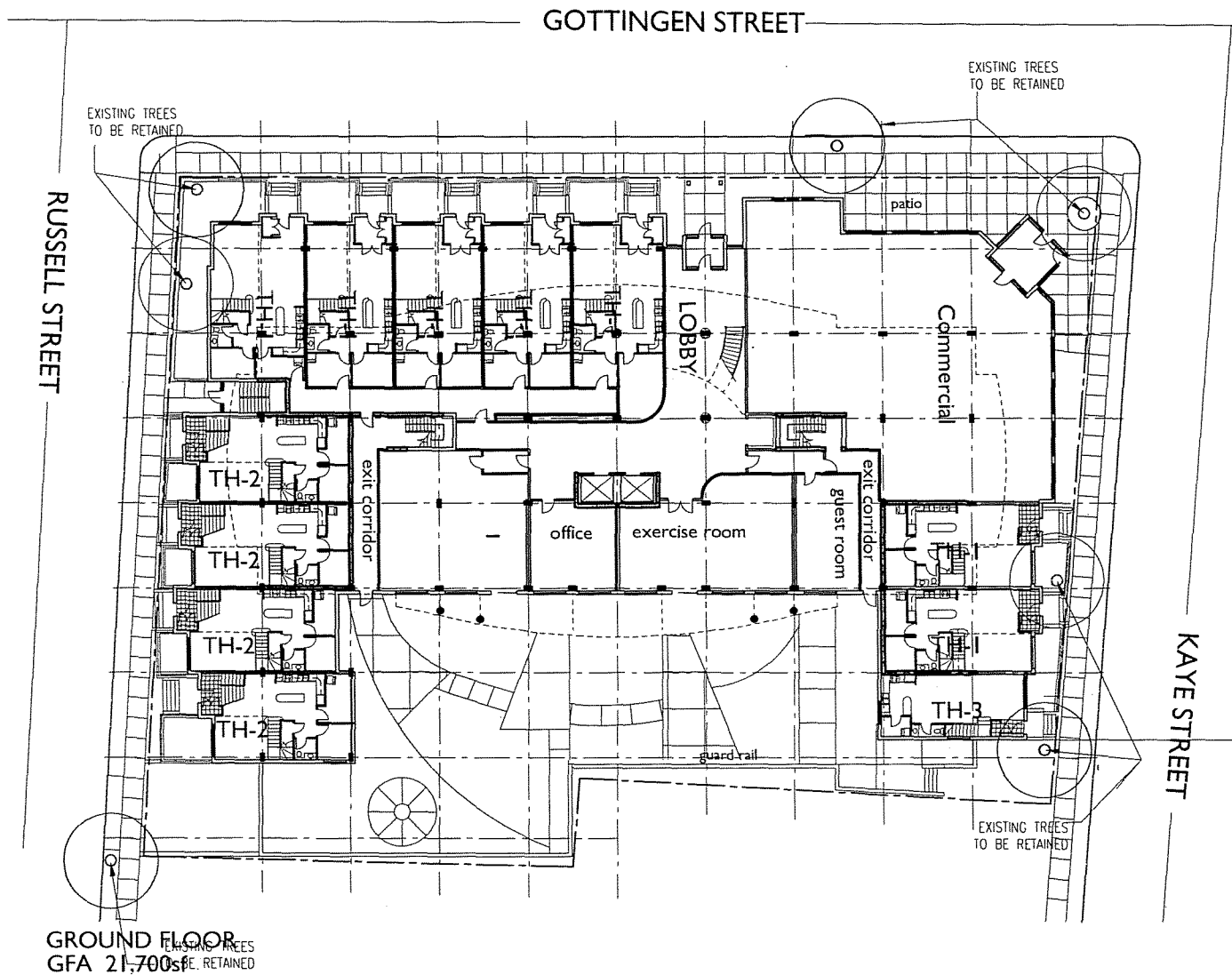
SUITE 200, 5663 CORNWALLIS ST.
HALIFAX, N.S. B3K 1B6 (902) 422-1557

SCALE: 1"=20'
Mar 25, 2011



KASSNER/GOODSPEED ARCHITECTS

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



SAINT JOSEPH'S SQUARE CONDOMINIUMS

GOTTINGEN STREET, HALIFAX NS

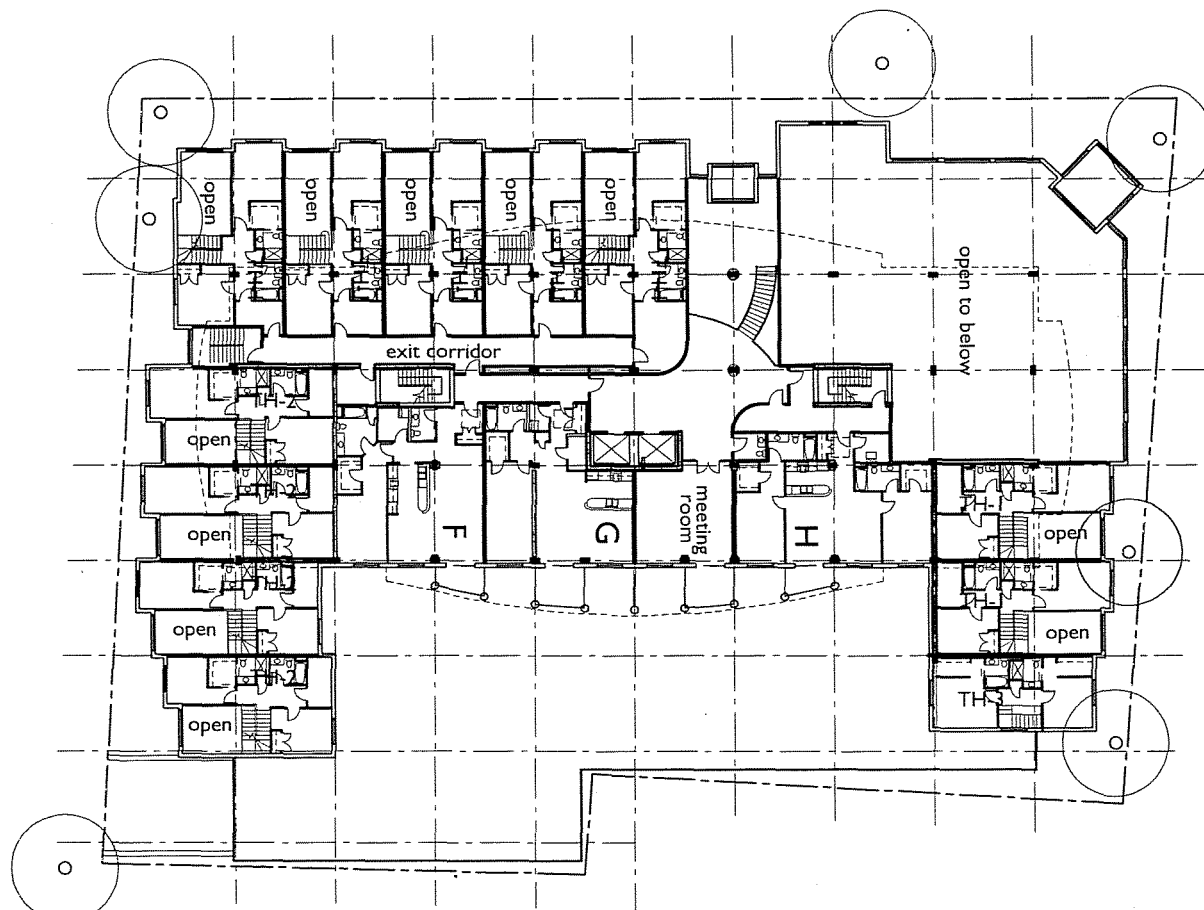
SCHEDULE I

PLAN - GROUND FLOOR

SCALE: 1"=40'
Mar 25, 2011



SECOND FLOOR
GFA 14,200 sf



SAINT JOSEPH'S SQUARE CONDOMINIUMS

GOTTINGEN STREET, HALIFAX NS

SCHEDULE J

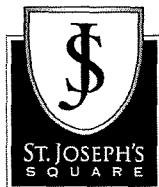
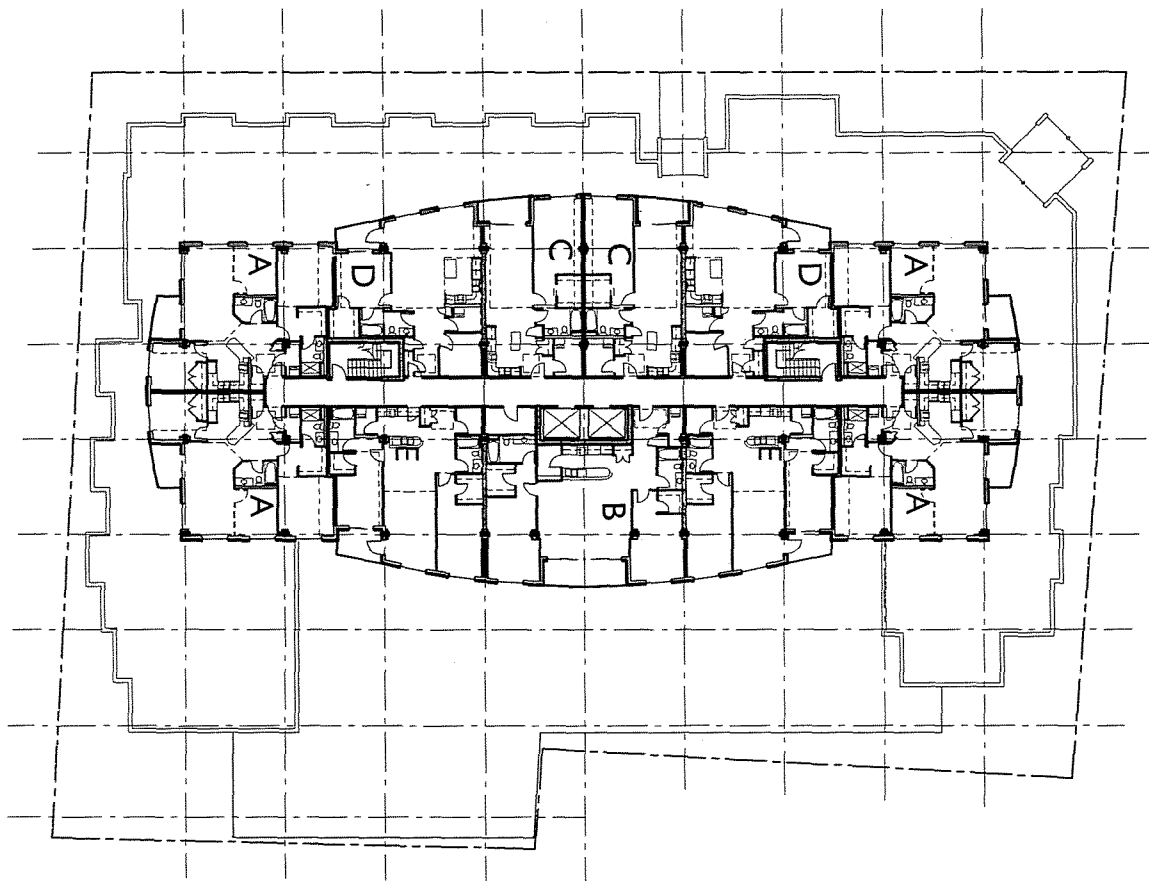
PLAN - SECOND FLOOR

KASSNER/GOODSPEED ARCHITECTS

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

SCALE: 1"=40'
Mar 25, 2011

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TYPICAL FLOOR 3-7
GFA 13750sf

SAINT JOSEPH'S SQUARE CONDOMINIUMS

GOTTINGEN STREET, HALIFAX NS

SCHEDULE K

PLAN - TYPICAL FLOOR 3-7

KASSNER/GOODSPEED ARCHITECTS

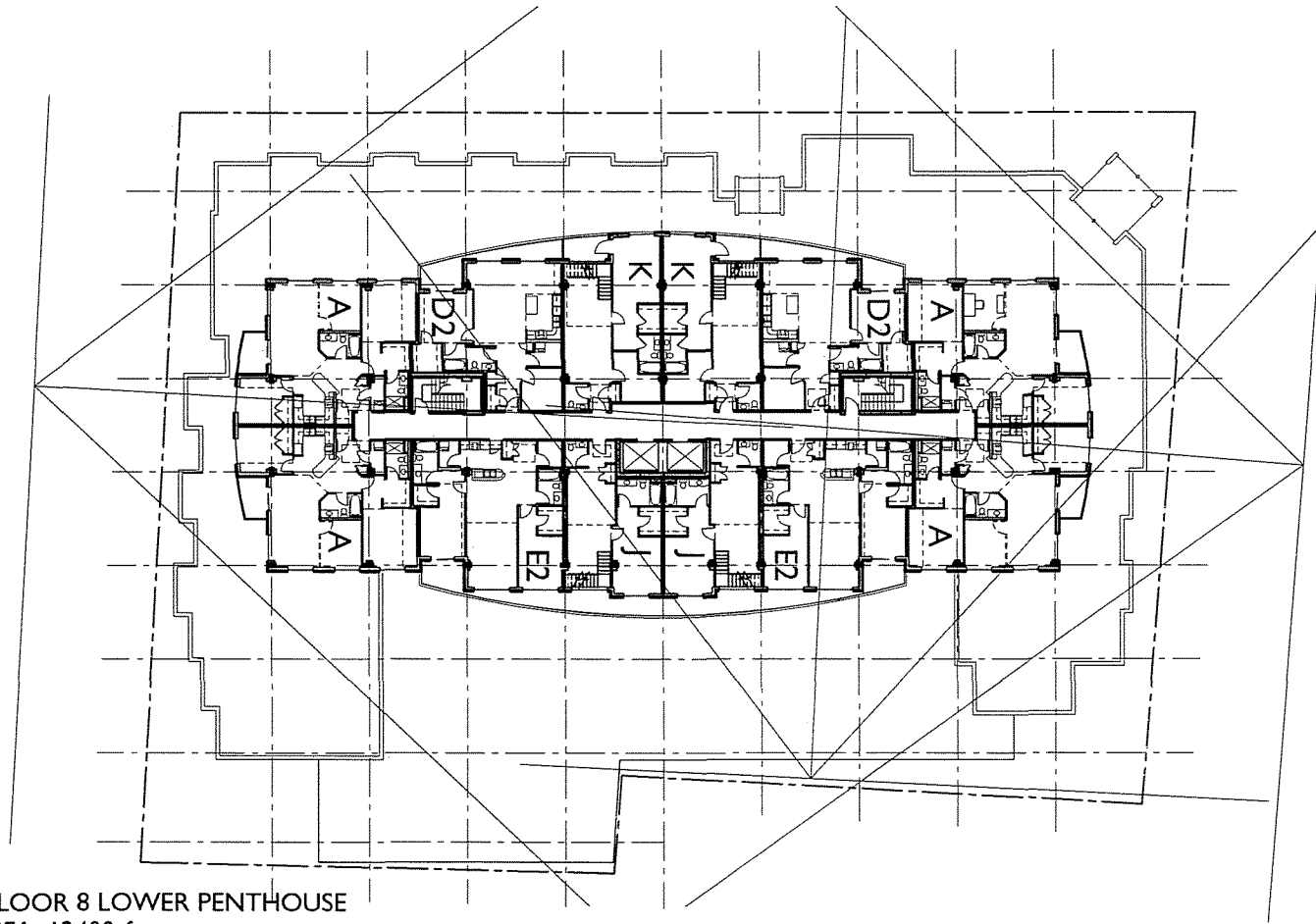
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HALIFAX, N.S., B3K 1B6 (902) 422-1557

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Mar 25, 2011

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FLOOR 8 LOWER PENTHOUSE
GFA 12400sf



SAINT JOSEPH'S SQUARE CONDOMINIUMS

GOTTINGEN STREET, HALIFAX NS

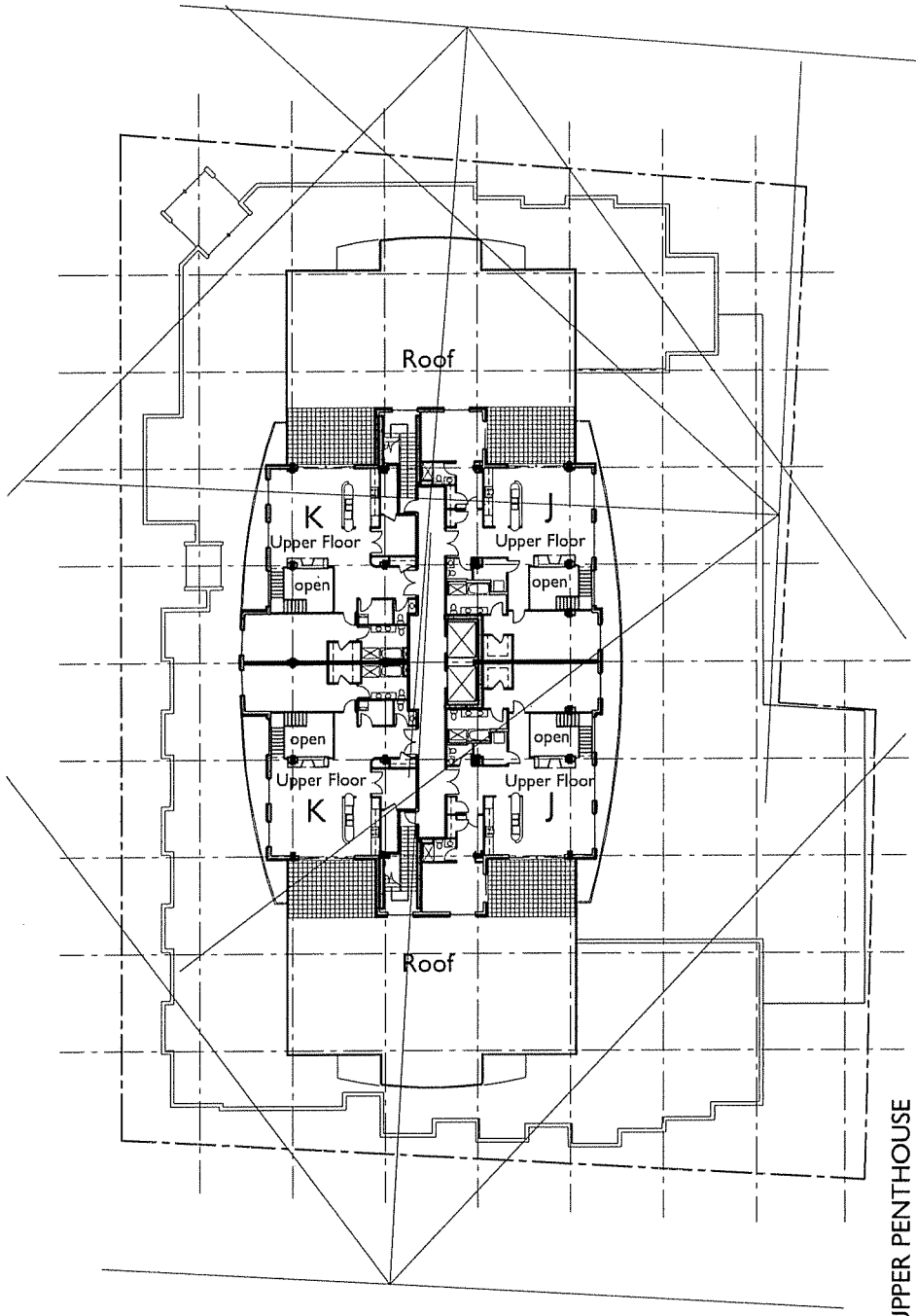
SCHEDULE L

PLAN - EIGHTH FLOOR

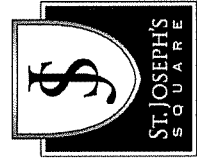
KASSNER/GOODSPEED ARCHITECTS

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

SCALE: 1"=40'
Apr 05, 2011



UPPER PENTHOUSE
GFA 6585sf

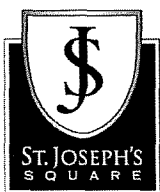
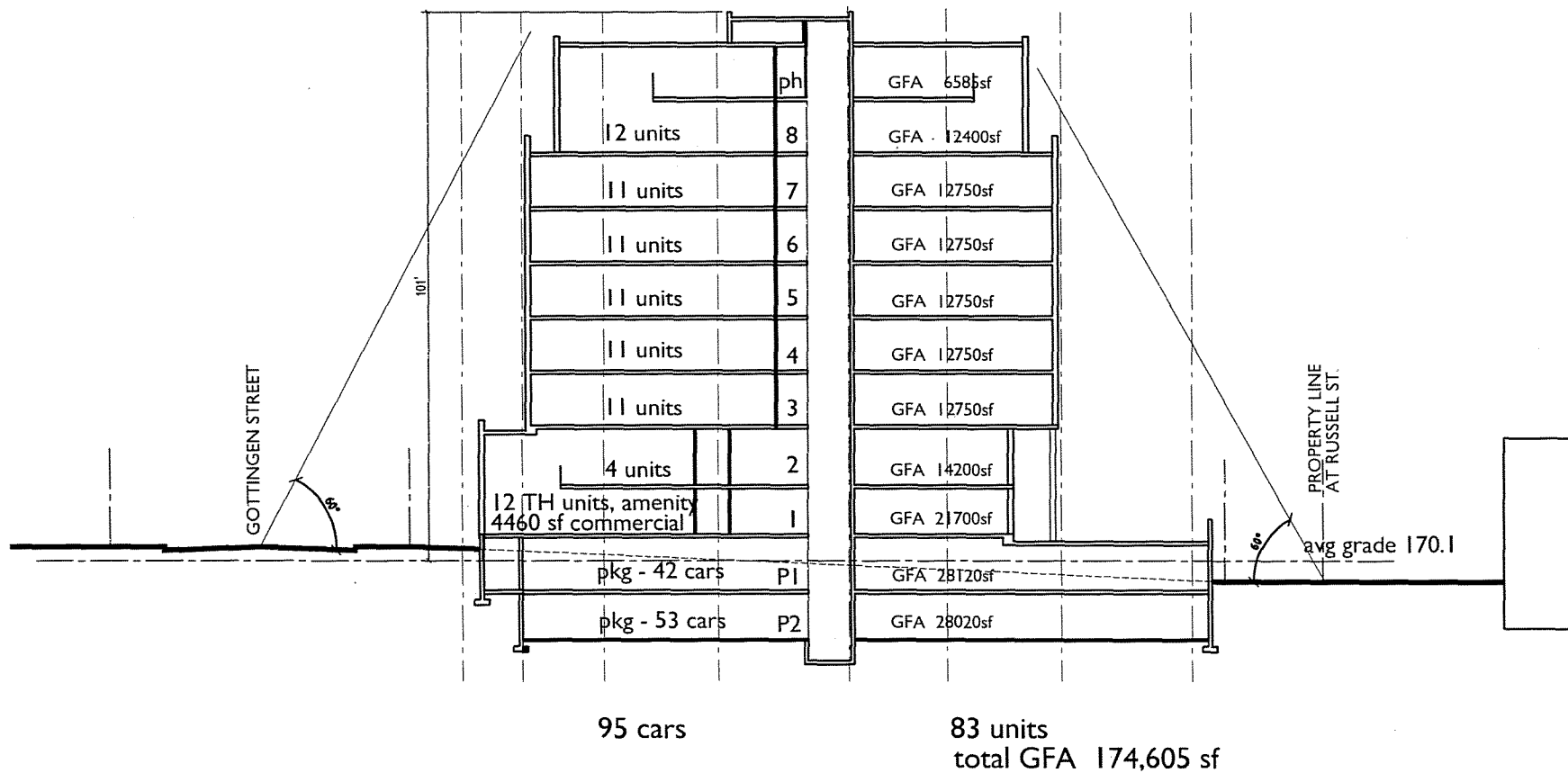


SCHEDULE M
PLAN - UPPER PENTHOUSE
SAINT JOSEPH'S SQUARE CONDOMINIUMS
GOTTINGEN STREET, HALIFAX NS

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

SCALE: 1"=40'
Mar 25, 2011

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SAINT JOSEPH'S SQUARE CONDOMINIUMS

GOTTINGEN STREET, HALIFAX NS

SCHEDULE N

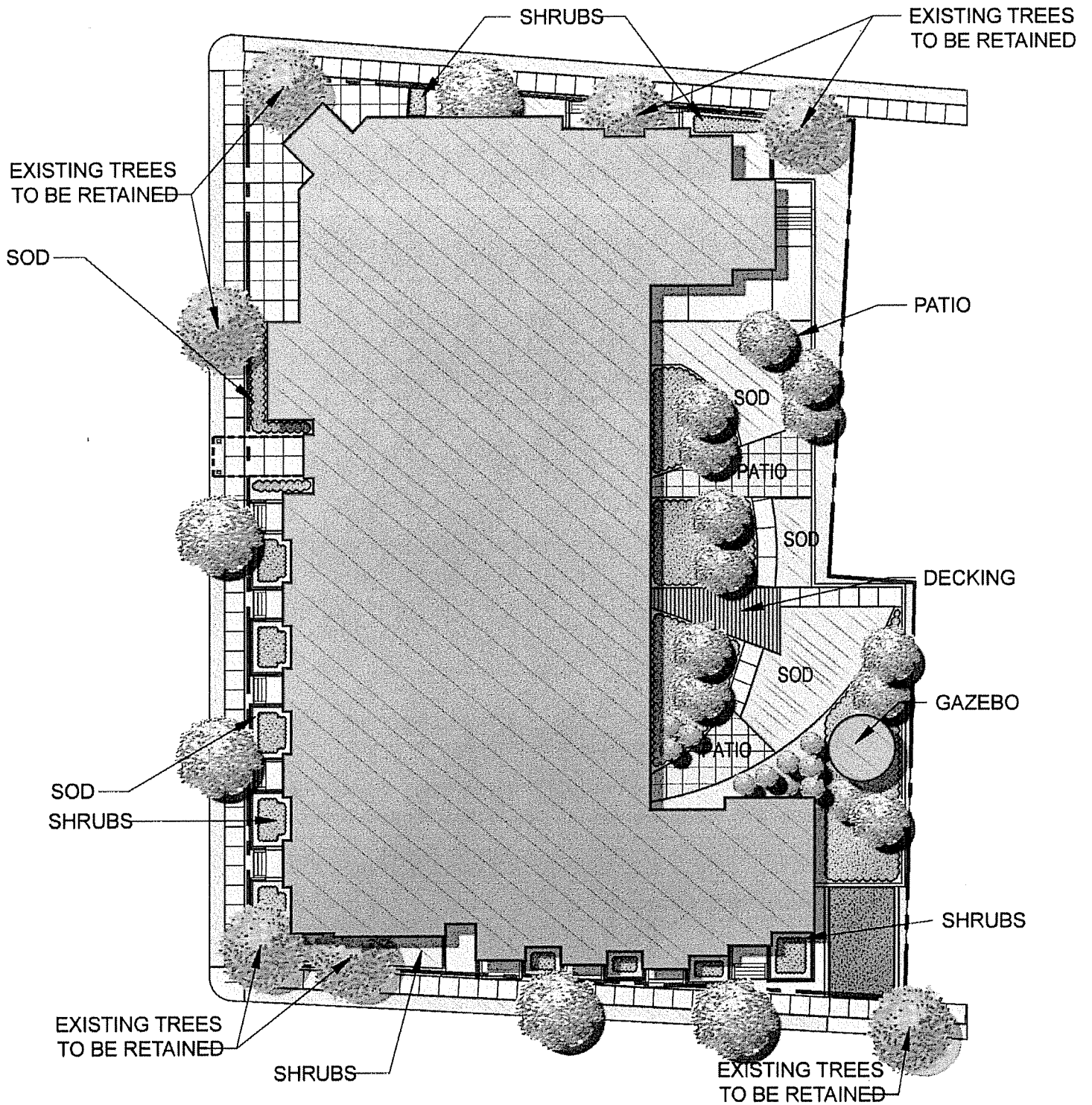
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KASSNER/GOODSPEED ARCHITECTS

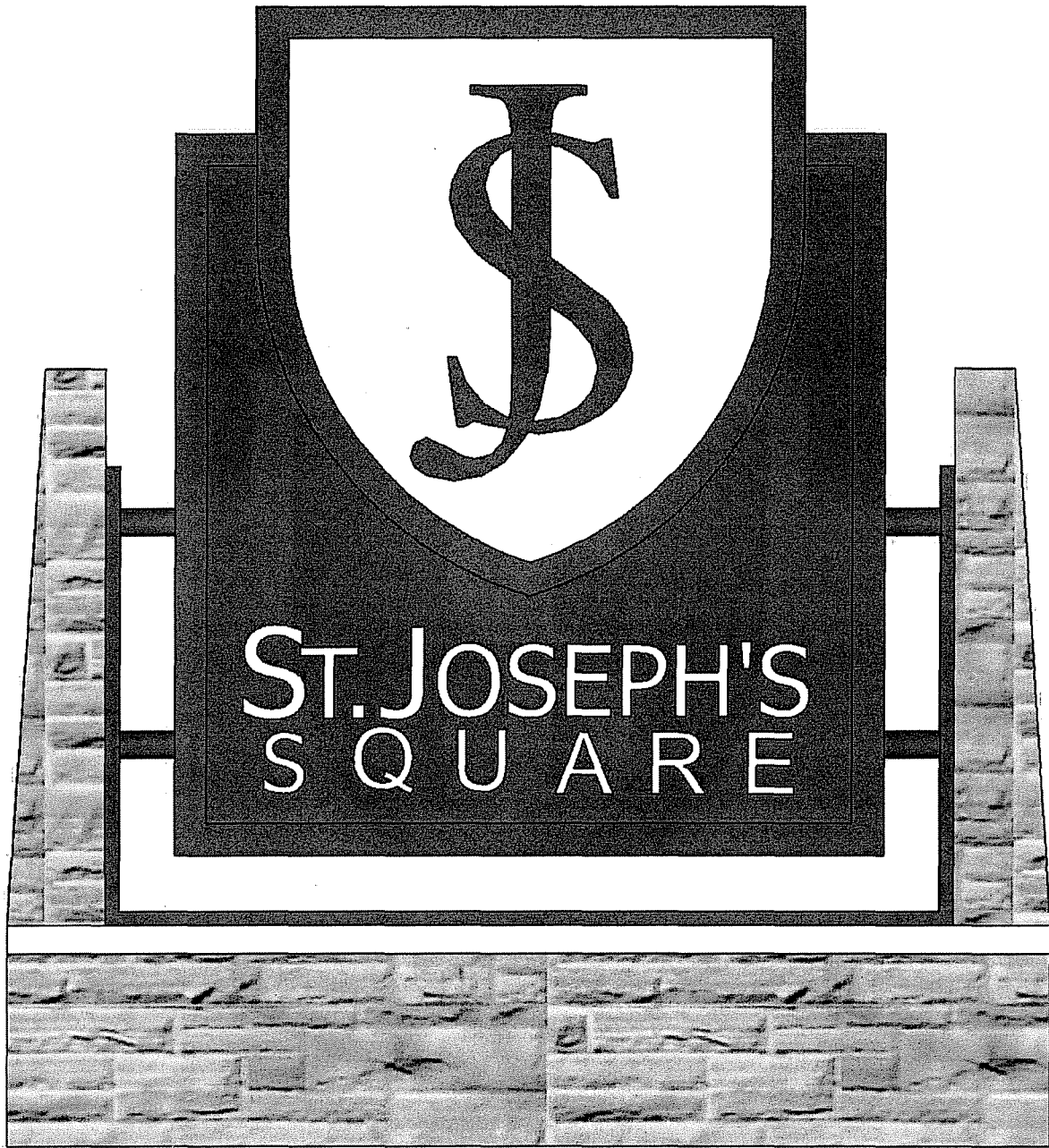
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HALIFAX, N.S., B3K 1B6 (902) 422-1557

SCALE: 1"=30'
Mar 28, 2011

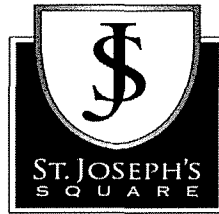
Schedule "O"



Schedule "P"



ATTACHMENT D



29 November 2010

Halifax Regional Municipality
Community Development
P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5

ATTENTION: **Mr. Luc Ouellet, Planner**

Dear Mr. Ouellet:

RE: Case No. 01325
Site Specific MPS Amendment/
Development Agreement Application
5455 Russell Street/5454 Kaye Street
Peninsula North Planning District
Halifax, Nova Scotia

After a thorough analysis of the comments received from the public, in response to our proposed 11 storey mixed use development, we are pleased to submit herewith revised drawings reducing the height of the proposed building to a total of eight storey's, plus penthouse for a total of 83 residential condominium suites.

During the Municipality's Public Information Meeting, we heard from numerous residents stating that the height of the project is the critical community issue. Shortly after, we circulated 1,648 questionnaires on the development to residents living in the Peninsula North Planning District, and received a total of 69 responses or 4.2%. 38% or 26 respondents advised that they were in favor of the 11 storey project, 35% or 24 respondents advised that they were strongly against any form of development on the site, and 28% or 19 respondents advised that they were in favor of a building between 6 to 8 storey's in height.

We also heard concerns from residents about traffic problems created from the neighborhood schools. Attached is a revised Traffic Impact Statement, dated October 26, 2010, prepared by Genivar Consultants using manual turning

Mr. Luc Ouellet
November 29, 2010
Page 2

movement counts of vehicles and pedestrians at the Gottingen Street/Russell Street intersection on September 29, 2010. Based on actual traffic counts, "Site generated trips are not expected to have any significant impacts to Russell Street at the site parking garage driveway, the Gottingen Street/Russell Street Intersection, or the regional street system." (p. 6, Ken O'Brien, P. Eng., Senior Traffic Engineer)

We were attracted to this site because of its visual prominence, unique design opportunities, and sustainable location. It was important for us to maintain the townhomes in the design to create an illusion of a low-rise identity compatible to the adjacent neighborhood, and to also enhance the pedestrian environment.

The Regional Plan encourages intensification on the Peninsula. St. Joseph's Square is a sustainable, transit orientated development that will have positive impacts for the greater Halifax Regional Municipality.

If you have any questions, please do not hesitate to contact the undersigned at 902-826-3090.

Sincerely yours,

Virginia Bonn
Development Manager

cc: Councillor Blumenthal
Councillor Uteck
Councillor Sloane
Councillor Watts

ATTACHMENT E – MINUTES FROM THE APRIL 29, 2010 PUBLIC INFORMATION MEETING

Public Information Meeting
Case 01325
April 29, 2010

In attendance: Councillor Blumenthal
Councillor Watts
Patricia Hughes, Planner, Planning Applications
Shanan Pictou, Planning Technician
Gail Harnish, Planning Services
Virginia Bonn, Empire Company Limited
Rob LeBlanc, Ekistics (land use planner)
Dan Goodspeed, Kassner Goodspeed Architects (project architect)

Call to order, opening comments

Ms. Patricia Hughes called the public information meeting (PIM) to order at approximately 7:00 p.m. at St. Joseph A. MacKay School, Halifax. The purpose of tonight's meeting is to discuss an application for a Municipal Planning Strategy (MPS) amendment and a development agreement for St. Joseph's Square.

Overview of planning process

Ms. Hughes provided an overview of the planning process:

- An application was received in September of 2009 and Regional Council initiated the planning process on October 27, 2009.
- Tonight is the PIM. This is the first opportunity for input. The minutes from tonight's meeting will be attached to the staff report, as will any written submissions received over the next few weeks.
- Staff will do a detailed review of the application, including reviewing what was said tonight.
- Staff will write a staff report and negotiate a draft development agreement.
- The report and agreement will be tabled with Community Council, who will forward the report and its recommendation to Regional Council.
- Regional Council will decide whether or not to schedule a public hearing and, if they decide to proceed, a public hearing is held.

Ms. Hughes reviewed the proposal information:

- It is the former St. Joseph's Church site on Gottingen Street between Kaye Street and Russell Street
- The site is approximately 35,000 square feet
- The zoning is P (Park and Institutional)

- The proposal is for an 11 storey mixed use building with residential and commercial uses
- The request is for an amendment to the Halifax MPS to allow the uses by development agreement. There are two parts to the application: amend the MPS to allow consideration of the DA, and to enter into a development agreement.

Presentation of proposal

Ms. Virginia Bonn, Development Manager with Empire Company Limited (ECL), the developer of the project, introduced Dan Goodspeed and Rob LeBlanc, noting it was important to ECL to have local talent.

Mr. Rob LeBlanc indicated they have gone through a number of presentations with individual groups over the past couple of months. The location is the St. Joseph's church behind us. In terms of land use, the zoning surrounding the properties is mostly R-2 and C-2 type of development to the south and west, and R-1 single family development to the north.

Mr. LeBlanc noted ECL has been around for a number of years. They have done residential developments for the last forty years and more recently did work on the Martello.

Ms. Bonn indicated the Martello was their first condominium unit. It is a twelve storey tower which has 100 units on top of an existing six storey building. They show it as an example of their commitment to quality and their attention to detail.

Mr. LeBlanc advised they are proposing an eighty-five unit residential development. Eleven of those units would be family townhouses at the street level, and there are seventy-four condominium units set back in a tower. What is being proposed is a mixed use development. There is a proposal for a commercial component on one of the corners.

When the project started roughly 1.5 years ago, part of the consideration was the heritage of the property. They first looked at the church itself to see if there was some adaptive re-use potential but unfortunately it was in quite bad shape and that was not possible, so they looked for opportunities to carry through the themes for the church that had stood there for 100 years. In terms of heritage, they looked at symbolic ways to pay homage to the past use. The name St. Joseph's Square came directly from the church. A lot of the stone from the building has been reclaimed and it is the intention to use a lot of it to face the new development. The granite plaque that stood out front has become part of the logo. Some of the stained glass windows from the church, which recounted the history of the Halifax Explosion, will also come back to the development. The stone has been taken off site and they are looking forward to bringing that back to parts of the development.

Mr. LeBlanc displayed some streetscape shots and ground level perspectives:

- What is being proposed at the corner of Gottingen and Kaye Street is a commercial type development, which could include either a coffee shop or a book shop. They do not know for sure yet what it will be, but they set aside 5000 square feet for that commercial use. The hope is to create some activity on the corner, much like the Hydrostone, and be able

to set back the building a bit so they could have a plaza with coffee tables brought out to the street.

- Rather than bringing a tower right down to the street level, the proposal calls for townhouses all around the edges of Kaye Street, Gottingen Street and Russell Street, to give it human scale. There will be doors on each townhouse unit and a small front yard, rather than a tower brought right down to the street level.
- Looking from the corner on Russell Street and Gottingen Street, Russell Street in the foreground, and gives you a sense of how the townhouse units will wrap around. They are looking to preserve some of the larger trees on the site.
- On the back side on Kaye Street, you see a back podium type of development. The townhouses wrap around and there is a podium plaza that would be part of the tower.

In terms of the neighbourhood context, they were able to take some of the 3D models and place them over some existing shots of the neighbourhood to give them a sense of scale, placement and size.

- They are in the park of the Hydrostone, and you get a sense of the building in the foreground and the two storey base with a tower that is set back about 30' from the base.
- Moving up from the Hydrostone, this is at the bus stop location, and moving onwards from the front of St. Marks looking back on the site. You can see the trees they have preserved, the base and the tower.
- A view from Sullivan Street looking down Sullivan Street.
- A view looking up Russell Street, which shows Shambhala School on the left side, with Gottingen Street in the background.
- A view from Sullivan Street showcasing the commercial property and the tower.

Mr. LeBlanc reviewed the benefits of the development.

They are looking to create a landmark building. What HRM has been trying to achieve with some of the newer development, as part of the Regional Plan, is to shift some of the growth from the subdivisions and minimize sprawl and look at urban centres that are on bus routes that have good access to neighbourhood facilities and can provide some mixed use benefit such as having the commercial and residential living in one building.

It is also a sustainable infill development so they will not need to create any new infrastructure. The sewer and water is in the street, and they can re-use the capacity there.

The location itself encourages walking. Because they are on a major transit route, they anticipate a lot of people living in these units will use public transit. There is a variety of housing types.

The eleven townhouses will have three bedroom units which are appropriate for families, and the condominium has a variety of unit types.

If you look at the economic benefits, it will create about 340 jobs over a five year period and 2.5 million dollars of revenue during construction.

They had to go through a number of studies to look at different aspects of the project that would impact the neighbourhood. A traffic study was commissioned about 1.5 years ago and was recently updated. They looked at the number of bus routes and the access to the bus facilities as an important feed into the project. There are a number of good bus stops around the neighbourhood.

A traffic study was prepared by Atlantic Road and Traffic Management and was recently updated. They have to follow an HRM format which HRM has to validate. The estimates are about 22 trips in the morning peak, so there will be about 8 coming in and 14 going out. Of the 800 vehicles per day on Gottingen Street now, it is about a 2.5% increase in traffic. If you look at the p.m. peak increase, it is expected there will be 28 trips when there is about 850 vehicles or a 3% increase. You have to look at intersections and four way stops as part of the analysis, which was done by the traffic engineer. The conclusion was that the site generation trips are not expected to have a significant impact on local streets, the four way intersection, or the regional street.

In terms of access to the building, he pointed out the entrance to the parking garage, noting there is excess parking capacity than is needed for the building. The townhouse units have a garage in the parking structure, which takes the garage and driveway off the street around the building, so they get access through the parking garage and have access to the individual units through the parking garage. One of the problems with an urban parking structure is that the door opens at the sidewalk level, so there is a potential for pedestrian conflict. The parking garage has been moved back to allow two cars to move out front so there is good visibility before you have to cross the sidewalk and move onto Russell Street.

Wind is another concern when you have taller buildings. The sheer force of wind as it comes down buildings typically creates a lot of turbulence at the street level. One of the things that architects tend to do is put a podium base or a pedestal there, so that as the wind sheers across the building, it comes down and hits the roof of the structure. That has been done all the way around the building to stop the wind sheer at the street level.

Another concern is the impact of shade. When they have a building like this, they have to compare and contrast it. They did a shade study that looks at the existing church, and compared it to what was there and contrasted it against what is proposed. They have to look at summer and winter solstice when the sun is the lowest and highest in the sky.

He showed the results on June 21st at noon when the church was there, compared to the building at noon on December 21st. You see shade from the church just starting to extend across Kaye Street which impacts a number of residential properties. With a taller building, you see they are slightly impacting about three more residential units at noon time on December 21st.

Then what they are trying to do is give a snap shot of the entire day to see what the impacts of the shade are. They have a scale at the top where you have the yellow colour which represents zero shadows which are in the sun all day long, and on December 21st when you have eight or nine hours of sunshine, the blue colour represents shade all day long.

If we look at a solar simulation, with the church situation, you see that for the most part, right around the north side of the church they are in shade right up to Kane Street for a good part of the day (nine hours of shade). All of the area at the ground level gets five hours of shade in December.

They compared that with the proposed building and you see the slight change. They have another hour or so of shade on the northern portion. The residential properties to the north are impacted slightly. For the most part you do not see a whole lot of impact compared to the church. That is because the higher you go up, the sun is at such a low angle in the sky that the height does not matter as much.

They then looked at March and September 21st. They have roughly six hours of shade so the building does start to create some shade in and around the parking lot and the play area of the school and around the Kaye and Gottingen Street intersection early in the morning and late in the day.

For the summer solstice, there is not much of a change. You get an extra hour of shade around the front at the very end of the evening on the Shambhala School.

Questions and comments

Mr. Robert McKillip said he really did not want to address the applicant's proposal. He wanted to talk about the plan because they find themselves confronted with a truly enormous building for the space. They jumped from park and institutional zoning all the way to a building that does not even approach an R-3 standard. He was particularly concerned that they would take the approach that if they did not want an eleven storey building, then what about a six storey building? He wanted to know how they got past R-3 with no steps in between and no plan about what the park and institutional use or R-1 use might be. They are not complying with R-3. It was his understanding the former owners of this property have a financial consideration wherein the bigger the building, the more money they get. Some of the people in favour of this proposal have a financial interest in it which should be addressed. They become an agent of ECL.

Ms. Hughes responded the reason we are looking at this proposal tonight is because we are reacting to an application. The zoning and designation on the site is P&I. ECL submitted this proposal and staff said there is probably some merit to removing the P (Park & Institutional) Designation if the church is no longer there.

Mr. Frank Lowe stated he was totally against this project and was totally against the rezoning of this area.

Mr. Lowe asked what the height of the proposed building was. Mr. Goodspeed responded 120'.

Mr. Lowe indicated the MacDonald Bridge is 155' above the surface of the water, so this building would only be 30' less than that.

Mr. Lowe noted there are two schools in the area which would be negatively impacted during construction. Also, a 2% increase in traffic is not insignificant.

Mr. Alec McCleave indicated they have seen a tremendous growth in this area over the last five years. One of the reasons they have so many people here this evening is because they have apartments sprouting up like mushrooms and it is time to stand up and look at this situation. The density in the community is increasing.

There was mention about indoor parking for seventy-eighty units. That is okay in the winter time when the parking ban is on, but it is different in the summer time and referenced the YMCA area on South Park Street where you have an apartment building and the Lord Nelson as an example. In the winter time, there is lots of parking space at the YMCA. On the first of April, when the parking ban is off, people are not paying to park inside and park on the street.

Their streets are already being flooded from the people working at the dockyard and the shipyards. They talk about moving traffic. What about stationary traffic and the congestion on the streets? He suggested indoor parking should be part of the rent for the apartment building and it should not be optional. If you live there, then you should be parking in the space provided inside the building. Just because there are seventy-eight available parking spaces does not mean they will be used.

The point about the 120' is a good one. This looming project will dominate the community if you are looking at it from Russell Street. Once this project goes up, there will be many more as there are many areas around here that could be developed very quickly. He could see the north end of Halifax developing very much like the south end on Tobin Street where you have extremely high density. That is not the kind of neighbourhood he wanted to live in.

Mr. Gary Lines indicated he was basing his comments on the material provided on the Planning web site. He was not anti-development. He thought a lot could be done with this site, however, it is not a case of anything is better than a hole in the ground. It has to be right for the neighbourhood. There are a lot of aspects of this project that have to be looked at in more detail.

He wanted to provide a different perspective on the traffic and shade study based on the Planning web site.

Traffic studies are typically made up of two components - data is taken on how much traffic travels and trip generation. He took a look at both of those components. The traffic count part of the study was done in 2004, and there have been changes in the neighbourhood since then. In order to get to 2009 count, those were increased by 1% a year for five years. He did not have a dispute with that. Five percent is as good as any. He would argue the point that it could be higher.

What he would like to speak to is the trip rate. Eighty-nine units was referred to on the web site. He had a look at the various trip generation formulas that were used. What he came up with was a little bit different. He thought one of the reasons for that was the assumption there would be high pedestrian and transit use. He disputed that assumption and thought they should look at a worst case scenario. The highest value he could get out of the documentation of cars coming out of the building first thing in the morning and into the building at the p.m. peak hours is about 30%. Thirty percent of the units would generate a trip. Using the exact numbers that were in the trip report and the counts done at the top of Russell Street for how much traffic would go through there, the number he came up with was an increase of 55% in the number of outgoing trips in the a.m. peak. For the p.m. return to this building, there would be a 66% increase. He knew they used 2.5 and 3%. He could also get 2.5 and 3% if he compared these trips to an 850 vehicle rate. He thought the realistic rate of increase at that intersection is 50-60%. He thought the issue with the report was the assumption of high pedestrian and mass transit use was too conservative.

In terms of the shade study, he was very fascinated by the work done by Ekistics to produce that. It was very impressive modeling. He took a look at the proposed building and the church. On December 21st, he was able to count the number of properties that were shaded. Some were for one to three hours, and some were for two to four hours. The conclusion of the shade report was that no adjacent owners should notice any increase in shade or shadow. Any property that gets two to four hours of shade out of eight hours a day is not an insignificant impact. He was not overwhelmed with the design. It is a rectangular building on a rectangular lot. He would caution people that when impact studies are done, they should make sure they understand what the assumptions were of the impact study.

Mr. Patrick LeRoy stated his family has owned a property in this neighbourhood for about thirty-three years. It is directly across the street from this development on Gottingen Street. They will likely benefit in terms of increased values. Motives on what he said tonight could be second guessed, however, we need this type of density on the Peninsula. If you take a look at the infrastructure and sprawl issues faced by HRM, urban sprawl will be very difficult on the City coffers. We all sit in traffic as we press our way in and out of the Peninsula each day. We need more population on the Peninsula. He was familiar with the neighbourhood and has seen it transform. He has seen at its best and its worst. He thought this is working towards creating the best possibilities in terms of human scale, and building the density that is required on the Halifax Peninsula.

They are directly in the line of fire when it comes to the wind and shadow issue. Increased height is better. A taller and narrower tower will create a less imposing shadow at the base for shorter periods of time impacting on the homes. A larger and bulkier building will have more imposing shadows for longer periods of time. This is the sundial effect in urban planning. In terms of wind, the intent of having a podium is to mitigate those winds.

He would offer one criticism. He pulled a design from the web page which was probably a previous iteration. Under the current design they have a two storey townhouse at the base. He liked the previous iteration which showed three storey townhouses with gabled roofs. It has the beautiful brown stone effect which is very much in keeping with and consistent with the built

environment of the Hydrostone. Because you have that density, it allows greater public amenities at the sidewalk level. If you take a look at the corner of Kaye Street and Gottingen Street, there is a very large space at that corner, which would be a great spot for public art. Do we all remember the thinking man at the top of the podium at the IMP site which was supposed to be retained but apparently it fell to an untimely demise during construction, but wouldn't it be great to have that re-created at that corner? If they increase the density and the height of the townhouses at the podium level, it would be consistent with the height of his building and the wood frame buildings in the neighbourhood. Height can be your friend here. He thought this was good for the neighbourhood and endorsed it.

Ms. Deedee Slye indicated she has lived there for eleven to twelve years. She felt the proposal is too high for this neighbourhood. She wondered about the other developers who built the five storey buildings. They could have built eleven storeys and made more money but they did not. This is disrespectful to the other developers in this area. She was in favour of intensifying their urban development and stopping urban sprawl, but they need to do it with intensification that makes sense and does not create wind tunnels.

They saw the shadow at noon but that is not when most people get back from work and will be using the front porches or the school yards or the playgrounds. She would have liked to have seen the results at 4 p.m. as well as noon. She thought it was more respectful to be more in line with the other developments in the neighbourhood, and for any developer to think they can escape that is not fair to the other developers or the community.

Mr. Don Colyer stated he was against the proposed development. Five storeys is high enough. There is a seven storey building and a five storey building on either side of him. He lost all his privacy on his patio and looking through the windows of his house. There will be construction and there are kids running by here every day. He hoped they would not have to go to any funerals. They have crossing guards. They have parking problems now. They have the navy from 6:30 onwards in the morning so they cannot get a parking space. The streets are not plowed now in the winter time. He would be okay with five storeys but no more than seven storeys.

Mr. Chris Poole, School Board representative for this area, asked what would happen with the school beside it when the construction is going on. He has not heard how it will impact the school day when kids are in the classroom trying to learn and are outside during recess and going back and forth to the north end day care at lunch time. It is a huge building and it will require a lot of heavy equipment to get this building up. He would like to know how they will mitigate the damage to the school and how the kids will be affected.

Mr. John Murphy said his family has lived on the street since the late 1800s. His children would represent the fourth generation of Murphys on this street. They have been life long residents of this church so he thought it was fitting to sit on the property transition committee and went to several meetings and sat with Richard Harvey. One of the discussions they had was that in the ideal format, the peak would not exceed the peak of the former church by more than one storey or so - six storeys, fifty-six to sixty units in total. At the last meeting, he was a little put off with seeing eleven storeys and eighty-five units which is far too much. He was curious

about an eleven storey building being at 120' in height because the Young Tower is ten storeys and 124' to the top.

This proposal is changing the zoning. If this goes forward, that will be the standard by which future developments of this type will happen. With aging demographics and people not supporting churches as they used to, he looked at St. Marks and United Memorial as two sitting ducks. If eleven storeys are allowed here, then why not twelve storeys for those too? He has lived here all his life and this neighbourhood has been under constant threat.

He thought the tower was a little too big and imposing. They also have the Russell Street entrance to CFB being re-opened because of the traffic congestion on Barrington Street.

Ms. Selena Landon indicated in talking to a police representative, they were not contacted nor was the school crosswalk safety people. This will have an impact as there are two schools within thirty yards of the building. There is also a major day care there and another one down the street. About four hundred students go through the two intersections four times a day. She thought this proposal would impact the traffic and children's safety.

If the zoning changes in this area from P&I to something larger, she wondered what would happen to this school. Just two years ago, this school was on the chopping block. If the zoning is changed on this site, then who is to say if in five years time this school is gone and the City says it is not useful, that it will not be redeveloped with another large complex. For those living on Russell Street, that would be a large building encroaching into their R-1 zoning. She did not want to see a 155 unit building down the street from them.

The City has had planning done for the downtown core but no one has done that for the north end. They have numerous buildings popping up without consideration of what this will look like in thirty to forty years. There should be some study done. She liked a lot of the characteristics of the proposed building and maybe in thirty to forty years it would fit the demographics but they did not know that. As it stands now, it does not fit the neighbourhood. Some studies would need to be done to see what would fit the neighbourhood.

Ms. Hughes noted when they first started with HRMbyDesign, they tried to look at the entire Peninsula and the project was a bit overwhelming so they tightened its focus. It is coming in the next few years for this area.

Ms. Landon stated it is outstripping the growth rate in the north end.

Ms. Catherine Ross indicated there is nothing here that relates to LEED. They talked about the trees, but she did not see anything else that makes it an environmentally friendly building.

Mr. LeBlanc responded they have not gotten to the stage yet where they are looking at the actual details, but they are hoping to incorporate as many of the LEED policies in the building as they can without at this point committing to a LEED building. He and Dan are trained for that, so they will look at the opportunities for a green roof, etc., but they have to weigh all the costs.

Mr. Patrick Murphy referred to the statement in the initiation report to Council which states: "The proposed building is not consistent with many of the R-3 (Multiple Dwelling) Zone standards for apartment buildings, including angle controls (controls over setbacks and the height of buildings relative to property boundaries), density requirements (number of persons per acre), and open space specifications." He referred to as-of-right development which allows a person to redevelop a site without any public process. If they had as-of-right development in a R-1 neighbourhood with five storeys and seven stories, why did they think they could go up to eleven storeys? They are next to the first garden community and planned neighbourhood in Canada and next to the Hydrostone.

Ms. Bonn indicated reference was made to a seven storey building and a five storey building which was not a fair statement. Their site is 35,802 sq.ft. The seven storey building at the corner of Kaye Street and Isleville Street is approximately 11,000 sq.ft. and Hydrostone Place is approximately 16,000 sq.ft. Their site is two to three times larger than the other sites. The only thing they are allowed to develop on this site through as-of-right development is a school.

Ms. Bonn stated they are not seeking R-3 zoning. They are seeking a site specific amendment to the MPS because the church is no longer there, so the park and institutional use no longer applies. HRM's Regional Plan promotes greater density and height. They looked at the surrounding area and the Regional Plan and tried to design something they thought was comparable to the neighbourhood. They decreased the four storey townhouses to two storeys to try and create a transition from the single family homes. This is site specific and will not affect the Park and Institutional zoning of this school or the school across the street.

Mr. Murphy stated it is about the money.

Mr. MacPherson commented they would have to go through this same process even if they wanted to put a single family home on the site.

Mr. Murphy questioned if they had any room for affordable units in their proposed building.

Ms. Bonn commented affordability is a great issue. Right now there are no policies under the Municipal Government Act to allow for affordable housing. Affordability to them is important as developers. It is important for them to provide affordable housing for the area. They want to make a comparable real estate so you can afford to live here. With densification they can have better quality projects and it is a more affordable price.

Mr. Murphy questioned how much the rent would be per unit.

Ms. Bonn advised it is a condominium. They do not plan to rent any of these. They want to be comparable with the real estate values in the north end of Halifax.

Mr. Murphy stated there is no affordable component included in the proposed development.

Ms. Bonn stated they are private landowners and cannot provide public housing.

Mr. Murphy noted some other projects have tried to include an affordable housing component.

Mr. Blair Beed commented if HRMbyDesign had been approved for their area, he would not have had an opportunity to speak because he did not own property in this area. There are a lot of churches coming up for grabs on the Peninsula. In his neighbourhood, there are fourteen possible church sites that might be available for development. He was concerned about how Council would respond to this. In the discussion section of the initiation report to Regional Council it says the proposal has merit on the basis that there are no low-density residential uses abutting the property that may cause compatibility concerns. That is technically true but it ignores the neighbourhood's wish when they rezoned it R-1 some years ago.

The report also says the ground floor commercial uses create a desirable public-private interface with adjoining sidewalks. What about parking for the customers of the commercial uses and the visitors that come to the site? Those are not provided for.

The proposed building is not consistent with open space specifications. The need for open space is reduced due to nearby parks like Fort Needham and the Hydrostone Park. He bet the developer in the 1970's of Park Victoria would have wanted that argument when he was told he could not use Victoria Park as his open space requirement. He thought this was speculation. They are trying to see what they can get for this site and are hoping that HRM and the neighbourhood will approve what has been given. He hoped they would not get approval for what has been given. He thought they should be starting with the Park and Institutional zoning as a start. If the site was not affordable for a single family house, then what about two or three units, and then what about townhouses. In their letter they talk about the convent being multiple units in R-1 but that is only because it was a heritage building and were able to provide units under the Heritage by-laws. They also mentioned in their letter of application the Olands Brewery site. The houses up and down the street are R-1 and are great to have. The City should look at getting more of that.

He lived across the street from a seven storey building and the only interface he had with them is when they have their balcony parties, when they drive out of their parking garage, and when the garbage truck arrives for pick-ups. He has never seen the tenants walking on the street in his neighbourhood. He did not believe in putting seven storey buildings in the middle of two storey buildings, so he would not like to see Council approve an eleven storey building.

Mr. Bruce Brown indicated he has lived in the area for more than twenty years. He was not necessarily opposed to increasing the density in the area but this proposal quadruples the density of that particular area. Look at the picture on Isleville and Russell Street. That is perhaps one quarter of the size of what is being proposed. That is pushing the limits of what is tolerable in this neighbourhood. It is a large building but is not as overpowering as what they are proposing.

They are proposing to build next to the school on Russell Street. Russell Street is almost impassable in the morning and now they are proposing to add twenty or more entrances and accesses in rush hour. He thought it would be very congested and they will have total gridlock in that area.

He asked if they considered a building more like the scale of the one at Russell and Isleville Street, perhaps closer to the street but creates less of a visual mass. This whole concept is a precedent for creating excessively large buildings in the neighbourhood. If they are not careful in what they do today in this process, the same precedent will apply to other buildings, like schools and churches, that are no longer necessary, and they will have these same issues again on a larger scale and have a densely populated north end. They already have a densely populated south end.

Mr. Mark Butler said he was supportive of infill and increasing density but it is a question of scale. He understood this is a commercial transaction and both the buyer and seller want to make money. This is a unique spot. There are two schools, so they have a lot of people traveling the streets who are vulnerable to traffic. He read the traffic study and was a little sceptical of the numbers and assumptions that so few people will be driving in and out of the building. The study did not appreciate that there would be a lot of children traveling the street, which he hoped would be taken into consideration.

In terms of shading, it is hard to say how it will affect the playground. They mentioned the shading of the parking lot, but the children playing in the playground is more important than cars. At some point the school might want to put up solar panels as a demonstration project so shading is important for this school as well.

Overall, the height seemed excessive and wanted to see something more in keeping with the other buildings in the neighbourhood and the spirit of the neighbourhood. He asked what the average price of the units would be.

Ms. Bonn responded that is tough as they have not completed the market study, but they want it to be in keeping with the real estate value in the north end. Martello is very high end; they showed that as an example of their commitment to high quality. They would like to provide housing for all stages of life. If somebody in the north end wanted to sell their house, then they could buy a condominium at St. Joseph's Square.

Mr. John Blanchard commented the north end is a fairly neighbourly place if they work with their neighbours. He thought they all agreed the property should be developed, and the idea that people need homes when they sell their homes is a good one. He thought most of them would agree that more than five storeys is not good for their neighbours. It does not provide their vision of the neighbourhood which is low rise and family homes. It is unfortunate that more property was not available to the group at the time when the church was sold. There had been discussion about other property being available, but that is not corrected by adding five more storeys to the building. He questioned how many parking spaces are allowed for inside the building.

Ms. Bonn responded ninety-four spaces.

Mr. Blanchard said he had an issue with the traffic study. Ninety more cars trying to move around in the north end is a bad thing for the families who treat this as a pedestrian area. He did not think going higher than five storeys in this neighbourhood was a wise thing. He would have to participate in resisting the effort.

Ms. Marilyn MacDonald commented she lived beside a church and suspected it might go the same route as St. Joseph's, and was concerned about a creep in terms of zoning. She could support the notion of the townhouses but not the tower.

Mr. Paul O'Hara, resident of the area for about five years, indicated he backed out of his driveway every morning and drove his car to work in downtown for personal reasons. It is very congested getting onto Devonshire Avenue and getting onto Barrington Street to get downtown. He believed this development would contribute to that congestion. There was a lot of mention about the bus routes, however, he did not think being close to bus routes in the downtown area would necessarily mean people in this building would not use their vehicles.

Mr. O'Hara indicated he was concerned about the ethical consideration of the church and the developer where they are setting up the scenario of putting neighbours against one other by offering money to the church based on the number of units in the building.

Mr. O'Hara noted they said they had no responsibility for public housing but they are prepared to contribute to a faith organization. They would win more support if they provided an opportunity for income diversity. Condominiums will not help modest income families in the north end but rather will push them out. Plus, as the market increases, those with modest incomes will get pushed out. That is happening in Central Halifax where he worked, and they are witnessing a lot of that in their community.

He supported what others have been saying about density. They do want more people in their community and are open to changing diversity, however, it needs to be attractive and needs to consider the neighbourhood.

In their ethical consideration of how they partner with people they should demonstrate more support for the total community and not be in bed with somebody because they will be the beneficiaries.

Angela... indicated she looked at the drawing and questioned where the green space was. It was mentioned a portion of this building is intended for families. She assumed those families will have children and those children will not want to stay inside all day. She was wondering where they would go for a safe and reasonable place to play so they are not on the sidewalk or playing in the traffic. She had nothing against increased density but had everything against increased density that did not accommodate the people who live in it. If you want to attract families, you have to provide a space for families to be families. They need a place to live that is at home both indoors and outdoors, which she did not see with this building.

She drove up Russell Street every morning in her mini-van and was part of the traffic jam trying to get onto Gottingen Street. She asked if the traffic study took into consideration that the traffic is lined up on both sides of Russell Street for about forty-five minutes because people are dropping off their kids at both schools. They are parking illegally on the street and did not believe that would ever stop. If you add what basically amounts to another intersection before the children have to walk into the school, the cars will not be going in and out of that proposed building very quickly; the children will be at increased risk; and she will not be able to get out of

her driveway. With one narrow lane of lengthy traffic between 8:15 and 9:15 a.m., it is very treacherous. She has seen the police parked across from St. Marks observing the streets many mornings. The reality of the neighbourhood needs to be taken into account.

Mr. Steven Beeler indicated he lived in the area since 1961 and has seen lots of change in the neighbourhood. He agreed with much of what has been said tonight. He questioned the viability of hooking into the existing infrastructure with a building of this size, particularly the sewage capacity. He was also a member of St. Marks Church, where twice in the past five years the lines have failed coming into that site. This will put additional demand on that. We could not stomach another \$5000 bill to repair the line as a result of additional sewage.

It was mentioned their site is twice the size of other sites, but that does not mean their building has to be twice as high. He thought eleven storeys would spoil the feel of the area. Please consider reducing the height of this proposed development.

Mr. Peter Lavell said he was not a member of the neighbourhood but he was part of the community that used the school. He was concerned about the impact on the school and was astonished they were proposing this type of development next to the school. He did not think the City should consider a rezoning. There is a park up the street which is a pit. There is a pit here that could be used for a park. Some members of the School Board are already looking at cutting this school. This school has to be seriously considered.

Mr. Michael Kibbler commented there are some mixed numbers in terms of the traffic. He thought they are naive to think nothing will change at the intersection when it is already congested with two schools. Some of the children in their elementary years will see a crane in the back of the school yard. From the school perspective, they want to put people on the Peninsula but they want them to be able to afford a \$200,000 - \$300,000 house. In the north end, a lot of people do not own houses and they might want to step up from renting. He did not think this will keep the interest of the people in the area for something a lot of people in the north end cannot afford.

Mr. Frank Lowe noted if this zoning issue takes place, and then this school closes, this school will become a condominium. They will be talking about a full complex down the hill and not just one building.

Ms. Hughes advised if the school did close or the school property was sold, because the zoning is Park and Institutional they would have to go through the same process again and look at a site specific plan amendment and a development agreement.

Councillor Blumenthal thanked the residents for attending and assured them he was listening to what they had to say. If the people were either for or against this, he was looking for a petition. This issue will go in front of Regional Council and there is only one councillor here in attendance with him. He represented them and wanted their ideas. If the residents are against this, they knew what his vote would be and, if the residents are in favour of it, they knew what his vote would be.

Ms. Bonn stated they are committed to St. Joseph's Square being a positive addition to the neighbourhood and they would like to work with the community to create a signature development in the north end. They are also creating a web site where they can submit comments about the development.

Adjournment

The meeting adjourned at approximately 8:35 p.m.

ATTACHMENT F



Councillor Jerry Blumenthal
City of Halifax
Box 1749
Halifax NS B3J 3A5

Dear Jerry

As I told you I will be unable to attend the public meeting on the redevelopment of the St Joseph's Church site. If it is possible I would like this letter put on the public record.

I oppose this specific development on the grounds that is inappropriate for this neighbour on the grounds that it is too high. Most of the new developments in the immediate are half the height. The older buildings are in the main two stories.

As this building would almost function as a gateway to the Hydrostone, a national heritage area, this height is even more inappropriate.

I live fairly close to this area, but I attend church on these streets and from time to time walk in the area. I don't relish the thought of the wind turmoil of a building of that height.

I am aware that the city seems to be deaf to the general populace on the subject of high rise, while it supports developers lust for large monuments. Please spare the North from this invasion.

Yours truly

A handwritten signature in cursive script that reads "Tom Creighton".

Tom Creighton

If you want to have someone read this, I would give my approval - CD

From: donald colyer [REDACTED]
To: <hughesp@halifax.ca>
Date: 03/05/2010 10:40 am
Subject: talk

Patricia Hughes

This letter is pertaining to the meeting that was held on April 29 concerning St. Joseph Square.

I spoke up at the meeting stating that the building that E.C.L. wants to build stating that 11 stories is too tall for this neighbourhood as the existing apartment buildings in this area range from five stories to seven stories. I firmly believe that if they build that the city should ensure that they stay at the five to seven storied building.

Also you have to take into consideration the students in the two schools will have a great deal of trouble in trying to concentrate on their studies what with the construction and the rock that has to be broken. We the people in this neighbourhood have had to contend with the rock breaking for all three existing apartment buildings and not all of us are young people. Us senior citizens deserve some consideration as to that type of noise all day long.

The people who will live in this apartment building and have vehicles will be adding to the traffic problem here which starts at 6.30 am and I'm very certain that there are far more than the 800 vehicles per day that you mentioned at the meeting.


I repeat that FIVE to SEVEN stories is high enough.

On another note that council talked about is possibly another bridge or tunnel. What they need to do is twin the A. Murry Makay bridge so that one bridge carries the traffic one way and the other the traffic the other way. This has been done over the St Clair River, which is a busy shipping route with no disruption of shipping. There is no need of hiring a very high cost consultant to figure this out.

I hope you will take the time to read this and think differently.

I remain Donald colyer

email [REDACTED]



PO Box 1749
1841 Argyle Street
Halifax, Nova Scotia
B3J 3A5

May 3, 2010

Dear Councilor Jerry Blumenthal,

We would like to register our opposition to a new building being proposed in our neighbourhood, CASE #: 01325, between Kaye and Russell Street. We welcome appropriate development in the north end, and have not opposed the development of condos close to our home, those for example opposite the proposed development on Gottingen Street, and on Isle Street, by the Hydrostone Market.

We are 15-year home owners, and have lived in Halifax's north end for over 20 years. We will be able to view the proposed new development from our home. We are very concerned about the proposed eleven-storey height of the building. Seven stories should be set as the absolute maximum height in our primarily, two-storey residential, historic neighbourhood. The other multi-level buildings in the area are within seven stories.

Buildings in a neighbourhood should be built considering a human-friendly scale. Downtown Berlin has a cap of seven stories on its downtown to appeal to a walking-friendly city core. The Brunswick Towers are an example of a mistake on the part of Halifax council; they ruined the appeal of a residential Brunswick Street. A development such as what is being proposed risks overshadowing the whole hydrostone district. There is no need for development of such height and would greatly impact on the neighbourhood feel of this district, and literally overshadow our local school, St. Joseph's Alexander MacKay.

We like the idea of a mixed-use building; inviting businesses in at the ground level is a savvy idea for local economics. Kaye Street, though, is a residential street, and also has our neighbourhood school. The building currently plans for a business(es) facing Kaye Street. We would like to see the building maintain its current family and school use on Kaye Street, and allocate the use of the building at the front (facing onto Gottingen Street) for businesses.

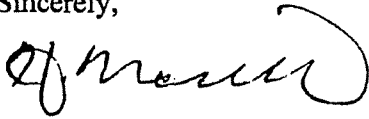
The design of the new building, although contemporary, does not complement the existing Hydrostone development or mimic its historic attributes. The Arts and Crafts architecture of many buildings in this area could be better represented on this building to truly set this building into its architectural landscape. **We have an opportunity now in**

the midst of much development in the North end to set a precedent for the type and height of apartment/condo development, and, to consider the scale of current buildings in its surroundings. Put buildings of this magnitude outside town, where there are pre-existing buildings of this height, not in the historic north end of Halifax. We urge you to vote against this change in zoning and raise the concern we have in terms of building design and height to council.

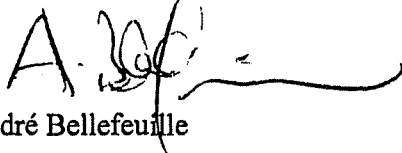
If you have any questions, please do not hesitate to contact us: [REDACTED] (Home); or via email: [REDACTED]

Thank you, very much, for your work,

Sincerely,



Heather Macmillan



André Bellefeuille

c.c Patricia Hughes, HRM Planning Division

From: Michelle Kempton [REDACTED]
To: <hughesp@halifax.ca>
Date: 03/05/2010 3:57 pm
Subject: RE: Full Support of the St. Joseph's Square Project

Good Afternoon Patricia,

I attended the public meeting on St. Joseph's Square last week. You do not need to respond to my points below, but please email me back to let me know that my email was received and will be included in the public record as a HRM tax payer in full support of this project.

For the last 6 months, my husband and I have researched the condo developments on the Halifax Peninsula and so far the St. Joseph's Square development is the only condo project which appears to meet all of our requirements in a new home.

We fit the profile of who the developer said they hope to attract to the neighborhood – we are a young family wanting to live in an urban area. My husband and I are in our 30s, both professionals in the Information Technology sector and we have 5 year old twin sons. We currently live in Cow Bay, but both work downtown and each of us have a 1.5 hour commute everyday (45 mins each way). We currently take 2 cars to work because we have different office hours. Though we have a gorgeous home on the ocean, we feel like we spend most of our free time commuting for work or activities for the children.

The reason we want to move to the North End in a condo development is because:

- 1) We want to reduce our commute so then we can spend more time with our children during the week instead of both of us idling in traffic.
- 2) We plan to take metro transit to work instead of having to navigate through traffic and continue to have the cost of maintaining multiple vehicles (we'd be selling one of our two cars).
- 3) We like the townhouse concept because it doesn't feel like we are raising our children in an "apartment".
- 4) We already support the local businesses in the area on a regular basis. We get our bread at Julien's bakery, our pizza at Salvatore's and curry roti at Caribbean Twist. I'm sure when Starbucks opens, we'll be there grabbing a coffee when we are in the area too. We like that most amenities we would need are within walking distance on Young Street.
- 5) We like the "community feeling" of this area compared to other parts of the Peninsula (example Almon Street commercial is ugly and too industrial feeling).
- 6) We have relatives within a 1 block proximity to this development and we hope our retired snow-bird parents will buy a condo in the high-rise portion of St. Joseph's Square since they enjoy condo life in Florida.
- 7) We specifically like the design of the building and think it's a fabulous facelift for Gottingen Street with a nice combination of commercial, townhouse and highrise merged into one structure.
- 8) We hope that the in surge of families moving to the area will enable St. Joseph's Square school to remain open or at least increase funding to schools in the area.

9) We have researched the builder and believe they put priority on quality, this is also a huge factor for us.

10) We'd like to be able to bring the children to community events available such the library or playing in the park without a long commute.

11) We both are very physically active, so we like that we can run safely in the neighborhood and have access to fitness facilities in the building, as well as, classes like yoga and bootcamps nearby.

Our family hopes that the city approves this project and allows the North End to offer housing to the onslaught of young professionals who want to live in the North End. We strongly believe that the St. Joseph's Square proposal offers quality and comfortable housing options that would appeal to young families. This project gave us renewed hope that the North End will redevelop like other progressive cities and bring people living closer to the downtown core.

If you have any questions or need clarification about my points, then please let me know.

Michelle Kempton
Cow Bay





From: [REDACTED]
To: <hughesp@halifax.ca>
Date: 05/05/2010 12:10 pm
Subject: Gottingen Street Building Proposal Case No 01325

CC: "Patrick Murphy" <patrick.murphy2008@gmail.co...
Hello Madame Hughes – Kent Doe here in the North End of Halifax writes to you. I attended a public meeting chaired by you last Thursday Evening in the Ecole Saint Joseph A. McKay School's gymnasium.

I want to thank you for your part in the plan to invite residents and interested persons to the meeting. While the presentation delivered to us by the developers of the site (formerly Saint Joseph's Church) displayed a spirit of a trouble-free project,

there are too many uncertainties that remain – I trust that very great care and study is underway in your review.

An eleven story building that proposes to have condo living space and town houses and underground parking raises huge implications for increased auto traffic. The notion that entrance and exit paths for underground parking access Russell Street is a dangerous one in the context of children and older pedestrian traffic. Kaye Street is one way- the increased traffic with a smaller unit (say seven stories) would have traffic always moving one way towards Barrington.

I did not stay for the entire meeting and so when I left I had a visual sense of the property's design from across from Shambala School, kitty corner to Saint Mark's Church, and kitty corner to Hydrostone Park area. What interested me was that apparent absence of the building's façade facing on to the playground of Ecole Saint Joseph A. McKay School – what is that part of the building's purpose – town houses? Service entrances? Oil tanks? Gas Tanks? Waste Bins?

The space can certainly be a great opportunity for housing and retail – it must be on a smaller scale – Thanks Kent Doe

From: Kroll Bob [REDACTED]
To: <hughesp@halifax.ca>
Date: 06/05/2010 8:54 pm
Subject: St. Joes Square

CC: Blumentall Jerry <blumenj@halifax.ca>
Patricia,

After reading the information about the St. Joseph's Square development on the HRM web site and the ECL web site, receiving a brochure from ECL, and after discussing the development with my wife and neighbors who attended the meeting, I'm troubled by a few things.

1) The looming size of the building dwarfs all other architecture in the area. Though the graphic representation of the development suggests a scale suitable with the neighborhood, this is quite deceiving. I have worked in the media for 35 years and I recognize a visual slight of hand when I see one. The graphic representation does not present the building in context with other buildings surrounding it. In fact, it uses a corner of St. Mark's Church in the foreground to suggest another building of similar mass. That is deception. In the same way, the graphic representation increases the size of the trees in the foreground in order to give St. Joseph's Square an appealing scale. This too is deception. One wonders what other deceptions lie in the pages of ECL's development plan. When it comes to development projects size does matter. This building is much too high.

2) No allowance has been made for adding green space to a long established neighborhood. On the contrary, the ECL proposal begs to use the existing green space in front of the Hydrostone Market and that of Fort Needham Memorial Park. It claims these open areas as justification for not adding green space to the St. Joseph development and thus to the neighborhood. If a developer is going to enter a neighborhood, that developer has an obligation to contribute to the quality of life in the neighborhood. Green space would go a long way to providing that. (I should point out that two other development projects went ahead without public consultation and thus, other than a building and people) added nothing to the neighborhood.)

3) There is no mention of the development contributing to the artistic sensibilities of the city. This is probably as much the fault of HRM as ECL. Some percentage of the development budget should be allocated to erecting an artistic piece in the forefront of the building. Art and green space have a tendency to excite the imagination, stir the emotions, and heighten ones sensibilities toward neighbors and neighborhoods.


4) There is nothing in the ECL Plan that suggests an environmentally friendly development. At a time of heightened concern about climate change, this is a grave oversight.

5) Parking spaces are less than the number of tenants. I wish Metro Transit could provide a solution to traffic congestion and crowded side streets from parked cars. I too wish people would walk. However, people don't take the bus and our growing health problem with obesity

testifies to the fact that people do not walk. When it comes to providing less parking spaces than they have tenants and expecting bus and foot power will provide the solution, I think ECL is engaged in wishful thinking.

Thank you for the information session and your efforts and those of ECL to keep the neighborhood residents informed. I look forward to further sessions and continuous updates.


Regards,

Bob Kroll


From: "Chisholm, Robert" [REDACTED]
To: "hughesp@halifax.ca" <hughesp@halifax.ca>
Date: 07/05/2010 11:31 am
Subject: St. Joseph's Square

Hello Patricia, I attended the public information session on the pending development of the old St. Joseph's church property last week and with this email wished to convey my thoughts. I felt the general consensus was that people in the area are not opposed to development of said property but generally have issues with the height of the proposed condominium, parking problems and increased traffic in an area that is home to two schools, a daycare and community center. All of these are appropriate concerns. I have a few suggestions to try and alleviate some of the angst that will continue throughout this process. I understand the need for higher density housing in HRM but this should not come at the expense of current residents who also pay taxes. Of note is the admission of a developer for a proposed condominium property on Windsor Street who indicated that in order to make his project profitable he would need to have the complex 7 storeys. This was based on the size of the property. I would be interested to know what height the St. Joseph's project needs to be in order to be profitable and would suggest consideration of this when providing or granting a development agreement. Any reduction in the number of storeys would show the city's willingness to listen to its residents and make decisions based on such. Also the traffic issue might be resolved or lessened by having the entrance to the condominiums be on Russell St and the exit from the condominiums be on Kaye street which is one-way and has less traffic and children walking. The city could also allow a left hand turn on this one-way street for residents of the condominium to access Gottingen Street with the remainder of Kaye Street continuing to be one-way. This would show some flexibility on the part of the city and developer in wanting to resolve this issue. Russell Street is a difficult street to manoeuvre at the best of times and banning parking on one side might solve this problem. Another suggestion might be to have the entrance to the condominium on Kaye Street with the exit on Russell but turning Russell into a one-way street allowing traffic from Devonshire to Gottingen, the opposite of Kaye Street. Your people would be better to analyse this scenario. The 5 year proposed time-frame is hard to swallow as well and any reduction in height would shorten this time-frame.

Sincerely,
Robert Chisholm RN, BHA
[REDACTED]



May 12, 2010

Patricia Hughes, Planner
Community Development Planning Applications,
P.O. Box 1749,
Halifax, NS
B3J 3A5

Dear Ms. Hughes,

Please find attached a written report regarding our examination of the proposal submitted by ECL General Partner IV Ltd to construct an 11 storey condominium complex at 5454 Kaye Street / 5455 Russell Street in North End Halifax.

As you will note we present the information as a rebuttal to the conclusions presented by the proponents of this project. While we do not claim to have the same level of expertise as the proponents in the areas of design, planning and construction, we believe that another interpretation of the impact studies is not only possible but warranted.

As we noted at the Public Meeting of April 29th, we are not against developing the site and a residential solution would be welcome in this neighbourhood. However we believe that the scale and overall design of this project are inappropriate for this neighbourhood and ultimately will be a deterrent to living near this location rather than the attractive, "landmark" development it could be.

This information included as attached only focuses on the impact studies that were presented as support material by the proponents. There are clearly more negative issues with this development than what are noted here.


If more details regarding some of the results we present are required, we are willing and able to present the results in any format necessary. Also if presentation of this same information is requested for the Council Meeting as part of the public process, we are also willing to provide it.

Yours truly,



Gary Lines





12 May 2010

To Whom It May Concern

Regarding: Case **01325** Amendments to MPS and LUB to permit construction an 11 storey mixed use building at 5454 Kaye Street / 5455 Russell Street in North End Halifax.

The following information is presented as a rebuttal to information provided by ECL General Partner IV Ltd as an application for abovementioned Amendments.

Application to Council for the amendments on October 6, 2009 began a public participation process that held its first Public Meeting (Information Session) on April 29, 2010. In preparation for that meeting and this letter, information made available by the proponents (including ECL) and posted on the HRM Planning website was used.

The rebuttal takes the form of a response to, and provides an alternate view of, the key elements the proponents put forward as reasons for approval of the requested amendments.

Those elements are: (as quoted from the proponents application)

1. The property is flanked by three streets, with Gottingen being a major street, which is a circumstance in which larger scale developments are often appropriate.
2. There are no low-density residential uses abutting the property that may cause compatibility concerns.
3. The size and design of the building does not create shadows upon public spaces or significantly increase shadowing on existing properties in comparison to the existing church, and
4. The ground floor commercial uses and townhouse style units create a desirable private interface with adjoining sidewalks.

Underpinning these elements is the provision that an 11-storey structure would create **no significant impact** at this location. To further that determination the proponents completed several impact studies. Reference will be made to the Traffic Study and the Shade Study, contracted for this project.

We propose that these studies provided an **inaccurate and misleading** impression of **no significant impact** on the surrounding neighbourhood as a direct result of assumptions made by the proponents.

Examination of the elements of merit:

"The property is flanked by three streets, with Gottingen being a major street, which is a circumstance in which larger scale developments are often appropriate."

» In our opinion, the building being proposed is much too large compared to any surrounding residential properties in the immediate area. Recently (in the past 3 years) condominium-style buildings have been erected within several blocks that have not exceeded 7 stories in height. Even industrial uses, such as Oland's Brewery, is in a similar scale.

St. Joseph's Church had a height profile of approximately 6 stories if peak of roof and steeple are accounted for. The building was set back 10-20 feet from the sidewalk. While the structure was imposing it did not impact on the surrounding community in ways an 89-unit 11 storey building will.

"There are no low-density residential uses abutting the property that may cause compatibility concerns."

» While it is true that the proposed building will be on and surrounded by land zoned Park and Institutional, its final positioning will be adjacent to a R1 zoned neighbourhood. It also will be adjacent to an Elementary School and across the street from a K-12 school.

"The size and design of the building does not create shadows upon public spaces or significantly increase shadowing on existing properties in comparison to the existing church."

» As will be noted later, the shade study proposes that the shadowing by the building is no more significant than the previous church profile. If the study results are examined closely it is obvious that as many as six more properties are impacted by shade from the 11-storey building as compared to the church's influence.

"The ground floor commercial uses and townhouse style units create a desirable private interface with adjoining sidewalks."

» It is true that townhouse frontage as well as some commercial frontage can be more attractive than the blunt face of a high-rise. However the profile proposed would result in very little green area with the frontage.

Comments on Traffic Study

The proponents utilized a consultant (Atlantic Road and Traffic Management) to create their study. HRM planning has utilized such consultants before and there appears to be sufficient expertise within this particular group to accept the results as presented.

However the consultants proceeded to generate traffic estimates based on the assumption that **"...much higher than average pedestrian and transit use..."** was expected from this development. It is unknown whether this determination was a condition of the study as presented by the proponents or that the consultants took it upon themselves to apply this assumption.

We submit that this assumption is misleading. Although there are a number of buses that travel along Gottingen Street during peak hour they are typically fully loaded and wait times for an appropriate bus can be lengthy. Also the walking distance to downtown employment can be 0.5 to 1.5 kms. With these 2 deterrents, we submit that a building with 85+ units would not supply an above average number of "walkers" and bus-riders".

The study continues by noting that traffic volumes were collected in 2004. Estimates for 2009 were based on a 1% increase per year in volume for a combined increase of 5% by 2009. While this may apply to HRM as a whole, there have been increases in occupancy in this area that may make that estimate conservative.

As a result of that estimation the consultants determined that there are approximately 800 vehicles per hour passing through the four-way stop intersection of Gottingen and Russell Streets during either morning or evening peak rush hour.

The consultants also did a "turn count" to identify the direction of flow through the intersection. Part of that existing traffic is the arrival and pick-up of students at 2 schools close to that intersection, St. Joseph's A Mackay Elementary and Shamballa School.

In order to determine potential changes in traffic volumes generated by the new building, most traffic designers use a trip generation guide. These consultants used "Trip Generation, 7th Edition, 2003" produced by the Institute of Transportation Engineers (ITE) in the US. The values used to determine trip generation is based on statistical techniques that rely on a number of traffic studies during the 30 year period from the late 1960s to the late 1990s for buildings of various sizes (units).

In order to check the numbers and technique, we acquired values from the "Trip Generation, 8th Edition, 2009" available through a library in Chicago. We have assumed that the values and techniques have not changed since 2003. For buildings from 50 to 150 units in size, the value is an average 0.3 trips generated per unit. In other words, about 30% of the units in a building would generate a trip by car sometime during the peak hours. As well, this manual indicates what percentage are "coming and going" from the site. In the case of AM peak, the split is 25% incoming and 75% outgoing. So, while the

total figure is 0.3, it must be split into 0.08 (incoming) and .22 (outgoing) for the AM peak. (see attachment #1)

By comparison, in the proponent's study, the consultants used a fairly low value of 0.18 to generate trips based on the assumption that the building would produce "...higher pedestrian and transit use...".

Utilizing this low value the consultants then compared it to the total vehicle traffic (800) and indicated an increase of 2.5-3% in overall traffic. Clearly such a value is low and would lead to a "no significant impact" conclusion.

Instead we used the higher value (0.3) and compared to actual traffic counts exiting and entering Russell St. during peak hours (see attachment #2). The traffic study values are 40 cars outbound (originating on Russell Street) and 60 cars inbound during AM peak and 55 cars outbound and 35 cars inbound for PM Peak.

As indicated above we split the higher value and added the result to the incoming and outgoing numbers. The results for AM peak were an increase in outgoing from 40 to 62 cars and an increase in incoming from 60 to 71. The outgoing increase is 55%. Similarly for PM peak, the results were an outgoing increase of 22% and an incoming increase of 66%.

Clearly these values are much higher than the 2.5-3% impact proposed by the study.

Therefore our conclusion is that the traffic study as presented is misleading and based on assumptions that, if they do not occur as suggested, will create a significant increase in traffic load during peak hours.

Comments on the Shade Study

The Shade Study, produced by Ekistics Planning and Design, provided technical information and detail and concluded that there would be "...no impact on adjacent occupied properties beyond early morning and late afternoon shadows already cast by the (then) existing church...". (see attachment #3)

After reviewing the documents made available through the HRM Planning site and by Ekistics, we determine that, when comparing the impact of the building versus the church on the shortest day (Dec 21), three properties on Kaye Street receive 2-4 hours more shade and three properties on Young Street receive 1-3 hours more shade. (see attachment #4 & #5)

As a reminder, Dec 21 has only 8 hours and 48 minutes of sunlight.

We conclude that the building will have a more significant impact by blocking more sunlight than the church. And we contend that the conclusion by Ekistics that "...no adjacent owner should notice any increased shadow.." is inaccurate and misleading.

Concluding Remarks

In conclusion, we believe that an 11-storey building in this neighbourhood is out-of-scale and impacts negatively on traffic, shade and other aspects of the area. We restate that the assumptions made by the designer have created a false sense of how much impact an 11-storey building in this neighbourhood will have. We have demonstrated, by using the same documentation created by the designer, that such an impact exists.

We therefore request that the Planning Dept. decline issuance of a building permit based on the designer's failure to demonstrate a low or no impact on the surrounding neighbourhood.

Attachment #1

High-Rise Apartment (222)

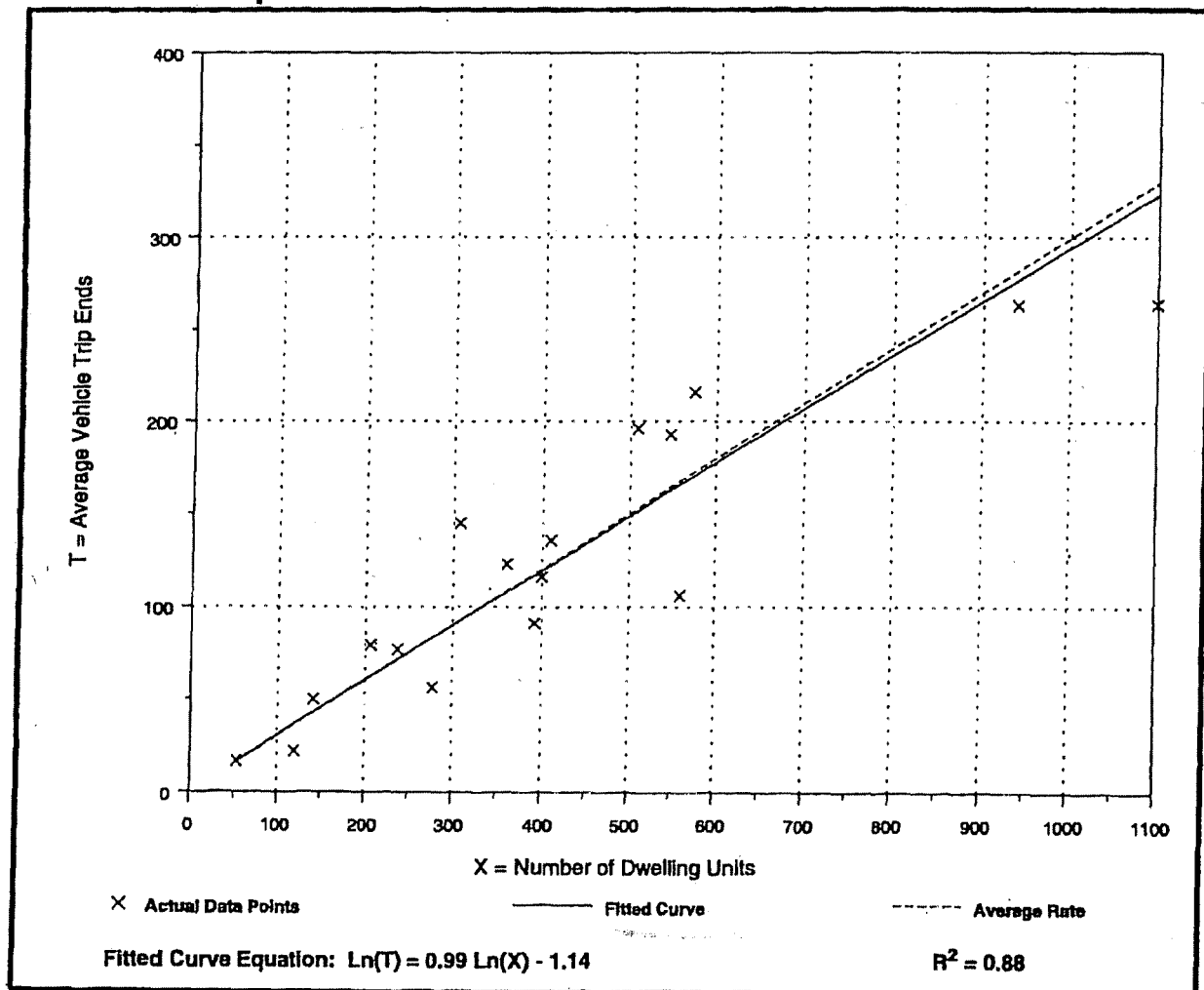
Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

Number of Studies: 17
Avg. Number of Dwelling Units: 420
Directional Distribution: 25% entering, 75% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.30	0.18 - 0.47	0.55

Data Plot and Equation



High-Rise Apartment (222)

Average Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Number of Studies: 17

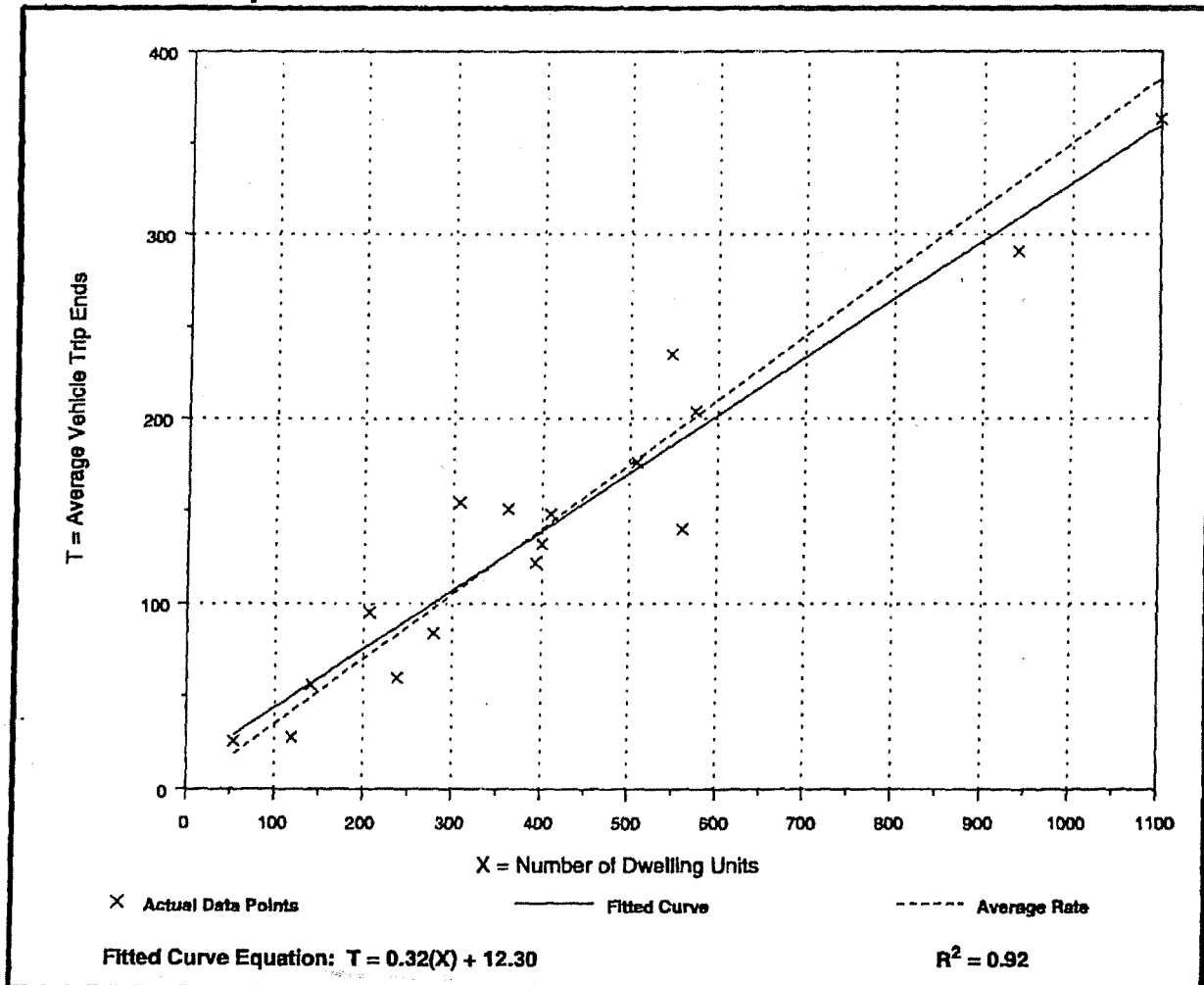
Avg. Number of Dwelling Units: 420

Directional Distribution: 61% entering, 39% exiting

Trip Generation per Dwelling Unit

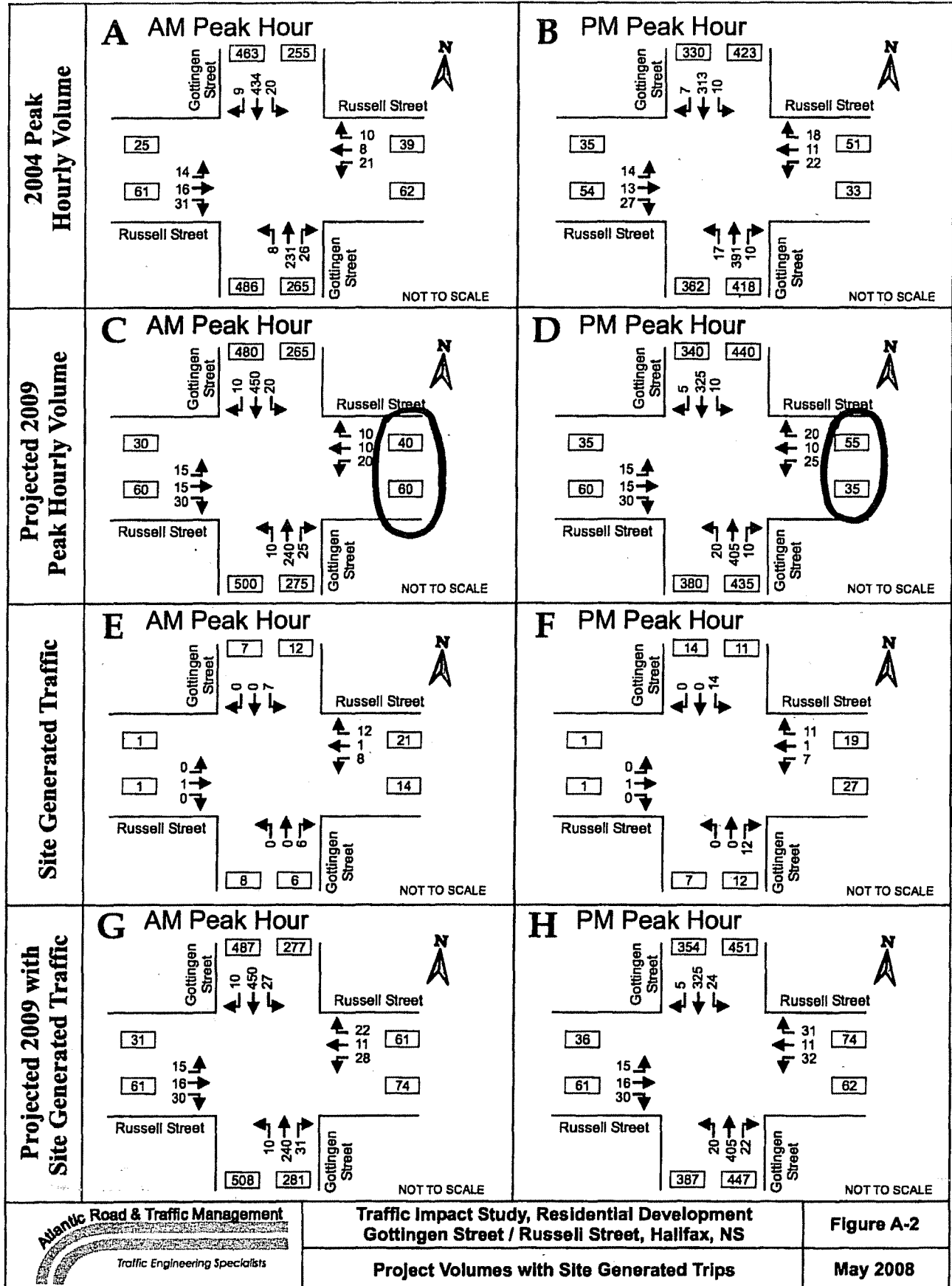
Average Rate	Range of Rates	Standard Deviation
0.35	0.23 - 0.50	0.59

Data Plot and Equation



ATTACHMENT #2

Page A-2



Attachment #3



EKISTICS PLANNING & DESIGN



October 30, 2008

ECL Developments
Attention: Virginia Bonn

Re: Shade Study for St. Joseph's Square

This letter accompanies the attached shade study diagrams that demonstrate the possible impact of the proposed development on shadow around the site. Ekistics has completed dozens of these studies including, recently, one for the New York Times Tower in Manhattan.

This investigation looked at the four key seasonal events (summer solstice, winter solstice and spring and fall equinox) using the Halifax longitude and latitude. The digital model of the proposed building was prepared by the architect. The computer modelling for solar relief was done using Sketchup, shadow animations that were then blended using photoshop into the attached composite shadow gradient diagrams. A terrain model was constructed for this exercise since the topography in this area is significant. Existing surrounding buildings were also modeled. While the surrounding buildings will cast their own shade on the surroundings, they do not influence the shade cast by this new building.

Summer Solstice (June 21) Results:

This event occurs at the time of year when the sun is at its highest point in the sky with the most sunlight of any day in the year. The shade diagram shows that Gottingen Street, directly west of the new development, will be impacted from between one hour (orange-yellow) and four hours (red) per day at ground level. This will occur from sunup (5am to 9am). On the parking lot to the east of the development, there will be a similar loss of sunlight from 5pm till sundown after 9pm. This area is already shaded to a similar level by the existing church. Because these shade diagrams denote ground level shade, mature trees on the streets will have significantly less shade influence from the building (because they are 40-60' above ground level).

Spring and Fall Equinox (March 21 and Sept 21) Results:

This event corresponds with the summer and winter solstice. The shade diagram shows four hours of shade (red) on the streets around the project. There will be no noticeable shade impact on any occupied adjacent property.

Winter Solstice (Dec 21) Results:

This event occurs when the sun is at its lowest solar angle in the sky and corresponds to the shortest day of the year (for sunlight). The model shows that a small portion of Kaye Street will be impacted for about one hour in the late morning on the winter solstice. Because this date is the only time shadow from the project affects an adjacent occupied property, we ran a simulation for the existing church building. There is no noticeable difference between the shadow from the proposed development and the existing church.

The results of the shade study demonstrate that there will be no impact on adjacent occupied properties beyond early morning and late afternoon shadows already being cast by the existing church. No adjacent owner should notice any increased shadow. The school parking lot to the northeast will actually receive less shadow than now cast by the church. The only area with an increase in shadow is a very small section of Gottingen Street that will receive about one additional hour of shade.

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Attachment 4



Attachment #5

St. Joseph's Square

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