

Item No. 9.3

Halifax Regional Council

May 28, 2013

June 25, 2013

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed
Councillor Mason, Vice Chair, Halifax & West Community Council

DATE: May 15, 2013

SUBJECT: Case 17195: MPS/LUB Amendments and Development Agreement for
6112 Quinpool Road, Halifax

RECOMMENDATION REPORT

ORIGIN

- Application from Studioworks International
- Regional Council initiation of the Municipal Planning Strategy amendment process, January 10, 2013
- Halifax & West Community Council, May 13, 2013 – Item. 12.1

LEGISLATIVE AUTHORITY

- HRM Charter, Part VIII, Planning & Development

RECOMMENDATION

Halifax & West Community Council recommends that Halifax Regional Council:

1. Give First Reading to consider the proposed amendments to the Halifax Municipal Planning Strategy (MPS) and the Halifax Land Use By-law (LUB) as set out in Attachment A and B of the staff report dated April 22, 2013 and schedule a joint public hearing with Halifax & West Community Council; and
2. Consider approving the proposed amendments to the Halifax MPS and the Halifax LUB, as contained in Attachments A and B of the staff report of April 22, 2013

BACKGROUND

The applicant, Studioworks International, is requesting that the Municipal Planning Strategy (MPS) and the Land Use By-law (LUB) for Halifax Peninsula be amended in order to allow for the development of an eight (8) storey, mixed-use commercial and residential building at 6112 Quinpool Road. To streamline the review process, staff is recommending that a single public hearing be held after which Regional Council can consider proposed policy amendments and Halifax & West Community Council, the proposed development agreement.

DISCUSSION

At their meeting of May 13, 2013, Halifax & West Community Council requested that Case 17195 go to public hearing so that Regional Council can consider proposed amendments to the MPS and LUB for Halifax Peninsula. If these amendments are adopted by Regional Council, then Halifax & West Community Council will deliberate on the proposed development agreement, outlined in Attachment C of the staff report of April 22, 2013.

FINANCIAL IMPLICATIONS

There are no financial implications, as indicated in the staff report of April 22, 2013.

COMMUNITY ENGAGEMENT

All meetings of Halifax & West Community Council, including that of May 13, 2013 at which this matter was discussed, are open to the public.

ENVIRONMENTAL IMPLICATIONS

As outlined in the staff report of April 22, 2013, the proposal meets all applicable environmental policies as contained in the Halifax MPS.

ALTERNATIVES

Regional Council may choose not to give First Reading, in which case there would be no public hearing and no discussion, at Halifax & West Community Council, of the development agreement.

ATTACHMENTS

1. Staff report dated April 22, 2013

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.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: Ted Aubut, Legislative Assistant, 490-6519

Original Signed

Financial Approval by:

Greg Keefe, Director of Finance & ICT/CFO, 490-6308

Halifax and West Community Council
May 13, 2013

TO: Chair and Members of Halifax and West Community Council

SUBMITTED BY: Original Signed
Brad Anguish, Director of Community and Recreation Services

DATE: April 22, 2013

SUBJECT: Case 17195: MPS/LUB Amendments and Development Agreement for
6112 Quinpool Road, Halifax

ORIGIN

- Application from Studioworks International
- January 10, 2012, Regional Council initiation of the MPS amendment process

LEGISLATIVE AUTHORITY

- *HRM Charter*; Part VIII, Planning & Development

RECOMMENDATION

It is recommended that Halifax and West Community Council recommend that Regional Council:

1. Give First Reading to consider the proposed amendments to the Halifax Municipal Planning Strategy (MPS) and the Halifax Peninsula Land Use By-law (LUB) as set out in Attachments A and B of this report and schedule a joint public hearing with Halifax and West Council;
2. Approve the proposed amendments to the Halifax MPS and the Halifax Peninsula LUB, as contained in Attachments A and B of this report.
3. Move Notice of Motion to consider the proposed development agreement as set out in Attachment C of this report to permit the development of a mixed residential and commercial building at 6112 Quinpool Road, Halifax. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1.

RECOMMENDATIONS CONTINUED ON PAGE 2

Contingent upon the adoption by Regional Council of the above MPS and LUB amendments and those becoming effective under the *Halifax Regional Municipality Charter*, it is further recommended that Halifax and West Community Council:

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

EXECUTIVE SUMMARY

The applicant, Studio Works International, has submitted an application to develop an 8 storey mixed use residential and commercial building at 6112 Quinpool Road in Halifax. The subject property is located on a thru-lot and borders Quinpool Road, Vernon Street and Pepperrell Street. The proposed development is 90 feet in height along Quinpool Road and is to be terraced into three sections resulting in a height of 38 feet along Pepperrell Street. The terraced areas will be designed as landscaped rooftop amenity space. Although the current zoning on the property would permit a mixed residential and commercial building, the MPS and LUB requirements do not permit the consideration of the proposed height, nor does the MPS allow for site specific variations to the LUB requirements regarding angle controls or density.

Quinpool Road is a major commercial corridor in Peninsula Halifax. Over the past several years, development in the Quinpool Road area has been subject to various public workshops. The area is currently under review as part of the Regional Centre Plan project. Staff is of the opinion that there are characteristics of the subject property that make the proposed development compatible with the surrounding area. In order to maintain and build upon the commercial nature of Quinpool Road while minimizing potential land use conflicts with the lower density uses along Pepperrell Street, staff feel the appropriate planning tool to consider this request is through a development agreement enabled under a site specific policy. The proposed site specific amendments to the MPS and LUB focus on building upon the vibrant active streetscape along Quinpool Road while ensuring there is a proper transition of the building to the lower density residential Pepperrell Street. The proposed development agreement complies with the intent of the proposed MPS and LUB amendments through controls on the design and use of the building as outlined in Attachment C.

BACKGROUND

The subject property, 6112 Quinpool Road, is located on the west side of the intersections of Quinpool Road, Vernon Street, and Pepperrell Street in Halifax (see Maps 1 and 2). The current use is a 13,620 square foot commercial building containing a variety of offices, retail uses and food establishments. The property owner has proposed to develop an 8 storey mixed use commercial and residential building on the subject property. As the proposed development does not comply with the applicable policies in the MPS for Halifax nor the requirements of the LUB

for Halifax Peninsula, the property owner has requested that both planning documents (MPS and LUB) be amended to allow for the proposed mixed use building by development agreement.

Location and Land Use

The property is located at the eastern end of Quinpool Road. The site is currently comprised of a two storey commercial building and a parking lot that is accessed from Quinpool Road and Pepperell Street. Surrounding uses along Quinpool Road are mainly commercial and include a grocery store, a Canadian Tire and a variety of restaurants and smaller shops/boutiques. The former St. Pat's High School is located diagonally across the street from the subject property.

The majority of the buildings along Quinpool Road are one to three storeys in height and contain commercial uses at grade. There are some larger buildings in close proximity to the site; Killam Residential Tower (11 stories); Armco Capital Office Tower (10 stories); and the Atlantica Hotel (15 stories) (see Map 3). Uses to the south of the subject property are mainly low to medium density residential. Buildings along Pepperell Street, are mainly two to three storey residential dwellings.

Designation and Zoning

The subject property is divided across two secondary plan areas within the MPS for Halifax; the Quinpool Road Commercial Area Plan and the Peninsula Centre Area Plan (Map 1). The area that is in the Quinpool Road Commercial Area Plan is designated "Commercial Facilities" which is the Quinpool Road portion of the property, whereas the area that is in the Peninsula Centre Area Plan is designated "Medium Density Residential." Attachments D and E include excerpts of the applicable policies.

Although the Pepperell Street portion of the property is within the Medium Density Residential designation, the entire site is zoned C-2 (General Commercial) Zone (Map 1). This zone allows for commercial and residential development, and as such, mixed use projects (see Attachment F). The C-2 Zone does not require any setback or lot coverage requirements for commercial uses.

Height Precincts

As the subject property is regulated under two secondary plans, it is subject to two maximum height requirements: 45 feet on the Quinpool Road portion of the property and 35 feet on the Pepperell Street portion (Map 4). It is important to note that the 45 foot height restriction along Quinpool Road is measured from the base of the building to the top of the building, while the 35 foot height restriction along Pepperell Street is measured from the base of the building to the commencement of the top floor (see Map 4). As such, the portion of the building fronting Pepperell Street could be slightly taller than that which fronts Quinpool Road under the existing height requirements.

Proposal

The applicant proposes amendments to the Halifax MPS and the Halifax Peninsula LUB to establish a development agreement policy set that would allow for the construction of an 8 storey mixed use residential and commercial building. The building will contain a mix of residential units, 1 to 2 levels of commercial (office/retail) space, underground parking, and indoor/outdoor amenity space. The commercial portion of the proposal meets the requirements of the C-2 Zone.

However, the residential portion of the proposal exceeds the LUB requirements relating to the:

- setback requirements from property boundaries;
- angle controls that regulate the height/setback of a building relative to street lines and interior property boundaries;
- density requirements; and
- height restrictions.

Approval Process

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

Past Studies on Quinpool Road

As part of the original HRM by Design project, public workshops were held in 2006 and 2007 which dealt with development scenarios for the Quinpool Road area. In 2006, a public workshop discussed the Vernon/Jubilee/Quinpool Area. It was recommended through that exercise that heights of 3 to 5 storeys would be most appropriate along the south side of Quinpool Road. In 2007, a workshop focusing on the St. Pat's site also generated some ideas for Quinpool Road and suggested heights of 5 to 6 storeys along Quinpool Road, where there are appropriate transitions to the surrounding lower density neighbourhoods.

In October 2011, Regional Council initiated a project to establish a Regional Centre Plan, which is to replace parts of the Dartmouth and Halifax MPSs and LUBs. The Quinpool Road area is a corridor that has been the subject of early study and public consultation. This has not resulted in proposed amendments, but the work for the area has been focused on increasing the height allowances along Quinpool Road while providing a transition to lower heights towards adjacent streets, including Pepperell Street.

DISCUSSION

Municipal Planning Strategy Amendments

The Municipality's MPSs lay out its intent regarding appropriate land use and future patterns for growth. Amendments to an 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 to the circumstances since the MPS was adopted or last reviewed, or in cases where circumstances are significantly different from the situations that the Plan anticipated.

It should be noted that the HRM's Regional Plan encourages new residential growth in the Regional Centre. Compact, mixed-use development on major streets with access to transit service, commercial uses and community facilities promote the more complete, vibrant and

walkable communities that are desired by the Regional Plan.

Rationale for Proposed Changes

The application proposes significant changes to policies in the MPS and the Secondary Plans for Peninsula Centre as well as for the Quinpool Road Commercial Area and the LUB Regulations that relate to the subject property. As part of their application, the applicant's architect provided a rationale for these changes which is summarized as follows:

- Requirements in the LUB, especially those surrounding the angle controls and setbacks from the street are too restrictive to allow successful high density mixed use redevelopment and limit flexibility when designing a building. The MPS does not include any policies that provide the ability to consider changes to the angle control requirements through discretionary approval.
- The MPS and LUB do not address the outcomes promoted by the past workshops as part of HRM by Design. Workshops promoted increased height, additional density; reinforcement of retail and urban pedestrian activity.
- The surrounding site is a dynamic commercial and residential neighbourhood. Quinpool Road is comprised of various commercial uses that would benefit from an increased density. The site is also located in close proximity to major employers such as the QEII Hospital and Dalhousie University; and
- Height limitations are too restrictive and do not reflect the heights generally permitted in the C-2 Zone. There are already a number of high buildings within a couple blocks from the property.

Proposed Amendment to the MPS

The proposed development generally complies with the existing policies of the MPS for both the Commercial Facilities designation of the Quinpool Road Commercial Area Plan and the Residential Environment designation of the Peninsula Centre Area Plan (see Attachments D and E). However, to enable the consideration of the proposed building, site specific amendments to the MPS and LUB are required and the amendments focus on:

- the consideration of building heights exceeding 45 feet;
- providing an appropriate transition from Quinpool Road to the lower density residential neighbourhood along Pepperell Street;
- promoting the pedestrian friendly nature on Quinpool Road through the presence of commercial uses and architectural design;
- placing an importance on good architectural design; and
- providing a mix of residential type units.

Attachments A and B contain the necessary amendments to MPS policy and LUB requirements for the subject property, relative to the proposed development. In staff's opinion, the proposed amendments achieve the above noted objectives and enable a development that is compatible with its surroundings.

Of the proposed amendments, the following issues are highlighted for more detailed discussion:

Proposed Height Along Quinpool Road

The proposed development does not comply with the existing policy relative to building height. Policy 2.2 of the Commercial Facilities designation of the Quinpool Road Commercial Area Plan, limits height along the east side of Quinpool Road to 45 feet. The proposed MPS amendments would allow for the consideration of a building that is 90 feet along Quinpool Road, which is double the height that is currently permitted. The 45 foot height requirement was established when the Quinpool Road Commercial Area Plan was established in 1986.

Over the past several years, the height along Quinpool Road has been a topic of discussion/debate through the various studies and workshops that have been undertaken for the area. However, setting the discussion of height along the whole of Quinpool Road aside, when focusing on the specific site, a height of 45 feet or 3 to 4 storeys, seems restrictive. The subject property is located on an important intersection for providing connectivity amongst various land uses and neighbourhoods. The corner is located at the intersection of the commercial area of Quinpool Road and the residential neighbourhood that leads to Dalhousie University. The site is also located at a popular pedestrian and cyclist intersection that leads to the residential neighbourhoods surrounding Allan Street and Windsor Street.

It is important to note that the proposed 90 foot height is specific to this site and not the whole of Quinpool Road. Any changes to the overall height along Quinpool Road would require further consideration and review by staff and will be achieved through the Centre Plan project.

When comparing the proposed building to existing taller building on the street, a height of 90 feet would be considered medium rise. Due to its location on a thriving commercial corridor and an important corner of the transition of communities, the proposed height is considered appropriate for this property.

Proposed Height/Scale Along Pepperell Street

The proposed development is located over two secondary plan areas and a key focus of the proposed policy is to ensure that development at this site is appropriately massed and scaled so that development will respect the lower density neighbourhood of Pepperell Street and the Peninsula Centre area as a whole. The proposed policy requires the building to be appropriately massed and scaled to respect the lower density residential neighbourhood along Pepperell Street and further requires that the building height along Pepperell Street be reduced to 40 feet.

Proposed Development Agreement

It is the opinion of staff that the proposed development agreement provided as Attachment C to this report satisfies the intent of the proposed MPS and LUB amendments (see Attachment G). While the proposed development agreement is consistent with the intent of the proposed amendments, staff have identified the following issues for specific discussion:

Transition to Pepperell Street

When considering a height of 90 feet along Quinpool Road, ensuring there is a proper transition of height to the lower density area of Pepperell Street is an important component. The proposed policy contains a requirement for appropriate massing of a building in relation to the lower density uses on Pepperell Street. This is achieved through the design of the building and how it

is terraced towards Pepperell Street. The height of the building is 38 feet along Pepperell Street which meets the height requirements of the LUB for this property. The proposed development agreement further enforces a proper transition from Quinpool Road through limiting the maximum commercial floor area for those commercial uses that are accessed from Quinpool Road. This will ensure commercial uses along Pepperell Street will be smaller scale uses.

Pedestrian Focused Streetscape

The proposed development agreement requires that each commercial use along Quinpool Road and Vernon Street have an individual access directly to the street. This is to support the smaller scale commercial feel along Quinpool Road and to avoid using the streetscape as a lobby. The proposed development agreement further requires that at least 75% of the ground level be comprised of mainly glass or windows and that it provide a view of the interior of the building from the street and vice versa. The intent of this provision is not only to encourage a more vibrant streetscape, but also encourage a strong relationship with the street and commercial interior and to avoid the use of large scale window displays that can be found in other commercial uses along Quinpool Road.

Vehicular Parking

There are currently 50 parking spaces located on the property that can be accessed from both Quinpool Road and Pepperell Street. The proposed policy would prohibit access to the parking area from Quinpool Road. The proposed development agreement requires that access to the parking area be from Pepperell Street and it permits an additional 92 parking spaces. Comments received from the public, especially those along Pepperell Street, have expressed concern over how the location of the parking access will affect their street through the increase in traffic and through the placement of a garage door on the street.

A traffic impact statement was completed in August 2011, and it indicated that the number of trips generated by the proposed development would not have a significant impact to the road network. However, beyond the capacity of the road network, there are concerns from residents along Pepperell Street that the additional traffic may cause a negative impact to the local street. The proposed development agreement includes measures to mitigate the impact of traffic along the street.

The proposed development agreement includes limitations on when loading and deliveries can take place along Pepperell Street and requires that at least 60 of the parking spaces be provided for general public use, so as to limit the amount of on-street parking. It is important to note that the development is located in close proximity to residential neighbourhoods and major transit routes. It is anticipated that a large portion of the users of the commercial spaces and the residential uses will be pedestrians and not require automobiles.

Density

The proposed development includes a mixture of commercial and residential units which would result in a density of approximately 236 persons per acre (ppa). The LUB discusses a general density of 125 ppa for the majority of Halifax Peninsula, with some areas being considered for 250 ppa. The increase in density provides the opportunity for the existing uses and services in the area to benefit but more importantly the subject property is located:

- on a busy commercial corridor;
- in close proximity to various transit routes; and
- close to downtown and large institutions such as the QEII and Dalhousie University.

Open Space

The proposed development contains 13,436 square feet of indoor and outdoor amenity space, which exceeds the requirement of the LUB. The proposed landscaped open space and amenity space is above ground and can only be accessed by the residents in the building. However, the space will be visible from the streetscape and it will create a visually pleasant space for pedestrians and neighbouring property owners.

The landscaped space is located on two of the rooftop areas. The development agreement requires that a landscaping plan be provided for these areas when applying for a building permit, to ensure that plants are suitable for a rooftop environment. The amenity space will serve as an important green space that is often absent from multiple unit residential buildings.

Conclusion

The subject property is located on a major commercial corridor and is a unique site that signifies an important area of transition of neighbourhoods and movement of people. The site is further within an area that has been subject to various planning workshops and studies. Staff are of the opinion that the proposed development properly addresses the unique aspects of this property by providing an uninterrupted commercial frontage that builds upon the focus of Quinpool Road as a vibrant, pedestrian friendly street. The building's overall form follows good urban design principles of focusing the tallest heights of the building upon a principal street (Quinpool Road) and then providing transition to the local street (Pepperell Street) through lower building heights. Therefore, staff recommend that Regional Council adopt the amendments to the Halifax MPS and the Halifax Peninsula LUB provided in Attachments A and B of this report. Further to the adoption of the amendments, staff recommend that Halifax and West Community Council approve the development agreement as contained in Attachment C of this report.

FINANCIAL IMPLICATIONS

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

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through a Public Information Meeting held on September 20, 2012. Attachment H contains a copy of the minutes from the meeting. For the Public Information Meeting, notices were posted on the HRM website, in newspapers (regional and local), and mailed to property owners with the notification area shown on Map 3.

Prior to considering the approval of any MPS amendments, Regional Council must hold a public hearing. Likewise, Halifax and West 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 proposed development agreement, it is recommended that both Councils proceed with a joint public hearing.

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

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

ENVIRONMENTAL IMPLICATIONS

The proposal meets all applicable environmental policies as contained in the Halifax MPS.

ALTERNATIVES

The Halifax and West Community Council could recommend that Regional Council:

1. Approve the proposed amendments to the MPS for Halifax and the LUB for Halifax Peninsula, as contained in Attachments A and B of this report. This is staff's recommendation. A decision of Council to approve this proposed amendment is not appealable.
2. Modify the proposed amendments to the Halifax MPS and Halifax Peninsula LUB as presented in Attachments A and B. If this alternative is chosen, specific direction regarding the requested modifications and amendments is required. Substantive amendments may require another public hearing to be held before approval is granted. A decision of Council to refuse the proposed amendments is not appealable.
3. Refuse the proposed amendments to the MPS for Halifax and the LUB for Halifax Peninsula, as contained in Attachments A and B of this report. 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. This is not the recommended course of action.

ATTACHMENTS

Map 1	Generalized Future Land Use
Map 2	Zoning
Map 3	Area of Notification
Map 4	Height Precincts

Attachment A	Proposed Amendment to the Halifax MPS
Attachment B	Proposed Amendment to the Halifax Peninsula LUB
Attachment C	Proposed Development Agreement
Attachment D	Excerpt from the Halifax MPS – Section XII – Quinpool Road Commercial Area Plan Boundary – Commercial Facilities Designation
Attachment E	Excerpt from the Halifax MPS – Section VI Peninsula Centre Area Plan – Residential Environments Designation
Attachment F	Excerpt from the Halifax Peninsula LUB – C-2 Zone
Attachment G	Review of Proposed Development Agreement on Proposed Amendments to the MPS
Attachment H	Minutes from the Public Information Meeting

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.

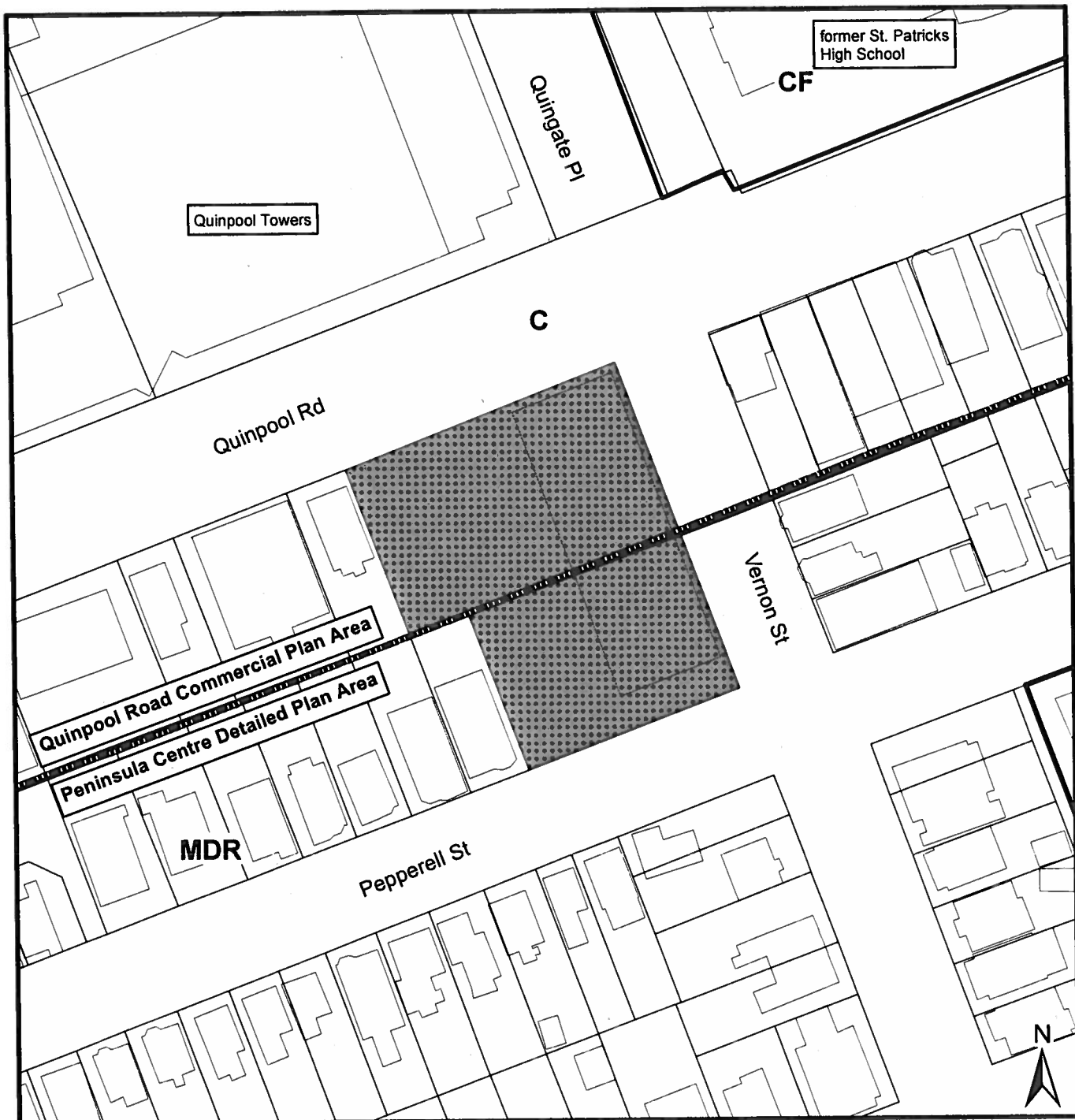
Report Prepared by: Jillian MacLellan, Planner 1, Planning Services, 490-4423

Original Signed

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

Original Signed

Report Approved by: Richard Harvey, Supervisor, Community Planning, 490-6495



Map 1 - Generalized Future Land Use

6112 Quinpool Road
Halifax



Area of proposed
development agreement

Halifax Plan Area
Quinpool Road Commercial Plan Area
Peninsula Centre Detailed Plan Area

Designation - Quinpool Road

C Commercial
CF Community Facility

Designation - Peninsula Centre

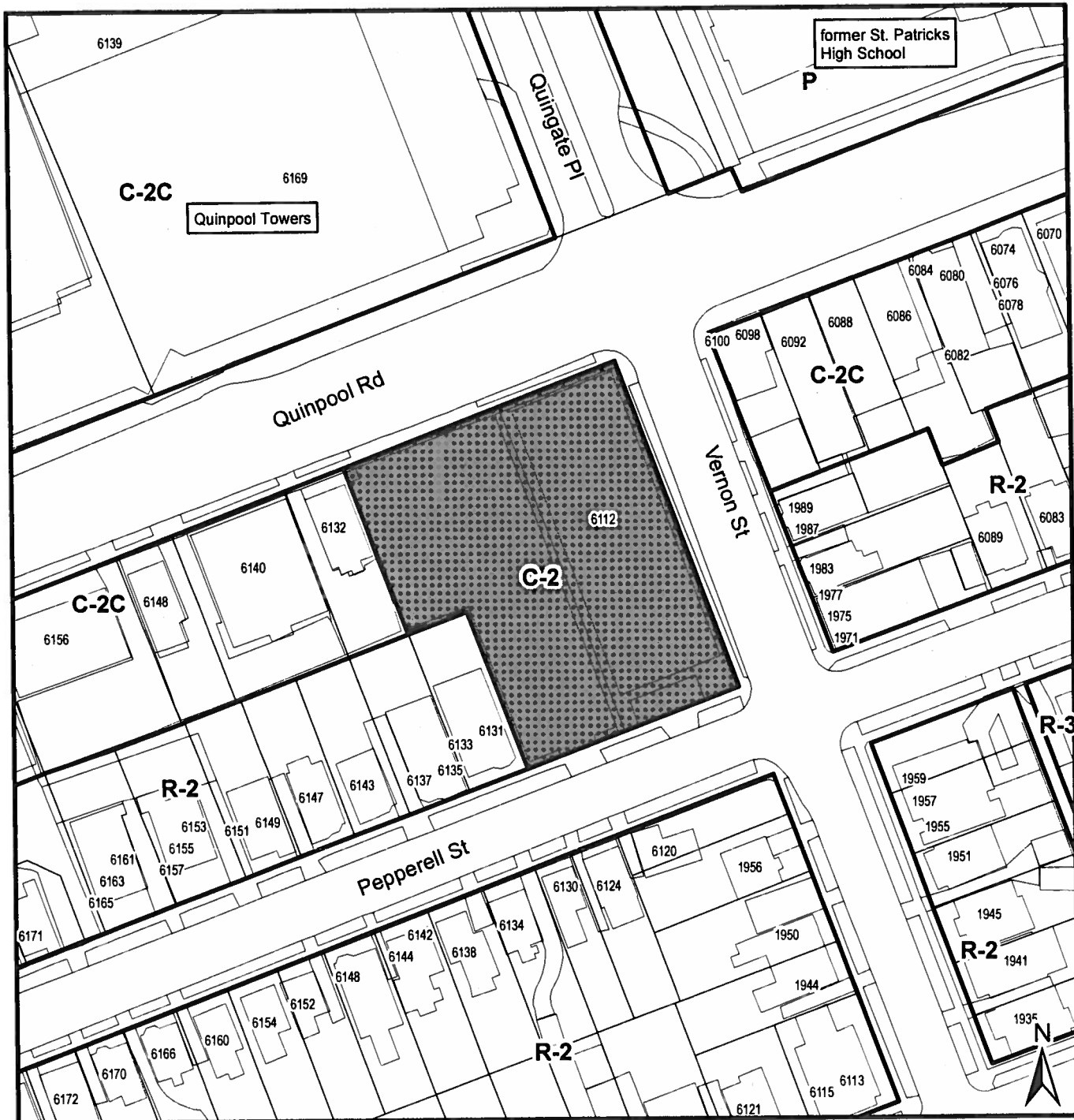
MDR Medium Density Residential

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS

0 20 40 m

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

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



Map 2 - Zoning

6112 Quinpool Road
Halifax



Area of proposed
development agreement

Halifax Peninsula
Land Use By-Law Area

Zone

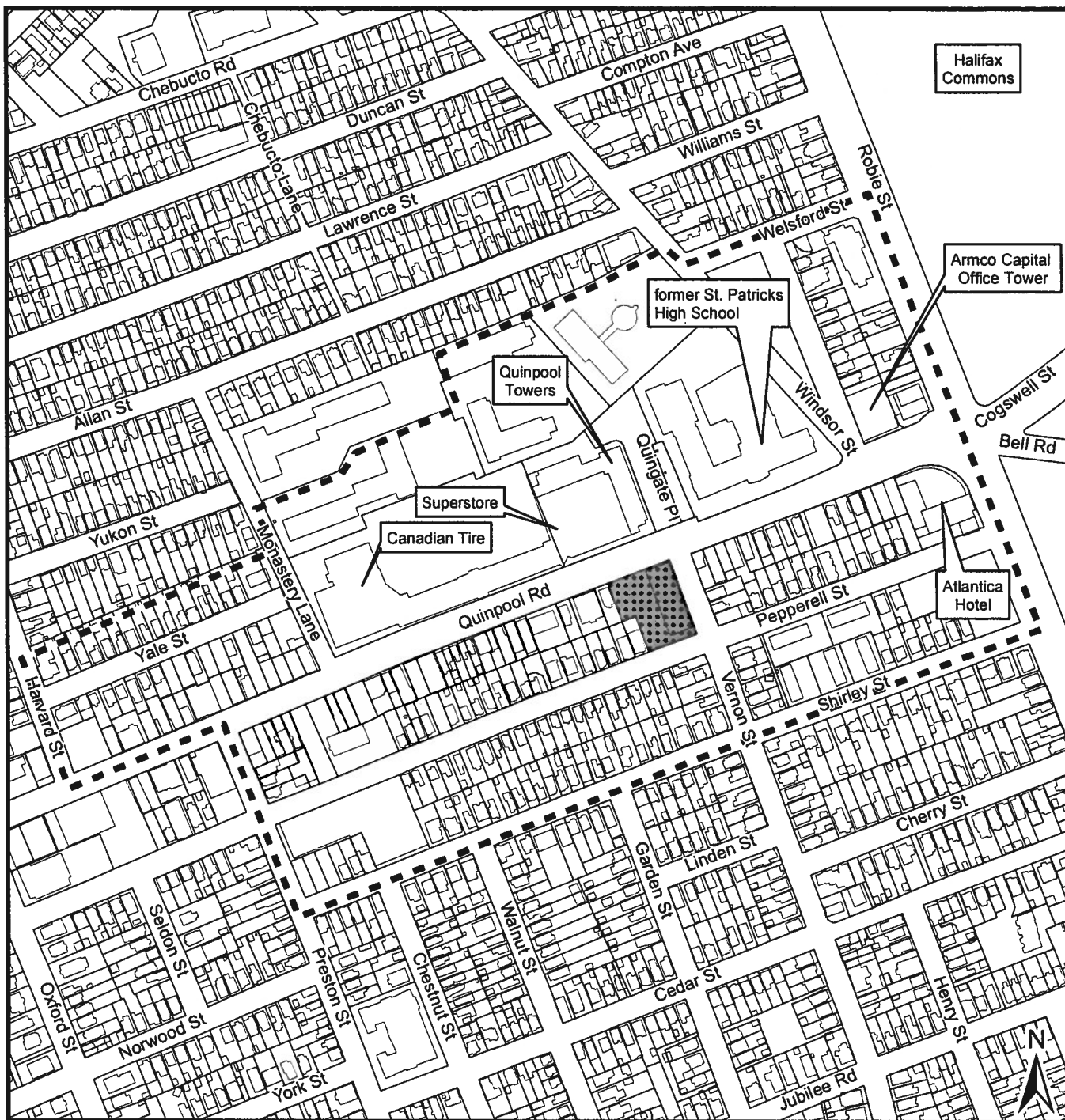
R-2 General Residential
C-2C Minor Commercial - Quinpool Road
P Park and Institutional

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS

0 20 40 m

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


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of any representation on this plan.



Map 3 - Area of Notification

6112 Quinpool Road
Halifax

 Area of proposed
development agreement

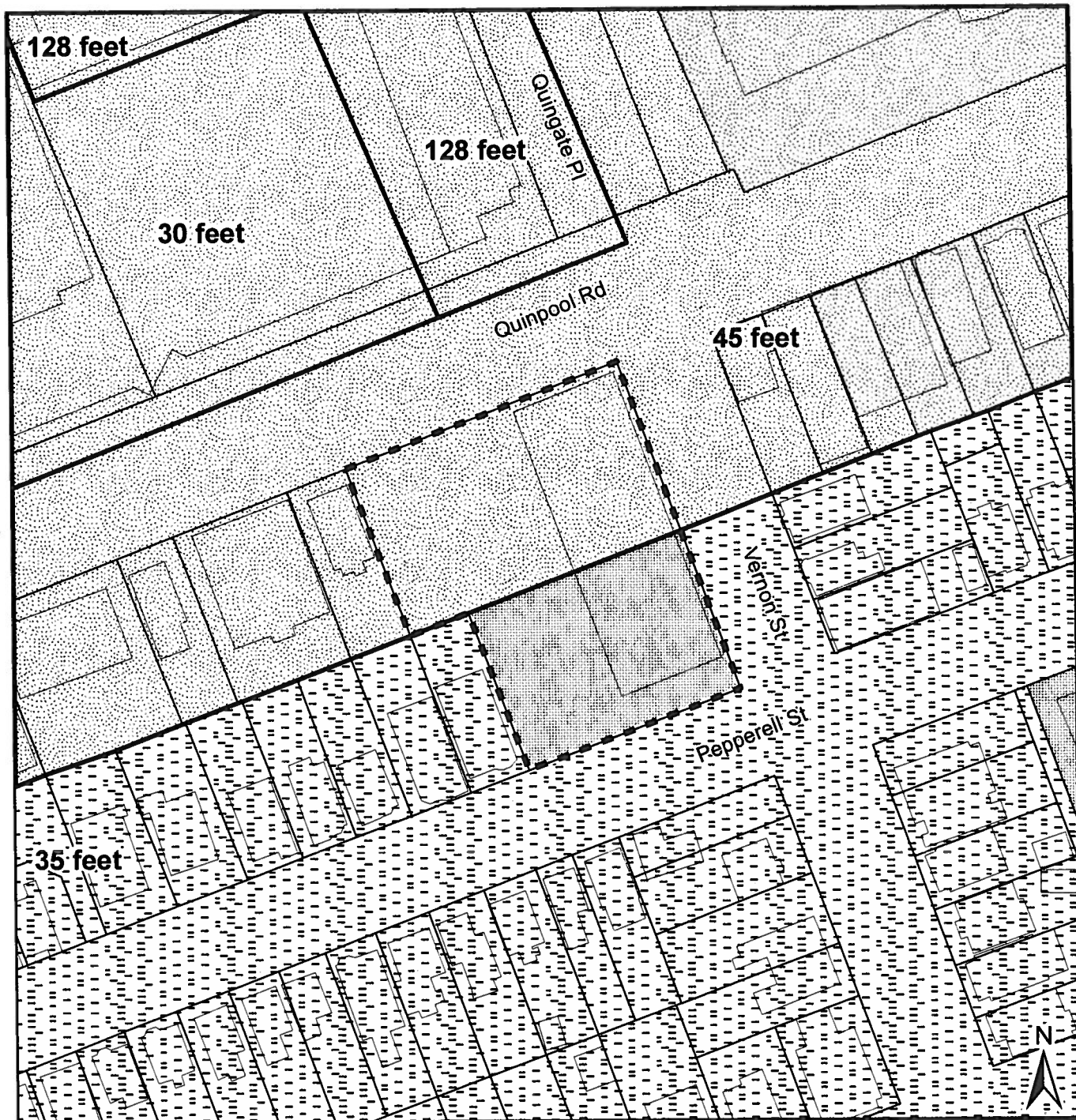
 Area of notification

Halifax Peninsula
Land Use By-Law Area

HALIFAX
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DEVELOPMENT APPROVALS



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





Map 4 - Height Precincts


6112 Quinpool Road
Halifax

 Area of proposed
development
agreement

Halifax Peninsula
Land Use By-Law Area

 Area where maximum permitted height is measured between
the highest point of the roof and the mean grade of the
finished ground adjoining the building

 Area where maximum permitted height is measured between
the highest point of the building, exclusive of any non habitable
roof and the mean grade of the finished ground adjoining the
building between the building and the fronting street

 Area where maximum permitted height is measured between
the commencement of the top storey of a building and the
mean grade of the finished ground adjoining the building
between the building and the fronting street

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS

0 20 m


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

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

Attachment A
Proposed Amendments to the Halifax 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. By adding Policies 1.14 and 1.14.1 to Section VI (Peninsula Centre Area Plan) of the Halifax Municipal Planning Strategy immediately after Section 1.13 as follows:
 - “1.14 Notwithstanding the Mid Density Residential Designation of the southern portion of the property known as 6112 Quinpool Road bounded by Quinpool Road, Vernon Street and Pepperell Street, and in conjunction with Policy 2.9 of Section XII of this Municipal Planning Strategy, the Municipality shall permit a mixed use residential and commercial building by development agreement.
 - 1.14.1 Any development permitted pursuant to Policy 1.14 shall be achieved through attention to a variety of factors for which conditions may be set out in the development agreement, such as but not limited to the criteria found in Policy 2.9 and 2.9.1 of Section XII of this Municipal Planning Strategy.”
2. By adding Policies 2.9 and 2.9.1 to Section XII (Quinpool Road Commercial Area Plan) of the Halifax Municipal Planning Strategy immediately after Section 2.8.1(d) to read as follows:
 - “2.9 Notwithstanding Section 2.2 within the Commercial Facilities Section, for the property known as 6112 Quinpool Road bounded by Quinpool Road, Vernon Street and Pepperell Street and in conjunction with Policy 1.14 of Section VI of this Municipal Planning Strategy, the Municipality shall permit a mixed use residential and commercial building which exceeds 13.72 metres (45 feet) by development agreement.
 - 2.9.1 Any development permitted pursuant to Policy 2.9 shall be achieved by attention to a variety of factors for which conditions may be set out in the development agreement, such as but not limited to:
 - (a) the appropriate scale and massing of the building with respect to the low rise neighbourhood along Pepperell Street;
 - (b) the height of the building shall transition from a maximum of height of 27.43 metres (90 feet) adjacent to Quinpool Road to a maximum height of 12.19 metres (40 feet) adjacent to Pepperell Street. Height shall be defined as the vertical distance of the highest point of the roof above the mean grade of the finished ground adjoining the building, but shall not include the placement of mechanical equipment;
 - (c) the building shall be constructed of high quality durable materials;

- (d) to promote pedestrian interest, where commercial uses are located at the ground floor, the ground level shall have a high level of transparency and there shall be frequent entryways where there are multiple occupancies;
- (e) the building's design shall be articulated into three separate and distinguishable sections; a base section, a middle section, and a top section in order to break up the massing of the building;
- (f) to provide connectivity with the street, minimal setbacks from property lines shall be provided;
- (g) a mixture of residential unit types and sizes shall be provided;
- (h) commercial uses must be located on the ground floor of the building where it fronts Quinpool Road and Vernon Street. Commercial uses may be considered in other areas of the building, but shall not be considered at the 3rd level of a building or higher;
- (i) all vehicular parking shall be located underground;
- (j) no vehicular or service access points shall be located on Quinpool Road;
- (k) the size and visual impact of utilitarian features such as garage doors, service entries, and storage areas, shall be minimized;
- (l) the building shall include useable on-site landscaped open space and recreational amenities of a size and type adequate for the residential population;
- (m) there shall be adequate water and sewer capacity to service the development; and
- (n) there shall be controls put in place to reduce conflict with any adjacent or nearby land uses by reason of traffic generation, access to and egress from the site and parking."

I HEREBY CERTIFY that the amendments to the Halifax Municipal Planning Strategy, as set out above, were duly passed by a majority vote of the Halifax Regional Municipal Council at a meeting held on the day of _____, 2013.

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

Municipal Clerk

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 95(2):

"6112 Quinpool Road

95(3) Council may permit a mixed use residential and commercial development at 6112 Quinpool Road in accordance with Policy 1.14 of Section VI and Policy 2.9 of Section XII of the Halifax Municipal Planning Strategy."

2. By adding the following Section after Section 98A:

"6112 Quinpool Road

98B Council may permit a mixed use residential and commercial development at 6112 Quinpool Road in accordance with Policy 1.14 of Section VI and Policy 2.9 of Section XII of the Halifax Municipal Planning Strategy."

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

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

Municipal Clerk

Attachment C
Proposed Development Agreement

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

BETWEEN:

[DEVELOPER]

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

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY

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

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at 6112 Quinpool Road, Halifax and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a Development Agreement to allow for a mixed use residential and commercial building on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and policies 1.14, 1.14.1 of Section VI and policies 2.9 and 2.9.1 of Section XII of the Municipal Planning Strategy for Halifax.

AND WHEREAS the **INSERT** Council for the Municipality approved this request at a meeting held on **[Insert - Date]**, referenced as Municipal Case Number 17195;

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

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

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

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

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

1.3 Applicability of Other By-laws, Statutes and Regulations

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

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

1.4 Conflict

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

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

1.5 Costs, Expenses, Liabilities and Obligations

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

1.6 Provisions Severable

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

PART 2: DEFINITIONS

2.1 Words Not Defined under this Agreement

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

2.2 Definitions Specific to this Agreement

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

- (a) *Height* means the vertical distance of the highest point of the roof, excluding any mechanical rooftop equipment, above the mean grade of the finished ground adjoining the building along the principle street; and
- (b) *Live/Work Unit* means a residential unit that includes a commercial component and may include a commercial store front.

PART 3: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS

3.1 Schedules

The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, conforms with the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case Number 17195:

Schedule A	Legal Description of the Lands(s)
Schedule B	Site Plan
Schedule C	North Elevation (Quinpool Road)
Schedule D	East Elevation (Vernon Street)
Schedule E	South Elevation (Pepperell Street)
Schedule F	West Elevation

3.2 Requirements Prior to Approval

- 3.2.1 Prior to the issuance of a Development Permit, the Developer shall provide to the Development Officer:
- (a) A detailed Landscape Plan prepared by a Landscape Architect in accordance with Section 3.6 of this Agreement; and
 - (b) A Site Servicing Plan prepared by a Professional Engineer and acceptable to the Development Engineer in accordance with Section 4.1 of this Agreement.
- 3.2.2 Upon the issuance of the first Occupancy Permit, a letter prepared by a member in good standing of the Canadian Society of Landscape Architects shall be provided to the Development Officer certifying that all landscaping has been completed according to Schedule B and Section 3.6 of this Agreement.

3.3 General Description of Land Use

- 3.3.1 The uses of the Lands permitted by this Agreement is an eight (8) storey, mixed use residential and commercial building.

3.4 Detailed Provisions for Land Use

- 3.4.1 Commercial uses fronting Quinpool Road and Vernon Street shall be located on the ground and second level.
- 3.4.2 Commercial uses shall be limited to those uses permitted in the C-2C (Minor Commercial – Quinpool Road) Zone of the Land Use By-law for Halifax Peninsula, as amended from time to time.
- 3.4.3 Further to Section 3.4.2, the footprint for commercial uses accessed from Pepperell Street shall not exceed 278.71 square metres (3,000 square feet).
- 3.4.4 The total number of residential units shall not exceed 72 units and at least 50% of the residential units shall contain 2 or more bedrooms.
- 3.4.5 Further to Sections 3.4.1 and 3.4.4, the maximum number of residential units permitted may be increased to a maximum of 81 residential units if residential units are developed on the second floor of the building or along the ground level facing Pepperell Street.
- 3.4.6 The commercial component of Live/Work Units shall be permitted at the ground level along Pepperell Street and throughout the second level. The residential portion of a Live/Work Unit shall be subject to the requirements for residential units as outlined in this section.

3.5 Height and Architectural Requirements

- 3.5.1 The maximum height of the building along Quinpool Road shall not exceed 27.43 metres (90 feet).
- 3.5.2 The maximum height of the building along Pepperell Street shall not exceed 12.19 metres (40 feet).
- 3.5.3 The building's exterior design shall be as shown on Schedules C to F. A minimum of three major exterior cladding materials, excluding fenestration, are required for any publicly-viewed façade as generally shown on the Schedules. The use of two discernible colours or two discernible textures of the same material are acceptable as meeting this requirement.
- 3.5.4 Further to Section 3.5.3, acceptable cladding materials include brick, stone masonry, wooden shingles and high quality pre-cast panelling containing fine grained detail to resemble one of the other permitted cladding materials.
- 3.5.5 The first floor front façade of the building, with ground floor commercial uses, shall contain at least 75% windows or doors to provide view of the interior of the building from the street and vice versa.
- 3.5.6 Fixed or retractable awnings are permitted at ground floor levels provided the awnings are designed as an integral part of the building façade and subject to the requirements of any other applicable by-law, statute or regulation.
- 3.5.7 Multiple storefronts shall be visually unified through the use of complementary architectural forms, similar materials and colours. Covered walkways, arcades, awnings, open colonnades and similar devices shall be permitted along extended façades to provide shelter, and encourage pedestrian movement.
- 3.5.8 Individual entrances from the street shall be provided for each commercial occupancy located on the ground level.
- 3.5.9 The main entrances to the residential portion of the building shall be located on Vernon Street and shall be emphasized by detailing, changes in materials, and other architectural devices.
- 3.5.10 All vents, down spouts, flashing, electrical conduits, metres, service connections, and other functional elements shall be treated as integral parts of the design. Where appropriate these elements shall be painted to match the colour of the adjacent surface, except where used expressly as an accent.
- 3.5.11 Balconies shall be provided as shown on Schedules C to F and shall be made of aluminium framing with insert glass. Additional balconies may be considered under Section 6.1.

- 3.5.12 Large blank or unadorned walls shall not be permitted. The scale of large walls shall be tempered by the introduction of artwork, such as murals, textural plantings and trellises, architectural detail or a combination of these options.
- 3.5.13 Buildings shall be designed such that the mechanical systems (HVAC, exhaust fans, etc.) are not visible from Quinpool Road, Pepperell Street, Vernon Street or abutting residential properties. Furthermore, no mechanical equipment or exhaust fans shall be located between the building and the adjacent residential properties unless screened as an integral part of the building design and noise reduction measures are implemented. This shall exclude individual residential mechanical systems.
- 3.5.14 Roof mounted telecommunication equipment shall be integrated into the roof design of the building.
- 3.5.15 Access to the underground parking and solid waste collection shall be incorporated into the overall design of the building through the use of similar colour and similar building materials as the adjacent portions of the building.

3.6 Amenity Space and Landscaping

- 3.6.1 A combination of indoor and outdoor common amenity space shall be provided as shown on the Schedules. A minimum of 1,247.69 square metres (13,430 square feet) of amenity space shall be provided, exclusive of balconies. A minimum of 1,146.42 square metres (12,340 square feet) shall be provided as outdoor amenity space as shown on Schedule B.
- 3.6.2 Prior to the issuance of a Development Permit, the Developer shall provide the Municipality with a detailed Landscape Plan, prepared by a Landscape Architect, for the outdoor amenity areas as shown on the Schedules.
- 3.6.3 Planting types shall be suitable for a rooftop environment and conform to the Canadian Nursery Trades Association Metric Guide Specifications and Standards and sodded areas to the Canadian Nursery Sod Growers' Specifications.
- 3.6.4 Planting details for each type of plant material proposed on the Landscape Plan shall be provided, including species list with quantities, size of material, and common and botanical names (species and variety).
- 3.6.5 Upon the issuance of an Occupancy Permit, the Developer shall submit to the Development Officer a letter prepared by a member in good standing of the Canadian Society of Landscape Architects certifying that all landscaping has been completed according to the terms of this Development Agreement.
- 3.6.6 Notwithstanding the above, an Occupancy Permit may be issued provided that the weather and time of year does not allow the completion of the outstanding landscape work and the Developer supplies a security deposit in the amount of 110 percent of the estimated cost to

complete the landscaping as shown on the Landscape Plan. 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 landscaping as described herein and as approved by the Development Officer. Should the Developer not complete the landscaping within twelve months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping. 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.

3.7 Parking

- 3.7.1 A minimum of 142 parking spaces shall be providing through two levels of underground parking.
- 3.7.2 A minimum of 60 parking spaces shall be made available for the commercial uses or visitor parking
- 3.7.3 Parking space sizes shall comply with the requirements of the Land Use By-law for Halifax Peninsula
- 3.7.4 The Developer shall provide bicycle parking pursuant to Section 6A of the Land Use By-law for Halifax Peninsula.
- 3.7.5 Access to the underground parking shall be from Pepperell Street as shown on Schedule B.

3.8 Signage

- 3.8.1 Signage on the Lands shall be in accordance with the Land Use By-law for Halifax Peninsula.
- 3.8.2 Awning or canopy signs shall be made of fabric material.
- 3.8.3 Projecting signs may be permitted on the Lands. If the signs project beyond the Lands, the Developer shall obtain the necessary encroachment permits and licences before erecting such signs.

3.9 Outdoor Lighting

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

3.10 Outdoor Storage

- 3.10 No outdoor storage shall be permitted on the Lands.

3.11 Deliveries and Solid Waste Collection

3.11.1 The private collection of refuse and recyclables on the Lands shall occur only between the hours of 9:00 a.m. and 4:00 p.m.

3.11.2 Delivery trucks that are required to back up from Pepperell Street to use the loading/unloading bay on the Lands shall only be permitted between the hours of:

(a) 9:00 a.m. and 4:00 p.m.

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

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 removal/salting of walkways and driveways.

3.13 Construction/Sales Structure

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

PART 4: STREETS AND MUNICIPAL SERVICES

4.1 General Provisions

All construction shall satisfy HRM's Municipal Service Systems Specifications and both Halifax Water's Design and Construction Specifications, and Rules & Regulations for Water, Wastewater and Stormwater Services unless otherwise varied by this Agreement and shall receive written approval from the HRM Development Engineer and Halifax Water prior to undertaking any work.

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 Development Engineer.

PART 5: ENVIRONMENTAL PROTECTION MEASURES

5.1 Archaeological Monitoring and Protection

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

5.2 Sulphide Bearing Materials

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

PART 6: AMENDMENTS

6.1 Non-Substantive Amendments

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

- (a) Changes to the unit types and number of permitted units as outlined in Section 3.4.5 of this Agreement;
- (b) Variations to the exterior building material as outlined in Section 3.5.3 of this Agreement;
- (c) Additional balconies as outlined in Section 3.5.11 of this Agreement;
- (d) Changes to the Amenity and Landscaping requirements as detailed in Section 3.6 of this Agreement;
- (e) The granting of an extension to the date of commencement of construction as identified in Section 7.3 of this Agreement; and
- (f) The length of time for the completion of the development as identified in Section 7.5 of this Agreement.

6.2 Substantive Amendments

6.2.1 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

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

7.2.2 Upon the transfer of title to any lot(s), the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot(s).

7.3 Commencement of Development

7.3.1 In the event that development on the Lands has not commenced within 3 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 issuance of a Building Permit.

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

7.4. Completion of Development

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

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

7.5 Discharge of Agreement

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

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

PART 8: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

8.1 Enforcement

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

8.2 Failure to Comply

If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer 14 days written notice of the failure or default, then in each such case:

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

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

SIGNED, SEALED AND DELIVERED in the presence of:

(Insert Registered Owner Name)

Witness

Per: _____

HALIFAX REGIONAL MUNICIPALITY

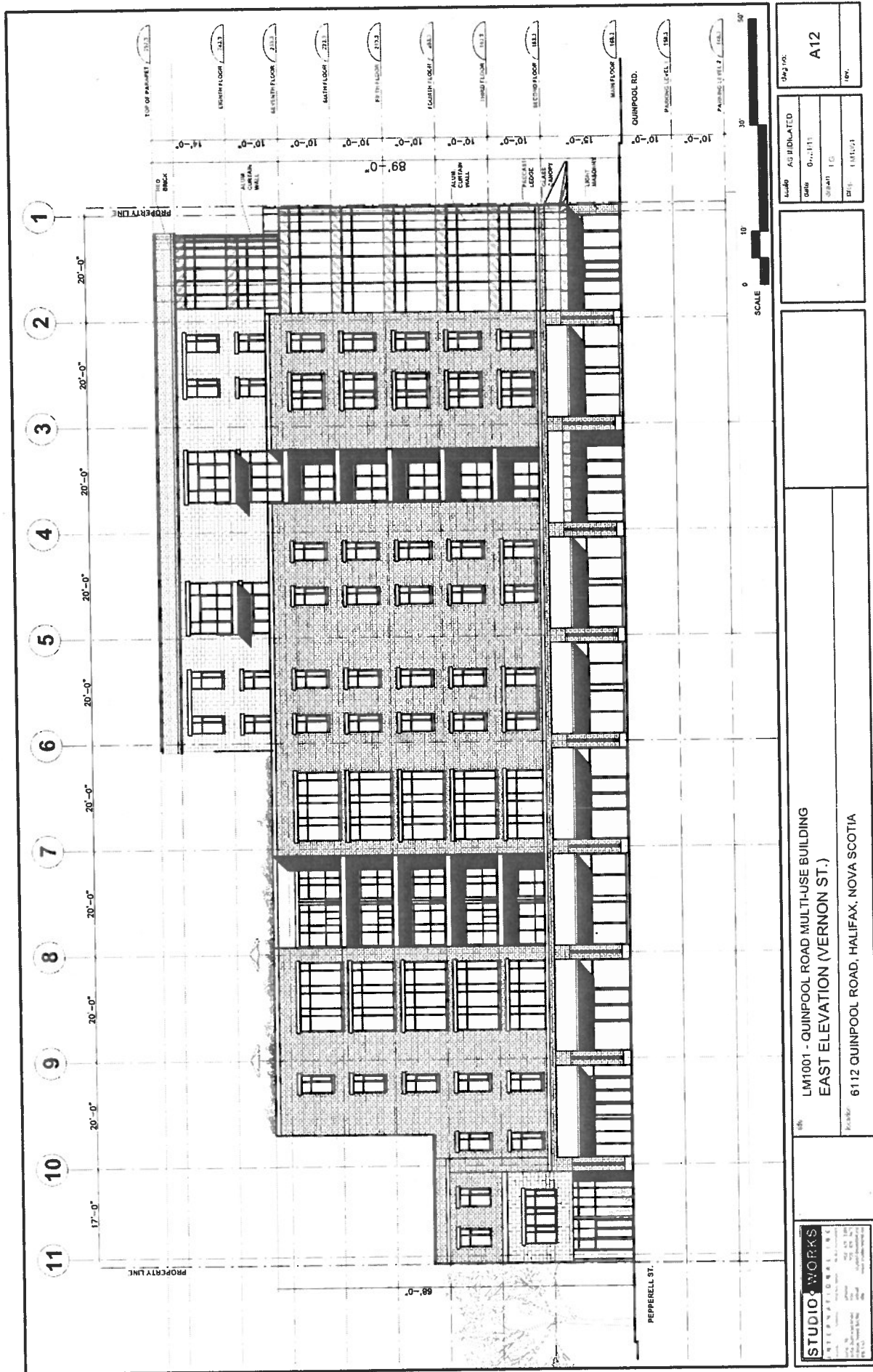
SIGNED, DELIVERED AND ATTESTED to by the proper signing officers of Halifax Regional Municipality, duly authorized in that behalf, in the presence of:

Witness

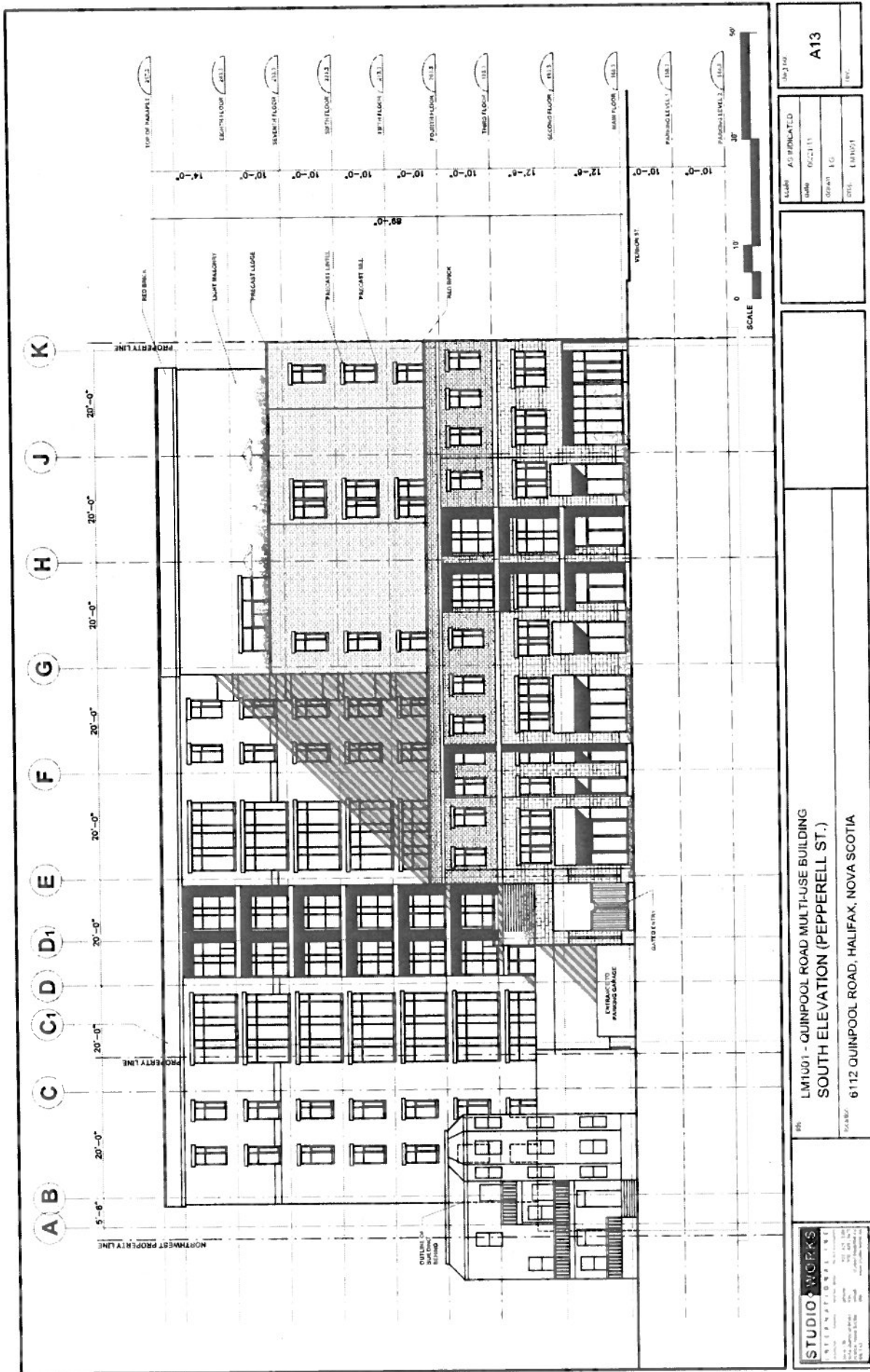
Per: _____
MAYOR

Witness

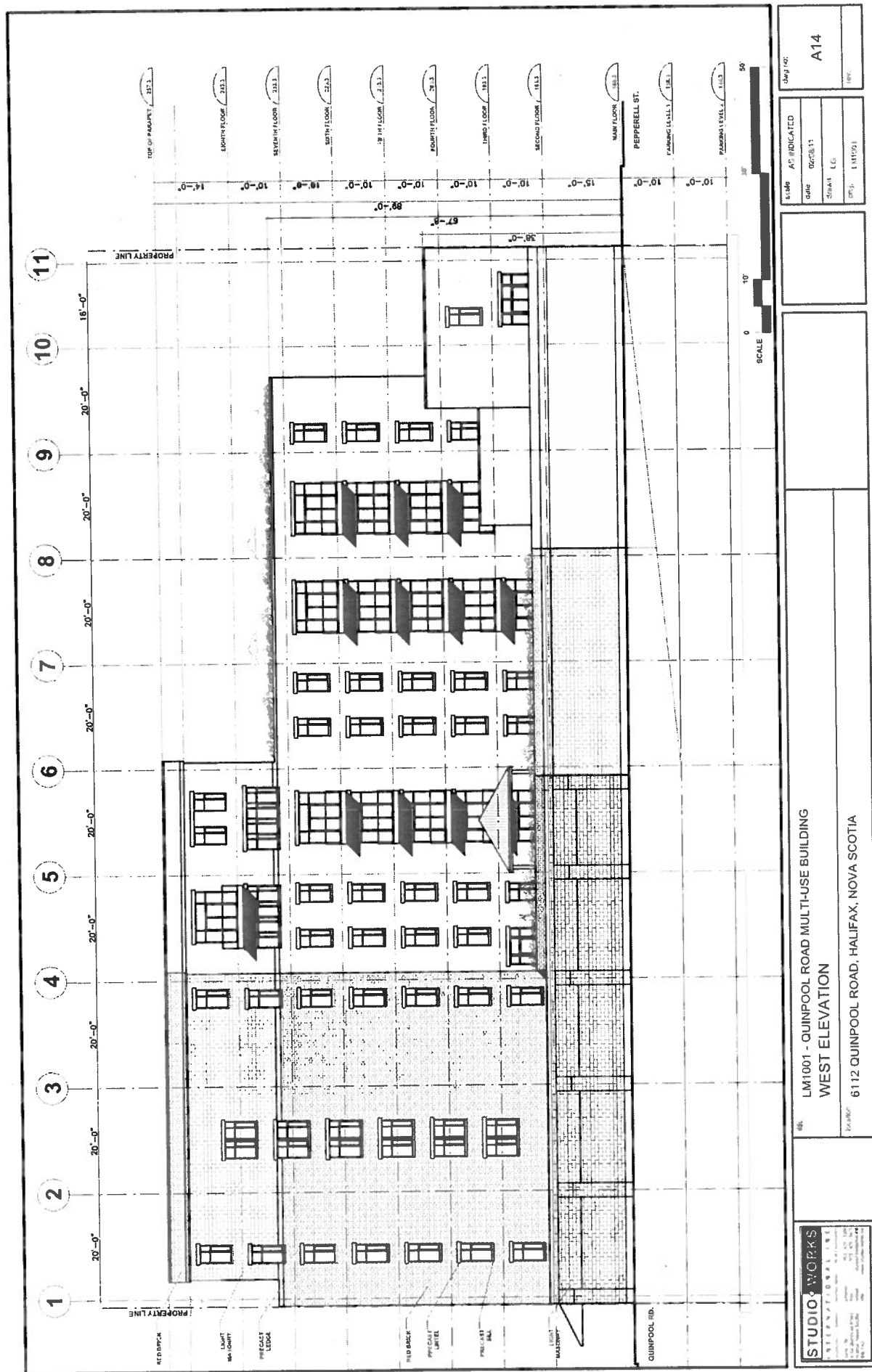
Per: _____
MUNICIPAL CLERK



Schedule D - East Elevation (Vernon Street)



Schedule E - South Elevation (Vernon Street)



Schedule F - West Elevation

Attachment D
Excerpt from the Halifax MPS – Section XII – Quinpool Road Commercial Area Plan
Boundary – Commercial Facilities Designation

2. COMMERCIAL FACILITIES

Objective: The development and promotion of Quinpool Road as a general retail, office, personal service and business service area including mixed residential/commercial uses within the presently established commercial area.

- 2.1 The Quinpool Road Commercial area should service a market area comprising a large part of the City. Due to this extended market area, and its relative importance to the City as a focus of commercial activity, this centre shall be encouraged to offer a wider range of commercial activity than normally associated with a minor commercial centre as established in Policy 3.1.2 of Part II, Section II of the Commercial Policy Set.
 - 2.1.1 In areas designated "Commercial" on the Generalized Future Land Use Map (Map 9h) of this Section, the City shall permit the following uses: retail shops and rental services, personal services, household repair shops, offices, parking structures, parking lots, bakeries, service stations, restaurants, wholesale uses in conjunction with retail uses, institutions, commercial schools, business services, and residential uses in single-use or mixed-use buildings.
- 2.2 The City shall establish a height precinct to regulate new development generally consistent with existing development in adjacent residential areas. This height shall be 35 feet to the west of Oxford Street and 45 feet to the east of Oxford Street.
 - 2.2.1 Notwithstanding Policy 2.1.1 and Policy 2.2 the properties known as the Holiday Inn and 6009 Quinpool Road shall be zoned in accordance with their present use and height of the buildings situated thereon the date of approval of this Section and the property known as the Eastland Centre shall be zoned for major commercial uses.
- 2.3 Repealed.
- 2.4 For any parking lot or area used for parking, the Land Use By-law shall require that:
 - (a) the parking area be provided and maintained with a hard surface of asphalt or concrete;
 - (b) the parking area be visually screened by walls or fences from adjacent residential properties;
 - (c) any lighting be directed away from adjacent residential properties;
 - (d) the parking surface be set back from the streetline and the intervening area be appropriately screened and landscaped to adequately buffer the parking lot from the street; and
 - (e) all commercial refuse containers be screened from adjacent residential properties and the street.
- 2.5 For the area known as the "Quinpool Road Lands" namely Quinpool Centre and Quinpool Towers, the City shall permit only that amount of non-residential floorspace allowed by the Development Agreement of April, 1977.

- 2.5.1 The City shall establish a height precinct over the Quinpool Centre and Quinpool Towers consistent with the existing height of the developments.
- 2.6 For buildings with a total commercial floorspace greater than 2,500 square feet the Land Use By-law shall require that parking be provided at 1 space per 1,000 square feet of commercial floorspace.
- 2.7 Property owners shall be encouraged to create pedestrian linkages between Quinpool Road and adjacent residential streets.
- 2.8 Notwithstanding the provisions of Policy 2.1.1, a lounge in association with a restaurant may be considered by development agreement in areas designated "Commercial" on the Generalized Future Land Use Map (Map 9h) of this Section.
- 2.8.1 Considering the proximity to a primarily residential area, any proposal for a lounge use must be carefully evaluated in order to minimize any negative impact on the residential area. Therefore, when determining whether to enter into a development agreement under Section 2.8, Council shall consider the following:
- (a) the lounge use shall be secondary to a restaurant use;
 - (b) the maximum floor area dedicated to the lounge use shall not exceed 50% of the total seating area of the combined restaurant / lounge establishment;
 - (c) the hours of operation of the lounge shall be limited, and in no case shall the lounge be open later than midnight; and
 - (d) any outdoor features, such as outdoor seating, patios or music, shall only be permitted in locations where potential impacts on adjacent residential uses are minimized. (RC-Oct 19/10;E-Dec 11/10)

Attachment E
Excerpt from the Halifax MPS – Section VI Peninsula Centre Area Plan –
Residential Environments Designation

1. RESIDENTIAL ENVIRONMENTS

Objective: The maintenance of Peninsula Centre as a predominantly low-rise residential neighbourhood with an emphasis on housing accommodation for family households.

- 1.1 In the Peninsula Centre Area, residential development shall occur through retention and rehabilitation of housing stock, and provisions shall be made for infill and, in selected areas, redevelopment.
 - 1.1.1 The City shall encourage the retention and creation of dwelling units suitable for families with children.
 - 1.1.2 For the purposes of this Plan, a single definition of infill housing shall not be employed. The diverse physical and social elements of residential areas should be respected through the selective application of several forms of compatible infill housing.
 - 1.1.3 The forms of infill housing permitted in Peninsula Centre shall include:
 - (a) interior conversion;
 - (b) additions to existing structures;
 - (c) filling-in-between existing buildings; and
 - (d) building on vacant lots.
 - 1.1.4 For the purposes of this Plan, the concept of compatibility shall be deemed to require that infill housing projects are compatible with and enhance the existing development context of a neighbourhood. The City shall use as a guideline in considering rezonings, zoning amendments or contract agreements the key principle of not significantly changing the character of an area when reviewing infill housing proposals.
 - 1.1.5 Without limiting the generality of Policy 1.1.4 above, the City shall, in reviewing proposals for compatibility with the surrounding area, have regard for the relationship of the proposal to the area in terms of the following:
 - (a) land use;
 - (b) scale and height;
 - (c) population density;
 - (d) lot size, lot frontage, setback, lot coverage and open space; and
 - (e) service requirements, including parking.
 - 1.1.6 Further to Policy 1.1.5 above, existing development standards will be assessed against their capacity to achieve the policies of this Detailed Area Plan with respect to infill housing and with respect to preservation of existing housing. Existing development standards will be amended as necessary to implement the policies of this Plan.

- 1.1.7 Further to Policy 1.1.6 above, open space and landscaping will be given special attention to ensure that amenity space in new development projects is useable and to foster attractive residential environments which address the needs of a variety of household types.
- 1.1.8 The Zoning By-law shall be amended to include height limitations for development in accordance with Policies 4.6.3, 4.7.2, 8.1.1 and 8.4.1 and in accordance with the general intent for land-use control as defined by the policies of this Plan. Where there is not specific guidance by the policies of this Plan for specific height limitations, such limitations shall be included based on:
 - (i) the forms of development and distribution of land use identified on the Generalized Future Land Use Map (Map 2) of this Plan;
 - (ii) the necessity to ensure that appropriate development of any given lot may be secured within the policies of this Plan; and
 - (iii) to fulfill the policy intent that quality residential, commercial, institutional and industrial environments are maintained and encouraged without undue impact on adjacent land uses.
- 1.2 The City shall encourage the retention and creation of family-type housing in Peninsula Centre.
 - 1.2.1 Family-type housing units should be provided with private open space at grade comprising both soft-surfaced and hard-surfaced areas for the exclusive use of occupants of the building in which said family units are located.
 - 1.2.2 Any new residential development containing more than twenty family-type dwelling units should provide a children's play area enclosed on all four sides, landscaped and buffered appropriately, of not less than 2,000 square feet. Such play areas shall be required to be located on the south or west side of the building and be located in such a manner as to be visible from the building.
 - 1.2.3 In reviewing applications for rezonings, zoning amendments, or contract agreements, the City shall be guided by Policies 1.2.4 and 1.2.5 with respect to family-type housing units.
 - 1.2.4 Residential development shall be planned to ensure maximum buffering between children's activity areas and parking areas, streets and other similar safety hazards.
 - 1.2.5 For development applications which include family-type housing units, the City shall have regard for the provision of opportunities for visual surveillance and supervision of children's play areas through site designs which maximize the views from windows in the building and from public areas to children's activity areas.
- 1.3 For the purposes of this Plan, the City shall further define residential environments as comprising three categories:
 - (i) low-density residential;
 - (ii) medium-density residential; and
 - (iii) high-density residential.
- 1.4 All new developments in areas designated as low-density residential shall be single-family dwellings, except as otherwise provided by Policies 1.8, 2.1 and 6.1.1 of this Plan.

- 1.4.1 The City shall, for areas designated as low-density residential on the Future Land Use Map of this Plan, amend its Zoning By-law to provide for interior conversions only of any residential building in existence on the date of adoption of this Plan to convert to a maximum of three units, provided that any such unit is a minimum of 1,000 square feet, that the building does not increase in height or volume, and that one parking space per unit is provided with a requirement that there shall be no parking in the front yard.
- 1.5 Areas shown as medium-density residential on the Future Land Use Map of this Plan shall be regarded as family-oriented neighbourhoods which provide a mix of predominantly family housing units in single-family dwellings, semi-detached dwellings, duplexes, and, where appropriate, rowhousing and buildings which, through conversions or additions, provide apartment accommodation.
- 1.5.1 In areas designated as medium-density residential areas, two family-type housing units shall be required for each non-family-type housing unit in each building, except as otherwise provided for by Policies 1.5.4 and 1.7 of this Plan.
- 1.5.2 For those areas designated as medium-density residential on the Future Land Use Map of this Plan, the City shall amend its zoning by-laws to permit interior conversions of or additions to existing buildings to permit up to a maximum of four dwelling units, provided that two family-type dwelling units are provided for each non-family-type dwelling unit, and provided that:
- (a) this provision shall apply only to buildings existing on the date of adoption of this By-law;
 - (b) one unit shall be permitted where the lot size is less than 3,300 square feet; two units where the lot size is between 3,300 and 5,000 square feet; three units where the lot size is between 5,000 and 6,000 square feet; and a maximum of four units where the lot size is greater than 6,000 square feet;
 - (c) 300 square feet of open space shall be provided per family-type unit and 50 square feet of open space per non-family-type unit;
 - (d) for buildings with more than two units, one parking space shall be provided per family-type unit and one parking space shall be provided for every two non-family-type units;
 - (e) no parking shall be permitted in front yards; and
 - (f) no part of the addition, if any, shall exceed the height of the existing structure.
- 1.5.3 For areas designated as medium-density residential on the Future Land Use Map of this Plan, the City shall amend its zoning by-laws, specifically the standards for lot size and lot frontage, to accord with the characteristic measurements of a lot in the area.
- 1.5.4 The City shall, for the properties abutting Coburg Road between Oxford and Spring Garden Road, and the properties abutting Robie Street between Pepperell Street and South Street, which are designated as medium-density residential, amend its zoning by-laws to permit interior conversions only of existing buildings, provided that any such dwelling units created in such conversions shall be a minimum of 600 square feet, and provided that there is no change in height or volume of such buildings.
- 1.5.4.1 The City shall not permit further encroachment of non-residential uses in said areas, except as provided for by Policy 2.1 of this Plan.

- 1.5.5 Because of the unique configuration of the property designated medium-density on the Future Land Use Map of this Plan and identified as P.I.D. 00137273 Cedar Street and its relationship to abutting properties, no development, other than a detached single unit dwelling, shall be permitted, except by development agreement.
- 1.5.5.1 Any development permitted pursuant to Policy 1.5.5 shall:
- (a) be limited to those uses permitted by the R-2 General Residential Zone;
 - (b) meet the provisions of the R-2 General Residential Zone of the land use by law; and
 - (c) be compatible with the surrounding area and this shall be achieved by attention to a variety of factors for which conditions may be set out in the development agreement, such as but not limited to:
 - (i) land use;
 - (ii) architectural design;
 - (iii) scale, height and massing of the building;
 - (iv) population density;
 - (v) lot size, lot frontage, setback, lot coverage and open space;
 - (vi) adequacy of the servicing capacity
 - (vii) the location and amount of parking provided;
 - (viii) accesses to the site and building;
 - (ix) site landscaping including buffering; and
 - (x) building materials
- 1.6 Buildings in areas shown as high-density residential on the Future Land Use Map of this Plan shall be required to provide, at a minimum, a mix of family and non-family type dwelling units at a ratio of 1:2.
- 1.7 Notwithstanding the policies above, where a residential building is proposed to contain a maximum of two units, only one unit shall be required to be a family-type unit.
- 1.8 In areas designated as low-density residential or medium-density residential, the City shall consider, under the provisions of Section 33(2)(b) of the Planning Act (contract zoning provisions), applications for rowhousing and, as part of that consideration, the City shall require the following:
- (i) a minimum site size of 10,000 square feet;
 - (ii) no demolition of housing stock in existence on the date of adoption of this Plan;
 - (iii) conformance in all other respects to the rowhousing provisions in the Zoning By-law;
 - (iv) frontage on a public street;
 - (v) a minimum unit size of 1,500 square feet;
 - (vi) a distance of 15 feet between any rowhousing unit and any existing buildings; and
 - (vii) a side yard of ten feet at each end of the development.
- 1.9 In reviewing applications for rezonings, zoning amendments or contract agreements in areas where the Plan provides for a change in use from non-residential uses to residential uses, the City shall be guided by Policies 1.9.1 to 1.9.6 of this Plan.
- 1.9.1 Public expenditure for new services which may be required for development at the time of application shall not exceed those currently provided for within the City's capital budget.

- 1.9.2 The City shall ensure that any trees or other natural vegetation or open spaces affected by the proposed development shall be preserved where possible.
- 1.9.3 The City shall have regard for the adequacy of outdoor lighting in public and private areas of the development and the sight lines to those areas from all parts of the development.
- 1.9.4 The City shall have regard for the proximity of the development to recreational facilities including neighbourhood parks, district parks and regional parks. In addition, the availability of informal paths of an active recreational setting within a development shall be assessed and encouraged where appropriate.
- 1.9.5 The City shall have regard for the serviceability of the development by public transit and give due consideration to any changes in the routing of public transit vehicles or public transit stops to accommodate said development, and, where appropriate, it shall take action through representations to the regional transit authority.
- 1.9.6 The City shall have regard for the creation of pedestrian linkages between the proposed development, neighbourhood commercial uses, and recreational facilities. Where possible, the City shall encourage improved pedestrian linkages through sidewalk renewal, improved lighting, and appropriate street furniture.
- 1.10 The City shall consider any disposition of lands which it owns in Peninsula Centre within the policy framework established by this Plan.
 - 1.10.1 When disposing of City-owned land, the City shall give priority consideration to residential uses unless said use would be in conflict with the policies of this Plan.
 - 1.10.2 If, by the policies of this Plan, a residential use is inappropriate, the City shall have regard for the areas designated by this Plan for institutional, commercial and/or university areas, and shall seek to promote uses compatible with said land use designations.
- 1.11 The City shall pay particular attention in developing appropriate zoning regulations to carry out the policies of this Plan, and in reviewing applications for rezonings, zoning amendments or contract agreements for areas of transition between residential and non-residential uses, to the relationship between such uses, and shall attempt to minimize any negative impacts which may potentially occur.
- 1.12 The City shall revise its zoning by-laws to provide that, under the provisions of Section 33(2)(b) of the Planning Act, any residential building existing on the date of adoption of this Plan destroyed by fire or otherwise, may be reconstructed to its original size and use, notwithstanding the provisions of the zoning by-law which may apply to the property.
- 1.13 The City shall not seek amendments to legislation of the Province of Nova Scotia respecting Rosebank and Norwood Subdivisions.

Attachment F
Excerpt from the Halifax Peninsula LUB – C-2 Zone

C-2 ZONE

GENERAL BUSINESS ZONE

- 56(1) The following uses shall be permitted in any C-2 Zone:
- (a) R-1, R-2, R-2T, R-2A, R-3, C-1 and C-2A uses;
 - (b) Any business or commercial enterprise except when the operation of the same would cause a nuisance or a hazard to the public and except adult entertainment uses, junk yards and amusement centres;
 - (c) Billboards not to exceed twenty-eight square meters (28 m²) in area and not to extend more than eight meters (8 m) above the mean grade on which it is situated.
 - (d) Uses accessory to any of the foregoing uses.
- 56(2) No person shall in any C-2 Zone, carry out, cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).
- 56(3) No person shall in any C-2 Zone, use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

REQUIREMENTS

- 57(1) No front, side or rear yards are required for C-2 uses in C-2 Zones.
- 57(2) (Deleted)
- 58 The height of a building in a C-2 Zone shall not exceed a height of eighty (80) feet, but for each foot that the building or that portion of the building which would exceed eighty (80) feet in height is set back from the property line, two (2) feet may be added to the height of the building.

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

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

CENTRAL BUSINESS DISTRICT

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

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

PENINSULA NORTH - AREA 8:

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

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

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

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

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

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

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

- (i) Where commercial or industrial parking abuts a residential zone, an opaque fence a minimum of five feet shall be erected to visually screen abutting properties.
- (ii) Parking areas abutting a street shall be set back a minimum of 5 feet from any street line; the setback area shall be landscaped with natural ground cover to reach a height of no more than 2 feet upon maturity, or other materials, along that part of the street not required for any parking pedestrian entrance.
- (iii) Parking shall be constructed with a stable surface such as asphalt or concrete.
- (iv) Lighting for parking area shall be directed away from any adjacent residential properties and from the street.

Attachment G
Review of Proposed Development Agreement on
Proposed Amendments to the Municipal Planning Strategy

Policy Criteria	Staff Comment
<p>Section VI (Peninsula Centre Area Plan)</p> <p>1.14 Notwithstanding the Mid Density Residential Designation of the southern portion of the property known as 6112 Quinpool Road bounded by Quinpool Road, Vernon Street and Pepperell Street, and in conjunction with Policy 2.9 of Section XII of this Municipal Planning Strategy, the Municipality shall permit a mixed use residential and commercial building by development agreement.</p> <p>1.14.1 Any development permitted pursuant to Policy 1.14 shall be achieved by attention to a variety of factors for which conditions may be set out in the development agreement, such as but not limited to the criteria found in Policy 2.9 and 2.9.1 of Section XII of this Municipal Planning Strategy</p>	<p>See Comments below</p>
<p>Section XII (Quinpool Road Commercial Area Plan)</p> <p>2.9 Notwithstanding Section 2.2 within the Commercial Facilities Section, for the property known as 6112 Quinpool Road bounded by Quinpool Road, Vernon Street and Pepperell Street and in conjunction with Policy 1.14 of Section VI of this Municipal Planning Strategy, the Municipality shall permit a mixed use residential and commercial building which exceeds 13.72 metres (45 feet) by development agreement.</p>	<p>The proposed development agreement permits a 27.4 metre (90 foot) mixed commercial and residential building at 6112 Quinpool Road which, in staff's opinion, is compatible with the surrounding area and is consistent with the intent of MPS policy.</p>

2.9.1 Any development permitted pursuant to Policy 2.9 shall be achieved by attention to a variety of factors for which conditions may be set out in the development agreement, such as but not limited to:	
(a) the appropriate scale and massing of the building with respect to the low rise neighbourhood along Pepperell Street	<p>The proposed development agreement requires that the building be terraced in sections to reduce the height of the building as it leads from the Quinpool Road side of the subject property to Pepperell Street side.</p> <p>The proposed development agreement further requires that commercial uses accessed from Pepperell Street are restricted to 278.71 square metres (3,000 square feet) to limit the scale of commercial uses along Pepperell Street.</p>
(b) the height of the building shall transition from a maximum of height of 27.43 metres (90 feet) adjacent to Quinpool Road to a maximum height of 12.19 metres (40 feet) adjacent to Pepperell Street. Height shall be defined as the vertical distance of the highest point of the roof above the mean grade of the finished ground adjoining the building, but shall not include the placement of mechanical equipment.	<p>The proposed development agreement limits height to 27.43 metres (90 feet) along Quinpool Road and 12.19 metres (40 feet) along Pepperell Street.</p> <p>The development agreement further defines height as set out in this policy.</p>
(c) the building shall be constructed of high quality durable materials;	To ensure the proposed building is constructed of high quality durable materials, the proposed development agreement requires that brick, stone masonry, wooden shingles and high quality pre-cast panelling containing fine grained detail to resemble one of the other permitted cladding materials be used on the exterior of the building.
(d) to promote pedestrian interest, where commercial uses are located at the ground floor, the ground level shall be comprised of a high degree of windows and doors and there shall be frequent	The proposed development agreement requires that ground floor façade for commercial uses to be comprised of at least 75% of windows and doors. The façade is to provide a view of the commercial area from the street and vice versa to provide visual connectivity between the commercial occupancies and the street.

entryways where there are multiple occupancies;	The proposed development agreement further requires that each commercial occupancy located on the ground level is individually accessed directly from the street.
(e) the building's design shall be articulated into three separate and distinguishable sections; a base section, a middle section, and a top section in order to break up the massing of the building;	<p>The proposed development requires the building design to include three major exterior cladding materials to help break up the overall mass of the building.</p> <p>The proposed development agreement further requires the building to be broken up into three separate sections as the building's height is reduced towards Pepperell Street as per the schedules.</p>
(f) to provide connectivity with the street, minimal setbacks from property lines shall be provided;	The proposed development agreement requires the building to be constructed along the property lines.
(g) a mixture of residential unit types and sizes shall be provided;	The proposed development agreement requires that at least 50% of the residential units are 2 or more bedrooms and includes provisions to allow live/work units.
(h) commercial uses must be located on the ground floor of the building where it fronts Quinpool Road and Vernon Street. Commercial uses may be considered in other areas of the building, but shall not be considered at the 3 rd level of a building or higher;	The proposed development requires commercial uses to be located at the ground level along Quinpool Road and Vernon Street and allows the option to locate commercial uses along Pepperell Street and on the 2 nd level of the building. The proposed development agreement does not permit commercial uses at the 3 rd level of the building or higher.
(i) all vehicular parking shall be located underground;	The proposed development agreement requires all vehicle parking to be located underground.
(j) no vehicular or service access points shall be located on Quinpool Road;	The proposed development agreement limits vehicle and service access to the building only along Pepperell Street as per the schedules.
(k) the size and visual impact of utilitarian features such as garage doors, service entries, and storage areas, shall be minimized;	<p>The proposed development agreement requires the access to underground parking and solid waste collection to be incorporated into the overall design of the building through the use of similar colours and similar building materials.</p> <p>Further to this, the proposed development agreement locates the access to the underground parking and solid waste collection along Pepperell Street which has the least automobile and pedestrian traffic when compared to Vernon Street and Quinpool Road.</p>

(l) the building shall include useable on-site landscaped open space and recreational amenities of a size and type adequate for the residential population; and	The proposed development agreement requires 1,247.69 square metres (13,430 square feet) of amenity space for the residential population of the development. The majority of the amenity space, 1,146.42 square metres (12,340 square feet), will be in the form of outdoor rooftop amenity space.
(m) there shall be adequate water and sewer capacity to service the development.	The proposed development has been reviewed by Halifax Water and it has been determined that there is sufficient water and sewer capacity to service this development.
(n) there shall be controls put in place to reduce conflict with any adjacent or nearby land uses by reason of traffic generation, access to and egress from the site and parking.”	<p>The proposed development agreement requires the access to the underground parking to be located on Pepperell Street to reduce conflict with existing traffic flows on Quinpool Road and Vernon Street.</p> <p>To reduce potential problems with on-street parking along Pepperell Street, at least 60 of the parking spaces associated for this development must be reserved for commercial or visitor parking.</p> <p>Further, the proposed development includes limitations on when loading and deliveries can take place along Pepperell Street.</p> <p>It is important to note that the development is located very close to residential neighbourhoods and major transit routes. It is anticipated that a large portion of the users of the commercial spaces and the residential uses will not require automobiles.</p> <p>A traffic impact statement was completed as part of this application and it was determined that the proposed development would not have a significant impact to the street network.</p>

Attachment H – Public Information Meeting Minutes

**HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE # 17195**

**7:00 p.m.
Thursday September 20, 2012
Dalhousie University
Kenneth C Rowe Management Building, Room 1020**

IN ATTENDANCE: Jillian MacLellan, Planner, HRM Planning Services
Richard Harvey, Planner, HRM Planning Services
Hilary Campbell, Planning Technician, HRM Planning Services
Jayne Anderson, Planning Controller, HRM Planning Services
Applicant, Ron Smith, Studioworks International
Councillor Sue Uteck

**PUBLIC IN
ATTENDANCE:** Approximately 14

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

1. Opening remarks/Introductions/Purpose of meeting – Jillian MacLellan

Jillian MacLellan opened the meeting by introducing herself as a planner for the Western Region with Halifax Regional Municipality (HRM). She introduced HRM staff, the applicant, and the Councillors present.

She gave the agenda for the meeting and reviewed the ground rules.

2. Overview of planning process/Presentation of Proposal - Jillian MacLellan

Ms. MacLellan stated that the purpose of the meeting was to identify the scope of the application, what the applicant is proposing and what is the planning process.

She stated that we are still in the early stages of this application so are just looking for feedback on what things are important for the area so we can have an idea of what areas we should be focusing on. She noted that no decision had been made on the application and no decisions are going to be made at this meeting. She provided her contact information and advised she could be contacted to discuss this application further. There will be a public hearing that's required before council can make their decision on the application.

Ms. MacLellan explained the application was from Studioworks International Inc. She advised that they are proposing to develop an 8 storey, mixed use building through a development

agreement on the corner of Quinpool Road and Vernon Street. The proposed development does require an amendment to the Municipal Planning Strategy (MPS) and it was initiated by Regional Council for staff to look further into amending the MPS. Regional Council has already determined that there is merit for consideration of this proposal and to amend the Regional Plan policies.

Ms. MacLellan further went on to explain that the property is located on the corner of Quinpool Road & Vernon Street and it also fronts Pepperell Street. She explained that the majority of Quinpool Road is commercial, with current uses such as Superstore, Canadian Tire, Freemans and the Quinpool Education Centre, which used to be St. Pat's. Then there is a lot of residential properties to the north & south of this site. She stated that the property is currently developed as a mixed commercial site so there is a couple of different retail and offices in this building and there is also on-site parking.

She explained that the property is located in the Halifax Planning Area and is zoned C2 Zone which is general business in the Halifax Peninsula Land Use By-law (LUB). Within the Halifax Planning Area, it's within two Secondary Plans, which are the Quinpool Road & Peninsula Center Secondary Plans.

She noted that the requirements for the C-2 Zone are General Business and this does permit a variety of commercial uses and residential uses. Commercial uses would include retail, restaurants and offices. Residential uses range from multiple unit dwellings to single unit. There is no lot coverage or setback requirements for commercial uses, so you can, as of right, develop the entire lot. She stated that there are no parking requirements for the commercial use.

Ms. MacLellan stated that for the residential uses there are setbacks, and for multiple-unit dwellings, those setbacks are established through angle control. Residential density is limited to 125 ppa. She stated that this is what the zone would permit.

Ms. MacLellan explained that height is usually addressed through zone or angle controls for multi-unit dwellings. In this area there are specific height precincts that have been established that tell you exactly how high you can build your building. This property is located within two height precincts. One of them is along Quinpool Road and that height precinct is 45' and this is measured to the top of the building, so at the peak of the roof you can go no higher than 45'. The other height precinct is 35' and this is on Pepperell Street. In this precinct the height is measured to the commencement of the top floor. She further explained that you can go up to 35' and then have an additional floor, and then no higher than that. She pointed out that mechanical equipment can go above the 35' or 45'.

She explained some of the policies that are involved in the Secondary Plan. The Quinpool Road Secondary Plan was adopted by Council in July 1986. It encourages mixed commercial residential development and tries to offer a wide range of commercial activity. It is also important to note that within the policy in this Secondary Plan, the height of 45' has been established within the policy.

Ms. MacLellan further explained that the Peninsula Secondary Plan was adopted by Council in July 1981. The portion of the property within the Secondary Plan is designated medium density

residential and policy encourages single/two unit residential development. She noted that within this Secondary Plan the height was not established. She stated that it was 35' but this was established through the LUB.

Ms. MacLellan showed some slides of the proposed development. She stated that the applicant will come up after she is done speaking and give more detail. Ms. MacLellan explained that as shown in the slide, the building wraps around Quinpool Road & Vernon Street. It is proposed to have two roof top terraces and the parking will be located underground. There will be an access to the parking and loading area off of Pepperell Street.

She explained that the view of the building along Quinpool Road shows eight stories. The ground floor will be commercial and the remainder of the building will be for approximately 77 residential units. The view along Vernon Street shows that the building height terraces down toward Pepperell Street and you can also see that the commercial zone will wrap around. She showed the view from Pepperell Street, and stated again that they are proposing commercial uses along the base of the building and will be providing residential on the above ground floor. They are proposing 3 levels, which approximately reaches 35' on Pepperell Street.

Ms. MacLellan stated that the application is proposing amendments to the MPS. Some of the things to be amended include the height precinct along Quinpool Road. She explained that it does state in the policy that no building should be above 45' in that area. They are also proposing to amend the MPS to allow the consideration of the DA. This would allow the ability to amend requirements of the LUB which include density, angle control and setbacks for the residential buildings.

Ms. MacLellan explained that when considering an amendment to the MPS, we should look at what sort of circumstances have changed in the area since the plan was first established. She stated again that both plans were established in the 1980's. There has been change in the area in the last 25-30 years, so these policies aren't as applicable for today as they were 25-30 years ago.

She mentioned that there has also been an interest in a greater density for height along the commercial corridors but with that we still need to keep in mind that there is a good transition to the residential neighborhood. There is more of an emphasis to get density along some of these more busy streets.

She stated that there have been various public workshops along Quinpool Road. In 2006, there was a public workshop concerning the Vernon/Jubilee/Quinpool area. In 2007, there was also a workshop that dealt with the Quinpool Center area.

Ms. MacLellan stated that they are in the process of doing the Regional Center Plan and went on to explain it. The Regional Center Plan was initiated by Regional Council in October 2011. The intent of this plan is to review and provide the planning principles for Halifax Peninsula and for portions of the Dartmouth Planning Area. The first phase of the plan, which is known as the Corridor Study, was initiated by Regional Council in February 2012. The corridor study has highlighted 11 corridors where there has been an increased demand for development or redevelopment of sites and that will establish new land use policies and rules. Quinpool Road has

been highlighted as 1 of the 11 corridors and Regional Planning staff is still working on this project. It is anticipated that the staff will have a recommendation to be tabled at Council early in the New Year. She stated that although the subject property is within the corridor study it is important to note that this application was received before the corridor study had commenced. The information collected through the corridor study can be used as a guide for this development proposal. She explained that staff will continue to look at this application as a standalone application and will review the application based on its own merits.

3. Process for Amending the MPS- Jillian MacLellan

Ms. MacLellan explained the process for amending the MPS. She explained once we receive the application, a report is provided to Regional Council and Council will decide if there is enough merit to consider amending the MPS. She stated that for this application the date would be January 10, 2012. She stated that there is public input and that is why this meeting is here tonight. This will let us see how you feel about the proposed development. HRM staff will use the feedback received tonight to complete our review. We will also have another department making a review of the application too. Once all this feedback is received, staff will begin to draft amending MPS Policy and draft a DA or negotiate a DA with the developer. Once that is complete, staff will provide a report to Council. The application will first go to the Community Council of the area where they will just provide recommendation to Regional Council. Then once the application is tabled with Regional Council, they will then schedule a public hearing where everyone is welcomed to come, for comment or concerns of what they like about the application. The public hearing will be for both the MPS amendment and DA. However, Regional Council will only make the decision on the MPS amendment. Once that is complete or approved then they go to the Province for Ministerial Approval and when that is completed, the application will come back to Community Council and they will then decide on the DA. However, a second public hearing will not be held. Once council does approve the DA there is a 2 week appeal period.

4. Presentation of Proposal – Ron Smith, Studioworks International Inc.

Mr. Smith introduced himself. He explained that he will go through this process with a little emphasis on the architecture rather than the planning. He stated that they started this process 4/5 years ago around the time the Downtown Halifax LUB was being evolved and also doing this with the corridor project that is going on with HRM as well, which is the study on Quinpool Road. He explained that originally the owners approached his company to look at the site which basically now is one single block. It's an aging building and part of the building actually exists from the 19 century. This was an old Canadian Tire store before they moved across the street. Right now, there is a watercourse that goes underneath the building. He stated that the building itself at some point would have to be highly renovated or basically replaced. He said his client looked at this and said what can we do with this site? The first thing we did was look back at the existing by-law, and it being a C-2 Zone, was one of the aspects of why we looked at retail at the base of the site. What we found was we have 2 storeys, which we have a development permit for, we went right to the edge of the site with retail, and we looked at putting a second floor of office. Realistically, with office space not really renting across the street, it is not really a prime office area. He stated that Richard approached us and suggested we look at putting housing in the second floor. One of the aspects looking at the residential component was that without the green roofs we would have a

substantial amount of space at the ground level so we decided that we would approach this from looking at the Downtown Halifax LUB in terms of putting green space on the roof, getting our landscape open space at that level. And in fact refiguring the building, normally you build a commercial base which is a large square and place the building in the middle of the lot, but we didn't want to do that, we wanted to bring this building right around the street edge, Vernon Street and Quinpool Road and in fact drop the building down towards Pepperell Street which is low density. We want to increase the building height to the higher density across the street. At present, it shows where the 45' height is at Quinpool Road and there is the Killiam site across from it. In fact when you really look at it, it's a bit of an irony because you can actually build higher or as high on Pepperell Street than you can on Quinpool Road. Mr. Smith stated that the other thing Jill didn't bring up was about a C2 site. If we're to look at this without the existing height precincts, we would be able to build up to 80' and then step back and make this building even higher. To a certain extent, we were houses without setbacks and to just have an office building, we probably couldn't and there were no precincts such as the 35 and 45' height restrictions on Quinpool Road and Pepperell Street, we could have built much higher.

Mr. Smith explained that what they came up with was some emphasis on the base. We want to take full advantage of pedestrian traffic up and down Quinpool Road, as well as pedestrian and retail that we have along the Vernon Street part of the street. He stated that they wanted to give some life to the street edge, and didn't want to have just a blank wall. He explained that he will have some images to take a look at later where they will be able to see this. He stated that it is an 8 storey building, there will be change in color and materials of the base. The center section we have 5 storeys, brick and 2 at the top of contrasting material. The building works quite well with the street edge. Its 8 storey then we drop it down to 6 then to 3 storeys on the corner of Pepperell and Vernon Streets. Some people would consider this like a gigantic 8 storey, but in fact, following the DH1 principle for the LUB downtown and using some of the same principles and guidelines we were able to step this at 3 storeys, 6 storeys and 8 storeys. We can mediate what is really a higher building and especially when you look at the Killiam's building beyond, we built from a very low density into an urban center but not an 8 storey wall on Pepperell Street.

Mr. Smith further explained that on Pepperell Street we view these as we would like to bring the commercial down into the corner of Pepperell and Vernon Streets. These in fact, with discussion with HRM, would be more like townhouses than flats. Then again scaled to the street, that's basically what we have now, and that's basically what we are proposing.

Ms. MacLellan gave the ground rules and opened the floor for questions and comments.

5. Questions/Comments

P. Pacey, Halifax, stated the applicant is asking for too much. The height on Pepperell Street is 35' where the applicant appears to go for about 70, ??? I realize there is a difference in the definition, on Quinpool Road where it is 45' height and the applicant wants to double to 90'. He stated that there are angle controls for residential buildings. He feels that even though he hasn't done the math, that clearly this does not comply and that it was mentioned that people should be aware. Also, there are requirements for open space which have not been met. He said that it was

mentioned density as well and he is presuming this does not meet the density limit for R3 Zone and the LUB. He feels that this is a great deal to ask for.

Mr. Pacey asked if there was any point to the various rules that are in place? He stated that he thinks there is and advised that he was involved when the Quinpool Road commercial planning was done 20 years ago. He stated that there was some very intense discussion and the 45' height was put at the suggestion of the Quinpool Road Merchants Association, they basically produced the plan where they said that is the best height to have on Quinpool Road. The height limit on the Pepperell Street side, that was also the result of vary intensive public consultation. Mr. Pacey stated that these are just not random numbers, these are numbers that apply up and down the street in the Peninsula Center. He stated that the houses across the street are also at 35' height limit, houses up the street are at that height limit and all commercial properties up Quinpool Road as far as Oxford St are at the 45' height. Mr. Pacey said that what he calls a level playing field is where everyone operates at the same set of rules. That's important, it's not random. These are numbers which we should not think of changing for some small reason. The report online says the proposal would generate 100 vehicles per hour on Pepperell Street which is double the number which are generated by the present development on the site and those trips are shared between Quinpool Road and Pepperell Street but now everything will go onto Pepperell Street. He stated that he thinks that would have an impact on Pepperell Street. Mr. Pacey stated that he thinks the customers for the commercial uses of this building are unlikely to want to park in a parking garage. People who shop on Quinpool Road park in the open air. Most people will want to continue to do that. Since there are probably only 3 parking spots on Quinpool Road, that means most of the people are going to want to park on Vernon Street and Pepperell Street and that is a very difficult area to park. A lot of people park on these streets and walk downtown to work, its very hard even as a homeowner to be able to park in front of your own house.

Mr. Pacey stated he had a couple of questions. Where is the public benefit? He stated that this is clearly a benefit to the property owner and nothing has been mentioned by the applicant or HRM about the benefit to the public. I am a little concerned with what you said that may be relevant. There was a public meeting held in 2006 for this commercial corridor plan under consideration. I would suggest that those are not relevant and should not be considered at all. The MPS is quite clear that an application like this is to be considered under the existing Secondary Planning Strategy, Center Plan and Quinpool Road Plan. These both have very clear policies that prohibit a development of this size.

I also am very concerned about the precedent. If this was ever approved, I think it would have a significant precedent. The applicant hasn't given us any reason why we should be allowed any more density on this particular site than we would allow on other sites up & down Quinpool Road. So if this went through, then it becomes the first of a wave of such applications. I think that would be extremely unfortunate. If we think of the neighborhoods north and south of Quinpool Road, we can see extremely successful neighbors. The area to the south of Quinpool Road has a population density 5,000 persons psk, which is right up there with some of the biggest cities in North America. And the area north of Quinpool Road has a density of 7,000 persons psk which is even higher. These are really critical areas where we are having high density in metro Halifax and if we want to promote high density then we must protect those neighborhoods. Furthermore, if we look at how these strategies are important, maybe it's time to have another look, but they should be looking at it

in a holistic way. Let's review all the way up and down the street, not in piecemeal fashion. Quinpool Road is also working quite well. If you look there is very little traffic volume and good pedestrian volume. It is a very popular shopping area for the people who live in the north and south. The commercial area of Quinpool Road is extremely dependent upon the people who live north and south of Quinpool Road. And if people believe their neighborhood is under a threat, "I'm not going to be able to raise a family here", "I'm going to be faced with continually people coming forward and asking for greater density", then you're going to be putting those neighborhoods at risk.

Cathy Young, Halifax, stated that she is with High Hope Housing Co-op and they own 9 houses in the area on Elm, Lawrence, Duncan and Pepperell Streets. Ms. Young points out her house on the map. She stated that this really impacts her and she is not happy and advises to say no. The traffic flow on Pepperell Street, not just me but the neighbors, think this is already a busy street. Ms. Young states that the flow is coming out right beside her house. She advised that it is not the community she moved into and it is not the future she envisioned for Pepperell Street or our neighborhood in that area.

Dulcie Conrod, Halifax, advised he is extremely upset about this too. When she first saw this development it looked like they were both going to exit and enter off Pepperell Street in the beautiful building. She stated that it is not fair to the people who live on that street to have that traffic come out of that building whether it's only the exit or entry. Because if you're there on any evening at 4:30/5:00 you're going to find the traffic is already lined there, you can't get out of your driveway. The other thing she wanted to mention is in the preliminary talks with the planner, it was said that they used one of the MacDonald's further down the street to show a property not only faces on Quinpool Road but also faces on the north side of Pepperell Street. They called it a through structure. Has anybody given any thought to Ben's Bakery on Pepperell Street? She stated that it not only faces out on Quinpool Road but goes all the way along Preston and has a way out Shirley St. If you allow this kind of development to go forward, all she can see is what Ben's is going to do with that property. It's not only to destroy Pepperell Street, it will destroy Shirley St., Chestnut St. and Walnut St. and it will impact on Vernon Street. That's a very unique kind of community that's in there right now and nobody has ever mentioned anything about Ben's.

Ms. Conrod advised that she now wanted to speak a little bit about the past. Her colleague has talked about the planning that went on 20 years ago and she chaired that committee along with a business person that owned the restaurant there. They worked for 3 years, the city gave them a space to meet at St. Pat's High School, supplied a secretary and a planner. When the city said they had no money to do a parking study, which was their main interest, they did it themselves and they accepted the results they had gotten because it was done thoroughly and people in that community were very much involved. Since then, students have moved in and it has turned into student housing, and they are wonderful. She stated that she can see what will happen if this allowed to go through the way it is now. At that time, the planner wanted to put up 17 storeys off that site. They came from Toronto to hold their public meetings. Her neighbour got up and asked what are they going to do about parking? He replied that they would knock down those houses, because they are not worth anything anyways. She advised that it happens to her castle, and that is why the city at that time was very generous with their people and were very interested in that community and how this kind of thing would impact. She is sure no one else lives as close to this

as her and Cathy do. But there are families in there with young children so you cannot increase the traffic on the street the way it is. She is suggesting that if you want to go up, we know that change has to take place, but by the same token you have to consider the existing families there that have invested entire savings in their homes and hoped to raise their children there. This would be a catastrophe not from Quinpool Road, the drivers there would think that would be great. But when you move further in on Pepperell Street, you should look at your exits and entrances. Also look at 2 layers of parking rather than underground, could you see that on a residential street at night? She states that she is surprised the planners have not come out and talked to the people that are on that street. She says thank you for sending a letter in advance that this meeting was going to be held here tonight. She advised that she doesn't know if the people on Chestnut, Shirley, Vernon or Preston Streets were notified? When they had their meeting, Ben sent at least 7 lawyers to the meeting. So we all agreed what we are doing. There may be a grandfather clause but she doesn't remember.

Ms. Conrod stated that she begs them to think of what they are doing, even if they look at the entrances and exits again. She noted that she came away from those previous meetings that no one was going to change anything, and feels this is only being done for cosmetic reasons. It's a disgrace to expect the people on that end to have to put up with that in the next few years. Construction and afterward, you have no idea this kind of impact this will have on the street because you don't live there. At five o'clock any day, they come off Vernon Street and down Pepperell Street to get onto Oxford to beat the lights. Now the traffic is incredible.

Ms. Conrod commented that City Hall told her that this meeting took place at noon today.

Jill MacLellan apologies to her for that.

Ms. Conrod stated that all the families have young children that live on the street, work all day and at night, some don't read the newspaper. So unless they were notified they wouldn't be here. She notes that she can't represent everyone.

Jill MacLellan advised that her contact information was on the sheets, so to please contact her. We are not here to make any decisions, we are looking for feedback.

Ms. Conrod states she is very glad to hear that.

H. Epstein, Halifax, advises that he lives about 1½ blocks from this site, and knows the neighborhood quite well. He is a member of the legislature for the area and former member of City Council. He says he agrees with the two previous speakers. There are two things that he thinks as being virtuous about the idea that is in front of us. One is the idea of mixed use, with commercial at ground level and residential up above. That's already in the plan for Quinpool Road and contemplated and makes sense. It's probably widely recognized that Quinpool Road has commercial and parking since it's a wider street than any of the other streets in the Peninsula. It could probably take buildings that are a little higher that are on Quinpool Road which are mostly at the two storey level. There are some exception, the Quinpool Center across the road which received its approval back in the 70's is a major exception but there is the hotel down the way. So there are a few other things that are there. On the south side of Quinpool Road, all those buildings

are two, two and a half storeys and it wouldn't be surprising that as the workshops from 2006/2007 reinforce that something of the order of maybe three or four storeys might go up along there. That is entirely possible to contemplate along Quinpool Road, but at the same time, having seen that those are possibilities, there is difficulty with this particular proposal. And it comes in two parts. First, the idea that you're thinking of changing the MPS at all, at this stage. Mr. Epstein says he is really astonished that HRM is prepared to think about changing the MPS for this really amounts to setting the stage for something like stop zoning. Concentrating on one particular piece of property when there are planning exercises that are under way that should deal with much greater areas, the corridor studies. He states he has a serious problem with the fact that corridors have been hived off inside the Peninsula anyway. But given that Quinpool Road is supposed to be looked up and down its length, he doesn't see what there is even given serious thought and time and effort at one particular site when the corridors are being looked at. The problem I have with the corridors being hived is that, what was supposed to happen under the 2006 Regional Plan is that densification and rethinking the whole Center Plan area was supposed to take place, meeting all the Halifax Peninsula and the central older part inside the Circumferential Highway and that got derailed in favour of first at looking at Halifax downtown the HRM by Design. HRM by Design which was supposed to mean the whole of the Center Plan area suddenly came to mean only the Halifax central business district. So instead of the Regional Plan being followed for looking at the whole of the area we started focusing on one area. And now apparently, the corridors are being hived off to be looked at. He finds this inexplicable. It shouldn't be happening that way. If what's driving the idea of the corridor is the idea of achieving greater densification inside the center area, you should be looking at the center area as a whole, and in fact, if you're going to hive off anything, you should be looking at the residential areas first, the R2 areas. That's a higher priority in the corridors in terms of achieving some densification. He states he doesn't want to see any of that hived off and thinks you should be looking at the whole of those areas. That's the first fault that your even thinking of about one site pulled out of what is a complex planning process. I find that highly problematic.

Mr. Epstein advised that the other problems have to do with the proposal itself. He stated that he agrees with many that it is higher than it should be and it certainly is going to loom over Pepperell Street which is already under a lot of pressures, whether it's traffic, or for having the Ben's site there. There is an incompatibility.

Ron Smith, we dropped the building purposely 35' along Pepperell Street and that's a very classic way of doing it.

H. Epstein, Halifax, states step ups and step downs are really a good design feature. When we saw the schematics on the screen it does bring out pedestrians will experience the building and people living in smaller buildings very close to what a tight at 90' will experience that building as a whole even with the setbacks. This is a tight area, Quinpool Road is wide, Vernon Street isn't and Pepperell Street isn't so the feeling of this building with this height and mass is going to be felt. A point that Mr. Pacey made about public benefits. He states that he has heard some HRM planners suggest that in the context of the DA they can be negotiated to the public benefit. And he states that this strikes him as complete nonsense and must really urge them and to the Councillors here and the planning staff that is not what the sections of DA in *HRM Charter* mean. He thinks that what is implied there is that there should be an exchange that when a land owner comes and says, "I want

to be permitted to either have a different use for his land than what is allowed in the LUB" or "I want to have a greater height than what is allowed", that HRM is being asked for its permission that it should get something for the public that is a clear benefit and the building itself is not benefit. And the jobs and taxes are not the benefit, because those are going to come anyway, that's what the owner of land is offered. That's their starting point. They say we are going to build this building and we want to pay the taxes in future after its built and we are higher and pay workers during the excavation and construction, we're going to give you that anyway. The public benefit has to be something else and whether it is something simple or minor a public space inside the building, or public art, or whether it's affordable housing, which he states he knows is very much on the minds of HRM right now. Those things should be negotiated for. Mr. Epstein thinks there should be an exchange. There has been some understanding of that in the Regional Plan. He states he was reading chapter 3 the other day where it talked about in the housing section and discussion there, this pre-dated the *HRM Charter*. They talk about the *Municipal Government Act*, but it's the same section. This is a document written by the planning staff. When we enter into agreements with developers we should seek public benefits, like affordable housing, it says that in the Regional Plan. It has not been the practice of HRM to do this.

Ron Smith, stated that he grew up in this city and has been here a long time. He mentions that one thing he does see is everyone jumps at the height and the scale. He states that he thinks they did a really good job at the scale. Your standing beside 3 storeys on Pepperell Street and 3 storeys on the other side so you're not going to see that 8 storey. Basically that's just an architectural way of treating this. But one of the things that we found through the corridor study was how things were going to be zoned, there wasn't enough depth, literal depth from going from the corridor through the block and not just stepping down having the interceptual space, interceptual zones. And that doesn't mean it will be necessarily residential, maybe a mixed residential, like commercial, tailors, doctors, etc., above Quinpool Road., but basically they would have to step down. This is one of the few true block projects that would necessarily meet with all the requirements in the corridor program. The second thing is that we also saw the benefit of carrying around the commercial aspect at the base level. Too many buildings front and no back, it's just a blank wall. And in many cases you're going to find in the corridor study not just Quinpool Road but many others, you'll end up with a Berlin Wall half through these streets. You've got a few hundred foot walk, 100 feet of it will be commercial and rest will be someone's backyard. Mr. Smith states that he is not too happy about that too. The other thing here, dealing with landscape open spaces, especially in the downtown area. For three years basically trying to mend what was left over bylaws that hadn't been quite prominent. This is the open landscape space giving 100% to that open space it was upper storey rather than at ground level especially when you're trying to reinforce and make use of the ground level commercial. In many cases, these small spaces that you have at the back of buildings didn't really work. Developers just give out that space and eventually it would be car parking. In this building, substantially about 65% of our roof has been landscaped or is recreational use. The base of this building can be built right to the edge of this whole lot. Mr. Smith states that in fact, we are building, we could do, and we have a development permit to build to the edge, a commercial lot at one storey. What we've basically done is put residential use on the upper storeys. First, this was using all those setbacks this building would end up being in the middle of the lot probably closer to Pepperell Street. Mr. Smith advised they placed it in a classic urban edge, this is a 19th century plan. This is a modern building but it also comes from a lot of historical precedent. He stated that they looked where the highest points of the building would be and they

placed it closer to Quinpool Road which is really a high street. This high street is now being changed from just a pedestrian street, in the morning this is just road rage. He notes that you all see these people coming down Vernon Street. and Quinpool Road, and much of the vehicle of traffic you see in through this neighbourhood is going somewhere else.

Mr. Smith states that we have rebuilt our Disney fantasies out in Dartmouth Crossing and simply we have increased our commercial activity or reinforced it were it actually grew up we simply moved it out, outside much of the public realm.

Mr. Smith advises that they have addressed the open space, and given a lot of thought of giving back a green space and recreational space for the people that live in this building. We are also bringing people into this neighbourhood who may not be living in individual houses, or duplexes, this may be older people, might be younger people. But on the other hand we shouldn't discriminate if they basically want to live in this area. They get to walk downtown, they get to go to the nearby universities, just like everyone else.

John Czenzc, Halifax, states that he has never realized the density here. People were saying before that the core is not dense. After living in Montreal and Toronto, he states he was shocked at the lack of this. But we can't play catch up by putting buildings wishy washy on empty lots. He says he has no trouble with mixed development or old and new but this is huge. He mentions he would also like to hear of what Mr. Smith is planning in the apartments, 1, 2 or 3 bedroom. There is a large number of apartments. He thinks we cannot underestimate the affect having the entrance on Pepperell Street, that's an immediate problem and the greatest peeve. We can't have that many people coming out of one place, it would be insane. Vernon Street is already used as a secondary road. Coming out of Pepperell Street will kill Pepperell Street, he agrees. Pepperell Street has been rejuvenated, seen a lot of young families moving in the last 5 years. He thinks it's just going to kill Pepperell Street and there is no problem finding another use for that lot, but I can't see this helping anybody. No benefit.

Ron Smith advises that he had a discussion with his client group and they want to have bedroom units around 1,000 square feet, 800 to 1200. There is actually about 15 /1 bedrooms, and 3 times as many 2 bedrooms proposed. That is in contrast to basically having very small units, in fact we talked to the developer and he wanted to have much bigger units on the site. Many people he saw that would be moving into these units would not be students, they would be people who wanted to stay in the neighbourhood. He mentioned that they didn't go down to the 500/600/700 mini apartments, that was not part of that discussion, they were looking at a mature building. The other aspect that came up is whether or not they would be apartments or condos, especially with condos at least you have some ownership. That's an ongoing discussion. This is not a student housing project. People living in this building as part of the neighbourhood, part of this street. Mr. Smith states that they were hoping to do that by rejuvenating that lot, it has been there a long time. The owners are disappointed themselves that the building may not stand up. This is one option, a good option.

John Czenzc, Halifax, states the last time there was a meeting there was some comment made about having the only entrance on Pepperell Street. Has there been any alternatives, anything looked at that could be changed?

Ron Smith advises that he thinks they have addressed it because traffic themselves certainly doesn't want an entrance off Quinpool Road, it's just too busy. Vernon Street again is a well-travelled road and Pepperell Street was in fact a choice by which they thought best of the worst.

Dulcie Conrod, Halifax, asked is it an exit, entry or both?

Ron Smith answered, it would be both. But right now we have doctor's offices on the 2nd floor and they have from 4 to 8 appointments depending on the number of doctors/dentists etc. The cars will be coming and going out each individual office every 15 minutes. There is a high traffic volume in the 2nd floor.

Dulcie Conrod, Halifax, states that it doesn't make it right. Off Quinpool Road you have an exit, but you're planning on both exit and entrances on Quinpool Road.

Jill Maclellan advised that as the application goes forward she will talk further with Ron and see if there is any option about exits and she will speak with the Development Engineers further to see if there is any possibility to have access to parking from Vernon Street or change that.

Councillor Uteck, stated that just for clarification, this application will have to go through the traffic authority and they might agree that this is not the entrance and say we are not going to sign off on this. Tonight is for information only.

Juergen Riedel, Halifax, speaking as a property owner and restaurant owner, he has been involved with Quinpool Road since the 1970's. As various points he has had ideas of developing some of his properties past the magic mark of 45' and was always told whatever you do if you go past 45' won't even go to Council, and you don't have to worry about an architect design it's not going to happen. So projects like this would slowly kill the spirit of Quinpool Road. As a property owner, he says he thinks it's great. Because his property values will go up and for merchants it's fantastic that he gets more potential customers. As talking as citizen of Halifax, he thinks it is great.

Mary MacLachlan, Halifax, states she simply wants to register her grievance with all of the people who have spoken tonight and thank them for being as knowledgeable and articulate as they are.

H. Epstein, Halifax, states that he doesn't see anything in the documents or heard anything about energy efficiency inside the proposed building? And reading the environment policies in the Regional Plan and MPS they do talk not just about traffic, parking and places for bicycles but they do talk about energy and that seems to be a crucial aspect of environmental concerns, energy use in a building. He states it would be an opportunity through DA that could be achieving a LEED so some other recognized standard in energy efficiency. I thought that would be a feature of what we would be looking for.

Jill MacLellan advised that we are at the early stages of this. So if the developer wants to involve

the environmental friendly features we can talk about that throughout the application.

H. Epstein, Halifax, stated that if there is no information about it so I make it as a suggestion both to the owner of the property and HRM to negotiate for.

Ron Smith advises that they are working on green projects right now. He says they expect that generally any building owner is not naive that there is a positive thing to participate. That is not a big issue.

6. Closing comments

Ms. MacLellan asked if there are any further comments? She thanked everyone for coming and provided her contact information.

Ms. MacLellan advised that the next steps will be to review the comments that were discussed tonight. It is also going to be sent to different departments and agencies for their feedback. Their staff will potentially work on drafting policies and a DA will be negotiated with the developer. We will provide a recommendation to Regional Council whether or not we feel as the proposal can go forward. There will be a public hearing at Regional Council about the policies and the DA and Regional Council will make the final decision on the MPS amendment as to whether or not we think they are appropriate and then they will go to the Province for their approval and there will be no public consultation for that decision. We would go back to Community Council and they would provide a decision on the DA.

Ms. MacLellan stated that generally the timeline is about 6 months or so but could be longer or could be less.

7. Adjournment

The meeting adjourned at approximately 8:15 p.m.