

**Item No. 11.2.2**  
**Halifax Regional Council**  
**March 4, 2014**

**TO:** Mayor Savage and Members of Halifax Regional Council

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

**DATE:** February 21, 2014

**SUBJECT:** **Case 18462: MPS Amendment and Development Agreement for 7067  
Chebucto Road, Halifax (former Case 17397)**

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**ORIGIN**

- Application from Trada Development (Case 17397)
- January 10, 2012, Regional Council initiation of the MPS amendment process
- Application from W.M. Fares Group (Case 18462)
- February 18 Meeting of Halifax and West Community Council, Item No. 10.1.1

**LEGISLATIVE AUTHORITY**

- HRM Charter; Part VIII, Planning & Development
- HRM Charter, Part 1, Clause 25(c) — “The powers and duties of a Community Council include recommending to the Council appropriate by-laws, regulations, controls and development standards for the community

**RECOMMENDATION**

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

1. Give First Reading to consider the proposed amendments to the Halifax Municipal Planning Strategy as set out in Attachment A of the staff report dated January 31, 2014 and schedule a joint public hearing with Halifax and West Council; and
2. Approve the proposed amendments to the Halifax Municipal Planning Strategy, as contained in Attachment A of the staff report dated January 31, 2014.

## **BACKGROUND**

The W.M. Fares Group has submitted an application to develop a 3 storey office addition on top of the former Bay Department Store also known as the Eurofax Building. The application was originally submitted by Trada Development and the MPS amendment process was initiated by Regional Council under case 17397. The subject property is located at 7067 Chebucto Road near the Armdale roundabout in Halifax.

Further to the requirement for a development agreement, Policy 3.1.4 of the City Wide Policies for the Halifax Plan Area discourages the mixture of office uses in areas that are designated as shopping centres. Due to the location of this property with the West End Mall area and the Halifax Shopping Centre, It was determined by staff that an amendment to the MPS is required to permit such a use.

During public consultation, concerns were raised regarding the potential impact on the surrounding residential properties through the overall design of the building and the increase in traffic. These concerns have been addressed through provisions in the development agreement and with information submitted by the applicant which include a traffic impact study and a shadow impact study.

## **DISCUSSION**

Halifax and West Community Council reviewed this matter at the February 18, 2014 meeting and recommend that Halifax Regional Council approve the staff recommendation.

## **FINANCIAL IMPLICATIONS**

As outlined in the staff report dated January 31, 2014.

## **COMMUNITY ENGAGEMENT**

All meetings of Halifax and West Community Council are open to the public. Agendas and reports are posted to the web prior to the meeting.

## **ENVIRONMENTAL IMPLICATIONS**

As outlined in the staff report dated January 31, 2014.

## **ALTERNATIVES**

Halifax and West Community Council did not discuss alternatives.

**ATTACHMENTS**

- 1. Staff report dated January 31, 2014.**
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A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by:           Liam MacSween, Legislative Assistant, 490-6521

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P.O. Box 1749  
Halifax, Nova Scotia  
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## Attachment 1

Halifax and West Community Council  
February 18, 2014

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

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

**DATE:** January 31, 2014

**SUBJECT:** Case 18462: MPS Amendment and Development Agreement for 7067 Chebucto Road, Halifax (former Case 17397)

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### ORIGIN

- Application from Trada Development (Case 17397)
- January 10, 2012, Regional Council initiation of the MPS amendment process
- Application from W.M. Fares Group (Case 18462)

### 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 as set out in Attachment A of this report and schedule a joint public hearing with Halifax and West Council; and
2. Approve the proposed amendments to the Halifax Municipal Planning Strategy, as contained in Attachment A of this report.

**RECOMMENDATIONS CONTINUED ON PAGE 2**

**It is recommended that Halifax and West Community Council:**

3. Move Notice of Motion to consider the proposed development agreement as set out in Attachment B of this report to permit the development of a commercial building at 7067 Chebucto Road, Halifax. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1.

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

4. Approve the proposed development agreement as set out in Attachment B of this report; and
5. 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 W.M. Fares Group has submitted an application to develop a 3 storey office addition on top of the former Bay Department Store also known as the Eurofax Building. The application was originally submitted by Trada Development and the MPS amendment process was initiated by Regional Council under case 17397. The subject property is located at 7067 Chebucto Road near the Armdale roundabout in Halifax.

Although the property's current zoning would permit a mixed residential and commercial building, the subject property is also located within Schedule C of the land use by-law, which requires a development agreement for larger scale developments. In 1978, Schedule C was applied as an interim measure to 11 areas in the Halifax Plan Area where detailed secondary plans were to be established. The subject property is located in the Simpson's / Eaton's area, which is the only one of the 11 areas that never underwent a detailed plan process.

Further to the requirement for a development agreement, Policy 3.1.4 of the City Wide Policies for the Halifax Plan Area discourages the mixture of office uses in areas that are dominated as shopping centres. Due to the location of this property with the West End Mall area and the Halifax Shopping Centre, an amendment to the MPS is required to permit such a use.

The proposed office addition exterior is comprised of glass and spandrel panels and is stepped back from the walls of the existing structure to reduce impacts to neighbouring properties. The proposed development also includes aesthetic improvements to the façade of the existing building. During public consultation, concerns were raised regarding the potential impact on the surrounding residential properties through the overall design of the building and the increase in traffic. These concerns have been addressed through provisions in the development agreement

and through information submitted by the applicant which include a traffic impact study and a shadow impact study.

Through an analysis of the applicable policies of the Municipal Planning Strategy and the Regional Plan and, in consideration of how the urban core area has changed since the Municipal Planning Strategy was adopted in 1978, there is merit in considering the proposed amendment to the Municipal Planning Strategy to allow office uses at this site. Further, as the proposed development agreement is consistent with all other applicable policies, staff recommend approval.

## **BACKGROUND**

The subject property, 7067 Chebucto Road, Halifax is located on the north-western side of Chebucto Road near the Armdale roundabout in Halifax (see Maps 1 and 2). The building on the property, known as the Eurofax Building, was previously a Bay department store. The current use of the property is a 128,800 square foot office building occupied by Eastern College and Admiral Insurance.

The property owner wishes to establish 3 additional storeys on top of the existing building for general office/commercial use. While enlargements to buildings may be considered by development agreement, the Halifax Municipal Planning Strategy has policies that dissuade office developments from being established in areas primarily occupied for shopping purposes.

The subject property is located within Schedule C of the Land Use By-law for Halifax Peninsula (LUB). Schedule C requires larger commercial development to be subject to a development agreement.

### **Location and Land Use**

The site is currently comprised of a 2-5 storey commercial/office building and a parking garage for 720 vehicles.

The building is part of a large commercial complex that also includes:

- a former shopping mall (the West End Mall) that has been largely converted into offices and recently renamed the Mumford Professional Centre;
- large retail and grocery stores, including a Walmart, Winners, Sears Outlet, Sobeys, and Real Canadian Wholesale Club;
- a self-storage warehouse; and
- stand-alone retail buildings, with stores such Tim Hortons and Moores Clothing for Men.

While these developments may be recognized as one commercial entity, there are multiple property owners for parts of the complex including the Eurofax building, which is separate from the Mumford Professional Centre.

Further, there are low density residential areas to the south and the west of the Eurofax building, across Chebucto Road and Philip Street.

### **Designation and Zoning**

The subject property is within the Commercial Designation of the Halifax MPS. Further, the property is zoned C-2 (General Business) and is within Schedule C of the Halifax Peninsula LUB.

At the time of the adoption of the Halifax MPS in 1978, 11 areas of the former City of Halifax were identified where detailed planning was to occur. This list formed the basis for secondary plans that were undertaken in the years to follow. The approach that was taken in most of these areas was to allow a modest degree of development to occur while secondary plans were being prepared. In the interim, any substantial projects were considered by development agreement, subject to certain policy criteria and the overall objectives and policies of the MPS (Section II policies). The 11 areas where this approach was applied were included in Schedule C.

### *Schedule C*

The Eurofax property falls within one of the Schedule C areas, referred to as the Simpson's/Eaton's Shopping Area, which includes the above noted commercial complex and the Halifax Shopping Centre (see Map 3). Out of the 11 Schedule C areas, the Simpson's/Eaton's Shopping Area is the only one that has not been the subject of a secondary planning process. Consequently, the original 1978 interim planning approach continues to apply. With this, there is an allowance for some development to occur as-of-right, while other commercial development that is over 35 feet in height or 5,000 square feet in floor area is to be considered by development agreement.

Under those policies, there is support for retail uses but not new buildings or additions for major office or hotel uses, as stated in policy 3.1.4:

*“Shopping centres should service a major area of the City, and/or part of the region. They shall have direct controlled access to the principal street network and shall have adequate provision for pedestrian, transit, service, and private automobile access and egress. The dominant activity in shopping centres shall be retail activity. Major offices and hotels should be discouraged from locating in these centres.”*

*[emphasis added]*

As result of this policy context, the original department store (Simpson's) was the subject of a development agreement in 1981. The development agreement allowed for a department store and parking garage. The development agreement was discharged and the building has since been occupied by office uses, which comply with the underlying C-2 Zone.

### **Proposal**

Aspects of the development include the following:

- 5 to 8 storey commercial building and garage. Due to changes in the grade of the subject property, there is a difference in height of 3 storeys ( 2 to 5 storeys currently exist and 3 are proposed);
- 224,800 square feet of commercial floor area (128,800 square feet currently exists and 96,000 square feet is proposed additional);

- 720 parking spaces (all currently exist);
- architectural features include improvement to the aesthetics of the existing façade and setback requirements for the proposed addition; and
- improvements to the existing landscaped area.

The application includes two components. The first includes an amendment to the Halifax MPS on the basis of policy 3.1.4 which currently considers office development on the site to be inappropriate. The second component allows for the consideration of a development agreement for the proposed addition under Schedule C.

### **Approval Process**

The proposed amendments to the MPS 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 amendment and the development agreement. In the event that Regional Council approves the MPS amendment, Halifax and West Community Council may only make a decision on the development agreement following the amendments to the MPS/LUB coming into effect.

### **Former Case 17397**

This application was initiated as Case 17397 on January 10, 2012. A public information meeting was held on February 15, 2012 and as a result, there were many questions raised by the public that required further research and analysis by the applicant. The application was subsequently closed.

In April, 2013 the application was resubmitted by a different applicant. It was determined that the application could still be considered under the January 10, 2012, MPS initiation; however a new case number was assigned to differentiate between the two applications. A second public information meeting was held for this application on May 15, 2013.

It is important to note that the initiation of the development under Case 17397 also included the potential removal of Schedule C from the subject property so that the development would be permitted as-of-right under the C-2 Zone. Due to the concerns from the public regarding the design of the building, this component of the MPS Amendment request was removed from the revised application.

## **DISCUSSION**

### **Municipal Planning Strategy Amendments**

The Municipal Planning Strategies of the Municipality lay out the intent of HRM regarding appropriate land use and future patterns for growth. Amendments to a MPS are not routine undertakings and Council is under no obligations 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.



### **Rationale for Proposed Changes to the MPS**

The application is generally consistent with the policies of the Municipal Planning Strategy, except where the policy does not comply with Policy 3.1.4 which discourages the mix of major office and hotel uses with shopping facilities. It is understood that the discouragement of additional office space stems from an emerging concern in the 1970s about office buildings starting to locate outside of the Central Business District. Around the time of the adoption the 1978 MPS, the Maritime Life building was established on Joseph Howe Drive. There was debate about whether an office on the periphery of the city should be allowed. The locating of office uses outside the urban core continues to be a subject of concern today. However, since 1978, HRM has grown considerably and the current pattern of development includes office buildings that are far outside the Simpson's/Eaton's Shopping Area, in places such as Bayers Lake Business Park and the Bayers Road area. With this, areas such as the Simpson's/Eaton's Shopping Area are now viewed as being part of the urban core.

Further the Regional Plan specifically identifies the "West End Mall" as an Urban District centre, where there is to be a, "mix of high density residential, commercial, institutional & recreational uses." It is also important to note that the underlying zone for the area is a C-2 Zone, which permits office uses.

The proposed amendment is in keeping with the overall objectives of the MPS and would enable a development that is compatible with its surroundings.

### **Proposed Development Agreement**

The proposed development agreement satisfies the intent of the existing policies of the MPS, including the proposed amendment to allow office uses in areas of shopping facilities, as shown in Attachment C of this report. Of the matters addressed by the proposed development agreement, the following have been identified for more detailed discussion.

#### *Design of the Building*

During the February 15, 2012, public information meeting, various concerns were expressed regarding the design of the development. Concerns ranged from the treatment of the existing building, the overall massing of the proposed addition and the potential impact of the addition on neighbouring properties in regards to shadow impact, light pollution, increased traffic and potential sightlines into neighbouring back yards.

Since the initial public information meeting, the proposed building has included several features to improve the overall design of the existing building including new windows in several locations, treated timber ribs to provide screening for the parking garage and planted ivy along portions of the building wall. These features will improve the overall aesthetics of the building which currently has a mainly concrete exterior.

The proposed building addition is stepped back from the walls of the existing structure to reduce the overall massing of the building. The addition is comprised mainly of glass with a combination of spandrel panels and composite aluminum panels of various colours. The proposed step back of the addition will further reduce potential negative impacts to neighbouring residential units through reducing the shadow impact and potential for windows to be situated

adjacent the back yards of neighbouring properties. The developer has completed a shadow study which showed there would be a minimal impact to neighbouring properties. Further, the windows of the proposed addition are to incorporate anodized aluminum glazing to reduce the potential impact of lighting on neighbouring properties. The development agreement requires a resolution of Community Council through a non-substantial amendment before any additional outdoor lighting can be considered.

#### Traffic and Parking

During both public information meetings there was concern regarding the increase in traffic to the area and the potential for overflow parking on the neighbouring side streets.

As part of the application, a Traffic Impact Statement (TIS) was completed. The TIS outlined that the site can be accessed at 3 points; at Simpsons Lane, Chebucto Road and at the intersection of Philip Street and Leppert Street. The TIS further sets out that the subject property is close to various transit locations including the Mumford Transit Terminal. It was concluded that, due to the various accesses and the proximity to transit service, the proposed office addition would have a minimal impact on the existing traffic network.

Regardless of the TIS, there were still several concerns from the public regarding the increase in traffic to the area, especially the effect on pedestrians. The subject property is located in close proximity to a seniors home and a junior high school. There is a sidewalk on the east side of Phillip Street and on both sides of Leppert Street. There are currently well marked crosswalks at the intersection of Phillip Street and Leppert Street. It was determined by the HRM Traffic Authority that changes to the street and pedestrian networks were not warranted at this time. It should also be noted that the majority of the pedestrian network that is not accommodated through HRM sidewalks is located on an adjacent property that is not subject to this application.

Regarding concerns of insufficient parking, the proposed development agreement requires 720 parking spaces to be located within the parking garage. Staff are of the opinion that this quantity of parking is adequate. The Halifax Peninsula LUB does not require parking for commercial uses. Although there is no specific policy correlation in the MPS on this item, staff advise that the requirement is likely due to the urban context of peninsular Halifax and the minimized need for commercial parking in an urban area. During the public information meeting, it was suggested that on-site parking be provided at no cost to reduce the incidence of parking on the side streets. Although the applicant has committed to provide free parking to tenants for a period of time, this is not a matter which can be included within the development agreement.

#### **Conclusion**

Staff are of the opinion that an amendment to the MPS is justified as office uses have been located in this area as-of-right through the C-2 zoning and as the area is now considered to be within the urban core which was not the case in the late 1970s when the MPS was adopted. Besides the policy regarding allowing office uses within areas of shopping facilities, staff is of the opinion that the proposed development agreement is consistent with the applicable policies of the MPS.

### **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 two public information meetings held on February 15, 2012 and May 15, 2013. Attachments D and E contain a copies of the minutes from the meetings. For both Public Information Meetings, notices were posted on the HRM website, in newspapers (regional and community), and mailed to property owners with the notification area shown on Map 4.

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 Municipal Planning Strategy for Halifax, as contained in Attachment A of this report. This is staff's recommendation.
2. Modify the proposed amendments to the Halifax MPS as presented in Attachment A. 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.

3. Refuse the proposed amendments to the Municipal Planning Strategy for Halifax, as contained in Attachment A 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**

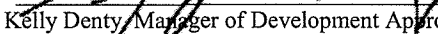
Map 1	Generalized Future Land Use
Map 2	Zoning
Map 3	Area of Schedule C
Map 4	Area of Notification
Attachment A	Proposed Amendment to the Halifax MPS
Attachment B	Proposed Development Agreement
Attachment C	Review of Relevant Policies from the Halifax Municipal Planning Strategy (including the proposed amendment)
Attachment D	Minutes from the Public Information Meeting (February 15, 2012)
Attachment E	Minutes from the Public Information Meeting (May 15, 2013)

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

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

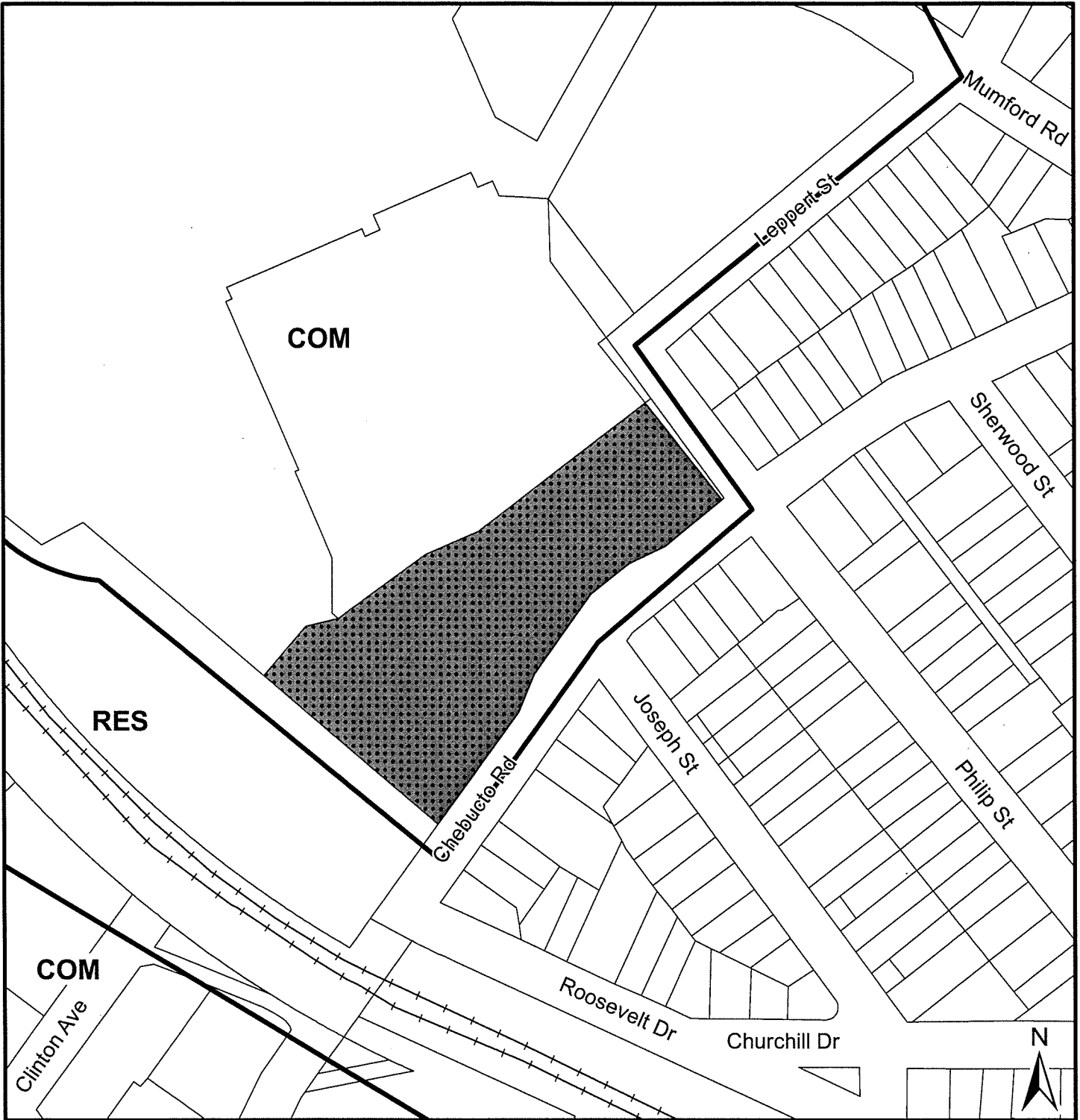
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Report Approved by:  Kelly Denty, Manager of Development Approvals, 490-4800

Original Signed

Report Approved by:  Austin French, Manager of Planning, 490-6717


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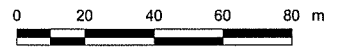


**Map 1 - Generalized Future Land Use**

7067 Chebucto Road  
Halifax



 Area of proposed development agreement



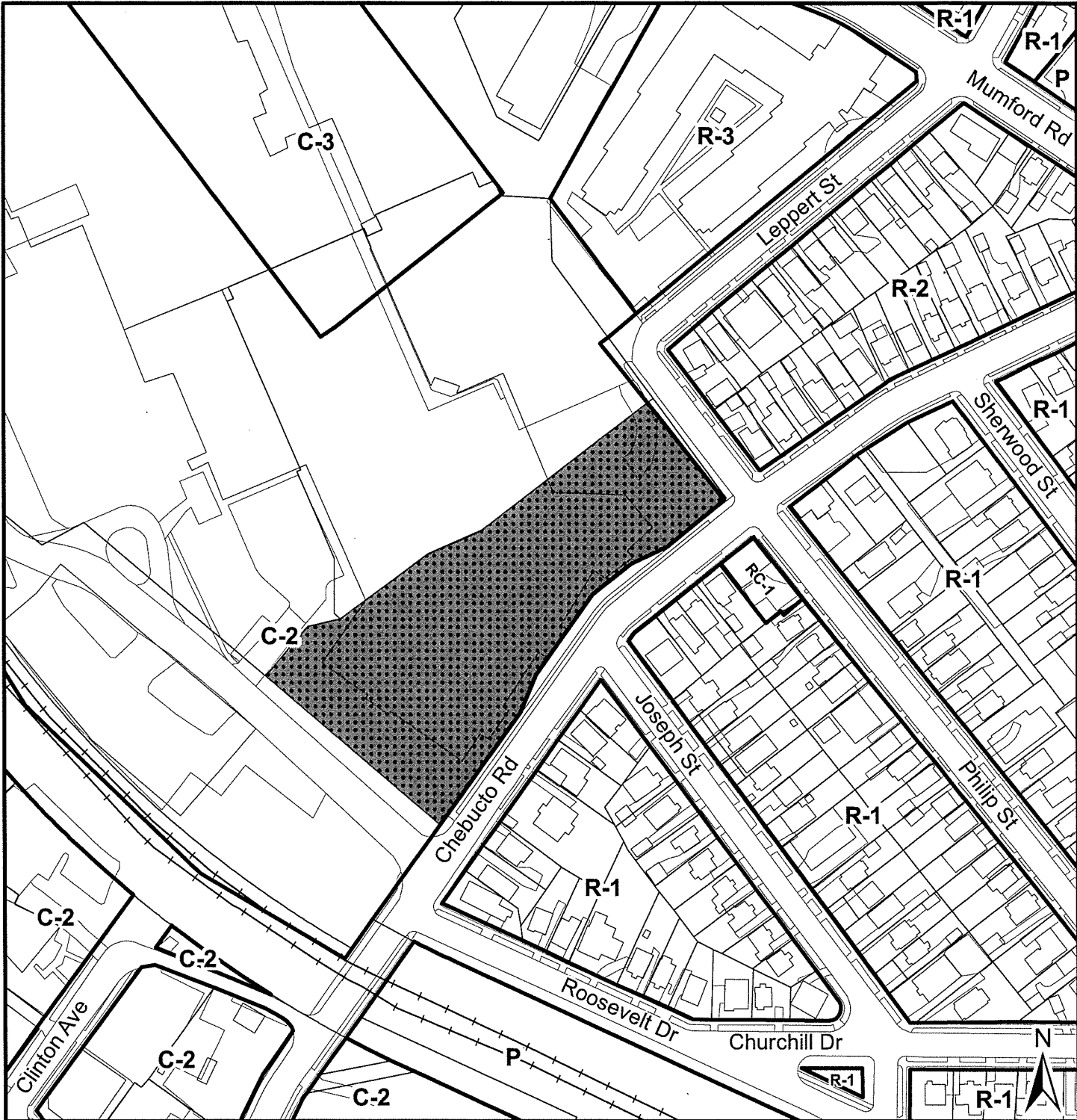
**Designation**

RES Residential Environments  
COM Commercial

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.

Halifax Plan Area



## Map 2 - Zoning

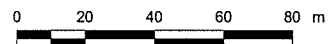
7067 Chebucto Road  
Halifax

 Area of proposed development agreement

Halifax Peninsula  
Land Use By-Law Area

### Zone

- R-1 Single Family Dwelling
- R-2 General Residential
- R-3 Multiple Dwelling
- RC-1 Neighbourhood Commercial
- C-2 General Business
- C-3 Industrial
- P Park and Institutional



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



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



**Map 3 - Area of Schedule C**

7067 Chebucto Road  
Halifax



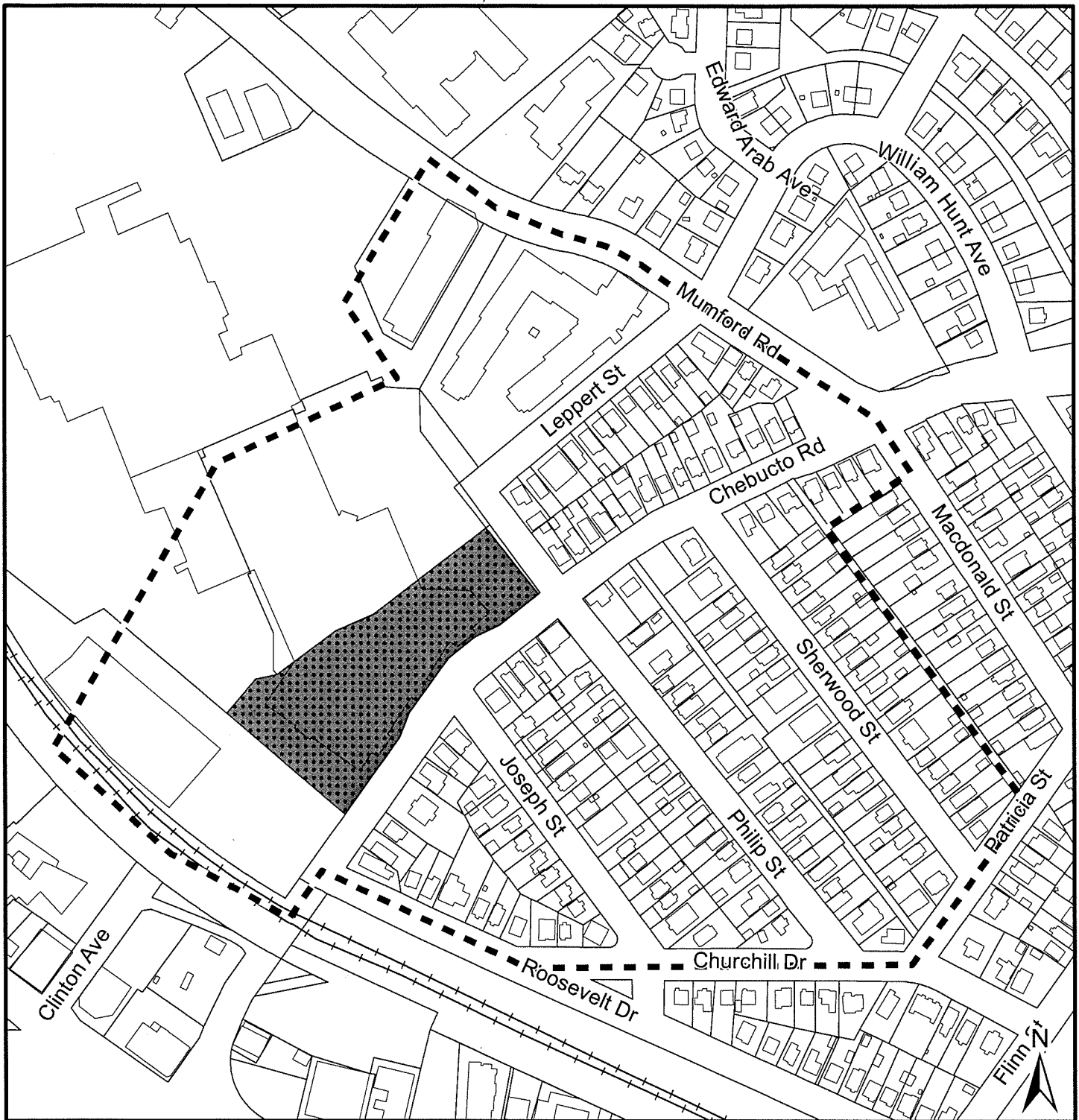
-  Area of proposed development agreement
-  Area of Schedule C

Halifax Peninsula  
Land Use By-Law Area



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



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

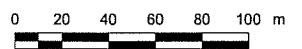


### Map 4 - Area of Notification

7067 Chebucto Road  
Halifax



-  Area of proposed development agreement
-  Area of notification



Halifax Peninsula  
Land Use By-Law Area

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



**Attachment A**  
**Proposed Amendments to the Halifax Municipal Planning Strategy**

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

1. Add Policy 3.2.7 to the Implementation Policies of the Halifax Municipal Planning Strategy immediately after Section 3.2.6 to read as follows:

“3.2.7 Notwithstanding Policy 3.1.4 of Section II of this Plan, Council may consider major office and hotel uses within shopping centres pursuant to Policies 3.2.1 to 3.2.6 of this section.”

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 \_\_\_\_\_, 2014.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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



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

### **1.1 Applicability of Agreement**

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

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

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

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

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

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

### **1.4 Conflict**

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

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

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

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

## **1.6 Provisions Severable**

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

## **PART 2: DEFINITIONS**

### **2.1 Words Not Defined under this Agreement**

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

## **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 18462:

Schedule A	Legal Description of the Lands
Schedule B	Site and Landscape Plan
Schedule C	South (Chebucto Road) Elevation
Schedule D	West (Phillip Street) Elevation
Schedule E	North Elevation
Schedule F	East Elevation

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

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

- (a) Provide to the Development Officer a detailed Landscape Plan prepared by a Landscape Architect in accordance with Section 3.5 of this Agreement; and
- (b) Provide to the Development Officer 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 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 Section 3.5 of this Agreement.

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

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

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

- (a) Commercial uses permitted by C-2 (General Business) Zone;
- (b) Uses accessory to any of the foregoing uses.

3.3.2 The total commercial floor shall not exceed 23,750 square meters.

### **3.4 Architectural Requirements**

3.4.1 The building's height, massing, exterior design and materials shall be as shown on the Schedules. Variations to the height and setbacks are permitted provided the variation to setbacks does not exceed 0.6 metres (2 feet) and that the variation in the height does not exceed 5 feet.

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

### **3.5 Landscaping**

3.5.1 Landscaping shall be provided through a combination of surface and roof top landscaping as shown on Schedule B.

3.5.2 Prior to the issuance of a Development Permit, the Developer shall provide a Landscape Plan, for the outdoor landscaped open space, which complies with the provisions of this section. The Landscape Plan shall be prepared by a Landscape Architect (a full member, in good standing with Canadian Society of Landscape Architects) and comply with all provisions of this section.

- 3.5.3 All plant material shall conform to the Canadian Nursery Trades Association Metric Guide Specifications and Standards and sodded areas to the Canadian Nursery Sod Growers' Specifications.
- 3.5.4 Approximately 50 percent of the plant material located on the roof top shall be evergreen or material with winter colour and form. Deciduous trees shall have a minimum size of 45 mm caliper (1.8 inch diameter). Coniferous trees shall be a minimum of 1.5 m (5 ft.) high and upright shrubs shall have a minimum height of 60 cm. (2 ft.). It is the responsibility of the Developer to ensure that the underground parking structures or other structures are capable of supporting loads from all landscaping as well as the anticipated mature weight of the plant material on any rooftop and podium.
- 3.5.5 Upon the issuance of the Occupancy Permit, the Developer shall submit to the Development Officer a letter prepared by a member in good standing of the Canadian Society of Landscape Architects certifying that all landscaping has been completed according to the terms of this Agreement.
- 3.5.6 Notwithstanding Section 3.5.5, an Occupancy Permit may be issued provided that the weather and time of year does not allow the completion of the outstanding landscape works and that the Developer supplies a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping. The cost estimate is to be prepared by a member in good standing of the Canadian Society of Landscape Architects. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the work as described herein and illustrated on the Schedules, and as approved by the Development Officer. Should the Developer not complete the landscaping within twelve months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping as set out in this section of the Agreement. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.

### **3.6 Signs**

- 3.6.1 All signage shall comply with requirements for signage in the C-2 Zone of the Land Use By-law for Halifax Peninsula and shall further comply with the following:
- (a) No ground sign shall be permitted on the Lands;
  - (b) Fascia signage shall not exceed 15% of the wall on the elevations facing Chebucto Road and Philip Street; and
  - (c) One (1) temporary ground sign depicting the name or corporate logo of the Developer shall be permitted on the Lands prior to the issuance of the first

Occupancy Permit. The temporary ground sign shall be removed prior to the issuance of the last residential occupancy permit.

### **3.7 Building and Site Lighting**

- 3.7.1 No additional outdoor lighting shall be permitted on the lands.
- 3.7.2 All outdoor lighting shall be directed to driveways, parking areas, loading areas and building entrances and shall be arranged so as to direct the light away from streets, adjacent lots and buildings.
- 3.7.3 All glass material shall incorporate anodized aluminum glazing or other means to reduce the effect of internal lighting.

### **3.9 Functional Elements**

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

### **3.10 Maintenance**

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

### **3.11 Solid Waste Facilities**

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

### **3.12 Outdoor Storage**

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

### **3.13 Parking and Bicycle Facilities**

- 3.13.1 Vehicular parking shall accommodate a minimum of 720 vehicular parking spaces accessory to the commercial uses.

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

### **3.14 Construction/Sales Structure**

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

## **PART 4: STREETS AND MUNICIPAL SERVICES**

### **4.1 General Provisions**

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

4.1.2 Any disturbance to existing off-site infrastructure resulting from the development, including streets, sidewalks, curbs and gutters, street trees, landscaped areas and utilities, shall be the responsibility of the Developer and shall be reinstated, removed, replaced, or relocated by the Developer as directed by the Development Engineer. Furthermore, the Developer shall be responsible for all costs and work associated with the relocation of on-site/ off-site underground services, overhead wires and traffic signals to accommodate the needs of the development.

## **PART 5: ENVIRONMENTAL PROTECTION MEASURES**

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

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

## **PART 6: AMENDMENTS**

### **6.1 Substantive Amendments**

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

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

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



by resolution of Council (for greater certainty, these items do not include changes which, in the opinion of the Development Officer, are in conformance with the plans attached as Schedules B-F):

- (a) Minor changes to the architectural design of the building as outlined in Section 3.4 including changes in cladding material;
- (b) Changes to the landscaping requirements as detailed in Section 3.5;
- (c) Changes to the sign requirements of Section 3.6;
- (d) Additional outdoor lighting pursuant to Section 3.7
- (e) Changes to the date of commencement of development specified in Section 7.3; and
- (f) Changes to the date of completion of development specified in Sections 7.4 and 7.5.

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

### **7.1 Registration**

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

### **7.2 Subsequent Owners**

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

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

### **7.3 Commencement of Development**

7.3.1 In the event that development on the Lands has not commenced within three 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 development permit for a three storey building addition.

7.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 6.2, if the Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the commencement of development time period.

#### **7.4 Completion of Development**

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

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

#### **7.5 Discharge of Agreement**

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

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

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

#### **8.1 Enforcement**

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

#### **8.2 Failure to Comply**

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

- (a) The Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defense based upon the allegation that damages would be an adequate remedy;
- (b) The Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered

necessary to correct a breach of the Agreement, whereupon all reasonable expenses whether arising out of the entry onto the Lands or from the performance of the covenants or remedial action, shall be a first lien on the Lands and be shown on any tax certificate issued under the *Assessment Act*;

- (c) The Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; or
- (d) In addition to the above remedies, the Municipality reserves the right to pursue any other remedy under the *Halifax Regional Municipality Charter* or Common Law in order to ensure compliance with this Agreement.

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

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

**(Insert Registered Owner Name)**

\_\_\_\_\_  
Witness

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

**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**

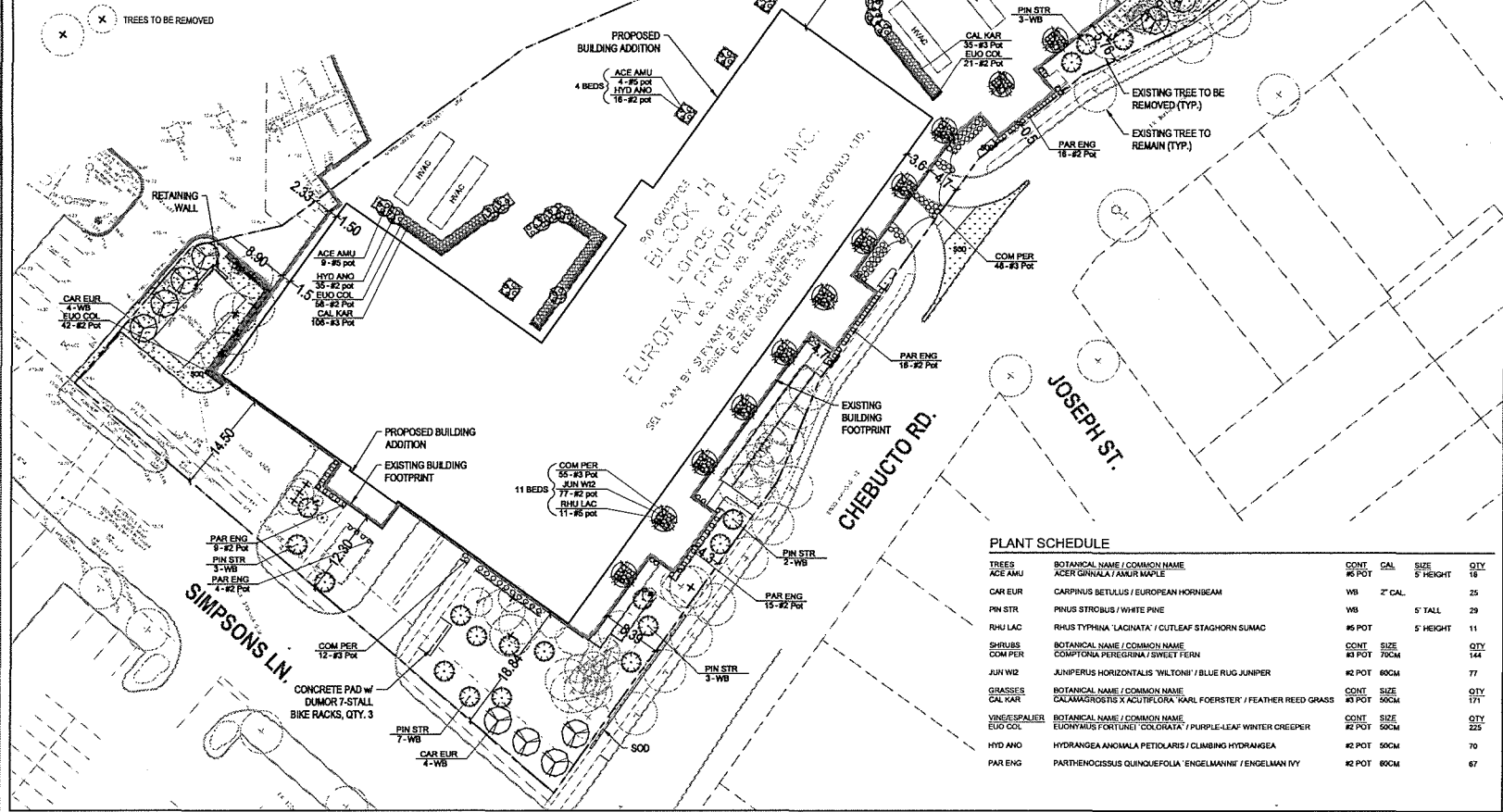
\_\_\_\_\_  
Witness

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

**MUNICIPAL CLERK**

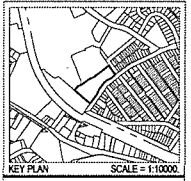
**NOTES**

1. PLANTING: SUPPLY AND PLANT TREES, SHRUBS AND VINES INDICATED. PROVIDE 2 YEAR WARRANTY AND MAINTENANCE FOR ALL PLANTINGS. REFER TO PLANTING DETAILS.
2. COMPLETE LAWN MAINTENANCE: AERATE, LIME AND FERTILIZE ALL SOD AREAS.
3. WHERE EARTHWORK IS REQUIRED, SLOPE ALL AREAS AT 2% MINIMUM TO DRAIN, AND MAXIMUM SLOPE OF 20%.
4. MAKE GOOD ALL EXISTING SOD AREAS: REPAIR DAMAGED LAWN AREAS WITH TOPSOIL AND GRASS SEED (HALIFAX SEED CO. GREENFAST); MAKE GRADE OF LAWN FLUSH WITH ADJACENT HARD SURFACES; REMOVE BOULDERS FROM LAWNS. REMOVE ASPHALT PATCH ALONG SIDEWALK ON CHEBUCTO ROAD AND REPLACE WITH TOPSOIL AND SEED.
5. NEW SOD AREAS: REMOVE EXISTING SURFACE MATERIAL; PROVIDE AT LEAST 8" DEPTH OF TOPSOIL, BLUEGRASS NURSERY SOD FROM AN APPROVED SOURCE, AND MAINTAIN SUITABLE SOIL MOISTURE UNTIL SOD IS ESTABLISHED.
6. MULCH ALL NEW PLANTINGS WITH 3" DEPTH OF APPROVED WEED FREE DOUBLE GRIND BARK MULCH.
7. CREATE BED BENEATH CANOPY OF EXISTING EVERGREENS TREES AND MULCH WITH 3" DEPTH OF APPROVED WEED FREE DOUBLE GRIND BARK MULCH.
8. SOIL TEST: UNDERTAKE SOIL TEST AS PER LABORATORY DIRECTIONS FOR ALL GROUND LEVEL LANDSCAPE AREAS AND EXISTING PLANTERS; PROVIDE TEST RESULTS TO CONSULTANT, AND IMPLEMENT RECOMMENDATIONS. UNDERTAKE SEPARATE SOIL TEST FOR NEW ROOF PLANTERS AS PER LABORATORY DIRECTIONS; PROVIDE TEST RESULTS TO CONSULTANT, AND IMPLEMENT RECOMMENDATIONS.
9. SMALL PLANTER IN PARKING GARAGE: WHEN SHRUBS ARE DORMANT, CUT DOWN TO 6" ABOVE GRADE, WEED BED AND MULCH WITH 3" DEPTH OF APPROVED WEED FREE DOUBLE GRIND BARK MULCH.
10. PRUNE TREES ALL OWNERS' EXISTING TREES AS INDICATED ON PLAN. PRUNING TO BE COMPLETED BY ISA CERTIFIED ARBORIST.
11. TREE REMOVAL: REMOVE TREES INDICATED AND TRIM STUMP FLUSH WITH GRADE. KILL ANY RE-GROWTH THAT MAY OCCUR UNTIL PLANT IS DEAD.
12. SWEEP ALL OUTDOOR HARDSCAPE AREAS AND REMOVE ALL LITTER FROM SITE.



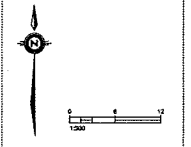
**PLANT SCHEDULE**

TREES	BOTANICAL NAME / COMMON NAME	CONT	CAL	SIZE	QTY
ACE AMU	ACER GINNALIA / AMUR MAPLE	#6 POT		5' HEIGHT	16
CAR EUR	CARPINUS BETULUS / EUROPEAN HORNBEEAM	WB	2" CAL		25
PIN STR	PINUS STROBILUS / WHITE PINE	WB		5' TALL	29
RHU LAC	RHUS PYRRAHIA 'LACINATA' / CUTLEAF STAGHORN SUMAC	#6 POT		5' HEIGHT	11
SHRUBS	BOTANICAL NAME / COMMON NAME	CONT	SIZE	QTY	
COM PER	COMPTONIA PATENSIS / FOXGLOVE FERN	#3 POT	70CM	144	
JUN W2	JUNIPERUS HORIZONTALIS 'WILTONII' / BLUE RUG JUMPER	#2 POT	60CM	77	
GRASSES	BOTANICAL NAME / COMMON NAME	CONT	SIZE	QTY	
CAL KAR	CALAMAGROSTIS 'ACUTIFLORA' / KARL FOERSTER' / FEATHER REED GRASS	#3 POT	90CM	171	
VINES/PALM	BOTANICAL NAME / COMMON NAME	CONT	SIZE	QTY	
EUG COL	EUCOMYDUS FORTUNEI 'COLORATA' / PURPLE-LEAF WINTER CREEPER	#2 POT	60CM	222	
HYD AHO	HYDRANGEA ANOMALA PETIOLARIS / CLIMBING HYDRANGEA	#2 POT	50CM	70	
PAR ENG	PARTHENOCISSUS QUINQUEFOLIA 'ENGELMANNII' / ENGELMANN IVY	#2 POT	60CM	67	



**WM FARES GROUP**

**BIOSTICS PLANNING & DESIGN**  
 1 STANN LANE, DARTMOUTH, NOVA SCOTIA  
 T: (902) 221-1100 W: WWW.BIOSTICS.NET  
 Landscape Architecture  
 Engineering  
 Environmental Planning  
 Visual Impact Assessment  
 Civil Architecture



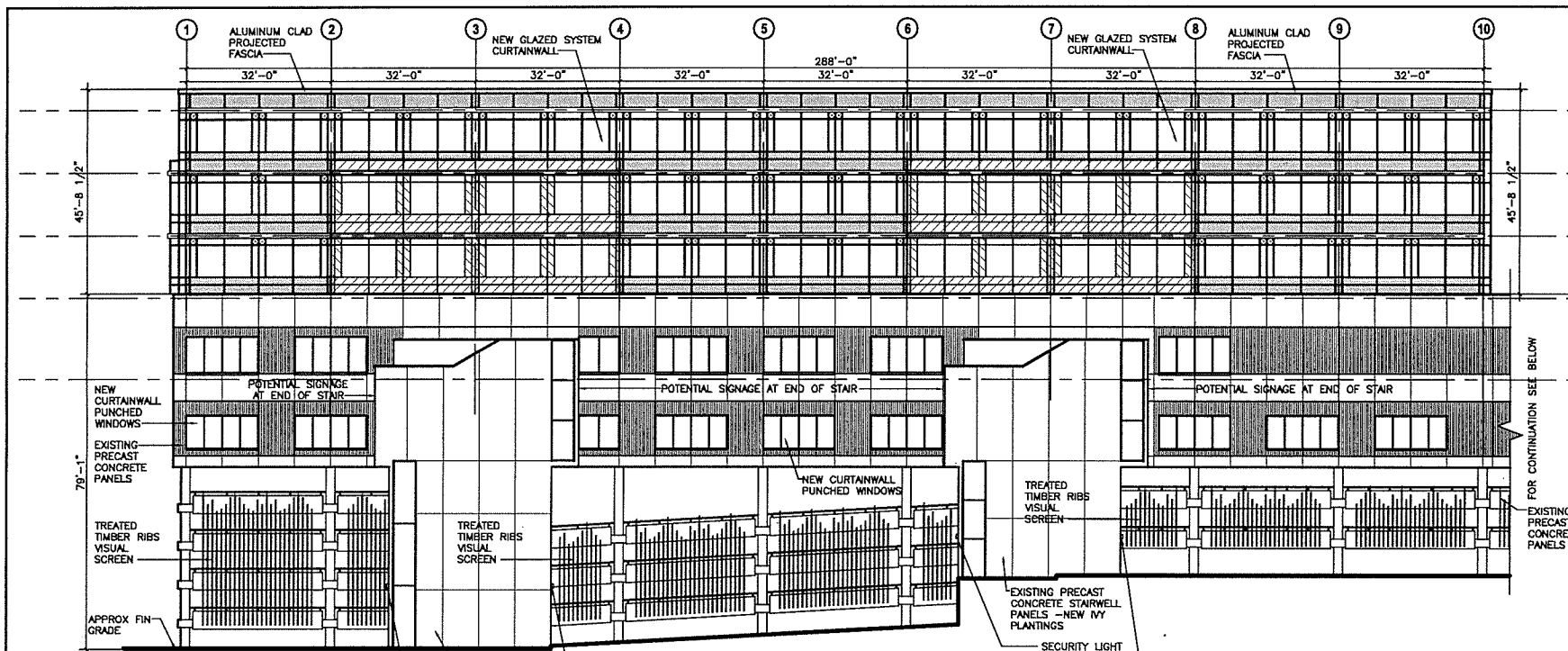
PROJECT: 7067 CHEBUCTO ROAD  
 ADDRESS: NOVA SCOTIA

Overall Planting Plan

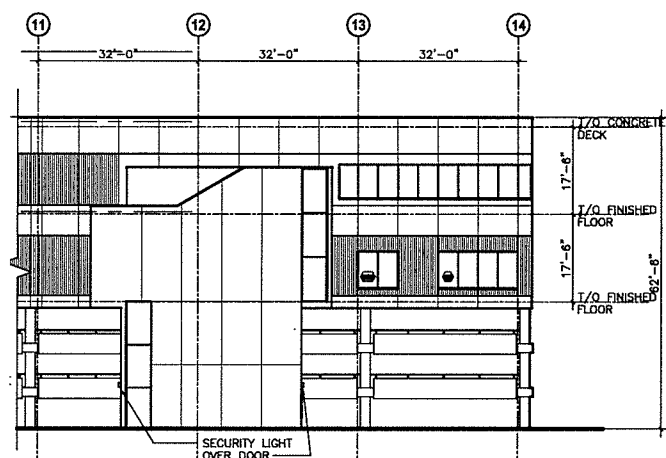
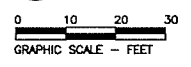
SCALE: 1:500 DATE: 2013/11/05  
 DRAWN BY: EV CHECKED BY: EK APPROVED BY: EV  
 COUNCIL: EV DATE: 2013/11/05

**NOT FOR CONSTRUCTION**

DATE PLOTTED: 12/04  
 CONSULTANT: L100



1 SOUTH ELEVATION



2 SOUTH ELEVATION  
1/16"=1'-0"

**LEGEND:**

	GLASS
	SPANDREL PANEL
	BLUE PANEL (COMPOSITE ALUMINUM)
	ORANGE PANEL (COMPOSITE ALUMINUM)
	WHITE PANEL (COMPOSITE ALUMINUM)

REFER TO PERSPECTIVE RENDERINGS FOR MORE ACCURATE COLOUR REPRESENTATION

No	ISSUE/REVISION	DATE
06	SCALE & LEGEND	2013.11.02
07	GENERAL HTS/LIGHTS	2013.10.21
08	REVISED	2013.08.12
09	MATERIALS DETAILS	2013.07.21
04	MATERIALS ADDED	2013.02.27
03	DEVELOPMENT PERMIT	2013.01.21
02	FOR REVIEW	2013.01.02
01	FOR REVIEW	2011.10.02

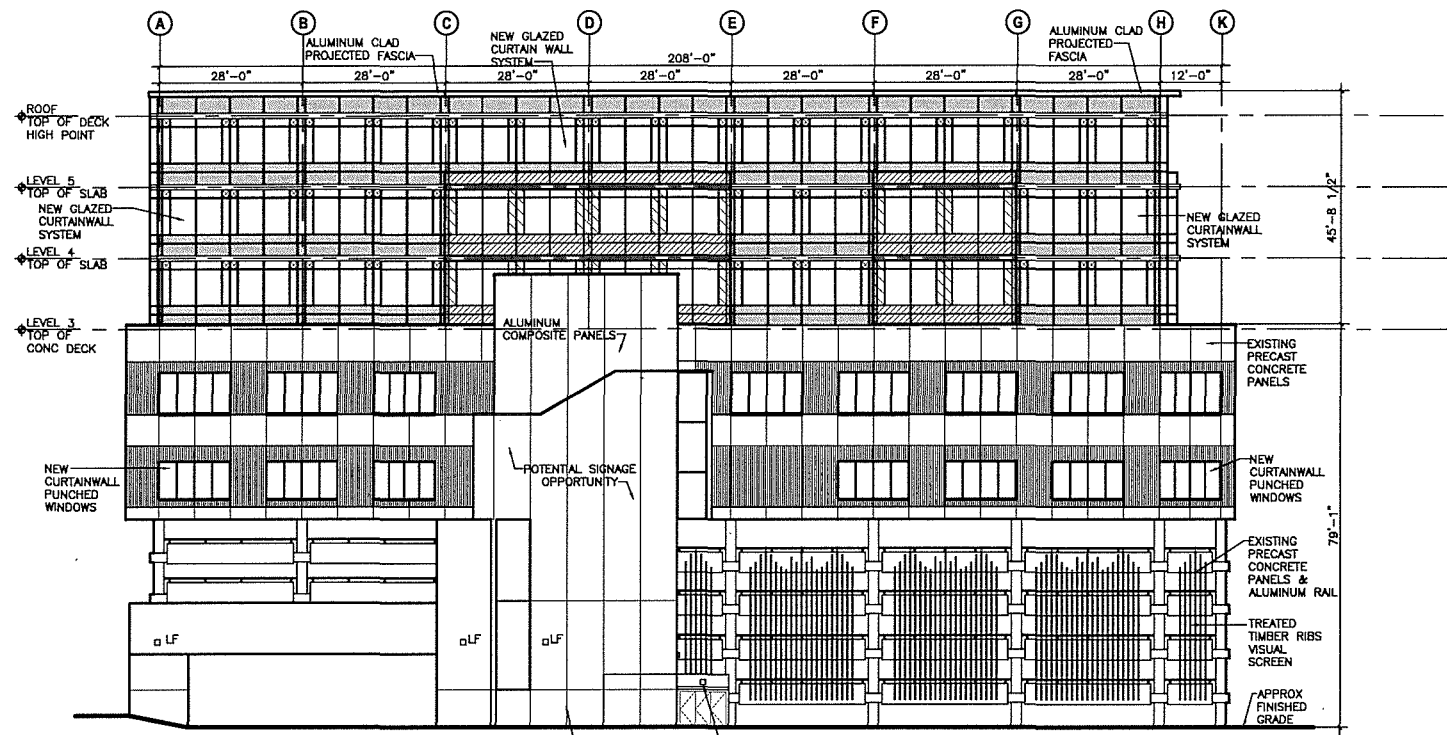
Rank Incorporated

**PROJECT**  
The Bay Base  
Building Renovation  
7067 Chebucto Road  
Halifax, Nova Scotia

**REVISION**  
Renovated  
Elevations

<b>ISSUE</b> BLOCK	<b>PROJECT NO.</b> 11027
<b>SCALE</b> 1/16"=1'-0"	<b>REVISION NO.</b> 323
<b>DATE</b> 2011.08.31	

Schedule C - South (Chebucto Road) Elevation



**LEGEND:**

[White Box]	GLASS
[Grey Box]	SPANDREL PANEL
[Blue Box]	BLUE PANEL (COMPOSITE ALUMINUM)
[Orange Box]	ORANGE PANEL (COMPOSITE ALUMINUM)
[White Box with Diagonal Lines]	WHITE PANEL (COMPOSITE ALUMINUM)

REFER TO PERSPECTIVE RENDERINGS FOR MORE ACCURATE COLOUR REPRESENTATION

No	ISSUE/REVISION	DATE
07	SCALE & LEGEND	2013.11.05
06	GENERAL NOTES/LIGHTS	2013.10.21
05	REVISED	2013.09.12
04	MATERIALS DETAILS	2013.07.21
03	MATERIALS ADDED	2013.02.23
02	DEVELOPMENT PERMIT	2013.01.21
01	FOR REVIEW	2011.10.05

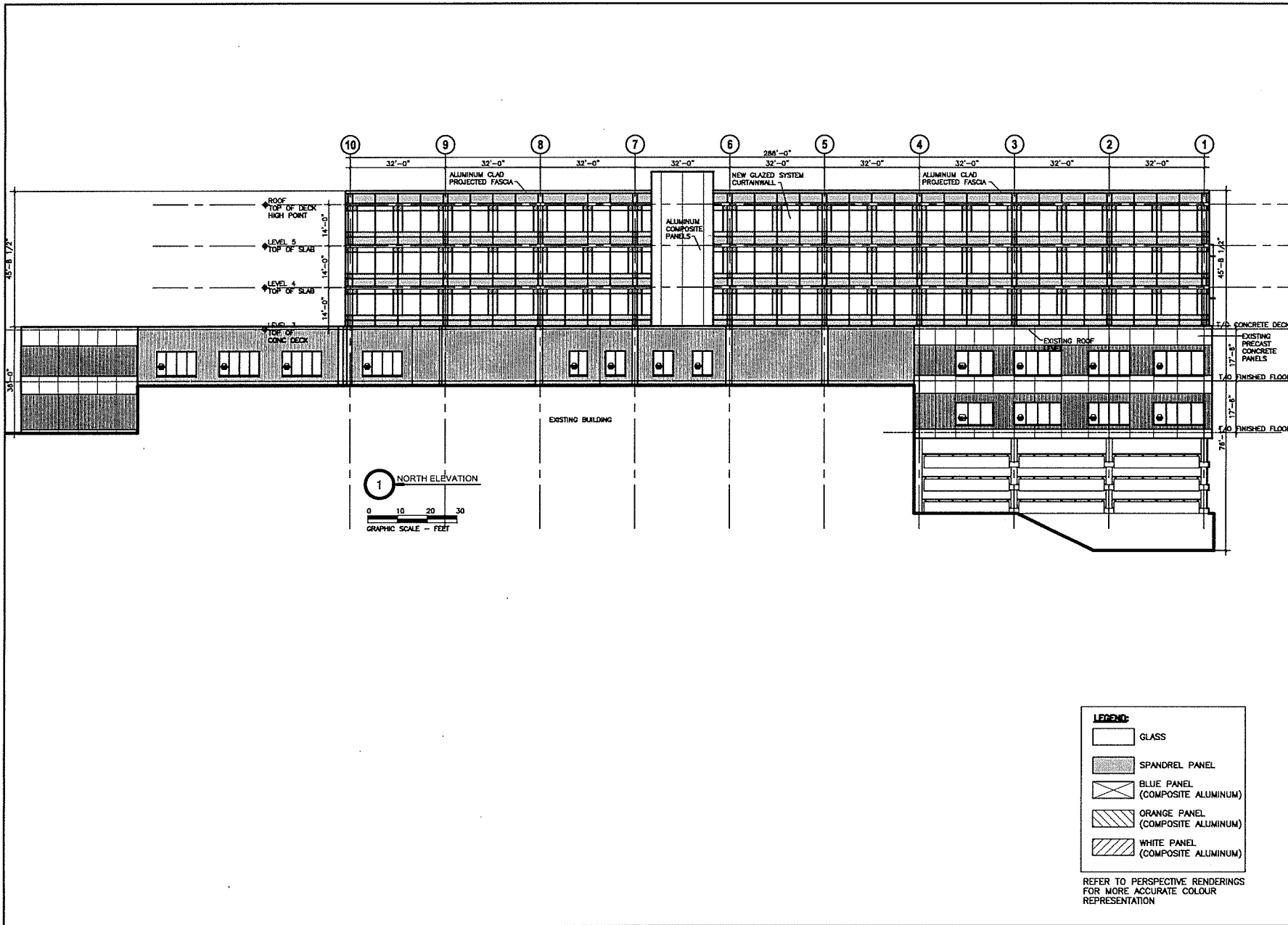
Rank Incorporated

**The Bay Base Building Renovation**  
 7067 Chebucto Road  
 Halifax, Nova Scotia

Renovated Elevations

BLDG.	PROJECT NO.
3/32-1-07	11027
DATE	324
2011.08.21	

Schedule D - West (Phillip Street) Elevation



1 NORTH ELEVATION  
0 10 20 30  
GRAPHIC SCALE - FEET

**LEGEND:**

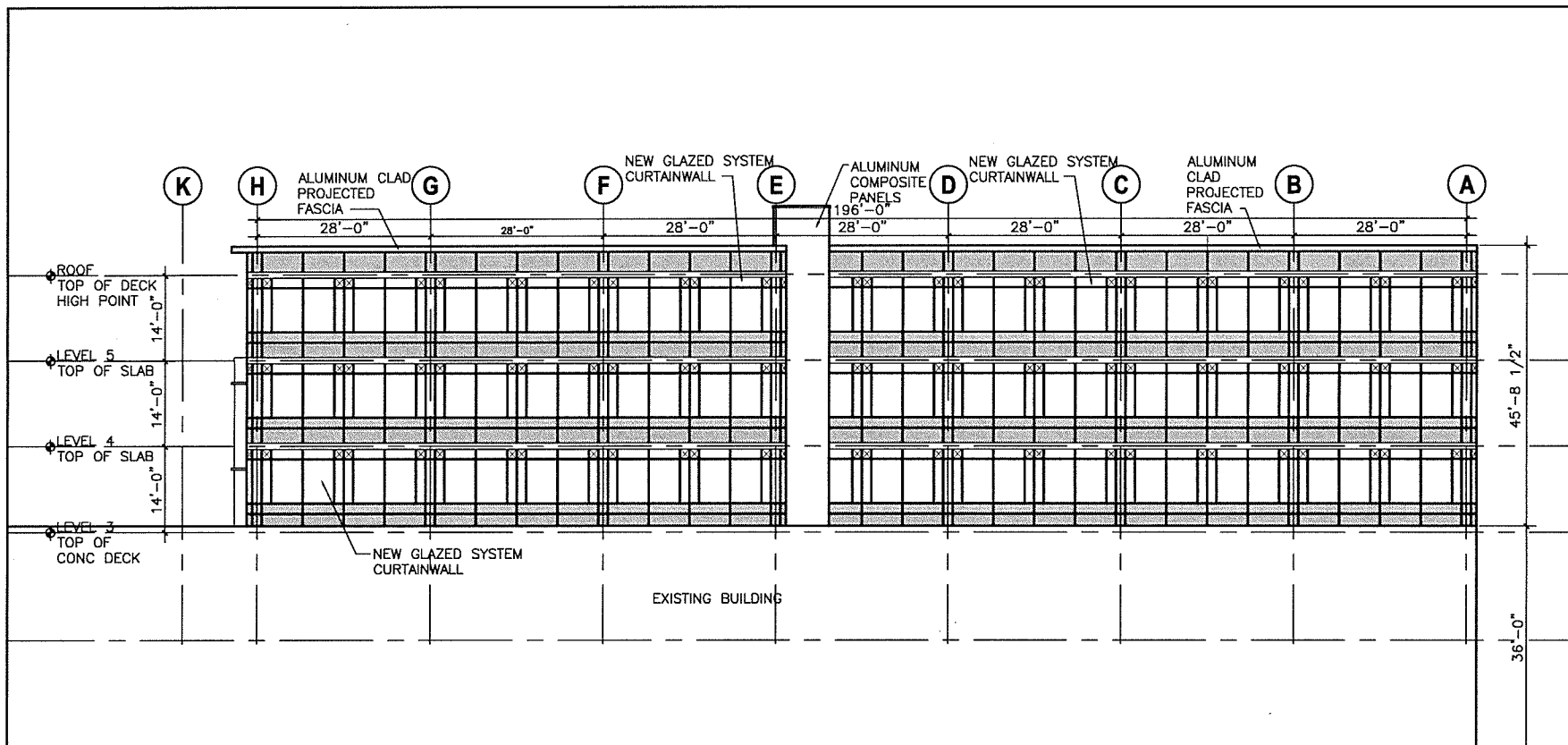
	GLASS
	SPANDREL PANEL
	BLUE PANEL (COMPOSITE ALUMINUM)
	ORANGE PANEL (COMPOSITE ALUMINUM)
	WHITE PANEL (COMPOSITE ALUMINUM)

REFER TO PERSPECTIVE RENDERINGS  
FOR MORE ACCURATE COLOUR  
REPRESENTATION

No.	ISSUE/REVISION	DATE
07	SCALE & LEGEND	2013.11.05
06	OVERALL HTS./LIGHTS	2013.10.21
05	REVISED	2013.08.12
04	MATERIALS DETAILS	2013.07.21
03	MATERIALS ADDED	2013.02.17
02	DEVELOPMENT PERMIT	2013.01.21
01	FOR REVIEW	2011.10.05

<p>Rank Incorporated</p>	
<p>The Bay Base Building Renovation 7067 Chebucto Road Halifax, Nova Scotia</p>	
<p>Renovated Elevations</p>	
<p>DATE: 11.05.13</p>	<p>PROJECT NO: 11027</p>
<p>SCALE: 1/16"=1'-0"</p>	<p>REVISION NO: 325</p>
<p>DATE: 2011.08.31</p>	

Schedule E - North Elevation



No.	ISSUE/REVISION	DATE
07	SCALE & LEGEND	2013.11.02
06	OVERALL HTS/LIGHTS	2013.10.21
05	REVISION	2013.08.12
04	MATERIALS DETAILS	2013.07.21
03	MATERIALS ADDED	2013.02.27
02	DEVELOPMENT PERMIT	2013.01.23
01	FOR REVIEW	2011.10.02

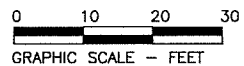
Rank Incorporated

**PROJECT**  
 The Bay Base  
 Building Renovation  
 7067 Chebucto Road  
 Halifax, Nova Scotia

**SUBJECT**  
 Renovated  
 Elevations

<b>DATE</b> 11/02/11	<b>PROJECT NO.</b> 11027
<b>SCALE</b> 3/32"=1'-0"	<b>FIGURE NO.</b> 326
<b>DATE</b> 2011.08.21	

**1 EAST ELEVATION**



**LEGEND:**

[White box]	GLASS
[Grey box]	SPANDREL PANEL
[Blue hatched box]	BLUE PANEL (COMPOSITE ALUMINUM)
[Orange hatched box]	ORANGE PANEL (COMPOSITE ALUMINUM)
[White hatched box]	WHITE PANEL (COMPOSITE ALUMINUM)

REFER TO PERSPECTIVE RENDERINGS FOR MORE ACCURATE COLOUR REPRESENTATION

Schedule F - East Elevation



**Attachment C**  
**Review of Relevant Policies from the Halifax Municipal Planning Strategy**  
**(including the proposed amendment)**

<b>Policy Criteria</b>	<b>Staff Comment</b>
<p>Implementation Policies  Zoning  3.2 For those areas identified in Section II, Policy 2.5.2 of this Plan, the City shall, pursuant to the authority of Section 33(2)(b) of the Planning Act, establish such development control regulations as are necessary to implement the policies of this Plan.</p>	<p>This area is one of the 11 areas identified in the MPS where detailed planning was to occur. This list formed the basis for secondary plans that were undertaken in the years to follow. Of the 11 areas identified this is the only area that has not been subject to detailed planning. As an interim measure Schedule C has been applied to the area as outlined in Policy 3.2.1 below.</p>
<p>3.2.1 Further to Policy 3.2 above, the areas identified in Section II, Policy 2.5.2 and numbered 4, and 9 shall be identified on the zoning map, and within such areas no development permit for multiple-unit residential development of over 50 feet in height or 25 units, or for a commercial or institutional development of over 35 feet in height or 5,000 square feet in floor area shall be issued, except under an agreement with Council pursuant to Section 34(1) of the Planning Act.</p>	<p>Schedule C, which limits development as described in this policy is currently applied the property.</p>
<p>3.2.1.1 Policy 3.2.1 above shall not apply to the area identified on Map 1 of Section XI.</p>	<p>Map 1 of Section XI identifies the lands in the Peninsula North Planning Area. The subject property is not located in the Peninsula North Planning Area.</p>
<p>3.2.4 In entering into agreements pursuant to Policies 3.2.1, and, above, Council shall be guided by the policies contained in Section II of this Plan, and shall not enter into agreements which are inconsistent with the policies of this Plan.</p>	<p>See policy review below.</p>
<p>3.2.5 Prior to entering into any agreements pursuant to Policies 3.2.1, and, Council shall advertise its intention to do so and shall hold a public hearing at which time any objections shall be heard.</p>	<p>A public hearing must be held by Council before they can consider approval of any amendments to the MPS and LUB or the approval of a development agreement. Should Council decide to proceed with a public</p>

	hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be advised of the public hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.
3.2.6 The City should amend this plan and accompanying zoning by-laws as appropriate upon the completion of detailed area plans through the provisions of the Planning Act	N/A
3.2.7 Notwithstanding Policy 3.1.4 of Section II of this Plan, Council may consider major office and hotel uses within shopping centres pursuant to Policies 3.2.1 to 3.2.6 of this section.”	See review of policy above.
<p><b>3. <u>COMMERCIAL FACILITIES</u></b></p> <p><b>Objective:</b> The provision of commercial facilities appropriately located in relation to the City, or to the region as a whole, and to communities and neighbourhoods within the City.</p>	
3.1 The City shall encourage a variety of commercial centres to serve the variety of community needs and shall seek to do so under Implementation Policy 3.7. Provision shall be made for neighbourhood shopping facilities, minor commercial centres, shopping centres and regional centres.	Provisions are included in the LUB to allow for a variety of types of commercial centres.
3.1.1 Neighbourhood shopping facilities in residential environments should service primarily local and walk-in trade, and should be primarily owner-occupied. They shall be required to locate at or adjacent to the intersections of local streets rather than in mid-block. Neighbourhood shopping facilities may include one business, for example a corner store or a cluster of businesses. This policy shall serve as a guideline for rezoning decisions in accordance with Implementation Policies 4.1 and 4.2 as appropriate.	<p>N/A</p> <p>The subject property is not within the Residential Environments Designation.</p>

<p>3.1.2 Minor commercial centres should service several neighbourhoods. They should locate along principal streets with adequate provision for pedestrian, transit, service and private automobile access. Parking provision should be allowed on surface lots servicing single businesses, as long as conditions preclude nuisance impact on adjacent residential areas. Access to any parking area from the principal street should be controlled. The City should define the geographic limits of minor commercial centres, and shall encourage contiguity of commercial or associated uses within those limits. Minor commercial centres should offer a wider range of services than neighbourhood shopping facilities including local office, restaurants, cinemas, health centres and multi-service centres. Notwithstanding any other policy in the Municipal Planning Strategy or Secondary Planning Strategies, billboards advertising off-site goods and services shall be prohibited in Minor Commercial areas. This policy shall serve as a guideline in rezoning decisions in accordance with Implementation Policies 3.1 and 3.2 as appropriate.</p>	<p>N/A</p>
<p>3.1.2.1 Pursuant to Policy 3.1.2, the land use by-law shall permit a limited range of motor vehicle repair facilities on sites formerly occupied by service stations in areas designated Minor Commercial on the Generalized Future Land Use map. The range of such uses shall be dependent upon their potential conflict with the surrounding commercial and residential uses in respect to intensity of use and visual, auditory or other off-site impacts that may be detrimental to surrounding areas.</p>	<p>N/A</p>
<p>3.1.2.2 Further to Policy 3.1.2.1 the land use by-law shall require that:</p> <p>a) the motor vehicle repair facility be visually screened by fences from abutting residential zones;</p>	<p>N/A</p>

<p>b) any lighting be directed away from abutting residential zones;</p> <p>c) all commercial refuse containers be screened from abutting residential zones and the street; and</p> <p>d) outdoor storage of inoperative motor vehicles, boxes, crates, or any other materials shall be prohibited;</p> <p>e) an area between the street line and the parking area along the part of the street line not required for the curb cut or pedestrian entrance shall be landscaped.</p>	
<p>3.1.3 Major commercial centres should service a market area comprising most or all of the City. These centres may include major offices and hotels, in addition to uses suggested for minor commercial centres. The City should encourage parking facilities in these centres to serve several businesses in order to limit nuisance impact. The City's policy for major commercial centres in all other respects should be identical to Policy 3.1.2.</p>	<p>The area is considered a major commercial center which corresponds with the C-2 Zone.</p> <p>The proposed development already includes a large parking facility to accommodate the existing and proposed businesses uses.</p>
<p>3.1.4 Shopping centres should service a major area of the City, and/or part of the region. They shall have direct controlled access to the principal street network and shall have adequate provision for pedestrian, transit, service, and private automobile access and egress. The dominant activity in shopping centres shall be retail activity. Major offices and hotels should be discouraged from locating in these centres.</p>	<p>See Implementation Policy 3.2.7 above</p>
<p>3.6 The City should adopt regulations to discourage the establishment of those commercial uses in commercial areas which contribute to the deterioration of commercial areas through decline in property values and disinvestment in the properties in these areas, and this shall be accomplished by Implementation Policies 4.7, 4.7.1 and 4.7.2.</p>	<p>Implementation policies 4.7, 4.7.1 and 4.7.2 discuss the locating of adult entertainment uses. As this application does not include such uses those policies do not apply.</p>

<p>3.9 For commercial areas the land use by-law may regulate the number, size, height, illumination and location of signs to ensure that development is in keeping with the character of the respective commercial areas.</p>	<p>The LUB includes provisions regarding signage for commercial uses. The proposed development agreement requires signage to conform to the requirements of the LUB with additional provisions to limit potential negative impacts to neighbouring properties.</p>
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**Attachment D**  
**Minutes from the Public Information Meeting (February 15, 2012)**

**HALIFAX REGIONAL MUNICIPALITY**  
**PUBLIC INFORMATION MEETING**  
**CASE # 17397**

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**7:00 p.m.**  
**Wednesday, February 15, 2012**  
**Halifax Forum (Maritime Hall), Halifax**

**IN ATTENDANCE:** Richard Harvey, Senior Planner, HRM Planning Services  
Hilary Campbell, Planning Technician, HRM Planning Services  
Sharlene Seaman, Planning Controller, HRM Planning Services  
Jillian MacLellan, Planner, HRM Planning Services  
Councillor Jerry Blumenthal  
Councillor Jennifer Watts

**ALSO IN ATTENDANCE** Dave Wallace, Trada Developments, Applicant  
Jonathan MacDonald, Consultant (Eurofax)  
Mike Connors, Consultant (Genivar)

**PUBLIC IN ATTENDANCE:** Approximately 29

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The meeting commenced at approximately 7:05 p.m.

**1. Opening remarks/Introductions/Purpose of meeting – Richard Harvey**

Richard Harvey opened the meeting by introducing himself as a planner for the Western Region with Halifax Regional Municipality (HRM). He introduced HRM staff and the Councillors present. He welcomed everyone and thanked them for coming.

He stated that the purpose of the meeting was to get feedback from the public concerning an application by Trada Developments, on behalf of Eurofax Properties Incorporated, to amend the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law to permit an additional three storeys of office space at the former Bay department store, 7067 Chebucto Road, Halifax.

He provided the agenda.

## **2. Overview of planning process – Richard Harvey**

Mr. Harvey showed the subject area, within a C-2 (General Business) zone. He noted that the area is within an R-1 (Single Family) zone. Further up towards Chebucto Road, there are R-2 zone properties. The C-2 zone includes the Bay site and the former West End Mall. Generally, the zone allows for a wide variety of commercial and residential uses. In terms of residential uses, it allows everything from houses to multi-unit dwellings. It also has requirements in terms of its built form and how large a building can be. When looking at commercial uses, the zone allows a building to occupy 100 percent of a lot. Buildings are permitted up to 80 feet in height before any stepbacks are required.

While the former Bay site is within the C-2 Zone, Mr. Harvey stated Schedule C applies to the site. It applies the former West End Mall and the Halifax Shopping Centre and was established in 1978 when the former City of Halifax adopted a Municipal Plan. At that time, the City applied Schedule C to areas like the West End Mall with idea of undertaking detailed plan in these areas. The Municipal Plan included a number of areas within Schedule C such as, the Peninsula, the South End, the North End and the Spryfield area. All of these areas were to be looked at on an individual basis for detailed planning. All of the Schedule C areas were shown on a slide.

Mr. Harvey noted that the Halifax Shopping Mall and the West End Mall areas were the only areas that were not the subject of detailed planning. The City eventually undertook detailed planning in the other areas. As a result, Schedule C continues to apply to the former Bay site. Because of this, the area does not get to follow the C-2 Zone rules. The full range of C-2 Zone uses are permitted, but any new building of greater than 5,000 square feet in floor area or 35 feet in height can only be permitted by development agreement. A development agreement is a contract between a municipality and the property owner. It details what development can occur. The Bay store, being built shortly after 1978, has a development agreement on it which allows for that particular building.

Mr. Harvey stated that when considering a Schedule C development agreement, the requirements of the C-2 Zone do not necessarily apply. Rather, the key considerations are the policies in the Halifax Municipal Planning Strategy. Particularly for Schedule C proposals the broad policies of the Municipal Planning Strategy are relevant, including factors such as land use compatibility and building size. Normally a development proposal in this area could be considered by development agreement. However, there is a policy in the Municipal Planning Strategy stemming from 1978, which encourages hotel and office buildings to be located right in the central business district. On this basis, in order to consider Eurofax's office proposal, amendments to the Municipal Planning Strategy are necessary, in essence, to rethink the idea of office uses in this area and to consider the three stories of additional office space on top of the building.

Mr. Harvey asked the public to consider the following questions in evaluating the proposal;

1. Should there be an allowance for office uses?
2. Should the proposed addition be allowed?
3. If so, are there details that need to be considered?

Mr. Harvey passed the floor over to Dave Wallace, Trada Developments, to present the proposal.

### **3. Presentation of Proposal – Dave Wallace**

Dave Wallace, Trada Developments, introduced himself and his colleagues. He welcomed the Councillors and the public to the meeting. He went over his agenda.

Mr. Wallace stated that the owner of the property is Eurofax Properties Incorporated. They are a sister company to Rank Inc. Rank is a stakeholder when it comes to real estate development in Halifax. He noted some of their recent developments, including the 5 story office tower at Bayer's Road Centre. Eurofax Properties Incorporated purchased the Bay structure in April of 2011. They hired Trada to help them through the municipal approval process. Trada is a company that offers services in planning and engineering design. They help real estate developers develop properties.

He stated that the parcel is located at the western edge of the Halifax Peninsula. It falls within the Halifax Peninsula Land Use By-law and under the Halifax Municipal Planning Strategy. The site is fronted on Chebucto Road, Phillip Street and Simpsons Lane. The lot area is 2.7 acres and the existing gross floor area is approximately 130,000 square feet. There are 720 parking stalls within the parking garage and 6 surface parking spaces out in the front of the building. It falls within the General Business (C-2) zone, subject to schedule C, which is limited to expansions and has height restrictions.

He advised that the structure used to be a Bay department store in the early 80's. He showed the entrances in and out of the parking garage. He showed the four storey parking structure. There are renovations being done to the existing building. One of the tenants is Eastern College, with 380 students and staff that will occupy approximately 20,000 square feet of the first floor. There will be two shifts of people, one in the morning and one in the afternoon. There is a metro transit hub close by and there is lots of parking available.

He feels that it is a wonderful location as it has all of the amenities nearby. The second story will be occupied by Admiral Group Insurance. They will be taking over approximately 64,000 square feet. They also have two shifts of workers and staff between 8:00 am and 7:30 pm.

He noted that various zones surrounding the site. The existing structure has approximately 130,000 square feet of General office space, as of right, within the C-2 zone. The proposal is to construct an additional three stories of general office space with each floor being about 32,000 square feet, totalling 96,000 square feet. They are retaining the existing parking garage, that has 720 stalls, and 6 surface parking spots.

He noted that the Halifax Regional Plan identifies the area as a growth area and states that it is an urban district zone where there should be a mix of high density residential, commercial, institutional and recreational uses. The community plan, from the 1970's states otherwise but it is a very old plan. He noted that the standard houses, at the cross section located at the right in and right out, looking down Chebucto Road, would be about 28 feet in height. He showed the existing structure, including four stories of parking. The two existing stories would be converted into office space. The add-on would be 44 feet.

He stated that the top portion would be stepped in 12 feet from the existing building. This would be a substantial step back. He showed the neighbourhood views and conceptual renderings of



what the building would look like.

He noted that traffic is a concern in the area but they did a traffic study through Genivar. He advised of the trips of traffic that would be made in the morning and out in the evening, at peak hours. He stated that the totals may seem low but there is a metro transit hub near the site and this is quite accessible for pedestrians. He gave scenarios for people that would not directly be leaving the site at peak times. He noted there would be a total of 662 people that may require parking. There are 720 spaces within the existing parking structure. All of the parking will be designated to the tenants.

He stated that the traffic study looked at eight different intersections throughout the community. He showed them on a chart. The total trips at the am peak hours are 277 trips, 242 entering the site and 35 exiting. The total trips at the pm peak hours are 255 trips, 39 entering and 216 exiting. The traffic operations at the area intersections are not expected to be impacted significantly. The parking garage is expected to accommodate the parking demand of the facility. He noted that the existing infrastructure will be utilized, which he feels is very important. The location encourages walking and public transit. There will be numerous jobs created during and after construction. He feels that this will, more than likely, increase the tax base.

Mr. Wallace feels that this project is very important because he has a background in planning and has worked with shopping centres all over Atlantic Canada. He feels that when an anchor store leaves a shopping centre, most of the time, the centre dies and small stores suffer. He indicated that community will be safer as there will be more eyes in the area. He feels that this project is good for the community and for HRM as a whole.

Mr. Harvey explained that the public information meeting was not the only opportunity to provide comments. He provided his contact information. He advised that upon a more detailed review, staff will put forth a staff report recommending or rejecting the project to the local community council. It will, after that, go to Regional Council to consider amendments to the planning policies. This is an introductory stage and there will other opportunities to give comment or feedback.

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

Mr. Harvey advised of the ground rules and opened the floor for questions and comments.

**Ken Dewar**, Halifax, expressed dismay with the initial idea of the massive structure, as it exists. He feels that it will be even more massive with the addition. He was not reassured by the presentation as the outlined benefits come from the renovation that is happening currently. He doesn't see any benefit from the addition of three stories. He does not feel that the neighbourhood is unsafe. This project will not add to the safety of the neighbourhood. He is surprised that this was looked at by HRM staff as a minor change. He feels that it is a major change. He did not realize that the area was a part of the central business district. He sees no benefit for the neighbourhood.

**Gillian Allen**, Halifax, stated that she was quite disappointed that a representative was not present from Eurofax. Having the consultants only does not reassure her. She quotes that staff views the additions favorably. She asks why she should have that view. There is no benefit to the

community. The information gathered by the neighborhood came from the media. They have not been approached by the developer at all in the past year. She notes that there has not been any graffiti removed from the wall and the area looks like a slum. She feels that the developer should be treating the neighbors with the respect they deserve, as neighbors.

She noted that she has not seen any information provided concerning the lack of sunlight after this 44 feet is added. She is quite concerned about this as her home will be affected. She has a garden that she is concerned about. She asked who's responsibility it was to provide that study.

She stated that she read the traffic report and the study did not touch on increase traffic on Chebucto. Many parents walk their children across Phillip Street to avoid the risk of them getting run over. The study did not talk about pedestrians. This needs to be addressed. There are already dangerous crosswalks in the area. There are access and exit issues that have not been looked at.

She asked if the parking lot will be a pay and park. If so, people will not park in the structure. It is more likely they will park on the street. This is very dangerous. She is also concerned about snow removal and plows as they sometimes cannot plow now with the on street parking.

She reiterated her disappointment concerning the developer not being present at the meeting.

Mr. Wallace advised that as for safety, he was simply addressing the parkade issue. There were people sleeping and hanging out within this area. He feels that with the renovations and lighting, the parkade will be safer. He noted that a quick shade slide had been devised. He noted the times and dates of the study. He stated that there is minimum impact. He noted that he can provide a better analysis to staff for future meetings. In terms of parking, he is not sure if the parkade will have paid parking. He will look into it. He apologized on behalf of the developer as they are away and not available to make the meeting.

**Monica Francis**, Halifax, feels that traffic will be impacted on her street as it is a disaster zone and very dangerous currently. She noted that Sir John A. Thompson Manner houses a lot of people who require wheelchairs. This wheelchair traffic comes down Leppert Street and makes many attempts to cross in the crosswalk. It is very dangerous and she feels concerned. There are many children that live in the area and need to access the schools in the area. Traffic is posing a danger for those students. She feels that it is a no brainer that traffic, of course, will be impacted due to the peak traffic totals provided by Mr. Wallace.

She noted that there is a daycare inside of West End Mall and they are outside in the morning, afternoon and after school. Safety is already an issue and will only get worse with increase traffic. She noted that the Bay was only busy when it was closing out. She is concerned about fire trucks and EHS getting, safely and timely, down Leppert Street as they have a hard time getting down there already.

**Shane Dalimont**, Halifax, advised that his comment would also be provided by email. He went looking for the Halifax Municipal Planning Strategy, as he required assistance with the wording of the staff report and was asked to pay 15.00 to purchase it. He asked if there was any view plane study completed on various views in the area. He reiterated that paid parking is not an option as people will park in front of his house. He asked if there was a landscaping plan to help with the additional noise from traffic. He asked if this was going to be a LEED certified project.

Mr. Wallace stated that he did not know.

Mr. Dalimont is concerned about the lighting issue. LEED certified projects require that a lighting study be done. He is concerned about light pollution, light reflection from the sun off the glass windows and the light standards as he feels they currently do not meet the standards. He noted that the yacht club may not need navigation, given the light that will be projected from the additional three stories being added. He asked if there was any consideration for people that live next to the site and those who live up the Arm. He is concerned about the three stories of office space looking down on the residents and asked that a study be done to show the impacts. He asked if there would be a mechanical penthouse located on the top of the addition.

Mr. Wallace stated that it would be located on the roof of the addition.

Mr. Dalimont stated that he is in favour of the Bay site being renovated but he is concerned about the light issues and the roof addition. He asked what the time lines would be concerning construction and advised he would formalize his questions and send it off to staff.

Mr. Harvey stated that he would like to gather questions and comments on the nature of the landscaping and other issues that Mr. Dalimont had brought up.

**Jonathan MacDonald**, consultant for Eurofax, advised that there is no notion of a large mechanical penthouse going on top of the addition. The air handling unit may be placed there but it is very small. It would be about two tables wide.

Mr. Wallace stated that in terms of the landscaping, he would bring it to the attention of the owner. A lighting study can be looked as well.

Mr. MacDonald advised that the proposed building is mostly reinforced concrete. The new structure will be made of steel with a curbed wall as that will be less dusty with regard to construction debris. Typically steel is cleaner than concrete. There will be a mixture of panel and glass. Construction can be done by crane as it will be done in the rear section of the property. They are looking at having one crane. They are not allowed to swing over roads or cars due to safety issues. They have a lot of rules and regulations.

**John Rideout**, Halifax, stated that if there is no requirement or opportunity set, for tenants of the structure, to use parking, the parking lot will continue to be vacant as it has been since it was constructed. It is a haven for people to hang out and spend the night in there. It is a magnet for graffiti. He feels that the parking garage was a mistake from the beginning. It needs a set back and maybe a neighbouring commercial building adjacent. There is no accountability for it. If there is no paid parking, tenants will park on the streets of the neighbourhood. He referred to the intolerable situation at St. Mary's and Dalhousie Universities, when it comes to parking.

He noted that traffic is already a concern on Leppert Street and Mumford Street. He cannot turn left off of his street and has not been able to do that for a long time as traffic has increased in the area over the past ten years. The retail outlets have been successful in the past few years. When Shopper's came there, the parking lot started to fill up and is full currently, with tenants. He feels that this will cause an issue. People park on that top level, not in the parkade. This problem should be dealt with first. He would like to see parking control for the corner of Leppert and

Mumford Streets. He referred to Bedford as they used a series of traffic lights to control traffic issues and it worked.

Mr. Rideout asked if there would be a change in zoning in the existing neighbourhood from R-1 to R-2 in the future. He asked if the college housed mature students as where there are students there will be a bar will follow close by. He feels that there are already too many bars in Halifax. He doesn't want the area to be a playground for drunken college students after dark. This project will pose a risk to the area.

Mr. Harvey stated that the R-1 zoning was established to encourage residential stability. There no rezoning process that is envisioned. He stated that when it comes to the students, this is not a typical Dalhousie/St. Mary's type of situation. This is more of private post-secondary education institution.

Mr. Wallace advised that he was notified that there would be no charge for parking in the parking garage. He believes that the students who attend the college are mature students.

**Mary Turner**, Halifax, feels that traffic is a concern and it has been since the city revamped the rotary. She also has 24 hour lighting due to the signs on Chebucto that direct the traffic. She currently has to wait, up to 15 minutes, to get out of her driveway. She detours to back in to her drive and feels that she takes her life in her hands each day. She does not feel that the project is a good addition to the community. She no longer uses her front entrance as it is directly in front of the bay windows. If they extend the windows up three more stories, she will no longer be able to use her backyard. She feels that she is housebound.

**Terry Forks**, Halifax, would like to see a lighting report prior to construction. The top three tiers of the building, from the provided rendering, have a perfect bird's eye view. At night, office lights will be on and she thinks it will be like living on the Vegas strip. The area will be completely lit up. She does not feel like she was considered prior to this project. The neighbourhood is a bit of an afterthought. The good reasons for this project have absolutely nothing to do with the community. The lighting is a big deal as it will have a substantial impact.

**Nick Zwaagstra**, Halifax, moved into the area knowing that the Bay structure was there. He is not convinced that the project will be a benefit to the neighbourhood. It is not just a traffic artery that people travel through. It is a neighbourhood. He is worried about the disregard for the appearance of the building. The building spans two blocks and isn't a small building. It is a lot like looking at a big wall. He appreciates the development so far. He would like to see the building spruced up a bit but does not want to see it being raised higher. He lighting is a huge issue and is very significant.

**Steve Lionais**, Halifax, looks out his kitchen window and sees the Bay currently. He is familiar with the building. He feels that it is a good thing to have the development as on Chebucto, you are close to all amenities. It is good to be able to walk to your job but there are not many job opportunities in the area. This will create more jobs. That is what makes the downtown a great place to live. He would like to see the whole C-2 area become a mixed use development that incorporates commercial, residential, office and retail spaces. Addressing the people's concerns is important but he is looking forward to the change. This could be beneficial. He asked what the plans are for the façade of the building.

Mr. MacDonald stated that it would be hard to change the existing building because of the way it was built. There are precast panels that are fixed to the structure and it would compromise the building to cut them. They looked at recladding options but you would have to take the whole building apart.

**Margaret Dewar**, Halifax, is concerned about the length of the building. In other shopping centres, the office space has been located in the centre or removed from the retail outlets. This way the building does not intrude. This building will intrude once it goes higher. She feels that the building will have an exaggerated impact on the neighbourhood because of its placement. She feels that the planning process moves quite quickly. She would like to see this project go slowly. She asked the time line for the process.

Mr. Harvey noted that there are a lot of concerns that have come from this meeting that need to be addressed and considered. He could not give a definitive time line but he assured her that it won't happen just in a few weeks.

**David Crawley**, Halifax, affirmed the concerns of his neighbours. He feels that the look at the building intrudes on the neighbourhood. The streets will be compromised as traffic will increase. There are kids that play sports on the street but that will be dangerous with this project. He grew up in the neighbourhood and wishes that the developer would have consulted the community because it will change. As a good neighbour, they should have at least cleaned up the property. Graffiti and garbage are quite noticeable. It is a disgrace to visitors. He also notes that the height of the building will ruin the look of the neighbourhood and his street will be lost, as he knows it.

**Dewi Jones**, Halifax, feels that access will be a challenge on the short narrow roads in the area. Left hand turns will cause issues. He asked if there is any comparable project within HRM that could provide some context to the project, especially concerning traffic flow, additional people in the neighbourhood, etc.

Mr. Harvey noted that Bayer's Road might be an example but nothing specific to land use or the number of tenants.

**Mike Connors**, Genivar, advised that he site is well served by Metro Transit. This helps deal with access traffic generated.

Mr. Harvey stated that from a planning perspective, there were good comments received at the meeting. He stated that this meeting is not the only opportunity to provide comment or ask questions. Additional information will need to be gathered, prior to writing a staff report. He noted that the staff report will go forth to Peninsula Community Council and then to Regional Council. Any potential amendments in support of the application will need to be the subject of a Public Hearing.

## **5. Closing comments**

Mr. Harvey gave more detailed time limes for the process and asked for any other questions. He gave his contact information and thanked everyone for attending the meeting.

6. **Adjournment**

The meeting adjourned at approximately 9:00 p.m.

**Attachment E**  
**Minutes from the Public Information Meeting (May 15, 2013)**

**HALIFAX REGIONAL MUNICIPALITY**  
**Public Information Meeting**  
**Case No. 18462**

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**Wednesday, May 15, 2013**  
**7:10 p.m.**  
**Bayers Road Office – 2<sup>nd</sup> Floor**

**STAFF IN**

**ATTENDANCE:** Jillian MacLellan, Planner, HRM Planning Applications  
Holly Kent, Planning Technician, HRM Planning Applications  
Nancy Bellefontaine, Planning Controller, HRM Planning Applications  
Kurt Pyle, Supervisor, HRM Planning Applications

**ALSO IN**

**ATTENDANCE:** Cesar Saleh, W.M. Fares Group, Applicant  
Councillor Mosher,  
Councillor Walker  
Councillor Watts

**PUBLIC IN**

**ATTENDANCE:** Approximately 28

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**1. Call to order, purpose of meeting – Jillian MacLellan**

The purpose of tonight's public information meeting (PIM) is to identify that HRM has received a planning application to permit a 3 storey office addition to the former Bay Store, 767 Chebucto Road and to identify the scope of the application and to receive feedback from the public for the proposed development. No decisions will be made tonight.

**Ms. MacLellan** introduced herself as the Planner facilitating the application through the planning process; Cesar Saleh, applicant; Nancy Bellefontaine and Holly Kent, HRM Planning Applications, and Councillor Mosher, Councillor Walker, & Councillor Watts.

**2. Presentation of Proposal – Jillian MacLellan**

Ms. MacLellan started with her presentation reviewing that the application was originated by Council in 2012.

An aerial view of the area and building was shown and described the current use of the building.

Ms. MacLellan advised the property falls under the Halifax Plan area and under the Halifax Peninsula LUB. The permitted uses of the C-2 Zone, and the Municipal Planning Strategy (MPS) of the property were reviewed

Ms. MacLellan reviewed the policy this falls under (which is Policy 3.1.4) and described what this means.

Ms. MacLellan reviewed what the applicant is looking for and displayed some proposed renderings of what the new development will look like and how it will fit into the existing streetscape.

### **3. Overview of planning process – Jillian MacLellan**

Ms. MacLellan reviewed the planning process as follows: (see her presentation)

1. Receive application
2. Application was initiated by Council – Jan 10, 2012
3. Initial Public Information Meeting (PIM) – Feb 15/12
4. Application re-submitted
5. Tonight's PIM
6. HRM staff review
7. Staff report – include proposed MPS amendments & Development Agreement (DA)
8. Joint Public Hearing (PH)
9. Regional Council (RC) – MPS amendment
10. If approved by RC - sent for ministerial approval
11. Community Council – DA
12. 2 week appeal period

### **4. Presentation by Applicant**

Cesar Saleh introduced himself and acknowledged the Councillor's in attendance, along with the building owners and thanked everyone for coming.

Mr. Saleh reviewed the outline of his presentation as listed below:

#### **1.0 INTRO & BACKGROUND**

Mr. Saleh displayed other buildings developed by the same owners of the proposed building. The buildings shown were as follows:

- 7051, 7067 & 7071 Bayers Road
- 1546 Barrington Gate
- Convention Centre – Downtown Halifax

Mr. Saleh showed a map of the proposed site and surrounding area and listed the following site data:

- The owner is Eurofax Properties
- The subject property was purchased in 2012
- The lot Area is 2.7 acres
- The lot is zoned C-2 Commercial
- 720 parking spots within a parkade
- Existing use is commercial office space
- Current tenants: Eastern College & Admiral Insurance; anticipated CBC
- 

Mr. Saleh also showed a rendering of the original proposal from 2012.

#### **2.0 PROPOSAL**

Mr. Saleh displayed a site illustrative plan and advised that they are going to clean up some of the damaged vegetation as shown on the slide. He showed a profile shot of the proposal along



with the proposed vegetation.

- A Chebucto Road elevation slide showed visual screens over the parkade stairways which will have greenery on it to blend in with the landscaping.
- A Simpsons Lane view showed the proposed elevation from that side of the proposed addition.
- An outbound view was also shown displaying the proposed elevation from that side.
- An inbound rendering was shown describing how the building will be made of mostly glass and brown colors to blend in with the landscaping and therefore a more appealing building.
- Aerial view - Another shot of inbound rendering.

### **3.0 FEBRUARY 2012 PIM**

Mr. Saleh wanted to address some of the concerns from the previous PIM as follows:

#### **3.1 TRAFFIC**

Mr. Saleh advised that a traffic study has been completed by an expert Traffic Engineer and expressed how they were not surprised by the report. It concluded that the existing road network can accommodate the proposed addition.

Mr. Saleh displayed a study area (figure 2) and showed that there are 8 access points in and out of the proposed site, and where lights and crosswalks are located.

#### **3.2 SHADOW**

Mr. Saleh advised a shadow study has been performed and reported to HRM and shows very minimal impact as a result of the proposed addition. He advised the addition is set back 12' from street wall so they were not surprised of the results of the shadow study. He showed a shadow assessment identifying the existing shadow and what will increase because of the proposed addition.

In the Summer there is 2 hours of additional shade (5:30 am – 6:30 am, & 8:00 pm – 9 pm); Winter assessment only shows 1 hour of additional shade (3:30 pm – 4:30 pm); and Spring/Fall – no real change in shadow shown.

#### **3.3 PARKING & SNOW REMOVAL**

Mr. Saleh advised that there are currently 720 parking spots and that the provided parking exceeds the LUB requirements for existing and proposed addition. He also advised that the parking will be non-paid and that there were no snow removal issues to report.

#### **3.4 MASS AND SCALE**

Mr. Saleh expressed that the way they've dealt with this concern is the increased building articulation and recesses in the building facade. Also by significant investment in the streetscape through parkade screening and comprehensive landscaping.

#### **3.5 PRIVACY & LIGHT**

Mr. Saleh advised that these concerns have been dealt with by the following:

- visual screening of parking levels
- comprehensive landscaping at streetscape
- setting the addition back 12' feet from street wall
- parabolic type lighting at perimeter
- non-reflective tinted glass with aluminum panels

#### **4.0 WHY IS THIS A GOOD PLAN?**

Mr. Saleh listed the following points as to why he and his clients believe this is a good plan:

1. Investment in existing building.
2. Investment in the streetscape.
3. Investment in Community – client will have spent approx. \$40M on this site. They have an exceptional reputation in this type of work. Good businesses in and around this office building.
4. Compatible commercial use – Mr. Saleh listed example sites of other 8–10 storey buildings within residential areas – such as on Dutch Village Rd.
5. Security and maintenance – Class ‘A’ building on the site which will result in Class ‘A’ tenants with 24 hour security and maintenance ongoing.
6. Brings predictability.
7. No earthworks.
8. Easy, quick and relatively clean construction.
9. Controlled development – what you see is what you get.
10. Experienced and highly credible developer.

#### **5. Questions and Comments**

##### **CAROL NAP – JOSEPH ST.**

I learned tonight that there’s not supposed to be a mix of office and retail. I am retired now but worked many years for federal government in Halifax Shopping Centre and there’s lots of office and retail mix there. In my way of thinking, office and retail would be a good mix to have.

##### **MONICA FRANCES – LEPPERT ST.**

Thanks Councillor Mosher Councillor Walker and Councillor Watts for coming. The building is beautiful. On 3.1 the traffic study - 720 parking spots and Leppert St. with the Eastern College and Capital District Health, the street is very busy. There’s no representation tonight from the Manor on Leppert St. and many of those residents walk and it’s dangerous at the best of times to walk to the mall and I am thinking that there’s no impact in traffic flow but this doesn’t make sense to me. Logically 720 cars going in in the AM and then coming out will be 1500 cars and it’ll be a thoroughfare – what about speed bumps? I think the walkers and the school (Westmount & St. Agnes School) should be considered and that speed is a factor now on Leppert St. We are all here for progress but I am not really supportive of a 3 storey commercial addition because Leppert St. will certainly have a great impact regarding traffic. Something good for the neighborhood is a park. I don’t agree with more commercial space. It’s the future I am concerned with as well. And my major concern is the traffic and to say the traffic flow won’t be affected, logically it will impact the people of Leppert St. and the majority of the pedestrians of the Manor.

**Mr. Cesar Saleh** - Mr. Saleh said he will take Ms. Frances’ comments to their consultant about her concerns on Leppert Street. They look at all the streets to see what the impact will be. Mr. Saleh said the good thing about this site is that it has 8 access points and there are 2 other access points to the parkade (in and out). The traffic flow when it comes from an office use is different than when there’s a commercial use (ie: the Bay), the office nature is different and the traffic generation is different when it comes to commercial vs. office uses.

**Monica Frances** - With Halifax Shopping Centre you don’t access a residential street from that parking lot like you do from Leppert St. I do hope there is some consideration for the people.

**Ms. MacLellan** - Ms. MacLellan advised that our traffic engineers will also be following up with the Traffic Impact Study in this matter.

### **DOROTHY HAWN – JOSEPH ST.**

My concern is the shadow affect. In response to Monica Frances' comments, the foot of Leppert St. has to be the worst intersection in HRM. It freezes bad in the winter and it's poorly serviced already so maybe some changes can be made there. Has there been any consideration to property values and what will happen with them? Parking will have no cost – is there any kind of guarantee that it'll stay that way for any length of time?

**Ms. MacLellan** - Ms. MacLellan advised that an assessment value is not something that is really looked at. We have to look at what the surrounding uses are so we can't answer that question.

**Mr. Cesar Saleh** - Mr. Saleh advised that with parking you're looking for some type of guarantee and we'll have to check with his client to see what their projection is. One advantage of having these types of offices is the parking. Mr. Saleh highly doubts there will ever be paid parking because it's people going to their work, etc. They already have a 10 year lease with current tenants and that is no-pay parking.

### **MIKE HARVEY – ARCHITECT – QUINPOOL RD**

Leppert St. Intersection – we know that intersection is bad and during the existing renovations we are working with the city and current landlord, and we know we have to improve it and we have identified it to be dealt with.

### **JILLIAN ISLAND – JOSEPH ST.**

Parking – I appreciate there are long term agreements with tenants for 10 years. Can it be written into the DA so that structure will never be a pay-for parking. With the college there, they have such high education debt loads, that they could never afford to pay for parking and if they do, and then they'll be parking on our street.

Development – green walls? Is it a pigmented concrete or is it an actually living wall with vines

**Mr. Cesar Saleh** – yes living walls with vines.

Island – notice during the various elevation slides and that you're working with a firm of landscape architects, they seemed to have included some landscaping on some HRM land. That depends on the HRM land. Is it possible to have some renderings done to show only the landscaping that will be done by the proposal and so we can see what it will look like if the HRM does not go forward with what they're proposing.

**Mr. Cesar Saleh** – we are going to propose to HRM for some trees across the street and proposing at our cost to put those limited number of trees paid by the client for HRM if they approve it.

**Ms. MacLellan** – it's a requirement in the process for the schedule to show landscaping only on your property and they will have to show and provide one that anyway.

### **STEWART FRANCES – LEPPERT ST.**

I live not too far from the entrance. It's a beautiful building. The shadow affect they say is minimal, but regardless there is an impact in the backyards and the dwellings. The traffic analysis says we can accommodate it but there will be a traffic impact. What else will be impacted will be the house prices. Based on all the factors and weighing them I still say this development is not a good idea.

### **KEVIN NUTTLE – JOSEPH ST.**

I am not in favor in this development. I think it's too much mass and scale for our neighborhood. I don't know how you control what the tenants' lights are. I sit on my back deck at night and look at the T-bar ceiling in the tenants' areas and the light pollution in our neighborhood will be crazy. The traffic will be crazy and I am concerned for children. Adding 3 more storeys will make it just that much worse. The light pollution is a major concern.

**ERIC LUNN – JOSEPH ST.**

No setback of 12' on the Simpsons Lane side – it's only on the Chebucto Road side – why is that as it may affect the shadow plane? Not only shadows just the view plain of the neighborhood and above the existing building you use blue sky. After this I won't see much blue sky. I'd like to see a view that would show me this view.

**Mr. Cesar Saleh** – we can work on a streetscape in relation to the addition in that manner. The setback is on both streets and if we could have done more we would have done that. The existing structure is supporting the new structure. Adjacent commercial use on Simpsons Lane played a factor as well.

**AMIR NEVO – SHERWOOD ST.**

I am in favour – awesome project. The City is nothing like it was in 1978 and this is 2013 and we need commercial development to keep work in our area and promote business on the peninsula. I respect the fact that people have issues with traffic, shadows and I think our taxes will go up. We are a City, not a county, and it looks like a ghetto right now and we need to do something with it. If they want to invest millions of dollars in our City let them do it and it'll increase jobs in our City. People are leaving we need them to come back. My only concern is that there's going to be missed opportunity if it's only a 3 storey bldg. – it should be 15. We are a City.

**JOHN RIDEOUT – LEPPERT ST.**

I think it's not a bad project. My main apprehension is the parking/traffic thing. It's bad on both sides of Leppert St. and the crosswalk by the old MVI office. About 10 years ago there was an article in the Herald of the 10 worst intersections and Leppert Street made that list. You made an indication that there would be no-pay parking and that you'd work it into the agreement and if that isn't done then it'll case doubt on the whole presentation. If we are going to be a City we have to have high density residential and a mix of credible commercial. Is CBC going into the addition?

**Mr. Cesar Saleh** – there are no designated tenants yet for the addition until it's wrapped up. CBC is going on the first floor of the existing building.

**John Rideout** - I would contest what you say about the 8 access points because Leppert St. is going to be the thorough thru. If I understand correctly there are 4 different owners and the parking has been intense over the past couple of years. I think people are parking there to take the bus. It's only a matter of time before people start closing off their lots. If we do have a spillover from the 720 spaces in the parkade from your project it's going to cause a reaction that is becoming overwhelmed now. Already BMO is getting squeezed, and McDonald's and some of the other stores are going to feel the same way. When Winners went in there was a noticeable increase in parking.

**Mr. Cesar Saleh** - The amount of parking for office use is regulated by the Land Use By-law (LUB) and for what we are proposing is for a specific area and we exceed that for the proposal as it's based on a certain number of cars per square foot off office/commercial space. There are currently 3 access points to the parkade (Simpsons Lane, Chebucto Road, Philip Street). If you are coming out of that parking lot and going up Chebucto Road why would you turn around and access Leppert St. I just wanted to point out that not all the cars from the parkade are going to go to that one access point.

**Ms. MacLellan** - HRM will review the number of parking spaces that will satisfy what the LUB requires for square footage.

**THERESE HARVEY – QUINPOOL RD.**

Possible solution for Leppert St. and Philip St. Areas where I've lived before people would park on our street and then walk downtown. On those streets make it permit parking only and that incumbent fixing that problem corner would keep the traffic flow better. It's really a bad

intersection and I am happy that you're going to be working to fix it.

**Ms. MacLellan** – The permit parking option we can discuss with our traffic staff.

### **MONICA FRANCES – LEPPERT ST.**

Parking permits for Leppert St., I don't know if that would work because with the Manor people have families come to visit.

**Ms. MacLellan** – I will bring that up when discussing with our traffic staff.

### **CHRISTINE GYARD - JOSEPH ST**

I do like the building. I am not against progress. I guess I'm for progress just not in my area. I like my area just as it is right now. As I'm driving towards Chebucto Road and it's an ugly site right now – the building. I would like to see some improvements but all I can see is this big concrete wall and on a visual perspective I don't think I'm going to like that. One of the entrances/exits to the parkade is right at the end of Joseph St. and I think that's going to increase traffic. What happens 10 years down the road when you want to increase it another 3 floors? Is that a given that could happen?

**Ms. MacLellan** - As it stands right now. If they are making changes they would have to apply for an amendment to that DA. Further public consultation would have to happen to go any further.

### **Ms. GYARD**

The greenery you're proposing for Chebucto Rd. When turning out onto Chebucto Road there's already a large hedge and tree and I find it hard enough to see traffic coming that I don't think any more greenery would help that. Trees on the left and right it's going to make it even harder to see what's coming.

**Mr. Cesar Saleh** - We will have to ensure that our traffic study ensures that whatever is proposed doesn't cause a safe stop-site issue and it may have to be scaled back.

### **JOHN RIDOUT -**

Building now is going to support 3 storeys – does that max it out or can it take more?

**Mr. Cesar Saleh** - it maxes it out so there's no more increases to talk about.

## **6. Closing Comments**

Ms. MacLellan thanked everyone for coming and reminded them again to sign the sign-up sheet before leaving to ensure they receive further notification(s) about any upcoming meetings. She also advised if anyone has any further questions/comments to please contact her.

## **7. Adjournment**

The meeting adjourned at approximately 8:30 pm.