



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

10.2.3

Halifax Regional Council
April 22, 2003

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

FROM: 
Councillor Dawn Sloane, Acting Chair
Peninsula Community Council

DATE: April 16, 2003

SUBJECT: **Case # 00461: Amendments to the Halifax Municipal Planning
Strategy and Land Use Bylaw - 1270 Oxford Street, Halifax**

ORIGIN

Peninsula Community Council April 14, 2003

RECOMMENDATION

That Peninsula Community Council:

1. Recommend that Regional Council give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use Bylaw, presented as Attachment IV of the March 25, 2003 staff report and schedule a public hearing for May 27, 2003.
2. Recommend that Halifax Regional Council adopt the amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use Bylaw, presented in Attachment IV of the report.

PLEASE RETAIN FOR PUBLIC HEARING

BACKGROUND

This matter was before Peninsula Community Council as the result of an application by W.M. Fares and Associates to amend the Halifax Municipal Planning Strategy and Land Use Bylaw to permit a multi-unit residential building at 1270 Oxford Street, Halifax.

DISCUSSION

Peninsula Community Council gave First Reading to consider approval of the proposed development agreement, presented as Attachment V of the March 25, 2003 staff report, and schedule a joint public hearing with Regional Council.

BUDGET IMPLICATIONS

N/A

FINANCIAL MANAGEMENT/BUSINESS PLAN

N/A

ALTERNATIVES

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

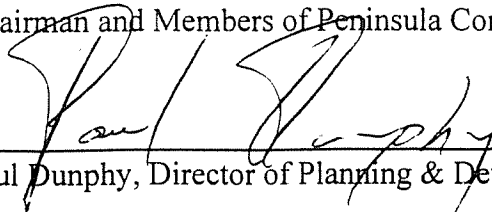
ATTACHMENTS

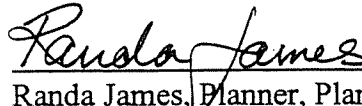
1. April 2, 2003 staff report re Case 00540: MPS and LUB Amendment- Corner of Chester Avenue and Connolly Street

Additional copies of this report and information on its status can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208. Report prepared by: Sherryll Murphy, Legislative Assistant 490-6517.

Peninsula Community Council
April 14, 2003

To: Chairman and Members of Peninsula Community Council

Submitted by: 
Paul Dunphy, Director of Planning & Development Services


Randa James, Planner, Planning Services

Date: March 25, 2003

Subject: Case 00461: Amendments to the Halifax Municipal Planning Strategy and Land Use Bylaw for 1270 Oxford Street, Halifax.

ORIGIN:

Application by W.M. Fares and Associates to amend the Halifax Municipal Planning Strategy and Land Use Bylaw to permit a multi-unit residential building at 1270 Oxford Street, Halifax.

RECOMMENDATION:

It is recommended that Peninsula Community Council:

1. Recommend that Regional Council give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use Bylaw, presented as Attachment IV to this report, and schedule a public hearing;
2. Give Notice of Motion to consider approval of the proposed development agreement, presented as Attachment V, and schedule a joint public hearing with Regional Council;
3. Recommend that Regional Council adopt the amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use Bylaw, presented in Attachment IV ;
4. Contingent upon the attached amendments being approved by Regional Council and becoming effective pursuant to the requirements of the Municipal Government Act:
 - (a) approve the proposed development agreement; and
 - (b) require that the development agreement be signed within 120 days, or any extension thereof granted by Community Council on request of the applicant, from the date of final approval by Community Council or any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

PLEASE RETAIN REPORT FOR PUBLIC HEARING

BACKGROUND:

A request has been received from W.M. Fares, to develop a 22 unit apartment building at 1270 Oxford Street between Coburg Road and South Street. The subject property was once owned by Dalhousie University. It falls under the Halifax Municipal Planning Strategy, Peninsula Centre Area, is designated Institutional and zoned R-2 (General Residential) Zone (see Attachments I & II). A Height Precinct restriction of 35 feet and a Special Building Line requirement of 25 feet for the front yard setback apply to this area.

The property has a lot area of 16,765 square feet and frontage on Oxford Street of 100 feet. Land uses in the immediate area are mainly large-scale institutional/university-related and multi-unit residential. Immediately to the north is the First Baptist Church and rectory. Further north is a private school and an apartment building. Situated opposite is a Dalhousie University student residence, Shirreff Hall, which is a high density large scale building. At the rear is the railway cut and beyond is Blenheim Terrace, which is predominantly single unit dwellings. There is an apartment building on the corner of Oxford Street and South Street.

Proposal

The Developers propose to demolish the existing single family residential building and construct a 22 unit rental apartment building. The new building is to be five storeys in height including a penthouse and an underground parking structure. All of the new units are intended to be designed for family occupancy. The owners, or a representative, will reside at the property in order to address any on-site maintenance or tenant concerns.

Process

A staff report dated January 8, 2003, was forwarded to Halifax Regional Council who, at its January 14, 2003, meeting, adopted a resolution to proceed with the MPS amendment process.

Staff held a public information meeting to discuss the proposed amendments on February 17, 2003. Minutes of that meeting are included as Attachment VI.

Amendments to the Municipal Planning Strategy and Bylaw are under the authority of Regional Council, while approval of development agreements rests with Community Council. Both processes require a public hearing which can be held jointly. Regional Council may then approve the proposed amendments to the MPS and LUB. The decision on the development agreement can only be made by Peninsula Community Council subsequent to Regional Council's approval of the MPS and LUB amendments and after such amendments take effect.

Municipal Planning Strategy Designation and Zoning

An MPS amendment is required because sites designated Institutional and zoned R-2, are only permitted buildings containing four apartments or fewer. Although the Institutional designation was intended to accommodate low-density university expansion, as provided in Policy 3.3 (Attachment VIII), the fact that Dalhousie has sold this and other properties in the area suggests that the university does not contemplate future expansion on this side of Oxford Street.

The Peninsula Centre Residential Environments Policies (Attachment VIII) encourage redevelopment, particularly infill family-type housing projects which are compatible with the existing development of the neighbourhood. This proposal generally meets the test for compatibility as identified in the policies.

As-of-Right Zoning vs. Development Agreement

In order to enable this redevelopment proposal, one possibility would be to rezone the property to R-3 (Multiple Dwelling Zone) as this zone permits multiple unit dwellings. This would enable the redevelopment but would not provide the level of control needed to ensure compatibility and integration with neighbouring land uses. With a development agreement, site specific criteria can be established in the MPS by which a development application can be evaluated. Staff have therefore drafted MPS policy to support consideration of a development agreement for this proposal.

DISCUSSION:

This application represents an opportunity to develop new, family-oriented housing at a central location in peninsula Halifax. Given that the property was recently sold by the university, thereby supporting its conversion from the Institutional designation, and given that the Residential Environments Policies encourage infill redevelopment of family-type housing, then this proposal appears reasonable for this location.

The surrounding context of this site is a mix of institutional buildings, predominantly large scale, and multi-unit apartment buildings in a range of size from low rise to high rise. Although the existing Policies promote retention of character through preservation of existing housing given the existing context, a family-type multiple residential building of similar scale would be compatible.

The subject property has a number of attributes which make it appropriate for the proposed development, including:

- proximity to transit service and major streets on the peninsula;
- the availability of existing centralized and other municipal services;
- proximity to uses such as apartment buildings, churches, schools, and universities; and
- connection to major employment/educational areas and to neighbourhood amenities.

A multi-unit building that takes into consideration the features of the site, building scale and similarity of materials, while at the same time making efficient use of the site, has the potential to integrate well with the existing neighbourhood and be an improvement to the existing condition. Based on the public consultation, there is a level of acceptance within the community for a landlord managed apartment building on this site.

Attachment IV sets out the proposed Municipal Planning Strategy amendments and land use by-law amendments to implement the MPS amendments.

Comparison to As of Right

To determine the appropriateness of the proposed building for this site, it is compared to the requirements that would apply if the site were zoned R-3 and it was to be constructed "as of right."

Analysis of this proposal for compliance with the R-3 provisions is included as Attachment VII. While this is a development agreement and strict adherence to the provisions of the land use bylaw is not necessary, the analysis provides a basis to evaluate the appropriateness of a development proposal. In general the proposal:

- Exceeds considerably the minimum lot area and frontage requirements;
- Exceeds slightly the allowable density of 125 persons per acre by 3%, which is negligible;
- Exceeds requirements for both open space and landscape amenities;
- Exceeds by-law requirements respecting on-site tenant and visitor parking;
- Meets applicable building set-backs except for the special building line requirement of 25 feet (the proposed agreement would vary the front yard setback to 22 feet with entry foyer set back of 15 feet);
- Exceeds slightly the allowable building height of 35 feet (the proposed agreement would vary the building height to accommodate the top of the penthouse roof at 45 feet and the top of the elevator shaft at 50 feet);
- Complies with angle controls which regulate the height of the building based on the setbacks from property and street lines.

Municipal Planning Strategy Policy

Following is an analysis of the proposed development based on the draft MPS (Attachment IV):

- Existing services are adequate to service the proposed development.
- The building facade includes stone elements and a stone wall along the street frontage to complement the adjacent buildings and materials;
- The proposed building provides a transition in scale between adjacent larger scale institutional uses and two adjacent residential buildings;
- Existing mature trees on the property would be retained to the greatest extent possible;
- Landscaping is to be provided to supplement existing trees and improve aesthetics;
- Underground parking will replace surface parking, allowing for tree preservation and additional landscaping around the building;
- Vehicular access will be confined to a single access point which has been designed in accordance with by-law S-300.
- Pedestrian access will be controlled by a gated entry and a stone wall, along the frontage.
- A fenced children's play area with safe play facilities is proposed.
- All of the proposed units are designed for family occupancy.

Development Agreement

In addition to policy considerations, the draft development agreement provides that:

- A full time landlord representative reside on the premises;

- At least one-third of the front building facade be constructed of stone;
- No exposed wolmanized lumber be used;
- Balcony and podium fencing be of steel or aluminum construction;
- Exposed parking garage faces be finished;
- Designated space be provided for three-stream source separation waste/resources;
- Additional detail related to the landscape requirements for planting, fencing, walkways, tree preservation and the children's play area be provided at the development permit stage.

SUMMARY AND CONCLUSION:

Municipal Planning Strategy amendments are usually considered only where circumstances have changed significantly. In this case, the present zoning of the subject property does not reflect current realities, in that the expansion of university uses to this side of Oxford Street has not occurred as once anticipated. There is merit in developing a new apartment building at this location and there appears to be support within the community for a building which is compatible with its surroundings and provides for family occupancies. The draft MPS policies (Attachment IV) are intended to ensure a compatible development and additional controls are provided in the development agreement.

In staff's view, 1270 Oxford is a suitable site for an apartment building. The building proposed by the applicant is a reasonable development for this site.

ALTERNATIVES:

1. Halifax Regional Council can refuse the requested amendments to the Municipal Planning Strategy and Land Use By-law. 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 alternative is not recommended, as staff feels that an apartment building development is the preferred use of this site. Reasons must be provided for a refusal.
2. Peninsula Community Council can refer the case back to staff with specific changes to modify the development agreement to permit an apartment building with different standards to address concerns.
3. Peninsula Community Council can approve the development agreement appended as Attachment V to permit the 22 unit, five storey apartment building with an underground parking garage as proposed by the applicant. This is the recommended course of action.

BUDGET IMPLICATIONS:

None

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

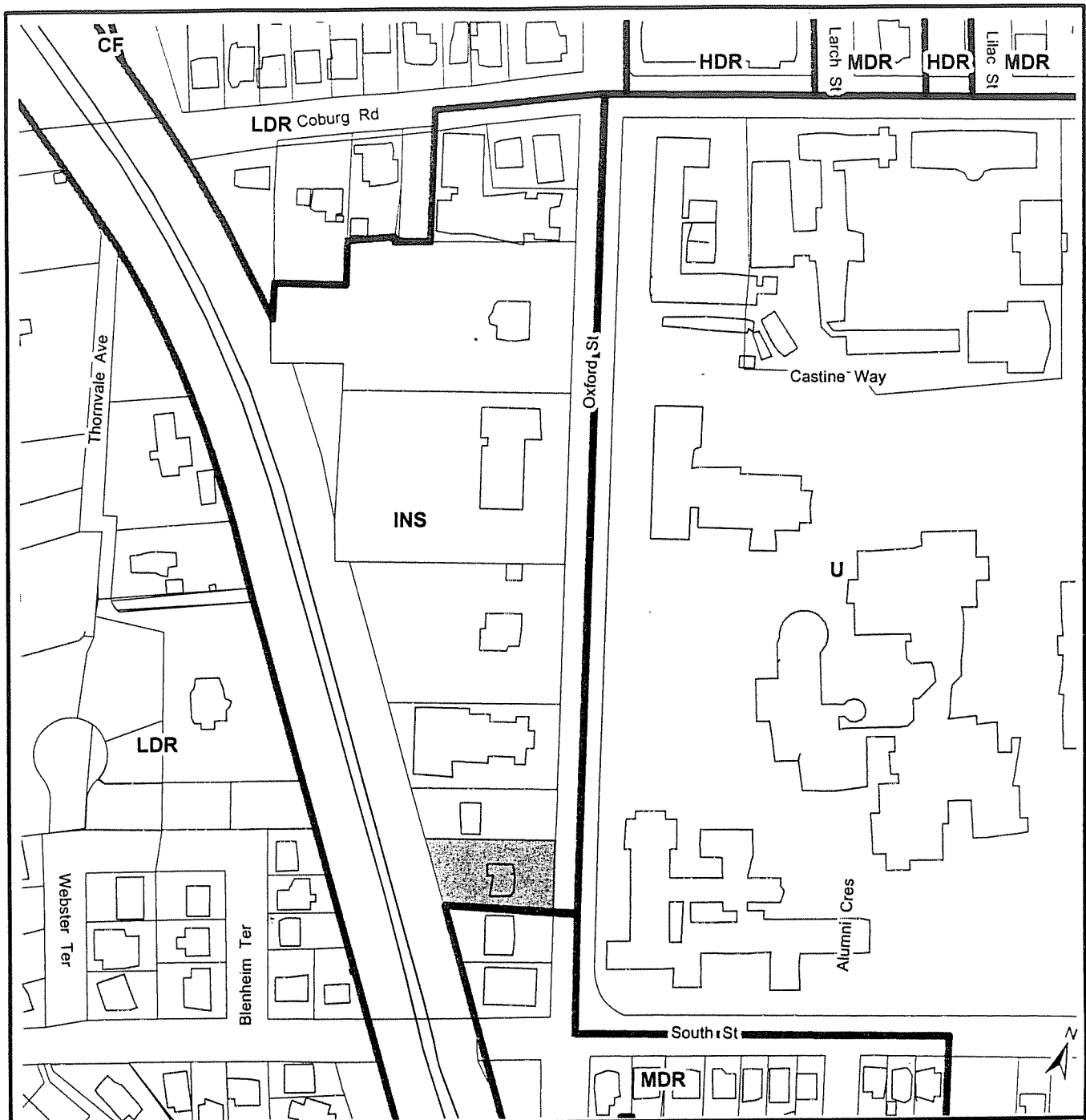
This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ATTACHMENTS:

- I Generalized Future Land Use Map
- II Zoning
- III Site Development Plan
- IV Proposed Amendments to the Halifax MPS and LUB
- V Proposed Development Agreement with
 - Schedule "A" Legal Description of the Lands
 - Schedule "B" Project Calculations
 - Schedule "C" Site Development Plan
 - Schedule "D" Site Landscaping Plan
 - Schedule "E" Parking Garage Plan
 - Schedule "F" First Floor Plan
 - Schedule "G" Second & Third Floor Plan
 - Schedule "H" Fourth Floor Plan
 - Schedule "I" Penthouse Floor Plan
 - Schedule "J" Front Elevation
 - Schedule "K" North Side Elevation
 - Schedule "L" Rear Elevation
 - Schedule "M" South Side Elevation
- VI Minutes of February 17, 2003, Public Information Meeting
- VII Comparison of Building Proposed for Oxford Street to the As Of Right Provisions of the Land Use Bylaw
- VIII Relevant Sections of the Halifax Municipal Planning Strategy
- IX Context

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


Report prepared by Randa James, Planning Services, 490-4499



Map 1 - Generalized Future Land Use

1270 Oxford St
Halifax

Halifax Plan Area

 Subject property

Designation

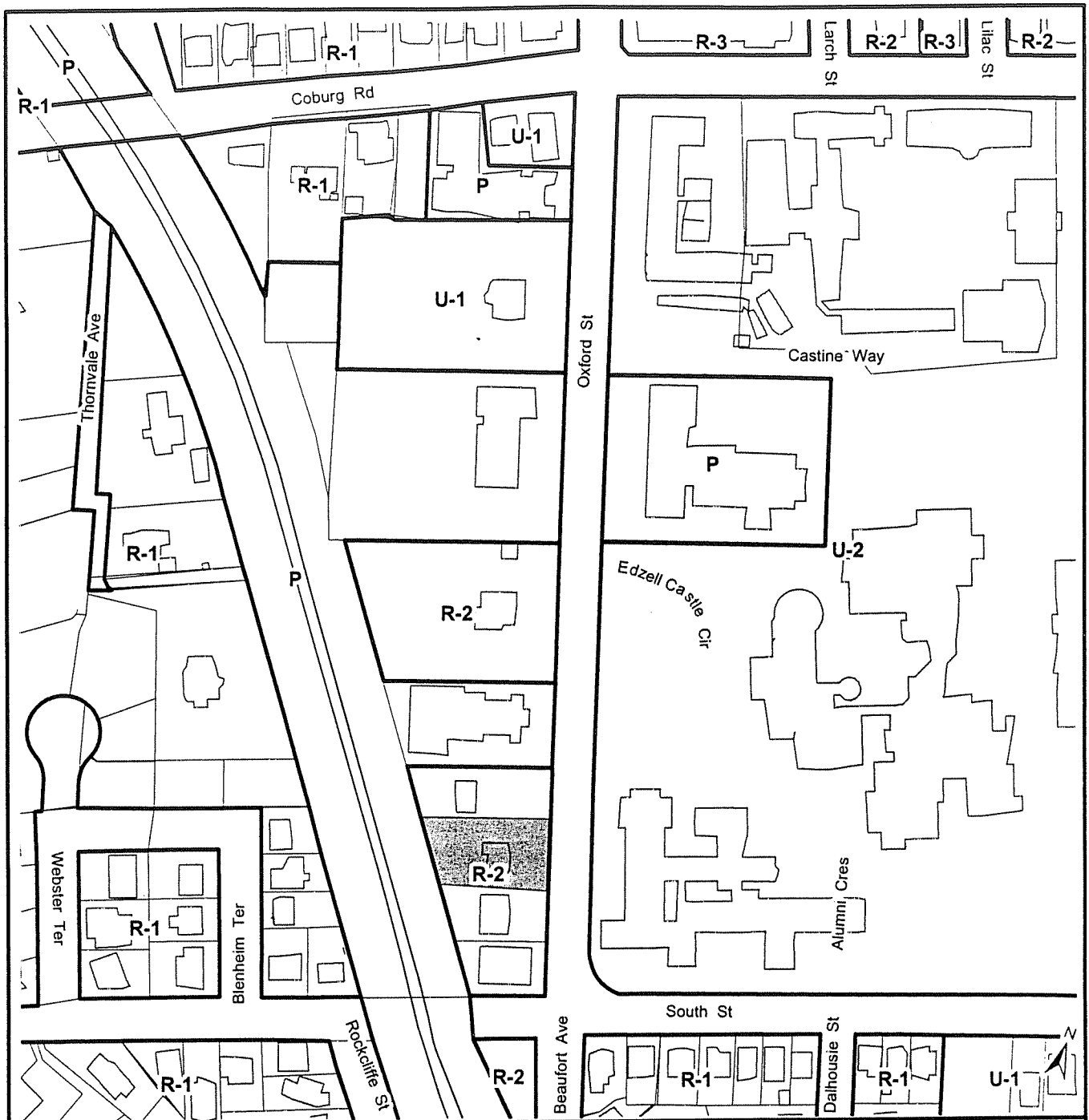
LDR Low Density Residential
MDR Medium Density Residential
HDR High Density Residential
INS Institutional
U University

HALIFAX
REGIONAL MUNICIPALITY
PLANNING AND
DEVELOPMENT SERVICES

0 100 200
ft

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

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



Map 2 - Zoning

1270 Oxford St
Halifax

Halifax Peninsula By-Law Area

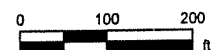


Subject property

Zone

- R-1 Single Family Dwelling
- R-2 General Residential
- P Park and Institutional
- U-1 Low-Density University
- U-2 High-Density University

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

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



PROJECT: 2001-48

PROPOSED:
22 UNIT APARTMENT
BUILDING
CIVIC 1270, OXFORD STREET
HALIFAX, NOVA SCOTIA

W.M.F.
WE ARE THE BUILDERS

**ENGINEERS,
PROJECT MANAGERS,
DEVELOPERS**

W.M. Fares & Associates Inc.
117 Kearney Lake Road
Halifax, Nova Scotia

**PHONE: (902) 437-6676
FAX: (902) 437-4868**

ATTACHMENT IV

Proposed Amendments to the Halifax Municipal Planning Strategy and Land Use Bylaw

1. Insert the following policies after Policy 3.4 of Section VI (Peninsula Centre Area Plan - Institutions) of the Halifax Municipal Planning Strategy:

3.5 Notwithstanding the Institutional designation of 1270 Oxford Street, LRIS PID No. 78154, the Municipality may permit a multi-unit residential building by development agreement.

3.5.1 Any development permitted pursuant to Policy 3.5 shall be compatible with the surrounding area and this shall be achieved by attention to a variety of factors for which conditions may be set out in the development agreement, such as but not limited to:

- a) the architectural design of the building including building materials;
- b) the scale, height, and massing of the building;
- c) the adequacy of parking provided;
- d) safe accesses to the site and building;
- e) site landscaping and tree preservation;
- f) location, form and function of open space and recreational amenity space;
- g) provision of family-type units.

2. Add subsection (i) to section 95(1) of the Halifax Peninsula Land Use Bylaw to read as follows:

1270 Oxford Street

- (i) permit a multi-unit residential building in accordance with Policies 3.5 and 3.5.1.

ATTACHMENT V

THIS AGREEMENT made this day of , 2003,

BETWEEN:

Khaled Shaaban and Soad Tolbah
(hereinafter called the "Developers")

OF THE FIRST PART

-and-

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

OF THE SECOND PART

WHEREAS the Developers are the registered owners of certain lands located on Oxford Street between Coburg Road and South Street and which said lands are more particularly described in Schedule "A" to this Agreement (hereinafter called the "Lands");

AND WHEREAS the Developers have requested that the Municipality enter into a development agreement to allow a 22 unit apartment building on the Lands pursuant to the provisions of the Municipal Government Act and the Municipal Planning Strategy and Land Use By-law for Halifax;

AND WHEREAS the Peninsula Community Council approved this request at a meeting held on 2003, referenced as Municipal Case Number 00461;

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

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

- 1.1 The Developers agree that the Lands shall be subdivided, developed and used only in accordance with and subject to the terms and conditions of this Agreement.

- 1.2 Except as otherwise provided for herein, the development and use of the Lands shall comply with the requirements of the Peninsula Land Use By-law for Halifax, as may be amended from time to time.
- 1.3 Except as otherwise provided for herein, the subdivision of the Lands shall comply with the requirements of the Subdivision By-law for Halifax, as may be amended from time to time.
- 1.4 Pursuant to Section 1.2 and 1.3, nothing in this Agreement shall exempt or be taken to exempt the Developers, lot owners 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 and Subdivision By-law to the extent varied by this Agreement), or any statute or regulation of the Province of Nova Scotia, and the Developers or lot owners agree to observe and comply with all such laws, by laws and regulations in connection with the development and use of the Lands.
- 1.5 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 and Subdivision 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.
- 1.6 The Developers and each lot owner shall be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement and all federal, provincial and municipal regulations, by laws or codes applicable to any lands owned by the Developers or lot owners.
- 1.7 The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

PART 2: USE OF LANDS AND DEVELOPMENT PROVISIONS

2.1 Use

The Developers shall construct a building on the Lands, which, in the opinion of the Development Officer, is substantially in conformance with Schedules "B" to "M" inclusive (Plans No. 036 to 038 inclusive, 042, 052 to 055 inclusive and 058 to 061 inclusive filed in the Halifax Regional Municipality Planning and Development Services Department as Case 00461) and shall not develop or use the lands for any purpose other than a 22 unit apartment building. The schedules are:

Schedule "A" Legal Description of the Lands
Schedule "B" Project Calculations
Schedule "C" Site Development Plan

Schedule "D" Site Landscaping Plan
Schedule "E" Parking Garage Plan
Schedule "F" First Floor Plan
Schedule "G" Second & Third Floor Plan
Schedule "H" Fourth Floor Plan
Schedule "I" Penthouse Floor Plan
Schedule "J" Front Elevation
Schedule "K" North Side Elevation
Schedule "L" Rear Elevation
Schedule "M" South Side Elevation

2.2 Landlord

- 2.2.1 The Owner or Owner's representative shall act as Landlord and 1270 Oxford Street shall be their sole residence in order that a person is available to address any problems that may occur on or within the premises.

2.3 Building Architecture

- 2.3.1 The building shall be predominantly clad in Hardi-plank siding or equivalent with approximately one third of the front building face to be a stone or equivalent.
- 2.3.2 Balcony and podium fencing shall have decorative steel or aluminum rails and balustrades, or equivalent. No exposed wolmanized lumber is to be used.
- 2.3.3 The exposed parking garage faces shall be clad in the same siding as the building and grey textured concrete or finished in coloured stucco or equivalent.
- 2.3.4 The maximum height shall be 50 feet. The maximum number of stories above grade shall be five inclusive of a penthouse and shall not include the parking garage level.
- 2.3.5 The maximum number of units shall be 22 units and the maximum density shall not exceed 130 persons per acre.
- 2.3.6 The front yard setback to the main building face shall be a minimum of 22 feet and the front yard set back to the entry foyer shall be a minimum of 15 feet.
- 2.3.7 Pursuant to Sections 2.3.1 to 2.3.5 inclusive, the Development Officer may approve modifications to the location, size and height of the building, as well as the architectural design of the building, including facade features and the type of exterior materials, provided such modifications are minor in nature and, in the opinion of the Development Officer, further enhance the appearance of the building and Lands.

2.3.8 The building shall include designated space for three stream (refuse, recycling and composting) source separation services. This designated space for source separation services shall be approved by the Development Officer and Building Inspector in consultation with HRM Solid Waste Services.

2.4 R-3 (Multiple Dwelling) Zone Requirements

2.4.1 Subject to the provisions of this Agreement, the multiple unit residential building shall meet the requirements of the R-3 (Multiple Dwelling) Zone of the Halifax Peninsula Land Use By-law.

2.4.2 Notwithstanding Section 2.4.1, Sections 22 (population density) and 48(1) (special building line) of the Halifax Peninsula Land Use By-law shall not apply.

2.5 Landscaping

2.5.1 The developers shall submit a revised landscape plan to the Development Officer for approval as part of the building permit application. The revised landscape plan shall include additional planting as identified in this agreement. The intent of the landscaping is to provide a buffer and/or screening between the building and adjacent properties as well as for aesthetic enhancement.

- (a) Landscaping shall be provided along the street frontage consisting of a minimum of two (2) deciduous trees compatible with the existing trees and the size shall be a minimum of 60 mm caliper (2.4 inch diameter). Foundation planting in the form of upright shrubs with a minimum height of 60 cm. (2 ft.) and a minimum of twenty five (25) shrubs is to be provided in the front yard. The developers shall ensure that all soft landscape areas are to be sodded and the sod is to conform to the Canadian Nursery Sod Growers' Specifications. The developers shall ensure that all plant material is to conform to the Canadian Nursery Trades Association Metric Guide Specifications and Standards.
- (b) Landscaping shall be provided on the side landscaped podium. This landscaping is to be a combination of one (1) or more deciduous trees with a minimum size of 45 mm caliper (1.8 inch diameter) and one (1) or more coniferous trees a minimum of 1.5 m (5 ft.) high and a minimum of twenty five (25) upright shrubs with a minimum height of 60 cm. (2 ft.). The plant material is to be 50% coniferous for year round cover.
- (c) It is the responsibility of the developers to ensure that the underground parking structure is to be capable of supporting loads for 15 cm (6 inches) of drainage gravel over the extent of the landscape podium plus an additional 40 cm (16 inches) of topsoil for sod, 60 cm (2 ft.) of topsoil for shrubs and 90 cm (3 ft.) of topsoil for trees, all of which is in addition to the anticipated mature weight of the plant material.

- (d) A stone fence approximately three feet high is to be provided along the frontage fully within the property and is to include a decorative metal pedestrian gate providing access to the main entrance. Walkways are to be provided from the municipal sidewalk to the main entrance and from the side entrance to the rear play area. These walkways are to be decorative concrete, unit paving or equivalent.
- (e) Within the children's play area, some form of play structure and/or play equipment is to be provided, with appropriate safety surfaces and safety buffers, in addition to a hard surface area, composed of asphalt or concrete, for such uses as ball play. At least one bench and refuse container is to be provided within the children's play area. The fencing is to be visually penetrable such as vinyl coated chain link, or equivalent, a minimum of three and one half feet high with a gate(s). The trees within this area are to be preserved and included in the design of the play area.

2.6 Tree Preservation

Every effort is to be made to ensure the preservation of the existing trees on site designated to be preserved. The landscape plan shall identify the limit of disturbance, the hoarding fence location and the stockpile location. Proper arboricultural practices shall be undertaken and shall include such activities as the erection of tree protective hoarding fence located as close to the dripline of the trees to be preserved as possible for the duration of construction, no stockpiling of soil or materials within the hoarded areas, pruning of any damaged limbs or roots and excavation no closer than ten feet to the trunk of any tree to be preserved.

Any trees to be preserved that are damaged should be replaced, two new trees for each damaged tree, with trees of the same type and with minimum sizes of 60 mm caliper (2.4 inch diameter) for deciduous trees and coniferous trees a minimum of 1.5 m (5 ft.) high.

2.7 Maintenance

The Developers shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the interior and exterior of the building, fencing, walkways, recreational amenities, parking areas and driveways, and 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.

2.8 Streets and Municipal Services

The Developers shall be responsible for securing all applicable approvals associated with the on-site and off-site servicing systems required to accommodate the development, including 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 HRM and other approval agencies, except

as provided herein. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developers. Site servicing shall be accomplished so as to have no impact on the existing trees to be preserved. The existing driveway on the northern boundary of the lot is to be closed. All construction is to be in accordance with HRM specifications.

2.9 Occupancy Permit

- 2.9.1 No occupancy permit shall be issued for any building constructed on the lands until such time as the landscaping has been completed in accordance with section 2.5 of this agreement, provided however that where such building has been completed and all other terms of this agreement have been met, an occupancy permit may be issued provided that the developers supply a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping. The security deposit shall be in the form of a certified cheque or letter of credit issued by a chartered bank to the Development Officer.
- 2.9.2 Should the Developers not complete the landscaping within six months of issuance of the occupancy permit or by September 1 of the year in which the occupancy permit was issued, whichever is earlier, the Municipality may use the deposit to complete the landscaping as set out in section 2.5 of this agreement. The Developers 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 developers upon completion of the work.
- 2.9.3 Pursuant to Section 2.8, no occupancy permit shall be issued for the building on the Lands until all street improvements, municipal servicing systems and utilities have been completed, except that the occupancy permit may, at the discretion of the Municipality, be issued subject to security being provided to the Municipality in the amount of 120 percent of the estimated cost of completion of all outstanding work. The security shall be in favour of the Municipality and may be in the form of a certified cheque or irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developers only upon completion of all work, as described herein and illustrated on the Schedules, and as approved by the Municipality.

PART 3: AMENDMENTS

- 3.1 The provisions of this Agreement relating to the following matters are identified as and shall be deemed to be not substantial and may be amended by resolution of Peninsula Community Council:
- (a) A change in the type or number of units provided the density does not exceed the density approved by Peninsula Community Council.

- 3.2 Amendments to any matters not identified under Section 3.1 shall be deemed substantial and may only be amended in accordance with the approval requirements of the Municipal Government Act.

PART 4: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

- 4.1 A copy of this Agreement and every amendment and discharge of this Agreement shall be recorded at the office of the Registry of Deeds at Halifax, Nova Scotia and the Developers shall pay or reimburse the Municipality for the registration cost incurred in recording such documents.
- 4.2 This Agreement shall be binding upon the parties thereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the land which is the subject of this Agreement until this Agreement is discharged by the Council.
- 4.3 In the event that construction of the project has not commenced within two years from the date of registration of this Agreement at the Registry of Deeds, as indicated herein, the Municipality may, by resolution of Council, either discharge this Agreement whereupon this Agreement shall have no further force or effect, or upon the written request of the Developers, grant an extension to the date of commencement of construction. For the purposes of this section, "commencement of construction" shall mean completion of the footings for the proposed building.
- 4.4 If the Developers fails to complete the development, or after five years from the date of registration of this Agreement at the Registry of Deeds, whichever time period is less, Council may review this Agreement, in whole or in part, and may:
- (a) retain the Agreement in its present form;
 - (b) negotiate a new Agreement;
 - (c) discharge this Agreement.

PART 5: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

- 5.1 The Developers agree 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 Developers. The Developers further agree that, upon receiving written notification from an officer of the Municipality to inspect the interior of any building located on the Lands, the Developers agree to allow for such an inspection during any reasonable hour within one day of receiving such a request.
- 5.2 If the Developers fails to observe or perform any covenant or condition of this Agreement after the Municipality has given the Developers 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 Developers from continuing such default and the Developers hereby submit to the jurisdiction of such Court and waive any defence based upon the allegation that damages would be an adequate remedy;
- (b) the Municipality may enter onto the Property and perform any of the covenants contained in this Agreement whereupon all reasonable expenses whether arising out of the entry onto the lands or from the performance of the covenants may be recovered from the Developers by direct suit and such amount shall, until paid, form a charge upon the Property and be shown on any tax certificate issued under the Assessment Act.
- (c) the Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; and/or
- (d) in addition to the above remedies the Municipality reserves the right to pursue any other remediation under the Planning Act or Common Law in order to ensure compliance with this Agreement.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals on the day and year first above written:

SIGNED, SEALED AND DELIVERED
in the presence of

)
) _____
) **Soad Tolbah**
)
) _____
) **Khaled Shaaban**
)
)
) **HALIFAX REGIONAL**
) **MUNICIPALITY**
)
)
) Per _____
) Mayor
)
) Per _____
) Municipal Clerk

PROPOSED 22 UNIT APARTMENT BUILDING
CIVIC: 1270 OXFORD STREET
HALIFAX, NOVA SCOTIA

R-3 REQUIREMENTS

MINIMUM LOT AREA: 8,100.00 SQ. FT.
 MINIMUM STREET FRONTAGE: 90 FT.
 DENSITY ALLOWED: 125P/ACRE (0.526x125P)
 FRONT SETBACK: 25'-0" MIN.
 OPEN SPACE REQUIRED: 8,160 SQ. FT.
 PARKING REQUIRED: = 24 SPACES
 HEIGHT RESTRICTION: MAX HEIGHT 35'-0"
 BUILDING COVERAGE: AS PER 60°&80° ANGLES
 OPEN SPACE REQUIRED: = 8,160 SQ. FT.
 LANDSCAPED OPEN SPACE REQUIRED: = 6,800 SQ. FT.

PROPOSED PROJECT

LOT AREA: (AS PER SURVEY PLAN) 16,765.00 SQ. FT.
 STREET FRONTAGE: 100'-0"
 PROJECT DENSITY: 15'-0"
 FRONT SETBACK: 12,357.53 SQ. FT.
 OPEN SPACE PROVIDED: = 24 SPACES (1.09/ UNIT)
 PARKING PROVIDED: 45'-0"
 BUILDING HEIGHT: 32.8%
 BUILDING COVERAGE: = 12,357.53 SQ. FT.
 OPEN SPACE PROVIDED: = 8,654.53 SQ. FT.
 LANDSCAPED OPEN SPACE PROVIDED:

REMARKS

COMPLY
 COMPLY
 2 PERSONS ABOVE REQUIRED
 DO NOT COMPLY
 COMPLY
 COMPLY
 ELEVATOR/STAIRS SHAFT ADD 5'-0" TO BUILDING HEIGHT
 COMPLY
 COMPLY
 COMPLY

NOTES/CALCULATIONS

- * ELEVATOR/STAIRS SHAFT ADD 5'-0" TO BUILDING HEIGHT
- * FRONT SETBACK IS TO BE RECONSIDERED FOR 15'-0" INSTEAD OF REQUIRED 25'-0"

STREET FRONTAGE: (100 x 30') 3,000.00 SQ. FT.
 CNR EASEMENT: (104.81' x 30') 3,144.30 SQ. FT.
 TOTAL LOT AREA: 22,909.30 SQ. FT.
 BUILDING AREA: 7,518.00 SQ. FT.
 AS PER 60°&80° ANGLE CONTROL

PROJECT DENSITY:
 TWO BEDROOM UNITS: (20x3P) = 60P
 THREE BEDROOM UNITS: (2x4P) = 8P
 TOTAL = 68P

OPEN SPACE REQUIRED:
 TWO BEDROOM UNITS: (20x3P=60Px120 SQ. FT.) = 7,200 SQ. FT.
 THREE BEDROOM UNITS: (2x4P=8Px120 SQ. FT.) = 960 SQ. FT.
 TOTAL OPEN SPACE REQUIRED = 8,160 SQ. FT.

PARKING REQUIRED:
 1 PARKING SPACE PER UNIT >800 SQFT
 TOTAL SPACES REQUIRED:

LANDSCAPED OPEN SPACE REQUIRED:
 TWO BEDROOM UNITS: 20x3P=60Px100 SQ. FT.) = 6,000 SQ. FT.
 THREE BEDROOM UNITS: (2x4P=8Px100 SQ. FT.) = 800 SQ. FT.
 = 6,800 SQ. FT.

PROPOSED:

ENGINEERS,
 PROJECT MANAGERS,
 DEVELOPERS

W.M. Fares & Associates Inc.
 117 Kearney Lake Road
 Halifax, Nova Scotia
 PHONE: (902) 457-0078 FAX: (902) 457-6886

22 UNIT APARTMENT
 BUILDING

CIVIC 1270, OXFORD STREET
 HALIFAX, NOVA SCOTIA

TITLE:

PROJECT CALCULATIONS
 PLAN

DATE:

01/16/2003

SCALE:

DRAWN:

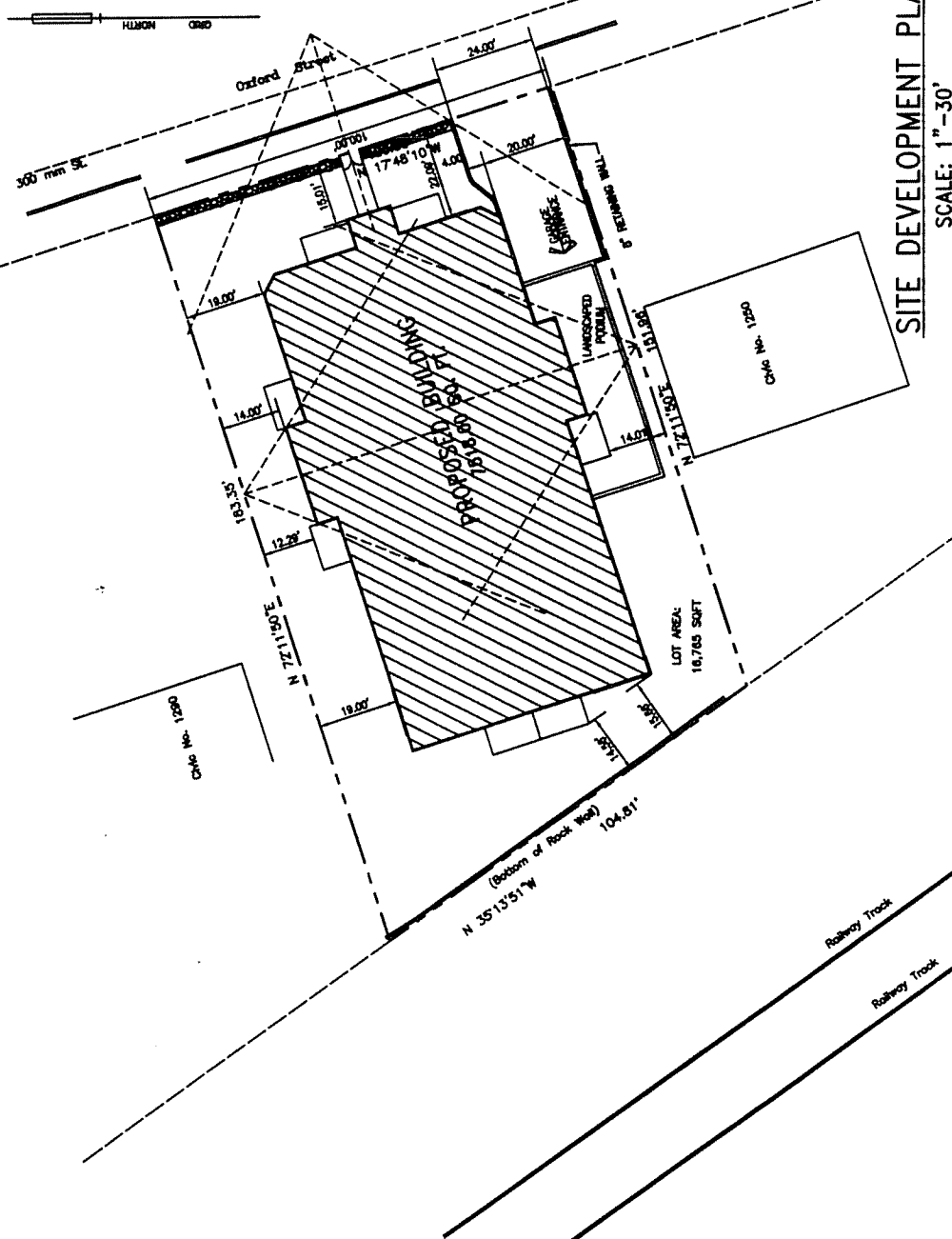
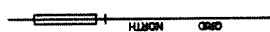
PROJECT:

2001-48

SHEET:

1

STAMP:



SITE DEVELOPMENT PLAN
SCALE: 1"=30'

LEHS
1

DATE: 01/16/2003

SCALE: AS-NOTED

DRAWN:
PROJECT: 2001-48

NAME:

SITE DEVELOPMENT PLAN

PROPOSED:

**22 UNIT APARTMENT
BUILDING**

CIVIC 1270, OXFORD STREET
HALIFAX, NOVA SCOTIA

FLAVIA

W.M. Fares & Associates Inc.
1117 Kearney Lake Road
Halifax, Nova Scotia

TELEPHONE: (902) 457-6579
FAX: (902) 457-4886

717: (902) 457-4884

TREE LEGEND (TO REMAIN)

- ① 18" HARDWOOD
- ② 30" MAPLE
- ③ HEDGE
- ④ 30" OAK
- ⑤ 30" OAK
- ⑥ 30" MAPLE
- ⑦ 36" MAPLE
- ⑧ 14" OAK
- ⑨ 36" MAPLE
- ⑩ 44" MAPLE
- ⑪ LILAC
- ⑫ 12" BIRCH
- ⑬ 12" BIRCH
- ⑭ 30" MAPLE
- ⑮ 12" PINE
- ⑯ 8" MAPLE
- ⑰ 8" MAPLE

NOTE:
DIMENSION OF TREE TYPE
REPRESENTS TRUNK BASE DIAMETER

STAMP:

3

SHEET:

DATE: 01/16/2003

SCALE: AS-NOTED

DRAWN:

PROJECT: 2001-48

SITE LANDSCAPING PLAN

SCALE: 1"=30'

TITLE:

SITE LANDSCAPING
PLAN

PROPOSED:

22 UNIT APARTMENT
BUILDINGCIVIC 1270, OXFORD STREET
HALIFAX, NOVA SCOTIAENGINEERS,
PROJECT MANAGERS,
DEVELOPERS


W.M. Fares & Associates Inc.
117 Kearney Lake Road
Halifax, Nova Scotia
PHONE: (902) 457-4078
FAX: (902) 457-4066

300 mm S.C.

NORTH

Oxford Street

1748'10"W

183.35'

N 72°11'50"E

104.81'

(Bottom of Rock Wall)

N 35°13'51"W

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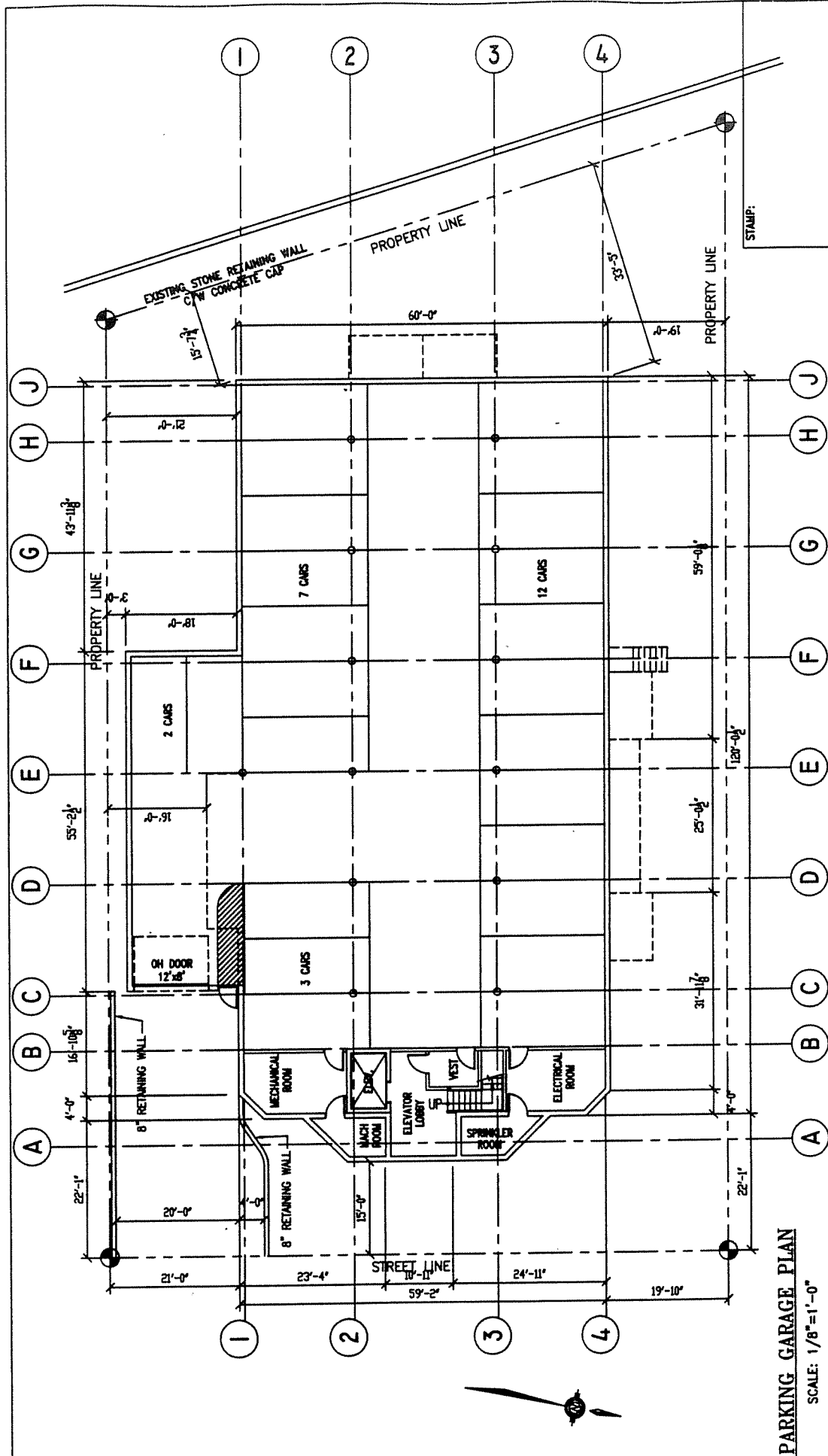
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1748'10"W

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SHEET:

DATE: 01/16/2003

SCALE: 1/16" = 1'-0"

DRAWN:

PROJECT: 2001-48

TITLE:

PARKING GARAGE
PLAN

PROPOSED:

22 UNIT APARTMENT
BUILDINGCIVIC 1270, OXFORD STREET
HALIFAX, NOVA SCOTIA

WMF
ENGINEERS,
PROJECT MANAGERS,
DEVELOPERS

W.M. Fares & Associates Inc.
117 Kearney Lake Road
Halifax, Nova Scotia
PHONE: (902) 487-6676
FAX: (902) 487-4888

4



STAMP:

133HS

DATE: 01/16/2003

SCALE: 1/16"=1'-0"

DRAWN:

PROJECT: 2001-48

ملف:

**FIRST FLOOR
PLAN**

PROPOSED:

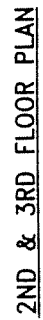
**22 UNIT APARTMENT
BUILDING**

CIVIC 1270, OXFORD STREET
HALIFAX, NOVA SCOTIA

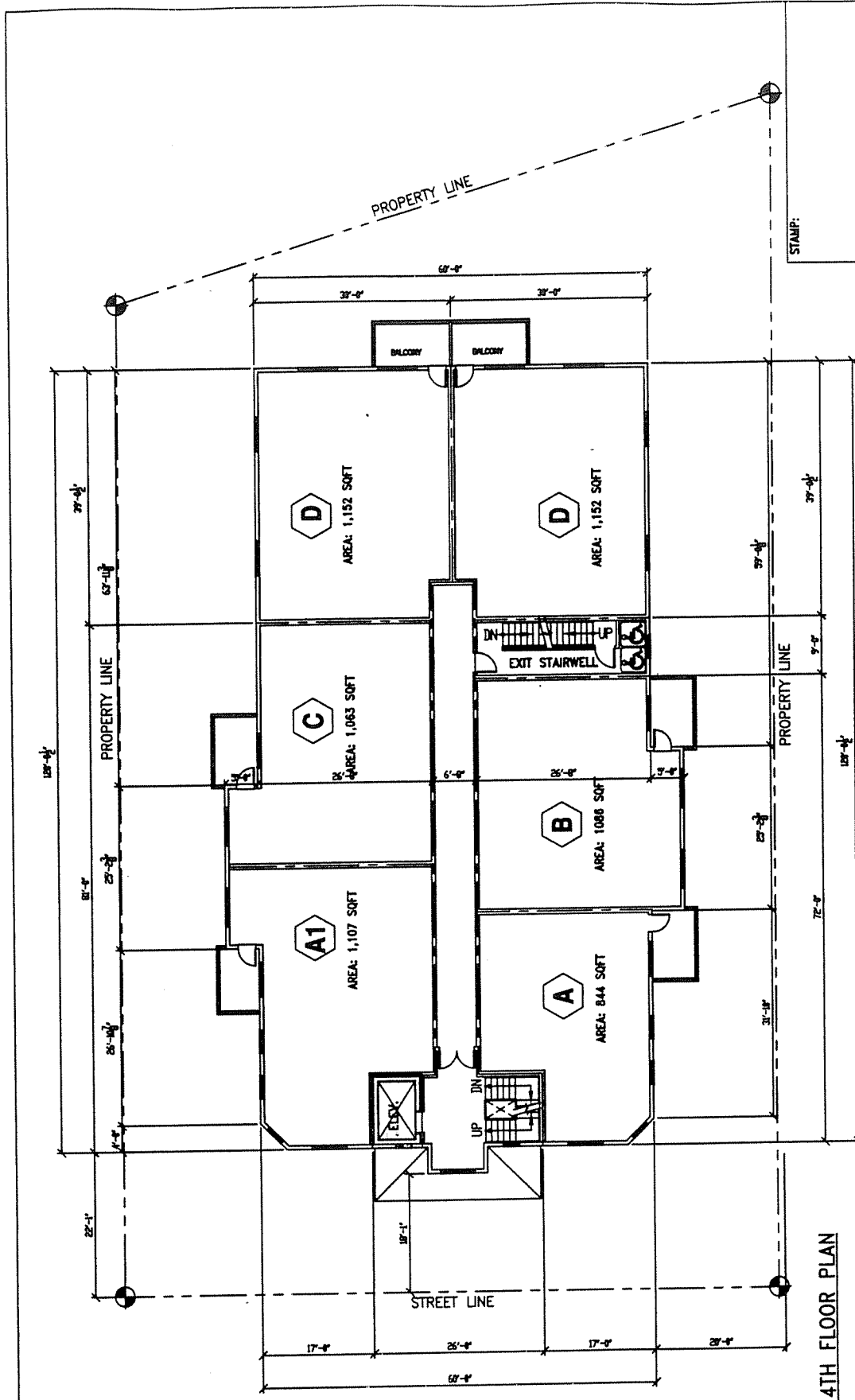
**ENGINEERS,
PROJECT MANAGERS,
DEVELOPERS**

W.M. Fares & Associates Inc.
117 Kearney Lake Road
Halifax, Nova Scotia
PEOPLE (902) 457-6676 FAX: (902) 457-6677

800-457-4686



6



4TH FLOOR PLAN

STAMP:

SHEET:

DATE: 01/16/2003

SCALE: 1/16"=1'-0"

DRAWN:	
PROJECT:	2001-48

Title:

**FOURTH FLOOR
PLAN**

PROPOSED:

**22 UNIT APARTMENT
BUILDING**

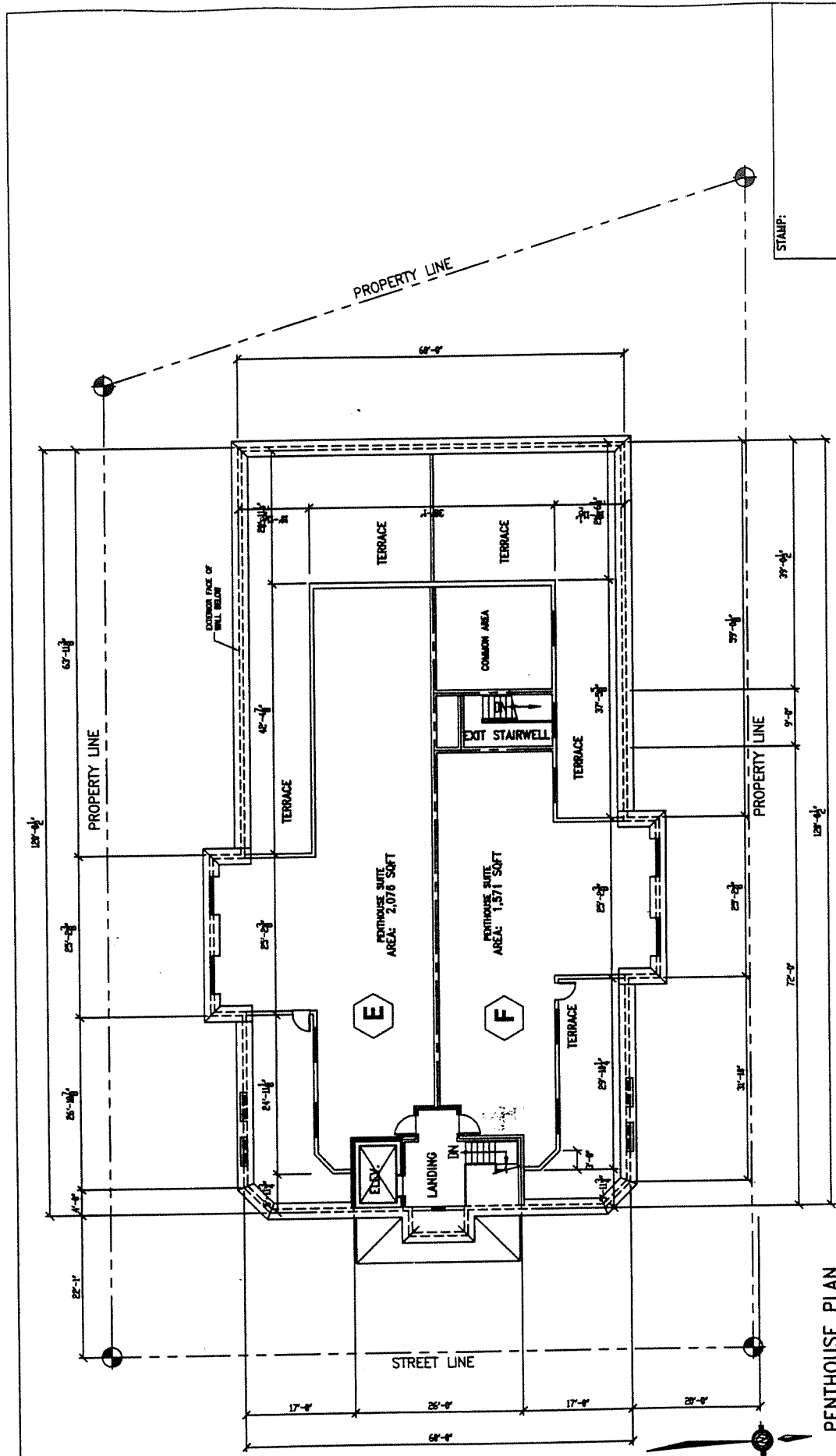
CIVIC 1270, OXFORD STREET
HALIFAX, NOVA SCOTIA

**ENGINEERS,
PROJECT MANAGERS,
DEVELOPERS**

W.M. Fares & Associates Inc.
117 Kearney Lake Road
Halifax, Nova Scotia
PHONE: (902) 497-8079 FAX: (902) 497-8078

TVA: 206-4000

PHONE: (902) 457-6576



PENTHOUSE PLAN

SHEET:

DATE: 01/16/2003

SCALE: 1/16" = 1'-0"

DRAWN:

PROJECT: 2001-48

TITLE:

PENTHOUSE FLOOR
PLAN

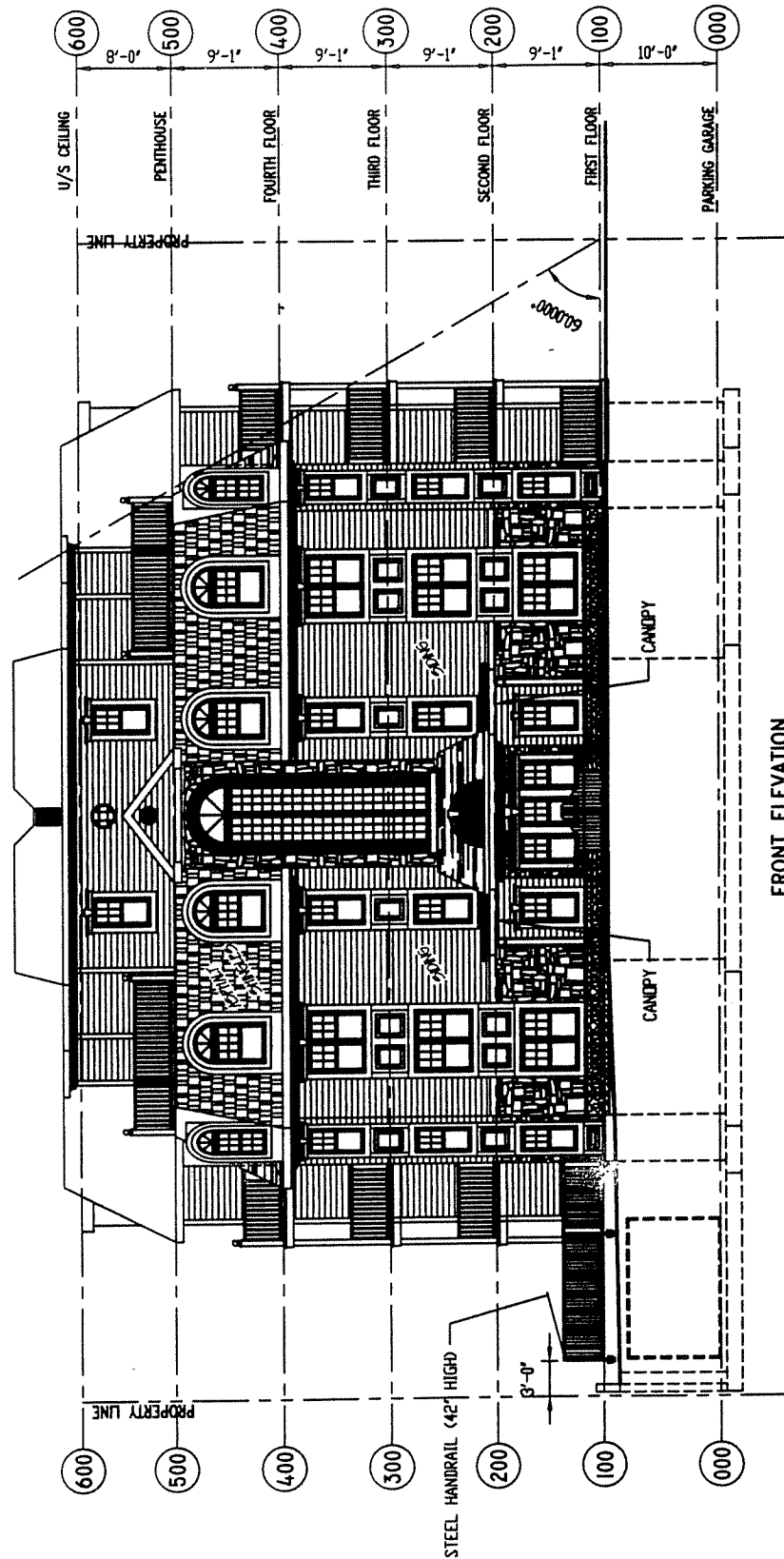
PROPOSED:

22 UNIT APARTMENT
BUILDINGCIVIC 1270, OXFORD STREET
HALIFAX, NOVA SCOTIAENGINEERS,
PROJECT MANAGERS,
DEVELOPERSW.M. Fares & Associates Inc.
117 Kearney Lake Road
Halifax, Nova Scotia

FILE (002) 407-4086

PHONE (002) 407-0070

8



FRONT ELEVATION

STAMP:

SHEET:

DATE: 01/16/2003

SCALE: 3/32" = 1'-0"

DRAWN:

PROJECT: 2001-48

TITLE:

BUILDING ELEVATION
(FRONT)

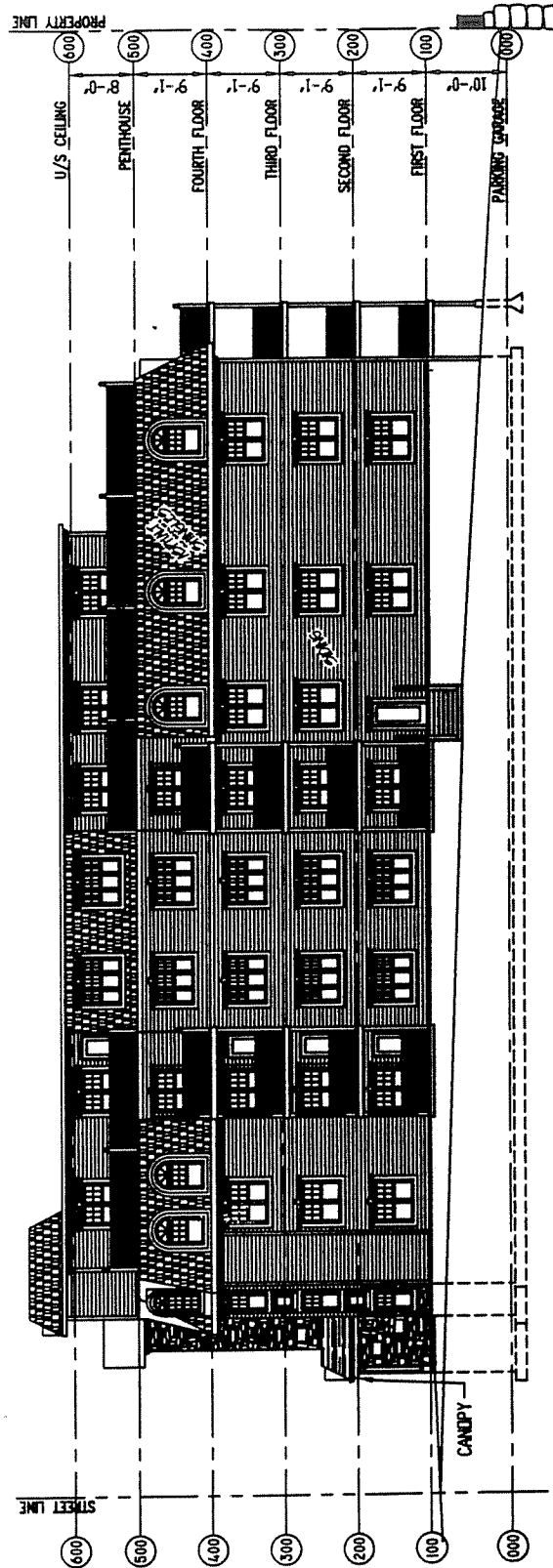
PROPOSED:

22 UNIT APARTMENT
BUILDINGCIVIC 1270, OXFORD STREET
HALIFAX, NOVA SCOTIAENGINEERS,
PROJECT MANAGERS,
DEVELOPERSW.M. Fares & Associates Inc.
117 Kearney Lake Road
Halifax, Nova Scotia

P.L.S. (902) 427-4000

P.L.S. (902) 427-4000

9a



RIGHT SIDE ELEVATION

STAMP:

SHEET:

DATE: 01/16/2003

SCALE: 1/16"=1'-0"

DRAWN:

PROJECT: 2001-48

TITLE:

BUILDING ELEVATION
(SIDE)

PROPOSED:

22 UNIT APARTMENT
BUILDINGCIVIC 1270, OXFORD STREET
HALIFAX, NOVA SCOTIA

ENGINEERS,
PROJECT MANAGERS,
DEVELOPERSW.M. Fares & Associates Inc.
117 Kearney Lake Road
Halifax, Nova Scotia
PHONE: (902) 457-8676
FAX: (902) 457-4666

9b



STAMP:

SHEET:

DATE: 01/16/2003

SCALE: 3/32" = 1'-0"

DRAWN:

PROJECT: 2001-48

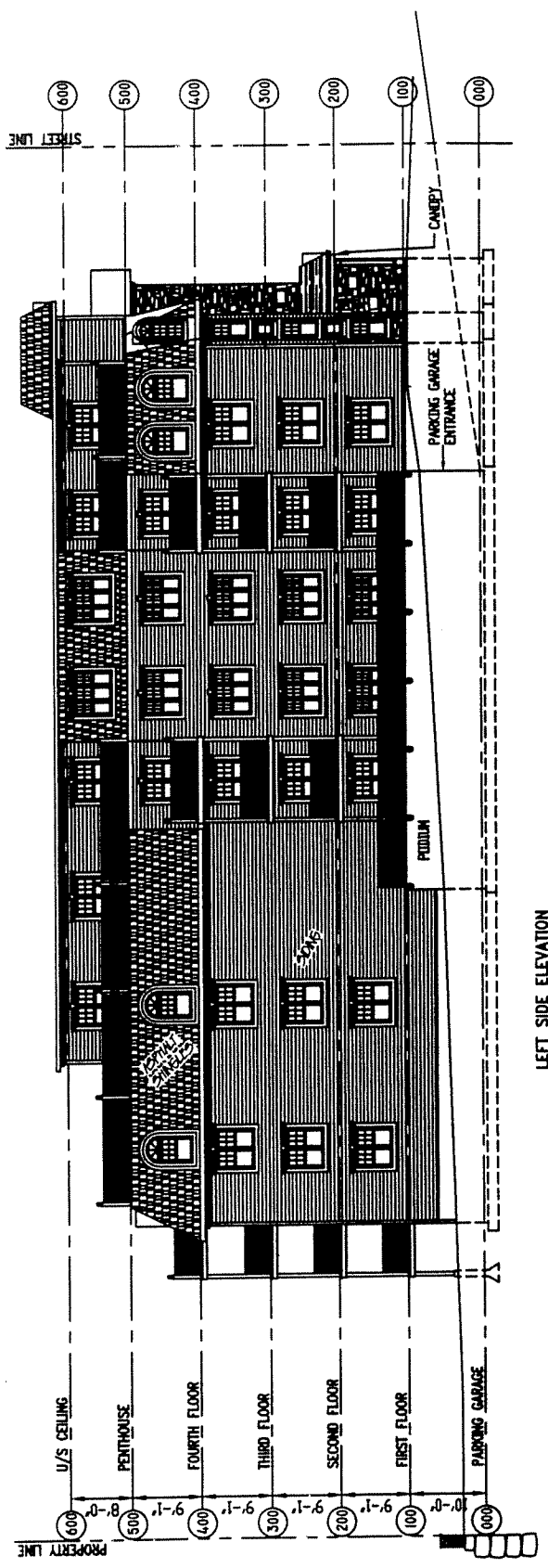
TITLE:

BUILDING ELEVATION
(REAR)

PROPOSED:

22 UNIT APARTMENT
BUILDINGCIVIC 1270, OXFORD STREET
HALIFAX, NOVA SCOTIAENGINEERS,
PROJECT MANAGERS,
DEVELOPERSWMF
W.M. FARES & ASSOCIATES INC.117 Kearney Lake Road
Halifax, Nova Scotia
PHONE: (903) 437-0670
FAX: (903) 437-4068

9C



LEFT SIDE ELEVATION

STAMP:

<p>W.M.F. ENGINEERS, PROJECT MANAGERS, DEVELOPERS W.M. Fares & Associates Inc. 117 Kearney Lake Road Halifax, Nova Scotia PHONE: (902) 437-6878 FAX: (902) 437-6866</p>	<p>PROPOSED:</p> <p>22 UNIT APARTMENT BUILDING</p> <p>CIVIC 1270, OXFORD STREET HALIFAX, NOVA SCOTIA</p>	<p>TITLE:</p> <p>BUILDING ELEVATION (SIDE)</p>	<p>DATE: 01/16/2003</p> <p>SCALE: 1/16"=1'-0"</p> <p>DRAWN:</p> <p>PROJECT: 2001-48</p>	<p>SHEET:</p> <p>9d</p>
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ATTACHMENT VI
Public Information Meeting
(Case 00461)
February 17, 2003

In attendance: Councillor Uteck
Randa James, Planner
Gail Harnish, Planning & Development
Roberto Manendez, W.M. Fares & Associates
Cesar Selah, W.M. Fares & Associates

Ms. Randa James called the meeting to order at approximately 7:00 p.m. in Halifax Hall. She noted the purpose of the meeting was to talk about a plan amendment application for 1270 Oxford Street. There will be a development agreement associated with it. A letter of request was received, which is essentially the application, in March of last year. Staff did a preliminary review and a preliminary report went to Regional Council on January 14, 2003. Regional Council felt it was reasonable to proceed so the process has begun. She reviewed the joint plan amendment and development agreement process. She pointed out we are still at the beginning of the process, so there are other opportunities to provide comments.

Mr. Roberto Manendez, Graduate Architect, advised he was representing W.M. Fares & Associates as well as his client. He advised they were a local company that operated in Nova Scotia as well as the Atlantic Provinces. He provided examples of projects his company has been involved in.

Mr. Manendez stated they were approached by the client to assess the possibility of replacing the current single family dwelling with a multi residential building. They understand that the zoning of the building is R-2 but they explored different possibilities and approached HRM in terms of seeing what the potential was to move forward.

Mr. Manendez advised the application was submitted in March of 2002. They worked closely with the planners to see how they could meet certain regulations and guidelines and finally in January of this year they presented what they consider is a sensible approach to the area and is also a feasible approach for the developers.

Mr. Manendez pointed out the surrounding uses in the area such as the Dalhousie Lab, the Baptist Church and two multi-unit buildings.

Mr. Manendez noted their proposal was for a four storey multi unit residential building, with a penthouse on the top which would make use of the terrace on top of the roof. It will have a mansard roof and there will be glass in the middle of the front. The architectural treatments will be similar to what is in the surrounding area, ie., a bit of brick in front and a bit of hardiplank and a 3' high rock wall at the entrance. They believe the proposal will enhance the area and blend in with the surrounding buildings. The owner is targeting families and a mature clientele partly because the suites will be in the range of 1000 to 2000 sq.ft.

Mr. Manendez advised that in terms of parking, they were able to accommodate 22 parking spaces. They have the potential to increase that if they build in this area (pointed out on map) but they have been trying to juggle with the issue of preservation of the trees. He pointed out an area of mature trees which they want to preserve.

Mr. Manendez displayed a picture portraying the elevations of the building. He pointed out an area of the building where the height had to be increased because of the location of the elevator. They were forced to do something architecturally to meet that requirement.

Mr. Manendez proceeded to point out other considerations:

- there is a need for multi-unit residential dwellings in the peninsula area;
- they are targeting the mature market. This is reflected in the design, ie., the size of the unit.
- underground parking;
- concrete construction and a non-combustible building;
- a secure children's play area in the back to provide amenities for family tenants;
- architectural blending into the surrounding area;
- mansard roof;
- stone on the front of the building.

Mr. Manendez advised that the client and his family are planing to occupy the penthouse units on the top of the building.

Mr. Manendez noted there are many institutional uses in the area which include multi-unit residential buildings at Civic #1350 and at the intersection of South and Oxford. The proposal would not hurt a single family environment in the area.

Ms. James pointed out that the proposal presented today is slightly different from the proposal brought forward in the initiation report. The penthouse units were added so the proposal has been slightly modified.

Councillor Uteck advised that one of the concerns of the surrounding neighbours is whether there will be a landlord present should the owner decide not to occupy the building. There was a concern about who would field the complaints if the mature students become immature. She referenced a building on South Street which they were having trouble with even though it was a great building and was designed to fit into the neighbourhood.

Mr. Manendez responded it was his understanding that the owner intended to occupy one portion of the penthouse and the other portion would be occupied by this daughter so there would always be the presence of an owner in the building.

Councillor Uteck requested that a clause be written into the development agreement requiring there to be a landlord if the building is not owner occupied.

Mr. Cesar Selah advised that the decision by the owner to move into the building and occupy the top level will result in a considerable increase in the cost of construction and level of investment. As a result of adding the penthouse, it has to be a concrete building and so the quality has increased dramatically.

Mr. Garnet Colwell, representing the First Baptist Church, indicated he was concerned about parking. They recognize through the weekdays the parking is disastrous because university students use it. On Sundays it is not as bad so the church has some place for the people to park. In the evening they also have activities at the church. Oxford Court next to the church has 6 or 7 parking spaces for visitors to keep them off the street. He expressed concern that this proposal did not include any area for visitor's parking.

Mr. Manendez advised he would take that consideration back to the office and see what they could do to provide an area for visitor's parking.

Mr. Saleh indicated they provided underground parking so that the front of the building is kept aesthetically pleasing. There is a significant number of trees on the side and bordering the property between their building and the church. They will take that point into consideration and try to provide an area for extra parking. Right now there is room for parking on the side but they chose to put the parking underground.

Mr. Colwell noted they would have to dig a bit hole for the foundation of the building and questioned whether it would cause problems for nearby foundations if there is rock.

Mr. Manendez advised that one of the first things they will be required to do is request a geotechnical report to see what they have there and based on the findings of that report they can deal with insulating footings, etc.

Mr. Saleh noted they are required at the building permit stage to meet certain criteria. It is at that stage that every aspect of the design is questioned.

An individual commented he was a friend of the owner and his daughter was married to his son, so he was sure the owner would occupy the building. He had four sons who studied at Dal. There are a lot of students who do not drive and if they drive they cannot find parking. Either they build hospitals and schools outside the City or they have to building apartment buildings to accommodate them.

Mr. Mark Poirier, 890 Marlborough Woods, President of the Halifax Urban Greenways Association, advised that their group was working to build a hiking and biking trail from the Armdale Rotary to Point Pleasant Park. They are at the point where they have developed their concept plan and wrote a proposal. The full proposal is on the HRM web site. Their proposal was presented at a public meeting at the end of November in the South End which was attended by almost 300 people, a very supportive group. There was some opposition. They are going to be working with the community and the abutting owners, such as the church, to address their concerns. They feel it would be

beneficial to the community and to developments such as this which would have families and want immediate access to that.

Mr. Poirier indicated they are not commenting on rezonings and densities but they do not want to see developments that will prevent the possibility of their proposal being implemented. This is a critical strip from Coburg Road down to the railway cut. He noted it was not clear from the proposal how far back the property line is from the actual edge of the cut. The trail envisaged is 10' wide plus some kind of landscaped buffer. He questioned whether the owner would be cooperative with their group and the Municipality as this proposal goes forward.

Ms. James questioned whether the proposal for the trail is on private land. Mr. Poirier advised it is on top of the CN cut along the east side which is the City side.

Mr. Hugh Pullen, 6262 Oakland Road, President of the Peninsula South Residents Association, questioned whether this building would conform with the normal setback on this side of Oxford Street which he believed was 30'.

Ms. James advised there is a 25' front yard setback requirement from the property line to the building face. It would be measured to the closest point of the structure.

Mr. Manendez confirmed that it would be 15' to the vestibule and 22' to the wall.

Mr. Pullen commented it would be marginally outside the limits expected for a building on this side of Oxford Street.

Mr. Pullen indicated another concern was traffic. This building will be just below the crest of the hill on Oxford Street. Oxford Street is a heavily travelled, high speed, street. There have been traffic accidents and several fatalities in this general area because of the crest of the hill. The proposal will see them replacing a single family dwelling with a 22 unit dwelling and the laws of average would say they are increasing the danger quotient. He suggested that they consult with HRM Traffic Services to see if there is a problem.

Mr. Pullen said he supported Mr. Poirier as the President of the Halifax Urban Greenways Association. If this trail goes along that bank, easements will have to be asked for from all the property owners along there and they will be asking for people to think of the greater public good. It is generally agreed that if they can get people off the street and provide some form of recreational trail, which the peninsula is in short supply of, this would be a general benefit for the public. He realized they are asking the private owners to give up something they might not have thought of.

Mr. Poirier advised they not yet done the property surveys yet and do not know exactly where the CN property is. The apartment building on the corner would have to grant an easement. They believe in the rest of the cases that the trail is on CN land.

Councillor Uteck indicated the area is already traditionally used in the summer time by the kids who are moved along through the summer. This group believes that the trail would clean up the area.

Once it is established as a multi-use trail, HRM has to take some responsibility, ie., in terms of lighting. It is an added feature that will enhance property values. The kids currently use it now illegally.

Mr. Manendez noted there appears to be 15' to 40' at the back of the property to the property line. There is about 20' before the cliff drop-off which they do not own.

Councillor Uteck stated the Police think the trail will clean up the area at night. It will be well travelled.

Ms. Amy Moonshadow, 1571 Barrington Street, questioned the price range.

Mr. Manendez responded the units would not be for sale; they will be rented. The units will range in size from 1000 to 2000 sq. ft. This is a high demand area for residential.

It was commented that a 1200 sq. ft. apartment unit in this area would probably rent for approximately \$1400 per month.

The meeting adjourned at approximately 7:45 p.m.

ATTACHMENT VII
Comparison of Building Proposed for Oxford Street to the As Of Right Provisions of the
Land Use Bylaw (excluding angle controls)

Item	Required ¹	Provided	Comment
Lot frontage	90 feet	100 feet	meets bylaw
Lot area	8,100 square feet	16,765.00 square feet	meets bylaw
Density	125 persons per acre	128.75 p. per acre	<i>does not meet bylaw</i>
Landscape open space	6,800 square feet	8,654.53 square feet	meets bylaw
Open space (total) ²	8,160 square feet	12,357.53 square feet	meets bylaw
Parking	22	24 (2 for visitors)	meets bylaw
Setback (front)	25 feet	varies 15 feet min ³	<i>does not meet bylaw</i>
Setback (south)	10 feet	varies 15 feet min ³	meets bylaw
Setback (rear)	10 feet	varies 15.6 feet min ³	meets bylaw
Setback (north)	10 feet	varies 14 feet min ³	meets bylaw

Angle controls

The proposed building meets the angle controls on all sides.

¹ All are minimum requirements except density which is a maximum permitted.

² Includes landscaped open space at grade, balconies and other common recreation areas

³ Measurement is to the building wall. Balconies are located within the setback area.

ATTACHMENT VIII
Relevant Sections of the Halifax Municipal Planning Strategy

Section VI - Peninsula Centre Area Plan Objectives and Policies

1. Residential Environments

1.1.3 The forms of infill housing permitted in Peninsula Centre shall include:

- (a) interior conversions;
- (b) additions to existing structures;
- (c) filling-in-between existing buildings; and
- (d) building on vacant lots.

1.1.4 For the purposes of this Plan, the concept of compatibility shall be deemed to require that infill housing projects are compatible with and enhance the existing development context of the neighbourhood. The City shall use as a guideline in considering rezonings, zoning amendments or contract agreements the key principle of not significantly changing the character of an area when reviewing infill housing proposals.

1.1.5 Without limiting the generality of Policy 1.1.4 above, the City shall, in reviewing proposals for compatibility with the surrounding area, have regard for the relationship of the proposal to the area in terms of the following:

- (a) land use;
- (b) scale and height;
- (c) population density;
- (d) lot size, lot frontage, setback, lot coverage and open space; and
- (e) service requirements, including parking.

1.1.6 Further to Policy 1.1.5 above, existing development standards will be assessed against their capacity to achieve the policies of this Detailed Area Plan with respect to infill housing and with respect to preservation of existing housing. Existing development standards will be amended as necessary to implement the policies of this Plan.

1.1.7 Further to Policy 1.1.6 above, open space and landscaping will be given special attention to ensure that amenity space in new development projects is useable and to foster attractive residential environments which address the needs of a variety of household types.

1.2.1 Family-type housing units should be provided with private open space at grade comprising both soft-surfaced and hard-surfaced areas for the exclusive use of occupants of the building in which said family units are located.

1.9.2 The City shall ensure that any trees or natural vegetation or open spaces affected by the proposed development shall be preserved where possible.

3. Institutions

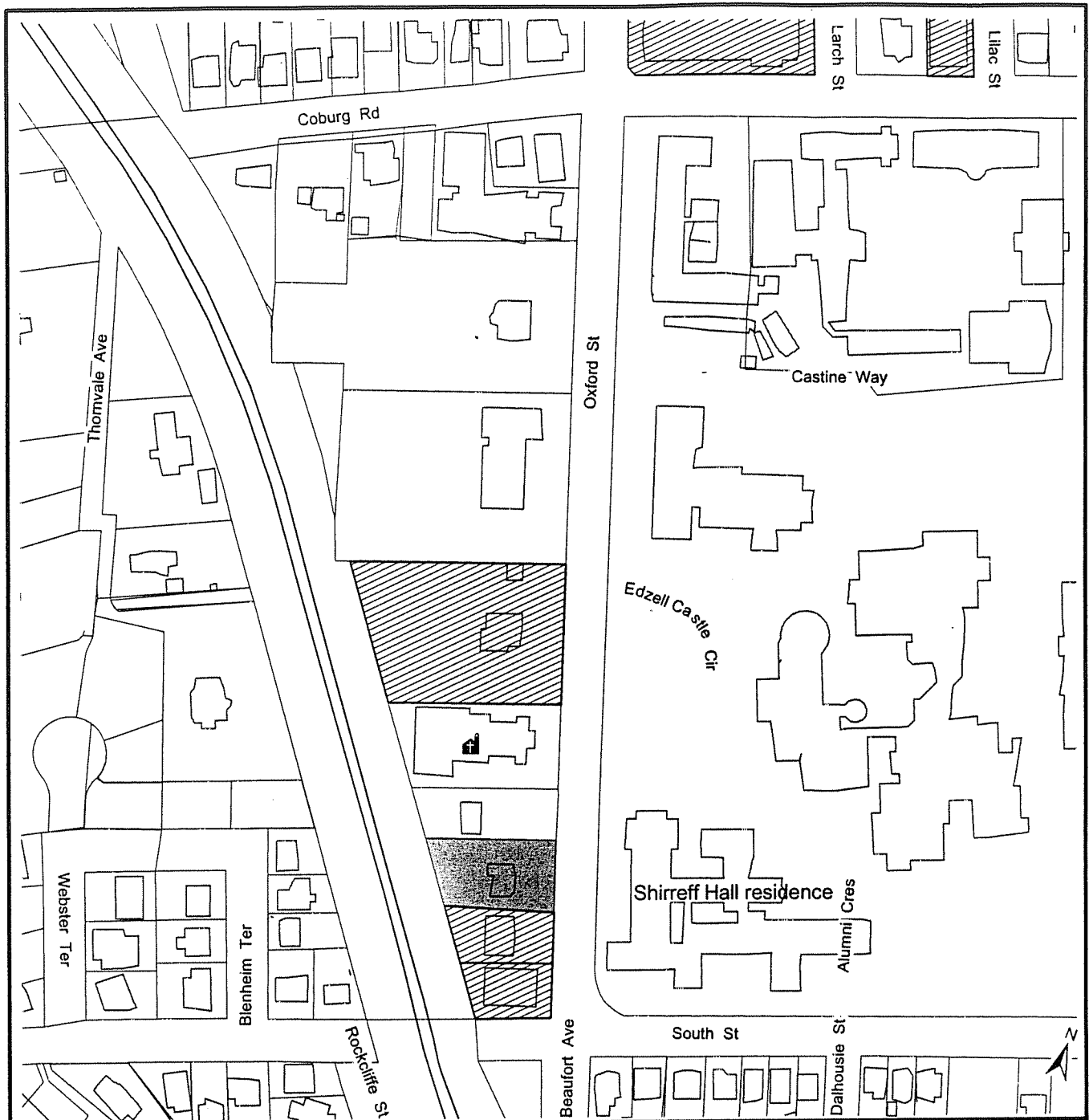
3.2.1 The City shall give priority consideration to re-use of properties previously used for local institutional uses to uses which are neighbourhood-serving and which include medium-density residential, recreation, community facilities and/or private non-profit activities.

- 3.3 For that area located generally between Coburg Road, South Street, Oxford Street and the railway cuts designated as "Institutional", the City may consider applications for rezoning to low density university use.
- 3.4 The City may, for the property identified as Civic Number 1350 Oxford Street, consider an application for high-density residential development, pursuant to the authority of Section 33(2)(b) of the Planning Act. As part of that consideration, the City shall require conformity with the provisions of the Zoning Bylaw with respect to height.

Section II - City-wide Objectives and Policies

2. Residential Environments


- 2.2 The integrity of existing residential neighbourhoods shall be maintained by requiring that any new development which would differ in use or intensity of use from the present neighbourhood development pattern be related to the needs or characteristics of the neighbourhood and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.
- 2.4 Because the differences between residential areas contribute to the richness of Halifax as a city, and because different neighbourhoods exhibit different characteristics through such things as their location, scale and housing age and type, and in order to promote neighbourhood stability and to ensure different types of residential areas and a variety of choices for its citizens, the City encourages the retention of the existing residential character of predominantly stable neighbourhoods, and will seek to ensure that any change it can control will be compatible with these neighbourhoods.
- 2.7 The City should permit the redevelopment of portions of existing neighbourhoods only at a scale compatible with those neighbourhoods. The City should attempt to preclude massive redevelopment of neighbourhood housing stock and dislocations of residents by encouraging infill housing and rehabilitation. The City should prevent large and socially unjustifiable neighbourhood dislocations and should ensure change processes that are manageable and acceptable to the residents. The intent of this policy, including the manageability and acceptability of change processes, shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.



Attachment 9
Context

1270 Oxford St
Halifax

Halifax Plan Area

 Property with four or more dwelling units

HALIFAX
REGIONAL MUNICIPALITY
PLANNING AND
DEVELOPMENT SERVICES

0 100 200
ft

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