



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

**Item No. 10.1.4**  
**North West Community Council**  
**November 15, 2016**  
**January 9, 2017**

**TO:** Chair and Members of North West Community Council

Original Signed

**SUBMITTED BY:**

\_\_\_\_\_  
Bob Bjerke, Chief Planner and Director, Planning and Development

**DATE:** October 18, 2016

**SUBJECT:** **Case 20640: Amending Development Agreement for Lot BH-1, 656, 660 and 664 Bedford Highway, Halifax**

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**ORIGIN**

Application by WSP Canada Inc.

**LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development*

**RECOMMENDATION**

It is recommended that North West Community Council:

1. Give notice of motion to consider the proposed amending agreement, as set out in Attachment A of this report, to allow for a minor increase in the number of residential units within the mixed-use development, and schedule a public hearing;
2. Approve the proposed Amending Agreement, as contained in Attachment A of this report; and
3. Require the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, which is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

## **BACKGROUND**

An application has been submitted by WSP Canada Inc., on behalf of Premax Developments Limited, for substantive amendments to an existing Development agreement that enables two, 7-storey buildings consisting of residential and commercial uses at Lot BH-1, 656, 660 and 664 Bedford Highway, Halifax (Maps 1 and 2). The purpose of the amendments is to increase the number of permitted dwelling units from 98 to 107 (a total increase of 9 units).

Pursuant to the existing development agreement, the requested amendments are substantive in nature and require a decision by Community Council following a public hearing.

<b>Subject Site</b>	4 lots that include lot BH-1 and 656, 660, and 666 Bedford Highway
<b>Location</b>	North of the intersection of Larry Uteck Boulevard and the Bedford Highway.
<b>Regional Plan Designation</b>	Urban Settlement
<b>Community Plan Designation (Map 1)</b>	Highway Commercial in the Bedford Highway Secondary Planning Strategy (SPS) of the Halifax Municipal Planning Strategy (MPS)
<b>Zoning (Map 2)</b>	Under Schedule "R" and Development agreement, which supersedes the C-2B (Highway Commercial) Zone – Halifax Mainland Land Use By-law (LUB)
<b>Size of Site</b>	Approximately 15,956.8 square metres (171,757.5 square feet)(3.94 Acres) in area
<b>Street Frontage</b>	50 metres (164 feet) along Bilby Street and 36 metres (118 feet) along Isleville Street
<b>Current Land Use(s)</b>	Vacant
<b>Surrounding Use(s)</b>	A mixture of minor commercial uses such as small retail shops, and residential uses, including single unit dwellings to the north, the Bluenose Motel (3 storeys) to the south, Terrace Condominium (4-5 storeys) to the south east and Bedros Lane Condominiums (4-6 storeys) to the west.

### **Proposal Details:**

The applicant is requesting that the existing development agreement be amended to allow the development of an additional 9 dwelling units. This increase falls within the density bounds of the current agreement, and does not change or alter the volume, size or exterior appearance of the development.

### **Existing Development Agreement (Planning Case No. 18705):**

On September 20, 2014, North West Community Council (NWCC) held a public hearing and approved a development agreement to allow for two multi-unit buildings in tower formation, 6 and 7 storeys in height and connected by a common ground floor at Lot BH-1, 656, 660 and 664 Bedford Highway, Halifax. Details in the existing agreement are as follows:

- mixed-use development consisting of commercial and residential uses, with a maximum of 98 residential dwelling units and approximately 1,300 sq.m. (14,000 square feet) of commercial space;
- private indoor and outdoor amenity spaces for the use of building tenants;
- two vehicular accesses to the site from the Bedford Highway connecting surface and underground parking; and
- population density of 61 persons per acre, which equates to an allocated density of 240 persons.

### **Enabling Policy and LUB Context:**

The subject site is located in the C-2B Zone which permits a mix of commercial and residential uses including multiple unit dwellings. The property is also located within Schedule "R" and as such, development is limited to a maximum height of 10.67 metres (35 feet) in height. Policy 1.8 of the Halifax Municipal Planning Strategy, Section VIII, Bedford Highway Secondary Plan, outlined in Attachment B, allows for the consideration of developments over 10.67 metres (35 feet) through the development agreement process. This provides flexibility by enabling modification of the standard land use by-law

requirements through the development agreement process. The original development, under Planning Case 18705<sup>1</sup>, was approved pursuant to the Schedule "R" Policies and these policies are also relevant to this request for amendments.

In 2011, Regional Council approved the Schedule "R" policies as part of a larger planning study for the Bedford Basin. Schedule "R" was applied to two areas within the Bedford Highway Secondary Plan; the lands surrounding the intersections along Bedford Highway and Larry Uteck Boulevard; and the lands at the north end of the Halifax Plan Area (Map 3). To address the challenge of introducing new uses into these areas, the conditions of a development agreement are to be negotiated on a site-by-site basis and address:

- the creation of an adequate environment for residential living on sites which may be surrounded by commercial and industrial uses; and
- providing for the continued operation of adjacent commercial and industrial uses without being encumbered by new residential uses.

### **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 providing information and seeking comments through the HRM website, signage posted on the subject site, letters mailed to property owners within the notification area. Council should note that no comments were received on the proposed amendments.

A public hearing must be held by North West Community Council before they can consider approval of the proposed Amending Agreement. Should North West Community Council choose to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail.

The proposal will potentially impact local residents and property owners.

### **DISCUSSION**

Staff have reviewed the proposal in relation to all relevant policies and advise that it is reasonably consistent with the intent of the MPS. Attachment B provides an evaluation of the proposed amendment to the development agreement in relation to the relevant MPS policies.

#### **Proposed Amending Development Agreement**

Attachment A contains the proposed Amending Agreement for the subject site and the conditions under which the development may occur. The proposed Amending Agreement addresses the following matters:

- Permitted residential uses (maximum of 107 units);
- Allocated density and density calculations; and
- Indoor and outdoor amenity spaces.

Of the matters addressed by the proposed Amending Agreement to satisfy the MPS policy criteria, the following have been identified for detailed discussion:

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<sup>1</sup> See staff report at: <http://www.halifax.ca/Commcoun/central/documents/Case18705os.pdf>

### **Number of Units**

The proposal will result in a less than 10% increase in the number of dwelling units. The increase is for additional 9 units, and will result in a total of 107 dwelling units of different types. This is achieved by reconfiguring the floor plate and reducing the unit sizes and amenity spaces to accommodate the additional units without exceeding the population density requirements or altering the volume, size or massing of the building.

### **Density Calculations**

The MPS encourages reinvestment and redevelopment within major commercial areas by allowing for flexibility with regard to the residential population density requirements of the Halifax Mainland LUB, provided that proposed densities are "consistent with municipal services". The original development, under Planning Case 18705, was approved to accommodate approximately 61 persons per acre, which establishes a maximum density of 240 persons for the site. This density is comparable to other multiple unit developments in the area, including the approved project at 644 Bedford Highway and the Terrace condominiums located to the southeast.

Upon further review of the request, staff advises that the proposed increase in the number of units from 98 to 107 (a total increase of 9 units) falls within the allocated density bounds in the existing development agreement (240 persons). Council should note that as part of the original submission, a sewer capacity analysis was conducted by the developer's consultant and reviewed by Halifax Water. This analysis indicated that there are no issues or concerns with establishing a maximum density of 240 persons on the site relative to the adequacy municipal central sewage and water systems to service the development. As such, the proposed increase meets the intent of MPS policies.

### **Indoor Amenity Space**

Although the proposed amendments are considered minor and will have no impact on the overall massing, scale and outward appearance of the building, they will result in relocating and reconfiguring the indoor amenity space. The applicant proposes to locate the new space in a common and central location within the building to be directly connected to the outdoor rooftop amenity space and easily accessed by the residents. This will result in improving the functionality of the spaces and the connections between them.

In order to facilitate for this connection and maintain an appropriate size for the indoor amenity space, the proposed amending agreement also includes specific terms and conditions with regards to the indoor and outdoor amenity spaces.

### **Conclusion**

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is reasonably consistent with the intent of the relevant policies of the Halifax. Therefore, it is recommended that North West Community Council approve the proposed amending development agreement as contained in Attachment A.

### **FINANCIAL IMPLICATIONS**

There are no budget implications. The applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this proposed development agreement. The administration of the proposed development agreement can be carried out within the approved 2016/17 budget and with existing resources.

### **RISK CONSIDERATION**

There are no significant risks associated with the recommendations contained within this report. This application may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility

and Review Board. Information concerning risks and other implications of adopting the proposed amending development agreement are contained within the Discussion section of this report.

### **ENVIRONMENTAL IMPLICATIONS**

No environmental implications are identified.

### **ALTERNATIVES**

1. North West Community Council may choose to approve the proposed amendments to the development agreement subject to modifications. Such modifications may require further negotiation with the applicant, and may require a supplementary report or another public hearing. A decision of Council to approve the proposed development agreement amendments is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. North West Community Council may choose to refuse the proposed amendments to the development agreement, and in doing so, must provide reasons why the proposed amendments do not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed development agreement amendments is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

### **ATTACHMENTS**

Map 1: Generalized Future Land Use  
Map 2: Zoning and Notification  
Map 3: Schedule R

Attachment A: Proposed Amending Agreement & Schedules  
Attachment B: Review of Relevant Policies of the Halifax Municipal Planning Strategy

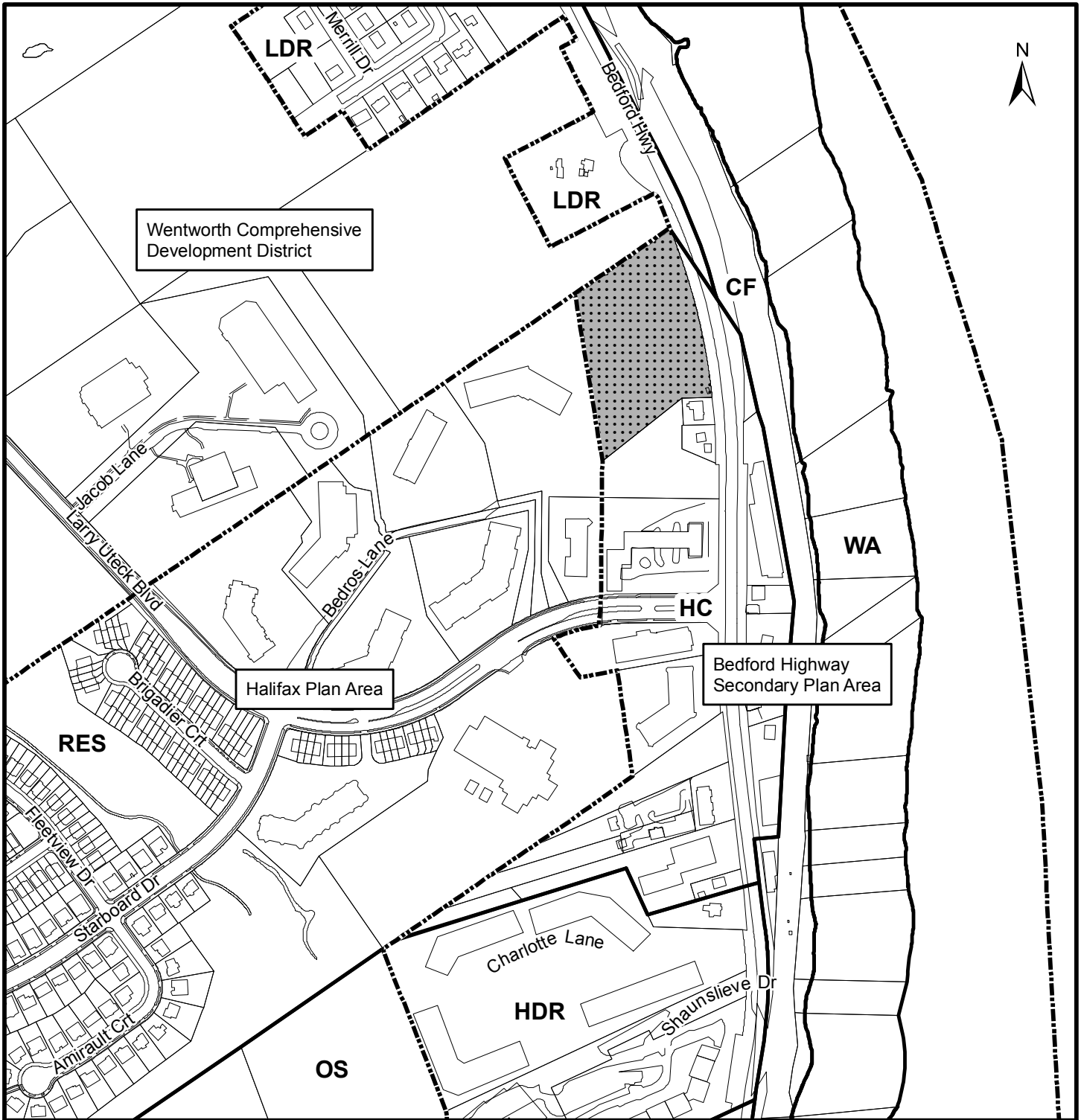
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A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Dali Salih, Planner II, Current Planning, 902-490-1948

Report Approved by: Original Signed  
Kelly Denty, Manager, Current Planning, 902.490.4800

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**Map 1 - Generalized Future Land Use**

656, 660 and 664 Bedford Highway  
Halifax

 Subject Property

Halifax Plan Area  
Bedford Highway Secondary Plan Area

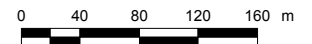
**Designation - Halifax**

- RES Residential Environments
- OS Major Community Open Spaces
- WA Water Access

**Designation - Bedford Highway**

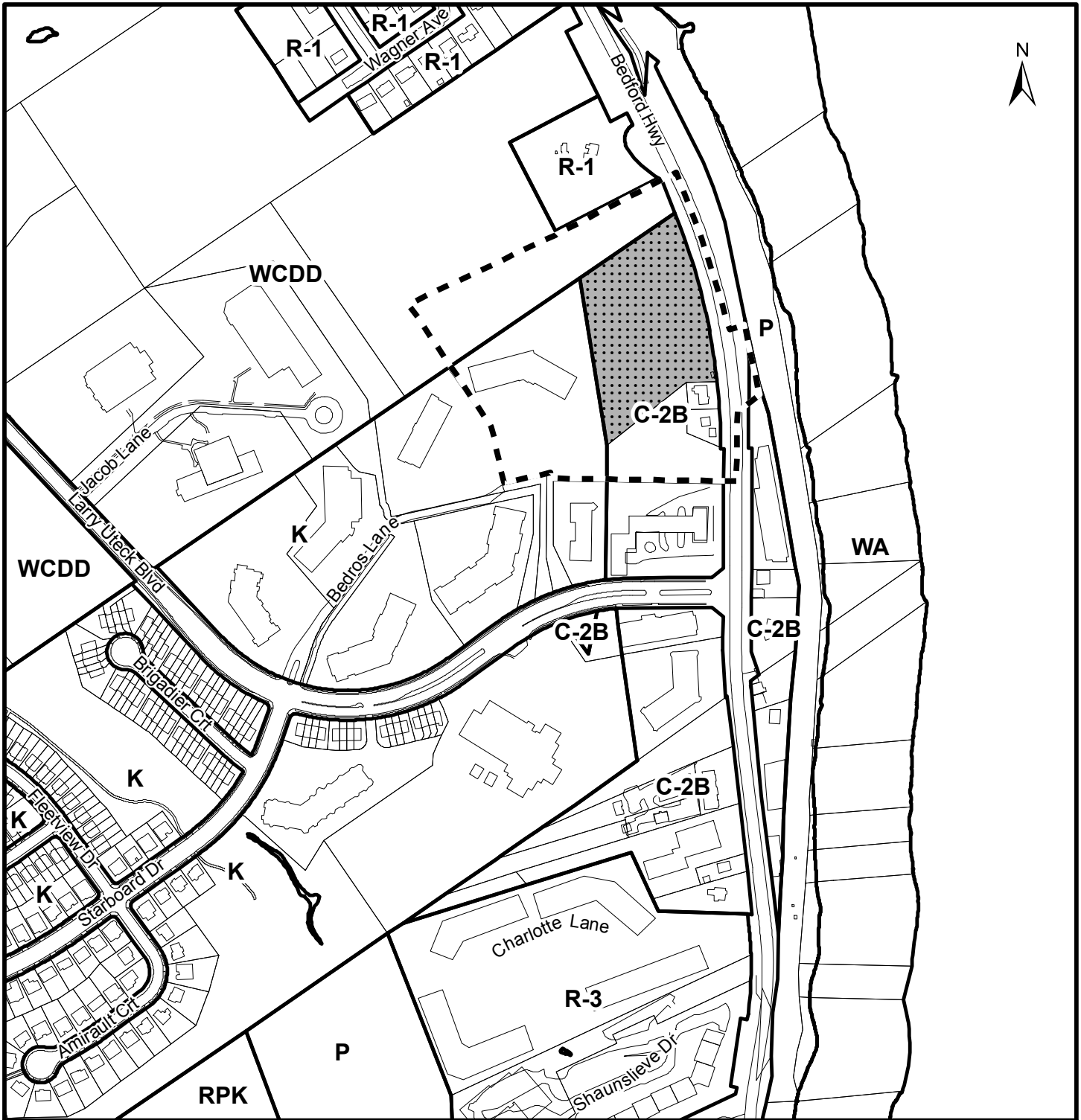
- LDR Low Density Residential
- HDR High Density Residential
- HC Highway Commercial
- CF Community Facilities
- WA Water Access

**HALIFAX**



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

The accuracy of any representation on this plan is not guaranteed.




### Map 2 - Zoning and Notification

656, 660 and 664 Bedford Highway  
Halifax

**HALIFAX**

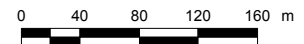
 Subject Property

 Area of Notification

Halifax Mainland  
Land Use By-Law Area

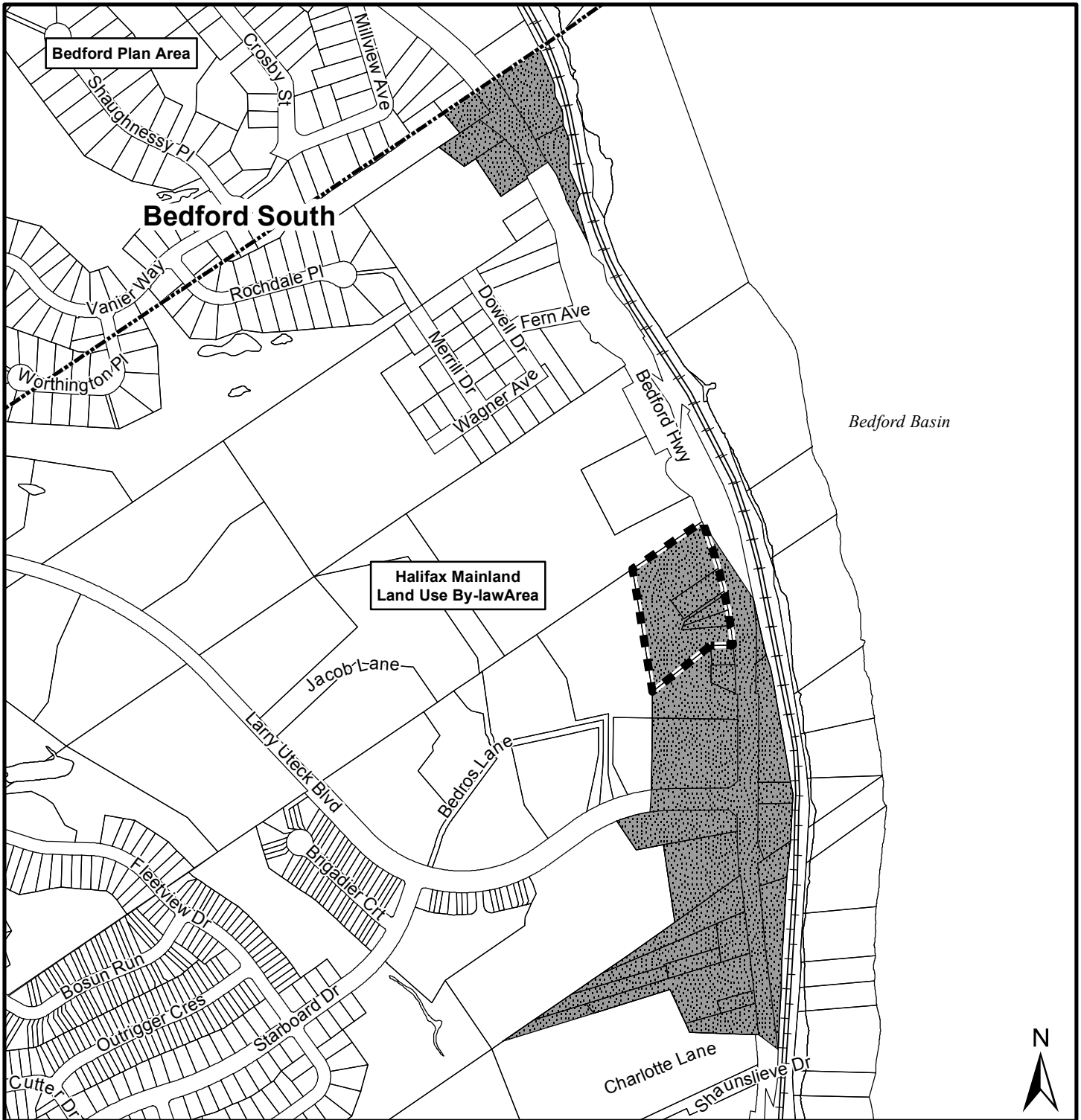
**Zone**

- R-1 Single Family Dwelling
- R-3 Low-Rise Apartment
- C-2B Highway Commercial
- K Schedule K
- P Park and Institutional
- RPK Regional Park
- WA Water Access




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

The accuracy of any representation on this plan is not guaranteed.



**Map 3 - Schedule R**

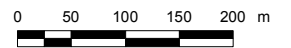
656, 660 and 664 Bedford Highway  
and Lot BH-1, Halifax

 Area of proposed  
development agreement

 Schedule R

Halifax Mainland  
Land Use By-Law Area

**HALIFAX**



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

The accuracy of any representation on  
this plan is not guaranteed.



**ATTACHMENT A:**  
**Proposed Amending Development Agreement & Schedules**

THIS AMENDING AGREEMENT made this      day of                      , 20\_\_\_,

BETWEEN:

**[INSERT Registered Owner Name]**  
a body corporate, in the Province of Nova Scotia  
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

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

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at 656, 660 and 664 Bedford Highway and Lot BH-1 Bedford Highway, Halifax and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the former Chebucto Community Council for the Municipality approved an application (Case 7620) to enter into a Stage I Development Agreement to allow for conceptual approval of the Royale Hemlock Subdivision on a portion of the Lands, which development agreement was registered at the Registry of Deeds in Halifax in November 20, 1998 in Book Number 6308 at Pages (596 to 618) (hereinafter called the "First Agreement");

AND WHEREAS the Developer has requested that the Municipality discharge the First Agreement as it applies to the Lands;

AND WHEREAS the North West Community Council of the Municipality approved an application to enter into a Development Agreement to allow for a multiple unit residential building on the Lands (Municipal reference number 18705), which said Development Agreement was registered at the Halifax County Land Registration Office on May 28, 2015, as Document Number 107169717 (hereinafter called the "Existing Agreement");

AND WHEREAS the Developer has requested amendments to the Existing Agreement to allow for a minor increase in the number of residential units within the bounds of the permitted density on the Lands;

AND WHEREAS the North West Community Council for the Halifax Regional Municipality approved this request at a meeting held on **[INSERT-Date]**, referenced as Municipal Case Number 20640;

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

1. PART 2 of the Existing Agreement is amended by inserting the following text shown in **bold** immediately following Section 2.1:

**“2.2 Definitions Specific to this Agreement:**

**(a) “Indoor Amenity Space” means common amenity areas for residents of the building, including but not limited to, exercise facilities and multi-purpose rooms with associated kitchen facilities.”**

2. Section 3.1 of the Existing Agreement is amended by deleting the Schedules shown in ~~strikeout~~ and inserting the Schedules shown in **bold**, as follows:

~~Schedule B~~ ~~Site Plans~~  
**Schedule B-1** **Site Plans**

3. The Existing Agreement is further amended by:
  - (a) deleting all references to “Schedule B” and replacing it with “Schedule B-1”;
4. Section 3.3.1 of the Existing Agreement is amended by deleting the text shown in ~~strikeout~~ and inserting the text shown in **bold**, as follows:

~~3.3.1(b) a mixed use commercial and residential building including indoor and outdoor amenity space and underground and surface parking containing a maximum of ninety-eight (98) residential dwelling units, and a maximum of 14,000 square feet of commercial spaces subject to the terms and conditions of this agreement;~~

**3.3.1(b-A) a mixed-use commercial and residential building containing a maximum of one hundred and seven (107) residential dwelling units, and a maximum of 14,000 square feet of commercial spaces. The building shall include indoor and outdoor amenity spaces, and underground and surface parking, subject to the terms and conditions of this agreement.**

5. Section 3.3.4 of the Existing Agreement is amended by deleting the text shown in ~~strikeout~~ and inserting the text shown in **bold**, as follows:

3.3.4 Landscaped podium serving as an outdoor rooftop amenity space shall be provided and shall be a minimum of **195 square metres (2,100 square feet)** ~~as shown on Schedule B.~~ **An indoor amenity space within the building shall be a minimum of 161 square metres (1,725 square feet).**

6. Section 3.3 of the Existing Agreement is amended by inserting the following text shown in **bold** immediately following Section 3.3.4:

**3.3.5 The density for 107 residential units shall not exceed a maximum of 240 persons. For the purposes of calculating population density on the Lands, the following shall apply:**

- a) Bachelor units shall be assigned 1 person per unit;
- b) One (1) Bedroom units shall be assigned 2 persons per unit; and
- c) Two (2) Bedroom or more units shall be assigned 2.25 persons per unit.

**3.3.6 Further to Section 3.3.5, for the purposes of determining permissible density, one bedroom plus den units shall be considered one-bedroom units and two bedrooms plus den shall be considered two bedroom units.**

WITNESS that this Agreement, made in triplicate, was properly executed by the respective Parties on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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

\_\_\_\_\_

Witness

\_\_\_\_\_

Witness

**<INSERT REGISTERED OWNER NAME>**

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

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

=====

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

\_\_\_\_\_

=====

**HALIFAX REGIONAL MUNICIPALITY**

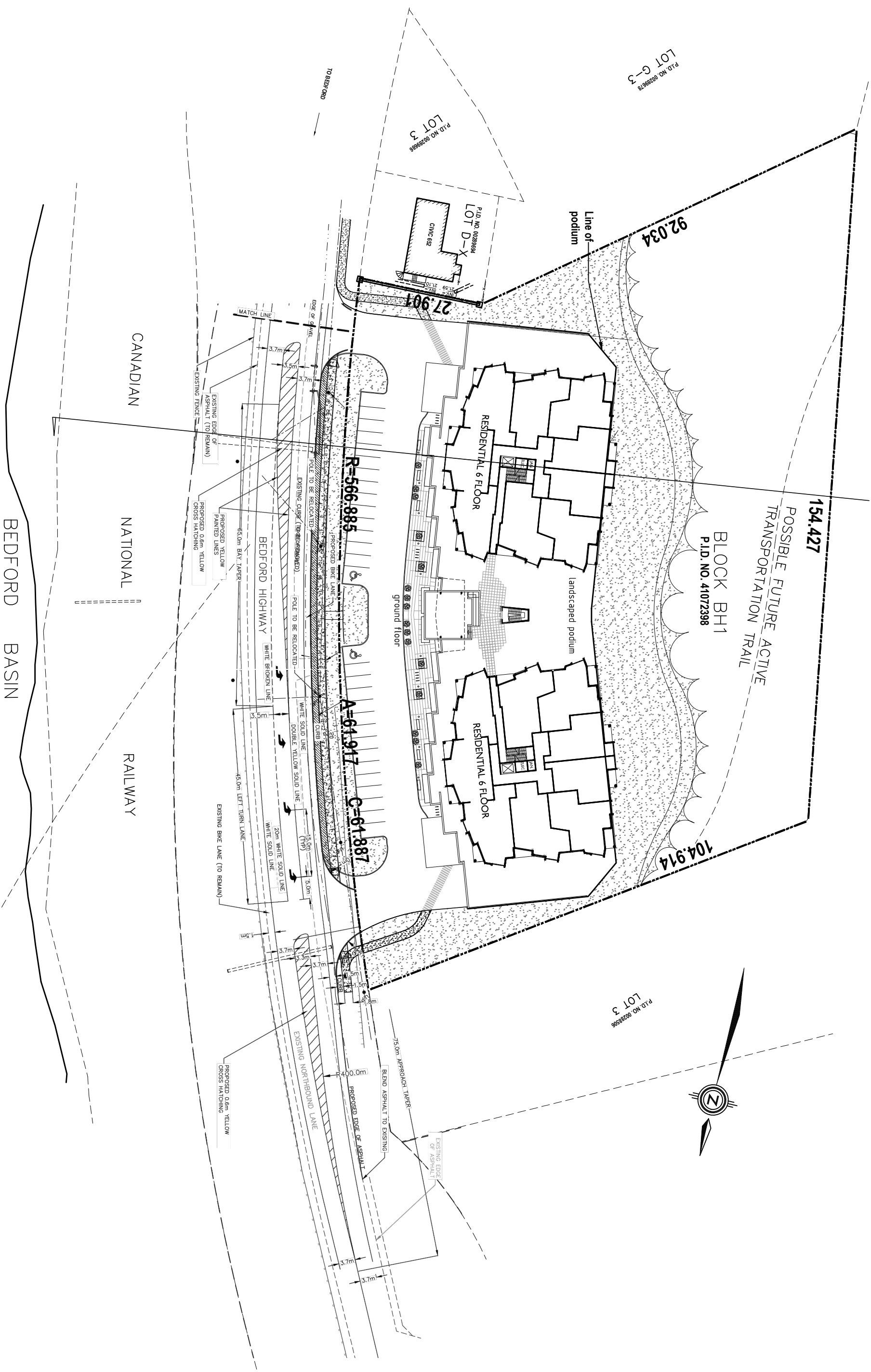
Per: \_\_\_\_\_  
Mayor

Per: \_\_\_\_\_  
Municipal Clerk



**Kassner Goodspeed Architects Ltd.**

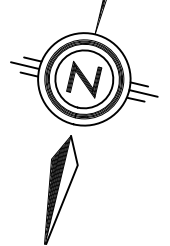
5663 Cornwallis Street, Suite 200, Halifax, NS B3K 8S6  
 Tel: 902-422-8527 | Fax: 902-422-8685 | www.kgarchitects.ca





**Kassner Goodspeed Architects Ltd.**

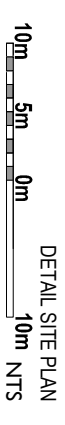
5663 Cornwallis Street, Suite 200, Halifax, NS B3K 8B6  
 Tel: 902-422-2527 | Fax: 902-422-8685 | www.kgarchitects.ca



P.I.D. NO. 00288506  
 LOT 3

RESIDENTIAL/COMMERCIAL DEVELOPMENT

BLOCK BH-1 BEDFORD HIGHWAY, HALIFAX, NS



**ATTACHMENT B:  
Review of Relevant Policies –  
Halifax Municipal Planning Strategy (MPS)**

<b>Policy Criteria</b>	<b>Staff Comment</b>
<p><i>Policy 1.8.1: In considering land use by-law amendments to allow inclusion of a specific property within Schedule “R”, the lands must be within the Bedford Highway Secondary Plan area, designated Highway Commercial, zoned C-2B (Highway Commercial Zone) and be immediately adjacent to lands currently identified in the land use by-law as Schedule “R”. (RC-Jan 11/11;E-Mar 12/11)</i></p>	<p>The subject property is currently located in Schedule “R”, is within the Bedford Highway Secondary Plan, is designated Highway Commercial and is zoned C2-B (Highway Commercial Zone).</p> <p><u>Existing Development Rights:</u></p> <ul style="list-style-type: none"> <li>• In 2014, North West Community Council (NWCC) approved a Development Agreement (DA) that permits the development of two multi-unit buildings in tower formation, consisting of residential and commercial uses.</li> <li>• The approved DA allows 98 residential units and approximately 1,300 sqm (14,000 square feet) of commercial space.</li> </ul> <p><u>Proposed Amendments:</u> The proposed Amending Agreement will permit minor increase in the number of units from 98 units to 107 units (a total increase of 9 units).</p>
<p><i>Policy 1.8.2: In considering development agreements pursuant to Policy 1.8, Council shall consider the following:</i></p>	
<p><i>(a) the relationship of new development to adjacent properties and uses; and, the mitigation of impacts on the amenity, convenience and development potential of adjacent properties through effective urban design and landscape treatment;</i></p>	<p>The subject property is adjacent to several low density residential uses and high density residential uses.</p> <p>The design of the approved development under Case 18705 utilizes the topography of the site to minimize the impact of the height of the building. This will also minimize the impacts on neighbouring low density residential uses. Fencing is required near the southern property line to provide for additional privacy for adjacent low density residential uses.</p>
<p><i>(b) direct access to and sufficient frontage on Bedford Highway;</i></p>	<p>The property has direct access to Bedford Highway and has sufficient road frontage.</p>
<p><i>(c) the architectural design of the building(s) including high quality building materials, articulation of and variation to the building(s) facades; and fine-grained architectural detailing;</i></p>	<p>The primary cladding material is a coloured masonry veneer combined with a large percentage of windows. The building appearance is broken up through the use of multiple articulations and recesses.</p>
<p><i>(d) the scale of the building(s) having regard for the retention of views of the Bedford Basin from public spaces including streets, and active transportation corridors;</i></p>	<p>Although the building height in total is 7 storeys, the building is located in a location where views of Bedford Basin from public places will not be impacted.</p>
<p><i>(e) safe vehicular and pedestrian access to the site and building(s);</i></p>	<p>Grading along the frontage of the property is to be altered to accommodate a sidewalk, curb and gutter. The change in grading will provide</p>

Policy Criteria	Staff Comment
	<p>adequate visibility when accessing and egressing the property.</p> <p>Further, the <u>approved</u> Development Agreement requires pedestrian connections along the driveways from Bedford Highway to the building and walkways along the face of the building. This requirement will not be impacted by the proposed Amending Agreement.</p>
<p><i>(f) the adequacy of vehicle and bicycle parking facilities;</i></p>	<p>The approved Development Agreement requires 150 parking spaces, which is considered adequate for the development. Bicycle parking is provided through bicycle racks near the entrance of the building. Storage space is included in the parking areas which could be further used for bicycle parking.</p> <p>This requirement will not be impacted by the proposed Amending Agreement.</p>
<p><i>(g) the location of the majority of the vehicular parking below or to the side or rear of the building(s) with a minimal amount of parking accommodated in the front of the building(s) only where appropriate landscape measures along the street edge are provided;</i></p>	<p>120 parking spaces are located underground; 30 parking spaces are located in the front yard.</p> <p>Landscaping (Street trees) are required to be planted at regular intervals along the Bedford Highway.</p>
<p><i>(h) the provision of both interior and exterior amenity areas and open space of a high quality, of a size and type adequate for the active and passive use of the residents;</i></p>	<p>The Amending Agreement requires indoor and outdoor amenity space.</p> <p>Outdoor amenity space is provided through private balconies, a common roof top terrace, and surface landscaped areas.</p>
<p><i>(i) the adequacy of the servicing capacity of the site;</i></p>	<p>The approved development under Case 18705 was reviewed by Halifax Water. There were no concerns regarding the adequacy of the servicing capacity of the site.</p> <p>The applicant is to provide a sewage flow generation analysis at the development permit stage.</p>
<p><i>(j) the provision of appropriate buffering and landscape treatment;</i></p>	<p>There is an existing tree buffer which borders the majority of the development from the neighbouring properties to the south. The majority of the tree buffer will be retained to the west of the site. There is significant distance to the closest single unit dwelling to the north (approximately 83 metres (273 feet)) with a buffer over undeveloped treed land. To the south, the agreement requires the construction of a solid wood board privacy fence, as the single unit dwelling is located very close to expected disturbance and the property line.</p>
<p><i>(k) the potential impact of shadowing on surrounding residential buildings beyond what currently exists;</i></p>	<p>The applicant submitted a shadow study under Case 18705, which indicates that there may be shadow impacts on the lands to the north,</p>

Policy Criteria	Staff Comment
	primarily in late December.
<i>(l) demonstrated incorporation of Crime Prevention Through Environmental Design (CPTED) principles in the site and building design; and</i>	The approved development under Case 18705 was reviewed by the Community Response Team of the Halifax Regional Police in relation to CPTED principles. Based on their comments the natural surveillance of the site is considered adequate.
<i>(m) the provision of active transportation linkages, where needed. (RC-Jan 11/11;E-Mar 12/11)</i>	<p>The approved development under Case 18705 includes provisions that accommodate developing a multi-use trail where an informal walking trail is currently located to the west of the site.</p> <p>The development agreement also requires that a pedestrian walkway be provided along the driveways to provide connectivity from Bedford Highway to the building. Sidewalks are to be constructed by the applicant as identified in the main section of the report.</p> <p>This requirement will not be impacted by the proposed Amending Agreement.</p>