



P.O. Box 1749  
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**Item No. 3.2**  
**Halifax and West Community Council**  
**May 22, 2018**

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

**ORIGINAL SIGNED**

**SUBMITTED BY:**

\_\_\_\_\_  
Kelly Denty, Acting Director, Planning and Development

**ORIGINAL SIGNED**

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Jacques Dubé, Chief Administrative Officer

**DATE:** May 1, 2018

**SUBJECT:** **Case 20148: Amendments to the Halifax MPS and Halifax Peninsula LUB, and a proposed development agreement, to enable a 14-storey building on lands fronting Robie, Pepperell and Shirley Streets, Halifax**

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**ORIGIN**

Application by Dexel Developments Ltd.

August 1, 2017, Regional Council direction to continue to process this request for site-specific municipal planning strategy amendments, subject to the proposal:

- a) generally aligning with the June 2017 Centre Plan document relative to Urban Structure, Height and Floor Area Ratio, and
- b) addressing the planning principles of transition, pedestrian-orientation, human-scale, building design, and context-sensitive as noted in Table 2 of the staff report dated July 26, 2017

**LEGISLATIVE AUTHORITY**

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

**RECOMMENDATION**

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

1. Give First Reading to consider the proposed amendments to the Municipal Planning Strategy for Halifax (MPS) and the Land Use By-law for Halifax Peninsula (LUB), as set out in Attachments A and B of this report, to allow for a 14-storey (plus penthouse) mixed-use building by development agreement at 6030 Pepperell Street, Halifax, and schedule a public hearing; and
2. Adopt the proposed amendments to the MPS for Halifax and the LUB for Halifax Peninsula, as set out in Attachments A and B of this report.

It is recommended that Halifax and West Community Council:

3. Give Notice of Motion to consider the proposed development agreement, as set out in Attachment C of this report, to permit a 14-storey (plus penthouse) mixed-use building at 6030 Pepperell Street, Halifax. The public hearing for the proposed development agreement shall be held concurrently with the public hearing referenced in Recommendation 1.

## **BACKGROUND**

### **The Proposed Building**

Dexel Developments Ltd. (the applicant), is applying to amend the Municipal Planning Strategy for Halifax (MPS) and the Land Use By-law for Halifax Peninsula (LUB) to allow for a proposed building on a vacant property located at 6030 Pepperell Street, Halifax (subject property). The proposed building includes:

- a 14-storey tower (plus penthouse) at the southwest corner of Robie Street and Pepperell Street;
- 4 to 7-storey components along the balance of Robie Street (including the northwest corner of Robie Street and Shirley Street);
- a 3-storey component on the balance of Pepperell Street;
- 4 to 5-storey components on the balance of Shirley Street;
- 159 residential units; and
- commercial uses within parts of the ground floor

### **Subject Property Details**

<i>General Location</i>	Robie Street, between Pepperell and Shirley Streets, Halifax
<i>Subject Site</i>	6030 Pepperell Street, Halifax
<i>Regional Plan Designation</i>	Urban Settlement
<i>Community Plan Designation (Map 1)</i>	Medium Density Residential, Peninsula Centre Area Plan, under the Municipal Planning Strategy for Halifax (MPS)
<i>Zoning (Map 2)</i>	R-2 (General Residential) Zone
<i>Size of Site</i>	3,550 square metres (38,200 square feet)
<i>Street Frontage</i>	62 m (203 ft.) on Robie Street, 77 m (255 ft.) on Pepperell Street, and 37.5 m (123 ft.) on Shirley Street
<i>Current Land Use(s)</i>	Vacant

### **Surrounding Uses**

The subject property is surrounded by a mix of building types and land uses. The 14-storey Atlantica Hotel is immediately north, across Pepperell Street. The Common Roots Urban Farm and the Halifax Infirmary are located to the east, across Robie Street. Neighbouring properties to the west of the subject property on Pepperell and Shirley Streets are developed with detached houses and some low-rise (3 to 4-storey) apartment buildings.

### **Surrounding Context**

The subject property is near the Quinpool Road commercial area, the Halifax Common, and the Halifax Infirmary. It is also within a short walk of Citadel High School, and is within a 15-minute walk of Downtown Halifax and Dalhousie University's main campus. The subject property is well served by major transit routes, providing direct service to Spring Garden Road, St. Mary's University, Dalhousie University, several hospitals and the Halifax Shopping Centre.

### **MPS and LUB Context**

The MPS designates the subject property as Medium Density Residential, under the Peninsula Centre Area

Plan. The zoning is R-2, General Residential Zone, which permits buildings with up to 4 dwelling units. Through subdivision, the R-2 Zone would allow five buildings, with one containing two dwelling units and the other four containing four dwelling units each – for a total of 18 dwelling units. Under the R-2 Zone, the maximum building height is 35 feet and the maximum lot coverage is 35 percent. The proposed building is too high for the existing zone, has too many units, and has too high a lot coverage.

The Medium Density Residential designation does not permit rezoning to the R-3 Multiple Dwelling Zone, which would allow for high density residential development. The Medium Density Residential designation does not provide a development agreement option to consider high density residential development.

The MPS provides a clear goal – maintaining the area mostly as a low-rise residential neighbourhood. This goal applies to the Medium Density Residential designation. This application at the corner of Robie and Pepperell Streets is not a low-rise building. Because the MPS does not permit large multi-unit buildings on the subject site, the applicant has requested new MPS policy. On August 1, 2017, Regional Council directed staff to continue processing this request for new MPS policy, subject to specific considerations.

### **Regional Plan/ Centre Plan**

The Halifax Regional Municipal Planning Strategy (Regional Plan) identifies the Halifax Peninsula and Dartmouth between Halifax Harbour and the Circumferential Highway as the Regional Centre. The Regional Plan expresses a clear objective to adopt a Regional Centre Plan. The process to adopt the Regional Centre Plan is well underway, and is known commonly as the Centre Plan process.

In June of 2017, as part of the Centre Plan process, Regional Council authorized the direction contained within the June 2017 Centre Plan document as a framework for amending existing planning documents and developing new planning documents in the Regional Centre.

### **Regional Council Direction for this Application**

On August 1, 2017, Regional Council also directed that a series of requests for site specific MPS amendments inside the Regional Centre should proceed, subject to specific considerations flowing from the June 2017 Centre Plan document. Specifically, Regional Council directed staff to continue processing this application, subject to:

- (a) the application generally aligning with the June 2017 Centre Plan document, relative to Urban Structure, Height and Floor Area Ratio, and
- (b) the application addressing the planning principles of transition, pedestrian-orientation, human-scale, building design, and context-sensitive.

The June 2017 Centre Plan document created 10 Urban Structure classifications: Downtowns, Centres, Corridors, Future Growth Nodes, Established Residential Areas, Higher Order Residential Areas, Intensive Employment Areas, Institutional Employment Areas, Small Scale Institutional Areas, Parks and Open Spaces. The subject property is placed within a Centre classification (Quinpool Centre) and is identified with two height ranges: a 4 to 6 storey range along a portion of Pepperell Street; and an 11 to 15 storey range along Robie Street and Shirley Street. The June 2017 Centre Plan document does not set specific Floor Area Ratios for Centres.

The planning principles noted in Regional Council's August 2017 direction are further described and reviewed in the Discussion section of this report.

## **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy, the HRM Charter, and the alternative public participation program approved by Regional Council on August 1, 2017 for this application. The approved public participation program included a neighbourhood questionnaire sent to surrounding property owners within the notification area (Map 2) as well as a specific web page on the Municipal website, and signage posted on the subject property.

Attachment D contains a summary of the ten responses to the questionnaire and of the ten written submissions about this application sent to the Halifax Peninsula Planning Advisory Committee (HPPAC). Most of the responses outlined concerns with the proposed building, while some outlined overall opposition to the proposed building. Many respondents stated that the subject property should be developed, but not with a 14-storey building. The public generally noted that a high-rise building did not fit with the neighbourhood context. Some commented that development of large buildings was not appropriate next to the Common, and that any development should wait for the Halifax Common Master Plan. A few responses expressed no major concerns with the size or design of the proposed building and stated that it fit well on the subject property. As noted, a summary of the responses is included in Attachment D, which categorizes responses by theme based on the planning principles noted in Regional Council's August 2017 direction.

Additionally, as this application falls within the Regional Centre, it was part of an Open House held on December 7, 2016, in conjunction with 17 other MPS amendment applications within the Regional Centre. Planning staff held this meeting to seek early public feedback on these proposals as part of the research and analysis for these applications, and in consideration of the ongoing Centre Plan process. An overview of Open House comments was provided to Regional Council as part of the July 26, 2017 staff report referenced in the Origin section of this report, which included comments on this application. An overview of Open House comments as they relate directly to this application is provided below:

- **Form** – Many participants did not like the design and find the building too bulky and tall abutting this residential neighbourhood. However, a significant portion of participants appreciated the modern design and agreed that density works at this location.
- **Character** – A handful of respondents noted that this proposed development does not fit with the character of 2-3 storey homes on Shirley and Pepperell Streets.
- **Streetscape** – Some participants suggested the development should have an improved relationship with the street including wider sidewalks and green space. In their opinion, more visual interest is needed along with an enhanced bus stop at this location.
- **Process** – Respondents urge that Council wait for the Centre Plan and stick to the height rules.

The proposal will potentially impact residents, property owners, and local businesses.

### **Halifax Peninsula Planning Advisory Committee**

The Halifax Peninsula Planning Advisory Committee (HPPAC) reviewed the applicant's proposal on September 11, 2017. The HPPAC suggested redesigning the planter walls along Pepperell Street. The applicant has done this. The HPPAC also suggested requiring tree planting, to mitigate potential wind impacts. Existing trees are protected through HRM's Tree By-law.

The HPPAC recommended fewer parking spaces for the development. Limiting parking helps encourage non-auto travel. HRM does not currently set maximum parking standards. Staff does not recommend creating a maximum parking standard for a site-specific planning project.

A report from the HPPAC to Community Council will be provided under separate cover.

## **DISCUSSION**

The MPS is a strategic policy document that sets out the goals, objectives and direction for long term growth and development in Halifax. Amendments to an MPS are significant undertakings. Council is under no obligation to consider such requests. In this case, staff recommend that amendments to the MPS are warranted. The following sections review the rationale and content of the proposed MPS and LUB amendments.

### **Applicant's Rationale**

The applicant has provided reasons they believe the proposed building should be considered, which are generally summarized as follows:

- The subject property is located close to many prominent destinations within the Halifax region;
- The subject property is a large, undeveloped parcel that can be developed to increase residential density; and
- The area is desirable and transit-oriented.

### **Staff Review**

#### **Regional Plan Context**

As noted in the Background section of this report, the Regional Plan expresses a clear objective to adopt a Regional Centre Plan. The process to adopt the Regional Centre Plan is well underway, and is commonly known as the Centre Plan process. A focus of the Centre Plan process relates to 'growth and change', which is identified in the Regional Plan as a guiding principle for the purposes of adopting a Regional Centre Plan. The Regional Plan's growth and change principle speaks to directing change and intensification to areas that will benefit from growth.

#### **Centre Plan 2017 Context**

In keeping with the Regional Plan, the June 2017 Centre Plan document outlines a vision for strategic growth, and outlines how and where the Regional Centre should grow through the land use and form classification shown on the Urban Structure Map. As noted in the Background section of this report, the Urban Structure includes the following 10 classifications: Downtowns, Centres, Corridors, Future Growth Nodes, Established Residential Areas, Higher Order Residential Areas, Intensive Employment Areas, Institutional Employment Areas, Small Scale Institutional Areas, Parks and Open Spaces.

The June 2017 Centre Plan document identified 5 Centres (Gottingen, Spring Garden, Wyse, Young, and Quinpool). It envisioned the Centres playing an important role in managing growth in the Regional Centre, and proposed that Centres accommodate 28% of new Regional Centre residents. Medium to high density development is appropriate for growth areas. This concentrates people, jobs, and services. New development can add to the vitality of these areas, but must transition well to existing residential and commercial areas. The overall, long-term framework for new development in the Regional Centre will be finalized through adoption of a Regional Centre Secondary Municipal Planning Strategy and Land Use By-law.

The June 2017 Centre Plan document identifies the Quinpool Centre as the heart of the Regional Centre's West End Neighbourhood, which includes a scale of buildings that transition from taller buildings at the eastern end to low buildings in the more residentially focussed western end. Based on the general transition of the existing building heights, the June 2017 Centre Plan document proposed the tallest buildings at the eastern edge of the Quinpool Centre, including building heights between 11 and 15 storeys at the intersection of Robie Street, Pepperell Street, and Shirley Street (eastern portion of the subject property).

On February 23, 2018, Centre Plan Package A was released for public and committee review. Package A includes a draft Secondary Municipal Planning Strategy and Land Use By-law which focusses on Centres,

Corridors, Higher Order Residential, and Future Growth Node classifications in the Regional Centre. Package A did not suggest a detailed approach for regulating development on the subject property.

Regional Council Direction on this Application

Regional Council directed staff to process this application, subject to it generally aligning with the June 2017 Centre Plan document, relative to Urban Structure, Height and Floor Area Ratio. The subject property is placed within a Centre classification (Quinpool Centre) and is identified with two height ranges: a 4 to 6-storey range along a portion of Pepperell Street; and an 11 to 15 storey range along Robie Street and Shirley Street. The June 2017 Centre Plan document does not set specific Floor Area Ratio ratios for Centres. Staff advise the proposed building strongly aligns with the Urban Structure and Heights outlined in the June 2017 Centre Plan document.

Regional Council also directed staff to continue processing this application, subject to it addressing the planning principles of transition, pedestrian-oriented, human-scale, building design, and context-sensitive. These planning principles are further described in Table 1 below.

**Table 1. Planning Principles**

<b>Planning Principles</b>	<b>Description</b>
<b>Transition</b>	The proposed building design recognizes surrounding development, especially adjacent low-scale residential buildings, through built form and landscape transitions. This can include setting proposed buildings back from property lines and stepping down the height of proposed buildings as they approach low-rise buildings. Landscaping can be used as a buffer between properties and to soften building elements.
<b>Pedestrian-oriented</b>	Pedestrian-oriented means that the proposed building and site design prioritizes the needs and comfort of pedestrians. The intent is to create safe, comfortable, and more enjoyable environments for people of all ages and abilities. Pedestrian-oriented design elements include buildings that are oriented to the street, with safe and inviting pedestrian connections through larger sites. Streetwalls should respond to the rhythm and variety of walking speed. Buildings should provide frequent and prominent entrances, transparent windows, weather protection using awnings and recesses, and be designed to mitigate the impact of required parking accesses and utility features.
<b>Human-Scale</b>	Human-scale means the impression of a building when seen in relation to its surroundings, or the size and proportion of parts of a building or its details in relation to its surroundings, that relates in a positive way to the visual and physical experience of a pedestrian. Moderately sized buildings, as well as taller buildings with lower scale podiums and architectural detailing, work together with narrow streets, plazas and small pocket parks to create an intimate environment and comfortable experience. Human scale design makes urban environments more interesting, encourages exploration and draws more people to local shops and services.
<b>Building Design</b>	Design means the overall architectural composition of a building and its orientation on the site. Proposed buildings should provide visual interest from all vantage points, and especially from the street. The building's façade should be articulated vertically and horizontally using a combination of windows, changes to materials and material treatments and other architectural façade elements. Coordinated building elements (like lighting and signage) and site elements (like landscaping) contribute to the overall quality of the design.

Planning Principles	Description
Context-sensitive	The proposed building's design respects the character of the surrounding neighbourhood. The scale, form, and materials used respond to the architectural character of the neighbourhood. Next to heritage buildings or streetscapes, the proposed building complements and enhances the heritage features.

## Analysis of the Planning Principles

### Transition

The lower parts of the proposed building (3-storeys facing Pepperell Street and 4 to 5-storeys facing Shirley Street) transition towards taller parts of the building. The tallest part of the building (14-storeys and a penthouse) is closest to Robie Street and the 14-storey Atlantica Hotel. The mid-rise sections of the building (7-storeys) are oriented toward Robie Street. The proposed building also includes at grade setbacks between neighbouring properties, which include landscaping elements.

### Pedestrian-Oriented

The proposed building includes entrances and large windows for commercial spaces along Robie Street, which create a pedestrian-friendly, active ground floor. The at-grade residential units facing Pepperell Street are another type of active ground floor. The proposal includes modest porches elevated slightly above the sidewalk. This design balances residents' privacy with visual connections between the units' interiors and the street. This connection makes streets feel safer and more welcoming.

### Human-Scale

To humanize the scale of the building, a 4-storey to 5-storey streetwall is proposed. The building steps back at least 2 to 3 metres above the streetwall. This reduces how large the building feels from the point of view of someone on the sidewalk. Second, there are many ground floor entrances and windows. These break the streetwall into human scale openings and sections. Third, the balconies and windows break the streetwall mass into smaller parts – individual units – that more closely relate to the size of people. This helps pedestrians visualize the units within the building, providing a middle ground between the building scale and the smaller, human scale of each unit. Fourth, the building's tower has a small floor-plate. Together, these features help to minimize the impacts of a larger building and address the human-scale principle.

### Building Design

The proposed building design uses complementary colours, and a variety of cladding textures. The mix of light and dark materials, and the mix of smooth and rough claddings creates contrast and visual interest. The repeating windows, the recessed balconies and the doors provide rhythm, while the building's streetwall is broken up into two main masses, providing visual interest, especially from Robie Street. The proposed design aligns with the building design principle.

### Context-Sensitive

Two different contexts meet at the subject property. There is the low-rise context of Pepperell and Shirley Streets. The respondents to the neighbourhood questionnaire generally identified that a high-rise development did not fit with this neighbourhood context. Staff recommends that the transition to low-rise building sections on Shirley and Pepperell lessens the effect on low-rise neighbourhoods. Staff advise that the building design is a reasonable response to concerns about low-rise context.

Across Robie Street is another context, the Halifax Infirmary, part of the Halifax Common institutional district. The Infirmary is a large building with a large parking garage. Other large buildings in the area include

the Atlantica Hotel and the office building at the corner of Quinpool Road and Robie Street. Staff recommend that the proposed high-rise component is in keeping with this context.

### **Proposed MPS and LUB Amendments**

MPS amendments are needed to permit a 14-storey building at this location. The proposed MPS policy is contained in Attachment A. The policy ensures future development of the subject property will generally align with the June 2017 Centre Plan document relative to urban structure and height, and will address the planning principles noted in this report.

The proposed MPS amendments include a new section in the MPS, Section XVI. Section XVI recognizes the Regional Plan's clear objective to adopt a Regional Centre Plan through the Centre Plan process. Section XVI introduces new policies for the subject property that are consistent with Regional Council's August 1, 2017 direction for this application. These policies are generally in keeping with the June 2017 Centre Plan document. The proposed policies require the use of a development agreement for the subject property.

Attachment B contains proposed amendments to the LUB, including removal of the subject property from the Peninsula Centre Height Precincts, which currently restrict development to 35 feet in height.

### **Proposed Development Agreement**

Attachment C contains the proposed development agreement for the subject property. Staff's view is that the proposed development agreement reasonably carries out the intent of the proposed MPS amendments. Attachment E contains a review of the proposed development agreement against the proposed criteria for the MPS.

The following highlights the primary land use, built form, and site design requirements found in the proposed development agreement:

*Land Uses:* The proposed development agreement allows a mix of commercial, institutional, community and multi-unit residential uses. It allows restaurants and licensed establishments, excluding cabarets and lounges. Banks and office uses are limited to 4,000 square metres (43,056 square feet).

#### *Building Height and Built Form:*

- Maximum height is limited to 14-storeys (46.5 metres or 153 feet), plus a penthouse, at the corner of Robie and Pepperell Streets;
- Maximum height along the balance of Robie Street is limited to 7-storeys;
- Maximum height on the balance of Shirley Street is limited to between 4 and 5-storeys; and
- Maximum height on Pepperell Street is limited to 3-storeys, except for a 7-storey portion.

#### *Building Setbacks:*

- Maximum streetwall heights of between 3 and 5-storeys are permitted;
- Minimum streetwall setbacks are between 0.75 metres and 1.5 metres;
- Minimum side yards are 3 metres next to established residential areas;
- Minimum rear yards are 6 metres next to established residential areas; and
- Building walls must have a minimum horizontal step-back above the streetwall of between 2 and 3 metres.

*Unit Mix:* The proposed development agreement requires at least one third of residential units to have 2 or more bedrooms.

The proposed development agreement also includes requirements in relation to:



- Landscaping and landscaped buffers
- Amenity space
- External appearance
- Streetwall articulation and streetwall design
- Parking

A portion of the building, near the corner of Robie and Pepperell Streets, would be allowed to have a 5-storey streetwall. This is taller than the maximum streetwall height suggested by the June 2017 Centre Plan document (2 to 4 storeys). Staff considers this streetwall height appropriate because of the width of Robie Street, and because this is a small section of the streetwall. Also, this taller streetwall highlights the street corner, which is a general approach of the June 2017 Centre Plan document. The proposed development agreement will be considered by Halifax and West Community Council, should the MPS amendments be approved.

### **Conclusion**

Staff have reviewed the proposal and completed the public participation program approved by Regional Council. Staff advises the location is appropriate for high-density development. The June 2017 Centre Plan document has identified the subject property on Robie Street as appropriate for taller buildings. This is due to:

- Robie Street's width;
- The location near major transit routes, commercial uses, institutions and major green spaces; and
- Nearby built form, including several tall buildings.

Staff recommend creating new MPS policy, new land use by-law provisions, and a development agreement to regulate development on the subject property. The MPS and LUB amendments respond to the direction Regional Council provided when this planning application was initiated. The detailed land use, built form, and site design requirements in the proposed development agreement ensure future development on the subject property will address the planning principles outlined by Regional Council for this application. The proposed development agreement also ensures strong alignment with the Urban Structure and Height framework outlined in the June 2017 Centre Plan document.

### **FINANCIAL IMPLICATIONS**

There are no financial implications. The applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred to satisfy the terms of the proposed development agreement. The administration of the proposed development agreement can be carried out within the approved 2018-19 budget with existing resources.

### **RISK CONSIDERATION**

There are no significant risks associated with the recommendations in this report. This application involves proposed MPS amendments. Such amendments are at the discretion of Regional Council and are not subject to appeal to the N.S. Utility and Review Board. The proposed development agreement is subject to appeal to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed amendments are contained in the Discussion section of this report.

### **ENVIRONMENTAL IMPLICATIONS**

No additional concerns were identified beyond those raised in this report.

## **ALTERNATIVES**

Halifax & West Community Council may choose to recommend that Regional Council:

1. Modify the proposed amendments to the Halifax MPS and Halifax Peninsula LUB, as set out in Attachments A and B of this report. If this alternative is chosen, specific direction regarding the requested modifications is required. Substantive amendments may require another public hearing to be held before approval is granted. A decision of Council to approve or refuse the proposed amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Refuse the proposed amendments to the Halifax MPS and the Halifax Peninsula LUB. A decision of Council to approve or refuse the proposed amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

## **ATTACHMENTS**

Map 1	Generalized Future Land Use Map
Map 2	Zoning Map and Notification Area
Attachment A	Proposed Amendments to the Municipal Planning Strategy for Halifax
Attachment B	Proposed Amendments to the Land Use By-law for Halifax Peninsula
Attachment C	Proposed Development Agreement
Attachment D	Public Feedback Summary
Attachment E	Policy Review of Proposed Development Agreement

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Sean Gillis, Planner II, 902.490.6357

**ORIGINAL SIGNED**

Report Approved by:

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Kate Greene, Policy & Strategic Initiatives Program Manager, 902.225.6217

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### Map 1 - Generalized Future Land Use

Robie, Pepperell, and Shirley Street  
Halifax

 Subject Property

Halifax Plan Area  
Peninsula Centre Area Plan

#### Halifax Plan Area Designation

OS Major Community Open Spaces

#### Peninsula Centre Area Designation

MDR Medium Density Residential

HDR High Density Residential

CF Community Facility

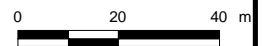
INS Institutional

#### Quinpool Road Commercial Designation

C Commercial

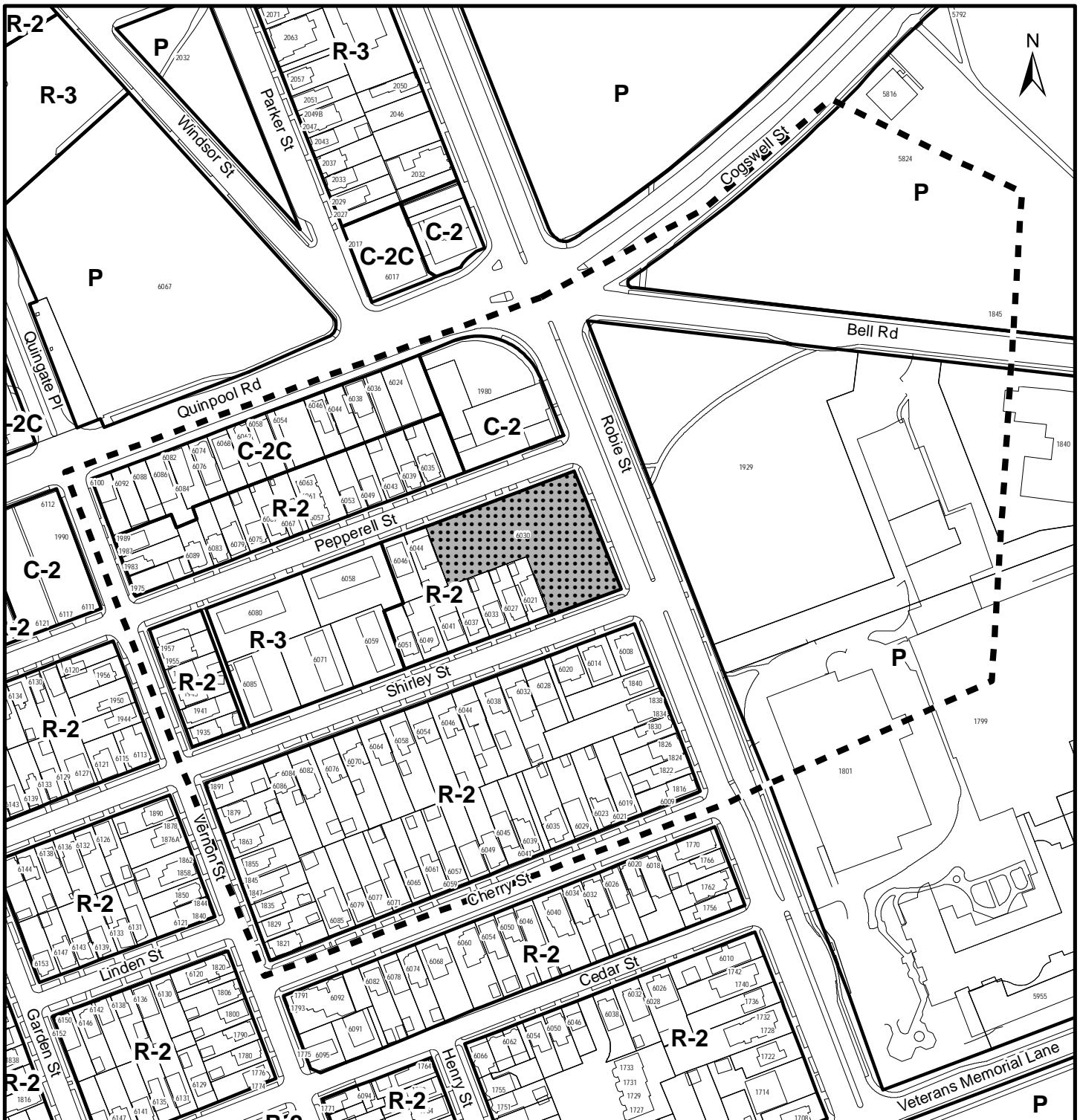
CF Community Facilities

**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

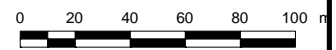
Robie, Pepperell, and Shirley Street  
Halifax

**HALIFAX**

-  Subject Property
-  Area of Notification

### Zone

- R-2 General Residential
- R-3 Multiple Dwelling
- C-2 General Business
- C-2C Minor Commercial - Quinpool Road
- P Park and Institutional



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.

Halifax Peninsula  
Land Use By-Law Area

## **Attachment A: Proposed Amendments to the Municipal Planning Strategy for Halifax**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Halifax which was passed by a majority vote of the former City Council at a duly called meeting held on the 30th day of March, 1978, and approved by the Minister of Municipal Affairs on the 11th day of August, 1978, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 11th day of November, 2017, is hereby further amended as follows:

- a) By amending the TABLE OF CONTENTS to add the following text immediately before the text “IMPLEMENTATION POLICIES”, and renumbering the page numbers for the TABLE OF CONTENTS as appropriate:

### **SECTION XVI SITE-SPECIFIC POLICIES IN KEEPING WITH THE JUNE 2017 CENTRE PLAN DOCUMENT**

#### **1. Background**

#### **2. The Planning Principles**

#### **3. Development at Robie Street / Pepperell Street / Shirley Street**

- b) By adding Section XVI following Section XV, as follows:

### **SECTION XVI SITE-SPECIFIC POLICIES IN KEEPING WITH THE JUNE 2017 CENTRE PLAN DOCUMENT**

#### **1. BACKGROUND**

**The Regional Municipal Planning Strategy for the Municipality (Regional Plan) identifies the Halifax Peninsula and Dartmouth between Halifax Harbour and the Circumferential Highway as the Regional Centre. The Regional Plan expresses a clear objective to adopt a Regional Centre Plan.**

**In June of 2017, as part of the Centre Plan process, Regional Council authorized the direction contained in the June 2017 Centre Plan Document as a framework for amending existing planning documents and developing new planning documents.**

**On August 1, 2017, Regional Council directed nine requests for site-specific amendments to this Municipal Planning Strategy to proceed subject to specific considerations flowing from June 2017 Centre Plan Document. On January 16, 2018, Regional Council also directed three other site-specific amendments to this Municipal Planning Strategy proceed subject to the same considerations.**

## **2. THE PLANNING PRINCIPLES**

**Regional Council directed that five planning principles be used to evaluate the following requests for new Municipal Planning Strategy policy:**

- a) Development at Robie Street / Pepperell Street / Shirley Street, as identified in Section 3.**

**These planning principles are described as:**

<b>Planning Principles</b>	<b>Description</b>
<b>a) Transition</b>	The proposed building design recognizes surrounding development, especially adjacent low-scale residential buildings, through built form and landscape transitions. This can include setting proposed buildings back from property lines and stepping down the height of proposed buildings as they approach low-rise buildings. Landscaping can be used as a buffer between properties and to soften building elements.
<b>b) Pedestrian-oriented</b>	Pedestrian-oriented means that the proposed building and site design prioritizes the needs and comfort of pedestrians. The intent is to create safe, comfortable, and more enjoyable environments for people of all ages and abilities. Pedestrian-oriented design elements include buildings that are oriented to the street, with safe and inviting pedestrian connections through larger sites. Streetwalls should respond to the rhythm and variety of walking speed. Buildings should provide frequent and prominent entrances, transparent windows, weather protection using awnings and recesses, and be designed to mitigate the impact of required parking accesses and utility features.
<b>c) Human-Scale</b>	Human-scale means the impression of a building when seen in relation to its surroundings, or the size and proportion of parts of a building or its details in relation to its surroundings, that relates in a positive way to the visual and physical experience of a pedestrian. Moderately sized buildings, as well as taller buildings with lower scale podiums and architectural detailing, work together with narrow streets, plazas and small pocket parks to create an intimate environment and comfortable experience. Human scale design makes urban environments more interesting, encourages exploration and draws more people to local shops and services.
<b>d) Building Design</b>	Design means the overall architectural composition of a building and its orientation on the site. Proposed buildings should provide visual interest from all vantage points, and especially from the street. The building's façade should be articulated vertically and horizontally using a combination of windows, changes to materials and material treatments and other architectural façade elements. Coordinated building elements (like lighting and signage) and site elements (like landscaping) contribute to the overall quality of the design.
<b>e) Context-sensitive</b>	The proposed building's design respects the character of the surrounding neighbourhood. The scale, form, and materials used respond to the architectural character of the neighbourhood. Next to heritage buildings or streetscapes, the proposed building complements and enhances the heritage features.

### **3. DEVELOPMENT AT ROBIE STREET / PEPPERELL STREET / SHIRLEY STREET**

An 'L' shaped property having street frontage on Robie Street, Pepperell Street, and Shirley Street is the subject site of a proposal for site-specific planning policy amendments to allow for a 14-storey building comprised mostly of residential dwelling units. This proposal is one of the twelve policy requests noted in Section 1. On August 1, 2017, Regional Council chose to continue processing the 14-storey proposal subject to specific considerations.

#### **3.1 Specific Considerations**

The June 2017 Centre Plan Document identifies this property as part of the Quinpool Centre. The Quinpool Centre is the heart of the Regional Centre's West End Neighbourhood. It includes a scale of buildings that transition from taller buildings at the eastern end to low buildings in the more residentially focussed western end. Based on the general transition of existing building heights, the June 2017 Centre Plan Document proposed locating the tallest buildings at the eastern edge of the Quinpool Centre, including buildings between 11 and 15 storeys at the intersections of Robie Street and Pepperell Street, and Robie Street and Shirley Street.

The Robie/Pepperell/Shirley 14-storey proposal was given Regional Council direction to continue, subject to the proposal generally aligning with the June 2017 Centre Plan Document relative to urban structure, height, and floor area ratio. As noted, the June 2017 Centre Plan Document places the Robie/Pepperell/Shirley site within the Quinpool Centre. Further, the June 2017 Centre Plan Document identifies the portion of the site fronting Robie Street for heights between 11 and 15 storeys, with the remainder of the site identified for heights between 4 and 6 storeys. The June 2017 Centre Plan Document does not suggest a specific floor area target for Centres.

Regional Council also directed the 14-storey proposal to address the planning principles noted in Section 2.

#### **3.2 Regulating Development**

To achieve a development form on the Robie/Pepperell/Shirley site that generally aligns with the urban structure and heights identified in the June 2017 Centre Plan Document, and ensures the five planning principles noted in Section 2 are addressed, development will be permitted by development agreement, as described below.

##### **3.2.1 Development Agreement Provisions**

The Land Use By-law for Halifax Peninsula shall be amended to identify that mixed-use, multi-unit residential development may be considered by development agreement for the property located at the intersections of Robie Street, Pepperell Street, and Shirley Street.

Notwithstanding other policies of this Municipal Planning Strategy, a development agreement for the property located at the intersections of Robie Street, Pepperell Street, and Shirley Street (6030 Pepperell Street, Halifax), shall:

- a) permit mixed-used (residential and commercial) buildings;

- b) permit a range of uses that serve both a local and regional population, including: residential, office, retail, service, restaurants, establishments licensed to serve alcohol, institutional, cultural, and entertainment uses;**
- c) require a mix of residential unit types;**
- d) restrict development at the southwest corner of Robie Street and Pepperell Street to 14 storeys, plus a penthouse;**
- e) restrict development fronting on the balance of Robie Street to 7 storeys;**
- f) restrict development fronting on the balance of Shirley Street to between 4 and 5 storeys;**
- g) restrict development fronting on Pepperell Street to 3 storeys, with the exception of a 7 storey portion next to the 14 storey plus penthouse portion at the southwest corner of Robie Street and Pepperell Street;**
- h) restrict streetwall heights to 4 storeys, with provision for a 5 storey streetwall at the southwest corner of Robie Street and Pepperell Street;**
- i) require indoor and outdoor amenity space for on-site residents;**
- j) require regulations for signage and the external appearance of structures;**
- k) regulate streetwall design and the design of at-grade residential units;**
- l) regulate landscaping, fencing, outdoor storage, and the planting or retention of trees and vegetation;**
- m) prohibit surface parking lots; and**
- n) permit residential and commercial parking.**

**In addition to meeting the requirements of Policy 3.2.1 a) to n) inclusive, Council shall also have regard for the following when considering a development agreement for the property located at the intersections of Robie Street, Pepperell Street, and Shirley Street (6030 Pepperell Street, Halifax):**

- o) the planning principles of transition, pedestrian-oriented, human-scale, building design and context sensitive, as described in Section 2; and**
- p) the provision of appropriate changes in building size and massing, to create appropriate transitions to surrounding built forms.**



## **Attachment B: Proposed Amendments to the Land Use By-law for Halifax Peninsula**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Halifax Peninsula which was passed by a majority vote of the former City Council at a duly called meeting held on March 30, 1978, and approved by the Minister of Municipal Affairs on August 11, 1978, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 12th day of August, 2017, is hereby further amended as follows:

1. By amending Map ZM-17, Height Precincts as shown on Schedule 1.
2. By Amending the section PENINSULA CENTRE - DEVELOPMENT AGREEMENTS to insert Section 95(7) following Section 95(6), as follows:

**95(7) Intersections of Robie, Pepperell and Shirley Streets, Halifax (6030 Pepperell Street)**

**Council may, by development agreement, pursuant to Policy 3.2.1 of Section XVI of the Halifax Municipal Planning Strategy, permit mixed-use, multi-unit residential development.**



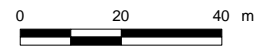
**Schedule 1 - Height Precincts**

**HALIFAX**

Robie, Pepperell, and Shirley Street  
Halifax



Area to be removed from within the height precinct boundary on Map ZM-17, Height Precincts



This map is an unofficial reproduction of a portion of the ZM-17 Height Precincts Map for the plan area indicated.

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

Halifax Peninsula  
Land Use By-Law Area

**ATTACHMENT C:**

**Proposed Development Agreement**

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

BETWEEN:

**[Insert Name of Corporate/Business LTD.]**

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 on Robie Street, Pepperell Street, and Shirley Street, and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a Development Agreement to allow for mixed-use, high density residential development on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Section XVI, Policy 3.2.1 of the Municipal Planning Strategy for Halifax and Subsection 95(7) of the Land Use By-law for Halifax Peninsula;

AND WHEREAS the Halifax and West Community Council for the Municipality approved this request at a meeting held on **[Insert - Date]**, referenced as Municipal Case Number 20148;

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

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

### **1.1 Applicability of Agreement**

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

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

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

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

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

### **1.4 Conflict**

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

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

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

### **1.6 Provisions Severable**

- 1.6.1 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.

## 1.7 Lands

- 1.7.1 The developer hereby represents and warrants to the Municipality that the Developer is the owner of the Lands and that all owners of the Lands have entered into this Agreement.

## PART 2: DEFINITIONS

### 2.1 Words Not Defined under this Agreement

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

### 2.2 Definitions Specific to this Agreement

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

- a) "Commercial parking" means a parking structure, or any portion thereof, where parking spaces can be leased by the public;
- b) "Height" as pertaining to any building, means, the vertical distance of the highest point of the roof above the mean grade of the finished ground adjoining the building;
- c) "Parapet" means a barrier which is an extension of the wall at the edge of a roof or at the edge of the streetwall;
- d) "Streetwall" means the wall of a building or portion of a wall facing a streetline that is below the height of a specified stepback or angular plane, excluding minor recesses for elements such as doorways or intrusions such as bay windows;
- e) "Streetwall Height" means the vertical distance between the top of the streetwall, excluding parapets, and the streetline grade, extending across the width of the streetwall;
- f) "Streetwall setback" means the distance between the streetwall and the streetline;
- g) "Stepback" means a specified horizontal recess from the top of a streetwall, which shall be unobstructed from the streetwall to the sky except as otherwise specified;
- h) "Streeline" means the lot line between the street and an abutting lot;
- i) "Streetline Grade" means the elevation of a streetline at a point that is perpendicular to the horizontal midpoint of the streetwall. Separate streetline grades shall be determined for each streetwall segment that is greater than 20 metres in width or part thereof; and
- j) "Work-live unit" means buildings or spaces within buildings that are used jointly for commercial and residential purposes, where the residential use of the space is equal to or accessory to the primary use as a place of work.

## PART 3: USE OF LANDS AND DEVELOPMENT PROVISIONS

### 3.1 Schedules

- 3.1.1 Unless otherwise provided for in the text of this Agreement, the Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, conforms with the following Schedules, which form a part of this Agreement and are attached to this Agreement **and filed in the Halifax Regional Municipality as Case Number 20148:**

Schedule A	Legal Description of the Lands(s)
Schedule B	Site Plan
Schedule C	Height and Streetwall Framework

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

- 3.2.1 Prior to the commencement of any site work on the Lands, the Developer shall provide the following to the Development Officer:
- a) a detailed Site Disturbance Plan prepared by a Professional Engineer in accordance with Section 5.1 of this Agreement;
  - b) a detailed Erosion and Sedimentation Control Plan prepared by a Professional Engineer in accordance with Section 5.1 of this Agreement; and
  - c) a detailed Site Grading and Stormwater Management Plan prepared by a Professional Engineer in accordance with Section 5.1 of this Agreement.
- 3.2.2 Prior to the issuance of a Development Permit, the Developer shall provide the following to the Development Officer, unless otherwise permitted by the Development Officer:
- a) a Landscape Plan prepared by a Landscape Architect in accordance with Subsection 3.5.17 of this Agreement.
- 3.2.3 Prior to the issuance of the first Municipal Occupancy Permit, the Developer shall provide the following to the Development Officer, unless otherwise permitted by the Development Officer, subject to Subsection 3.5.19:
- a) Written confirmation from a Landscape Architect which the Development Officer may accept as sufficient record of compliance with the landscaping requirements of this Agreement.
- 3.2.4 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Lands for any of the uses permitted by this Agreement unless an Occupancy Permit has been issued by the Municipality. No Occupancy Permit shall be issued by the Municipality unless and until the Developer has complied with all applicable provisions of this Agreement and the Land Use By-law (except to the extent that the provisions of the Land Use By-law are varied by this Agreement) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.

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

- 3.3.1 The use(s) of the Lands permitted by this Agreement are the following:
- a) apartment house (multi-unit residential)
  - b) restaurants and licensed alcohol establishments, excluding cabarets and lounges
  - c) banks and office uses, up to 4,000 square metres
  - d) work-live units
  - e) retail uses and pharmacies
  - f) commercial recreation uses
  - g) personal and professional services
  - h) daycares
  - i) institutional uses
  - j) medical clinics and medical offices
  - k) cultural uses
  - l) commercial parking
  - m) any use accessory to any of the foregoing uses

- 3.3.2 At least one third of the total number of dwelling units in an apartment house, rounded up to the nearest full number, shall include two or more bedrooms.

*Work-Live Units*

- 3.3.3 The commercial portion of a work-live unit shall be located and accessible at the ground floor, and shall have a separate exterior entrance.

**3.4 Siting and Architectural Requirements**

- 3.4.1 The building shall be generally sited as shown on Schedule B, and include additional detailing as identified in Section 3.4 of this Agreement.

- 3.4.2 Subject to Subsection 3.4.3, no building will be constructed or altered so that it exceeds the maximum height framework as shown on Schedule C, Height and Streetwall Framework.

- 3.4.3 Elevator enclosures, mechanical penthouses and habitable penthouses shall be setback from the rooflines facing streetlines a minimum of 5 metres (16.4 feet) and shall be limited to 5 metres (16.4 feet) above the building height. Elevator enclosures and penthouses shall be limited to a maximum of 40 percent of the roof area. Habitable penthouses shall be limited to 2 units or less.

- 3.4.4 The building's exterior design shall be developed substantially in conformance with Schedule D of this Agreement. The Development Officer may permit minor changes to building elements shown on Schedule D, provided the height and size of the building do not increase and the intent of this Agreement is maintained.

*Streetwall Setbacks*

- 3.4.5 Subject to Subsection 3.4.6, the streetwall shall be setback from the streetline a minimum of 1.5 metres and a maximum of 3 metres. Up to 20 percent of the streetwall may be setback more than 3 metres from the streetline.

- 3.4.6 The streetwall facing Robie Street shall be setback at least 0.75 metres.

*Sideyard Setbacks*

- 3.4.7 Subject to Subsection 3.4.8, side yard setbacks are as follows:

<b>Abutting Zone</b>	<b>Minimum</b>	<b>Maximum</b>
Properties used or zoned for residential	3 m	10% of lot width
All other zones	0 m	10% of lot width

- 3.4.8 Above the 4th storey, the building shall be setback at least 6 metres as measured from the property line of any abutting properties used or zoned for residential.

*Rear Yard Setbacks*

- 3.4.9 Subject to Subsection 3.4.10, rear yard setbacks are as follows:

<b>Abutting Zone</b>	<b>Minimum</b>
Properties used or zoned for residential	6 m
All other zones	3 m

- 3.4.10 Subject to Subsections 3.5.22 and 3.5.23, an enclosed parking structure that is above grade shall be setback at least 1.5 metres from properties zoned or used for residential.

*Maximum Streetwall Height*

- 3.4.11 Subject to Subsections 3.4.12, 3.4.13, and 3.4.14, the maximum streetwall height shall conform with the streetwall heights as shown on Schedule C, Height and Streetwall Framework.

- 3.4.12 Up to 20 percent of the streetwall may exceed the maximum streetwall height.

- 3.4.13 The maximum streetwall height may be exceeded by a glass guard and railing system to allow for the safe use of podiums and rooftops.

- 3.4.14 The maximum streetwall height may be exceeded by a parapet, no higher than 1.25 metres in height.

*Streetwall Design*

- 3.4.15 The ground floor shall have a minimum floor to ceiling height of 3.5 metres.

- 3.4.16 If a building's streetwall width exceeds 15.0 metres, the streetwall must incorporate distinct changes in articulation, in increments of 5–10 metres, while still respecting relevant height and setback requirements. Changes in articulation may include:

- a) changes to streetwall heights;
- b) changes to setbacks and front yards;
- c) use of different façade materials;
- d) recesses, projections or recessed balconies; and
- e) building entrances.

*Building Stepbacks*

- 3.4.17 Subject to Subsection 3.4.18, above the streetwall, the building shall have a horizontal stepback of at least 3 metres from the edge of the streetwall.

- 3.4.18 Above the streetwall, building walls facing Robie Street must have a horizontal stepback of at least 2 metres from the edge of the streetwall.

*At-grade Residential*

- 3.4.19 At-grade residential units that have exterior entrances fronting on a public street shall be designed as follows:

- a) the ground floor will be set above the sidewalk grade;
- b) the entrance will open directly onto an individual porch, patio or stoop, which is connected directly to the sidewalk by a stairway or ramp; and
- c) a wall, planter or fence of up to 1.25 metres in height may be placed between the sidewalk and the porch, stoop or patio. Above 1.25 metres, a glass railing may be used if needed.

*External Building Appearance*

- 3.4.20 All cladding materials shall be durable and have an architectural finish.

- 3.4.21 The following cladding materials are prohibited:

- a) vinyl siding;
- b) plywood;



- c) unfinished concrete block or cinder block;
- d) exterior insulation and finish systems where stucco is applied to rigid insulation; and
- e) darkly tinted or mirrored glass (not including spandrel panels)

3.4.22 Utility connections, fill pipes, exhaust vents, and ventilators shall be screened.

3.4.23 Mechanical and electrical systems (HVAC, exhaust fans, generators etc.) shall be screened. Furthermore, no mechanical equipment, electrical equipment or exhaust fans shall be located between the building and abutting properties used or zoned for residential, unless screened, and noise reduction measures are implemented.

### **3.5 General Requirements**

#### *Permitted Encroachments Into Yards and Stepbacks*

3.5.1 The following structures are permitted encroachments into any required yard:

- a) Wheelchair ramps, uncovered patios, walkways, lifting devices, and steps; and
- b) Eaves, gutters, downspouts, cornices, and other similar features may project up to 0.9 metres from the building face;

3.5.2 The following structures are permitted encroachments into any required yard, except for the front yard facing Robie Street:

- a) Window bays and solar collectors up to 0.9 metres from the building face;
- b) Balconies, porches, verandas, and sundecks; and
- c) Mechanical and electrical systems may project up to 0.9 metres from the building face, subject to Subsection 3.4.23.

3.5.3 Encroachments listed in Subsection 3.5.2 are not permitted in the front yard facing Robie Street.

3.5.4 Enclosed parking structures may project into a required front yard facing Pepperell Street, if:

- a) the parking structure meets the landscaping requirements in Subsections 3.5.13 and 3.5.14;
- b) the parking structure is covered by a porch or deck leading from the sidewalk to an at-grade residential unit; and
- c) the parking structure meets the requirements of Subsections 3.5.22 and 3.5.23.

3.5.5 Building stepbacks above the streetwall must be open and unobstructed except for eaves, gutters, downspouts, cornices, and other similar features.

3.5.6 Building stepbacks above the streetwall must be open and unobstructed except for balconies, if:

- a) the total horizontal width of the balconies on any one storey is not more than 40 percent of the width of the building wall; and
- b) balcony depth does not project more than 2 metres past the building face.

#### *Screening of Waste Management Containers*

3.5.7 If refuse of any kind is stored outside, it must be stored in waste management containers.

3.5.8 Waste management containers stored outside shall:

- a) only be in a side or rear yard;
- b) must be screened by an opaque fence at least 1.8 metres tall; and
- c) must not be located any closer than 3 metres to a property line abutting a property zoned or used for residential uses.

*Parking*

3.5.9 Surface parking lots are prohibited.

3.5.10 Commercial parking is permitted.

3.5.11 The development shall provide one separately accessible parking space, at least 2.4 metres wide and 4.8 metres long, for each:

- a) four bachelor units or fraction thereof contained in an apartment house;
- b) three one-bedroom units contained in an apartment house; and
- c) other dwelling unit contained in an apartment house.

*Bicycle Parking*

3.5.12 The development shall comply with the bicycle parking provisions of the applicable Land Use By-law, as amended from time to time.

*Landscaping*

3.5.13 Subject to Subsection 3.5.14, all required yards and all areas on top of an enclosed parking structure must be landscaped as follows:

- a) landscaped areas shall include soft landscaping materials, such as grasses or plantings; and
- b) landscaped areas to be used for outdoor amenity space or walkways may include hard landscaping materials such as pavers, tile or wood.

3.5.14 Areas required for vehicle and pedestrian access do not need to be landscaped.

*Landscaped Buffer*

3.5.15 Where the development abuts a property zoned or used for residential, it must contain a landscape buffer next to that use, which must contain:

- a) an opaque fence or masonry wall at least 1.8 metres high; and
- b) at least one tree (with a minimum base caliper of 50 millimetres) for every 4 linear metres of buffer.

3.5.16 Trees in a landscaped buffer may be grouped or unevenly spaced.

3.5.17 Prior to the issuance of a Development Permit, the Developer agrees to provide Landscape Plan which complies with the landscaping provisions of this Agreement. The Landscape Plan shall be prepared by a Landscape Architect (a full member, in good standing with Canadian Society of Landscape Architects) and comply with all provisions of this section.

3.5.18 Prior to issuance of the first Occupancy Permit, the Developer shall submit to the Development Officer a letter prepared by a member in good standing of the Canadian Society of Landscape Architects certifying that all landscaping has been completed according to the terms of this Agreement.

3.5.19 Notwithstanding Subsection 3.5.18, where the weather and time of year do not allow the completion of the outstanding landscape works prior to the issuance of the Occupancy Permit, the Developer may supply a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping. The cost estimate is to be prepared by a member in good standing of the Canadian Society of Landscape Architects. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the work as described herein and illustrated on the Schedules, and as approved by the Development Officer. Should the Developer not complete the landscaping within twelve months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping as set out in this section of the Agreement. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.

#### *Amenity Space*

3.5.20 Apartment house buildings shall provide amenity space at a rate of 5 square metres per residential unit. Amenity space may be provided in the form of unit patios, unit balconies or terraces, rooftop balconies or terraces, and shall include interior amenity space. Interior amenity space shall include one of the following common elements:

- a) fitness room of a minimum size of 40 square metres; or
- b) community room of a minimum size of 40 square metres.

#### *Signs*

3.5.21 Any persons carrying on a use permitted in this Agreement may place upon and parallel to the front of the building signage that complies with the following:

- a) where signs are illuminated, they shall be illuminated in such a manner not to cause a glare or hazard to motorists, pedestrians or neighbouring premises;
- b) fascia signs shall not extend beyond the extremities of a wall on which they are affixed;
- c) maximum combined size of fascia signs on the wall of a building shall be no greater than 10 percent of the total area of said wall;
- d) aggregate area of all window signs shall not exceed 25 percent of the window, or glass area of a door, to which they are affixed;
- e) signs on awnings shall not cover more than 25 percent of the area of the awning, and the length of the text shall not exceed 80 percent of the length of the front valance; and
- f) no signs shall be permitted on the roof of a building.

#### *Parking Structures and Foundations*

3.5.22 Subject to Subsection 3.5.23, an exposed concrete foundation wall or enclosed parking structure, which faces a public street or faces a property used or zoned for residential, shall not exceed 0.6 metres in height.

3.5.23 Foundations or enclosed parking structures that are taller than 0.6 metres, shall be clad or architecturally detailed in a manner that compliments the exterior design and materials of the main building.

### **3.6 Additional Requirements**

3.6.1 Lighting shall be directed to driveways, parking areas, loading areas, building entrances and walkways and shall be arranged to divert the light away from streets, adjacent lots and buildings. Accent lighting of building elements is permitted.

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

3.6.3 Temporary construction buildings shall be permitted on the Lands for housing equipment, materials and office related matters relating to the construction and sale of the development in accordance with this Agreement. The construction buildings shall be removed from the Lands prior to the issuance of the last Occupancy Permit.

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

### **4.1 General Provisions**

4.1.1 All design and construction of primary and secondary service systems shall satisfy the most current edition of the Municipal Design Guidelines and Halifax Water Design and Construction Specifications unless otherwise provided for in this Agreement and shall receive written approval from the Development Engineering prior to undertaking the work.

### **4.2 Off Site Disturbance**

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

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

### **5.1 Stormwater Management Plans and Erosion and Sedimentation Control Plan**

Prior to the commencement of any site work on the Lands, including earth movement or tree removal other than that required for preliminary survey purposes, or associated off-site works, the Developer shall:

- (a) Submit to the Development Officer a detailed Site Disturbance Plan, prepared by a Professional Engineer indicating the sequence and phasing of construction and the areas to be disturbed or undisturbed;
- (b) Submit to the Development Officer a detailed Erosion and Sedimentation Control Plan prepared by a Professional Engineer in accordance with the Erosion and Sedimentation Control Handbook for Construction Sites as prepared and revised from time to time by Nova Scotia Environment. Notwithstanding other sections of this Agreement, no work is permitted on the Lands until the requirements of this clause have been met and implemented. The

- Erosion and Sedimentation Control Plan shall indicate the sequence of construction, all proposed detailed erosion and sedimentation control measures and interim stormwater management measures to be put in place prior to and during construction; and
- (c) Submit to the Development Officer a detailed Site Grading and Stormwater Management Plan prepared by a Professional Engineer.

- 5.2 All private storm water facilities shall be maintained in good order in order to maintain full storage capacity by the owner of the lot on which they are situated.

## **PART 6: AMENDMENTS**

### **6.1 Non-Substantive Amendments**

- 6.1.1 The following items are considered by both parties to be not substantive and may be amended by resolution of Council.
  - (a) The granting of an extension to the date of commencement of construction as identified in Subsection 7.3.1 of this Agreement;
  - (b) The length of time for the completion of the development as identified in Subsection 7.5.1 of this Agreement.

### **6.2 Substantive Amendments**

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

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

### **7.1 Registration**

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

### **7.2 Subsequent Owners**

- 7.2.1 This Agreement shall be binding upon the parties hereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the Lands which are the subject of this Agreement until this Agreement is discharged by Council.
- 7.2.2 Upon the transfer of title to any lot(s), the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot(s).

### **7.3 Commencement of Development**

- 7.3.1 In the event that development on the Lands has not commenced within 6 years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law.

7.3.2 For the purpose of this section, commencement of development shall mean the issuance of a Building Permit.

7.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 6.1(a), if the Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the commencement of development time period.

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

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

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

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

7.5.1 If the Developer fails to complete the development after 10 years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office Council may review this Agreement, in whole or in part, and may:

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

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

#### **8.1 Enforcement**

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

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

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

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

onto the Lands or from the performance of the covenants or remedial action, shall be a first lien on the Lands and be shown on any tax certificate issued under the *Assessment Act*,

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

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

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

(Insert Registered Owner Name)

\_\_\_\_\_

Witness

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

**HALIFAX REGIONAL MUNICIPALITY**

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

\_\_\_\_\_

Witness

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

MAYOR

\_\_\_\_\_

Witness

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

MUNICIPAL CLERK

PROVINCE OF NOVA SCOTIA  
COUNTY OF HALIFAX

On this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_, before me, the subscriber personally came and appeared \_\_\_\_\_ a subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that \_\_\_\_\_, \_\_\_\_\_ of the parties thereto, signed, sealed and delivered the same in his/her presence.

\_\_\_\_\_  
A Commissioner of the Supreme Court  
of Nova Scotia

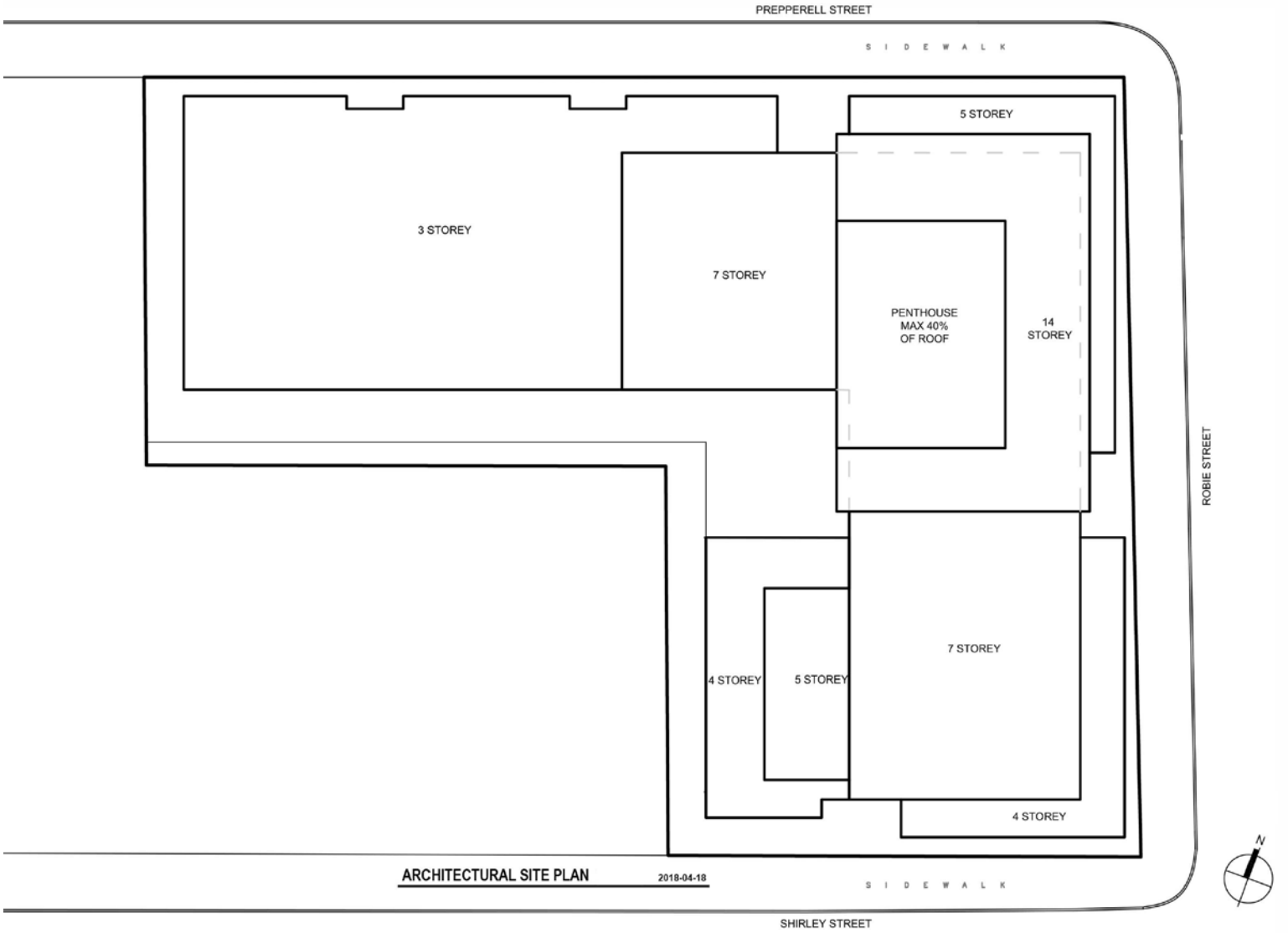
PROVINCE OF NOVA SCOTIA  
COUNTY OF HALIFAX

On this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_, before me, the subscriber personally came and appeared \_\_\_\_\_ the subscribing witness to the foregoing indenture who being by me sworn, made oath, and said that Mike Savage, Mayor and Cathy Mellett, Clerk of the Halifax Regional Municipality, signed the same and affixed the seal of the said Municipality thereto in his/her presence.

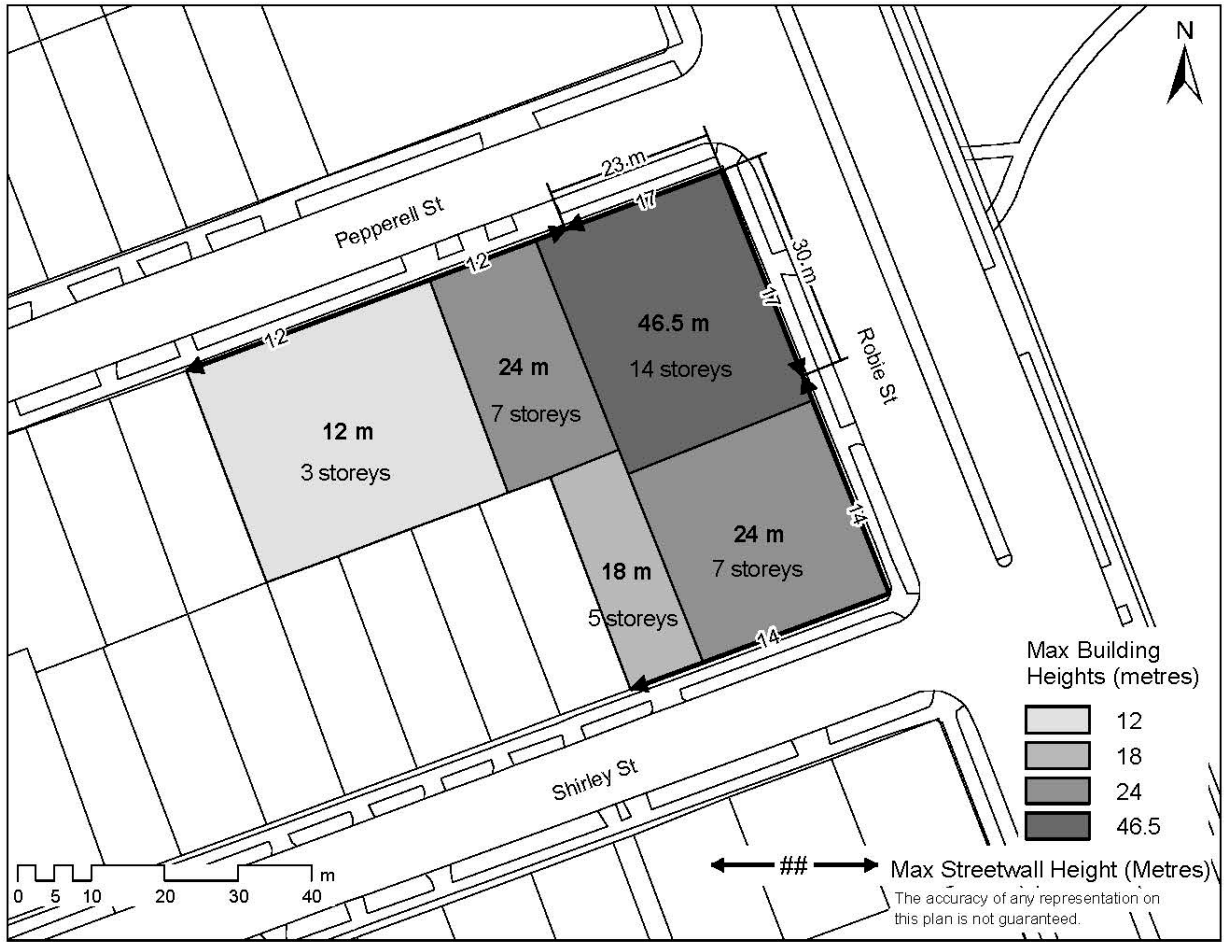
\_\_\_\_\_  
A Commissioner of the Supreme Court  
of Nova Scotia



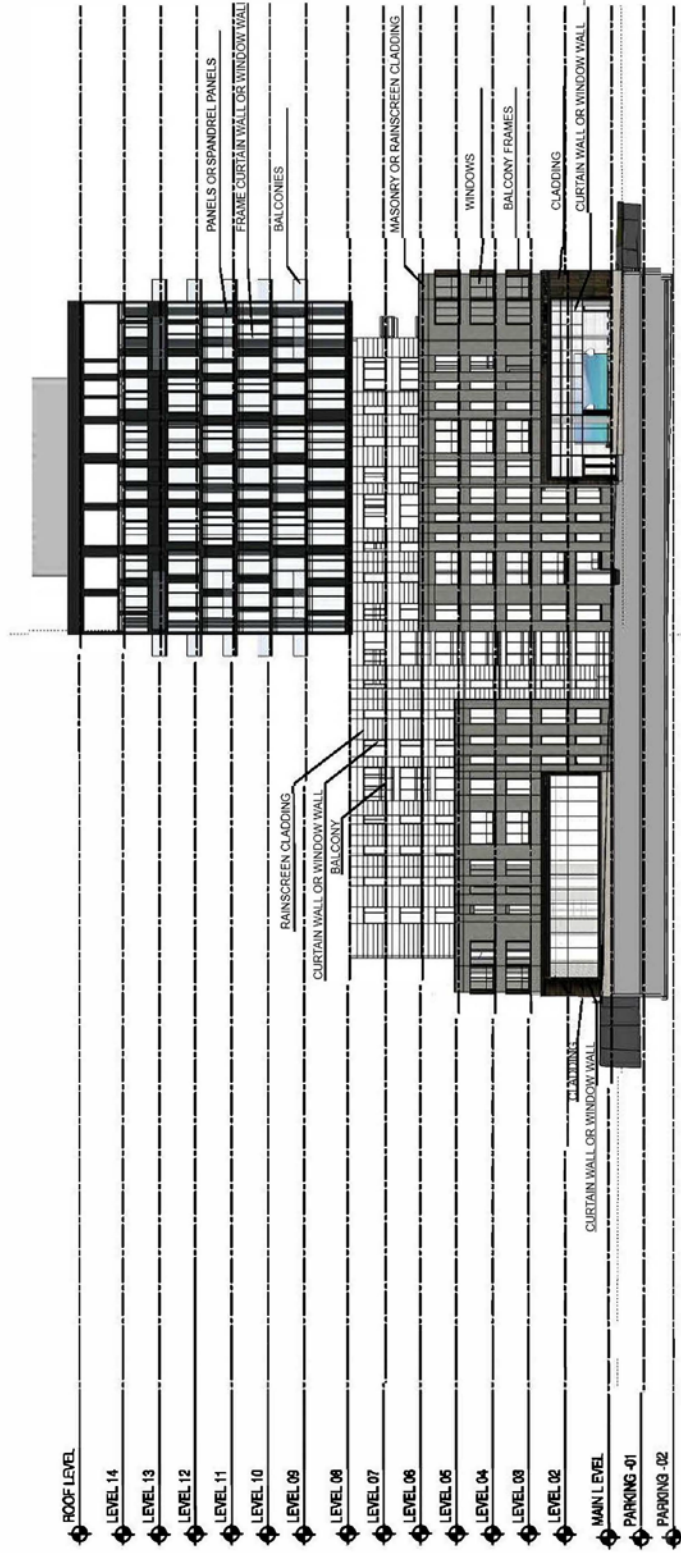
# Schedule B – Site Plan



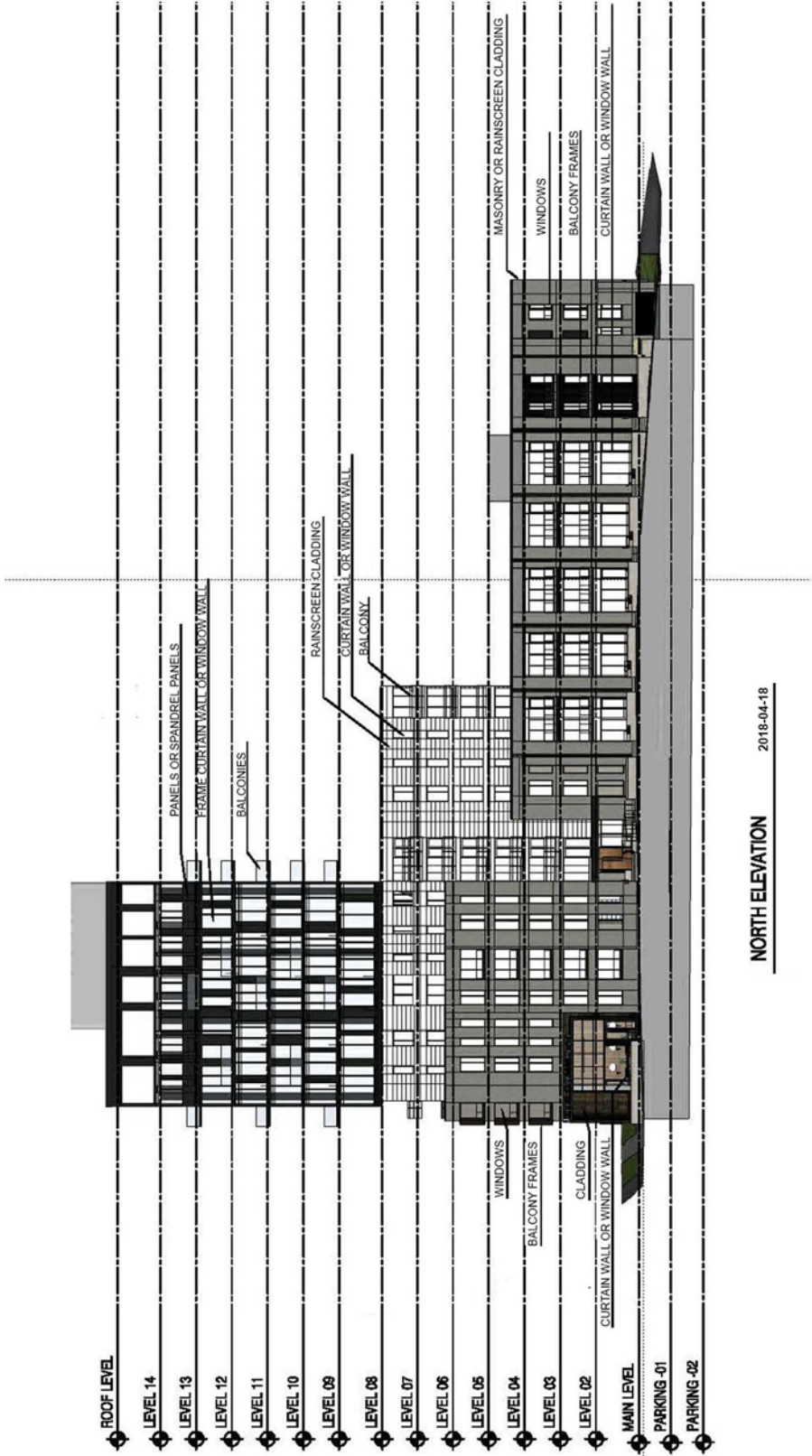
### Schedule C – Height and Streetwall Framework



**Schedule D – Building Elevations**



EAST ELEVATION 2018-04-18

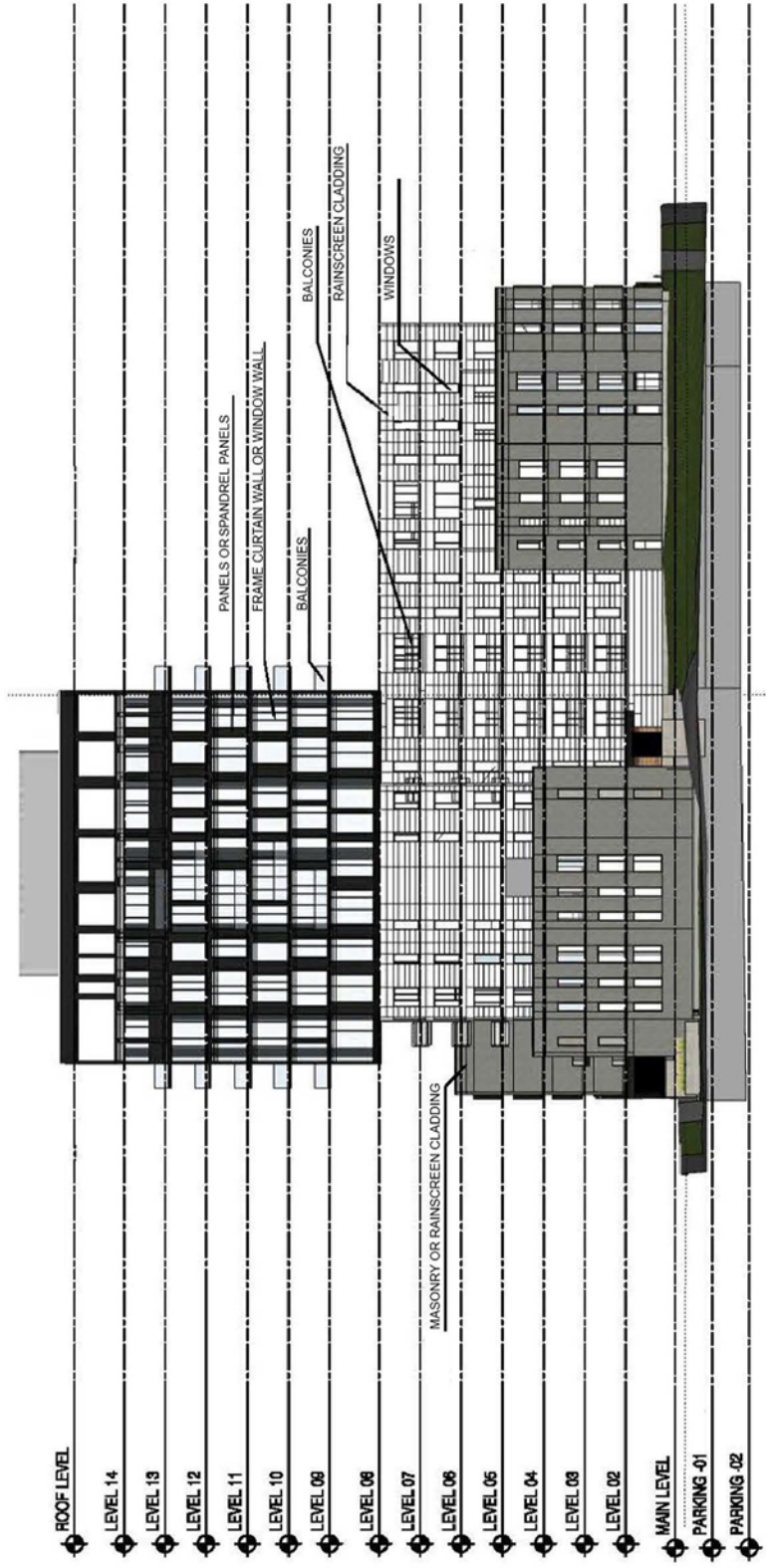


**NORTH ELEVATION**

2018-04-18

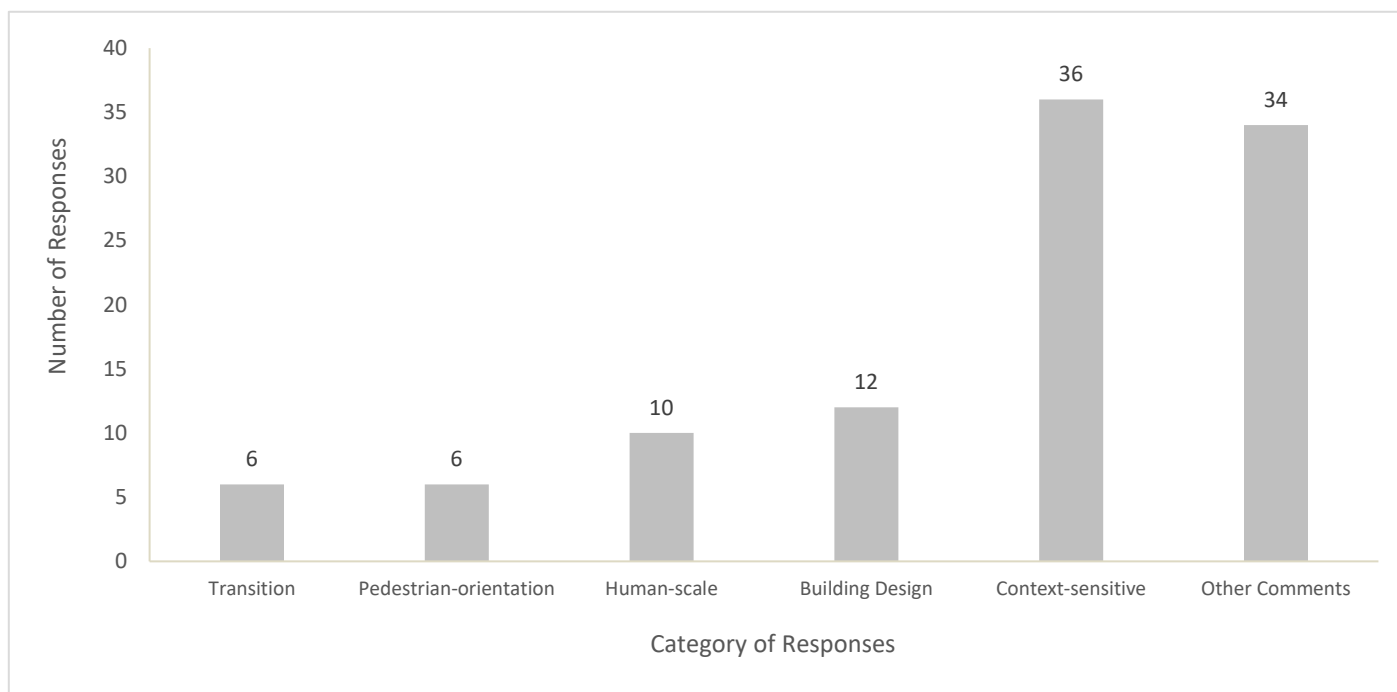


**SOUTH ELEVATION** 2018-04-18



WEST ELEVATION 2018-04-18

**Attachment D – Public Feedback Summary**  
**20148 – Robie, Pepperell, Shirley Streets**



**Transition**

- A few respondents liked the overall design of the building, and did not flag any issues related to transition.
- Some respondents highlighted concerns around transition, including that this will impact privacy of resident's back yards.

**Pedestrian-oriented and human-scale**

- A few respondents felt the building was too close to Robie Street, which will make it uncomfortable for pedestrians. Wind and blank concrete walls were a concern for a couple of respondents.

**Human Scale**

- Many respondents felt the building was too tall and not human scaled.

**Building Design**

- Some respondents felt the building was too large, and will create too much shade.
- A few respondents found the building unattractive.

**Context-Sensitive**

- A few respondents were happy to see something proposed for a vacant site.
- A few respondents felt the building fit the site well.
- Many respondents felt the building doesn't reflect the character of the neighbourhood:
  - The building's size doesn't reflect the neighbourhood's small scale
  - The building is too large this close to the Common
  - There is little need for this much density in the area



**Other Comments**

- Many respondents were concerned the development would add to existing parking and traffic issues.
- Some respondents felt that large projects in this area should not proceed ahead of the Halifax Common Master Plan.
- Some respondents feel citizens view on development are ignored.
- Some respondents expressed concerns about the lack of a public information meeting and felt that the December 7, 2016 Open House was not a sufficient substitute.
- Some respondents do not want the existing plans to be amended.
- A few respondents had no objections
- A couple of respondents feel that the units should be affordable housing
- One respondent expressed concerns about the construction process

**Attachment E**  
**Policy Review of Proposed Development Agreement**

**SECTION XVI: SITE-SPECIFIC POLICIES IN KEEPING WITH THE JUNE 2017 CENTRE PLAN DOCUMENT – Proposed Policy**

**3. DEVELOPMENT AT ROBIE STREET / PEPPERELL STREET / SHIRLEY STREET**

An 'L' shaped property having street frontage on Robie Street, Pepperell Street, and Shirley Street is the subject site of a proposal for site-specific planning policy amendments to allow for a 14-storey building comprised mostly of residential dwelling units. This proposal is one of the twelve policy requests noted in Section 1. On August 1, 2017, Regional Council chose to continue processing the 14-storey proposal subject to specific considerations.

**3.1 Specific Considerations**

The June 2017 Centre Plan Document identifies this property as part of the Quinpool Centre. The Quinpool Centre is the heart of the Regional Centre's West End Neighbourhood. It includes a scale of buildings that transition from taller buildings at the eastern end to low buildings in the more residentially focussed western end. Based on the general transition of existing building heights, the June 2017 Centre Plan Document proposed locating the tallest buildings at the eastern edge of the Quinpool Centre, including buildings between 11 and 15 storeys at the intersections of Robie Street and Pepperell Street, and Robie Street and Shirley Street.

The Robie/Pepperell/Shirley 14-storey proposal was given Regional Council direction to continue, subject to the proposal generally aligning with the June 2017 Centre Plan Document relative to urban structure, height, and floor area ratio. As noted, the June 2017 Centre Plan Document places the Robie/Pepperell/Shirley site within the Quinpool Centre. Further, the June 2017 Centre Plan Document identifies the portion of the site fronting Robie Street for heights between 11 and 15 storeys, with the remainder of the site identified for heights between 4 and 6 storeys. The June 2017 Centre Plan Document does not suggest a specific floor area target for Centres.

Regional Council also directed the 14-storey proposal to address the planning principles noted in Section 2.

<b>Proposed Policy</b>	<b>Comment</b>
<p><b>3.2 Regulating Development</b> To achieve a development form on the Robie/Pepperell/Shirley site that generally aligns with the urban structure and heights identified in the June 2017 Centre Plan Document, and ensures the five planning principles noted in Section 2 are addressed, development will be permitted by development agreement, as described below.</p>	<p>The Agreement regulates height through Schedule C, which shows a maximum height of 46.5 metres (14 storeys) for the tower portion. Heights of between 3 and 7 storeys are shown for other portions. The text and Schedule B of the Agreement limits the maximum height to 14 storeys plus a penthouse. These provisions ensure the height aligns with the June 2017 Centre Plan Document.</p> <p>The planning principles are discussed below. A detailed review of the planning principles is found in the body of the staff report.</p>
<p><b>3.2.1 Development Agreement Provisions</b> The Land Use By-law for Halifax Peninsula shall be amended to identify that mixed-use, multi-unit residential development may be considered by development agreement for the property located at the intersections of Robie Street, Pepperell Street, and Shirley Street.</p> <p>Notwithstanding other policies of this Municipal Planning Strategy, a development agreement for the property located at the intersections of Robie Street, Pepperell Street, and Shirley Street (6030 Pepperell Street, Halifax), shall:</p>	
<p>a) permit mixed-used (residential and commercial) buildings;</p>	<p>The Agreement permits residential and commercial uses.</p>
<p>b) permit a range of uses that serve both a local and regional population, including: residential, office, retail, service, restaurants, establishments licensed to serve alcohol, institutional, cultural, and entertainment uses;</p>	<p>The Agreement permits a wide mix of uses, including residential, retail, commercial, institutional and cultural uses.</p>
<p>c) require a mix of residential unit types;</p>	<p>The Agreement requires at least one third of the total number of dwelling units in an apartment house to have two or more bedrooms.</p>

<i>d) restrict development at the southwest corner of Robie Street and Pepperell Street to 14 storeys, plus a penthouse;</i>	The Agreement permits a maximum height of 46.5 metres (14 storeys) for the tower portion. Heights of between 3 and 7 storeys are shown for other portions. The Agreement limits the maximum height to 14 storeys plus a penthouse.
<i>e) restrict development fronting on the balance of Robie Street to 7 storeys;</i>	The Agreement permits a maximum height of 24 metres (7 storeys) along Robie Street. Staff recommend this height helps maintain a human scale.
<i>f) restrict development fronting on the balance of Shirley Street to between 4 and 5 storeys;</i>	The Agreement permits a maximum height of 18 metres (5 storeys) along Shirley Street. The Agreement requires parts of the building within 6 metres of residential properties to be less than 4 storeys. Staff recommend these heights help the building transition to an established, low density neighbourhood.
<i>g) restrict development fronting Pepperell Street to 3 storeys, with the exception of a 7 storey portion next to the 14 storey plus penthouse portion at the southwest corner of Robie Street and Pepperell Street;</i>	The Agreement permits maximum heights of 12 metres (3 storeys) and 24 metres (7 storeys) along Pepperell Street. The lower heights help the building transition to an established, low density neighbourhood.
<i>h) restrict streetwall heights to 4 storeys, with provision for a 5 storey streetwall at the southwest corner of Robie Street and Pepperell Street;</i>	The Agreement restricts streetwall heights to between 4 and 5 storeys. These streetwalls are appropriate to maintain a human scale, and to provide comfort for pedestrians.
<i>i) require indoor and outdoor amenity space for on-site residents;</i>	The Agreement requires 5 m <sup>2</sup> of amenity space per unit, including 40 m <sup>2</sup> of indoor amenity space.
<i>j) require regulations for signage and the external appearance of structures;</i>	The Agreement regulates the size of signs permitted on-site. The Agreement regulates the cladding materials that can be used on a building, and regulates the massing and size of the structure. This helps to meet the planning principle of building design.
<i>k) regulate design and the design of at-grade residential units;</i>	The Agreement requires at-grade residential units to open onto a porch or patio, and requires that the ground floor be set above sidewalk grade. This helps create active streetwalls, which create a building that is human scaled and pedestrian-oriented.
<i>l) regulate landscaping, fencing, outdoor storage, and the planting or retention of trees and vegetation;</i>	The Agreement includes requirements for soft and hard landscaping, and for a landscaped buffer. The landscaped buffer helps the building transition to adjoining established residential areas.
<i>m) prohibit surface parking; and</i>	The Agreement does not allow surface parking lots. This helps to ensure that the building is oriented to pedestrians.
<i>n) permit residential and commercial parking.</i>	The Agreement permits commercial parking. The Agreement requires residential parking, at a rate of less than one parking space per unit.
<i>In addition to meeting the requirements of Policy 3.2.1 a) to n) inclusive, Council shall also have regard for the following when considering a development agreement for the property located at the intersections of Robie Street, Pepperell Street, and Shirley Street (6030 Pepperell Street, Halifax):</i>	
<i>o) the planning principles of transition, pedestrian-oriented, human-scale, building design and context sensitive, as described in Section 2; and</i>	The Agreement provides built form and design requirements related to transition, pedestrian-oriented, human-scale, building design and context sensitive. These principles, in relation to a development at the corner of Robie, Pepperell and Shirley Street, are described in detail in the staff report.
<i>p) the provision of appropriate changes in building size and massing, to create appropriate transitions to surrounding built forms.</i>	The Agreement controls building massing, and the Agreement also requires the streetwall be articulated. The permitted massing helps to maintain human scale, and helps with transition to the low-rise neighbourhood context.