

HALIFAX

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Item No. 13.1.2
Halifax and West Community Council
June 28, 2016

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

SUBMITTED BY: Original Signed
Bob Bjerke, Chief Planner and Director, Planning and Development

DATE: April 20, 2016

SUBJECT: **Case 19353, Amendments to the Halifax Municipal Planning Strategy and Peninsula Land Use By-law and Development Agreement, 2470 and 2480 Maynard Street, Halifax**

ORIGIN

- Application from WM Fares Group
- December 9, 2014, Regional Council initiation of MPS amendment process

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

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

1. Give First Reading to consider the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law as set out in Attachments A and B of this report and schedule a joint public hearing with Halifax and West Council;
2. Approve the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law, as contained in Attachments A and B of this report.

It is recommended that Halifax and West Community Council:

3. Move Notice of Motion to consider the proposed development agreement as set out in Attachment C of this report to permit the development of a multiple dwelling unit building at 2480 Maynard Street, Halifax. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1.

BACKGROUND

The WM Fares Group, on behalf of Maynard Holdings Limited, has submitted an application for site-specific amendments to the Halifax Municipal Planning Strategy (MPS) and Halifax Peninsula Land Use By-law (LUB) to allow an 8 storey multiple unit residential building with ground floor areas that may be used for commercial uses (live/work), at 2480 Maynard Street, Halifax, by development agreement (Maps 1 and 2). The proposal, with a height of 24.4 metres (80 feet) cannot be considered under the existing policies and zoning regulations established in the MPS and LUB; the MPS has policies that limit maximum height in the LUB to a maximum of 15.24 metres (50 feet) (Map 3). As such, the applicant is seeking amendments to the MPS and LUB to enable the consideration of a taller building on the property through the development agreement process.

Subject Site	Comprised of a single property, 2480 Maynard Street, Halifax
Location	West side of Maynard Street and the North side of Roberts Street
Regional Plan Designation	Urban Settlement
Community Plan Designation (Map 1)	Major Commercial in Area 6 of the Peninsula North Secondary Planning Strategy (PNSPS)
Zoning (Map 2)	C-2 (General Business) of the Halifax Peninsula LUB
Height Precinct (Map 3)	Controlled by a maximum height requirement of 15.24 metres (50 feet) (penthouses that occupy a maximum of 10 percent of a roof area may exceed this requirement).
Size of Site	1,266.8 square metres (13,636 square feet)
Street Frontage	Approximately 41.7 metres (136.8 feet) along Roberts Street and 18.2 metres (59.7 feet) along Maynard Street
Site Conditions	Largely level in grade
Current Use of Subject Site	Vacant / outdoor storage
Surrounding Uses	<p>The neighbouring area is comprised of a mixture of residential, commercial, institutional, and industrial uses. The immediate surrounding uses include:</p> <ul style="list-style-type: none"> • a vehicle repair shop at the corner of Maynard and Roberts Streets; • a multiple dwelling unit building and a vehicle repair shop immediately across Maynard Street; • a commercial sign fabricator to the north; • a vacant lot to the west; and • a multiple dwelling unit building (new constructed Q Lofts) immediately across Roberts Street. • a mixture of houses and businesses within former houses along James Street. <p>The Q Lofts building and Harris East building, located on Harris Street, are multiple dwelling unit buildings that have been constructed over the past two years. (Attachment D, Photographs of Area).</p>

Existing Planning Policy and Zoning Context

The subject site is governed by the Halifax MPS and, more specifically, by the Peninsula North Secondary Planning Strategy (PNSPS). The subject site and the surrounding area are within District 6, a sub-area of the PNSPS. It is designated for Major Commercial development (Map 1).

With regard to height, the PNSPS states in policy 2.5, "In Area 6 of this Section, the land use by-law shall include a height limit to maintain the existing low rise form and ensure compatibility with the character of surrounding residential neighbourhoods, for any property zoned as general business." This policy has resulted in a maximum height requirement of 15.24 metres (50 feet) in the LUB for the subject site and area.

Under the existing policies and regulations, there are two options for the approval of multiple dwelling unit buildings in the Major Commercial Designation and C-2 Zone:

1. As-of-right development, where a proposal needs to meet the requirements of the LUB and then may be issued a permit by HRM staff; or
2. Development by development agreement, where a proposal is considered through discretionary policies of the MPS and approved by community council.

Option 2, involves amending the LUB to include a site within Schedule Q (similar to a rezoning) and then considering a development agreement. For this application, this option cannot be considered at the outset because the proposal's height is inconsistent with PNSPS policy 2.5.

Proposal

The applicant wishes to develop an 8-storey mixed-use building on the subject site. The main features of the development include the following:

- a maximum height of 24.4 metres (80 feet) measured from average grade of the site to the top of the penthouse level (with the exception of an elevator enclosure which will extend to a maximum height of approximately 85 feet);
- upper-storey stepbacks, creating a 3 to 4-storey streetwall along Roberts Street and Maynard Street and increased setbacks from interior property boundaries on upper storeys;
- a maximum of 69 dwelling units which will contain a mix of bachelor (studios apartments), 1 bedroom, 1 bedroom with dens, 2 bedroom units, 2 bedrooms with dens, and 6 units with ground floor access directly onto Roberts Street that may be used as commercial or live/work units;
- 106.4 square metres (1,145 square feet) of ground floor interior amenity space;
- 81.8 square metres (880 square feet) of indoor amenity space with an adjoining outdoor rooftop area that is 89.2 square metres (960 square feet) in size on the sixth floor; and
- 2 levels of underground parking accessed off Maynard Street that consists of bicycle parking and a minimum of 65 vehicular parking spaces.

Planning Approval Process

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

Centre Plan

The Halifax Regional Municipal Planning Strategy (RMPS) identifies the "Regional Centre" as the area encompassing the Halifax Peninsula and Dartmouth between Halifax Harbour and the Circumferential Highway. Through the recent review of the RMPS, the adoption of a Regional Centre Plan was confirmed as a primary objective for the Municipality. The Centre Plan will include the creation of a new Secondary Municipal Planning Strategy (SMPS) for the Regional Centre as well as regulatory and financial tools to ensure that the vision statement and guiding principles endorsed by Regional Council are achieved. The

process is underway, with stakeholder and community engagement continuing in 2016 and a full slate of public consultations in line with the Centre Plan Engagement Strategy, which have already commenced. The existing MPS will remain in effect on the Halifax Peninsula until the Centre Plan is finalized and approved except for certain site specific MPS amendment applications that may be considered in the interim.

DISCUSSION

Rationale for MPS Amendments

The Halifax MPS is a strategic policy document which sets out the goals, objectives and direction for the community's long term growth and development. While the intention of the Plan is to provide broad direction, Regional Council may consider site-specific MPS amendment requests to enable proposed development which is inconsistent with its policies. MPS amendments of this sort should not be routine undertakings but may be appropriate in situations where the circumstances under which the Plan was adopted have changed such that presiding policies are no longer relevant or desired..

Applicant's Rationale

The applicant has prepared a written submission to support the request to amend the MPS (Attachment E). Their rationale for the amendments includes the following:

- The area is under rapid redevelopment and revitalization with an emphasis on re-stitching the fragmented residential fabric and accommodating new restaurants, cafes, professional offices, and retail boutiques; an exciting sign of urban growth and increased pedestrian activity.
- The location of the site is in close proximity to Agricola Street; a vibrant up-and-coming commercial thoroughfare that is labelled as Halifax's hip-spot for local art, food, and business.
- A healthy demographic mix is evident in the neighbourhood including young families, seniors and a large percentage of young professionals and artists.
- The intent of the project is to increase neighbourhood vibrancy and active pedestrian traffic through local business programming coupled with a rhythmic low-rise fabric.
- The neighbourhood's context and urban form is currently underutilized due to automotive and service lots scattered along Maynard Street.

Staff Analysis

Staff have reviewed the matter and advise that the merits of the proposal with particular regard to the increased height allowance include the following:

- The size of the subject site, at over 1,266.8 square metres (13,636 square feet), can accommodate additional height and achieve setbacks from interior property boundaries that are appropriate from a compatibility perspective.
- The subject site is surrounded by C-2 Zone properties with no adjoining lower density residential land uses.
- The development agreement process that is being undertaken with this application allows for a greater degree of control over the form of the development on a range of matters such as setbacks, the manner in which the building addresses the street, and land uses.
- Although the proposed building height exceeds the current LUB allowance, it is reasonably in character with buildings that have been recently constructed in the surrounding area, particularly with regard to the Q Lofts building that is across Roberts Street (Attachment F). Of note is that under the current LUB, the maximum height requirement of 15.24 metres (50 feet) can be exceeded by penthouses, whereas the actual maximum height of the subject proposal is 24.4

metres (80 feet) measured from average grade of the site to the top of the building, with only an additional allowance for a small elevator enclosure.

It would be advantageous for the applicant's proposal to have included the adjoining property at the corner of Roberts and Maynard (2470 Maynard Street). However, the properties are held under separate ownership and it is understood from the applicant that there is no interest in redeveloping that property as part of this application. However, staff recommend that the policy allowances that are applied to the subject site should also extend to 2470 Maynard Street.

Proposed MPS and LUB Amendments

The proposed amendments to the MPS provide an option for the development of the subject site and/or 2470 Maynard Street to a maximum height of 24.4 metres (80 feet). However, at this time amendments to LUB are proposed to solely apply to the subject site. Those amendments are to include the subject site within Schedule Q, which would subsequently allow the development proposal to be considered by development agreement.

Comments about Site Specific Amendments

While it is being recommended that the increased maximum heights solely apply to the subject site and 2470 Maynard Street, it is important to note that "site specific amendments" are not generally viewed by staff as being desirable unless a site has unique characteristics. Further to this, staff's recommendation should not be taken as cue that the proposed heights are the maximum heights that would be recommended after a comprehensive review of the area, an exercise that will occur through the Regional Centre Plan project.

Proposed Development Agreement

Attachment C contains the proposed development agreement for the subject site and the conditions under which the development may occur. In summary, the proposed development agreement includes conditions that address:

- permitted residential uses (maximum of 69 units, a minimum of 45 percent of which are to have two or more bedrooms;
- allowances for ground floor minor commercial uses, live/work units, or residential uses;
- building mass, architectural, signage, and lighting;
- parking (bicycle and vehicular), circulation and site access;
- detailed landscaping for terrace/rooftop landscaped areas;
- building services, maintenance and waste facilities; and
- options for limited non-substantive amendments by resolution of Council, including: signage requirements and changes to timeframes for development.

Staff conducted a review of the proposed development relative to the proposed MPS policies, and in particular the Schedule Q criteria, and advise that the proposed development is consistent with the intent of the Halifax MPS. Attachment G contains staff's analysis of the relevant policies. Staff have identified below some aspects of the development that warrant further discussion:

Siting and Neighbourhood Compatibility

One of the key considerations when reviewing an application pursuant to the Schedule Q policies is the compatibility of the proposed land use with the existing neighbourhood and the mitigation of potential impacts that could potentially arise. These aspects have been discussed within the staff analysis of the *Rationale for MPS Amendments*, on pages 4 and 5 of this report.

Building Design

The MPS encourages the use of effective urban design treatments and high quality exterior building materials. These goals are implemented through the development agreement as follows:

- the provision of three and four storey streetwalls along both street frontages, which is a height that is approximately 75 percent of the width of the adjoining streets and which provides an appropriate sense of scale along the streets;
- active street frontages, through individual entrances that promote pedestrian interest;
- the utilization of varied architectural wall treatments incorporation of high quality materials such as glass, porcelain panels, and metal/glass railings; and
- the provision of appropriate stepbacks from neighbouring properties for the upper storeys of the building and through the nature of the building's non-combustible construction materials, which will assist with noise attenuation.

These design aspects not only help to integrate and mitigate the impact of the development with the existing uses, but also lessen the potential impact for the future development of adjacent sites.

Traffic

MPS policy encourages vehicular traffic to use principal streets and discourages it within existing neighbourhoods. The proposed driveway to the project is located on Maynard Street and will provide access to 65 underground parking spaces. A Traffic Impact Statement (TIS) was prepared by a Professional Engineer, who concluded that the proposed development is not expected to have any significant impact on the level of performance adjoining streets. The Statement references slightly different types of land uses and numbers of dwelling units than those which are permitted by the development agreement, but these are incidental differences. The TIS and its conclusions have been determined to be acceptable by staff.

Landscaping and Open Space

MPS policy calls for the provision of on-site open space and leisure areas which are adequate for the building residents. The proposed development agreement requires at least 188.2 square metres (2,025.8 square feet) of indoor amenity space and a minimum of 89.2 square metres (960 square feet) of common outdoor amenity space on the roof terrace of the building at the sixth level. It also requires adherence to landscaping requirements and the submission of a detailed landscape plan prepared by a Landscape Architect.

Districts 7 & 8 PAC

This application was presented to the District 7 and 8 Planning Advisory Committee (PAC) on April 27, 2015. Its recommendations are sent to Community Council by means of a separate report.

The PAC recommended refusal of the proposed development, primarily on the basis of the proposed increase in height. In addition, the PAC:

- commented about the need for affordable housing and the need for dwelling units with a relatively higher number of bedrooms;
- raised concerns about amount of amenity space and the provision of setbacks; and
- requested that a shadow study be undertaken.

Some of these comments have been addressed in the course of reviewing the application. In comparison with the original proposal that was before Regional Council for initiation:

- the number of dwelling units that are comprised of two or more bedrooms has increased from 39% to 46% of the total number of dwelling units;

- the amount of indoor amenity space has increased from 318 square metres (1,045 square feet) to 617.2 square metres (2,025 square feet);
- setbacks from 2470 Maynard Street have increased from approximately 0 metres to being 1.7 metres (5.4 feet) to the east and 0.9 metres (3 metres) to the north;
- balconies on the second to fourth floor levels on the rear portion of the building that previously extended approximately 7 feet towards the property to the north have been reconfigured as french balconies.

A shadow study has been prepared, but it has not been a significant consideration of staff. Such studies are typically asked for when there parks or other similar open spaces that may be impacted by development. The only such area is playground located at Joseph Howe School, which is too far away to be unduly impacted.

Centre Plan

HRM has adopted a vision and guiding principles for the Regional Centre which forms the basis for undertaking comprehensive planning. Policy RC-3 of the RMPS identifies the creation of a Centre Plan and accompanying Land Use By-law will be guided by the vision and guiding principles.

Included in the vision is a statement which aims to strengthen the Regional Centre's vibrancy, animation and economic health through the cultivation of a compact, civic inspired and human-scaled urban fabric of streets, blocks and buildings.

The guiding principles for the Regional Centre commit to new development being of high quality and compatible with other high quality developments. Additionally, guiding principles developed with the community for the Regional Centre in the drafting and adoption of the Regional Plan include a desire that new developments respond to the natural, cultural, historical, and urban character of their context and that new buildings contribute to the betterment of the public realm and support quality urban design.

To date, the Centre Plan has undertaken a significant public engagement program in an effort to ensure the new policies and regulations guiding development of Regional Centre communities will be consistent with the desires and vision of the communities themselves. The Centre Plan team has also been continuously involved in ongoing planning application work in the Regional Centre to maintain consistency between current planning decisions, and projected future planning policy. In this case, approval of the proposed development would not conflict with the overarching goals of the Centre Plan, and would at a high level be consistent with its current direction.

Conclusion

Given there are no adjoining lower density land uses and the immediate surroundings are designated Major Commercial and within the C-2 Zone, the proposed increased height allowances warrants consideration by Community Council. The proposed development, which will be regulated by development agreement, has setbacks from adjoining properties that considers their future development, along with frontages that promote pedestrian interest. As such, staff advise that the proposed amendments and development agreement are in keeping with the existing and proposed MPS policies and as such, recommend that Council approve same.

FINANCIAL IMPLICATIONS

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

RISK CONSIDERATION

There are no significant risks associated with the recommendations in this report. This application involves proposed amendments to a Municipal Planning Strategy. Such amendments are at the discretion of Regional Council and are not subject to appeal to the Nova Scotia Utility and Review Board. Other information about the risks and other implications of adopting the amendments are contained within the Discussion section of this report. The application also includes a proposed development agreement that is to be considered by Halifax and West Community Council, pending approval of the Municipal Planning Strategy amendments. The development may be the subject of an appeal to the Nova Scotia Utility and Review Board.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through a public information meeting held on January 19, 2015. Attachment H contains a copy of the minutes from the meeting. Notices of the Public Information Meeting were posted on the HRM website, in the newspaper and mailed to property owners within the notification area shown on Map 2.

Prior to the considering the approval of any MPS amendments, Regional Council must hold a public hearing. Likewise, Halifax and West Community Council must hold a public hearing before it can consider approving a development agreement. Under these circumstances, and because of the relationship of the proposed amendments to the proposed development agreement, it is recommended that both Councils proceed with a joint public hearing.

Should Regional Council and Halifax and West Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be advised of the public hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.

The proposed amendments to the MPS and LUB and the proposed development agreement will potentially impact the following stakeholders: local residents and property owners, business and institutions.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

ALTERNATIVES

Halifax and West Community Council may choose to recommend that:

1. Regional Council refer the matter for consideration under the Centre Plan process. A decision not to amend the MPS cannot be appealed. A decision of Council to approve MPS and LUB amendments is not appealable to the NS Utility and Review Board as per Section 262 of the *HRM Charter*.
2. Regional Council modify the proposed amendments to the MPS and LUB as presented in Attachments A and B. If this alternative is chosen, specific direction regarding the requested modifications and amendments is required. Substantive amendments may require another public hearing to be held before approval is granted. A decision of Council to approve MPS and LUB

amendments is not appealable to the NS Utility and Review Board as per Section 262 of the *HRM Charter*.

3. Regional Council refuse the proposed amendments to the MPS and the LUB, as contained in Attachments A and B of this report. A decision not to amend the MPS cannot be appealed. A decision of Council to approve MPS and LUB amendments is not appealable to the NS Utility and Review Board as per Section 262 of the *HRM Charter*.

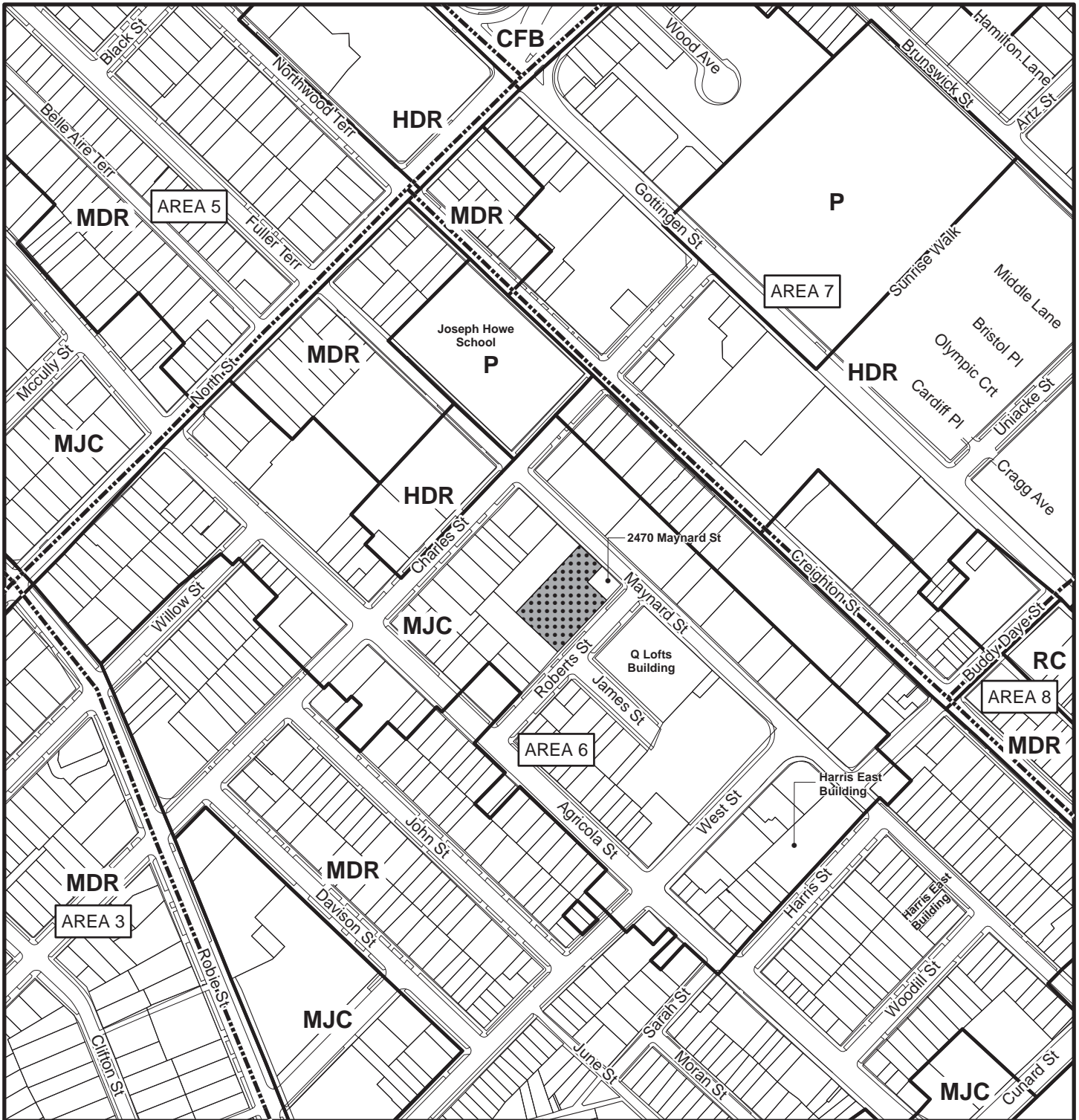
ATTACHMENTS

Map 1	Generalized Future Land Use Map
Map 2	Zoning and Notification Area
Map 3	Height Precincts
Attachment A	Proposed Amendment to the Municipal Planning Strategy for Halifax
Attachment B	Proposed Amendment to the Land Use By-law for Halifax Peninsula
Attachment C	Proposed Development Agreement
Attachment D	Photographs of the Area
Attachment E	Applicant's Submission
Attachment F	Digital 3D Model of Neighbourhood
Attachment G	Development Agreement Policy Review
Attachment H	Minutes from the Public Information Meeting

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: Richard Harvey, MCIP, LPP, Principal Planner, Regional Planning, 902.490.6495



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



Map 1 - Generalized Future Land Use

2480 Maynard Street
Halifax

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-  Subject Site
-  Secondary plan sub-area boundary

Designation

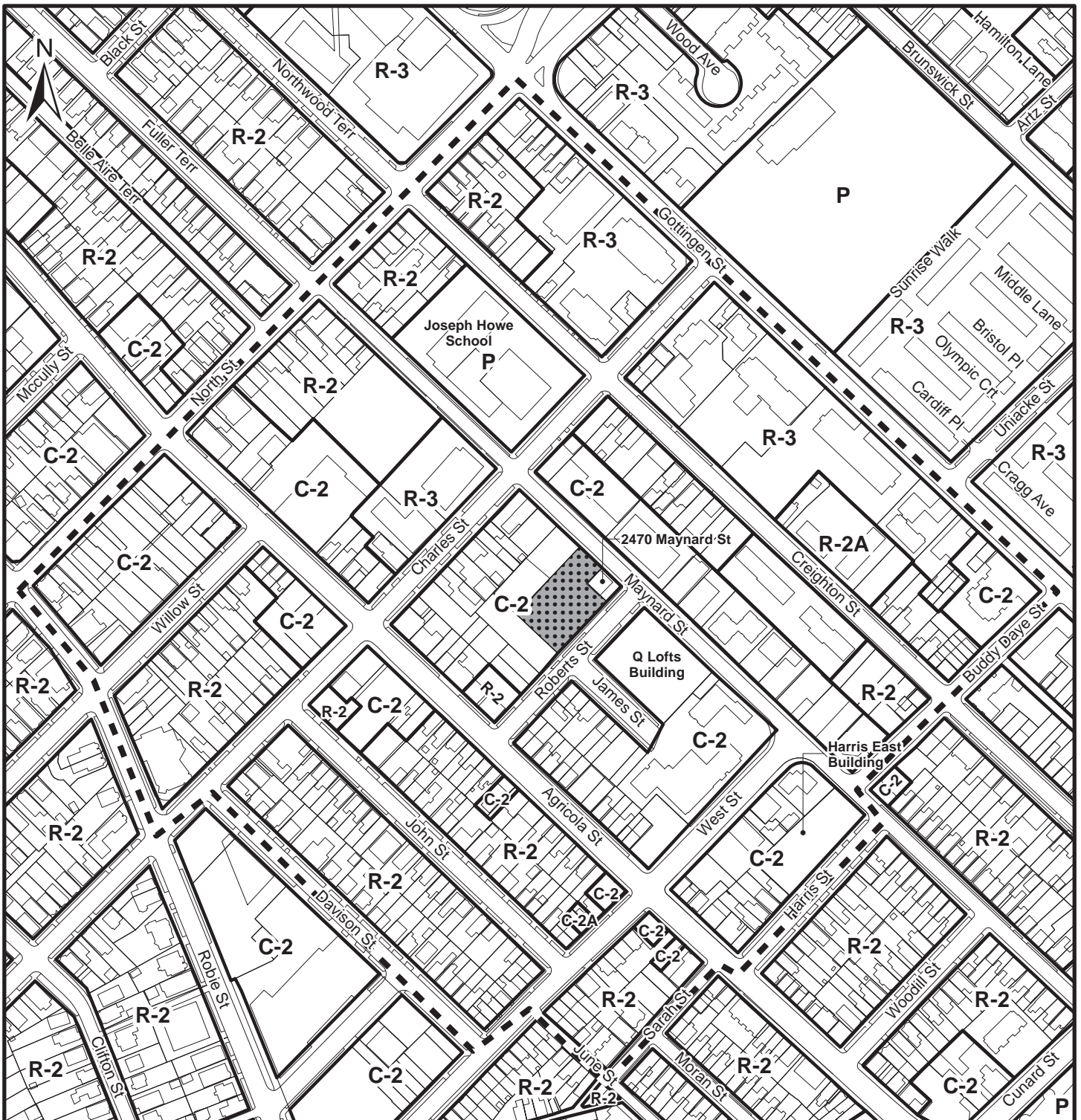
- MDR Medium Density Residential
- HDR High Density Residential
- MJC Major Commercial
- MNC Minor Commercial
- P Park and Institutional



Halifax Plan Area
Peninsula North Secondary Plan Area

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 Area

2480 Maynard Street
Halifax



- Subject Site
- Notification Area

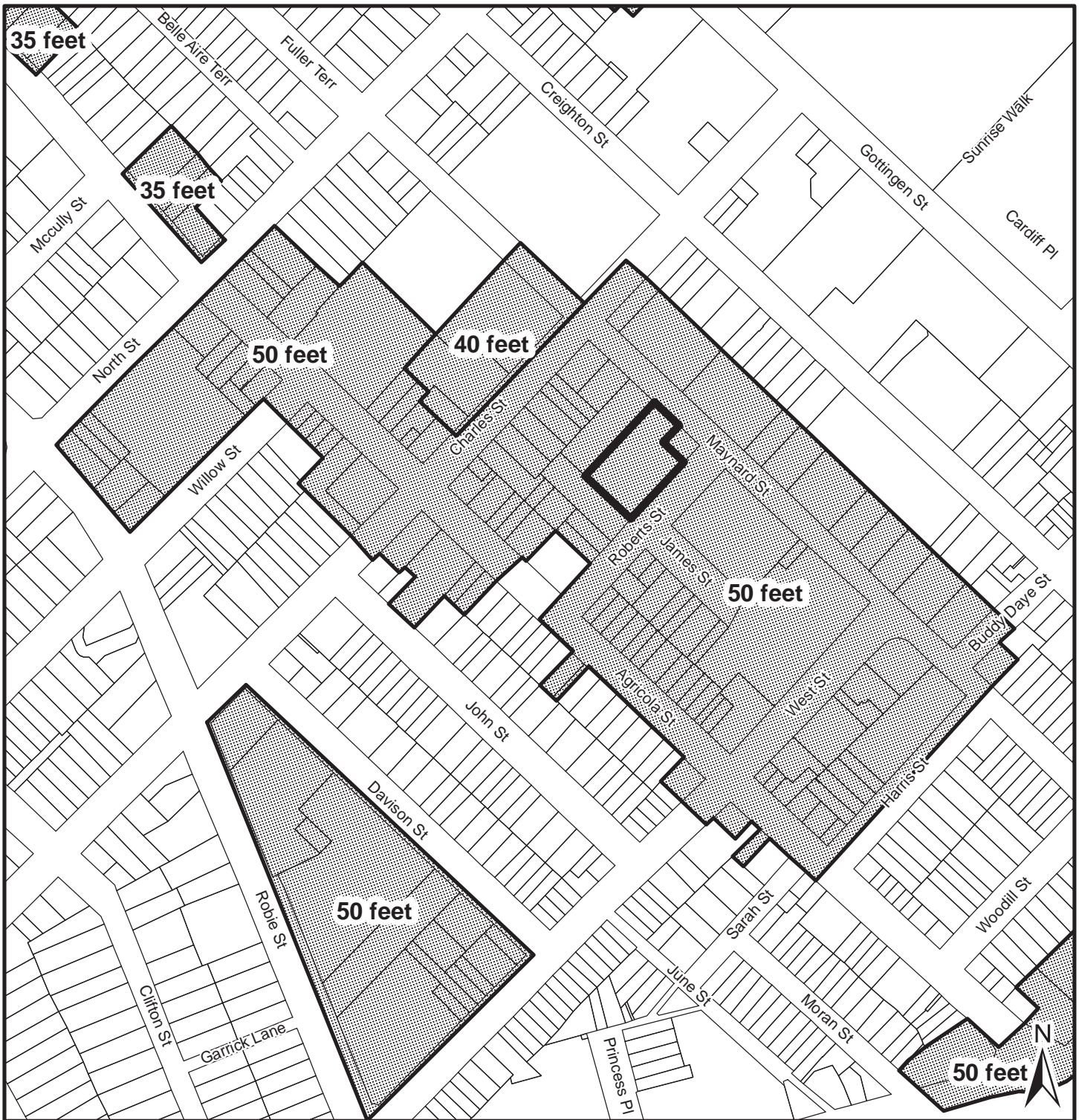
- Zone**
- R-2 General Residential
 - R-3 Multiple Dwelling
 - C-2 General Business
 - P Park and Institutional



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



Map 3 - Height Precinct

2480 Maynard Street
Halifax

 Area of proposed development agreement

 Height measured to highest point of roof

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Halifax Peninsula
Land Use By-Law Area

Please refer to ZM-17 - Height Precinct Map for full definitions of height measurement.

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

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

Attachment A
Proposed Amendments to the Municipal Planning Strategy for Halifax

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

1. By adding Policy 2.5A to Section XI (Peninsula North Secondary Planning Strategy) of the Halifax Municipal Planning Strategy immediately after policy 2.5 as follows:

“2.5A Notwithstanding policy 2.5, Council may consider residential and mixed residential-commercial development at 2470 and 2480 Maynard Street to a maximum height of 24.4 metres (80 feet), measured from the average finished grade adjoining the perimeter of the building to the top of the building, with the exception of a minor allowance for an elevator enclosure, pursuant to policies 2.3.1, 2.3.2, and 2.3.3.”

I HEREBY CERTIFY that the amendments to the Halifax Municipal Planning Strategy, as set out above, were duly passed by a majority vote of the Halifax Regional Municipal Council at a meeting held on the day of , 2016.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this day of , 2016.

Municipal Clerk

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

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use By-law for Halifax Peninsula is hereby amended as follows:

1. By amending the zoning map, ZM-2, by including 2480 Maynard Street, Halifax, in Schedule Q, as presented in Schedule A.

I HEREBY CERTIFY that the amendments to the Halifax Peninsula Land Use By-law, as set out above, were duly passed by a majority vote of the Halifax Regional Municipal Council at a meeting held on the day of , 2016.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this day of , 2016.

Municipal Clerk

Attachment C

Proposed Development Agreement

THIS AGREEMENT made this _____ day of _____, 201_

BETWEEN:

[Insert Name of Corporation/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 located at 2480 Maynard Street, Halifax, and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a development agreement to allow for a mixed-use development on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policies 2.3.1, 2.3.2 and 2.3.3 of Section XI of the Halifax Municipal Planning Strategy and Section 92 of the Halifax Peninsula Land Use By-law;

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 **19353**;

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

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

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

1.3 Applicability of Other By-laws, Statutes and Regulations

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

1.4 Conflict

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

1.5 Costs, Expenses, Liabilities and Obligations

- 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.

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, 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) **“Indoor Amenity Space”** means common amenity areas located within the building permitted by this Agreement, including but not limited to, exercise facilities and multi-purpose rooms with associated kitchen facilities.

PART 3: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS

3.1 Schedules

The Developer shall develop the lands in a manner, which, in the opinion of the Development Officer, conforms with the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case Number 19862:

Schedule A	Legal Description of the Lands
Schedule SDP	Site Plan
Schedule A1	South Elevation
Schedule A2	East Elevation
Schedule A3	North Elevation
Schedule A4	West Elevation
Schedule A5	Parking Level 2
Schedule A6	Parking Level 1
Schedule A7	Level 1 Floor Plan
Schedule A8	Level 2 Floor Plan
Schedule A9	Level 3 Floor Plan
Schedule A10	Level 4 Floor Plan
Schedule A11	Level 5 Floor Plan
Schedule A12	Level 6 Floor Plan
Schedule A13	Level 7 Floor Plan
Schedule A14	Level 8 Penthouse Floor Plan

3.2 Requirements Prior to Approval

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

- (a) A detailed Landscape Plan prepared by a Landscape Architect in accordance with Section 3.6 of this Agreement; and
- (b) A Site Servicing Plan prepared by a Professional Engineer and acceptable to the Development Engineer in accordance with Section 4.1 of this Agreement.

3.2.2 At the time of issuance of the first Municipal Occupancy Permit, the Developer shall provide the Development Officer with certification from a member in good standing of the Canadian Society of Landscape Architects indicating that the Developer has complied with the landscaping provisions of this Agreement, or the posting of security in accordance with Section 3.6.5.

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

3.3 General Description of Land Use

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

- (a) All non-residential uses permitted by the C-2A (Minor Commercial) Zone, with the exception of a bowling alley, motion picture theatre, service station, billboard, and commercial recreation uses;
- (b) An apartment house (multiple-unit residential uses); and
- (c) Uses accessory to any of the foregoing uses.

3.4 Detailed Provisions for Land Use

3.4.1 Floor areas on Level 100 that are identified as Flex-units may be used for any of the uses permitted by 3.3.1.

3.4.4 A maximum of 69 dwelling units shall be permitted. Further to this:

- (a) where a Flex-unit is used in whole for a use permitted by 3.3.1 (a), there shall be a corresponding reduction in the number of permitted dwelling units; and
- (b) Flex-units that are used for residential purposes, in whole or in part, shall be counted as dwelling units.

3.4.5 A minimum of 45 percent of the dwelling units shall have a minimum of two bedrooms.

3.4.6 A restaurant shall only be able to operate between 5:00 a.m. and midnight, 7 days a week.

3.5 Architectural Requirements

3.5.1 The development shall be exempted from the detailed requirements of the R-3 (Multiple Dwelling) Zone of the Land Use By-law. Instead, the Schedules and written provisions of this Agreement shall apply.

3.5.2 The building's height, massing, exterior design and materials (including tone of materials) shall be as shown on the Schedules.

3.5.3 The building setbacks from property lines shown on the schedules shall be the minimum setbacks from property lines and may be increased provided that the building is reasonably consistent with said schedules.

3.5.4 All guardrails associated with second level and third level landscape terraces and the rooftop terrace shall be made of metal framing with insert glass.

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

3.5.6 Any exposed foundation in excess of 0.3 metres in height shall be architecturally detailed, veneered with stone or brick or treated in an equivalent manner acceptable to the Development

Officer.

- 3.5.7 Fixed or retractable awnings are permitted at ground floor levels provided the awnings are designed as an integral part of the building façade and subject to the requirements of any other applicable by-law, statute or regulation.

3.6 Amenity Space and Landscaping

- 3.6.1 Indoor Amenity Space shall be provided as shown on the schedules.
- 3.6.2 Outdoor landscaped open space for the residents of the building shall be as shown on the schedules.
- 3.6.2 Prior to the issuance of a Development Permit, the Developer shall provide a Landscape Plan which complies with the provisions of this section and conforms with the overall intentions of the landscaping shown on the Schedules 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.
- 3.6.3 All plant material shall conform to the Canadian Nursery Trades Association Metric Guide Specifications and Standards and sodded areas to the Canadian Nursery Sod Growers' Specifications.
- 3.6.4 At the time of 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.
- 3.6.5 Notwithstanding Section 3.6.4, where the weather and time of year does not allow the completion of the outstanding landscape works at the time of 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.
- 3.6.6 Planting on rooftops and podiums above structures shall be carefully selected for their ability to survive in rooftop environments. Rooftop trees shall be located in planting beds or containers. Approximately 50 percent of the plant material shall be evergreen or material with winter colour and form. Deciduous trees shall have a minimum size of 45 mm caliper (1.8 inch diameter). Coniferous trees shall be a minimum of 1.5 m (5 ft.) high and upright shrubs shall have a minimum height of 60 cm. (2 ft.). It is the responsibility of the Developer to ensure that the underground parking structures or other structures are capable of supporting loads from all landscaping as well as the anticipated mature weight of the plant material on any rooftop and podium.
- 3.6.7 Construction Details or Manufacturer's Specifications for all constructed landscaping features such as pergolas, benches, etc. shall be provided to the Development Officer or shall be noted on the Landscape Plan required by Subsection 3.6.2, and shall describe their design, construction, specifications, hard surface areas, materials and placement so that they will enhance the design

of individual buildings and the character of the surrounding area.

3.7 Signs

3.7 Signage shall be limited to the following:

- (a) No ground sign shall be permitted on the Lands;
- (b) A single fascia sign, to a maximum size of 1.67 square metres in size, shall be permitted for each leasehold space, including flex-units, as shown on the Schedules; and
- (c) Two (2) temporary ground signs depicting the name or corporate logo of the Developer shall be permitted on the Lands prior to the issuance of the first Occupancy Permit. The temporary ground sign shall be removed prior to the issuance of the last residential occupancy permit.

3.8 Building and Site Lighting

3.8.1 Outdoor lighting shall be directed to driveways, parking areas, loading areas and building entrances and shall be arranged so as to direct the light away from streets, adjacent lots and buildings.

3.8.2 The building may be illuminated for visual effect provided such illumination is directed away from streets, adjacent lots and buildings and does not flash, move or vary in intensity such that it creates a hazard to public safety.

3.9 Functional Elements

3.9.1 All vents, down spouts, electrical conduits, meters, service connections, and other functional elements shall be treated as integral parts of the design. Where appropriate these elements shall be painted to match the colour of the adjacent surface, except where used expressly as an accent.

3.9.2 All mechanical equipment, including rooftop mechanical, exhausts, propane tanks, electrical transformers, and other utilitarian features shall be visually concealed from abutting properties, including municipal rights-of-way, and shall include noise reduction measures.

3.10 Maintenance

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

3.11 Solid Waste Facilities

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

3.12 Outdoor Storage

No outdoor storage shall be permitted on the Lands.

3.13 Deliveries and Solid Waste Collection

3.13.1 The private collection of refuse and recyclables on the Lands shall occur only between the hours of 8:00 a.m. and 7:00 p.m.

3.13.2 Commercial delivery vehicles on the Lands shall only be permitted between the hours of 8:00 a.m. and 7:00 p.m.

3.13.3 The hours specified under this section shall apply seven days a week.

3.14 Parking and Bicycle Facilities

3.14.1 Vehicular parking shall include parking within the building to accommodate a minimum of 65 vehicular parking spaces.

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

3.15 Construction/Sales Structure

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

PART 4: STREETS AND MUNICIPAL SERVICES

4.1 General Provisions

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

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

PART 5: ENVIRONMENTAL PROTECTION MEASURES

5.1 Archaeological Monitoring and Protection

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

5.2 Sulphide Bearing Materials

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

PART 6: AMENDMENTS

6.1 Substantive Amendments

6.1.1 Amendments to any matters not identified under Section 6.2 shall be deemed substantive and

may only be amended in accordance with the approval requirements of the *Halifax Regional Municipality Charter*.

6.2 Non-Substantive Amendments

- 6.2.1 The following items are considered by both parties to be not substantive and may be amended by resolution of Council (for greater certainty, these items do not include changes which, in the opinion of the Development Officer, are in conformance with the Schedules):
- (a) changes to the exterior materials (not including tone) required by Section 3.5;
 - (b) changes to the landscaping required by Section 3.6;
 - (c) changes to the sign requirements of Section 3.7;
 - (d) changes to the functional elements requirements of Section 3.9;
 - (e) changes to the date of commencement of development specified in Section 7.3; and
 - (f) changes to the date of completion of development specified in Section 7.5.

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 four (4) 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 installation of the footings and foundation for the proposed building.
- 7.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 6.2, if the Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the commencement of development time period.

7.4 Completion of Development

- 7.4.1 Upon the completion of the whole development or complete phases of the development, Council may review this Agreement, in whole or in part, and may:
- (a) retain the Agreement in its present form;
 - (b) negotiate a new Agreement;
 - (c) discharge this Agreement; or

- (d) for those portions of the development which are completed, discharge this Agreement and apply appropriate zoning pursuant to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law, as may be amended from time to time.

7.5 Discharge of Agreement

- 7.5.1 If the Developer fails to complete the development after six (6) 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 thirty (30) days written notice of the failure or default, then in each such case:
 - (a) The Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defense based upon the allegation that damages would be an adequate remedy;
 - (b) The Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the Agreement, whereupon all reasonable expenses whether arising out of the entry onto the Lands or from the performance of the covenants or remedial action, shall be a first lien on the Lands and be shown on any tax certificate issued under the *Assessment Act*;
 - (c) The Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; or
 - (d) In addition to the above remedies, the Municipality reserves the right to pursue any other remedy under the *Halifax Regional Municipality Charter* or Common Law in order to ensure compliance with this Agreement.

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

SIGNED, SEALED AND DELIVERED in the presence of:

(Insert Registered Owner Name)

Witness

Per: _____

HALIFAX REGIONAL MUNICIPALITY

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

Witness

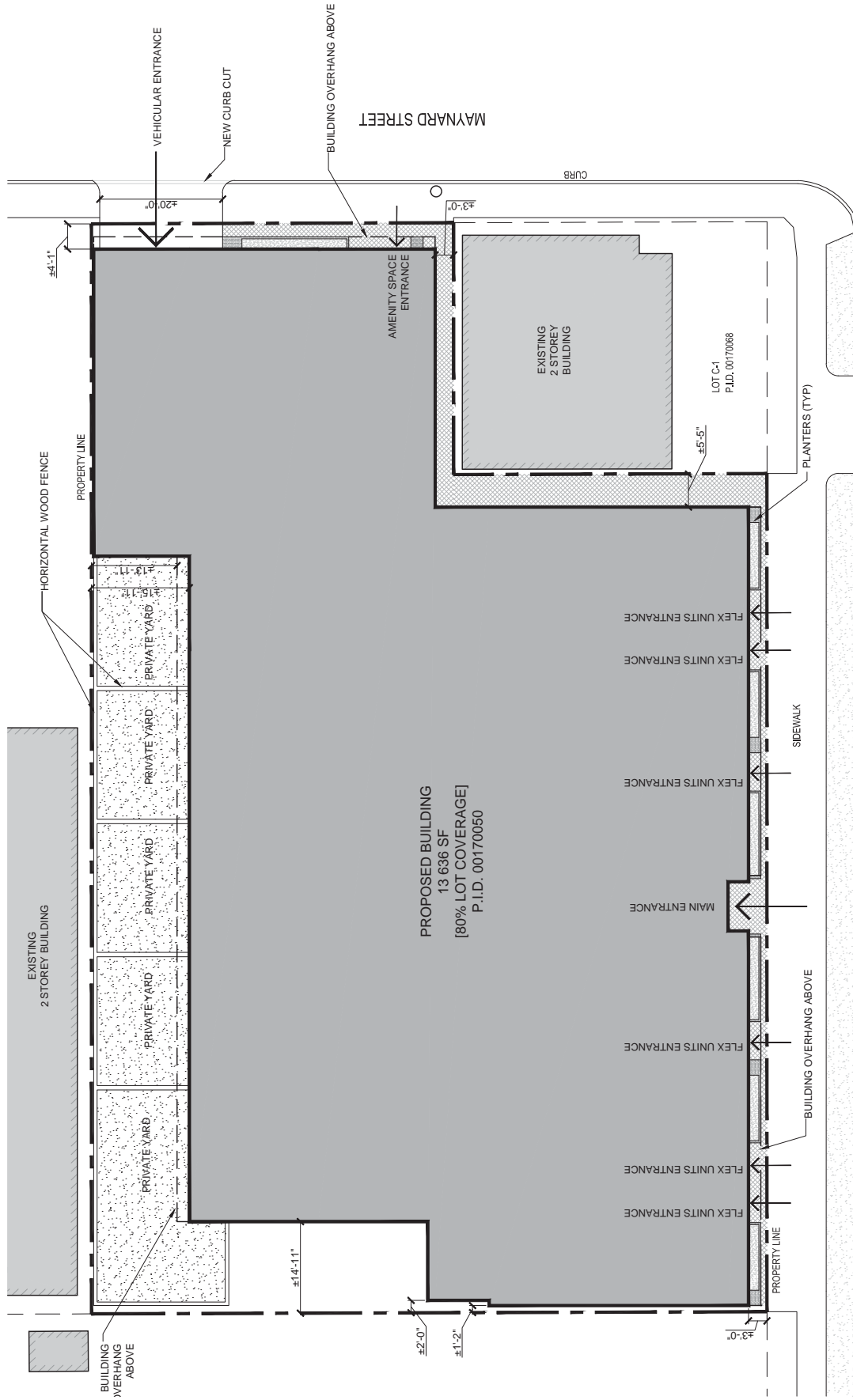
Per: _____

MAYOR

Witness

Per: _____

MUNICIPAL CLERK



ROBERTS STREET

NOTE: CHANGE IN GRADE ACROSS THE SITE WILL BE COORDINATED DURING PERMIT PHASE WITH THE USE OF LANDSCAPING, STAIRS, AND OR VARIED GROUND FLOOR ELEVATIONS

NOTE: LANDSCAPE DESIGN ELEMENTS ARE PRELIMINARY AND SUBJECT TO CHANGE UPON REVIEW OF A LANDSCAPE ARCHITECT AND HRM APPROVAL

SDP

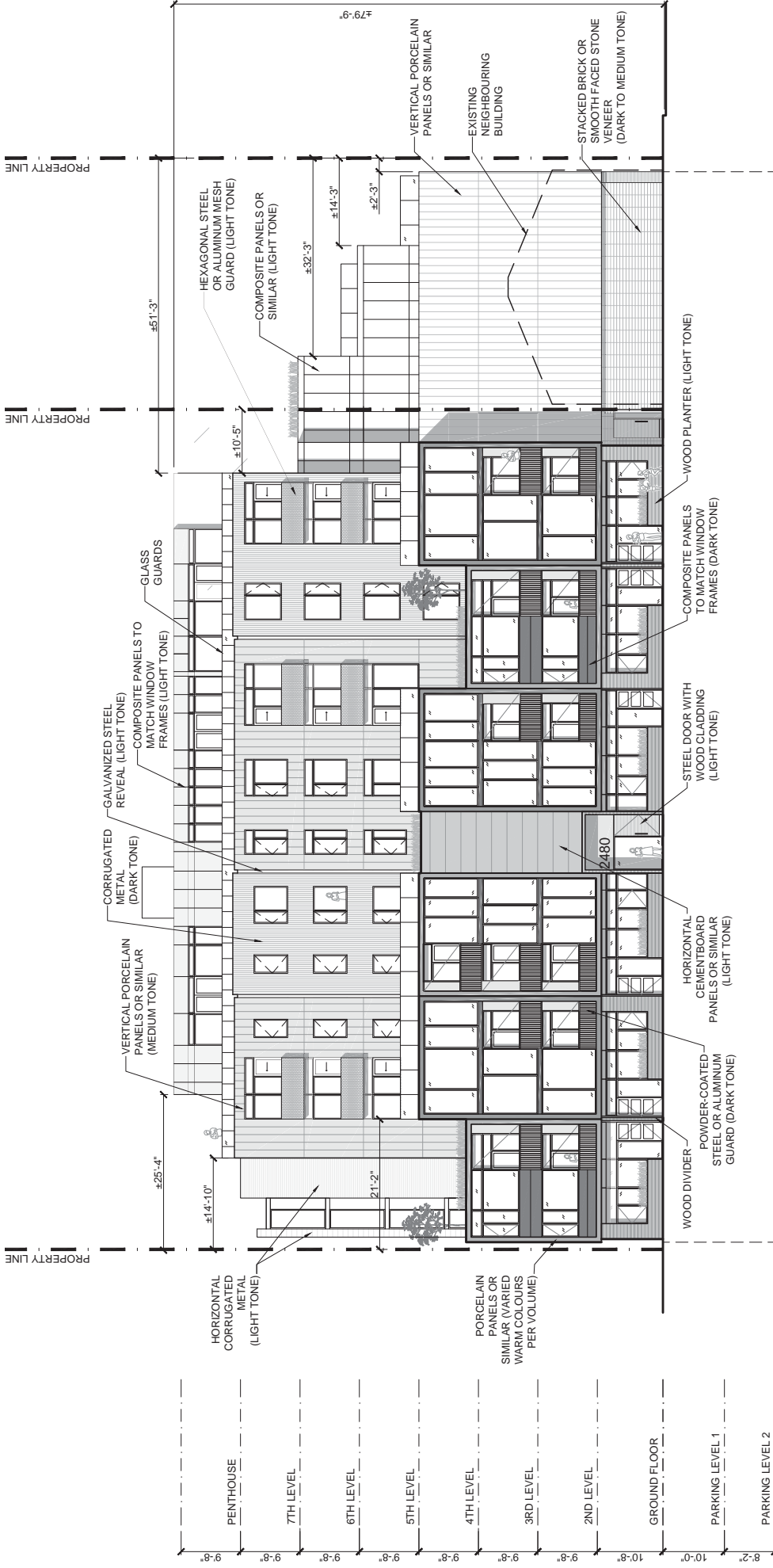
WM FARES ARCHITECTS

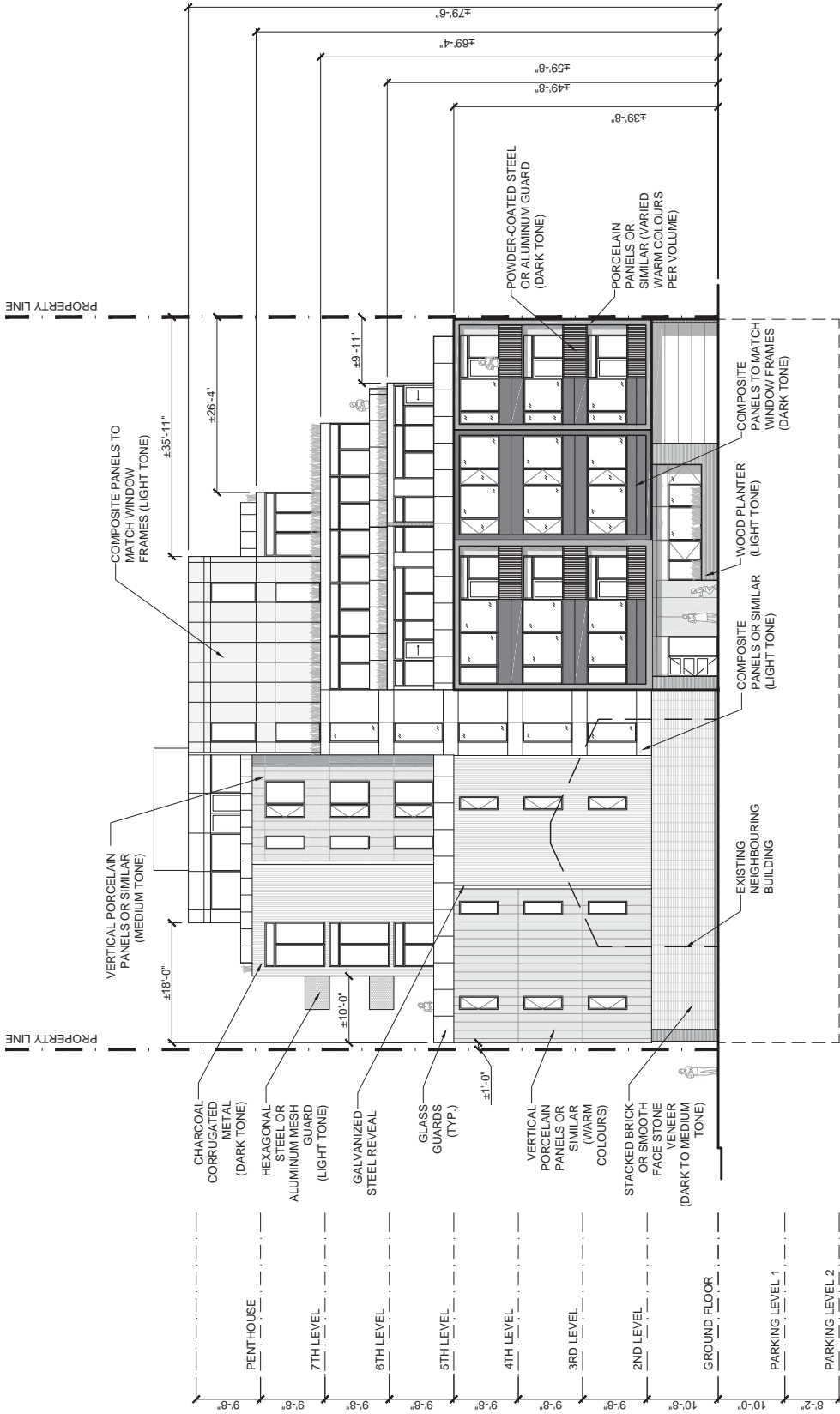


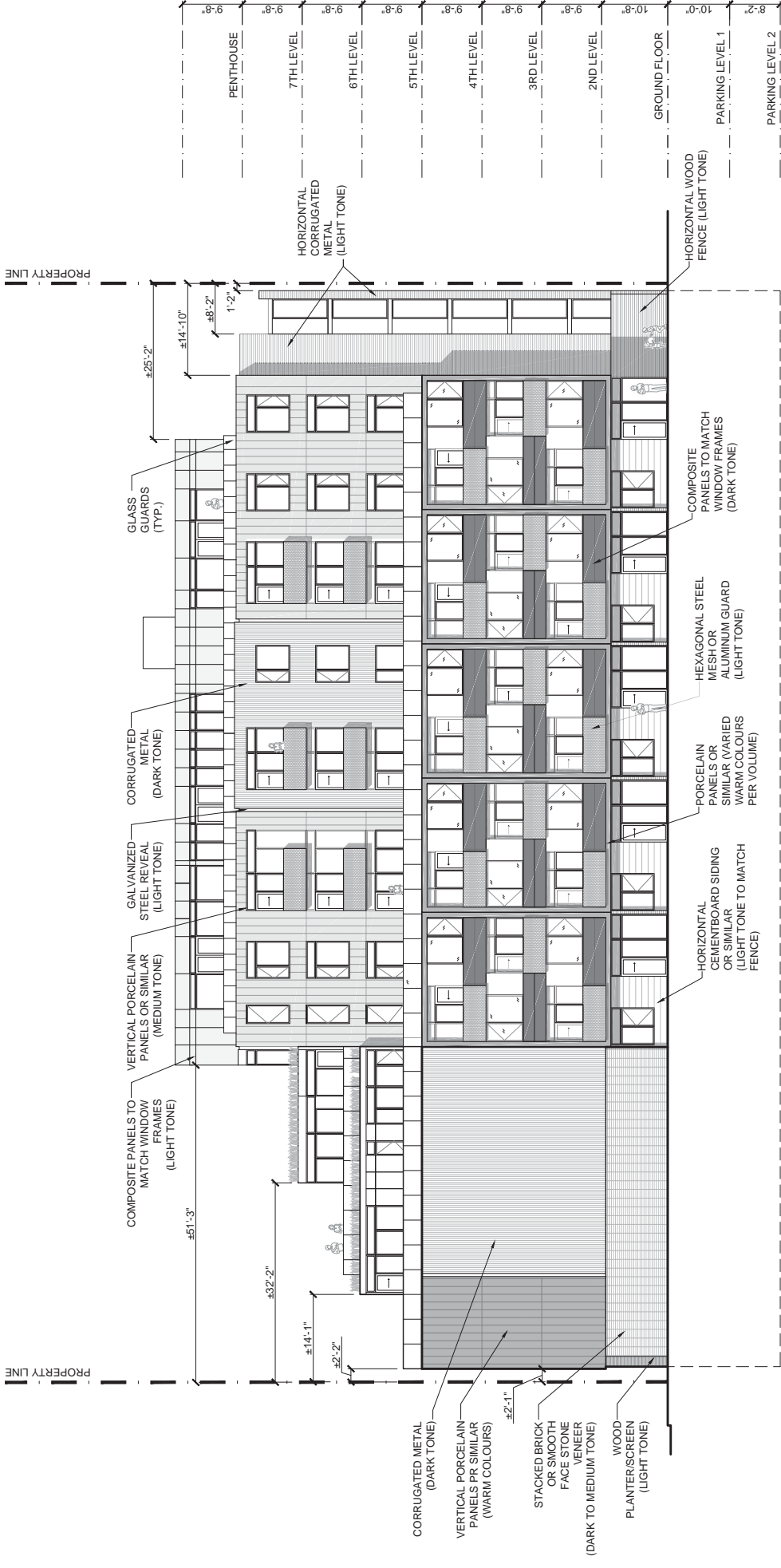
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 Date: 23 Mar 2016

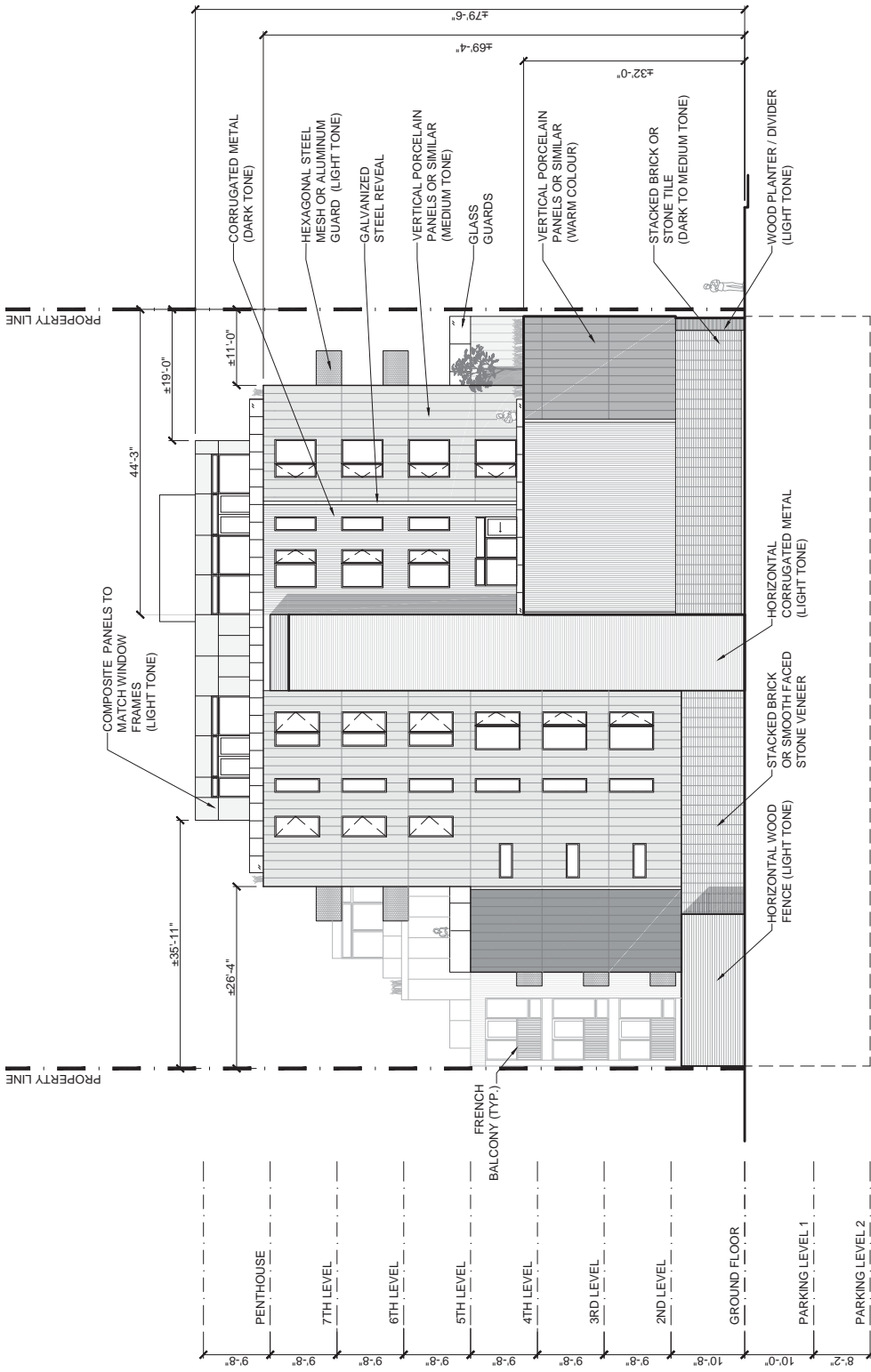
SCHEDULE SDP
 SITE PLAN

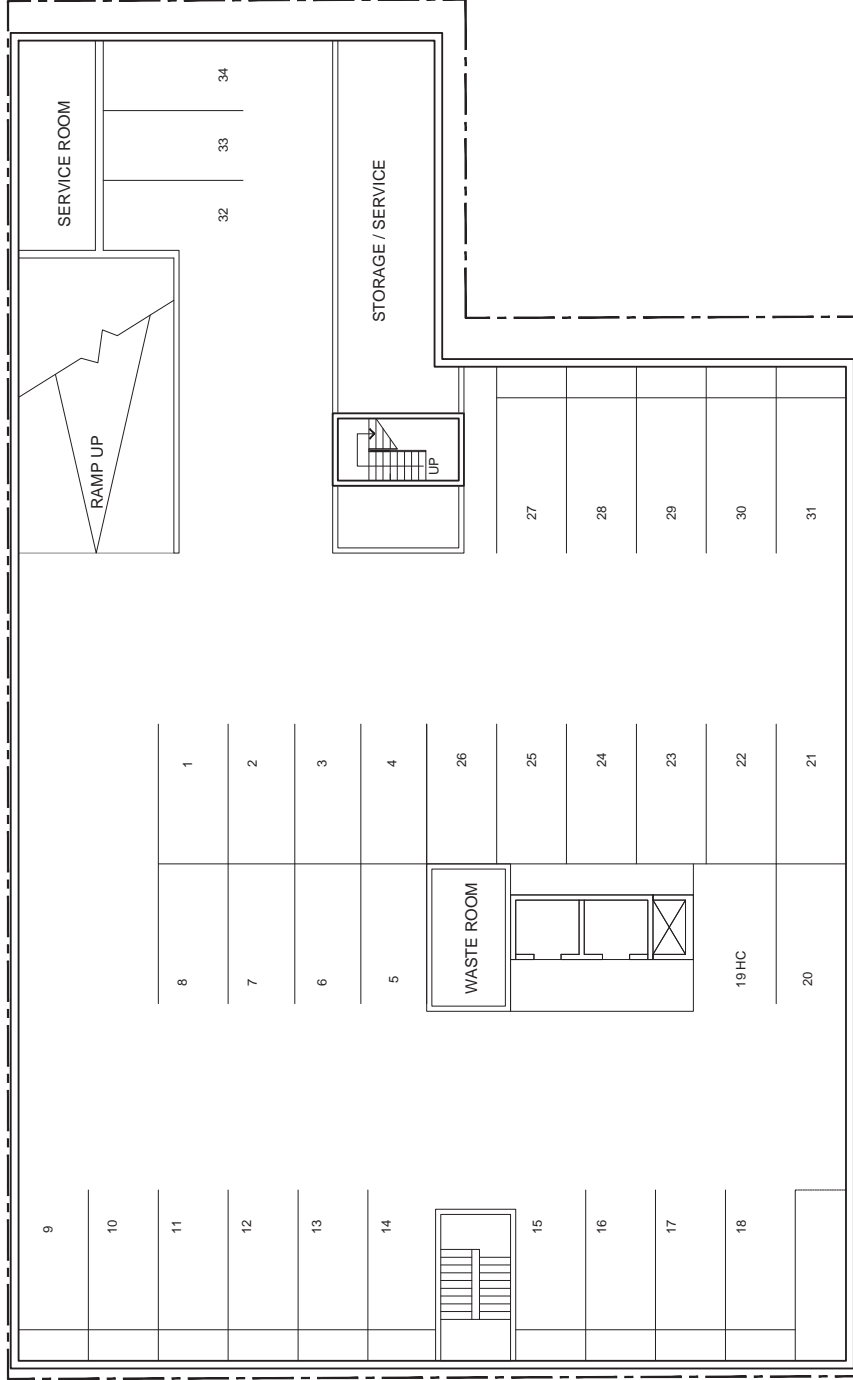
ROBERTS & MAYNARD
 HALIFAX, NS

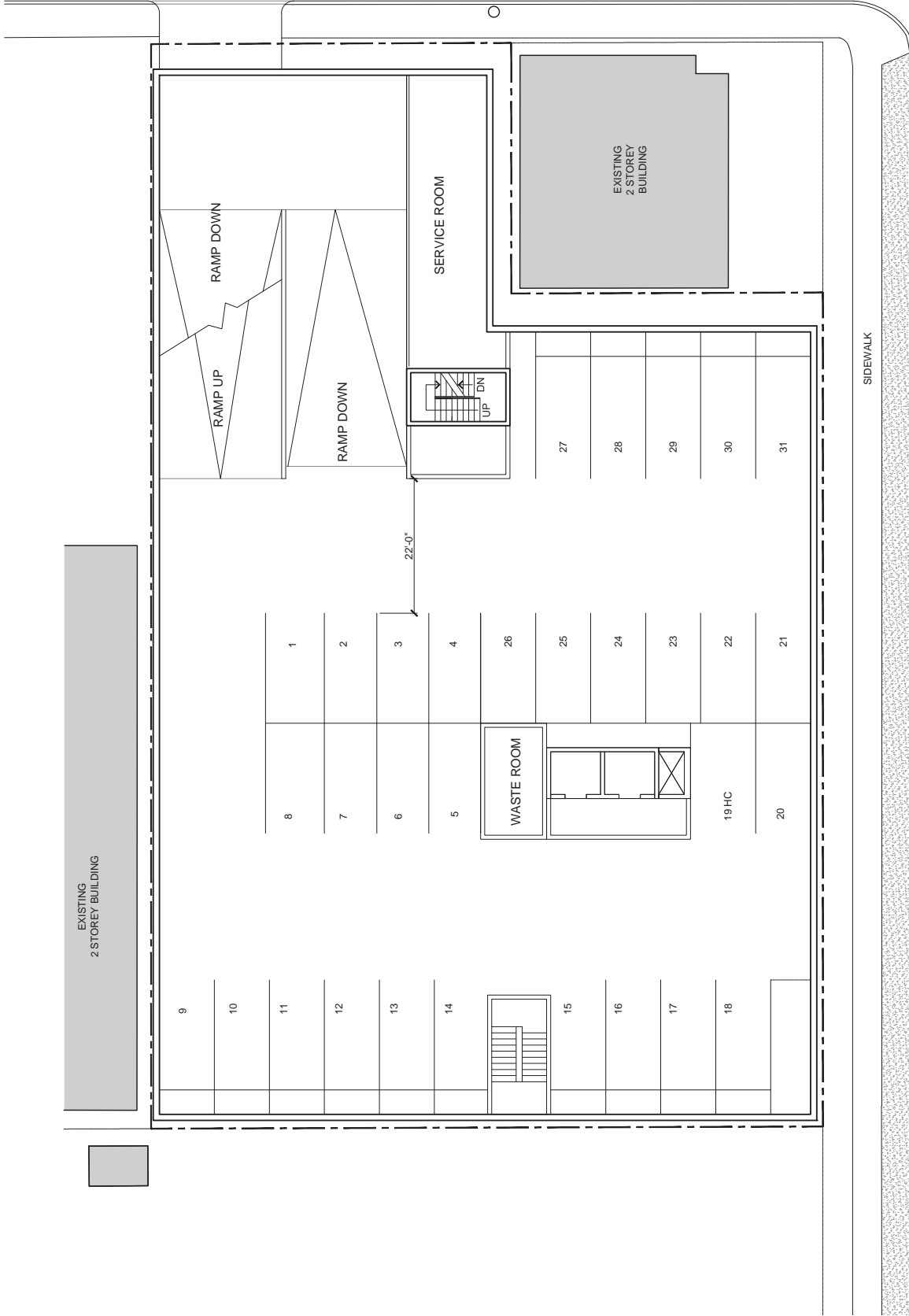


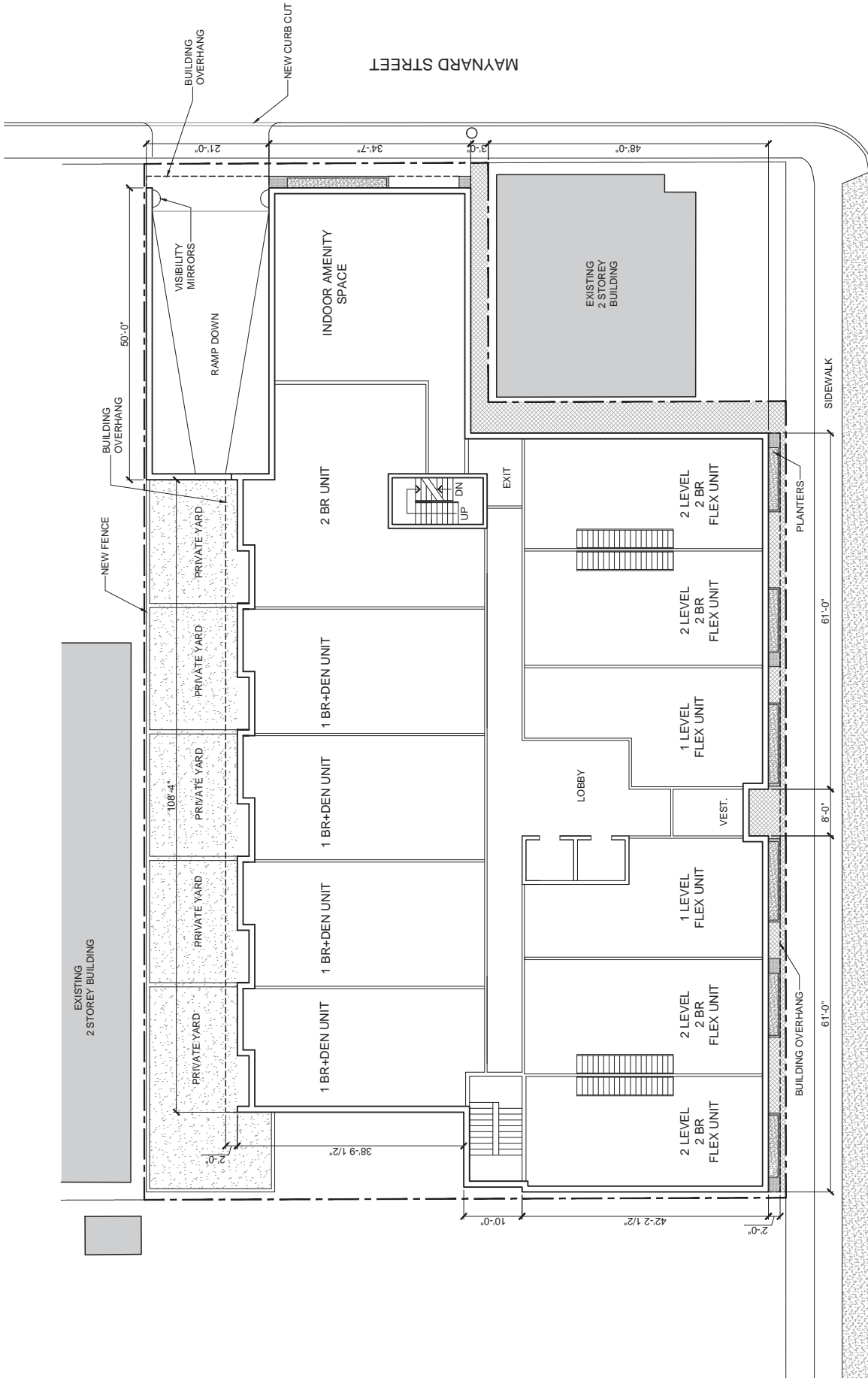


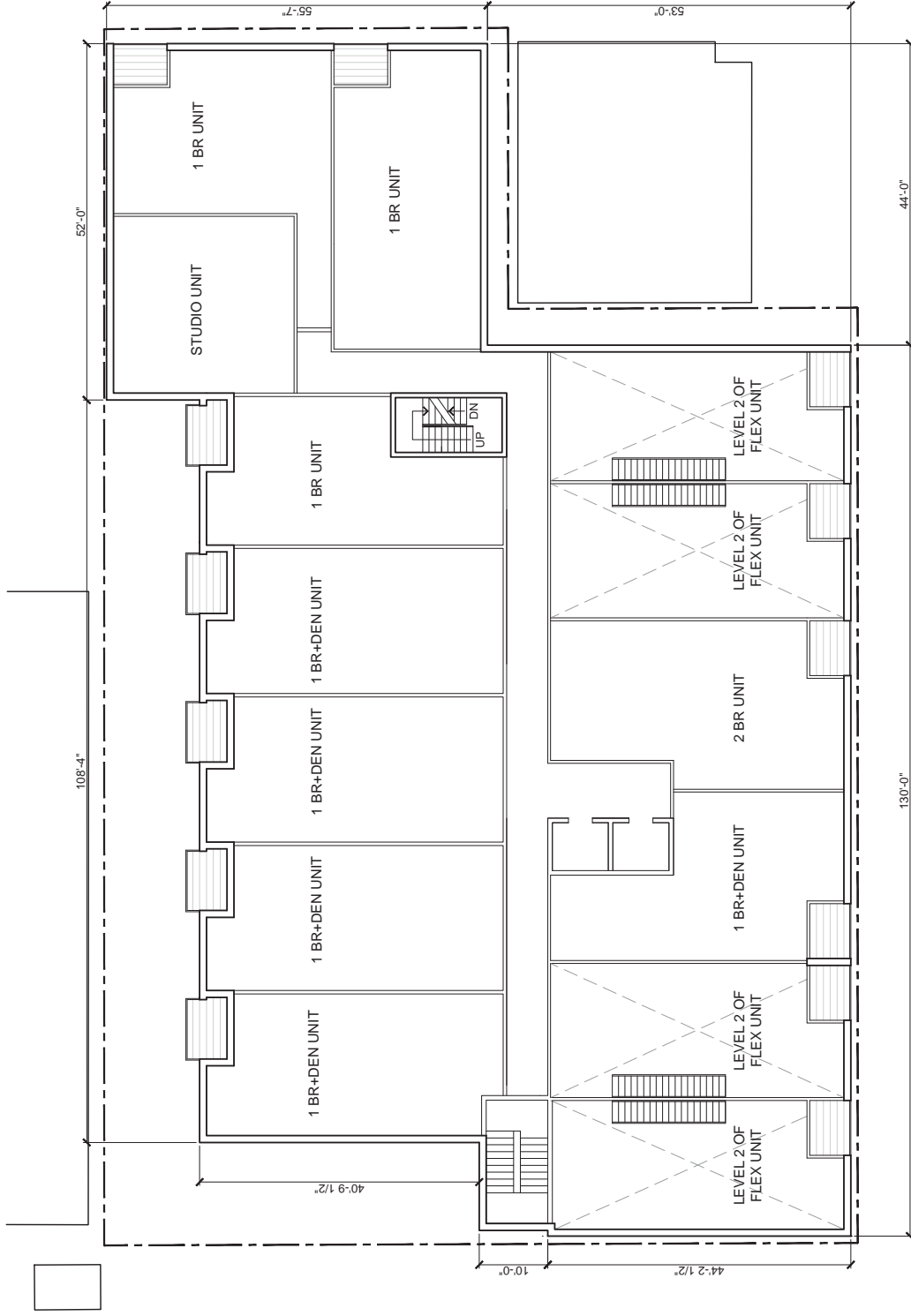


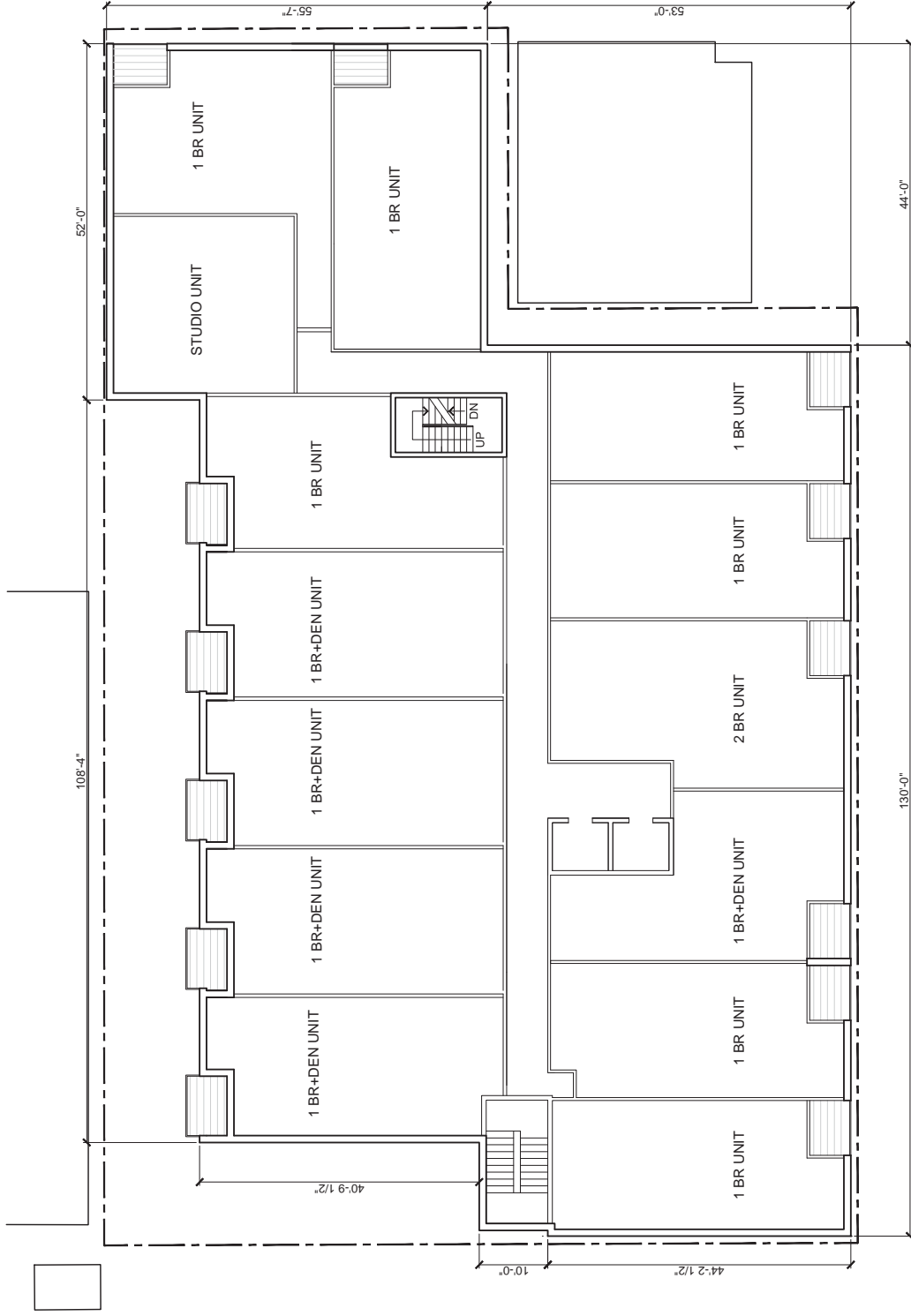


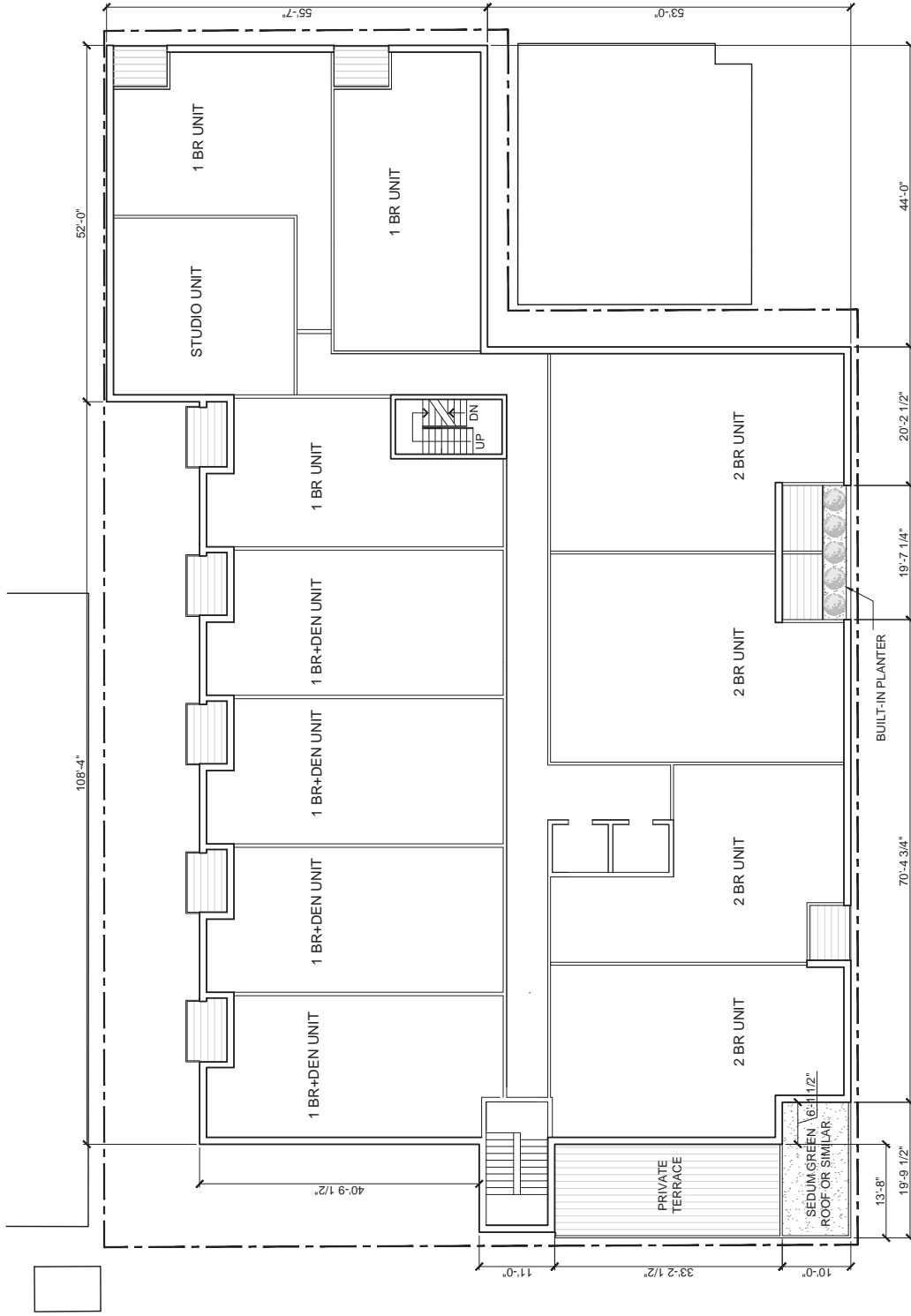


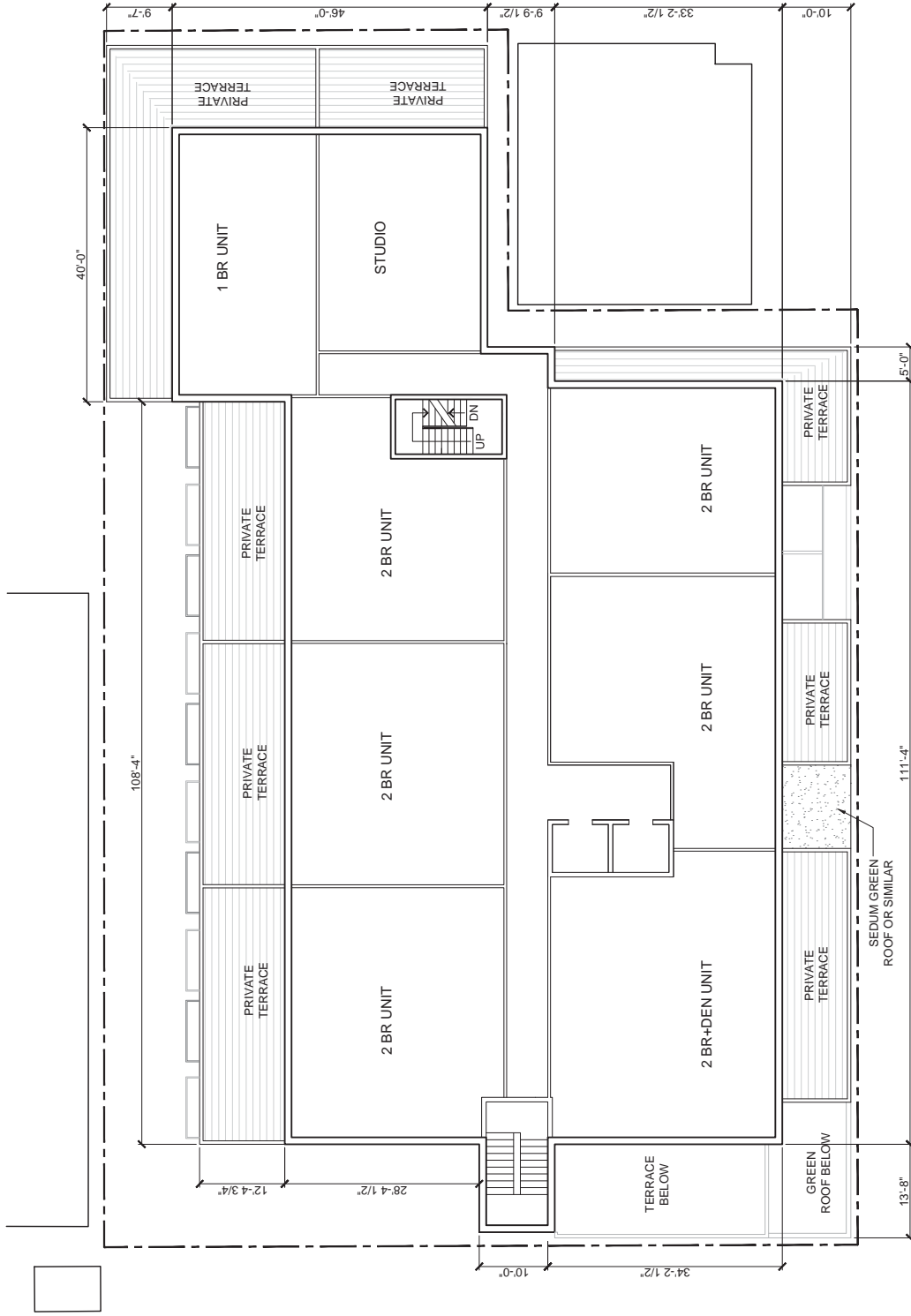


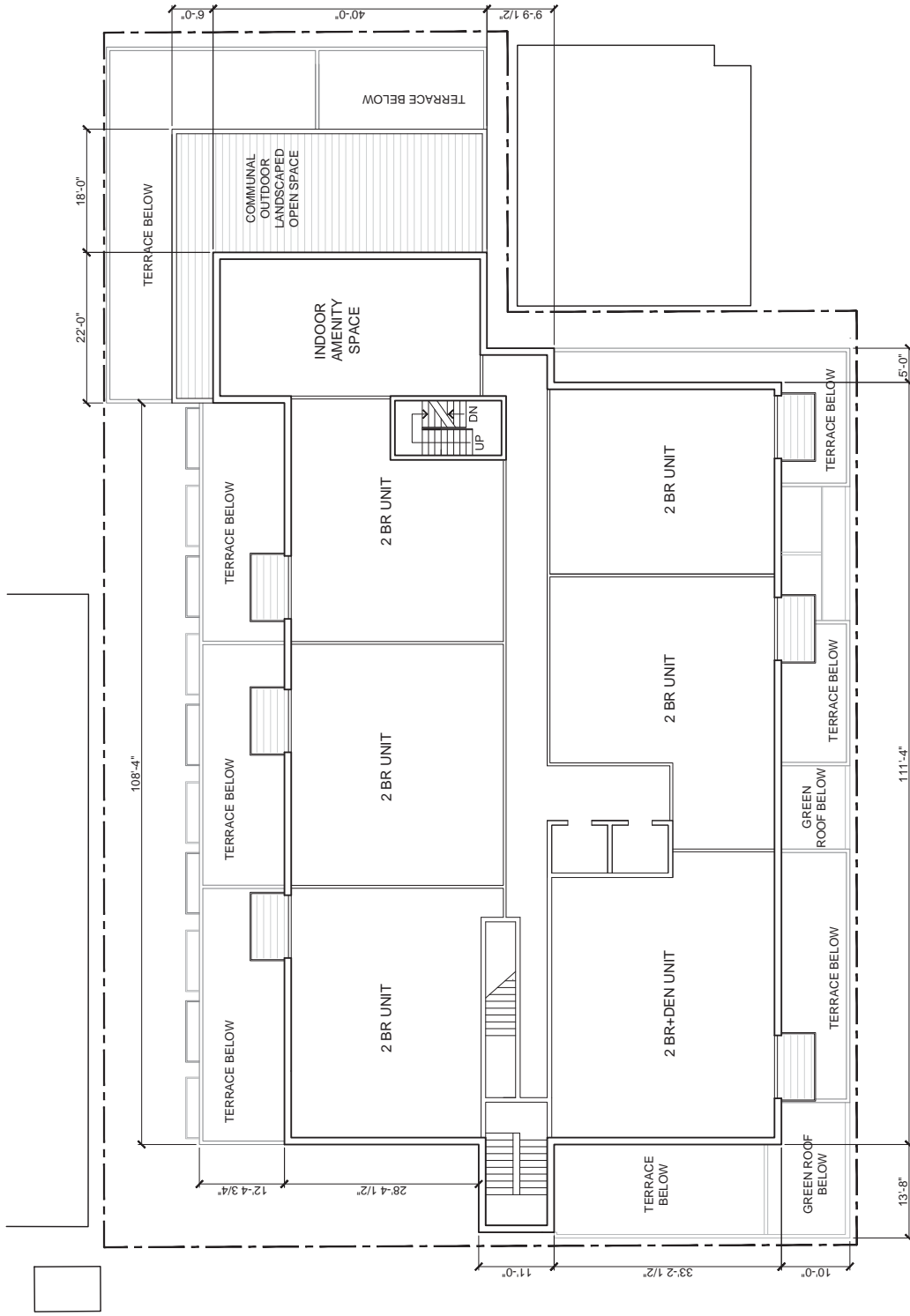


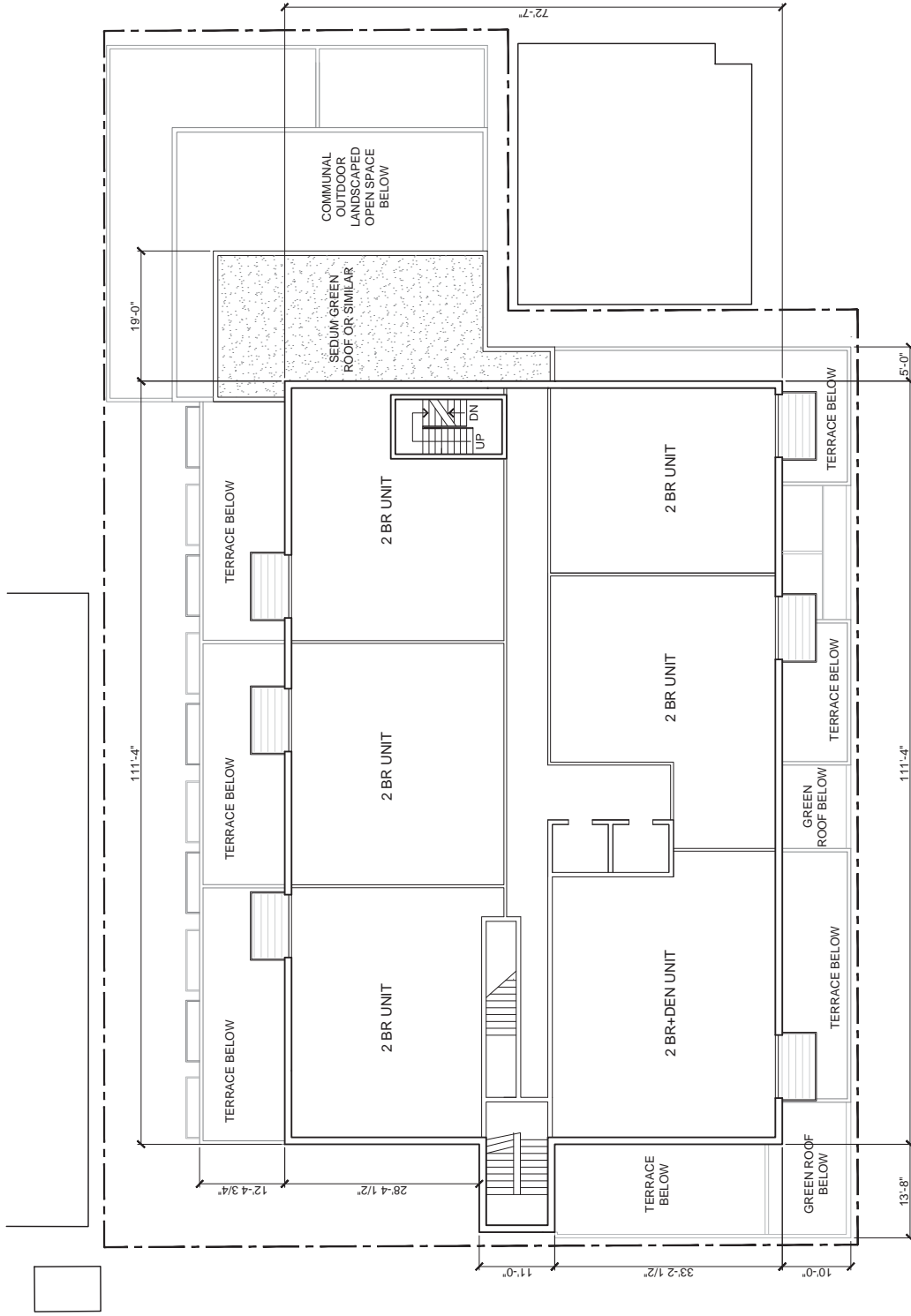


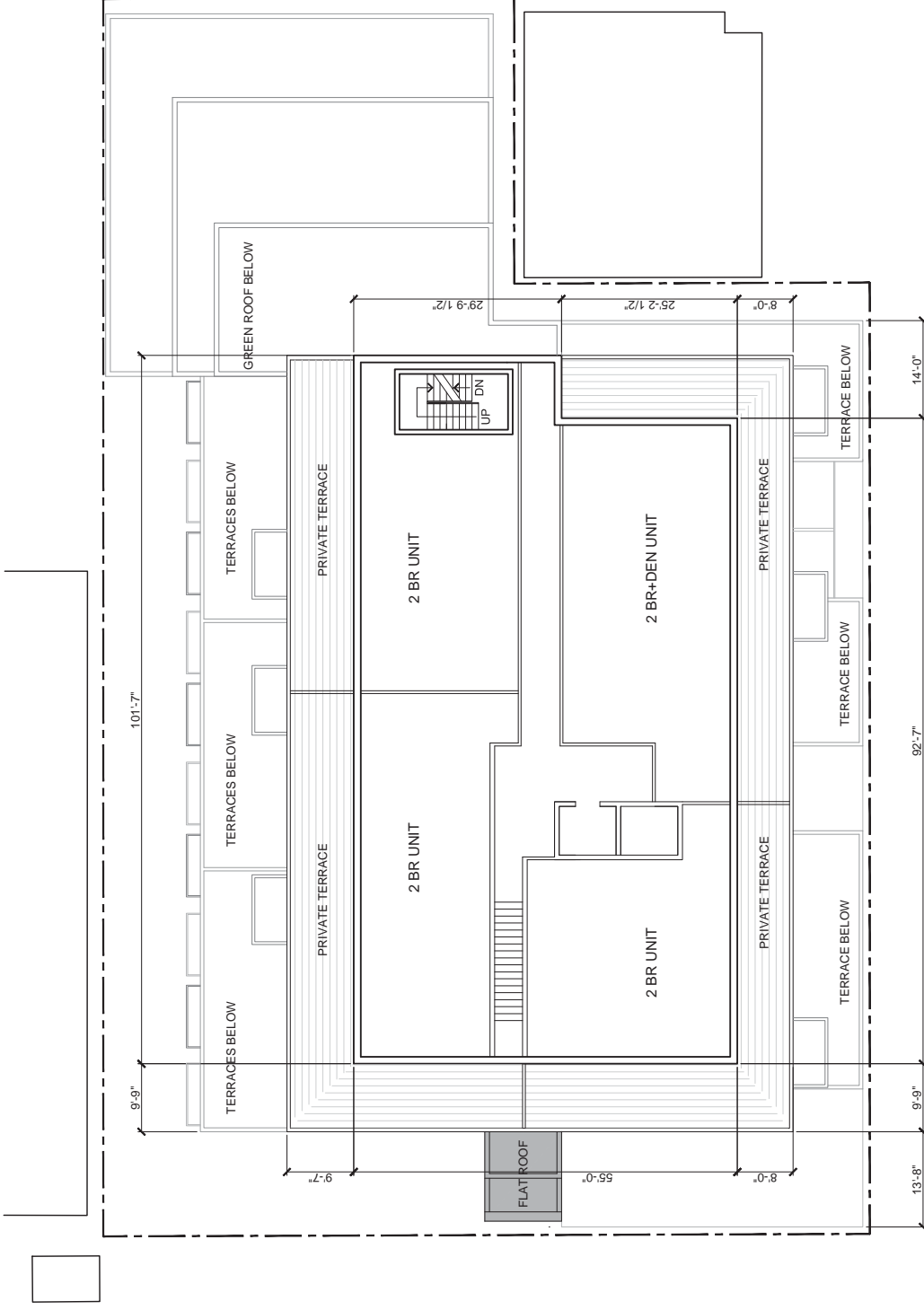












SCHEDULE A14
 LEVEL 8 PENTHOUSE FLOOR PLAN

Attachment D
Photographs of Area



Vehicle repair shop at 2470 Maynard Street



Multiple dwelling unit building immediately across Maynard Street from the Subject Site

**Attachment D
Photographs of Area**



Vehicle repair shop immediately across Maynard Street from the subject site



Sign fabricator shop immediately to the north of the subject site, along Maynard Street



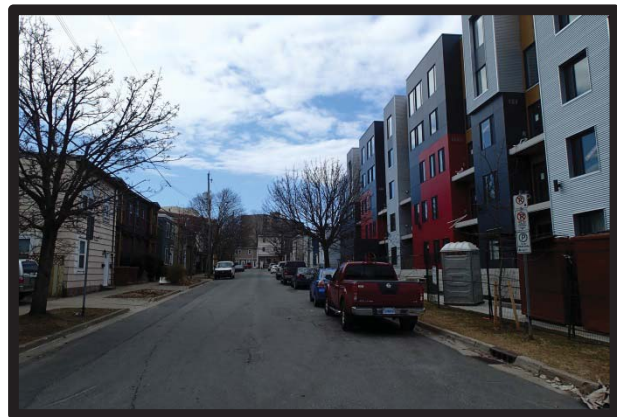
Q Lofts Building, with 2740 Maynard and subject site in foreground



Q Lofts Building, immediately across Roberts Street from the subject site



Vacant Lot immediately to the west of the subject site, along Roberts Street



Harris Street, with Harris East building to the right (north)

Attachment E
Applicant's Submission and Rendering

ROBERTS & MAYNARD | PROJECT BRIEF

Address: 2480 Maynard Street, Halifax
PID 00170050

Purpose of submission

WM Fares Group is pleased to make a concurrent application for a Site Specific Plan Amendment and Development Agreement for the above case file following a pre-application review by staff. We have revised the design concept for this development in response to Miles Agar's report and comments dated January 24th 2014. Fundamentally, the re-design of the proposal takes into consideration the immediate context to suit the changing sociocultural trends apparent in the North-End district. A detailed review and design rationale of these studies and changes can be found in the enclosed drawings and project brief below.

Site and Neighbourhood Context

The subject site is approximately 17,500 square feet in area with street frontages on both Maynard St (59'-0") and Roberts St (137'-0"). The adjacent South-West property is currently vacant and the adjacent North-West property houses a vacant two-storey warehouse-type building. The lot across the street on Roberts Street is currently being developed into a 5-storey high-density contemporary loft-condominium. The adjacent property across the street on Maynard is a raised 3-storey walk-up apartment building rendering itself as a 4-storey building.

The immediate neighbourhood context and urban form is currently underutilized and deprived due to auto-motive and service lots scattered along Maynard Street that break-up an already vibrant residential neighbourhood characterized by iconic shingle-clad Victorian and Georgian dwellings. Fortunately, this area is rapidly being redeveloped and revitalized with an emphasis on re-stitching the fragmented residential fabric. Two examples of successful modern townhouse developments are evident along Creighton Street near Cunard. In addition, Q-Lofts and Harris East Condos are larger scale, high density developments underway along Maynard.

The subject site is in close proximity to Agricola Street; a vibrant up-and-coming commercial thoroughfare that is being labeled as Halifax's hip-spot for local art, food, and business. 'Creative Crossings', located on the corner of Agricola and Charles has recently been renovated and re-developed to accommodate new restaurants, cafes, professional offices, and retail boutiques; an exciting sign of urban growth and increased pedestrian activity. A healthy demographic mix is evident in the neighbourhood including seniors, young families and a large percentage of young urban professionals and artists; most of which form a tight-knit local business community.

Attachment E
Applicant's Submission and Rendering

Project Description + Design Strategies

Our new design proposal seeks to hone-in the on the artistic/local business demographic. As such, the proposed ground floor programming has been modified to offer flexible 2-storey live/work apartments suitable for young professionals seeking affordable space for business start-ups. The remaining building program includes a variety of housing types from bachelor units to 2 bedroom + den units (see A0 for unit types and percentages). In addition, the project has increased the allocated square footage for interior and exterior communal space.

The success of the design hinges on the streetscape articulation along Roberts and Maynard Street. The intent is to increase neighbourhood vibrancy and active pedestrian traffic through local business programming coupled with a rhythmic low-rise fabric. A total of 6 vertical volumes can be identified on the main streetscape which define the streetwall at undulating playful heights. Each volume is characterised by a varied shade of ochre reminiscent of colourful East-Coast homes. In an effort to balance the overall streetwall height, proportion, and rhythm, the coloured volumes 'frame' levels 2 to 4 and overhang 24 inches from the ground floor. The ground floor façade is treated with a mix of clear-view glass and blonde-wood planters that wrap and divide one unit from the other. The main entrance to the apartment building is raised in height and wrapped in the same horizontal wood to provide a clear yet relatable identity from the rest of the façade.

The midrise portion of the proposed building is set back from the streetwall and has been simplified from our previous concept. Visual clutter had been reduced by introducing built order to window arrangements within distinct separated volumes. In a conscious effort to give the streetwall the utmost visual prominence, a two-tone colour scheme of grey and charcoal have been allocated to each separated volume. As such, the midrise portion of the building is perceived as a neutral background, whilst still providing a sense of architectural identity to each volume.

Another key feature to the concept is landscaping throughout the building design. Where appropriate, green roofs have been introduced in several terraced pockets to increase visual greenery in close proximity to units at the upper levels. Ground floor units facing the rear lot will have full private yards, providing increased outdoor space for 'green thumb' tenants, or tenants with children or pets.

Attachment E
Applicant's Submission and Rendering

Planning Review Comments

We have addressed comments and remarks as outlined in Miles Agar's design letter in our revised design proposal. A summary of applicable comments, and our rationale are outlined below:

- *Streetwall Height and Massing*

- As a means to evoke a smaller residential scale well suited for the neighbourhood, we have capped the street wall height at 4-storeys and introduced 6 vertical volumes as a means to break up the overall width of the building along Roberts Street. These same vertical massings can be found on Maynard Street as well as the North (rear) Elevation.
- Furthermore, 2 out of the 6 volumes along Roberts Street are capped at the 3rd level. This architectural strategy not only breaks up the overall streetwall mass, it animates and enhances the overall streetscape. In addition, the drop in height allows for more intimate green terraces above.

- *Building Height and Low-Rise Character*

- The proposed development has been condensed to 7-storeys plus a Penthouse Level that steps back to further reduce the overall height of the building when viewed from the street.
- To reinforce a low-rise pedestrian scale character, the streetwall height varies between 3 and 4 storeys. Furthermore, varied setbacks of over 10 feet have been introduced in the midrise portion of the building (floors 5-7).
- In addition, the midrise portion of the revised design also adopts segregated vertical volumes characterized by varied cladding systems. The use of large sections of window-wall within the midrise have been removed and replaced with framed windows typical of smaller scale residential typologies.

- *Building Stepbacks*

- We have addressed the overall building mass at the North Corner of the site along Maynard Street by keeping a consistent streetwall height of 4 storeys.
- More significantly, we have introduced a cascade of stepbacks from the interior lot line allowing additional private terrace and communal outdoor space on the 5th and 6th levels.

- *Future Neighbouring Developments*

- We are anticipating a townhouse typology or similar residential use for the future development of abutting corner property. As such, we have relocated the parking garage entrance to the opposite side of Maynard Street. This will allow for a continuous residential and pedestrian urban fabric along the corner.
- In addition, we have set back the building at the south-east property line approximately 5-1/2 feet. This setback will serve as an exit corridor and provide breathing space to any future development.
- Furthermore, habitable windows along walls in close proximity to the interior lines have been reduced and or removed.

Attachment E
Applicant's Submission and Rendering

Conclusion:

WM Fares Group is eager to be part of revitalizing this up-and-coming neighbourhood and strives to provide an exemplary design standard in promoting vibrant active downtown neighbourhoods. We have enclosed a full set of drawings and perspectives with this application and look forward to working together through this planning process. Should you have any questions or concerns, please do not hesitate to contact us at the number listed below.

Kind Regards,

Jacob JeBailey, Architect
RAIC, NSAA, OAA, M.Arch, BEDS

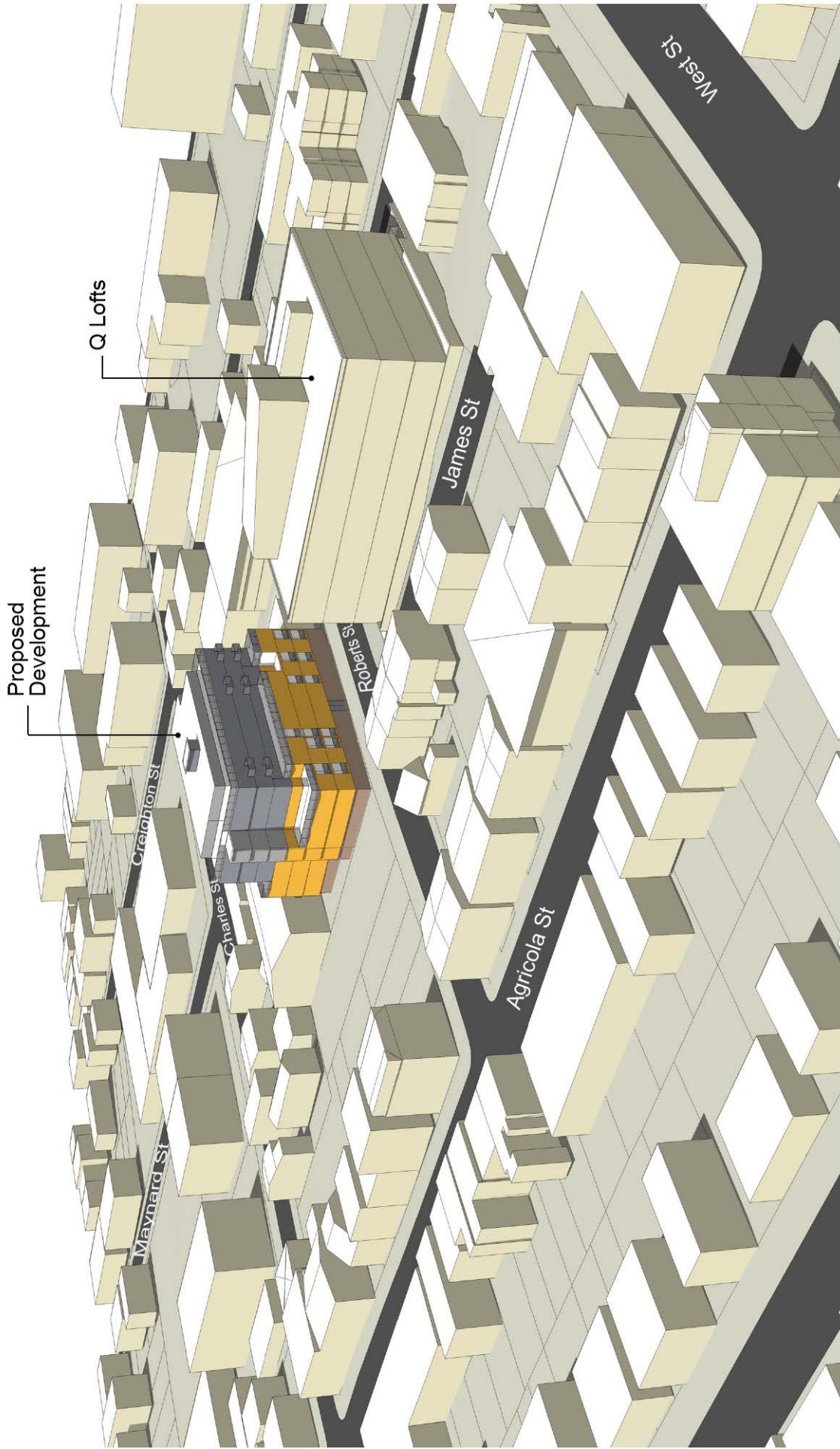
W.M. FARES GROUP
480 Parkland Drive, Suite 205
Halifax, N.S. B3S 1P9
t. (902) 457-6676 x24
f. (902) 457-4686
www.wmfares.com

Attachment E
Applicant's Submission and Rendering



WM Fares, submitted separately on March 23, 2016

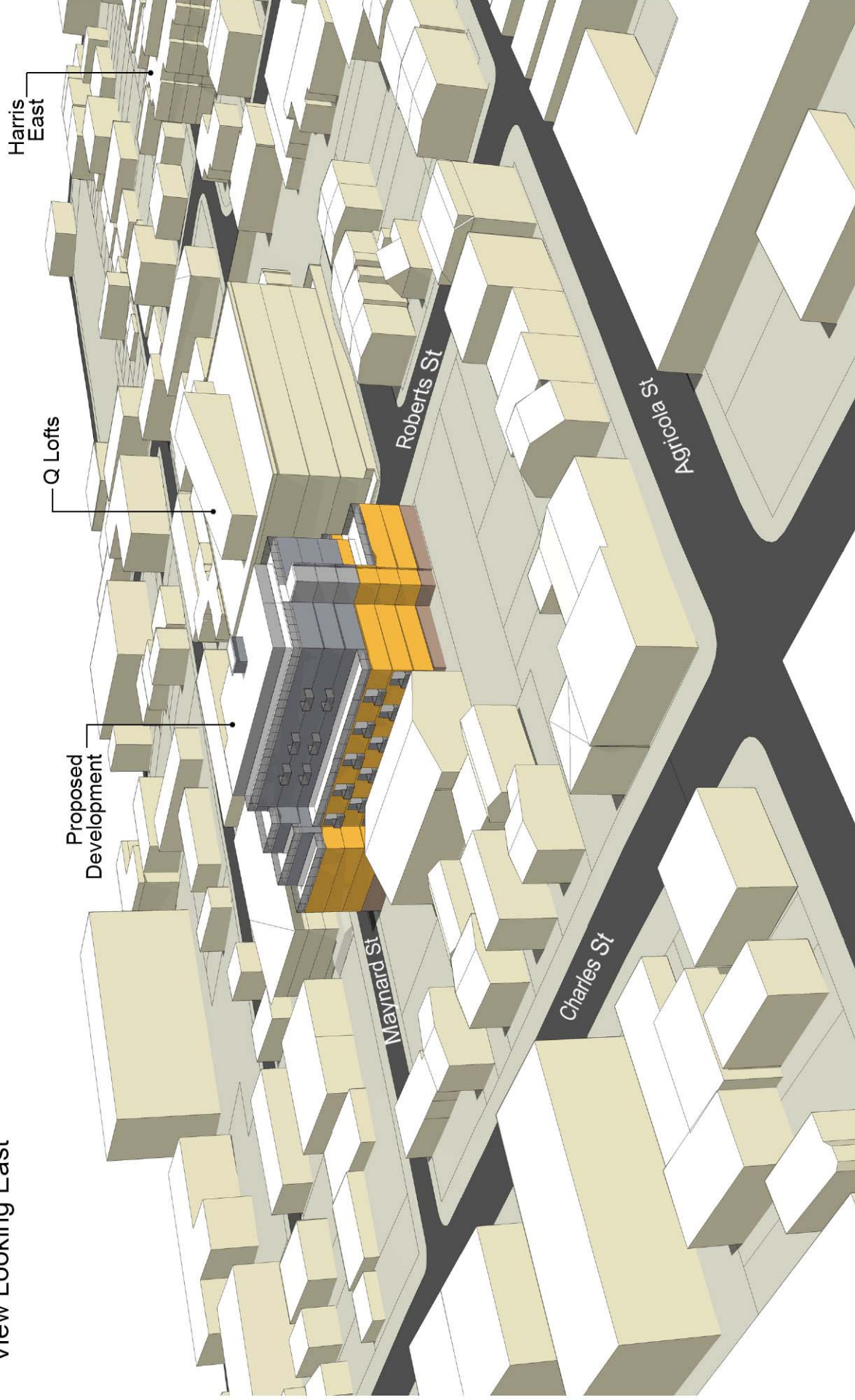
View Looking North



Note:

- Proposed building derived from building plans 'P2013.08' dated September 29, 2015 provided by WM Fares Group.
- Adjacent buildings derived from HRM digital mapping database and are approximate only.

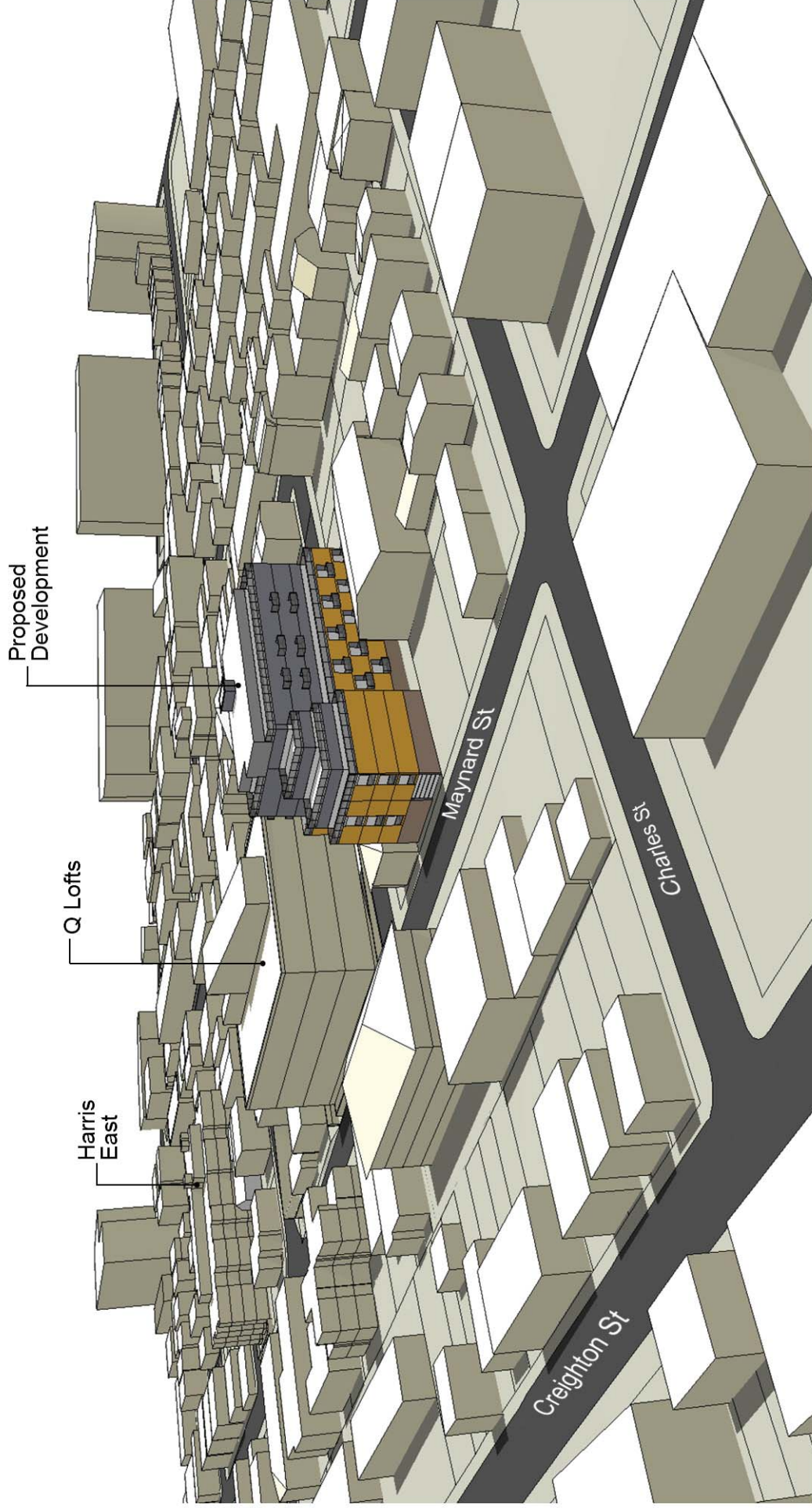
View Looking East



Note:

- Proposed building derived from building plans 'P2013.08' dated September 29, 2015 provided by WM Fares Group.
- Adjacent buildings derived from HRM digital mapping database and are approximate only.

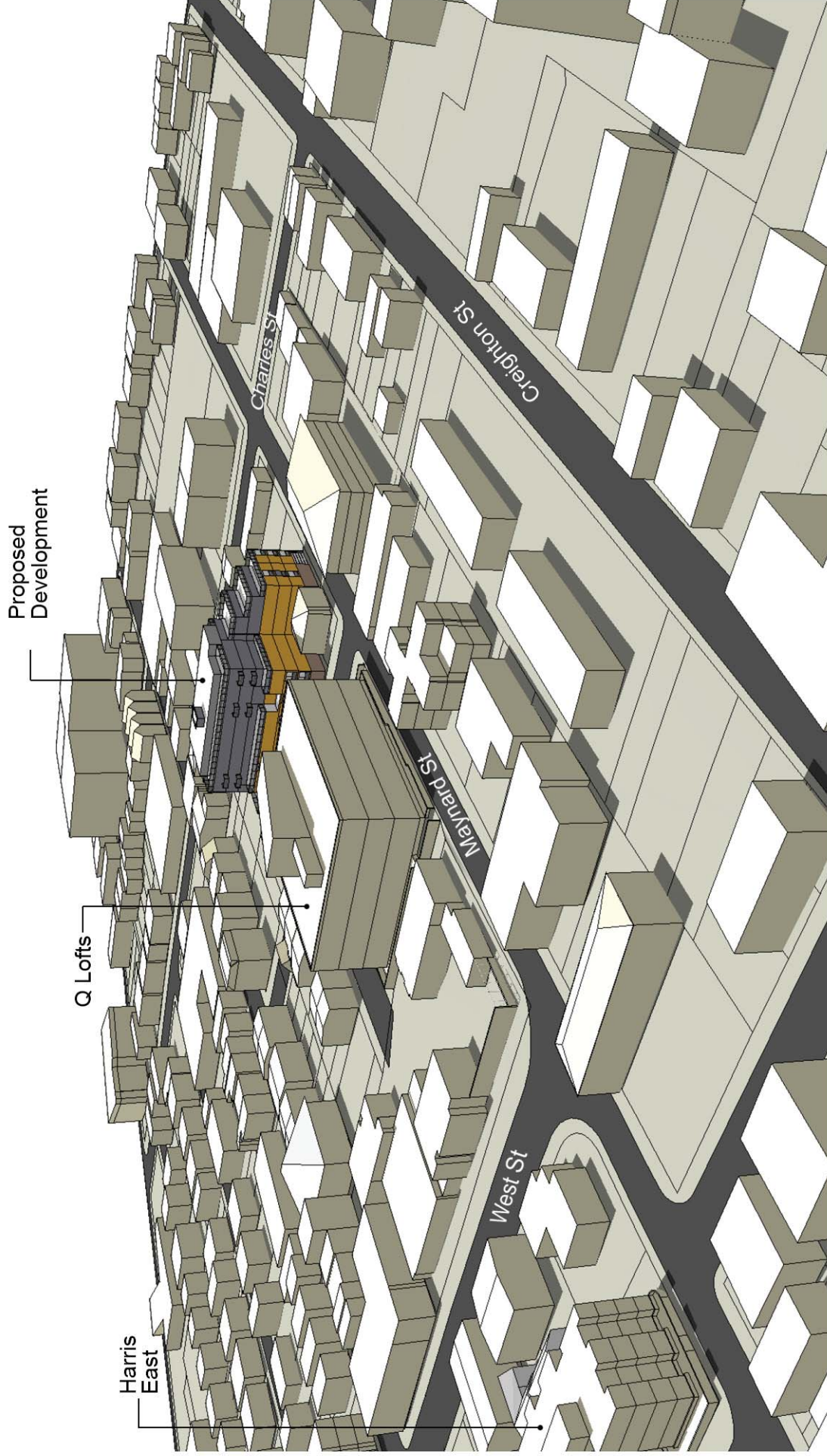
View Looking South



Note:

- Proposed building derived from building plans 'P2013.08' dated September 29, 2015 provided by WM Fares Group.
- Adjacent buildings derived from HRM digital mapping database and are approximate only.

View Looking West



Note:

- Proposed building derived from building plans 'P2013.08' dated September 29, 2015 provided by WM Fares Group.
- Adjacent buildings derived from HRM digital mapping database and are approximate only.

View Looking South West



Note:

- Proposed building derived from building plans 'P2013.08' dated September 29, 2015 provided by WM Fares Group.
- Adjacent buildings derived from HRM digital mapping database and are approximate only.

Attachment G
Review of Relevant Policies of the MPS

Halifax MPS – Section XI (Peninsula North Secondary Planning Strategy) <u>Commercial Facilities – Policies 2.3.1, 2.3.2 & 2.3.3</u>	
<i>Objective: A variety of appropriately located commercial facilities to serve the needs of both the resident and working populations of Peninsula North and the City as a whole.</i>	
Policy Criteria:	Staff Comment:
<p>2.3 <i>In areas designated major commercial, uses consistent with Section II, Policy 3.1.3 shall be permitted.</i> <i>[Section II, 3.1.3: Major commercial centres should service a market area comprising most or all of the City. These centres may include major offices and hotels, in addition to uses suggested for minor commercial centres. The City should encourage parking facilities in these centres to serve several businesses in order to limit nuisance impact. The City's policy for major commercial centres in all other respects should be identical to Policy 3.1.2.]</i></p>	<p>In the Peninsula North Secondary Planning Strategy (Section XI of the Halifax MPS), the site is designated for Major Commercial land uses. The site is zoned C-2 (General Business), which permits major and minor commercial land uses as well as residential uses. Parking will be provided within the building and utilized by residential tenants and guests.</p>
<p>2.3.1 <i>In order to promote investment in commercial and residential redevelopment and to prevent conflict between new and existing uses the city may, through the land use by-law, identify areas that provide an opportunity for and will benefit from comprehensive site planning.;</i></p>	<p>The subject site is vacant and is being used for storage. The surrounding neighbourhood consists of a mixture residential, commercial, institutional and industrial uses of varying intensities. As the property falls within a mixed use area, there is an opportunity and benefits for comprehensive site planning by introducing land use and built form requirements that are suitable and compatible with the area.</p> <p>Schedule 'Q' is currently applied to a large area of Peninsula North which is designated Major Commercial. Therefore, the proposal represents a small expansion of the Schedule 'Q' area.</p> <p>The development agreement process addresses potential land use conflicts through appropriate land use and built form requirements.</p>
<p>2.3.2 <i>In those areas identified in the land use by-law pursuant to Policy 2.3.1 all residential and mixed residential-commercial development over four units shall be by agreement.</i></p>	<p>Contingent upon the approval of the MPS and LUB amendments, including the application Schedule 'Q' upon the site by Regional Council, Community Council may consider the proposed development agreement.</p> <p>The proposal is for an eight storey residential building with allowances ground floor commercial, live/work uses, and residential uses. The proposed development presents an appropriate and beneficial opportunity for comprehensive site planning.</p>
<p>2.3.3 <i>In considering agreements pursuant to Policy 2.3.2, Council shall consider the following:</i></p>	<p>The immediate neighbourhood contains a mix of land use (see Staff Report).</p>

Attachment G
Review of Relevant Policies of the MPS

<p><i>(i) 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 proposed building has setbacks and upper storey stepbacks that address the current and future development of adjoining properties. To minimize potential land use conflicts, the proposed development agreement restricts land uses on the ground floor to a select number of minor commercial uses. The nature of the building's non-combustible construction materials will also assist with noise attenuation. Signs are limited to fascia signs at select locations, with additional limitations on size.</p> <p>Effective urban design treatment is created by a three and four storey streetwall along Maynard and Roberts Streets. The building incorporates high quality materials such as glass, porcelain panels, and metal/glass railings.</p>
<p><i>(ii) the appropriate integration of the development into the traditional grid street system of the Peninsula;</i></p>	<p>The proposed development integrates with the existing street grid.</p>
<p><i>(iii) the design and layout of the development should encourage vehicular traffic to use Principal Streets and discourage traffic from infiltrating through existing neighbourhoods;</i></p>	<p>The proposed development fronts on Maynard and Roberts Streets, and is located between major urban arterial streets, namely Agricola Street.</p> <p>Both Maynard and Roberts Streets are two-lane local streets, and both streets have sidewalks on both sides.</p> <p>A Traffic Impact Statement (TIS), including an Addendum from April 2014, was prepared by a Professional Engineer, was reviewed by HRM and deemed acceptable. The TIS concludes that the proposed development is not expected to have any significant impact to the level of performance on the surrounding streets. The Addendum references slightly different types of land uses and numbers of dwelling units than those which is permitted by the development agreement, but these are incidental differences.</p>
<p><i>(iv) the creation of high quality design detail at street level through attention to such matters as landscaping, signs, building entrances, and vehicle layby areas;</i></p>	<p>The proposed agreement specifies that there be landscaped elements and numerous entrances that are designed to create a high quality pedestrian environment along Maynard and Roberts Streets. Signs are limited to fascia signs at select locations, with additional limitations on size.</p>
<p><i>(v) the provision of high quality open space and leisure areas of a size and type adequate for the resident population;</i></p>	<p>Open space and leisure areas consist of amenity areas within the building along with adjoining rooftop landscaped open space. These spaces/areas will be adequate for the resident population.</p> <p>Provisions in the development agreement ensure the use of high quality materials and landscape design.</p>
<p><i>(vi) residential and commercial densities consistent with municipal services;</i></p>	<p>With respect to municipal wastewater services, Halifax Water has reviewed the proposal, with no concerns identified at this time. Halifax Water requires evidence of wastewater capacity at the time of connection (at the building permit stage).</p>
<p><i>(vii) encouraging high quality exterior construction materials such as masonry; and</i></p>	<p>Proposed exterior materials are of high quality and include such as glass, porcelain panels, and metal/glass railings.</p>

Attachment G
Review of Relevant Policies of the MPS

<p><i>(viii) other relevant land use considerations which are based on the policy guidance of this Section.</i></p>	<p>None identified.</p>
<p><u>Section II - City-Wide Objectives and Policies</u></p>	
<p>8. Environment: <i>The preservation and enhancement, where possible, of the natural and man-made environment, and especially of those social and cultural qualities of particular concern to the citizens of Halifax.</i></p>	
<p>Policy Criteria:</p>	<p>Staff Comment:</p>
<p><i>8.6 The City should make every effort to ensure that developments do not create adverse wind and shadow effects. The means by which this policy shall be implemented shall be considered as part of the study called for in Part III.</i></p>	<p>Given the moderate height of the building and the implementation of various setbacks and recesses, it is not anticipated that the building will result in unfavourable wind conditions. As noted in the main body of the staff report, the building will not cast undue shadows onto parks or similar public open spaces.</p>



**DISTRICT 7 & 8 PLANNING ADVISORY COMMITTEE
PUBLIC MEETING MINUTES
JANUARY 19, 2015**

PRESENT: Mr. Brenden Sommerhalder, Chair
Ms. Katherine Kitching, Vice Chair
Ms. Sunday Miller
Mr. Adam Hayter
Mr. Michael Bradfield
Mr. Michael Haddad
Mr. Grant Cooke
Councillor Jennifer Watts
Councillor Wayne Mason

REGRETS: Mr. John Czenze

STAFF: Ms. Dali Salih, Planner
Mr. Andrew Reid, Legislative Assistant

OTHERS: Mr. Jacob JeBaily, Reign Architects
Mr. Cesar Saleh, WM Fares Group

The following does not represent a verbatim record of the proceedings of this meeting.

The agenda, supporting documents, and information items circulated to the District 7 & 8 Planning Advisory Committee are available online: <http://www.halifax.ca/boardscom/D78PAC/140119d78-agenda.php>

The meeting was called to order at 7:03 p.m. and was adjourned at 9:04 p.m.

1. CALL TO ORDER

The Chair called the meeting to order at 7:03 p.m. and introduced the planning advisory committee and its purpose in hosting the public meeting.

2. PUBLIC PARTICIPATION

2.1 2.1 Case 19353 - Application by W. M. Fares Group, for the lands of Maynard Holdings Limited, to consider amending the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law to allow for an 8 storey multi-unit residential building with ground floor commercial at 2480 Maynard Street, Halifax, by development agreement.

Ms. Dali Salih presented Case 19353, explaining the purpose of the meeting, site location, context and designation. Ms. Salih stated that the site was located in a growing and transitioning area. Ms. Salih indicated a correction to the maillot handout that the designation was Major Commercial and not Medium Density. Ms. Salih highlighted the zoning designation as C-2, stating that the site's zoning allowed for a multitude of buildings from low density to high density. Ms. Salih explained three as of right development options under the LUB: commercial, residential, or inclusion in "Schedule Q" as a development agreement, with each being held to a 50 ft. height limit. Ms. Salih presented how the current proposal sought to amend the Municipal Planning Strategy and Land Use Bylaw to create an 8 storey, 70 unit residential building with ground floor commercial, two levels of underground parking. Ms. Salih also outlined the planning process for amending the documents for submission to Regional Council.

Mr. Jacob JeBailey, Reign Architects, introduced himself and described various up and coming projects by WM Fares. Mr. JeBailey highlighted the site context, commenting on the urban fabric in the area. Mr. JeBailey presented the project information for the site: 13,636 sq.ft. building area, 80% site coverage, 70 units, and mixture of units (10% bachelor, 11% 1 bdrm, 40% 1 bdrm + den, 25% 2 bdrm, 6% 2 bdrm + den, 5% live-work). Mr. JeBailey stated that live work spaces were flexible and could either be commercial or residential. Mr. JeBailey indicated vehicular access would be off Maynard and there would be multiple access to the residences on Roberts St. Mr. JeBailey also stated that there would be a total of 60 parking units. He underscored that the focus of the building's design was on the street wall. He also commented on the 3 to 4 storey stepback and 8 storey stepback. Mr. JeBailey presented a street context elevation of Maynard and Agricola Streets.

Ms. Linda Forbes, a resident of Pleasant St, introduced herself as the President of Heritage Trust. Ms. Forbes stated concern for the development from the perspective of creating a precedent for nearby lots, in particular a Maynard and Roberts St. lot that was recently sold. Ms. Forbes described the Morris House project, its object to provide safe, affordable housing and its proximity to the site. She stated that renovations for photovoltaic panels to the Morris House were based on an assessment of existing allowable building envelope for the area. Ms. Forbes voiced concern for the effect the proposed and other developments may have on the Morris House. She stated that rules should be predictable and reliable.

Mr. Peter Lavell, resident of Bellaire Terrace, stated concern for the proposal, indicating that it did not encourage long term residential presence in the North End. Mr. Lavell stated that the building would not attract families and its architecture did not solve densification. Mr. Lavell stated concern for this proposal setting a precedent for size in the area. Mr. Lavell furthermore stated that he understood that the HRM Centre Plan would introduce a public process for planning in the area. Mr. Lavell stated that a moratorium should be in place until this occurs and until then development should occur as-of-right.

Mr. Tom Creighton, resident of Bellaire Terrace, stated concern for the development, stating that the site was located in a residential area. Mr. Creighton stated that rules existed for height, massing and density that which this proposal did not obey. Mr. Creighton indicated concern over the proposal creating a precedent. He stated that spot development often speeds up the erosion of the neighbourhood. Mr. Creighton stated that he understood development was to be taking place along the main corridors while

this development was in a residential area. Mr. Creighton stated that the neighbourhood did not need this development.

Mr. Dib Alcid, shop owner on Maynard St., stated that the site was quite close to his shop and he would like the building line to be at a greater distance from his shop.

Mr. Phil Pacey, resident of Yukon St., stated that he was a member of the Planning Advisory Committee at the time the 50 ft. height limit was put in place. Mr. Pacey stated that the building lot line's proximity to the auto repair shop posed a problem to future residents who may be adverse to noise. Mr. Pacey said that the setback of 20 ft. should be respected for the R-3 requirements, as it was respected by many other developments in the area. Mr. Pacey also stated concern over the 60 degree angle. Mr. Pacey disproved of the proposal exceeding the population density limit of the area. Mr. Pacey also stated concern over the lack of open space. Mr. Pacey commented that the current policies should be upheld in terms of amenity, compatibility, landscaped open space and density.

Ms. Beverley Miller, citizen, questioned who was responsible for submitting the proposal to Schedule Q. Ms. Miller Ms. Miller also stated concern for the effect of this development on the neighbourhood in terms of open space and lack of exterior landscaping. Ms. Miller stated that the development was not compatible with the neighbourhood. Ms. Miller indicated that many recent developments on the peninsula were adding to density without making exceptions to the rules. Ms. Miller stated that more family units were required.

Ms. Peggy Cameron, resident of Charles St., inquired regarding the process and whether it had staff's support. In response to this question and also in response to Ms. Miller's, Ms. Salih indicated this was not a Schedule Q amendment but a plan amendment and that Regional Council initiated the process. Ms. Salih responded that staff's recommendation was to proceed through the process to hear public feedback. Ms. Cameron commented that at this moment in HRM there was little logic or consistency occurring due to the number of exemptions and exceptions in the existing rules. Ms. Cameron questioned the location of the public information meeting in terms of its proximity to residents. Ms. Cameron furthermore stated that precedents were being set by developers and levels of predictability have become destabilized. Ms. Cameron stated that neighbourhoods were not in favour of spot rezoning. Ms. Cameron highlighted the 2013 Stantec report's findings regarding density on the peninsula. Ms. Cameron stated that the building was completely out of scale and the development was unnecessary.

Mr. Max Haven, resident of Agricola St., introduced himself as a Kabuki Housing Board member. Mr. Haven stated that the idea you could create density through collective ownership and a sense of community espoused by his organization ran contrary to this development. Mr. Haven questioned why the community should accept the extra height. Mr. Haven questioned what opportunities the development offered. Mr. Haven stated that many of his neighbours saw the development as gentrification resulting in change in character and increase in tax rates. Mr. Haven stated a number of concerns of the development impeding light, reduction in privacy, and an aesthetic change to the neighbourhood.

Mr. Andrew Murphy, resident of Keefe Rd., questioned whether the Centre Plan and the peninsula needed this proposal. Mr. Murphy emphasized that many new developments were creating dramatic precedents. Mr. Murphy cited Canadian Mortgage and Housing statistics, indicating that HRM built on average 2,500 units over the past 10 years. Mr. Murphy referenced the 2013 Stantec report, that the peninsula had a 25 year of supply of building units. Mr. Murphy commented that an inventory of units should be made by planning staff before moving forward. Mr. Murphy questioned what demographic would be filling this proposal.

Mr. Sommerhalder indicated that this was the end of the speaker's list. Mr. Sommerhalder proceeded to pose a number of questions from the speakers' comments.

In response to a question of street wall height, Mr. JeBailey stated that the 50 ft would fall above the step back line. Mr. Cesar Saleh, WM Fares Group responded to a question concerning density by stating that the development met the density allocated for the site. Mr. Saleh stated that the site yielded 117 in

density yet allowed 130 in a development agreement. Mr. Saleh stressed that the development met the density in the development agreement process but did not in the Land Use Bylaw where they were 6 people over. Mr. Saleh also responded to the question of why this development was being proposed. Mr. Saleh stated the proposal meets the city's goal, creates a better form for the site and friendlier streetscape. Mr. Saleh stated that the site falls within the Agricola corridor and that the heights contemplated under the Centre Plan were consistent. Mr. Saleh indicated that the original proposal was 9 storeys. Regarding open space, Mr. Saleh commented that the development had 2,400 sq. ft. of landscaping space at grade and a terrace with 1,500 sq. ft. of outdoor space. Responding to the question of setting precedents, Mr. Saleh stated that each site is considered on its own merit.

Responding to questions around the planning process, Ms. Salih described the site-specific MPS & LUB Amendment process stage by stage and how the public can input feedback. Ms. Salih also responded regarding the Centre Plan.

Ms. Katie Aven, resident of John Street., commented that she agreed with much of the public feedback. Ms. Aven described the neighbourhood's benefits of low cost, walkability, and living on a human scale. Ms. Aven questioned if the architect's design functioned on any demographic or social data to determine there was a population need for this development. Ms. Aven emphasized there were currently many places to live in the neighbourhood.

Ms. Chris Annand, Wellington St., stated concern for the process and its relation to recent developments. Ms. Annand stated that citizens of HRM were promised meaningful engagement, yet had not received it.

Mr. Michael Hodges, resident of James St., asked for consideration to be given for the amount of disruption cause by construction. Mr. Hodges stated that he would like to see what would be built by a developer that stayed within the current guidelines. Mr. Hodges also commented on the need to cater to underprivileged folks in the neighbourhood and affordable housing.

Mr. Phil Pacey, described a series of meetings from 1980-1992 by the PAC of his time. Mr. Pacey described the character of the neighbourhood in that day and the rationale for the 50 ft height limit developed at that time as satisfying a mixture of light industrial uses with residential. Mr. Pacey emphasized that these mixed uses allowed for the people of the day to find employment nearby. Mr. Pacey stated that the area has been residential and industrial use for centuries. Mr. Pacey stated that retaining that height limit would preserve the character of the neighbourhood and prevent speculation.

Mr. Lavell questioned Ms. Salih's flowchart regarding provincial approval of new policies. Ms. Salih responded that any amendments to the MPS required provincial approval.

Mr. Andrew Murphy commented that he would like to make a request for an inventory of buildings/units created and also for a legal opinion be procured on whether this type of development would create precedent.

Ms. Salih responded to the first question that the zoning bylaw was in place for as of right development. She furthermore responded that an answer could be put on the website regarding that question.

Mr. Creighton questioned why this development was not built on a major thoroughfare instead. Ms. Salih responded that no decision has been made yet. Mr. Saleh added that the developer had a right to submit an application.

Mr. Haven questioned the social good of the proposal, and questioned the merit that led the development to Council. Ms. Salih responded to the question over process by stating that after the meeting, all materials would be reviewed, the proposal would be re-examined and staff's position would be determined on the application.

In response to questions over occupants, Mr. Saleh responded that they could not respond to who would be living in the development. Mr. JeBailey added that the development may be flexible and if more 3 bedroom units were wanted they could be added. In response to questions over social good, Mr. Saleh stated that the property was zoned commercial and the applicant had the right to develop. Mr. Saleh commented that they were not asking for more density. Mr. Saleh stated that good questions arose from this meeting and they would be looking into how to improve the development. Mr. Saleh further responded that a shadow assessment would be performed to determine the implications and this would be made public. Mr. Saleh also responded that bringing people to the site to share nearby resources and amenities would be a public benefit. Mr. Saleh stated that they may also go back to the applicant and consider opportunities to include public or include a percentage of units at fair market value. Mr. Saleh commented that the purpose of this process was to provide the avenue to come up with a good solution for the site.

3.0 ADJOURNMENT

The Chair adjourned the meeting at 9:01 p.m.

Andrew Reid
Legislative Assistant