



P.O. Box 1749
Halifax, Nova Scotia
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Item No. 13.1.1
Halifax and West Community Council
February 17, 2016

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

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

DATE: February 2, 2016

SUBJECT: **Case 18464: MPS & LUB Amendments and Development Agreement, Bright Place, Lady Hammond Road and Normandy Drive, Halifax**

ORIGIN

- Application by Amani Developments Limited and Bay Rock Developments Limited
- October 22, 2013 Regional Council initiation of the 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 Halifax Regional Council:

1. Give First Reading to consider the proposed amendments to the Halifax Municipal Planning Strategy (MPS) and Halifax Peninsula Land Use By-law (LUB) as set out in Attachments A and B of this report and schedule a Joint Public Hearing with Halifax and West Community Council; and
2. Approve the proposed amendments to the Halifax Municipal Planning Strategy and 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. Give Notice of Motion to consider the proposed development agreement as set out in Attachment C of this report to permit a multiple-unit residential development at 3631 and 3639 Bright Place, 6100 Normandy Drive and Parcel X, a portion of the former Bright Place right-of-way fronting Lady Hammond Road, Halifax. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1.

RECOMMENDATIONS CONTINUED ON PAGE 2

Contingent upon the adoption by Regional Council of the above MPS and LUB amendments which are applicable to the proposed development agreement as set out in Attachment C of this report, and those amendments becoming effective under the *HRM Charter*, it is further recommended that Halifax and West Community Council:

1. Approve the proposed development agreement which shall be substantially of the same form as set out in Attachment C of this report; and
2. Require the development agreement be signed by the property owner within 120 days, or any extension thereof granted by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

W.M. Fares Group, on behalf of the property owners Amani Developments Limited and Bay Rock Developments Limited, has submitted an application for a site-specific amendment to the Halifax Municipal Planning Strategy (MPS) and Halifax Peninsula Land Use By-law (LUB) to permit a 6-storey multiple-unit residential development at 3631 and 3639 Bright Place and 6100 Normandy Drive in association with a portion of the adjoining HRM-owned Bright Place street right-of-way (Parcel X, PID #41402884), Halifax (Maps 1 and 2). The proposal cannot be considered under existing policy and zoning established in the MPS and LUB. As such, the applicant is seeking amendments to the MPS and LUB to enable consideration of its proposal through a development agreement. On October 22, 2013, Regional Council initiated the MPS amendment process for the subject lands.

Street Closure and Pedestrian Walkway

On September 25, 2012, Regional Council passed a motion to close a portion of the Bright Place street right-of-way in order to facilitate the market disposal of the land parcel to the developer. The real estate transaction closed on January 18, 2016. As part of the land transaction, a 20-foot (6.1 metre) wide portion of the right-of-way along the southwest boundary, between Lady Hammond Road and the Bright Street/Normandy Drive intersection, has been retained by HRM for pedestrian access (Maps 1 and 2)¹. The applicant is required to construct a pedestrian walkway within this area to facilitate pedestrian movement between the two streets. This requirement is pursuant to a HRM “construction agreement” which is separate from the proposed development agreement.

Site Description and Surrounding Land Uses

Site Description

The subject lands are located in the north end of the Halifax peninsula and have street frontage on Lady Hammond Road and the intersection of Normandy Drive and Bright Street (Maps 1 and 2). The land slopes downward in a southwest direction towards Lady Hammond Road. The lands consist of four properties which comprise a total area of 27,800 square feet (2,582 square metres). These are:

- 6100 Normandy Drive (PID #00026864), which is currently vacant but which previously contained a single family dwelling, and which is the subject land’s highest elevation point at the northernmost frontage along Normandy Drive;
- 3639 Bright Place (PID #00026856), which currently contains a 4-unit residential apartment building;
- 3631 Bright Place (PID #00026849), which is currently vacant but which previously contained a 4-unit residential apartment building; and
- Parcel X, a portion of the former and adjoining Bright Place street right-of-way (PID #41402884), located at the southernmost point along Lady Hammond Road, which was recently transferred to the applicant, as noted above, and which is the subject land’s lowest elevation point.

¹ Note that Bright Place is the unconstructed extension of the Bright Street right-of-way.

Surrounding Land Uses

The surrounding area includes a mix of land uses as follows:

- low-density residential development and apartments to the north;
- an abutting motel use to the west;
- apartment and commercial (retail and office) uses on the south side of Lady Hammond Road; and
- low-density residential uses to the east.

Designation and Zoning

The subject lands are:

- designated Residential Environments on the Generalized Future Land Use Map and are subject to the City-Wide Objectives and Policies (Section II) of the Halifax MPS (Map 1);
- zoned R-2 (General Residential) pursuant to the Halifax Peninsula Land Use By-law (Map 2). Parcel X (portion of the Bright Place street right-of-way) was not previously zoned, but has recently taken on the R-2 Zone upon the completion of the land transaction; and
- designated Regional Centre under the Regional Plan.

Proposal

The applicant is proposing to redevelop the subject lands with a multiple-unit residential development consisting of 6-storey and 3-storey components above a parking level (Attachments A, B and C). Details of the proposal are as follows:

- one level of parking which, due to varying site grades, will be partly underground and will include a ground-level pedestrian lobby and three residential units with direct access off the abutting public walkway;
- six storeys of residential apartments above the parking level at the southwestern portion of the subject lands and three storeys of apartments along the Normandy Drive portion of the lands, with approximately 38 dwelling units;
- grade-level landscaping and landscaped amenity space above the parking level, including fencing, new trees and preservation of existing trees to provide visual screening of portions of the building from abutting residential properties; and
- driveway access from Lady Hammond Road at the location of the former Bright Place access.

In order for the proposal to proceed, an amendment to the MPS is required, as the current zoning of the subject lands does not permit apartment buildings greater than 4 residential units and it is not appropriate to apply the R-3 (Multiple Dwelling) zone to the lands due to compatibility concerns.

Approval Process

The approval process for this application involves two steps:

- first, Regional Council must consider and, if deemed appropriate, approve proposed amendments to the MPS and LUB; and
- secondly, Halifax and West Community Council must consider and, if deemed appropriate, approve a proposed development agreement.

A public hearing, which is required prior to a decision on both matters, may be held at the same time for both the MPS and LUB amendments and the proposed development agreement. In the event Regional Council approves the MPS and LUB amendments, Halifax and West Community Council may only make a decision on the proposed development agreement following the amendments to the MPS and LUB coming into effect. A decision on proposed MPS and LUB amendments is not appealable to the Nova Scotia Utility and Review Board (Board). However, the decision on the proposed development agreement is appealable to the Board.

DISCUSSION

Municipal Planning Strategy Amendments

The Halifax MPS is a strategic policy document which sets out the goals, objectives and direction for long term growth and development in the former City. 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.

Rationale for Site Specific Development Controls

In this particular case, staff has determined that there is merit in proceeding with site-specific amendments to the MPS and LUB (Attachments A and B) and a development agreement allowance for the subject lands for the following reasons:

- the subject lands are situated in an area with a mix of land uses and are appropriate for residential redevelopment and urban intensification which will increase housing supply on the peninsula, which is a goal of the Regional MPS;
- the inclusion of detailed requirements regarding building siting, scale and massing as well as site landscaping assists in achieving compatibility with the adjacent low-density residential area;
- the positioning of the proposed building closer to Lady Hammond Road and the abutting motel property and stepping the building down to 3 storeys on Normandy Drive achieves greater setbacks from, and compatibility with, adjacent lower density residential development;
- the placement of vehicular parking underground results in ample landscaped open space at ground and podium levels and allows for a greater degree of visual screening from adjacent residential properties;
- the development agreement ensures a higher quality building design, varying materials and colour tones; and
- the placement of the building, through setback and other means, results in a building proposal that is compatible with its surroundings.

The existing City-Wide MPS objectives and policies (Section II of the MPS) call for the encouragement of residential growth on the Peninsula through “retention, rehabilitation and infill compatible with existing neighbourhoods”. The proposed site-specific MPS and LUB amendments further this intent as outlined in Attachments A and B of this report.

Proposed Development Agreement

The proposed development agreement (Attachment C and Schedules) provides for the elements of the proposed development as noted above and has specifications relating to matters such as:

- massing, location and height of portions of the proposed building;
- architectural design of the building, including building materials, lighting and signs;
- site landscaping, including fencing, new trees and preservation of existing trees to provide visual screening;
- useable open space for building residents;
- the provision of safe vehicular and pedestrian access and egress;
- bicycle parking and solid waste facilities; and
- the adequacy of the servicing capacity of the site.

Staff conducted a review of the proposed development relative to the proposed policy criteria that has been developed for the subject lands and advises that the proposed development is consistent with the intent of the Halifax MPS. Attachment D contains staff’s analysis of the applicable policies. Staff has identified below some aspects of the development that warrant further discussion:

Building design, height and compatibility

- Building height is limited to 6 storeys with a smaller, 3 storey component facing Normandy Drive. Due to the site's southwesterly slope and a grade difference of approximately 30 feet (9.1 metres) between lowest and highest points, the building will be approximately five storeys above the site's northern point along Normandy Drive;
- Due to the site's configuration and abutting residential uses, ample setbacks are employed from abutting residential properties to achieve greater land use compatibility;
- Variations in the building façade and massing, including recesses and projections, provide visual interest;
- The design employs a varied use of quality, non-combustible materials including glass, aluminum framing and panels, ceramic tile, metal railings, cement board siding, and brick;
- The applicant has prepared a shadow analysis report (Attachment G) which describes and illustrates the shadow impacts of the proposed development. This analysis concludes that, due to the site's configuration and slope and the proposed building massing and siting away from abutting residential properties, the shadow impacts of the development are minimized.

Landscaping and open space

- Proposed landscaping and amenity space includes a podium rooftop amenity area on the proposed building and landscaping on the perimeter of the site which includes a variety of new plantings, trees, fencing, landscaped hard surface areas and preservation of existing trees where reasonably possible. This combination of site landscaping, visual screening and amenity spaces for building tenants will be suitable.

Traffic impact, site access and parking

- A traffic impact statement was carried out by Genivar (now WSP) consultants in January of 2012 for the applicant and has been reviewed by HRM staff. The study reviewed the proposed development's access and impacts on the existing street network and concluded that the driveway visibility is adequate and that the low number of additional vehicle trips generated are not expected to have any significant impact to the performance of Lady Hammond Rd. intersections or the regional street network;
- Any alterations to the driveway access for the subject lands will be required to meet municipal requirements; and
- The amount of vehicular parking, when combined with bicycle facilities and the site's close proximity to transit facilities, will be adequate for the proposed development. The draft agreement requires that a minimum of 37 vehicular parking spaces be provided, which is approximately one per dwelling unit, and allows up to 75 percent of vehicular parking spaces to be slightly reduced in size to more easily accommodate bicycle parking within the enclosed parking level.

Servicing capacity

- The proposal has been reviewed by Halifax Water. No servicing issues have been identified. The applicant will be required to submit sewage generation numbers and a sanitary capacity analysis prior to obtaining a construction permit.

District 7 & 8 Planning Advisory Committee

The proposal was reviewed by the Districts 7&8 Planning Advisory Committee on April 27, 2015 and the Committee will submit a separate report to Community Council on the matter. The Committee passed a motion to recommend approval of the application with consideration to the following matters (staff comments are included in *italics*):

- The Committee appreciates the vegetation at the front of Normandy Drive and requests attention be given to amenity space.

- *This related to a request for indoor amenity space. The applicant is proposing to provide an internal amenity room, available for the use of building tenants, shall be provided in a location abutting and linked to the rooftop open space.*
- The vegetation border between the property on Lady Hammond and the development be retained and strengthened, with particular attention to the experience created for the residents on Lady Hammond Road.
 - *The amount of proposed vegetation has been increased along the south and east boundaries abutting properties which front on Lady Hammond Road and High Street. Additionally, the applicant will preserve existing trees where possible.*
- Consider the inclusion of bike racks such as along the walkways.
 - *Bicycle facilities will be provided as required by the Land Use By-law. Bike racks are now shown on the landscape plan near the front entry of the building.*
- Create conditions to encourage families.
 - *Pursuant to the development agreement, at least 33% of the dwelling units will contain two or more bedrooms. The abundance of exterior landscaped open space and indoor amenity space will also help to create conditions to encourage units to be occupied by families.*

Conclusion

The proposed MPS and LUB amendments and development agreement provide for a multiple-unit residential development on the subject lands which is compatible with the surrounding area. Therefore, staff recommends that Regional Council approve the proposed MPS and LUB amendments as contained in Attachments A and B and that Halifax and West Community Council approve the development agreement as contained in Attachment C.

FINANCIAL IMPLICATIONS

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

COMMUNITY ENGAGEMENT

The community engagement process undertaken for this application is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through a Public Information Meeting hosted by the District 7 & 8 Planning Advisory Committee on May 5, 2014. Notices of the meeting were posted on the HRM website, in the newspaper, and mailed to property owners within the notification area (Map 3). The minutes from the meeting are found in Attachment E. Written submissions received from the public to date are found in Attachment F.

The proposal was amended following the public information meeting on May 5, 2014 which resulted in the following revisions:

- the building height was reduced from 7 storeys to 6 storeys;
- additional landscaping was provided, including additional trees for visual screening purposes abutting residential property lines and additional landscape details at grade-level, adjacent to proposed residential entries; and
- the building's relationship with the surrounding grades was more clearly represented.

Additional, minor changes were made following the Districts 7&8 Planning Advisory Committee meeting on April 27, 2015, as noted in the Discussion section of this report.

Prior to considering the approval of any MPS amendments, Regional Council must hold a public hearing. Should Regional Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, individual property owners within the notification area will be advised of the public hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.

The proposed MPS and LUB amendments will potentially impact local residents and property owners, community or neighbourhood organizations, and business and professional associations.

ENVIRONMENTAL IMPLICATIONS

The proposed amendments to the MPS and LUB are consistent with the applicable environmental policies of the MPS.

ALTERNATIVES

The Halifax and West Community Council may recommend that Halifax Regional Council:

1. Modify the proposed amendments to the Halifax MPS and Halifax Peninsula LUB as contained in Attachments A and B of this report. Any such amendments may require a supplementary staff report and another public hearing. 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. Refuse the proposed amendments to the Halifax MPS and Halifax Peninsula LUB as contained in Attachments A and B of this report. A decision of Council to refuse the proposed amendments is not appealable to the Nova Scotia Utility and Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

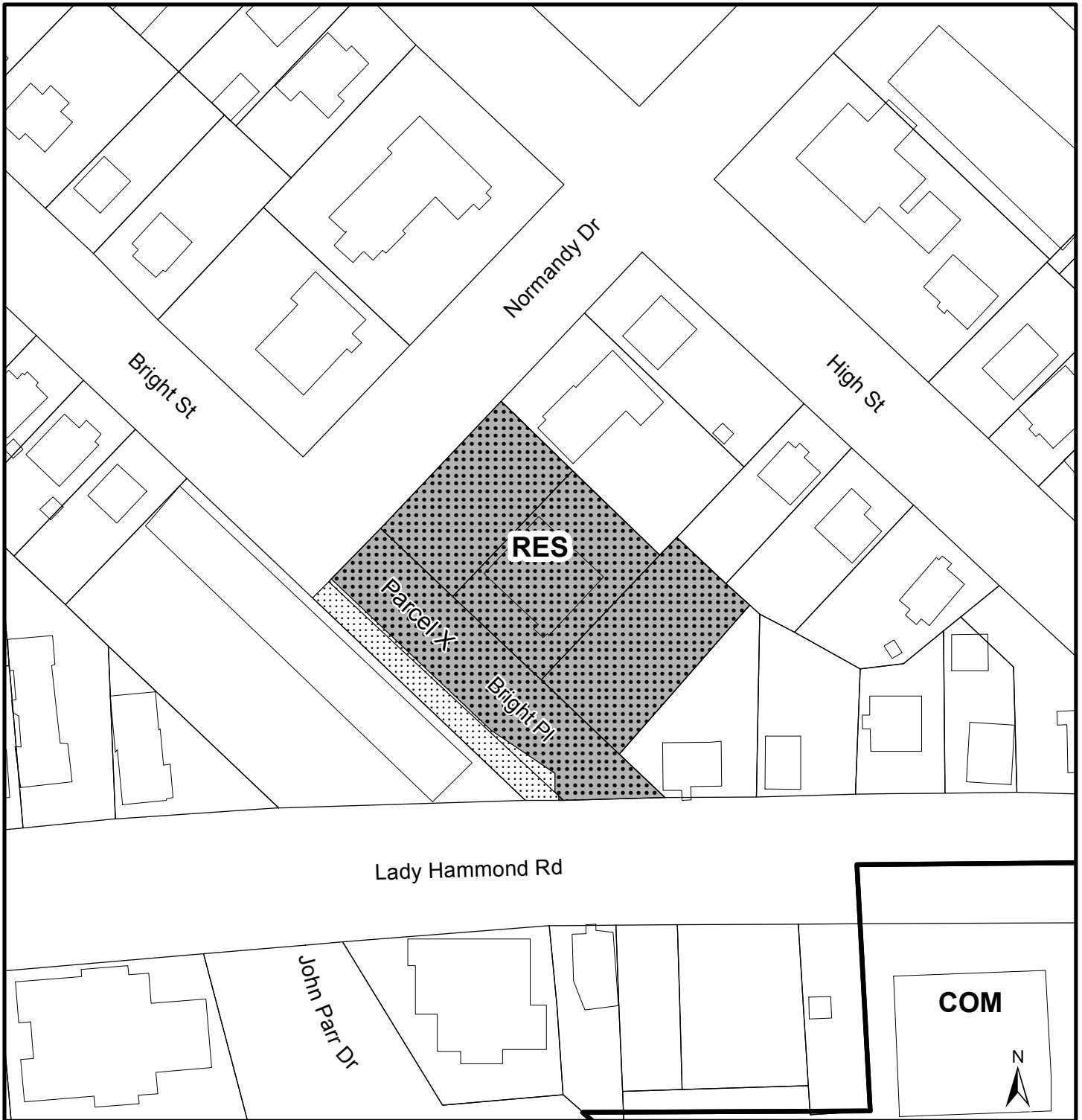
| | |
|--------------|--|
| Map 1 | Generalized Future Land Use |
| Map 2 | Zoning |
| Map 3 | Area of Notification |
| Attachment A | Proposed Amendments to the Halifax Municipal Planning Strategy |
| Attachment B | Proposed Amendments to the Halifax Peninsula Land Use By-law |
| Attachment C | Proposed Development Agreement |
| Attachment D | Proposed Development Agreement Policy Review |
| Attachment E | Minutes from Public Information Meeting |
| Attachment F | Public Submissions |
| Attachment G | Shadow Analysis Report |

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: Paul Sampson, LPP, Planner, 902-490-6259



Original Signed

Report Approved by: 
Kelly Denty, Manager Development Approvals, 902-490-4800

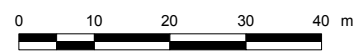


Map 1 - Generalized Future Land Use

3631 and 3639 Bright Place
and 6100 Normandy Drive
Halifax

-  Area of proposed redevelopment
-  Walkway parcel to be retained by HRM

- Designation**
- RES Residential Environments
 - COM Commercial

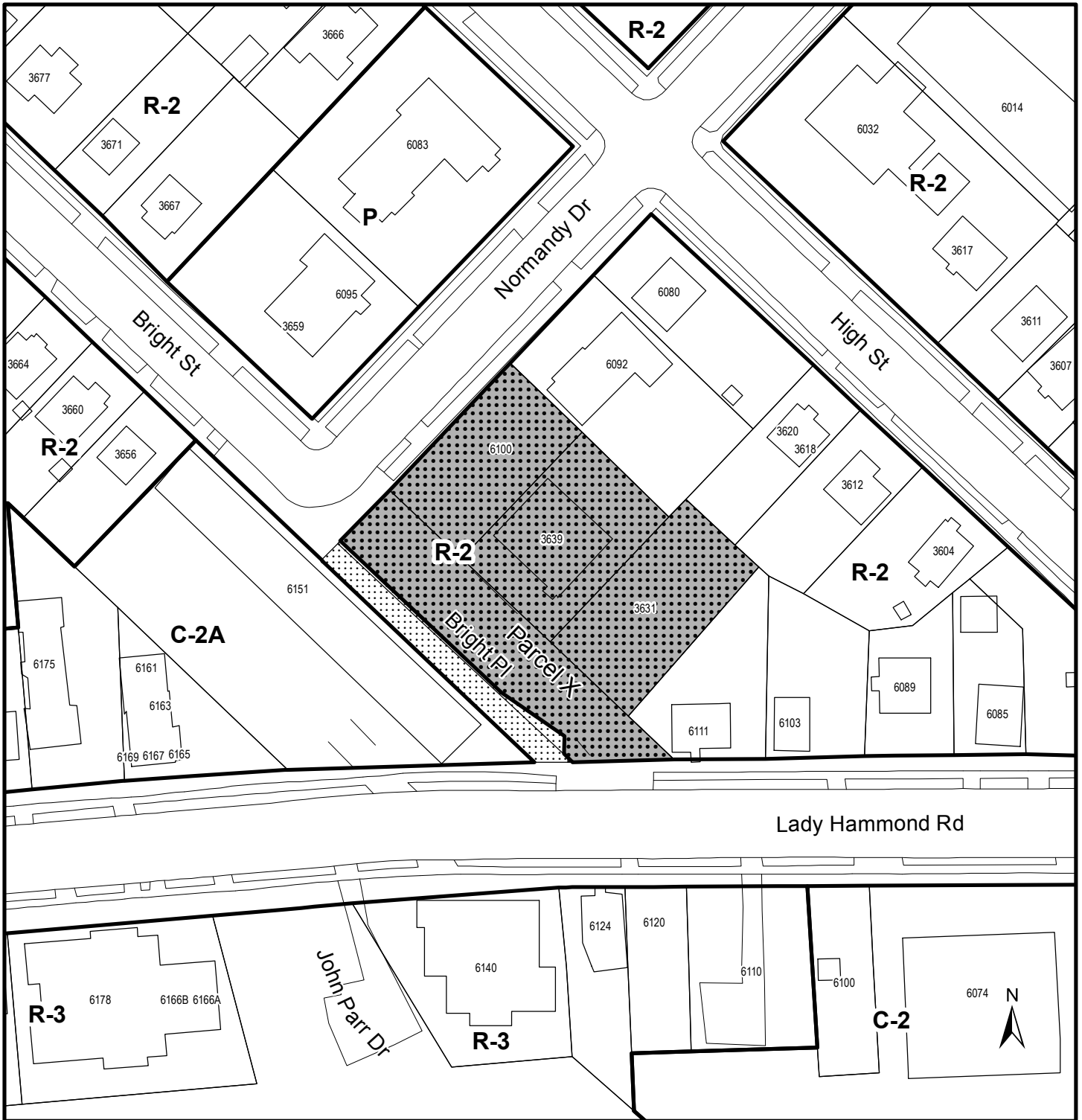


This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

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



Halifax Plan Area

HALIFAX



Map 2 - Zoning

3631 and 3639 Bright Place
and 6100 Normandy Drive
Halifax

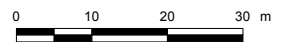
-  Area of proposed redevelopment
-  Walkway parcel to be retained by HRM

Halifax Peninsula
Land Use By-Law Area

Zone

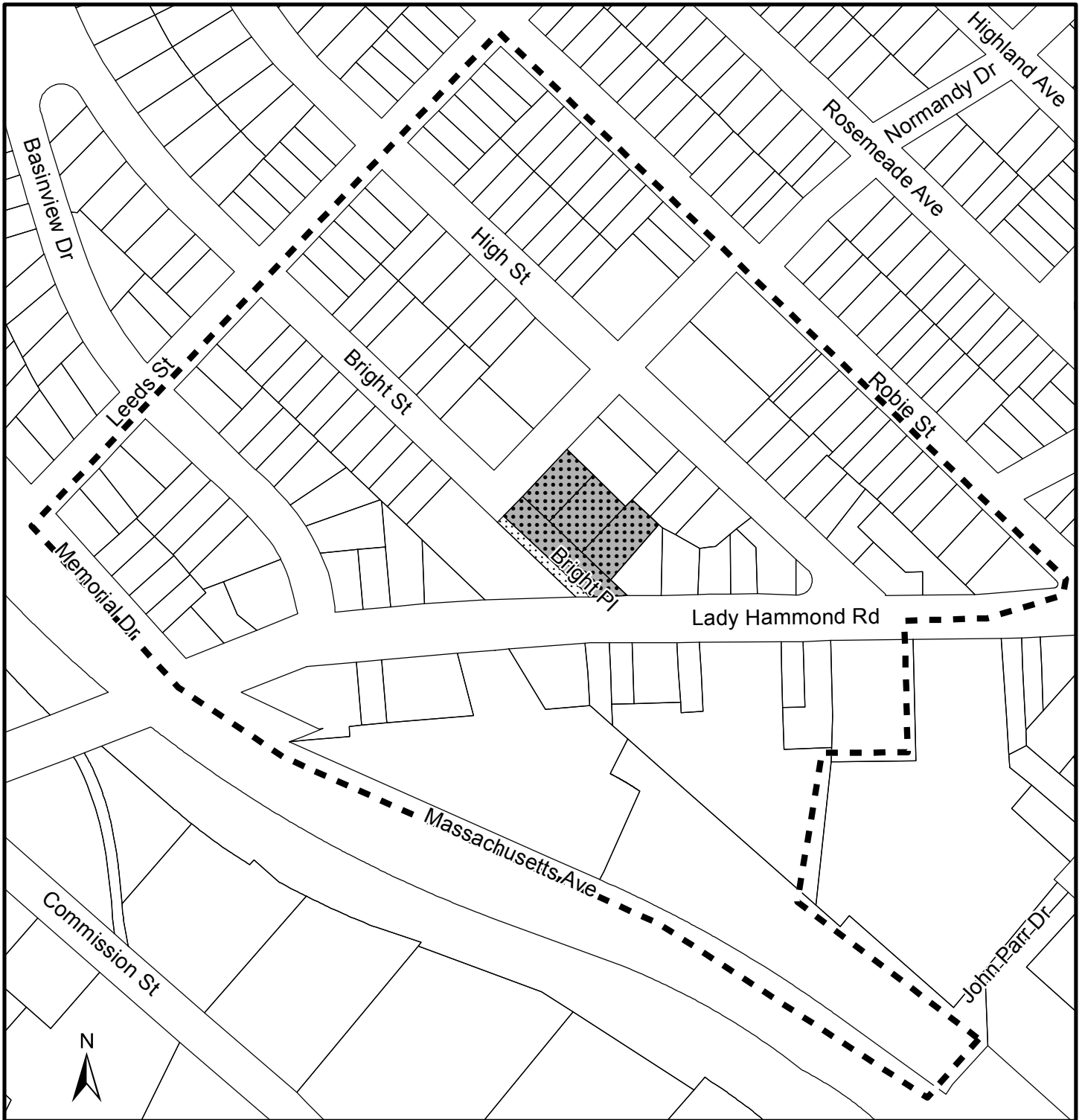
- R-2 General Residential
- R-3 Multiple Dwelling
- C-2 General Business
- C-2A Minor Commercial
- P Park & Institutional

HALIFAX





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


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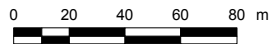


Map 3 - Area of Notification

3631 and 3639 Bright Place
and 6100 Normandy Drive
Halifax

-  Area of proposed redevelopment
-  Walkway parcel to be retained by HRM

 Area of notification



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

Halifax Peninsula
Land Use By-Law Area

ATTACHMENT A

Proposed Amendments to the Halifax Municipal Planning Strategy

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

1. By adding Policies 2.18, 2.18.1 and 2.18.2 to Section II (City-Wide Objectives and Policies), immediately following Policy 2.17.1, as follows:

“2.18 The property at Lady Hammond Road and Bright Place (Insert PID#) is a portion of a former municipal street right-of-way which was surplus to municipal needs, excepting a walkway parcel linking Lady Hammond Road with Bright Street. There are benefits in allowing for the property’s redevelopment in combination with the adjoining properties at 3631 and 3639 Bright Place (Insert PID #s) and 6100 Normandy Drive (Insert PID#) for multi-unit residential development. However, given the site’s location, configuration and proximity to adjacent low-density residential development, there is a need for specific attention to matters such as appropriate scale, siting and massing of a new multi-unit building. Notwithstanding the Residential Environments objectives and policies of this Section, a new multi-unit residential building at Lady Hammond Road and Bright Place, in conjunction with the adjoining properties at 3631 and 3639 Bright Place and 6100 Normandy Drive, may be permitted by development agreement in accordance with the *Halifax Regional Municipality Charter*.

2.18.1 Any development permitted pursuant to Policy 2.18 shall comply with the following building heights and setback requirements:

- a) Facing Lady Hammond Road, the maximum building height shall be six storeys above the residential lobby and parking level. The low-rise portion of the building facing Normandy Drive shall be limited to three storeys in height above the lobby and parking level;
- b) The six-storey portion of the building shall be set back a minimum of 50 feet from the Normandy Drive street line, a minimum of 60 feet from the nearest abutting property line of 6092 Normandy Drive and a minimum of 75 feet from the nearest abutting property lines of 3612 High Street and 3618/3620 High Street; and
- c) The three-storey portion of the building shall be set back a minimum of 20 feet from the nearest abutting property line of 6092 Normandy Drive.

2.18.2 In considering a development agreement pursuant to Policies 2.18 and 2.18.1, Council shall consider the following additional matters:

- a) Adequate site landscaping features shall be provided at the ground and podium levels to allow for visual screening of portions of the building from abutting residential properties and useable open space areas for building residents shall be provided;
- b) Ground-level dwelling units along the portions of the building facing Normandy Drive and the public walkway between Normandy Drive and Lady Hammond Road shall have direct pedestrian access to the exterior of the building and adequate site landscaping shall be provided in these areas;
- c) High quality exterior building materials shall be utilized;
- d) Safe vehicular and pedestrian access and egress shall be provided;
- e) Sufficient vehicular and bicycle parking shall be provided for the development;

- f) **There shall be suitable solid waste facilities; and**
- g) **There shall be adequate servicing capacity for the site.”**

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 Council at a meeting held on the ___ day of _____, 2015.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this ___ day of _____, 2015.

Municipal Clerk

ATTACHMENT B

Proposed Amendments to the Halifax Peninsula Land Use By-law

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 adding Section 100(2) as follows:

“100(2) 3631 and 3639 Bright Place, 6100 Normandy Drive and a portion of the former Bright Place right-of-way

Council may, by development agreement, pursuant to Policies 2.18, 2.18.1 and 2.18.2 of Section II of the Halifax Municipal Planning Strategy, permit a multiple-unit residential development.”

I HEREBY CERTIFY that the amendments to the Land Use By-law for Halifax Peninsula, as set out above, were duly passed by a majority vote of the Halifax Regional Council at a meeting held on the ____ day of _____, 2015.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2015.

Municipal Clerk

**ATTACHMENT C:
Proposed Development Agreement**

THIS AGREEMENT made this day of , 2015,

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 Lady Hammond Road, Bright Street and Normandy Drive, 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 multi-unit apartment development on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policies 2.18, 2.18.1 and 2.18.2 of Section II of the Halifax Municipal Planning Strategy and Section 100(2) 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 **18464**;

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

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

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

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

1.3 Applicability of Other By-laws, Statutes and Regulations

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

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

1.4 Conflict

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

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

1.5 Costs, Expenses, Liabilities and Obligations

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

1.6 Provisions Severable

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

PART 2: DEFINITIONS

2.1 Words Not Defined under this Agreement

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

PART 3: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS

3.1 Schedules

The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, conforms with the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case Number 18464:

| | |
|------------|--------------------------------|
| Schedule A | Legal Description of the Lands |
| Schedule B | Site Plan |
| Schedule C | Landscape Plan |
| Schedule D | East Elevation |
| Schedule E | South Elevation |
| Schedule F | West Elevation |
| Schedule G | North Elevation |

3.2 Requirements Prior to Approval

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

- (a) Landscape Plan in accordance with Section 3.6 of this Agreement; and
- (b) A Plan of Subdivision for the consolidation of the parcels.

3.2.2 Upon issuance of the first Municipal Occupancy Permit, the Developer shall provide the Development Officer with certification from a qualified professional indicating that the Developer has complied with the Landscape Plan, or the posting of security in accordance with Section 3.6.9.

3.2.3 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Lands for any of the uses permitted by this Agreement unless an Occupancy Permit has been issued by the Municipality. No Occupancy Permit shall be issued by the Municipality unless and until the Developer has complied with all 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

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

- (a) Apartment house (multiple-unit residential uses); and
- (b) Uses accessory to any of the foregoing uses.

3.4 Detailed Provisions for Land Use

3.4.1 The proposed development shall comply with the following requirements:

- (a) The proposed building shall not exceed 6 storeys above the parking and lobby level and 68 feet in height above the mean grade of the finished ground adjoining the building. The low-rise portion of the building facing Normandy Drive shall be limited to three storeys in height above the lobby and parking level;
- (b) The six-storey portion of the building shall be set back a minimum of 50 feet from the Normandy Drive street line, a minimum of 60 feet from the nearest abutting property line of 6092 Normandy Drive and a minimum of 75 feet from the nearest abutting property lines of 3612 High Street and 3618/3620 High Street. The three-storey portion of the building shall be set back a minimum of 20 feet from the nearest abutting property line of 6092 Normandy Drive;
- (c) A minimum of 33% of the residential dwelling units shall consist of 2 or more bedrooms;
- (d) Accessory uses may be permitted subject to R-3 (Multiple Dwelling) Zone requirements;
- (e) The driveway access for the existing dwelling at 6111 Lady Hammond Road shall be provided for and permitted over the lands, as shown on Schedule C; and
- (f) Ground-level dwelling units along the portions of building facing Normandy Drive and the public walkway between Normandy Drive and Lady Hammond Road shall have direct pedestrian access to the exterior of the building.

3.4.2 The proposed development shall be exempted from meeting 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 Architectural Requirements

3.5.1 The proposed building's exterior design and materials shall be as shown on the Schedules. The building shall employ high quality materials and variations in the façade and mass of the building to provide visual interest, as shown on the Schedules.

3.5.2 Any exposed foundation in excess of four feet in height shall be architecturally detailed, veneered with stone or brick or treated in an equivalent manner acceptable to the Development Officer or as shown on the Schedules.

3.6 Landscaping

3.6.1 Prior to the issuance of a Development Permit, the Developer shall provide the Development Officer with a detailed Landscape Plan, prepared by a Landscape Architect, which shall provide details of all landscaped areas shown on the Schedules.

3.6.2 Landscaped areas shown on the Schedules shall be active areas generally accessible to building occupants and shall contain a combination of concrete pavers, walkways, sod, ground cover, shrubs, deciduous and coniferous trees, site furnishings and landscaping features. Existing tree(s) on the site shall be preserved where reasonably possible or shall be replaced with new trees. In addition, new trees shall be planted, as indicated on Schedule C, in order to provide continuous visual screening from abutting residential development to the north and east.

3.6.3 A portion of the building rooftop above the parking podium (Schedule C) shall be landscaped and

designed for use as open space for tenants. This rooftop open space shall be visually screened from the neighbouring properties by the use of suitable opaque fencing or vegetation along its perimeter as determined by the Development Officer. The details of all open spaces shall be provided on the Landscape Plan pursuant to Subsection 3.6.1. An internal amenity room, available for the use of building tenants, shall be provided in a location abutting and linked to the rooftop open space.

- 3.6.4 Planting on rooftops 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 or podium.
- 3.6.5 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.
- 3.6.6 Planting details for each type of plant material proposed on the Landscape Plan shall be provided, including species list with quantities, size of material, and common and botanical names (species and variety). Mass shrub plantings or mixed shrub and ground cover plantings are preferred instead of perennial beds.
- 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 3.6.1.
- 3.6.8 Upon the issuance of an 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.
- 3.6.9 Notwithstanding Section 3.6.8, where the weather and time of year does not allow the completion of the outstanding landscape work 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 as shown on the Landscape Plan. 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 landscaping as described herein 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. 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.

3.7 Signs

- 3.7.1 Exterior signs shall meet the requirements of the R-3 Zone of the Land Use By-law and shall be limited to:
 - (a) awning signs made of fabric material above ground level windows and doors;
 - (b) fascia and projecting signs along the ground-floor level; and
 - (c) signs identifying the brand name, civic address or corporate logo of the building.

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. Adequate lighting shall be provided along the southern building exterior (Schedule E) abutting the public walkway to the satisfaction of the Development Officer.
- 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 any rooftop mechanical equipment, exhausts, propane tanks, electrical transformers, and other utilitarian features shall be visually concealed from abutting properties, including municipal rights-of-way, and shall include noise reduction measures.

3.10 Maintenance

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

3.11 Solid Waste Facilities

All refuse and recycling materials shall be contained within a building, or within suitable containers which are fully screened from view from any street or sidewalk. Further, consideration shall be given to locating of all refuse and recycling material to ensure minimal effect on abutting property owners by means of opaque fencing or masonry walls with suitable landscaping.

3.12 Parking and Bicycle Facilities

Vehicular parking shall be provided via internal parking level(s), located partially or fully underground, containing a minimum of 37 parking spaces. The underground parking level(s) may include bicycle parking required by the Land Use By-law and solid waste facilities required by Section 3.11. Up to 75 percent of vehicular parking spaces may be reduced in size to 8 feet by 17 feet. Bicycle parking shall meet the requirements of the Land Use By-law.

PART 4: STREETS AND MUNICIPAL SERVICES

4.1 General Provisions

- 4.1.1 All construction shall conform to the most current edition of the HRM Municipal Design Guidelines and Halifax Water's Design and Construction Specifications unless otherwise varied by this Agreement and shall receive written approval from the Development Engineer prior to undertaking any work.
- 4.1.2 Any disturbance to existing off-site infrastructure resulting from the development, including streets, sidewalks, curbs and gutters, street trees, landscaped areas and utilities, shall be the responsibility of the Developer and shall be reinstated, removed, replaced, or relocated by the Developer as directed by the Development Engineer. Furthermore, the Developer shall be responsible for all costs and work associated with the relocation of on-site/ off-site underground services, overhead wires and traffic signals to accommodate the needs of the development.

PART 5: ENVIRONMENTAL PROTECTION MEASURES

5.1 Archaeological Monitoring and Protection

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

5.2 Sulphide Bearing Materials

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

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

6.2 Non-Substantive Amendments

The following items are considered by both parties to be non-substantive and may be amended by resolution of Council (for greater certainty, these items do not include changes which, in the opinion of the Development Officer, are in conformance with the plans attached as Schedules B-N):

- (a) Changes to the exterior architectural appearance or materials as shown on the Schedules;
- (b) Changes to the landscape plan (Schedule C);
- (c) Changes to the date of commencement of development specified in Section 7.3; and
- (d) Changes to the date of completion of development specified in Section 7.4.

PART 7: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

7.1 Registration

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

7.2 Subsequent Owners

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

7.3 Commencement of Development

- 7.3.1 In the event that development on the Lands has not commenced within four 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

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

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

7.5 Discharge of Agreement

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

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

PART 8: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

8.1 Enforcement

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

8.2 Failure to Comply

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

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

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

SIGNED, SEALED AND DELIVERED in the presence of:

(Insert Registered Owner Name)

Witness

Per: _____

HALIFAX REGIONAL MUNICIPALITY

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

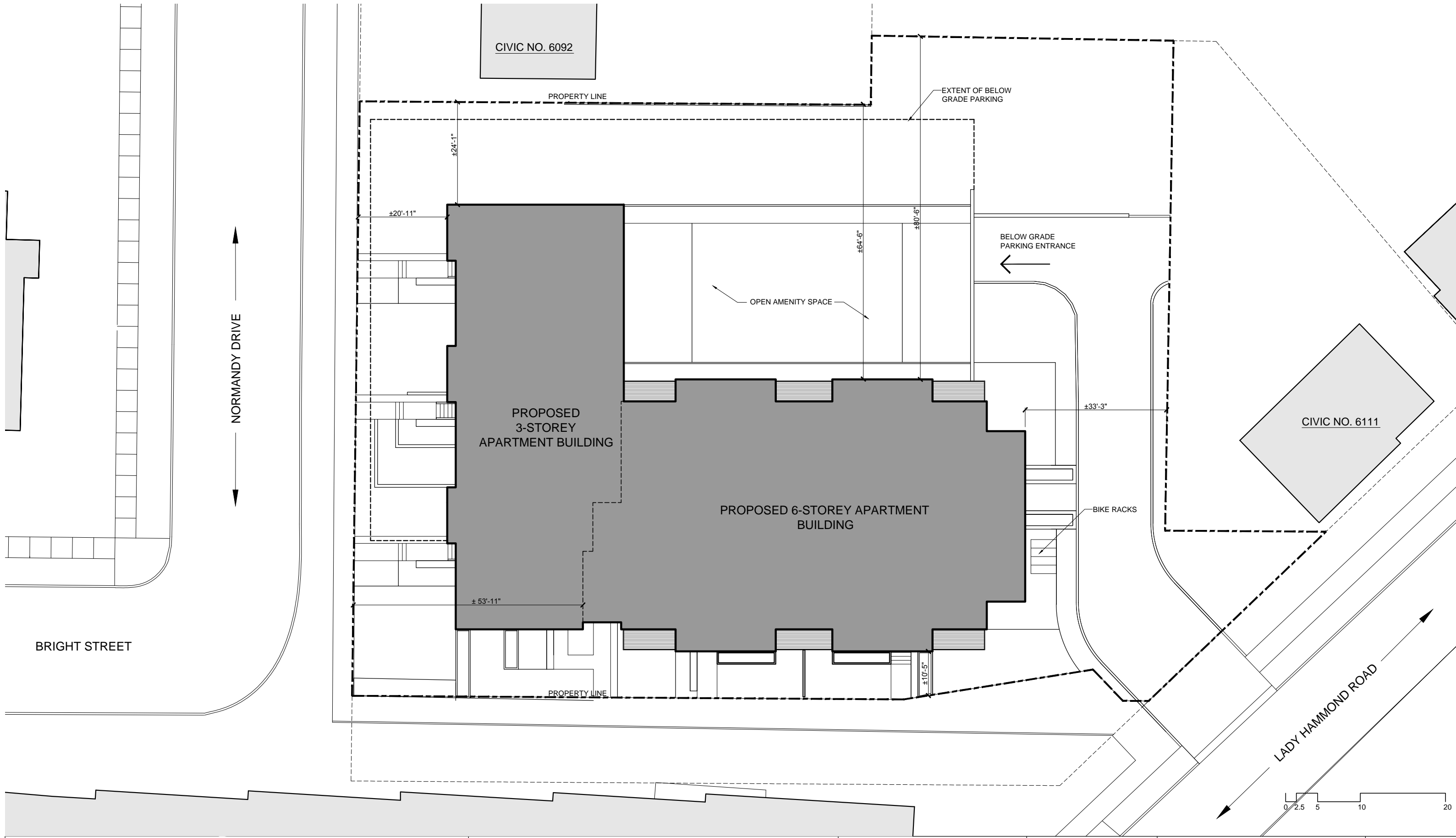
Witness

Per: _____

MAYOR

Witness

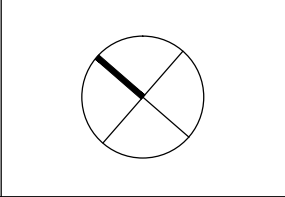
Per: _____
MUNICIPAL CLERK



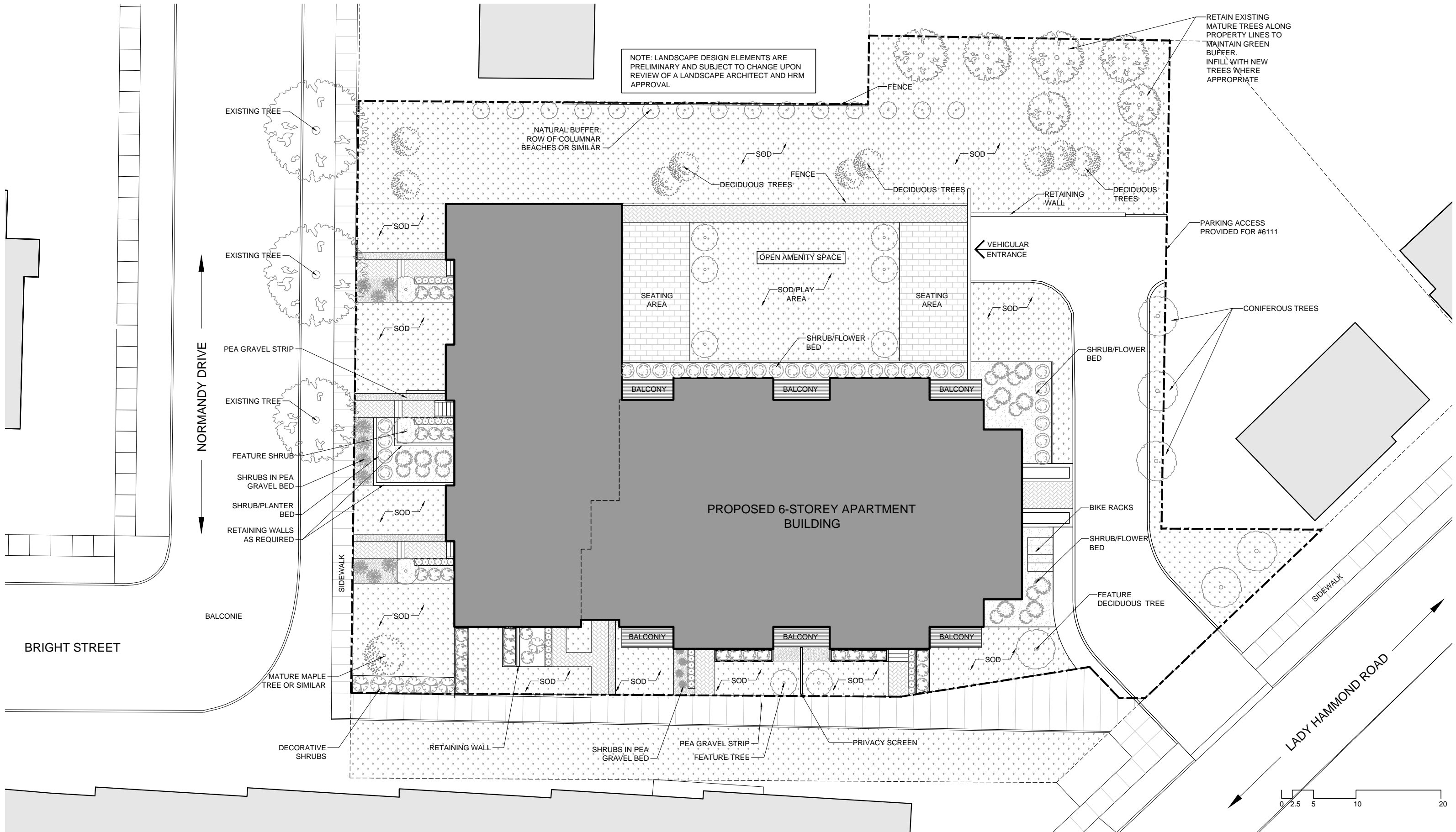
BRIGHT PLACE
Halifax, NS

SITE PLAN
SCHEDULE B

NTS
DATE: 22 JAN 2016



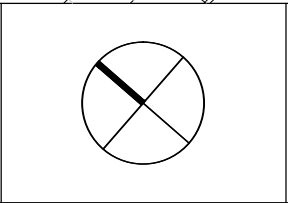
SDP



BRIGHT PLACE
Halifax, NS

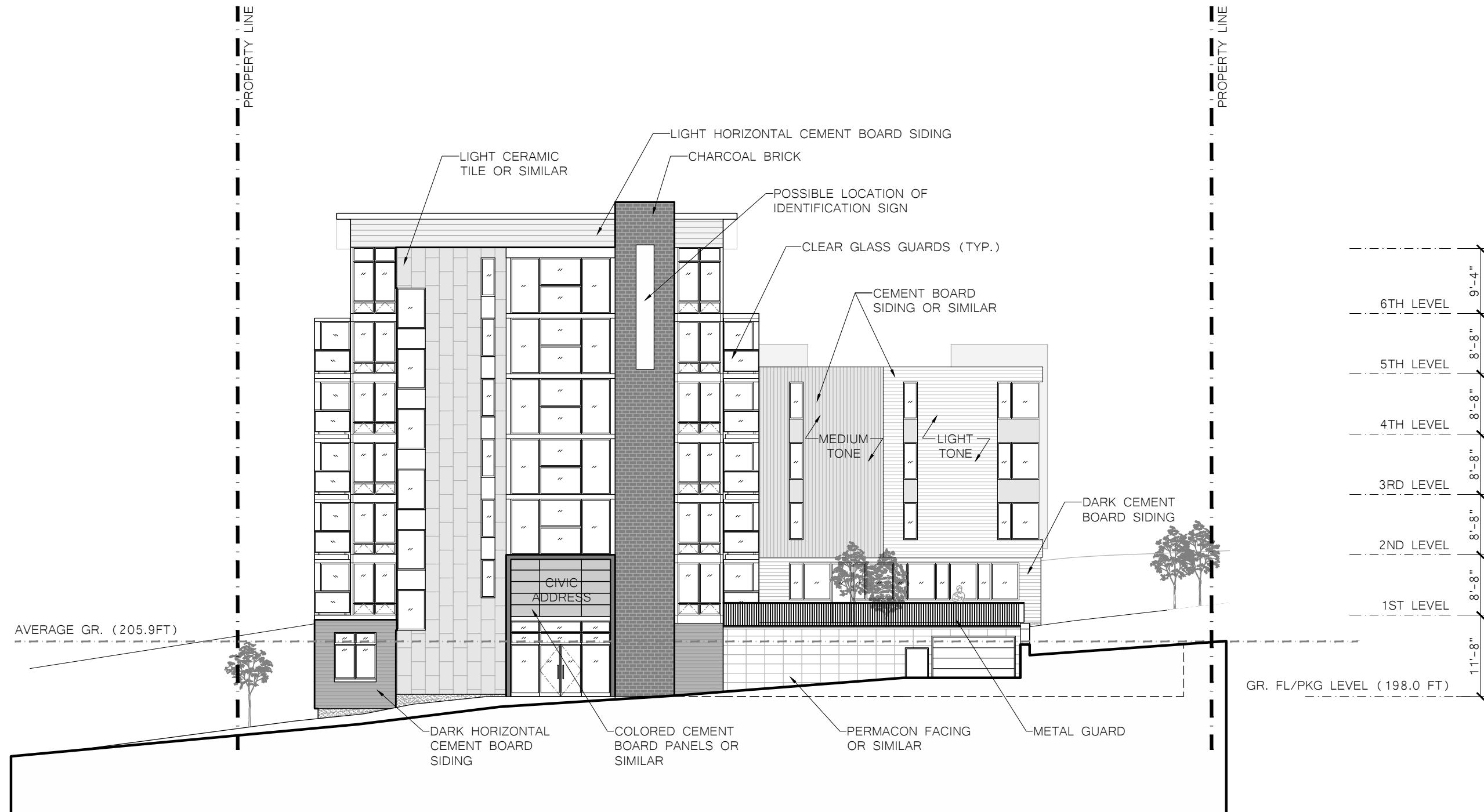
LANDSCAPE PLAN
SCHEDULE C

NTS
DATE: 22 JAN 2016



WM FARES
GROUP

LA1



BRIGHT PLACE
HALIFAX, NS

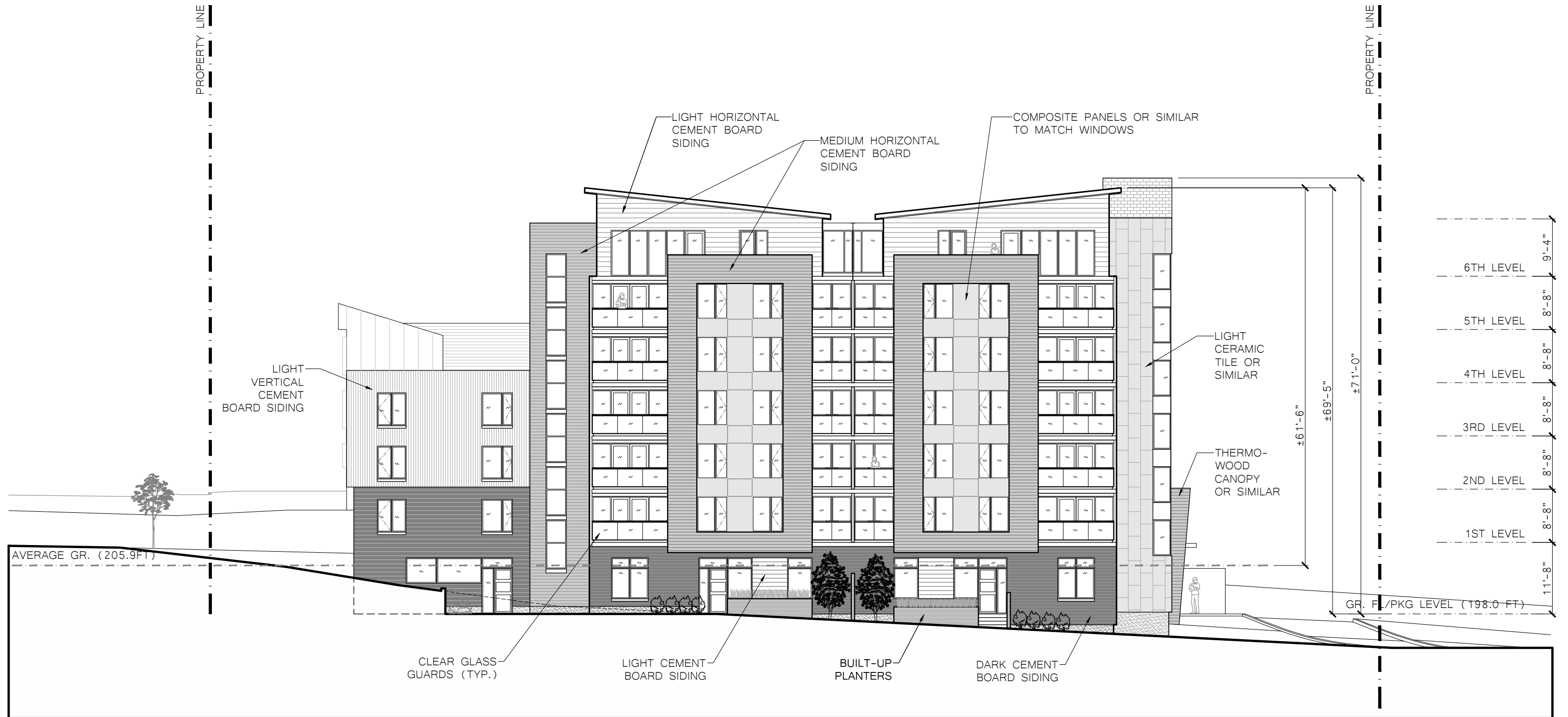
EAST ELEVATION
SCHEDULE D

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

DATE: 21 AUG 2015

WM FARES
GROUP

A1



BRIGHT PLACE
HALIFAX, NS

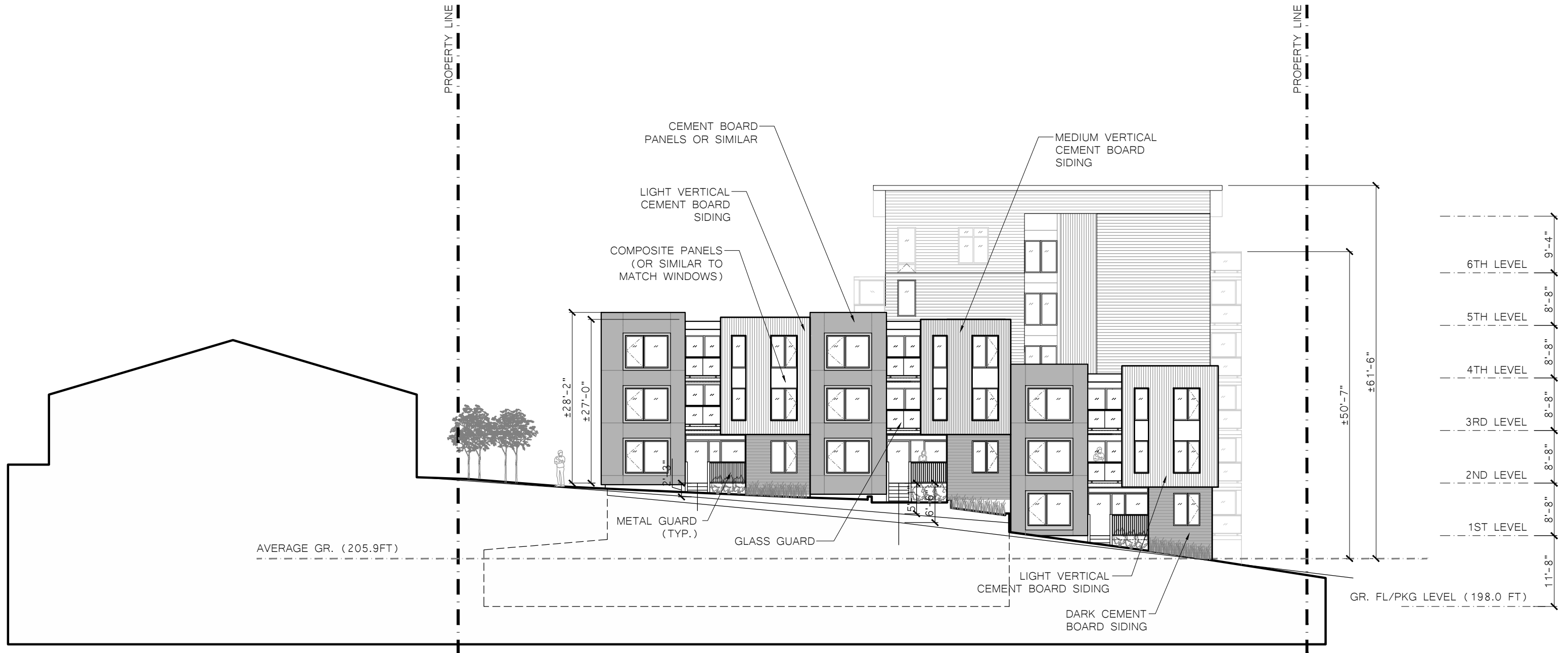
SOUTH ELEVATION
SCHEDULE E

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

DATE: 21 AUG 2015

WM FARES
GROUP

A2



BRIGHT PLACE
HALIFAX, NS

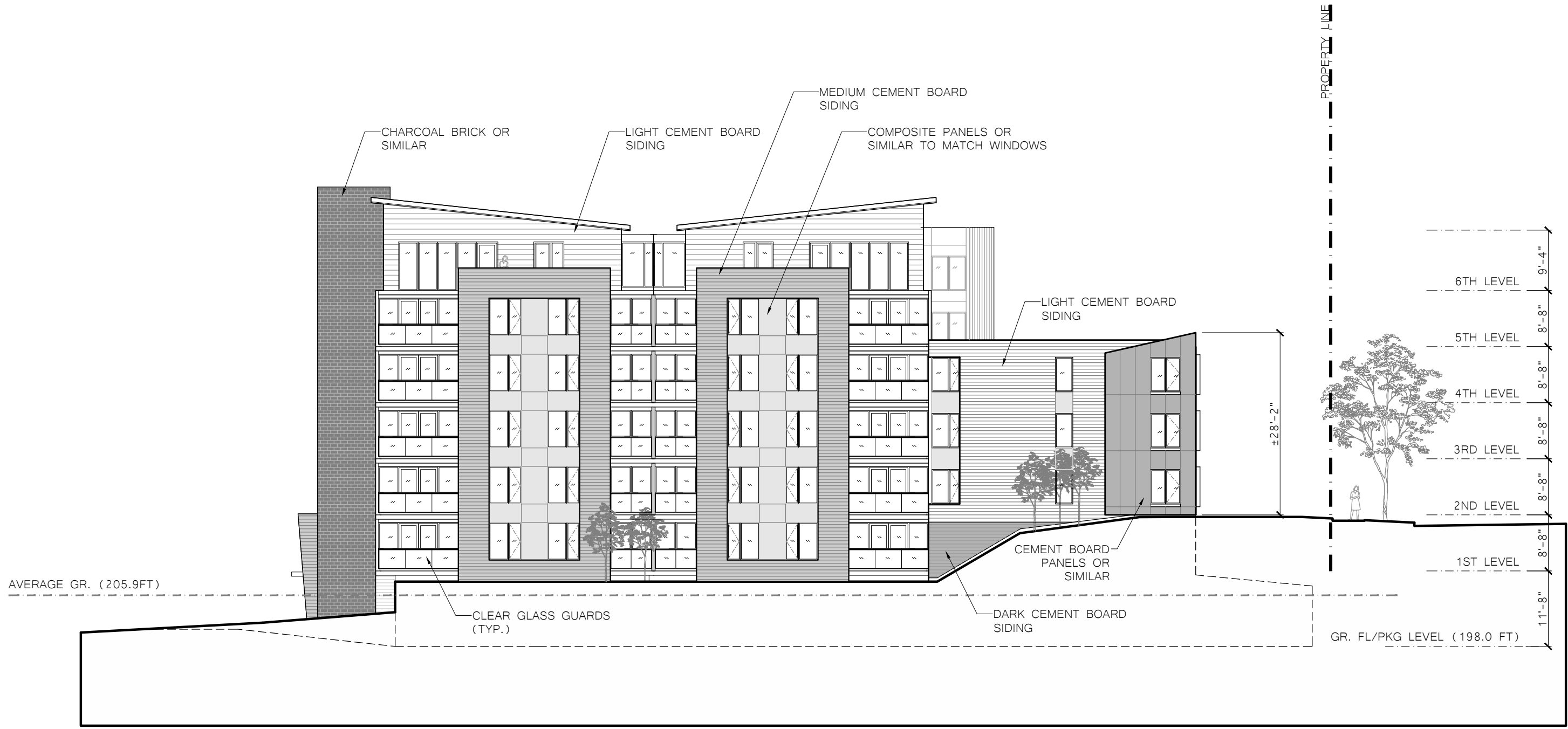
WEST ELEVATION
SCHEDULE F

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

DATE: 21 AUG 2015

WM FARES
GROUP

A3



BRIGHT PLACE
HALIFAX, NS

NORTH ELEVATION
SCHEDULE G

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

DATE: 21 AUG 2015

WM FARES
GROUP

A4

Attachment D – Proposed Development Agreement Policy Review

| Policy | Staff Comment |
|--|--|
| Section II – City-Wide Objectives and Policies | |
| <p>2.18 The property at Lady Hammond Road and Bright Place (Insert PID#) is a portion of a former municipal street right-of-way which was surplus to municipal needs, excepting a walkway parcel linking Lady Hammond Road with Bright Street. There are benefits in allowing for the property's redevelopment in combination with the adjoining properties at 3631 and 3639 Bright Place and 6100 Normandy Drive (Insert PID#s) for multi-unit residential development. However, given the site's location, configuration and proximity to adjacent low-density residential development, there is a need for specific attention to matters such as appropriate scale, siting and massing of a new multi-unit building. Notwithstanding the Residential Environments objectives and policies of this Section, a new multi-unit residential building at Lady Hammond Road and Bright Place, in conjunction with the adjoining properties at 3631 and 3639 Bright Place and 6100 Normandy Drive, may be permitted by development agreement in accordance with the Halifax Regional Municipality Charter.</p> | <p>The proposed development agreement (Agreement) is included as Attachment C.</p> |
| <p>2.18.1 Any development permitted pursuant to Policy 2.18 shall comply with the following building heights and setback requirements:</p> <p>a) The maximum building height shall be six storeys above the residential lobby and parking level. The low-rise portion of the building facing Normandy Drive shall be limited to three storeys in height above the lobby and parking level;</p> | <p>Building height is limited to six storeys with a smaller 3-storey component facing Normandy Drive. The total overall height is specified in the proposed development agreement and on its attached Schedules. The proposal meets the height requirements.</p> |
| <p>b) The six-storey portion of the building be set back a minimum of 50 feet from the Normandy Drive street line, a minimum of 60 feet from the nearest abutting property line of 6092 Normandy Drive and a minimum of 75 feet from the nearest abutting property lines of 3612 High Street and 3618/3620 High Street; and</p> | <p>The proposed building meets these setbacks from abutting property lines.</p> |

| Policy | Staff Comment |
|---|--|
| Section II – City-Wide Objectives and Policies | |
| 2.18.1 c) The three-storey portion of the building be set back a minimum of 20 feet from the nearest abutting property line of 6092 Normandy Drive. | The proposed building meets this setback requirement. |
| 2.18.2 In considering a development agreement pursuant to Policies 2.18 and 2.18.1, Council shall consider the following additional matters: a) Adequate site landscaping features shall be provided at the ground and podium levels to allow for visual screening of portions of the building from abutting residential properties and useable open space areas for building residents shall be provided; | The Agreement requires that a detailed landscaping plan be prepared by a landscape architect and outlines minimum requirements for landscape materials. Proposed landscaping and amenity space includes a podium rooftop amenity area connected to an interior amenity space as well as grade-level landscaped areas surrounding the building. Visual screening from abutting residential properties will be achieved by a combination of fencing along the property line and along the perimeter of the podium-level amenity area, the retention of existing trees, where feasible, and the planting of new trees. The combination of podium-level and grade-level amenity/ landscaped spaces and plantings will provide adequate landscaped open space for the building residents and visual screening from abutting properties. |
| b) Ground-level dwelling units along the portions of building facing Normandy Drive and the public walkway between Normandy Drive and Lady Hammond Road shall have direct pedestrian access to the exterior of the building and adequate site landscaping shall be provided in these areas; | This requirement is stipulated in the text of the Agreement and is shown on the landscape plan and building elevations. Three residential units will have direct access from Normandy Drive and three units will have access from the public walkway. These areas will be well landscaped with a varied combination of treatments and landscape materials. |
| c) High quality exterior building materials shall be utilized; | The proposal employs a varied use of quality, non-combustible materials, including glass, aluminum framing and panels, metal railings, ceramic tile, brick and cement board siding, in differing colour tones. |
| d) Safe vehicular and pedestrian access and egress is achieved; | A traffic impact statement was reviewed by HRM staff. The study reviewed the proposed development's access/ egress and impacts on the existing street network. The study concluded that the driveway visibility is adequate and that the low number of additional vehicle trips generated are not expected to have any significant impact on the local or regional street network. Any future changes to the site access would be subject to meeting HRM requirements. |
| e) Sufficient vehicular and bicycle parking shall be provided for the development; | The Agreement requires that the underground parking include a minimum of 37 parking spaces. Bicycle parking facilities will meet LUB requirements. The amount of vehicular parking combined with bicycle facilities and close proximity |

| Policy | Staff Comment |
|---|--|
| Section II – City-Wide Objectives and Policies | |
| | to transit facilities will be adequate for the proposed development. |
| f) There shall be suitable solid waste facilities; and | The Agreement requires that solid waste containers be either located indoors or screened from view. |
| g) There shall be adequate servicing capacity for the site. | No servicing issues have been identified. The applicant will be required to submit sewage generation numbers and a sanitary capacity analysis prior to obtaining a Development Permit. |



**DISTRICTS 7 & 8 PLANNING ADVISORY COMMITTEE
PUBLIC MEETING MINUTES
May 5, 2014**

PRESENT: Councillor Jennifer Watts
Mr. Brenden Sommerhalder, Chair
Ms. Katherine Kitching, Vice Chair
Mr. Michael Bradfield
Mr. Michael Haddad
Mr. John Czenze
Mr. Adam Conter
Mr. Adam Hayter
Ms. Sunday Miller

REGRETS: Councillor Wayne Mason

STAFF: Mr. Paul Sampson, Planner, Community & Recreation
Ms. Hilary Campbell, Planning Technician, Community & Recreation
Mr. Andrew Reid, Legislative Assistant
Ms. Krista Vining, Legislative Assistant

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/Districts78PACMay52014PIM.php>*

**D7&8 PAC Public Meeting Minutes
May 5, 2014**

The meeting was called to order at 7:04 p.m.

1. CALL TO ORDER

Mr. Brenden Sommerhalder called the meeting to order at 7:04 p.m. in the Highland Park Junior High School gym at 3479 Robie Street, Halifax.

Mr. Sommerhalder gave a presentation introducing the D7&8 PAC, staff and applicant, and outlined the purpose of the public information meeting.

2. Case 18464 – Application by W.M. Fares Group to amend the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law to allow for a multiple-unit residential development at 3631 and 3639 Bright Place, 6100 Normandy Drive and the former Bright Place street right-of-way off Lady Hammond Road, Halifax, by development agreement.

Mr. Paul Sampson presented Case 18464. Mr. Sampson gave the context for the site, its mix of low rise houses and commercial uses, the zoning of the property and the surrounding area. Mr. Sampson explained the 2012 Bright Place street closure and the 2013 initiation of selling the right of way. Mr. Sampson concluded by identifying what development agreements may regulate, including height and colours and how this particular application process might unfold.

Mr. Cesar Saleh, a representative of the applicant showcased upcoming projects in the North End of Halifax currently under work by the applicant. He proceeded to describe the Bright Place proposal in terms of the site context, building dimensions, materials, number of units, setbacks, parking, entrances, frontages, and pedestrian connections.

Mr. Sommerhalder explained how public feedback would factor into the PAC's potential recommendations to council. Mr. Sommerhalder also gave ground rules for speaking.

Mr. David Wall, a resident of High Street, commented on the attractiveness of the proposed development but then outlined concerns about the building's mass in the vicinity of his home. Mr. Wall cited Halifax MPS policy that described the compatible and consistent scale of residential neighbourhoods. Mr. Wall questioned how the building was appropriate for the surroundings. He asked that the proposal be scaled back to four storeys to lessen the impact on the neighbourhood.

Mr. Wall also outlined his concerns about the potential reduction of sunshine in his backyard and garden. Mr. Wall asked about the retaining wall currently separating his property from the development and whether the height of the parking wall would be higher than the height of the current retaining wall. Finally Mr. Wall asked if he would be made aware of dates if and when blasting is performed and how he would be compensated for any damage.

In response, Mr. Saleh indicated that the underground parking is going to be lower, since cars enter at grade from Lady Hammond Road and that Mr. Wall would see no retaining wall. With regards to blasting, Mr. Saleh stated that it would not occur as he didn't think blasting was

**D7&8 PAC Public Meeting Minutes
May 5, 2014**

permitted in that area. Regarding sunlight and shadow, Mr. Saleh said an impact study may be performed and made public. In terms of the proposed height, Mr. Saleh commented that the applicant opted to lower the building on Normandy Street to produce a consistent façade. Mr. Saleh stated that the applicant wished to propose a modern building with style and elegance.

Mr. Wall added that he understood the rationale of the entrance; however, he reiterated that the view from his house would be facing the seven storeys and that the impact would be significant.

Mr. Saleh responded that the seven storey portion of the development would be setback by 80 feet from the backyards of High Street and that the applicant aimed to maximize the buffer and separation from the High Street backyards.

Mr. Pat Galipeau, a resident of Normandy Drive, stated he was thrilled with the look of the development but reiterated Mr. Wall's concerns about scale and blasting. Mr. Galipeau stated his main concern was regarding elevation change. Mr. Galipeau said that he hoped there would be further consultation concerning this topic.

Mr. Saleh offered to go into further detail about what exactly would transpire from a grading and materials point of view at a later time individually with Mr. Galipeau.

Ms. Julia Grady, a resident of High Street expressed that she appreciated the development proposal and that she had no issue with high density in the area. Ms. Grady stated that the height of this building was not in keeping with the community feel of the North End. Ms. Grady stated that she would also be interested in the sunlight and shadow study. Ms. Grady also inquired about the nature of the entrances on Normandy Street, the number of units, and whether they were townhouses. She asked if the building would be open for rental or sold as condominiums, and inquired about the speculation on the market value per unit. Ms. Grady asked if the interior of the building had amenities such as a gym or pool and how high-end the development would be.

Mr. Saleh answered that only two units would enter from Normandy and the rest would enter through Lady Hammond; the units on Normandy Street could be either one level or two level units. Mr. Saleh stated that at this point the units are intended for condominiums but that may change. In regards to market values, Mr. Saleh explained that he was not qualified to say but expressed that the building was designed to standard and would attract a certain audience. Concerning the interior, Mr. Saleh responded that there would be no pool, but a multi-purpose room, library and underground parking.

Mr. Sampson returned to the issue of height and asked what Ms. Grady's preferred height might be.

Ms. Grady answered that her main concern was sunlight and that four or five storeys would be a better fit and in keeping with the neighbourhood.

**D7&8 PAC Public Meeting Minutes
May 5, 2014**

Mr. Sampson clarified that the only staff recommendation to date was that council initiate the process of getting feedback from the public. He stated that no commitment has yet been made to the building's massing or height.

On behalf of **Ms. Linda Smith**, a resident of Bright Place, a personal assistant explained that Linda was concerned about her home being demolished, a four unit building currently standing at Bright Place.

Councilor Watts responded to Ms. Smith, stating that she would take her information and arrange a meeting.

Mr. Floyd Howe of Isleville Street commented that a traffic study would need to be performed. He also reiterated that sunlight and shadow studies will need to be performed and asked about water consumption and garbage.

Mr. Sampson responded that with respect to garbage, development agreements may include where receptacles may be kept on site.

Mr. Saleh also responded that water and waste water will be scrutinized technically by internal agencies such as the water commission. He confirmed that such information would be made available to the public.

Ms. Jane Holden, a resident of High Street, stated that her concerns were about quality. Ms. Holden described how high buildings can change the neighbourhood in terms of wind, sunlight and traffic. Ms. Holden said that while there may be underground parking, there will also be visitors, parties and impacts on the neighbourhood. Ms. Holden stated that the proposed building was not to human-scale and that four storeys would be more appropriate. Furthermore, Ms. Holden stated that she was concerned about noise from the balconies, privacy, sunlight, her vegetable garden, and property values. She explained she would be much more comfortable with four storeys and that the development may destroy the quality of her outdoor summer life.

Heather Smith of Memorial Drive stated that she was worried about the traffic. She asked about the similar projects that Mr. Saleh had introduced at the beginning and requested information about planning policies respecting materials and colours. Ms. Smith stated that though she appreciates the design, tinted glass balconies are out of character with the neighbourhood. Ms. Smith stated that the colour and the roof design of the proposal are too modern and lavish for the area. Ms. Smith emphasized that she would say no to more than four storeys. Ms. Smith also raised concerns about the advertising of the meeting, stating that the proposal is important and that greater efforts could have been made to advertise to the community as a whole.

Mr. Sampson stated that property owners are notified within about 300 feet of the proposal. In respect to materials and colours, Mr. Sampson explained that there are planning policies that address building scale and compatibility. Mr. Sampson stated that if council chooses to have a public hearing notices will be given by mail and placed within the newspaper. He thanked Ms. Smith and stated that advertising is an area that could be expanded on.

**D7&8 PAC Public Meeting Minutes
May 5, 2014**

Lisa Roberts, a resident of Memorial Drive, requested that the pedestrian walkway be made obvious as a public right of way. Ms. Roberts also asked the applicant to consider creating 3 bedroom units for more affordable, family-friendly accommodations.

Mr. Saleh responded by saying that the city retained ownership of the public right of way. The walkway would be constructed to HRM standards and would not be private. Regarding unit types, Mr. Saleh stated that the two bedroom type is the most marketable unit. Mr. Saleh also indicated that some units are two bedrooms and dens and that an effort could be made to convert some of these units to three bedrooms.

Mr. Sampson added further clarification that the walkway is currently being handled through a separate real estate transaction process.

Mr. Michael Curry, a resident of Hillside Avenue, asked if the seven storey building were constructed could anything along Lady Hammond Road be built to that height. Mr. Curry stated that four storeys should be the maximum height in the neighbourhood.

Mr. Saleh responded that every proposed project has to be considered on its own merit through a similar public process. Mr. Saleh explained that this proposal, if it were to be approved, would not give permission for every other site to be developed to seven storeys.

Mr. Norris Eddy, a resident of High Street, stated that the height would have a considerable impact to the area. He highlighted the social aspect of the new building. Mr. Eddy stated that there is hardly any place in the North End that is eight stories tall. Mr. Eddy indicated that four storeys would be much more in tune with the neighbourhood.

Ms. Valerie MacDonald, a resident of Leaman Street wondered how the traffic impact study was performed and stated that the projected numbers were rather low.

Mr. Saleh responded that the traffic report outlined peak hours of traffic in the morning and in the afternoon but it did not suggest that that was the total throughout the day.

Mr. Chris Poole of Dartmouth Avenue stated that a number of young families that currently rent in the area cannot afford to buy homes and as a result move outside the peninsula. Mr. Poole stated that the cost of living in the North End has skyrocketed. He requested that the project be kept on an even scale so that people could remain on the peninsula.

Mr. David Hines, of Bright Street, confirmed his interest in the sunlight and shadow assessments, particularly as a resident who is close to the proposed development.

3. CLOSING COMMENTS

The chair thanked everyone for their attendance.

Councilor Watts commented that if there were any more technical questions, they could be directed to Mr. Sampson and Mr. Saleh.

**D7&8 PAC Public Meeting Minutes
May 5, 2014**

4. ADJOURNMENT

The meeting was adjourned at 8:23 p.m.

Andrew Reid
Legislative Assistant

From: Charles Ritcey [REDACTED]
Sent: May-08-14 8:51 AM
To: Watts, Jennifer
Cc: Sampson, Paul; Mike Savage
Subject: Case 18464 - Proposed Development 3631 and 3639 Bright Place, 6100 Normandy Drive

Jennifer;

Thank you for meeting with me last Friday with respect to the above noted proposal. I trust the public meeting went well and both HRM staff and PAC have some good feedback on the proposed development to make a more informed recommendation to Council. As discussed, I was unable to attend the meeting and would like to make the following comments and ask that you forward them accordingly.

The major issue with this proposal, both from a resident and an architect's perspective, is both density and scale. Both aspects are not only inconsistent with the immediate area that surrounds the proposed site and will negatively impact the adjoining residents and existing municipal infrastructure. The request as I understand it is for the construction of a seven story, 42 unit, building in primarily a single family area (R2 zoning). This quite simply over densifies both the proposed site and the surrounding area. With the exception of the historically long standing low rise motel development, that is located to the west, single family residential homes, one and two stories surround the proposed property. Any multi unit housing that currently exist along the south side of Lady Hammond road is medium density, low rise, wood framed developments. If any increased standard is to be applied to the north side of Lady Hammond Road (as this sides directly abuts a single family area), it should not exceed both the density and scale of what currently in is place on the south side. Suffice to say this is not the case with this proposed development. It is both excessive and inconsistent with current developments.

The scale is also a significant issue. The 7 story structure would be completely out of character with its residential surrounding. A steel and concrete structure with covered parking and a high rise fabric is completely foreign to the area. It will also have a negative environmental impact on the surrounding neighborhoods. Micro climates of adjoining residences will be affected. Sun, shade and wind elements will be changed. Traffic concerns, as a direct result of this proposal, would had additional pressures to Lady Hammond Road as only "one street" would serve this property. This development would add upwards of a hundred cars plus, daily, to the transportation corridor.

Overall, needless to say, this proposed development will negatively impact value of residential homes in this area. A more transient population may appear.

Reduced property values to established residential areas will occur.

Similarly, if this development is permitted, it could be representative of a precedent in planning strategy going forward.

This would further erode the residential vale of the north end community.

I trust you understand my concerns and will endeavor to represent with all parties attached to this review process. I am available at any time to meet with whomever to discuss my concerns further.

Thank you for your time and assistance in this matter.

Best regards,

Charles D. Ritcey, MRAIC, MNSAA

Mr. Patrick and Jan Galipeau

12 March 2014

Attention: Mr. Paul Sampson
HRM Planning Applications
Western Region
PO Box 1749, Halifax NS
B3J 3A5

RE: BRIGHT PLACE Case # 18464

References: Telecon P.Galipeau/Paul Samson 11 March 2014
Telecon J. Galipeau/Alden Thirston 11 March 2014-03-11
Case 18464 Bright Place and Normandy Drive, Halifax

Further to the above references, we are requesting that the following concerns/issues be addressed with regards to subject project "Bright Place" apartment proposal. First of all, we would like to mention that the project proposal by WM Fares is very attractive and will likely enhance the existing space by replacing the old apartments. However, after talking with many local residents of the neighbourhood we do have several concerns that we would like to see considered in the final design. My wife and I have a particular interest in having these concerns addressed since our property immediately abuts the new development from the [REDACTED] side back about 120'.

Currently the vast majority of the residences in this immediate area are single family residences and this has been reflective of the ongoing character of the neighbourhood for decades. People in this community over the years have taken great pride in their properties and enjoy the sight lines of the north end, exposure to the sun and the calmness of the traffic in the area.

Many of the properties adjacent to this development will be greatly impacted by the proposed height of the apartment which could impact existing green spaces, gardens, trees (we have 5 apple trees in our yard), view planes, natural light and the quiet, residential image of the community. We are also concerned about the potential impact of a seven-story building on property value in the neighbourhood. If this development was in Fairview or further out in the suburbs or outlining areas of HRM, the height would not drastically impact due to land availability and areas that have no family homes directly adjacent. However, when you add a new structure of this size within a community not designed primarily for single family residences, the overall scale of the project will impact on neighbouring properties and the overall image of the community.

With respect to our concerns, we believe a reasonable compromise height for this new development should be considered. While we recognize that seven stories might be an optimal height from an economic standpoint for the developer, we ask that the project be scaled back to 4 or 5 stories to lessen the impact on the neighbourhood in terms of the scale and density and the other considerations we already mentioned. We realize that the zoning will be modified and we don't have a problem with that but we believe that consideration should be given to reducing the height of the project. Maximizing the height is overkill. Our home and homes in our area have been around for decades. Is it really necessary to build a seven story structure to make this project economically viable and significantly change and impact the character of our community our community?

Other questions and concerns specifically for our property, [REDACTED]

1. Due to property level variances, will there be a structure or retaining wall built along the property lines that adjoin to proposed project?
2. Will the ground levels be compromised, thus will increase the height of apartment building even higher?
3. Will property owners be apprised of dates if and when blasting is done and compensated for any resulting damage? We recently built an addition to our property supported by posts and we are concerned about the impact of blasting on the structural integrity of our house.

This is forwarded for your consideration and we are looking forward to hearing from you .

Yours truly,

Original Signed

Patrick Galipeau

cc: Ms. Jennifer Watts
HRM Councillor District 8

Mr. and Mrs. David Wall



30 April 2014

Attention: Mr. Paul Sampson
HRM Planning Applications
Western Region
PO Box 1749, Halifax NS
B3J 3A5

RE: BRIGHT PLACE Case # 18464

We are requesting that the following concerns and issues be addressed with regards to the proposal for "Bright Place" apartments. First of all, we would like to mention that the project proposal by WM Fares is very attractive and will likely enhance the existing space by replacing the old apartments. However, we do have several serious concerns that we would like to see considered in the final design. My wife and I have a particular interest in having these concerns addressed since our property is located directly behind the proposed project. We believe this proposed building will have a major impact on both our existing view and sunlight exposure.

Currently the vast majority of the residences in this immediate area are single family residences and this has been reflective of the ongoing character of the neighbourhood for decades. People in this community take great pride in their properties and they enjoy the sight lines of the North End, exposure to the sunlight, and the calmness of the traffic in the area.

Many of the properties adjacent to this development will be greatly impacted by the proposed height of the apartment which could impact existing green spaces, gardens, trees, view planes, natural light and the quiet, residential image of the community. We feel that a seven-story building in our community would be too high. We are also concerned about the potential negative impact of a seven-story building on property values in the neighbourhood. There are currently no buildings of this height in the immediate area. A structure of this size will not look appropriate and will impact on neighbouring properties, property values, and the overall image of the community.

With respect to our concerns, we believe a reasonable compromise height for this new development must be considered. While we recognize that seven stories might be an optimal height from an economic standpoint for the developer, we ask that the project be scaled back to 4 or 5 stories to lessen the impact on the neighbourhood.

My wife and I also have a very real concern regarding the potential significant reduction of sunlight in our backyard. We currently enjoy (and have enjoyed for years) the midday, afternoon, and evening sunshine in our backyard and garden. We believe that a seven-story building will significantly reduce the amount of sunlight we receive in these areas. We also feel that such a building will significantly reduce the amount of sunlight we currently enjoy receiving through our southwest facing windows.

Other questions and concerns specifically for our property, [REDACTED]

1. Due to property level variances, what will become of the existing retaining wall separating our property from the proposed apartment project?
2. Will the current ground levels be compromised, thus increasing the height of the apartment building even higher?
3. We do not want to have a view from our backyard of a parking garage wall. Will the height of the parking garage wall be higher than the height of the current retaining wall separating our property from the proposed apartment project?
4. Will we be made aware of dates if and when blasting is performed and how will we be compensated for any resulting damage? We are concerned about the impact of blasting on the structural integrity of our house.

My wife and I submit these concerns and questions for your consideration and we look forward to hearing from you.

Sincerely,

Original Signed

David Wall

cc: Ms. Jennifer Watts
HRM Councillor District 8

SHADOW ANALYSIS REPORT | BRIGHT PLACE, HALIFAX NS

INTRODUCTION

The following study and attached studies illustrate the impact of shadows produced by the proposed development at different time and monthly intervals. The conducted simulations were prepared by creating a digital model of the proposed development and surrounding built context at true longitude and latitude coordinates of the area encompassed by Lady Hammond Road, High Street, Bright Place, and Normandy Drive.

In addition, the digital model has been built with elevation and grading extrapolated from Google Earth and available topographic survey data throughout the development site. Thus impacts to neighbouring properties as it relates to the development can be accurately documented and illustrated in context with the change in grade.

The study looks at four key seasonal events at 9am, 12pm, 3pm, and 6pm intervals:

- Summer Solstice | June 20th
- Winter Solstice | December 21st
- Autumnal Equinox | September 22nd
- Vernal Equinox | March 21

SHADOW POTENTIAL

It is important to note that diagrams produced by this study convey the shadow 'potential' as a result of the of the new building. The study does not take into account the percentage of overcast weather and its impacts the total hours of sunshine per day. Thus the actual shadow impact resulting from the development can be substantially less when for example, winter months in Halifax are on average 75% in overcast. ¹

IMPACT SUMMARY

SUMMER SOLSTICE | JUNE 21

The summer solstice corresponds with the longest day of the year when the sun is at it's highest solar angle during the year. The sun rises at 5:28am and sets at 9:04pm, resulting in 15h 34m 15s of sunlight.

The solstice shadow study displays shadows at the 9am interval to the northwest of sight, slightly impacting the adjacent motel. At 12pm, there is no impact to surrounding properties. At 3pm, the resulting shadow extends to the development site's east-most boundary, impacting onsite outdoor common area. As the sun moves further west and descends at a low angle at 6pm, the resulting shadow has a minor impact to adjacent rear yards of High Street properties. A larger shadow impact is evident to adjacent Lady Hammond properties during this time interval

WINTER SOLSTICE | JUNE 21

The winter solstice corresponds with the shortest day of the year when the sun is at it's lowest solar angle which results in longer prolonged shadows in comparison with the summer solstice. The sun rises at 7:48am and sets at 4:37pm resulting in a total of 8 hours and 48 minutes of sunlight.

The resulting shadow study indicates that shadows are increased to the northwest at the 9am interval, impacting the front yard of the apartment building at 6095 Normandy Drive. At the 12pm interval, the shadow from the proposed building primarily impacts the proposed yards fronting Normandy Drive. A minor shadow encroachment is also observed along the property line and side yard of the adjacent single family dwelling. At the 3pm interval (an hour and half before sunset), the resulting shadow extends to the Northeast, primarily impacting the front and rear yards of the 6092 and 6080 Normandy Drive. There is no observed impact to properties along High Street and Lady Hammond Road.

EQUINOX | MARCH 21 & SEPTEMBER 21

The equinox occurs between the summer and winter solstices (spring and fall) where the hours of daylight are approximately equal to hours of night. The sun rises at 7:01am and sets at 7:13pm resulting in a total of 12h 12m 04s of daylight.

During the equinox, the morning shadow from the proposed building at the 9am interval extends towards the northwest corner of the site. This study illustrates a shadow impact to the right of way on Normandy Drive, and increased impact to the neighbouring motel to the West. At 12pm, no impact is observed on any adjacent properties. The 3pm interval shows an extended shadow to the northwest, primarily impacting the proposed site and outdoor common area. A very minor shadow encroachment is evident to the side yard of 6092 Normandy Drive, and the rear yard of 3618 High Street. At 6pm (1 hour before sunset), the majority of the study area is observed in shadow cast as all built structures cast long shadows as a result of increasingly low sun angles.

SUMMARY

Due to the mass and siting of the proposed 6 storey building, there is very little shadow impact to neighbouring single family dwellings between 9am and 6pm. Another factor that plays to an advantage is the increase in grade towards the Northeast across the site and neighbourhood. Since the proposed site and building are located where the grade is lowest, the resulting shadow impact to the Northeast is minimized.

Major shadow impacts are observed during the winter solstice, and at evening time intervals where the sun is at such a low angle that all structures, including 2 storey dwelling cast very long shadows to the East. This is clearly evident for example at the 6pm interval during the equinox where the entire area of study is in cast.

¹ OSource: <http://www.livingin-canada.com/climate-halifax.html> and <http://www.livingin-canada.com/climate-halifax.html>

BRIGHT PLACE
HALIFAX, NS

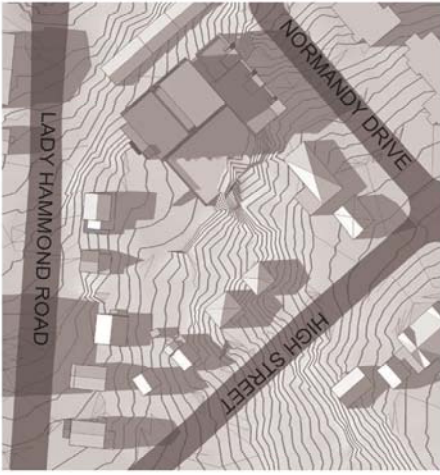
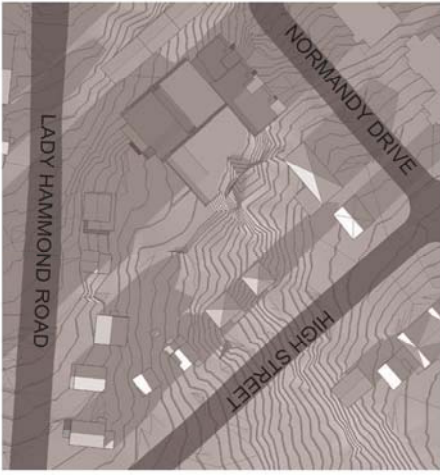
SHADOW ANALYSIS

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DATE: 25 AUG 2015

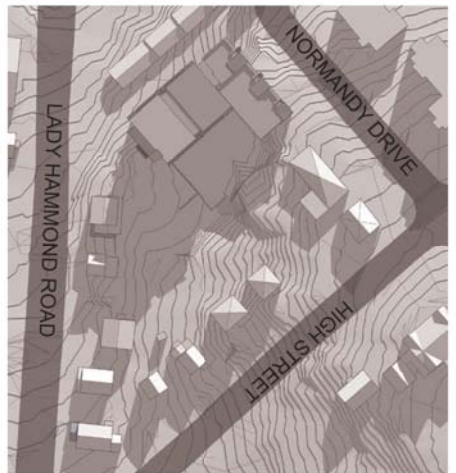
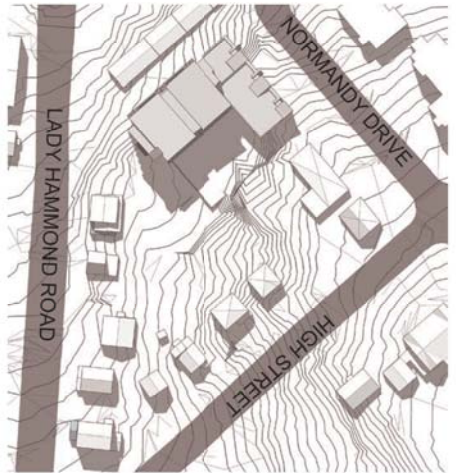
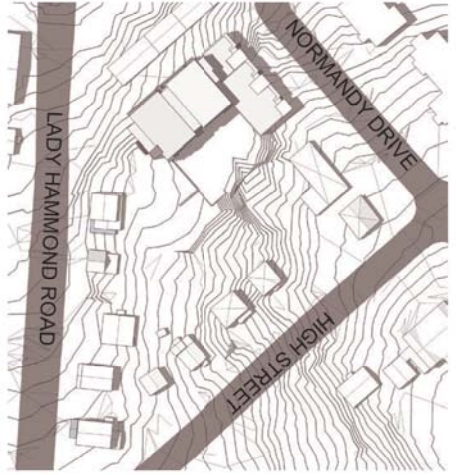
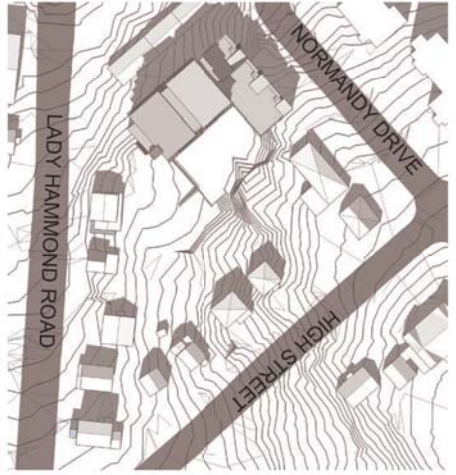


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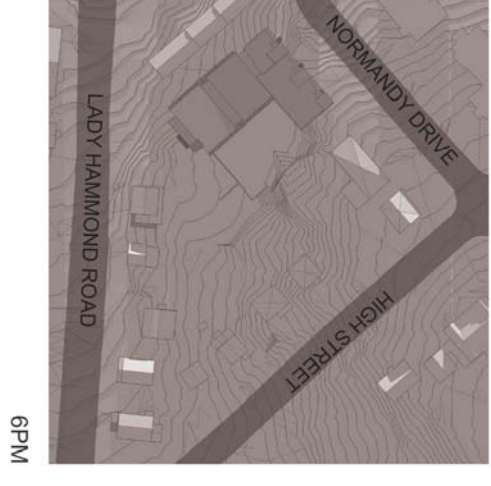
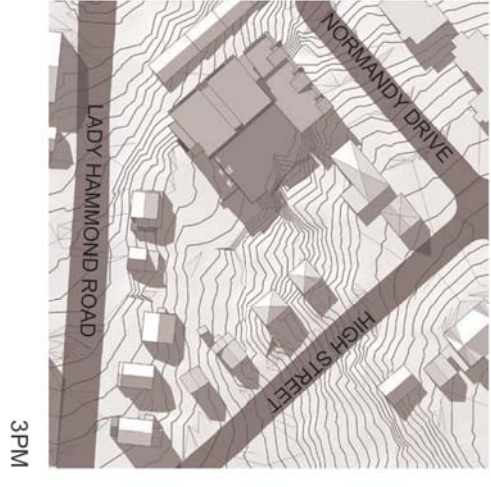
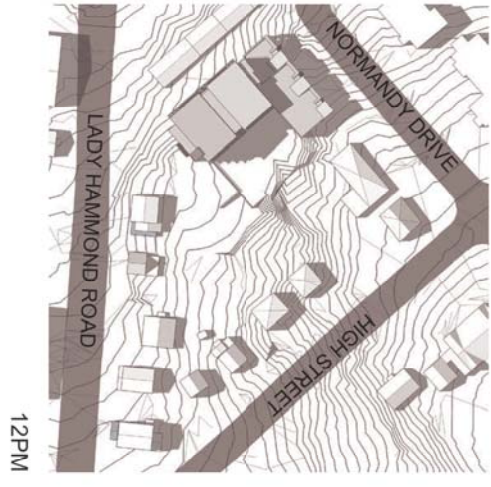
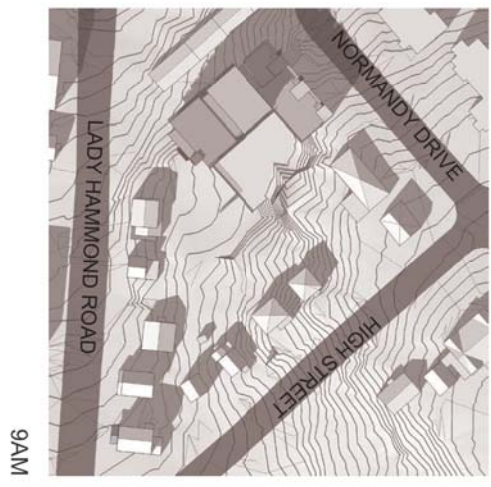
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JUNE 21ST



MARCH / SEPT. 21ST



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