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Item No. 10.1.1
Harbour East-Marine Drive Community Council
October 6, 2016
November 10, 2016

TO: Chair and Members of Harbour East-Marine Drive Community Council

SUBMITTED BY: ORIGINAL SIGNED

Bob Bjerke, Chief Planner & Director, Planning and Development

DATE: September 8, 2016

SUBJECT: Case 19528 - Development Agreement for 181 Pleasant Street, Dartmouth

ORIGIN

Application by Michael Napier Architects

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that Harbour East-Marine Drive Community Council:

1. Give notice of motion to consider the proposed development agreement, as set out in Attachment A of this report, to allow for a 6-storey apartment building with 53 units at 181 Pleasant Street, Dartmouth and schedule a public hearing;
2. Approve the proposed development agreement which shall be substantially of the same form as set out in Attachment A; and
3. Require that the development agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Michael Napier Architects on behalf of Toucan Industries Ltd is applying for a development agreement to enable the construction of a 6-storey residential building containing 53 residential units on a site at the intersection of Pleasant Street and Southdale Street in Dartmouth (Map 1).

| | |
|---|---|
| Subject Site | Comprised of a single property at 181 Pleasant Street, Dartmouth |
| Location | At the southeast corner of Pleasant Street and Southdale Street |
| Regional Plan Designation | Urban Settlement |
| Community Plan Designation (Map 1) | Commercial under the Dartmouth Municipal Planning Strategy (MPS) |
| Zoning (Map 2) | C-2 (General Business) under the Dartmouth Land Use By-law (LUB) |
| Size of Site | 1380 square metres (14852 square feet) in area |
| Street Frontage | 55 metres (180.25 feet) of frontage on Pleasant Street; and 35.8 metres (117.5 feet) of frontage on Southdale Street. |
| Site Conditions | Gently sloping with grass and gravel surface. |
| Current Land Use(s) | Former service station and car wash site, now vacant. |
| Surrounding Land Use(s) | The surrounding area is comprised of commercial and residential uses. Surrounding land uses include: <ul style="list-style-type: none"> • To the east – a mixed use building with ground floor commercial and 3 apartment units and parking for 9 cars; • To the west – low density housing on the opposite side of Pleasant Street; • To the south – a building containing a restaurant and apartment, a medical clinic with a single apartment, a single unit dwelling and a strip mall; and • To the north – single unit dwellings on the opposite side of Southdale Street. |

Proposal Details

The applicant wishes to construct a 6-storey apartment building on the site. To achieve this, the applicant has requested that a development agreement be approved. The major aspects of the proposal are as follows:

- 53 apartment units (including 5 two-level, 2-bedroom townhouses, 11 two-bedroom apartment units, and 37 one-bedroom apartment units);
- Two levels of underground parking (48 spaces total) with one level accessed from Pleasant Street and the other from Southdale Street;
- A 2-storey streetwall along Pleasant Street that wraps around the corner of Southdale Street and steps down to a single storey streetwall;
- Stepbacks of upper floors from internal property lines as well as from the streetwalls;
- Lot coverage of 84% at grade with landscaped setbacks along Pleasant Street and Southdale Street; and
- Common interior and rooftop amenity space for residents of the development.

Enabling Policy and Zoning Context

The application is made pursuant to Policy IP-5 of the MPS which requires approval of a development agreement by Community Council before any apartment building can be constructed.

The C-2 Zone permits commercial buildings with full lot coverage, no height limit, and no requirement for stepbacks of upper floors. All commercial uses are permitted excluding adult entertainment uses, pawn

shops, cabarets, and uses that could be deemed obnoxious. For office buildings dedicated to major corporate tenancies a three storey height limit applies. For office buildings that contain local office uses and offices for professionals providing services, there is no height limit. Lower density housing (single and two unit dwellings, townhouses, and group homes) are permitted as of right, while apartment buildings require approval of a development agreement.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy and the *HRM Charter*. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, letters mailed to property owners within the notification area, and a public information meeting held on October 22, 2015. Attachment C contains a copy of the minutes from the meeting. The public comments received include both support for the project and concerns regarding the following topics:

- The height, density and design of the building;
- Potential traffic impacts;
- Sufficiency of recreation space;
- Effects on abutting properties; and
- Sufficiency of onsite parking and demands for on street parking.

Subsequently the proposal was revised as follows:

- The lower parking level was moved below grade. This resulted in a change of overall height from 7 to 6 storeys and in reduced podium wall heights along Southdale Street and the east property boundary;
- An increase in the number of parking spaces
- Changes to the cladding materials and colours of the building;
- Enhanced landscaping was added in the forms of trees, shrubs, trellises and planters; and
- The proposed unit count was increased from 49 to 53.

A public hearing must be held by Community Council before they can consider approval of the proposed development agreement. Should Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail. The proposal will potentially impact local residents and property owners.

The proposal will potentially impact local residents and property owners.

DISCUSSION

The proposal has been reviewed relative to all relevant policies and staff advise that it is reasonably consistent with the intent of the MPS. Attachment B provides an evaluation of the development agreement in relation to the relevant MPS policies.

Proposed Development Agreement

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

- Permitted residential uses (maximum of 53 units, with a minimum of 27 two-bedroom units and a maximum number of 8 studio units, the remainder to be one bedroom units);
- Provisions of appropriate transitions in scale to respect the pedestrian realm and the enjoyment of adjacent properties;
- Controls on architectural design, signage, and lighting;
- Required parking (bicycle and vehicular), circulation and site access;

- Landscaping requirements for street trees, at grade areas of the site and for terrace/rooftop areas;
- Site servicing, maintenance, and waste management facilities;
- Requirement for commencement of development, defined as installation of foundation footings, within three years of the date of registration of the agreement; and
- Options for limited non-substantive amendments by resolution of Council, including: minor modifications to design, and changes to timeframes for development.

The attached development agreement will permit a residential development that is appropriate for the major commercial node that is established by the MPS along Pleasant Street and also compatible with the adjacent neighbourhood. Of the matters addressed by the proposed development agreement to satisfy the MPS criteria as shown in Attachment B, the following have been identified for more detailed discussion.

Compatibility

One of the key considerations when reviewing an application under Policy IP-5 is the compatibility of the proposed land use with an existing neighbourhood and the mitigation of potential impacts that could potentially arise. These matters were considered as follows:

- The existing zoning allows unlimited building heights and massing as-of-right, without the requirements for community consultation, Council approval or any design controls. The development agreement mitigates the effects of development on the site by limiting allowable building massing and height, and establishing detailed design requirements in order to help the development blend into the area and along each street in an appropriate manner;
- The existing zoning allows extensive commercial uses including automotive-oriented uses that could generate land use conflicts, therefore commercial uses are precluded;
- Due to the location of the subject site on a corner lot, within a transitioning neighbourhood and in relation to local streets with moderate traffic volumes, the proposed building provides an appropriate response to each of the two fronting streets and to surrounding land uses; and
- Given the height and massing limitations imposed by the development agreement, shadow impacts on nearby homes are limited to the time period around the winter solstice.

Site and Building Design

The following requirements are established in the development agreement to ensure that the project is sited and designed appropriately for the site:

- At grade lot coverage is limited to 84%, with small variable setbacks from Pleasant Street, and 2.1 m (7 feet) from most of Southdale Street;
- Upper floors are smaller as the building steps back from the edges of the podium - the 2nd floor covers only 66% of the site while floors 3-5 cover 56% and the penthouse covers 49%;
- Stepbacks are provided along both street frontages above the streetwall to foster a pedestrian-oriented environment – the streetwall is 2 storeys on Pleasant Street and this wraps around the corner onto Southdale Street where it steps down to a single floor;
- Utilization of varied architectural wall treatments and plantings to mitigate against blank walls;
- The building incorporates high quality materials such as composite panels, wood-look clapboard siding, metal siding, and aluminum railings with glass on balconies to break up the massing and ensure an aesthetically pleasing building; and
- Provision of appropriate stepbacks above the 2nd storey from abutting property lines.

Traffic and Parking

There are two driveway entrances to two levels of underground/enclosed parking proposed for the project. One is located on Pleasant Street and would access 18 parking spaces plus the solid waste collection area on the ground level. The second is from Southdale Street and would access 30 spaces. A Traffic Impact Statement (TIS) was prepared by a professional engineer, which concluded that the proposed development is not expected to have any significant impact on the level of performance of the local streets, the adjacent intersections, or the regional street network. The TIS and its conclusions was

deemed acceptable. There are no concerns relative to the expected traffic volumes that would be generated by a solely residential development on the site.

A total of 48 parking spaces are proposed within the building, a ratio of 0.9 spaces per unit. Given the location of the site within the Regional Centre on a collector street that is serviced by multiple bus routes, this ratio is sufficient as it is consistent with the Regional Parking Strategy Functional Plan that was approved by Regional Council in 2009.

Landscaping

New landscaping is required, including a total of 8 new street trees on the street frontages, mixed plantings in the yards along both streets, and planters at level 2 along the edge of the podium along Southdale Street and along internal property lines, and shrubs around the level 2 common outdoor amenity area. These measures will improve the aesthetics of the site and help the new development blend into the area.

Centre Plan

The Halifax Regional Municipal Planning Strategy (RMPS) identifies the “Regional Centre” as the area encompassing the Halifax Peninsula and the area of Dartmouth between Halifax Harbour and the Circumferential Highway. Policy RC-3 of that plan includes a vision and guiding principles for the area, and provides the basis for undertaking comprehensive planning. Included in the vision is a statement which aims to strengthen the Regional Centre’s vibrancy, animation and economic health through the cultivation of a compact, civic inspired and human-scaled urban fabric of streets, blocks and buildings. The guiding principles commit to new developments being of a high quality, responding well to the natural, cultural, historical, and urban character of their context, and that new buildings will contribute to the betterment of the public realm and support quality urban design.

To implement the Regional MPS intent, a planning process known as the Centre Plan is underway. The Centre Plan process will produce an updated Secondary MPS for the Regional Centre. To date, the Centre Plan has undertaken a significant public engagement program in an effort to ensure the new policies and regulations guiding development of Regional Centre communities will be consistent with the desires and vision of the communities themselves. The Centre Plan team has also been continuously involved in ongoing planning application work in the Regional Centre to maintain consistency between current planning decisions, and projected future planning policy.

The site is within the Pleasant Street Secondary Growth Area identified in the initial Growth Scenarios work released in June 2016, suggesting that residential and commercial growth in this area would assist in satisfying the Regional Plan’s vision for the Regional Centre. The preliminary direction of the plan envisions development with low to moderate heights (3-6 storeys) as being appropriate in this area. As such, this planning application has been assessed as being consistent with the early direction of the Centre Plan. This consistency notwithstanding, the existing MPS will remain in effect for Dartmouth until the Centre Plan is finalized and approved except for certain site specific MPS amendment applications that may be considered in the interim. This proposal must therefore be considered under existing MPS Policy IP-5 as outlined earlier in this report.

Conclusion

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is consistent with the intent of the MPS. The proposed development represents an appropriate infill opportunity for this long vacant site, and presents a built form that responds to the character of each of the two streets upon which it has frontage. The development will foster pedestrian-oriented streetscapes, through the provision of five townhouse units, landscaped setbacks at grade, upper floor stepbacks, and cladding materials and colours that mitigate the impact on abutting properties. Therefore, staff recommend that that Harbour East-Marine Drive Community Council approve the proposed development agreement.

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 2016/17 budget with existing resources.

RISK CONSIDERATION

There are no significant risks associated with the recommendation contained within this report. This application may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed development agreement are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified.

ALTERNATIVES

1. Harbour East-Marine Drive Community Council may choose to approve the proposed development agreement subject to modifications. Such modifications may require further negotiations with the Developer, and may require a supplementary report and/or a public hearing. A decision of Council to approve the proposed development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Harbour East-Marine Drive Community Council may choose to refuse the proposed development agreement and, in doing so, must provide reasons why the agreement does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

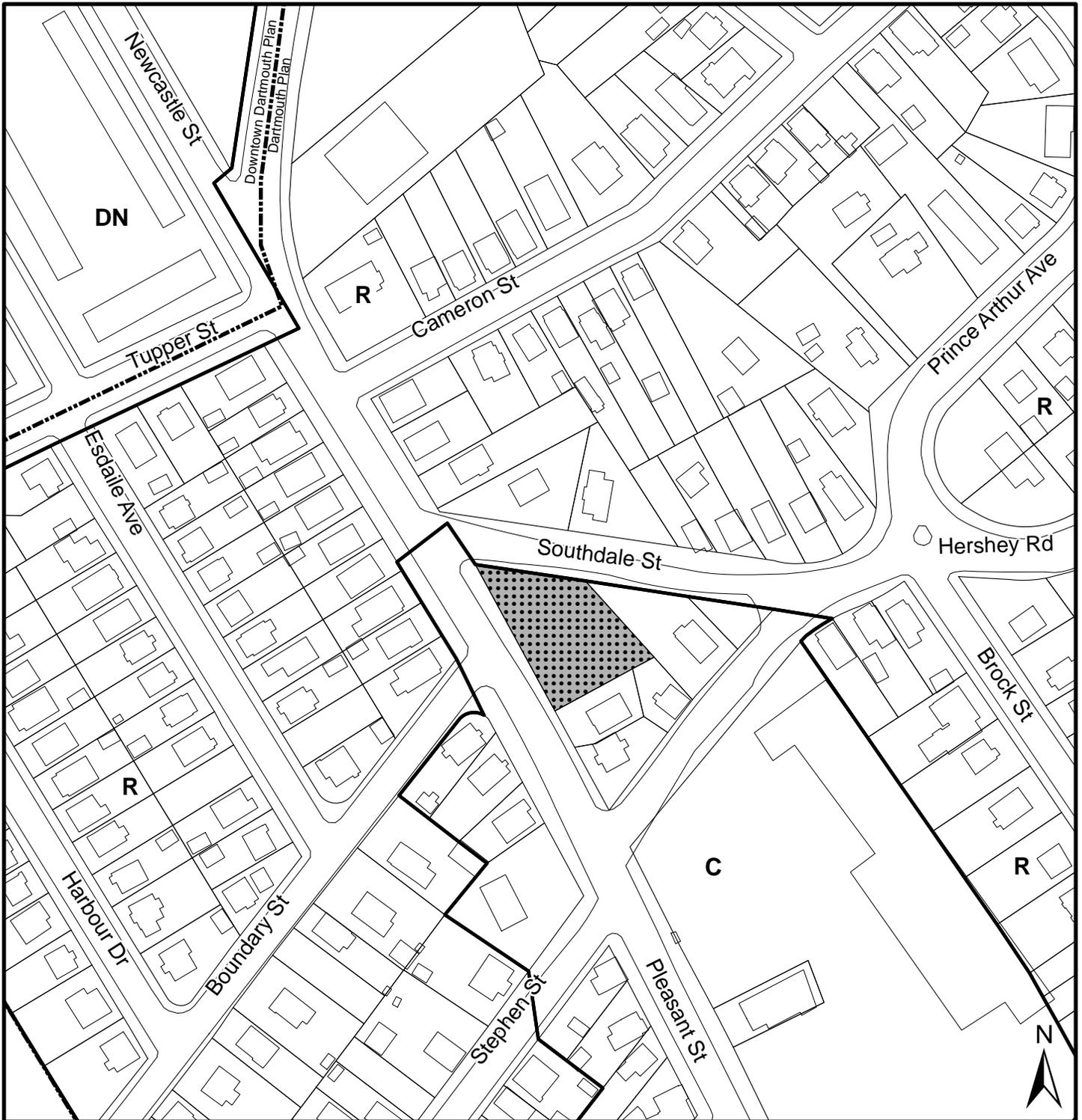
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|--------------|--|
| Map 1 | Generalized Future Land Use Map |
| Map 2 | Zoning and Notification Map |
| Attachment A | Proposed Development Agreement |
| Attachment B | Review of Relevant Policies of the Dartmouth MPS |
| Attachment C | Minutes from the Public Information Meeting |
| Attachment D | Architectural Renderings |

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: Mitch Dickey, Planner II, MCIP LPP, 902.490.5719

ORIGINAL SIGNED

Report Approved by: _____
Kelly Denty, Manager of Current Planning, 902.490.4800



Map 1 - Generalized Future Land Use

181 Pleasant Street
Halifax

HALIFAX

 Subject Property

Dartmouth Designations

- R Residential
- C Commercial



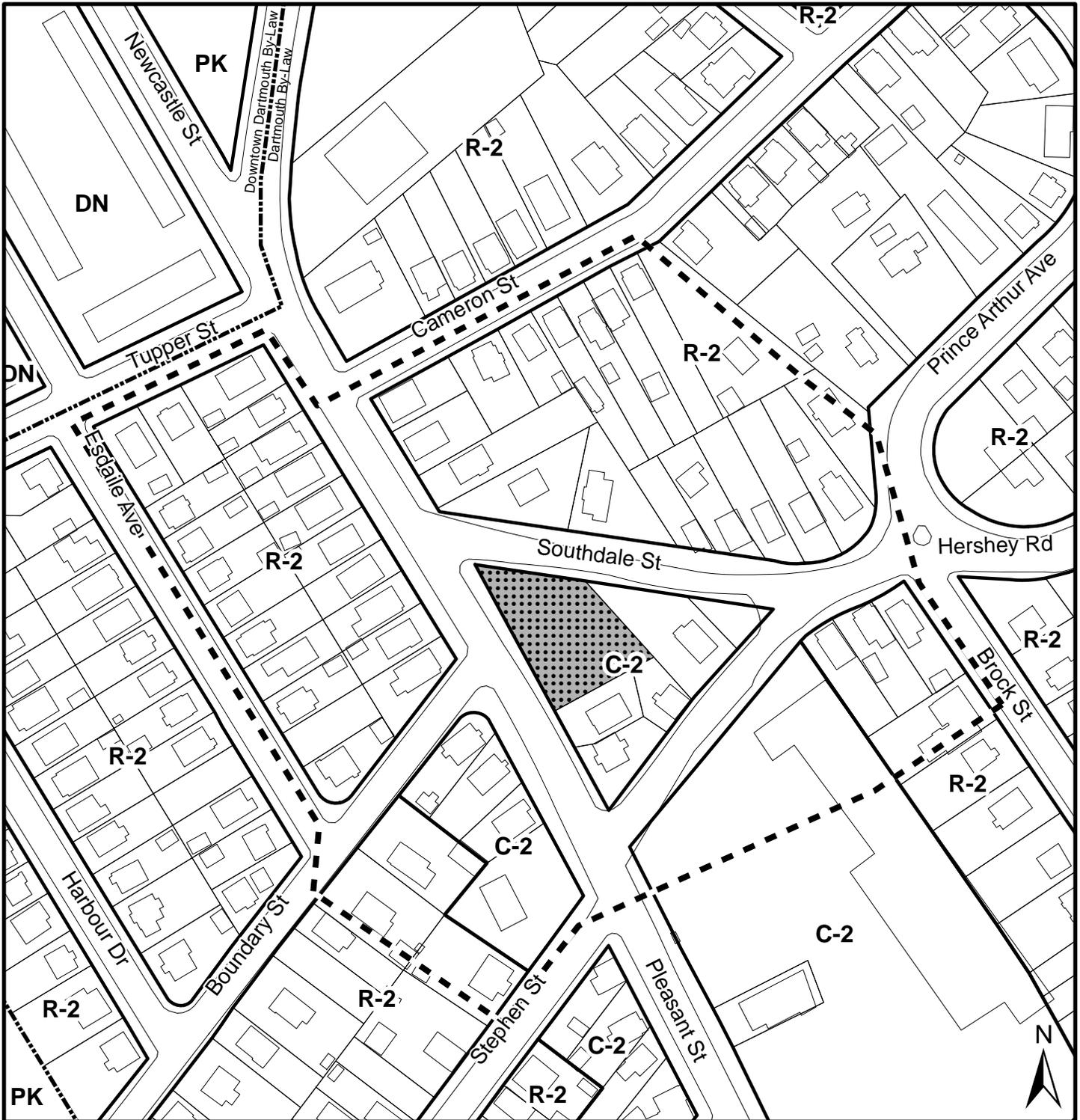
Downtown Dartmouth Designations

- DN Downtown Neighbourhood

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

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

Dartmouth
Plan Area



Map 2 - Zoning and Notification

181 Pleasant Street
Halifax

-  Subject Property
-  Area of notification

Dartmouth
Land Use By-Law Area

Dartmouth Zones

- R-2 Two Family Residential
- C-2 General Business

Downtown Dartmouth Zones

- DN General Residential
- PK Park and Open Space

HALIFAX



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

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

Developer and/or Lot Owner agree(s) to observe and comply with all such laws, by-laws and regulations, as may be amended from time to time, in connection with the development and use of the Lands.

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

1.4 Conflict

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

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

1.5 Costs, Expenses, Liabilities and Obligations

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

1.6 Provisions Severable

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

PART 2: DEFINITIONS

2.1 Words Not Defined under this Agreement

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

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 to the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case Number 19528:

| | |
|------------|--------------------------------|
| Schedule A | Legal Description of the Lands |
| Schedule B | Site Plan |
| Schedule C | Preliminary Landscape Plan |
| Schedule D | Lower Parking |

| | |
|------------|-----------------------------|
| Schedule E | Ground Floor Plan |
| Schedule F | Floor Plan – Level 2 |
| Schedule G | Floor Plan – Level 3 |
| Schedule H | Floor Plan – Levels 4 and 5 |
| Schedule I | Floor Plan – Level 6 |
| Schedule J | West Elevation |
| Schedule K | East Elevation |
| Schedule L | North Elevation |
| Schedule M | South Elevation |

3.2 Requirements Prior to Approval

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

- (a) A detailed Landscape Plan prepared by a Landscape Architect in accordance with Section 3.5 of this Agreement; and
- (b) A Site Servicing Plan and a Site Grading Plan prepared by a Professional Engineer and acceptable to the Development Engineer in accordance with Section 4.1 of this Agreement.

3.2.2 Prior to the issuance of the first Municipal Occupancy Permit, the Developer shall provide the Development Officer with certification from a member in good standing of the Canadian Society of Landscape Architects indicating that the Developer has complied with the landscaping provisions of this Agreement, or the posting of security in accordance with Section 3.5.5.

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

3.3 Detailed Provisions for Land Use

The use(s) of the Lands permitted by this Agreement are an Apartment Building consisting of:

- (a) a maximum of 53 residential units with the following unit breakdown:
 - (i) five 2-bedroom townhouse units with each unit to have an independent pedestrian access to Pleasant Street;
 - (ii) a maximum of thirty 1-bedroom units with the remainder to be 2-bedroom units or larger.
- (b) two levels of underground parking, one being accessed from Southdale Street and the other being accessed from Pleasant Street.

3.4 Architectural Requirements

3.4.1 The building's footprint, height, massing, exterior design, and materials shall be as shown on the Schedules.

3.4.2 All guardrails associated with balconies and terraces shall be made of metal framing with insert glass.

3.4.3 Large blank or unadorned walls shall not be permitted. The scale of large walls shall be tempered by the introduction of textural plantings and trellises, and architectural detail to create

shadow lines (offsets in the vertical plane, etc.).

- 3.4.4 Any exposed foundation in excess of 0.61 m (2 feet) in height shall be architecturally detailed, veneered with stone or brick, or treated in an equivalent manner acceptable to the Development Officer.
- 3.4.5 Fixed or retractable awnings are permitted at ground floor levels provided the awnings are designed as an integral part of the building façade and subject to the requirements of any other applicable by-law, statute or regulation.

3.5 Amenity Space and Landscaping

- 3.5.1 The building shall include, in addition to individual balconies or terraces for all units except the townhouses, common indoor and outdoor amenity space for the residents of the building as shown on Schedule F.
- 3.5.2 Prior to the issuance of a Development Permit, the Developer shall provide a Landscape Plan which complies with the provisions of this section and conforms to the landscaping shown on the Schedules of this Agreement. The Landscape Plan shall be prepared by a Landscape Architect (a full member, in good standing with Canadian Society of Landscape Architects) and comply with all provisions of this section.
- 3.5.3 All plant material shall conform to the Canadian Nursery Trades Association Metric Guide Specifications and Standards and sodded areas to the Canadian Nursery Sod Growers' Specifications.
- 3.5.4 Prior to the issuance of the first Occupancy Permit, the Developer shall submit to the Development Officer a letter prepared by a member in good standing of the Canadian Society of Landscape Architects certifying that all landscaping has been completed according to the terms of this Agreement.
- 3.5.5 Notwithstanding Section 3.5.4, where the weather and time of year does not allow the completion of the outstanding landscape works prior to the issuance of the Occupancy Permit, the Developer may supply a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping. The cost estimate is to be prepared by a member in good standing of the Canadian Society of Landscape Architects. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the work as described herein and illustrated on the Schedules, and as approved by the Development Officer. Should the Developer not complete the landscaping within twelve months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping as set out in this section of the Agreement. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.
- 3.5.6 Planting on rooftops and podiums above structures shall be carefully selected for their ability to survive in rooftop environments. Rooftop trees shall be located in planting beds or containers. Approximately 50 percent of the plant material shall be evergreen or material with winter colour and form. Deciduous trees shall have a minimum size of 45 mm caliper (1.8 inch diameter). Coniferous trees shall be a minimum of 1.5 m (5 ft.) high and upright shrubs shall have a minimum height of 60 cm (2 feet). It is the responsibility of the Developer to ensure that the underground parking structures or other structures are capable of supporting loads from all landscaping as well as the anticipated mature weight of the plant material on any rooftop and podium.

- 3.5.7 Construction Details or Manufacturer's Specifications for all constructed landscaping features such as pergolas, benches, etc. shall be noted on the Landscape Plan required by Subsection 3.5.2, and shall describe their design, construction, specifications, hard surface areas, materials and placement so that they will enhance the design of individual buildings and the character of the surrounding area.

3.6 Building and Site Lighting

- 3.6.1 Outdoor lighting shall be directed to driveways, parking areas, loading areas and building entrances and shall be arranged so as to direct the light away from streets, adjacent lots and buildings.
- 3.6.2 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.

3.7 Functional Elements

- 3.7.1 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.
- 3.7.2 All mechanical equipment, including rooftop mechanical, exhausts, propane tanks, electrical transformers, and other utilitarian features shall be visually concealed from abutting properties, including municipal rights-of-way, and shall include noise reduction measures.

3.8 Maintenance

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

3.9 Solid Waste Facilities

- 3.9.1 The development shall include, in the underground parking area as shown on Schedule E, designated space for five stream source separation services in accordance with By-law S-600 as amended from time to time. This designated space for source separation services shall be shown on the building plans and approved by the Development Officer and Building Inspector in consultation with Solid Waste Resources. All refuse and recycling materials shall be contained within the building and accessed via the Pleasant Street driveway.
- 3.9.2 The private collection of refuse and recyclables on the Lands shall occur only between the hours of 8:00 a.m. and 7:00 p.m.

3.10 Parking and Bicycle Facilities

- 3.10.1 A minimum of 48 parking spaces shall be provided within the building in a two level underground parking structure which shall have two separate access points as shown on Schedule B.
- 3.10.2 The Developer shall provide bicycle parking pursuant to the Land Use By-law for Dartmouth.

PART 4: STREETS AND MUNICIPAL SERVICES

4.1 General Provisions

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

PART 5: ENVIRONMENTAL PROTECTION MEASURES

5.1 Archaeological Monitoring and Protection

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

5.2 Sulphide Bearing Materials

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

PART 6: AMENDMENTS

6.1 Substantive Amendments

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

6.2 Non-Substantive Amendments

- 6.2.1 The following items are considered by both parties to be not substantive and may be amended by resolution of Council (for greater certainty, these items do not include changes which, in the opinion of the Development Officer, are in conformance with the Schedules):
- (a) changes to the exterior materials required by Section 3.4 and the Schedules;
 - (b) changes to the landscaping required by Section 3.5 and the Schedules;
 - (c) changes to the functional elements requirements of Section 3.7;
 - (d) changes to the date of commencement of development specified in Section 7.3; and
 - (e) changes to the date of completion of development specified in Section 7.4.

PART 7: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

7.1 Registration

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

7.2 Subsequent Owners

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

7.3 Commencement of Development

- 7.3.1 In the event that development on the Lands has not commenced within 3 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 structural footings for the building.
- 7.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 6.2, if the Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the commencement of development time period.

7.4 Completion of Development

- 7.4.1 Upon the completion of the whole development, 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) discharge this Agreement and apply appropriate zoning pursuant to the Dartmouth Municipal Planning Strategy and Land Use By-law, as may be amended from time to time.

7.5 Discharge of Agreement

- 7.5.1 If the Developer fails to complete the development after six (6) years from the date of registration of this Agreement at the Land Registration Office Council may review this Agreement, in whole or in part, and may:
- (a) retain the Agreement in its present form;
 - (b) negotiate a new Agreement; or
 - (c) discharge this Agreement.

PART 8: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

8.1 Enforcement

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

8.2 Failure to Comply

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

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

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

SIGNED, SEALED AND DELIVERED in the presence of:

(Insert Registered Owner Name)

Witness

Per: _____

HALIFAX REGIONAL MUNICIPALITY

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

Witness

Per: _____

MAYOR

Witness

Per: _____
MUNICIPAL CLERK

Schedule B - Site Plan

PROJECT DATA

PID: 00245860
 EXISTING ZONING: C-2 (URBAN SERVICE AREA)
 SITE AREA: 14,852 SQ.FT

BUILDING FOOTPRINT
 LOWER PARKADE: 13,165 SQ.FT
 LEVEL 1: 12,460 SQ.FT
 LEVEL 2: 9,740 SQ.FT
 LEVEL 3: 8,325 SQ.FT
 LEVEL 4: 8,325 SQ.FT
 LEVEL 5: 8,325 SQ.FT
 LEVEL 6: 7,315 SQ.FT

LOT COVERAGE
 BELOW GRADE 84%
 56%
 56%
 56%
 49%

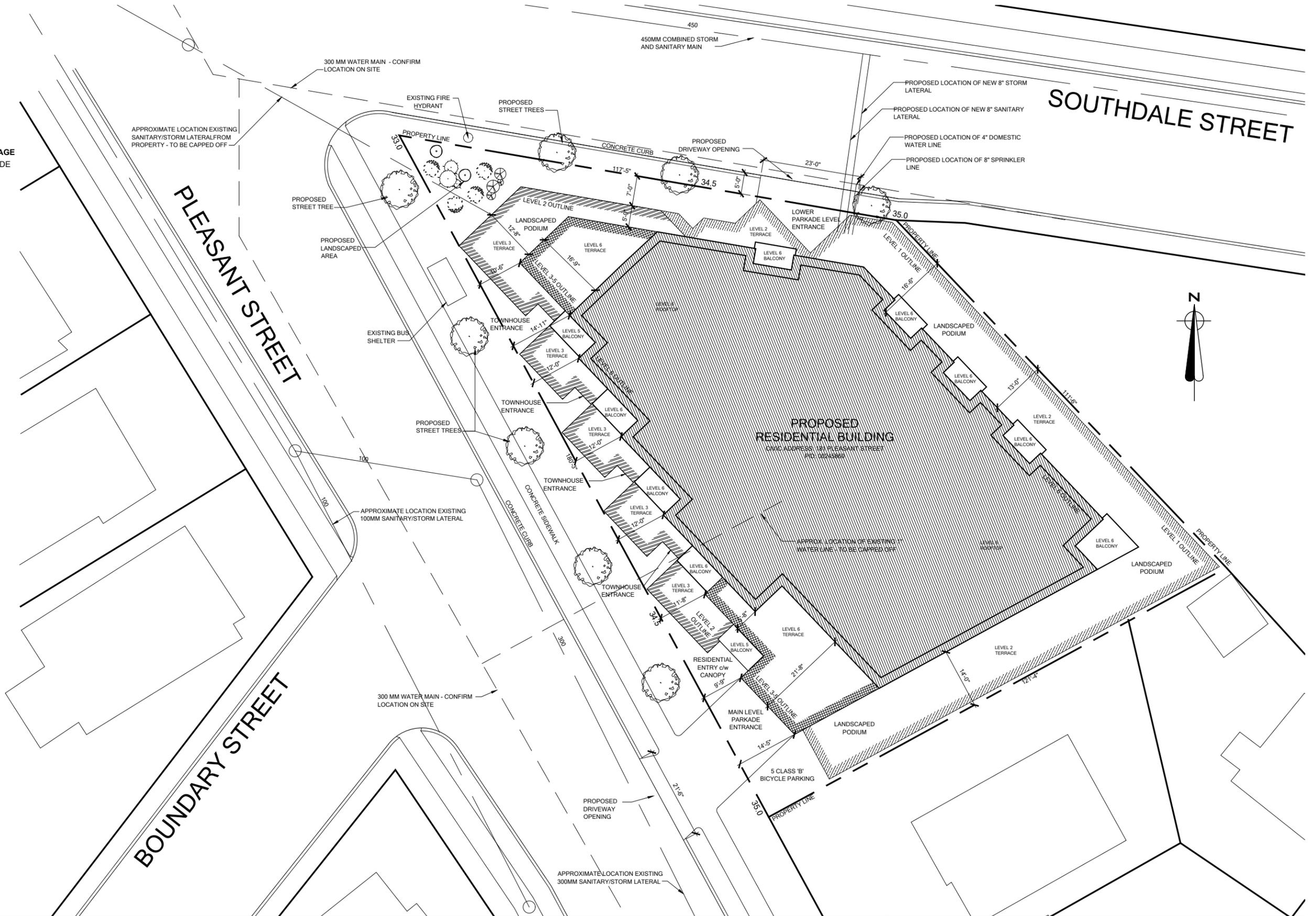
UNIT BREAKDOWN
 LEVELS 1-6
 1 BR 1BR+D 2BR
 30 07 16
TOTAL 53 UNITS

PARKING
 DLUB 2.14:
 1.25 PARKING SPACES PER UNIT
 53 UNITS x 1.25: 66 REQUIRED

LOWER PARKADE (BELOW GRADE):
 30 PARKING SPACES @ 13,165 SQ.FT
MAIN LEVEL PARKADE (AT GRADE):
 18 PARKING SPACES @ 8,310 SQ.FT
TOTAL: 48 PARKING (73% OF REQ'MT)

BICYCLE PARKING FACILITIES
 DLUB 2.17:
 0.5 SPACES PER DWELLING UNIT
 54 x 0.5: 27 REQUIRED

80% CLASS 'A': 22 CLASS 'A' SPACES
 20% CLASS 'B': 5 CLASS 'B' SPACES
TOTAL: 27 PROVIDED



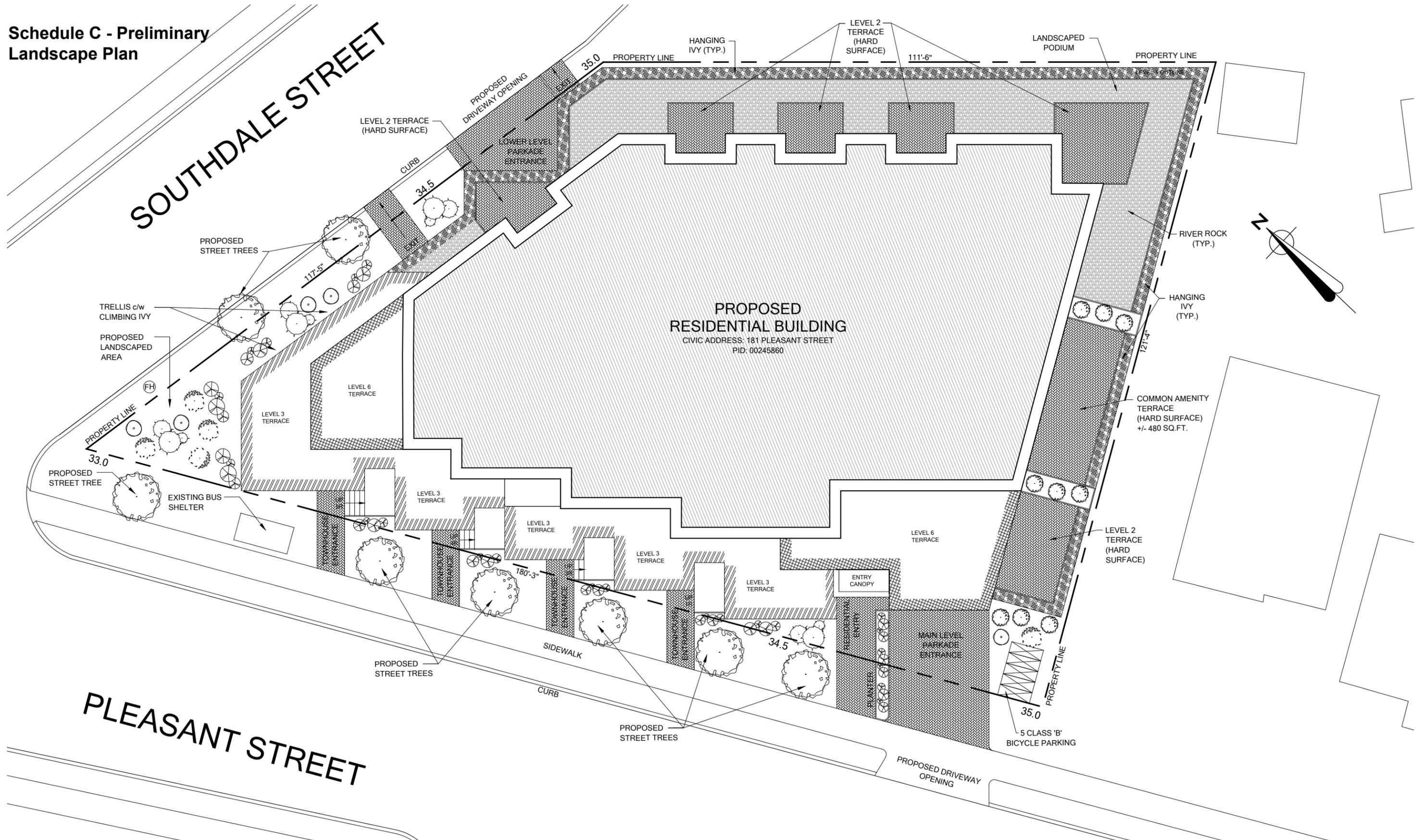
PLEASANT STREET
 181 PLEASANT STREET,
 DARTMOUTH, NOVA SCOTIA

| REVISION | DATE | ISSUED FOR | DRAWING | DATE |
|----------|------|--------------------------------|-----------|-------------------|
| | | SUBSTANTIVE CHANGE APPLICATION | SITEPLAN | 2016-06-20 |
| | | | SCALE NTS | DRAWING NO. A-100 |



MICHAEL
 APIER
 ARCHITECTURE inc
 www.mnarch.ca + 902.455.5522

Schedule C - Preliminary Landscape Plan



PLEASANT STREET
181 PLEASANT STREET,
DARTMOUTH, NOVA SCOTIA

| REVISION | DATE |
|----------|------|
| | |
| | |
| | |



MICHAEL
APIER
ARCHITECTURE INC.
www.mmaarch.ca + 902.455.5522

ISSUED FOR
SUBSTANTIVE
CHANGE
APPLICATION

DRAWING
LANDSCAPE PLAN
SCALE
1/16" = 1'-0"

DATE
2016-07-11

DRAWING NO.
A-100A

Schedule D - Lower Parking



PLEASANT STREET
 181 PLEASANT STREET,
 DARTMOUTH, NOVA SCOTIA

| REVISION | DATE |
|--------------------|------------|
| 1. DESIGN REVISION | 2016-07-11 |
| | |
| | |

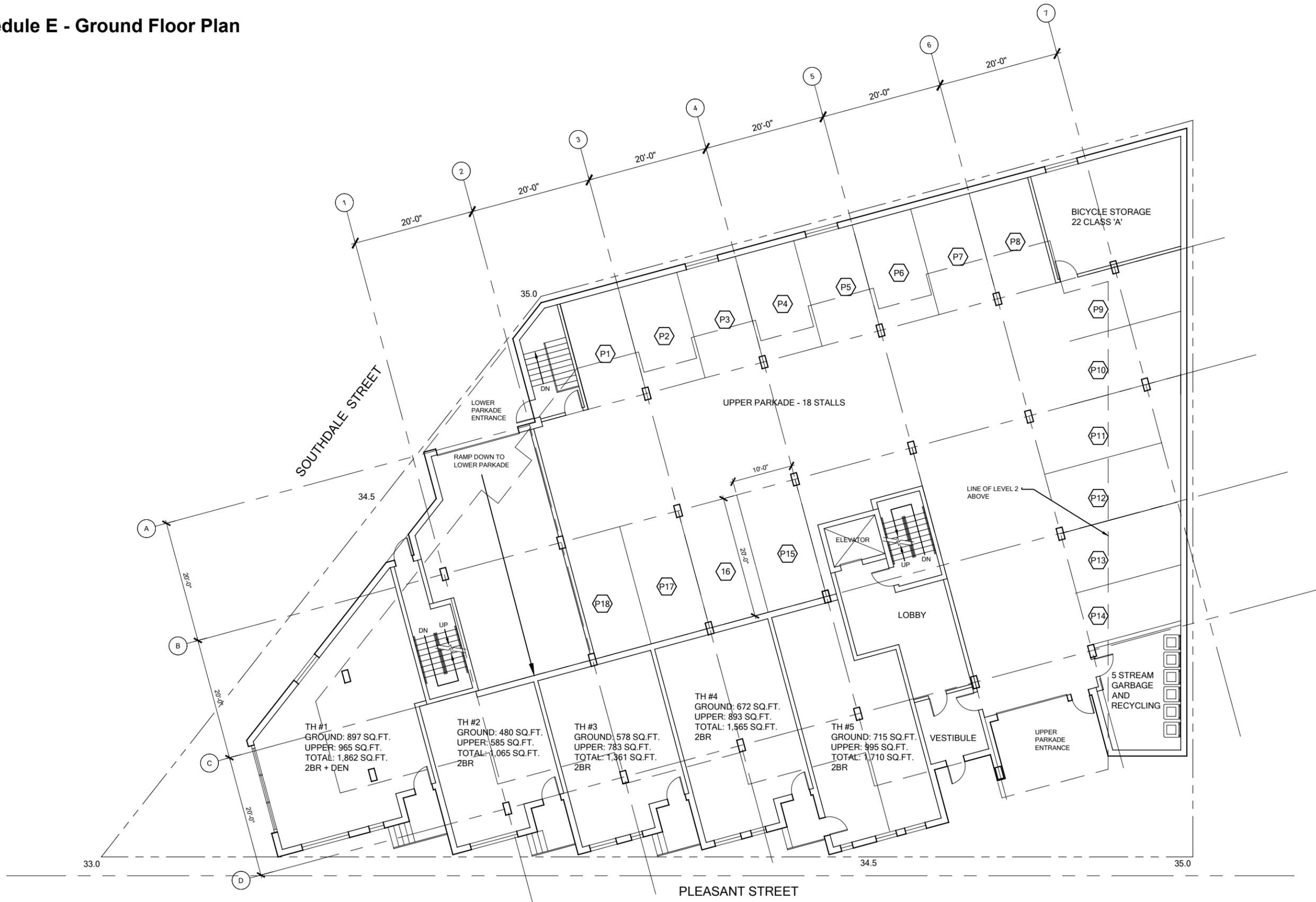


ISSUED FOR
 SUBSTANTIVE
 CHANGE
 APPLICATION

DRAWING
 PARKADE LEVEL
 SCALE
 1/16" = 1'-0"

DATE
 2016-06-20
 DRAWING NO.
A-101

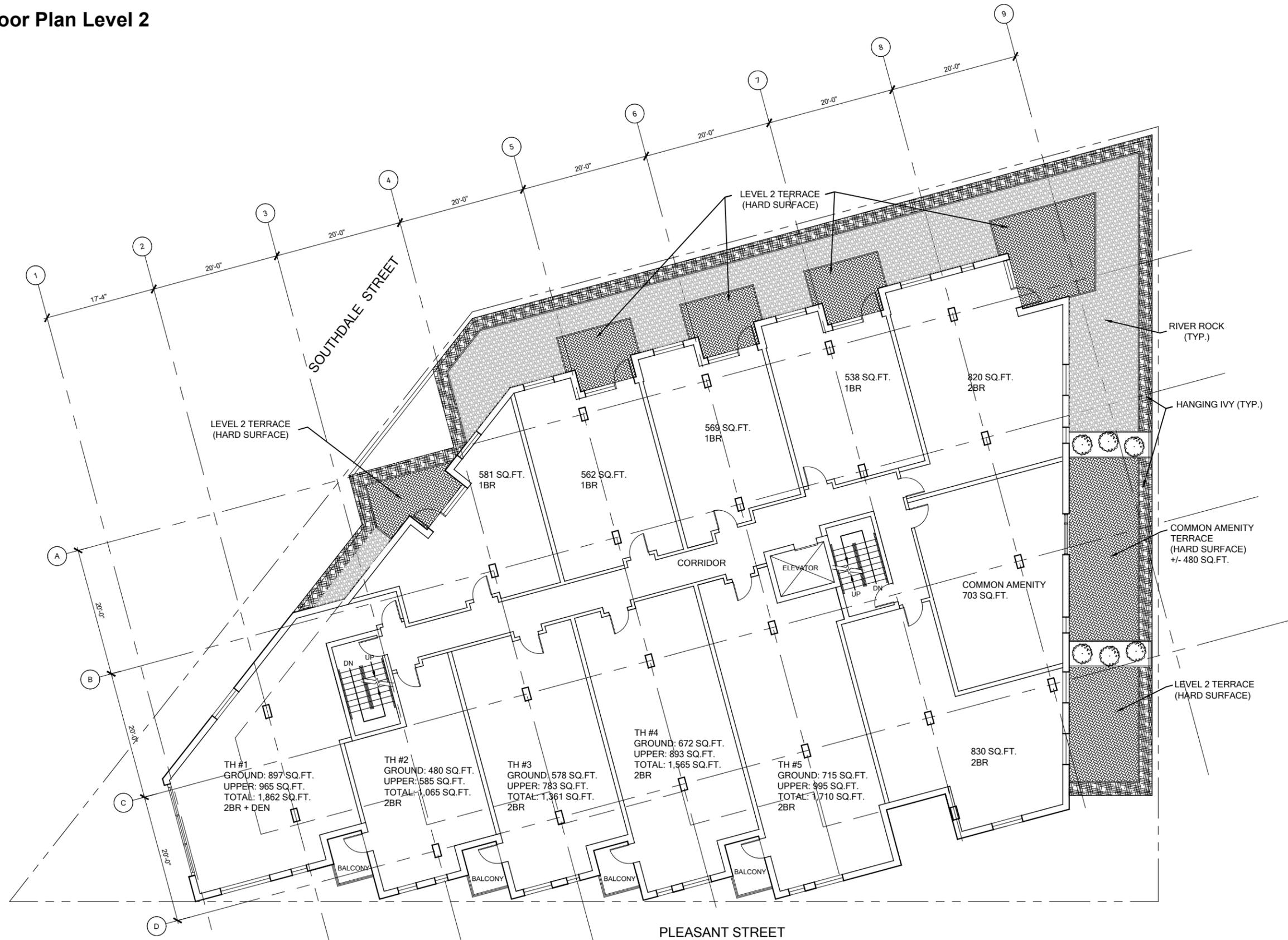
Schedule E - Ground Floor Plan



PLEASANT STREET
181 PLEASANT STREET,
VICTORIA, BC V8P 2E1
Schedule E - Ground Floor Plan

| REVISION | DATE | ISSUED FOR | DRAWING | DATE |
|--------------------|------------|---|------------------------|-----------------------------|
| 1. DESIGN REVISION | 2016-07-11 | MICHAEL APIER ARCHITECTURE inc www.mmaarch.ca + 902.455.5522 | LEVEL 1 PLAN | 2016-06-20 |
| | | | SCALE 1/16" = 1'-0" | DRAWING NO. A-102 |
| | | ISSUED FOR SUBSTANTIVE CHANGE APPLICATION | | |

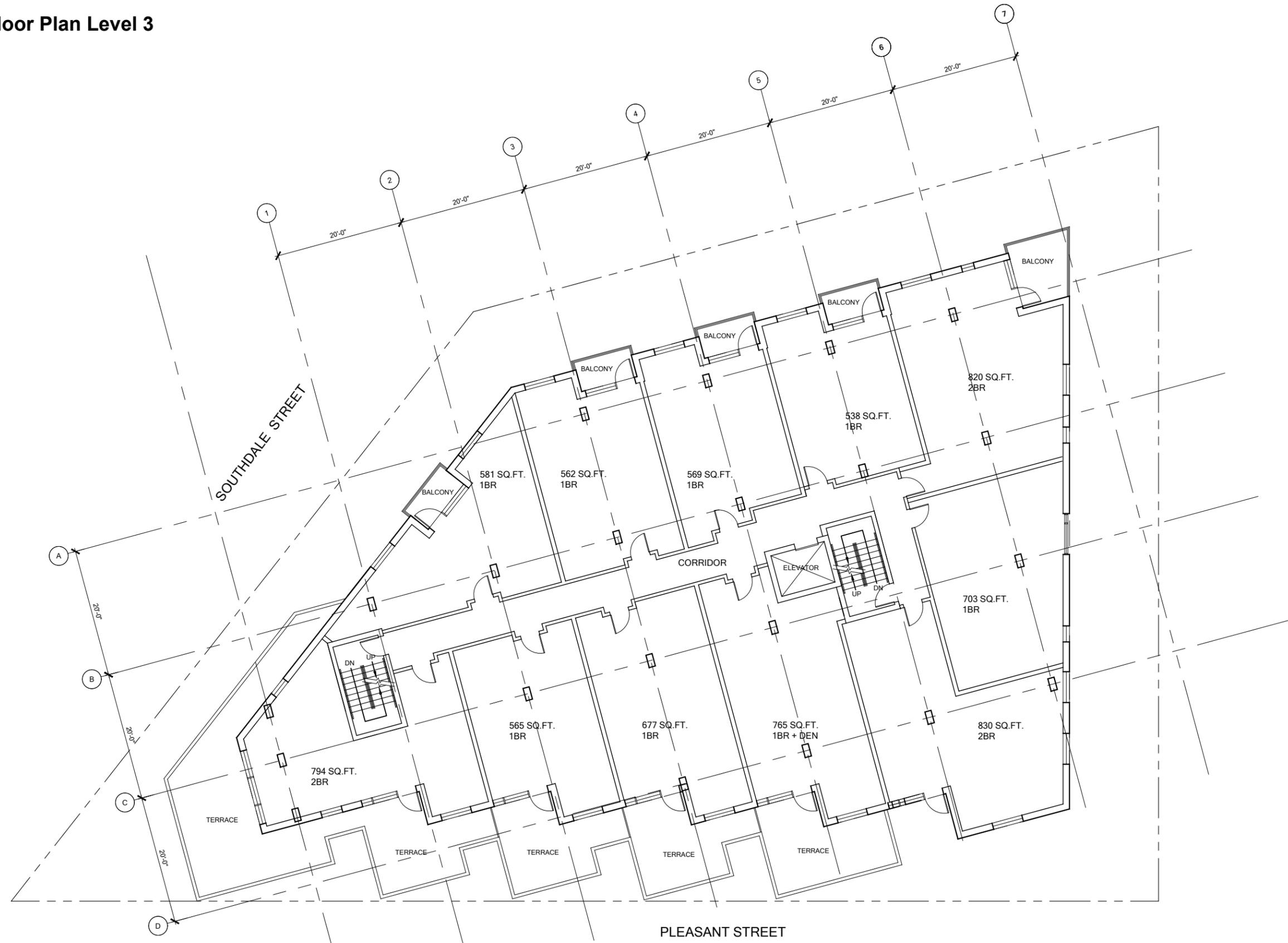
Schedule F - Floor Plan Level 2



PLEASANT STREET
 181 PLEASANT STREET,
 DARTMOUTH, NOVA SCOTIA

| REVISION | DATE | MICHAEL ZAPIER ARCHITECTURE inc www.mzarch.ca + 902.455.5522 | ISSUED FOR SUBSTANTIVE CHANGE APPLICATION | DRAWING LEVEL 2 PLAN SCALE 1/16" = 1'-0" | DATE 2016-06-20 DRAWING NO. A-103 |
|--------------------|------------|---|--|---|---|
| 1. DESIGN REVISION | 2016-07-11 | | | | |

Schedule G - Floor Plan Level 3



PLEASANT STREET
 181 PLEASANT STREET,
 DARTMOUTH, NOVA SCOTIA

| REVISION | DATE | MICHAEL APIER ARCHITECTURE inc www.mnarch.ca + 902.455.5522 | ISSUED FOR SUBSTANTIVE CHANGE APPLICATION | DRAWING LEVEL 3 PLAN SCALE 1/16" = 1'-0" | DATE 2016-06-20 DRAWING NO. A-104 |
|--------------------|------------|--|--|---|---|
| 1. DESIGN REVISION | 2016-07-11 | | | | |
| | | | | | |
| | | | | | |

Schedule H - Floor Plan Level 4-5



PLEASANT STREET
 181 PLEASANT STREET,
 DARTMOUTH, NOVA SCOTIA

| REVISION | DATE | MICHAEL APIER ARCHITECTURE inc www.mmaarch.ca + 902.455.5522 | ISSUED FOR SUBSTANTIVE CHANGE APPLICATION | DRAWING LEVEL 4-5 PLAN SCALE 1/16" = 1'-0" | DATE 2016-06-20 DRAWING NO. A-105 |
|--------------------|------------|---|--|---|---|
| 1. DESIGN REVISION | 2016-07-11 | | | | |
| | | | | | |
| | | | | | |

Schedule I - Floor Plan Level 6



PLEASANT STREET
 181 PLEASANT STREET,
 DARTMOUTH, NOVA SCOTIA

| REVISION | DATE |
|--------------------|------------|
| 1. DESIGN REVISION | 2016-07-11 |
| | |
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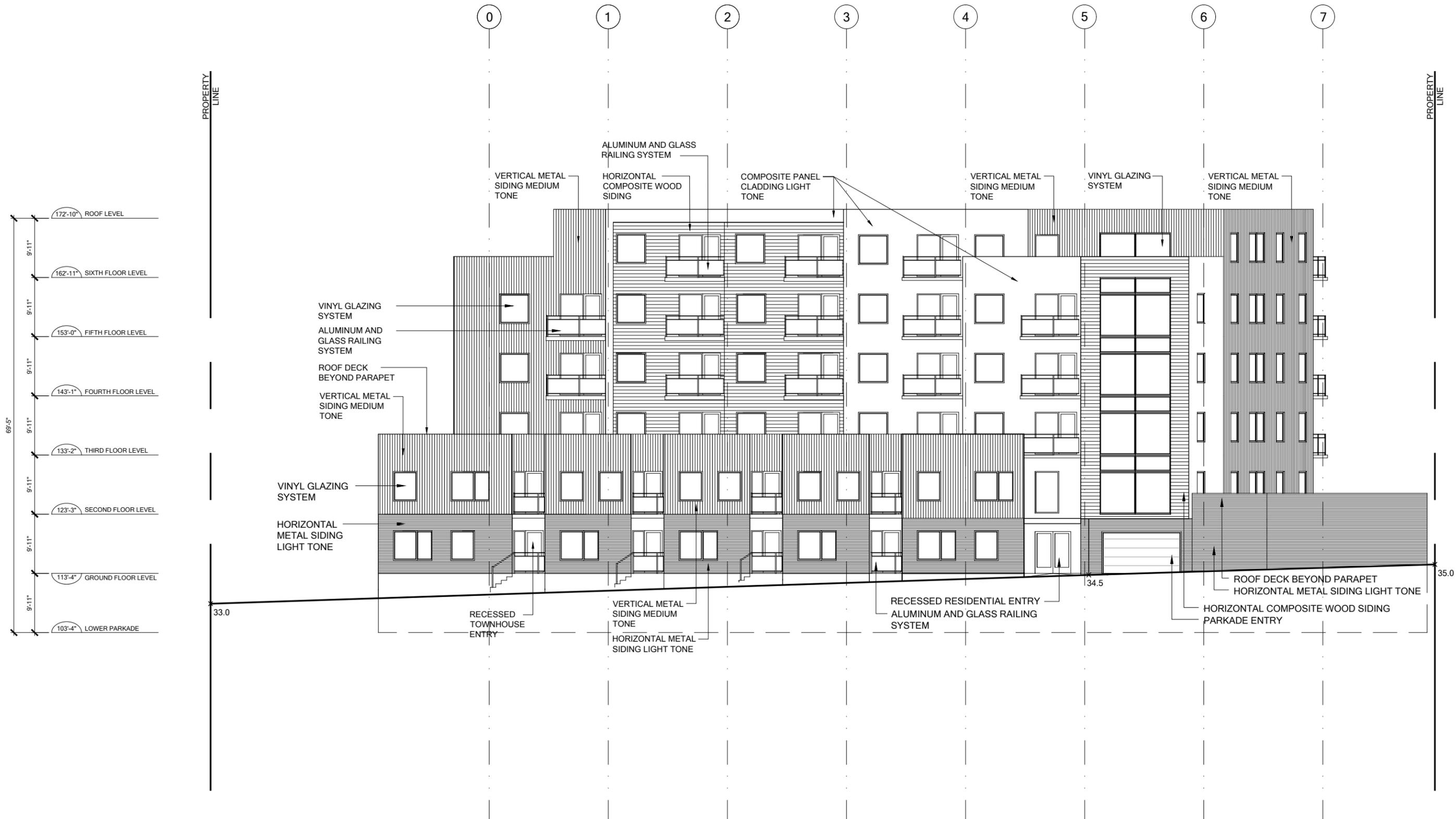


ISSUED FOR
 SUBSTANTIVE
 CHANGE
 APPLICATION

DRAWING
 LEVEL 6 (PENTHOUSE) PLAN
 SCALE
 1/16" = 1'-0"

DATE
 2016-06-20
 DRAWING NO.
A-106

Schedule J - West Elevation



PLEASANT STREET
 181 PLEASANT STREET,
 DARTMOUTH, NOVA SCOTIA

| REVISION | DATE |
|--------------------|------------|
| 1. DESIGN REVISION | 2016-07-11 |
| | |
| | |



ISSUED FOR
 SUBSTANTIVE
 CHANGE
 APPLICATION

DRAWING
 WEST ELEVATION
 SCALE
 1/16" = 1'-0"

DATE
 2016-06-20

DRAWING NO.
A-201

Schedule K - East Elevation



PLEASANT STREET
 181 PLEASANT STREET,
 DARTMOUTH, NOVA SCOTIA

| REVISION | DATE |
|--------------------|------------|
| 1. DESIGN REVISION | 2016-07-11 |
| | |
| | |

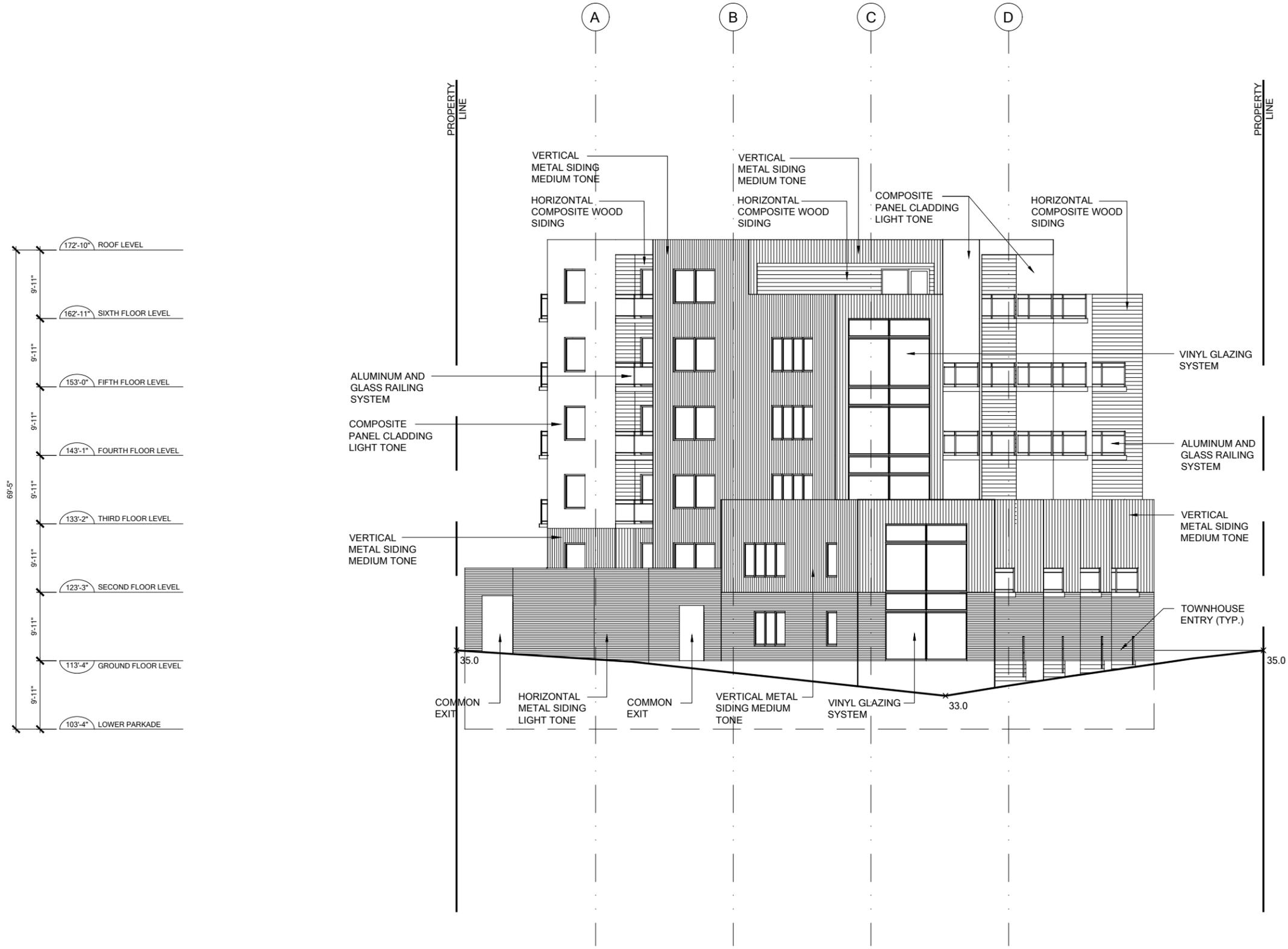


ISSUED FOR
 SUBSTANTIVE
 CHANGE
 APPLICATION

DRAWING
 EAST ELEVATION
 SCALE
 1/16" = 1'-0"

DATE
 2016-06-20
 DRAWING NO.
A-202

Schedule L - North Elevation



PLEASANT STREET
 181 PLEASANT STREET,
 DARTMOUTH, NOVA SCOTIA

| REVISION | DATE |
|--------------------|------------|
| 1. DESIGN REVISION | 2016-07-11 |
| | |
| | |

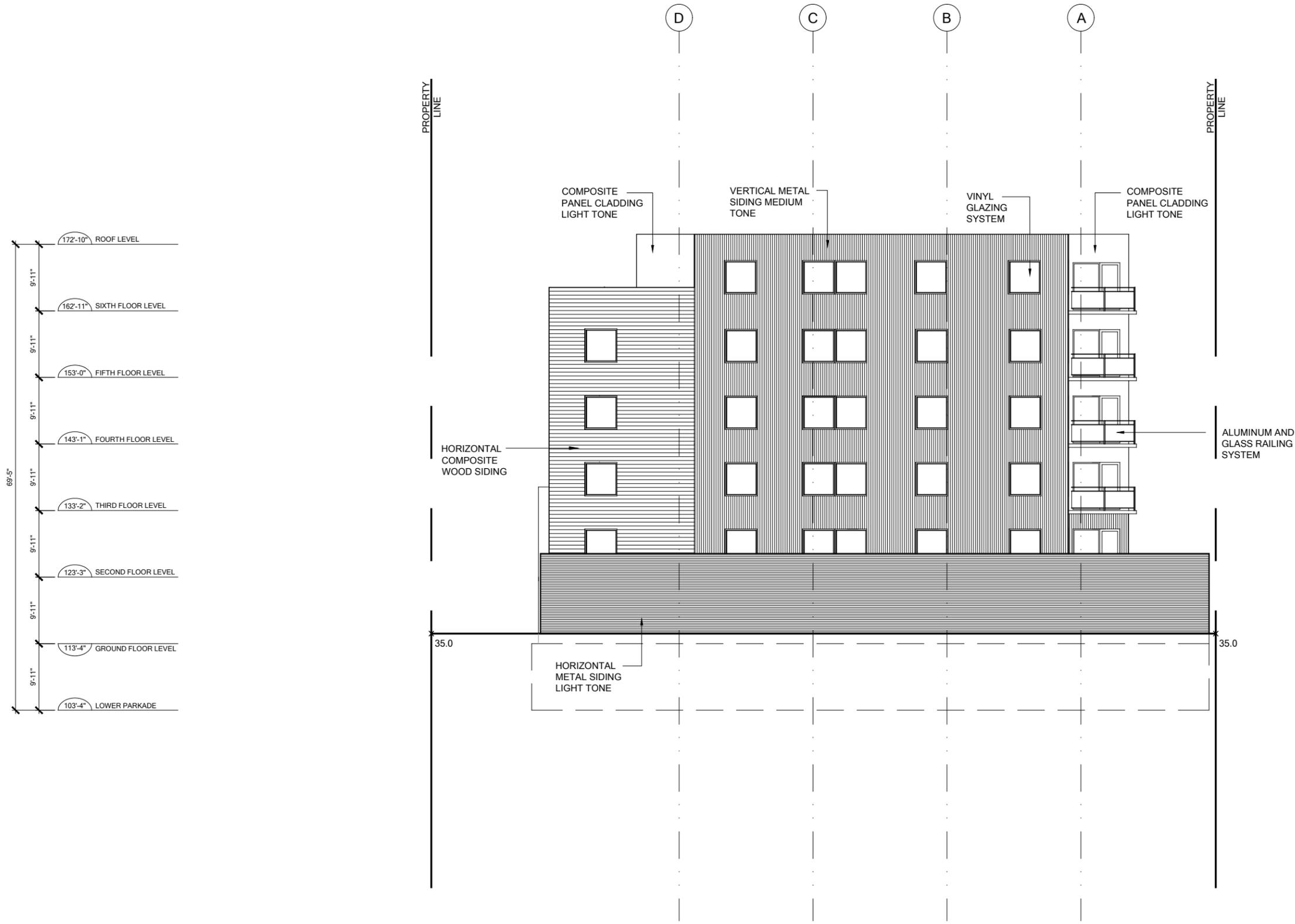


ISSUED FOR
 SUBSTANTIVE
 CHANGE
 APPLICATION

DRAWING
 NORTH ELEVATION
 SCALE
 1/16" = 1'-0"

DATE
 2016-06-20
 DRAWING NO.
A-203

Schedule M - South Elevation



PLEASANT STREET
 181 PLEASANT STREET,
 DARTMOUTH, NOVA SCOTIA

| REVISION | DATE |
|--------------------|------------|
| 1. DESIGN REVISION | 2016-07-11 |
| | |
| | |



ISSUED FOR
 SUBSTANTIVE
 CHANGE
 APPLICATION

DRAWING
 SOUTH ELEVATION
 SCALE
 1/16" = 1'-0"

DATE
 2016-06-20
 DRAWING NO.
A-204

Attachment B
Review of Relevant Policies of the Dartmouth MPS

Policy IP-5 It shall be the intention of City Council to require Development Agreements for apartment building development in R-3, R-4, C-2, MF-1 and GC Zones. Council shall require a site plan, building elevations and perspective drawings for the apartment development indicating such things as the size of the building(s), access & egress to the site, landscaping, amenity space, parking and location of site features such as refuse containers and fuel storage tanks for the building. In considering the approval of such Agreements, Council shall consider the following criteria:

| | Policy | Comment |
|-----|---|--|
| (a) | adequacy of the exterior design, height, bulk and scale of the new apartment development with respect to its compatibility with the existing neighbourhood; | <p>The site has frontage on two streets including Pleasant Street which is a major collector street. The overall design of the project responds appropriately to each street frontage, to the internal property lines and abutting properties, and addresses the goal of adequacy of compatibility with the nearby residential neighbourhood as follows:</p> <ul style="list-style-type: none"> • The reduction in height from 7 to 6 storeys and burial of one level of parking makes a significant difference in how the building fits within the neighbourhood and provides an appropriate transition between the low density residential area and the commercial node to the south, • The building presents a pedestrian oriented character in the form of townhouses along Pleasant Street while along Southdale Street a combination of setbacks, landscaping, lower streetwall height, and streetwall stepback provide an appropriate transition to the lower density neighbourhood, • Appropriate stepbacks are required above the ground floor from internal property lines shared with abutting commercial lots, which enhances privacy and protects redevelopment potential for these parcels, • Variations in cladding materials and colour break up the massing and reduce the visual impact of the building, • Cladding materials are of high quality and reflect a residential character rather than commercial, and • Commercial uses are precluded from the site. |
| (b) | adequacy of controls placed on the proposed development to reduce conflict with any adjacent or nearby land uses by reason of: | |
| | (i) the height, size, bulk, density, lot coverage, lot size and lot frontage of any proposed building; | The development agreement contains strict provisions that ensure the development will conform to the design as outlined under (a) |

| | Policy | Comment |
|-----|---|--|
| | (ii) traffic generation, access to and egress from the site; and | <p>Given that the site is currently not used, any development under existing zoning will result in an increase in traffic volumes on the area street network. A traffic analysis addressing peak hour traffic impacts for the specific proposal was submitted by the Developer and was found to meet HRM guidelines. The driveway locations are acceptable and the street network can accommodate the projected traffic. There are no concerns relative to traffic volumes during off peak hours.</p> <p>Driveway locations are clearly established and cannot be varied. No commercial uses are permitted which will significantly limit traffic generation when compared to what can be developed under the C-2 zone. Given the site's location and proximity to transit, commercial uses and community facilities, building residents will rely less heavily on the private automobile and more on walking, cycling and transit. The provision of two driveway accesses will help diffuse traffic over the street network and not concentrate it on one street.</p> |
| | (iii) parking; | <p>No surface parking is permitted. Parking for a total of 48 vehicles is required to be provided in two underground parking levels. This ratio of parking (0.91 spaces per unit) is sufficient given the site's location, as addressed by the Regional Parking Strategy Functional Plan that was approved by Regional Council in 2009.</p> <p>Access to the three parking levels will be split between Southdale Street and Pleasant Street which will diffuse the residential traffic through the local streets. The at grade parking level will be sufficiently screened from view. Extensive bicycle is required to meet the Land Use Bylaw standard. Available on street parking can be utilized by the general public including all area residents and customers of local businesses.</p> |
| (c) | adequacy or proximity of schools, recreation areas and other community facilities; | <p>There are schools nearby that can accommodate students from grades Primary through 12.</p> <p>There are several parks with varied recreational opportunities within walking distance of the site. The Dartmouth Sportsplex is also located nearby.</p> |
| (d) | adequacy of transportation networks in, adjacent to, and leading to the development; | The proposed driveway accesses conform to municipal standards and traffic volumes can be accommodated within the existing street network. |
| (e) | adequacy of useable amenity space & attractive landscaping such that the needs of a variety of household types are addressed and the development is aesthetically pleasing; | <p>Adequate amenity space is required to provide opportunities for building residents to socialize, relax and enjoy outdoor opportunities as follows:</p> <ul style="list-style-type: none"> • Balconies and terraces for each apartment unit, • 65.3 square metres (703 square feet) for a common room, • 44.6 square metres (480 square feet) of common outdoor space at the 2nd floor level. <p>Landscaping is provided in the form of 8 new street trees within the HRM street right of ways on the two street frontages, along with landscaped setbacks and plantings on the development site in the setback areas, and mixed hard and soft landscaping on level 2 terraces. This mix of landscaping will complement the exterior design of the project and ensure it is aesthetically pleasing.</p> |

| | Policy | Comment |
|-----|---|--|
| (f) | that mature trees and other natural site features are preserved where possible; | There are some young trees along the rear property line and these will be removed. There are no natural site features. |
| (g) | adequacy of buffering from abutting land uses; | The site abuts three other properties that are also zoned C-2. The proposed building will be setback 0.3 m (1 foot) from each property line at grade and will be adequately buffered through the provision of a setback above the first floor of at least 4 m (13 feet) and through a landscaped planter that would be 2 feet wide and 3.5 feet high. In a commercial context, these measures are sufficient to provide enough privacy for residents of the development and for existing and future residents of the abutting parcels and to enable similar redevelopment. |
| (h) | the impacts of altering land levels as it relates to drainage, aesthetics and soil stability and slope treatment; and | The proposed agreement requires the submission of a site grading plan(s), identification of stormwater management measures, and erosion controls. These plans must conform with HRM and Provincial standards as well as minimize impacts on adjacent properties. |
| (i) | the Land Use By-law amendment criteria as set out in Policy IP- 1(c) | See below. |

IP-1(c) Zoning By-law

In considering zoning amendments and contract zoning, Council shall have regard to the following:

| | Policy | Comment |
|-----|--|--|
| (1) | that the proposal is in conformance with the policies and intent of the Municipal Development Plan | The proposal has been considered in accordance with policies IP-5, and IP-1 (c). |
| (2) | that the proposal is compatible and consistent with adjacent uses and the existing development form in the area in terms of the use, bulk, and scale of the proposal | <p>The site has relationships to both a major collector road and a low density residential neighbourhood that need to be considered.</p> <ul style="list-style-type: none"> • This portion of Pleasant Street is a key area for commercial development under the MPS and contains a mix of land uses and building forms. The C-2 zone is intended to enable large scale development. Within the context of the commercial area a 6 storey residential building is a compatible use subject to the design controls contained within the development agreement. • A 6 storey multiple unit dwelling is appropriate for this site given its context to the abutting low density zoned neighbourhood, with the setbacks and stepbacks that are required by the development agreement. Shadow impacts on the neighbourhood are minimal except around the winter solstice and this is a key consideration in compatibility. The townhouse form to be provided on Pleasant Street that wraps around the corner onto Southdale Street and strengthens the residential character of the site relative to the neighbourhood and provides a transition to the commercial area. Commercial uses are precluded on the site. |
| (3) | provisions for buffering, landscaping, screening, and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries | <p>There are no concerns relative to incompatibility between the development and Pleasant Street which is a major collector road.</p> <p>Adjacent land uses addressed under IP-5 (a)</p> |
| (4) | that the proposal is not premature or inappropriate by reason of: | |
| | (i) the financial capability of the City is to absorb any costs relating to the development | No concerns were identified regarding potential financial implications for HRM. |
| | (ii) the adequacy of sewer and water services and public utilities | No concerns were identified regarding the capacity of sewer or water. |
| | (iii) the adequacy and proximity of schools, recreation and other public facilities | Addressed under IP-5 (c) |
| | (iv) the adequacy of transportation networks in adjacent to or leading to the development | Addressed under IP-5 (d) |
| | (v) existing or potential dangers for the contamination of water bodies or the creation of erosion or sedimentation of such areas | No concerns have been identified. Erosion and sedimentation control measures are required to avoid such issues. |

| | Policy | Comment |
|-----|---|--|
| | (vi) preventing public access to the shorelines or the waterfront | Not applicable |
| | (vii) the presence of natural, historical features, buildings or sites | Staff are not aware of any such features on the Lands. |
| | (viii) create a scattered development pattern requiring extensions to trunk facilities and public services while other such facilities remain under utilized | The development would utilize sewer, water and transportation infrastructure that is already in place. |
| | (ix)the detrimental economic or social effect that it may have on other areas of the City. | Staff are not aware of any potential detrimental effects that the development may pose. |
| (5) | that the proposal is not an obnoxious use | The proposed use would not have any obnoxious effects. |
| (6) | that controls by way of agreements or other legal devices are placed on proposed developments to ensure compliance with approved plans and coordination between adjacent or nearby land uses and public facilities. Such controls may relate to, but are not limited to, the following: | |
| | (i) type of use, density, and phasing | The use and density are controlled by the agreement. There is no phasing as the development is comprised of a single building. |
| | (ii) emissions including air, water, noise | The development is not expected to generate emissions that will warrant controls. However, mechanical equipment must be screened from adjacent properties. Solid waste is to be stored on the upper parking level and accessed from Pleasant Street to avoid impacts on the low density neighbourhood. |
| | (iii) traffic generation, access to and egress from the site, and parking | Addressed under IP-5 (b) (ii) |
| | (iv) open storage and landscaping | The proposed agreement requires that landscaping measures be planned and certified by a Landscape Architect pursuant to the conceptual landscape plan. Open storage is not permitted. |
| | (v) provisions for pedestrian movement and safety | The sidewalks on each street frontage shall be maintained and these will be utilized by occupants of the new building. Parking garage entrances must be designed to provide adequate visibility to avoid conflicts between cars and pedestrians. |
| | (vi) management of open space, parks, walkways | Not applicable |
| | (vii) drainage both natural and sub-surface and soil-stability | The proposed agreement includes requirements for site grading, stormwater management and erosion and sedimentation controls in accordance with applicable HRM and Provincial standards |
| | (viii) performance bonds. | Not applicable. |

| | Policy | Comment |
|------|---|---|
| (7) | suitability of the proposed site in terms of steepness of slope, soil conditions, rock outcroppings, location of watercourses, marshes, swamps, bogs, areas subject to flooding, proximity to major highways, ramps, railroads, or other nuisance factors | No concerns have been identified with regard to these features on the lands. The development will have to comply with all applicable HRM, Provincial and Federal regulations. |
| (8) | that in addition to the public hearing requirements as set out in the Planning Act and City by-laws, all applications for amendments may be aired to the public via the "voluntary" public hearing process established by City Council for the purposes of information exchange between the applicant and residents. This voluntary meeting allows the residents to clearly understand the proposal previous to the formal public hearing before City Council | A Public Information Meeting was held on October 22, 2015. |
| (9) | that in addition to the foregoing, all zoning amendments are prepared in sufficient detail to provide: | |
| | (i) Council with a clear indication of the nature of proposed development, and | Complete. |
| | (ii) permit staff to assess and determine the impact such development would have on the land and the surrounding community | Complete. |
| (10) | Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS. | Not applicable. |

Attachment C
Minutes from the Public Information Meeting

HALIFAX REGIONAL MUNICIPALITY
Public Information Meeting Case 19528

Thursday, October 22, 2015
7:00 p.m.

Public Library, Alderney Gate, Helen Creighton Room

STAFF IN

ATTENDANCE: Jillian MacLellan, Planner, HRM Development Approvals
Holly Kent, Development Technician, HRM Development Approvals
Tara Couvrette, Planning Controller, HRM Development Approvals

ALSO IN

ATTENDANCE: Councillor Gloria McCluskey, District 05
Marshal Lewis – Developer
Michael Napier – Architect from Michael Napier Architecture Inc.

PUBLIC IN

ATTENDANCE: Approximately 43

The meeting commenced at approximately 7:00 p.m.

Call to order, purpose of meeting – Jill MacLellan

Ms. MacLellan introduced herself as the Planner and Facilitator for the application; Holly Kent as the Development Technician; Tara Couvrette as the Planning Controller, Councillor Gloria McCluskey, District 05; and Michael Napier the Architect on the application.

Case 19528 is an application by Michael Napier Architecture to enter into a development agreement to permit a 7 storey, 49 unit residential building at 181 Pleasant Street, Dartmouth.

The purpose of the Public Information Meeting (PIM) is: a) to identify that HRM has received a proposal for the site; b) to provide information on the project; c) to explain the Planning Policies and the stages of the Planning Process; d) an opportunity for the applicant to present the proposal and answer any questions regarding the application; and e) an opportunity for Staff to receive public feedback regarding the proposal. No decisions are made at this PIM.

1. Overview of planning process – Jill MacLellan

HRM receives an application; the PIM is held at the beginning of the process; Staff circulates the application and plans to internal stakeholders for comment; The application would then go before Harbour East – Marine Drive Planning Advisory Committee for their review and recommendation; Staff will include comments from a detailed internal/external review along with feedback from the public in a Staff Report to Harbour East – Marine Drive Community Council (HEMCC); HEMCC is required to hold a public hearing and make a decision in regards to this application; and, HEMCC's decision is subject to a 14-day appeal process through the Nova Scotia Utility and Review Board (NSUARB).

2. Presentation of Proposal – Jill MacLellan

The location of the site was shown outlined in red. The site is zoned C-2 (General Commercial) which allows for a wide range of residential and commercial uses.

A list of permitted land uses in the C-2 Zone was shown. The proposal is to enter into a development agreement to permit a 7 storey, 49 unit residential building.

Presentation of Proposal – Michael Napier from Michael Napier Architecture Inc.

He explained that Marshal Lewis came to him regarding this property and they discussed all options for this site. They decided it was better to provide housing rather than commercial at this location. He explained how they came up with their design and explained the scale of the proposal.

3. Questions and Comments

Jean Rennie, Esdaile Avenue- Is concerned with where visitors would park if there were only 39 parking spaces for 49 units. She would like to know who this is targeted for, students. She said it is mostly family's that live in this area and she doesn't think this will fit in, in their neighborhood. She has concerns with the fact that the traffic impact statement was done in 2010 before the community college was fully operational. It is very difficult at most times of the day to come out of Boundary Street and to make a left on Pleasant St. What is the target price range for these units. **Mr. Napier** – Unit size and mix – The largest preponderance of dwelling units are now occupied by single person households. The trend is going down towards many smaller units for all sorts of reasons. The traffic impact statement – 2010 was probably when the last traffic count was done that the traffic engineer based it on. There can be a lag in that type of thing. He feels the idea of traffic and cars is going to change so much in the next 10 years and there will not be parking put in any buildings in the future because it is not viable or sensible to waste space in that way. People are not going to use cars the way they are now. Parking is not going to exist in 10-15 years from now.

John Stevens, Johnstone Avenue – Has great concerns about parking and feels that his future predictions about parking is not very realistic. 49 units will require more than 39 parking spaces. There is no surface parking for service vehicles taken into account and no account for people parking on the street. There will, at any given time, be at least 10 vehicles parked on the street. Parking is a major issue. The other issue he has with this is the height of the building, there are no 7 storey residential buildings anywhere near this. The closest ones are in downtown approximately a mile away. All commercial properties in the immediate area are 4 storeys at the very most. It is out of character for this community. He would really like this property developed with some light commercial. He feels all the developers/architects do their drawings with no cars around the buildings when there will be vehicles on the road.

Craig Landry, Pleasant St – He agrees 100% with the last two speakers and would like to see this property developed and feels we need more residential density but doesn't know how it meeting compatibility of the existing neighborhood in terms of height, bulk, scale, density. He has concerns about the height and shadows. The street is a lot busier than in 2010 because of the community college as well as the Woodside Ferry expanding its schedule. It is also noisy and he has concerns about it being so close to residential dwellings. He also feels that snow is going to be a huge issue and the plows will have nowhere to push the snow. He feels there can be changes made to the exterior design to look more like the surrounding dwellings.

Mark Hubley, Boundary Street – He would like to know if these will be apartments or Condo's? What would the anticipated rent or cost be? Was there any consideration with the building covering a lower percentage of the lot if you had permission to build it taller? It would be less bulky and the shadows would be less. Was there a shadow study performed? The back part that faces Southdale is pretty homely but it might help the neighborhood if the back sections were a little nicer looking. He doesn't see a problem with building an apartment building in the neighborhood. **Mr. Napier** stated that he doesn't know at this point if it is going to be an apartment or a condo. **Ms. MacLellan**, stated HRM can't regulate whether it is going to be an apartment or condo. **Mr. Napier** stated that right now they haven't discussed price. The size of the units range between 700 square feet up to 12-13 hundred square feet. Rental rates right now in Halifax or Dartmouth are anywhere between \$1.50 - \$2 a square foot, downtown Halifax it getting anywhere from \$2.50 to \$2.75 a square foot. I can't say where it would be if it was a condo as that is dependent on market conditions. It is going to be another year at least before it goes through the planning process and another 3 years before it gets built. Parking is always the biggest issue with the neighborhood.

Grant MacDonald, Cuisack St – His concern regarding traffic is access and egress into the building on Pleasant St. The intersection of Price Arthur Ave and Cuisack St. is very, very busy and a tricky intersection getting out onto Pleasant St from Price Arthur because of cars turning. None of those aspects of it are really reflected in the traffic report. There was an accident in that intersections earlier this week and it is partly because of sight lines from Prince Arthur South towards the Community College are really not that good. Cars come fairly quickly. He worries about more cars coming down that street from the apartment building. He would like to see the entrance to the building be on Southdale St., that would be my suggestion. He is very happy to see how many people are at the meeting. However, he feels HRM

could do a better job at informing residents of the neighborhood. He is excited about the project aside from the parking issues. He feels there might be an opportunity for there to be a larger neighborhood revitalization effort. He feels comfortable in saying that the street scape along Pleasant Street is kind of rough with poorly maintained buildings along the street. He thinks that as a whole the developer, the councilor and some people that are here tonight could get together and have a larger conversation about revitalizing the neighborhood. It could improve the appeal of the development if this happened. He doesn't feel parking is an issue; he feels cars are on their way out. **Ms. MacLellan**, stated that she will be asking our engineers to look at the access on Pleasant St., they will review the traffic impact statement but they will also be looking at where the driveways. With regards to the notifications, some people would have received mail notification but it is something we can look at.

Bark Stager, Hilltop Terrance – Her concerns are pretty much the same as previously brought up, particularly the height of the building. If it does go into a strata owner occupied type of condo building there is a possibility of going down. We are in a hill; why not go down now to bring the height of the building down two floors. This would address a concern she had and one brought up here tonight. The street scape on Southdale, if she saw this great big wall going up in front of her she wouldn't be very happy about that. This is one way to address some of the large problems here. Notifications, when she saw the sign go up she contacted HRM and was assured she was being added to the list to receive notification but never received any notification. She found out from a neighbor. Two of the links on the notice that was photographed, by her neighbor, did not take you to the plan. We would like to know if the concerns that are being brought up will be concerned and if not why.

Josh MacDonald, Southdale St. – A direct neighbor to this project on Southdale St. Reiterating the concerns of the ones who have gone before him. He has questions regarding the parking that will dominate the first 2 levels on Southdale St. because it seems like him and his neighbors will be looking at is very grim and utilitarian whereas on the other side of the building there have been great efforts to beautify it. Where is the garage door? **Mr. Napier** pointed out on the slide that it is on the black portion under the window and would be the same material as on the front of the building. **Josh MacDonald** stated that this entrance is like the anus of the building there will be lots of coming and going of vehicles and service vehicles all day long every single day. Does the proposal see one of these as an entrance and one as an exit exclusively or will both be two way traffic all the time which would potentially add to the chaos. **Mr. Napier** stated there is an internal garbage room so it would be contained on the interior of the building. HRM and traffic policy would require that the main entrance to the parkade be off the secondary street not the major thru fair. In this case we have 2 levels of parking and we have gone for your second option which would allow for two way traffic going in and out. One entrance will serve the lower level and one will serve the upper level. HRM traffic has not had a full blown look at this yet so we haven't heard back from them yet and that would be part of the negotiations.

Craig Johnson, Brock St / Prince Arthur – On Prince Arthur he gets to enjoy the barrage of cars and service vehicles that use Price Arthur as a cut thru from Portland to Prince Arthur to deal with traffic issues. What you are suggesting is definitely a benefit to the area and he is glad to see something happening of this scale. He suspects the pure cost of going down to be the sole reason for scale of property and returns is why you are choosing not to bury the parking. He thinks that would be your best option and most acceptable to everyone in the area to lower it and decrease the scale. Some other concerns, there is no greenspace and although you say in we will not have a car anymore He thinks what you will see in 15 years is cars that drive themselves and everyone will have one because we can't give up that love affair. Has there been any consideration towards renewable energy? If the residents want to go green and add solar panels that might add to the height of the building. He is hoping that you are open to modification to scale; you are using what looks like the entire spot. Glad to see it but would like to see some consideration to traffic as well.

Ed Skiffington, Southdale St.- It is too high and ugly and it is going to have a negative impact on my property value, he wanted to know if the developer/ architect were going to reimburse him for that impact, yes or no? **Mr. Napier** – No. **Ed Skiffington** – Where will all the snow go? Have you thought about snow removal? There is a really good reason why everyone that lives there is going to need a car; there are no services in the neighborhood, no grocery stores. He would like to see something there but this is a bit high. Pleasant St. is busy all day everyday so cars coming out of the parking garage to get onto Pleasant St., it could be ugly, maybe not at Southdale St so much. Where are the service vehicles going to park that are servicing you garbage and all that stuff? Are they going to park on Southdale? **Mr. Napier** – We used to be well served and then Sobeys decided they had to go up on the highway and deserted

everybody because they were chasing the almighty dollar. Downtown Dartmouth doesn't have any services because there is not enough people, we need more people. We get buildings like this and maybe the services will come back. We have everything except the services; we need the people to get the services. Snow, I hate snow, we deal with it all over the place and we put snow melting in a lot of our projects so we don't have to deal with it but it is a fact of life. The three main things we hear about in any of these meeting is traffic, parking and snow.

Ron Connors, Pleasant St. – stated he is not close to this project but he is concerned about the height of the building, this is his main concern. He likes it, and he likes the look of it but he is concerned that it takes up 100 % of the footprint. He said that there was a similar building completed a few years ago across from the funeral home, it's not as high but it comes out to the street and it looks odd, it looks out odd place because it is right out on the street. The traffic issue, the traffic has increased tenfold within the last few years particularly sense the community college. It is like night and day. He likes that it is giving alternate housing in that area which he feels there should be more of. He really thinks the height is out of character with everything else in the area. To what extent would this be visible from where he is at and people on the upper floor, when they are out on their balcony will they be able to see right into everyone's backyards? **Mr. Napier** – We have not done any studies to see how far away you would be able to see the building. Privacy concerns and balconies, balconies probably get used ½ a percentage in our climate. It is just a fact of life that people want them, but they are really just a great place to store bikes and barbeques and that's about it. The overview I think with the trees there and stuff it will not make a real impact on you. The site plan shows that there are areas that can be landscaped for the units off the actual right-of-way. There is still going to be a grass merge between the property line and sidewalk of about 10-12 feet. I agree that Pleasant St. is an awful place to get in and out of and when you said about them wiping around the corner, I know that it is a blind corner.

Colby Boudreau, Pleasant St, owner of the Coast Gas Station – He doesn't see any downside to this project. He doesn't see snow removal being an issue at all for the property owner or the city. You are never going to make everyone happy with a project like this. There is going to be shadows He has lived in this neighborhood for 30 years and has never seen any development in the neighborhood other than the Woodside campus. It can only raise property values other than maybe a few properties that it would blind the backside to because the backside isn't as appealing. More people would bring more things back and increase his business, all pluses. He doesn't see traffic being an issue at all. He has never a problem getting in and out of his business. The only concern he can see is with people getting in and out of the building is the entrance on Pleasant St. and if there isn't enough room for a car to pull right off the road to wait for the door. It is out of character for this area but if somebody develops this piece of property maybe somebody will buy some other houses and develop some other property because from my station down the houses get nicer but from my station up towards the Dartmouth General they just get nastier. He can only see it making the neighborhood a nicer place.

Christine, Pleasant St – She lives across the street from this development and she is excited about it. She likes the building and the design of it. She likes the consideration that was given to the townhome facade in the front it fits in a little bit better than just one big concrete block. She does like the fact that it is residential and it will bring more people to the area and hopefully subsequently bring more services. There are a lot of commercial buildings on our road that businesses come and go and they are pretty run down because there is not the population to maintain it. Being across the street from this location I am not concerned about the height of it or the size of it. She can understand why some people may be concerned about it through. She is glad it is being developed and there have been other things there in the past that she wouldn't want to see come back, like another gas station, a car wash.

Sam Austin, Tulip Street – Just a suggestion, there is such a prominent corner there, looks like a good triangle there you could do something special with it and build a nice piece of public art with greenspace. As the area gets developed this could be the gateway to Southdale village or whatever.

Steve Townsend, Brock St. – Is very excited about something happening because he feels they live in a rather neglected part of the city with a lot of potential. He would not want to look at the back of the building the way it is now. He doesn't have a problem with the height. He feels there should be some place for service vehicles to pull off the road so they don't block Pleasant St. and there is no room on Southdale.

Penny, Dartmouth – She is a planning student and would like to know if there was ever a consideration

with regards to making the 1st floor commercial. **Mr. Napier** – says that Pleasant St goes downhill and there is way too much excess commercial space just down the road where the Sobeys used to be. That seems to be a far more realistic place for commercial in this neighborhood. Most people would love to see that come back to being a neighborhood center and could support things much better than trying to shoehorn it on this.

Domenico D Giansante – stated his building is right behind this and he is concerned about the height. He feels that his tenants will not have a view at all once this is built. He wants to know what the restrictions are on height. **Ms. MacLellan** stated that for the C2 zone if it is commercial use there is no height restriction. **Mr. Cortisanchez** stated that there are people with families there where are the kids going to play? He stated there is an issue in his parking lot now because people go visiting and they park in his parking lot. He feels people from this development will use his parking lot for visitor parking.

Craig Boutilier, Marvin St – He really likes the building, looks great, good design. He has concerns about the height. It dwarfs everything else around it.

John Stevens, Johnstone Ave – If this was zoned residential zone would it have a height requirement does it need to be rezoned and does it need a variance for parking requirements? **Ms. MacLellan** stated that residential with R1 or R2 zoning there is no height limit. In the Dartmouth Plan area, other than the Main St. area, you are required to go through a development agreement for an R3 use or a multiple unit dwelling so there is really no height requirement it is done by a case by case basis. For this case in a C2 zone a multiple unit dwelling is permitted and would need to go through a development agreement so there would be no need to rezone. There is no height limit in the C2 zone.

Mrs. Giansante – really likes that something is going on there. She thinks if children and families live in that building with all the congestion of the traffic there will be accidents.

Craig Johnson, Brock St. – Regarding the height, he feels it would be nice if it were 1-2 levels lower. Although it may not be feasible to go into the ground he does think that would be better and would like to see something in there. It is a great place to live and we do want to see development and things change. He also stated that he heard that no other retail grocery stores allowed in that location where they used to be. It was part of Sobeys lease agreement. He agrees that putting commercial in the 1st floor is not the best idea.

Mark Hubley, Boundary St – How many storeys is the building across from the funeral home? Height – He would rather see it take up less of a footprint and be taller.

Barb Stager, Hilltop Terrance – What is the vacancy rate like in our area and other buildings in the area? **Alan Silverman, Harbour Vista** – Vacancy rate – He owns a building of 39 units at the corner of Price Arthur and Hastings and he is 100% rented there. Business is good and he owns a number of other units in that area. Harbour Vista that is downtown runs at a 99% occupancy rate throughout the entire 12 months. The units that do the best are the one bedroom. He said that one of the issues he ran into at Harbour Vista was the lack of parking. He has 69 units and only had about 47 spaces inside so he had to purchase the land around the building to satisfy the parking deficiencies. He stated that he can't emphasize enough that you really need 100% parking. Also, he was really shocked by the amount of bicycles; he had double if not triple the amount of spots for bicycles. He feels it is a good idea to have a building, maybe not that big, on that vacant lot.

Josh Macdonald, Southdale St. – If the building is flush to the street on the Southdale side what will happen to that fire hydrant? **Mr. Napier** – HRM placed it on the side of the street and we are not planning on touching it. **Ms. MacLellan** – We will be sending this application to fire services to make sure there won't be any complications with that.

3. Closing Comments

Ms. MacLellan, thanked everyone for coming and expressing their comments.

4. Adjournment

The meeting adjourned at approximately 8:28 p.m.

Attachment D - Architectural Renderings



Pleasant Street View

| <p>PLEASANT STREET 181 PLEASANT STREET, DARTMOUTH, NOVA SCOTIA</p> | <table border="1"> <thead> <tr> <th>REVISION</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table> | REVISION | DATE | | | | | | |  <p>MICHAEL APIER ARCHITECTURE inc www.mnarch.ca + 902.455.5522</p> | <p>ISSUED FOR SUBSTANTIVE CHANGE APPLICATION</p> | <p>DRAWING 3D VIEW SCALE NOT TO SCALE</p> | <p>DATE 2016-06-20 DRAWING NO. A-903</p> |
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Southdale Street View

PLEASANT STREET
 181 PLEASANT STREET,
 DARTMOUTH, NOVA SCOTIA

| REVISION | DATE |  MICHAEL NAPIER ARCHITECTURE inc <small>www.mnarch.ca + 902.455.5522</small> | ISSUED FOR | DRAWING | DATE | |
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