

HALIFAX

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

Item No. 10.1.2
Harbour East-Marine Drive Community Council
September 8, 2016

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

Original Signed

SUBMITTED BY:

Bob Bjerke, Chief Planner & Director, Planning and Development

DATE: July 21, 2016

SUBJECT: Case 19500 - Development Agreement for 169 Wyse Road, Dartmouth

ORIGIN

Application by WSP Canada Inc.

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 10-storey apartment building containing ground floor commercial uses at 169 Wyse Road, 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

An application has been submitted by WSP Canada Inc. for a development agreement to enable the construction of a 10-storey residential building containing ground floor commercial uses on a site at the intersection of Wyse Road, Pelzant Street and George Street in Dartmouth (Map 1).

Subject Site	Comprised of a single property at 169 Wyse Road
Location	At the corner of Wyse Road, Pelzant Street and George 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	1603.7 square metres (17,263 square feet) in area
Street Frontage	25.3 metres (83 feet) of frontage on Wyse Road 58.1 metres (191 feet) of frontage on Pelzant Street; and 31.2 metres (102 feet) of frontage on George Street
Site Conditions	Fully developed with a vacant building and a surface parking lot, The site slopes gently down from Wyse Road to George Street with an elevation change of approximately 3 m.
Current Land Use(s)	Contains a single 3-level commercial building most recently used for adult entertainment and cabaret purposes, covering approximately half of the site, with the remainder of the site used for surface parking.
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 single unit dwelling and a variety of commercial buildings along Wyse Road, and single unit dwellings and a two unit dwelling along George Street; • To the west – a commercial property on the opposite side of Pelzant Street, and a single unit dwelling; • To the south – single unit dwellings on the opposite side of George Street; and • To the north – apartment buildings and commercial buildings on the opposite side of Wyse Road.

Proposal Details

The applicant wishes to remove the existing building on the site and construct a 10-storey apartment building containing ground floor commercial uses facing Wyse Road. To achieve this, the applicant has requested that a development agreement be approved. Further detailed elements of the proposal are as follows:

- 181 square metres (1950 square feet) of ground floor commercial uses in two commercial storefront units;
- 72 apartment units and 8 two-level townhouses (with a flexible unit mix enabled that must include at least 27 two-bedroom units, a maximum of 8 studio units with the remainder permitted to be one-bedroom units);
- Three levels of underground parking (67 spaces total) with one level accessed from Pelzant Street and the other two from George Street;
- A 3-storey streetwall along Wyse Road, and 2-storey streetwalls along Pelzant Street and George Street, with upper floors stepped back from the sidewalks and from internal property lines; and
- Common interior and rooftop amenity space for residents of the development.

In addition, the developer has entered into an agreement with Housing Nova Scotia, a Provincial Government agency that stipulates 45 of the proposed units are to be developed as affordable housing.

Enabling Policy and Zoning Context

The application is made pursuant to Policy IP-5 of the MPS which requires approval 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, a public information meeting held on June 3, 2015, and meetings with residents. Attachment C contains a copy of the minutes from the meeting. The public comments received include the following topics:

- Concerns over the height and density of the building;
- Potential traffic impacts on George Street and Pelzant Street;
- Effects on abutting properties;
- Potential for loss of existing trees;
- Sufficiency of onsite parking and demands for on street parking;
- Concern for how the proposal fits within the Centre Plan process.

In response to these concerns, the proposal was altered as follows:

- A 6 m (20 foot) building setback from the abutting property at 16 George Street was added;
- The building massing was altered to provide greater stepbacks above the 2nd floor from George Street;
- The number of units proposed was reduced from 90 to 80; and
- Enhanced landscaping was added in the forms of fences, trees and shrubs.

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.

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:

- Permitted residential uses (maximum of 80 units, with a minimum of 27 two-bedroom units and a maximum number of 8 studio units, the remainder to be one bedroom units);
- Ground floor minor commercial uses;
- Provisions of appropriate transitions in scale to respect the pedestrian realm and the amenity and 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 demolition of the existing building, within a certain timeframe; and
- Options for limited non-substantive amendments by resolution of Council, including: minor modifications to design, signage requirements and changes to timeframes for development.

The attached development agreement will permit a mixed use development that is appropriate for the major commercial core that is established by the MPS along Wyse Road 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 the 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 reducing allowable 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 automotive-oriented uses that could generate land use conflicts, therefore the scale and scope of commercial uses is strictly limited;
- 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 three fronting streets and to surrounding land uses; and
- Given the orientation of the site to the adjacent neighbourhood and the massing limitations imposed by the development agreement, there would be very minimal shadow impacts on nearby homes.

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:

- Lot coverage is limited to 81%, with setbacks of 0 m from Wyse Road, 1.4 m (4.5 feet) from George Street and 0.6 m (2 feet) from Pelzant Street;
- The tower form is to be narrow with small floorplates and a stepped back penthouse;
- Provision of an appropriate two storey streetwall along both of the secondary street frontages which is generally consistent with the existing heights on neighbouring properties;
- Orienting the primary height and mass of the building toward Wyse Road with a 6.6 m (21.6 feet) stepback above the 2nd floor on George Street and a further 7.7 m (25.3 feet) stepback above the 3rd floor. This is a better approach than reducing building height which would necessitate larger floorplates and a resulting increased presence on George Street and Pelzant Street;
- Provision of a 2 m (6.5 feet) stepback above the 3rd floor along Wyse Road;
- Utilization of varied architectural wall treatments to mitigate against blank walls;

- The building incorporates high quality materials such as brick, glass, composite panels, and metal railings with tinted glass on balconies to break up the massing and ensure an aesthetically pleasing building and increase privacy. Signs are limited to small scale fascia signs on the Wyse Road frontage; and
- Provision of appropriate setbacks from neighbouring property lines for upper storeys.

Traffic

There are two driveway entrances to underground parking proposed for the project. One is located on Pelzant Street and would access 23 parking spaces on one level. The second is from George Street and would access 44 spaces on two levels. 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 primarily residential development on the site.

Landscaping and Tree Retention

New landscaping is required, including trees on all street frontages, mixed plantings and fences along internal property lines, and along the Pelzant Street and George Street frontages. These measures will improve the aesthetics of the site and help the new development blend into the area. Landscaping including trees is also to be provided on rooftop terraces at Level 3 and 10 where outdoor amenity space is required.

The site contains some trees along the property line adjacent to 16 George Street, and these will be removed to enable development of the site. An existing street tree on George Street would have to be removed to accommodate the proposed driveway and compensation provided under Bylaw T-600 (Tree By-law). Based on the size of this tree and HRM's typical formula used, compensation from the developer in the form of 7 new street trees will be required in the area, these would be in addition to the new trees shown on the landscaping plan.

Demolition of Existing Building and Commencement/Completion of Development

The existing building has been vacant for an extended period and there are concerns with its appearance and with safety. The agreement therefore requires that development be commenced in the short term. Commencement is defined to mean demolition of the building within four months of its date of registration at the Land Registry. The new building would then have to be completed within five years of the date of registration.

Affordable Housing Component

Separate from the municipal approval process, the developer has entered into an agreement with Housing Nova Scotia that 45 of the proposed 80 units will be developed as affordable housing. The MPS does not contain policy regarding the provision of affordable housing, and the development agreement therefore cannot establish requirements for its provision. The terms of the Provincial agreement would be enforced by the Province, which requires the affordable units to be provided for a minimum of 15 years.

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 Wyse Road area has been identified as a Primary Growth Area 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 tall (10+ storeys) and moderate (4-9 storeys) building heights 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

The proposed development represents an appropriate infill opportunity for this derelict site, and presents a built form that responds to the character of each of the three streets upon which it has frontage. The development will foster pedestrian-oriented streetscapes, through the design fronting on Wyse Road, limitations on the scope of commercial uses and through the provision of eight townhouse units on the side streets. The proposal includes setbacks at grade, upper floor stepbacks, landscaping, and cladding materials and colours that mitigate the impact on abutting properties. Therefore, it is recommended that the proposed development agreement (Attachment A) be approved.

FINANCIAL IMPLICATIONS

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

RISK CONSIDERATION

There are no significant risks associated with the 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

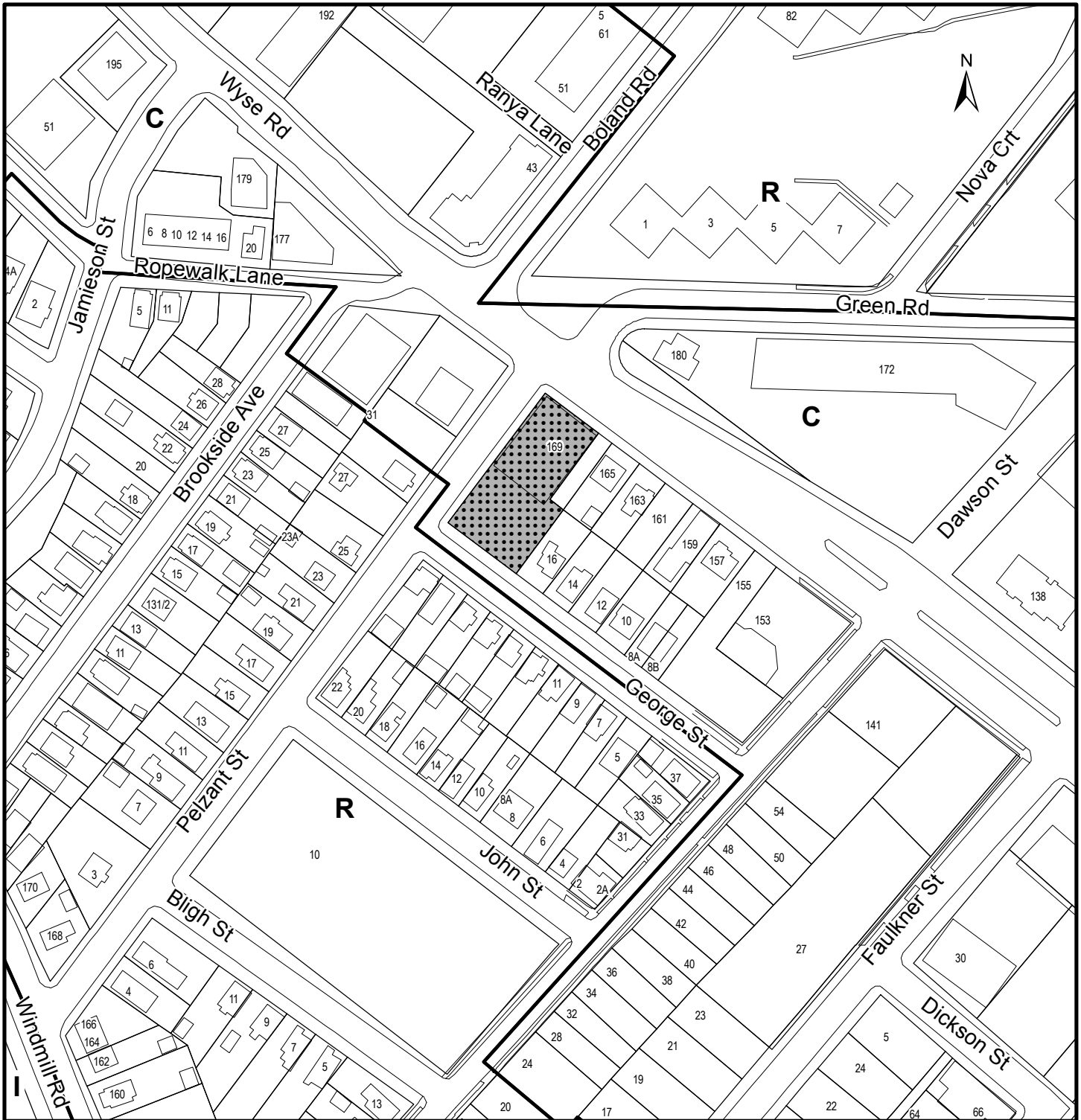
Map 1	Generalized Future Land Use Map
Map 2	Zoning and Notification Map
Attachment A	Proposed Development Agreement
Attachment B	Review of Relevant Policies of the Dartmouth MPS
Attachment C	Minutes from the Public Information Meeting

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, Current Planning, 902.490.5719

Original Signed

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




Map 1 - Generalized Future Land Use

169 Wyse Road,
Dartmouth

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 Area of proposed development Agreement

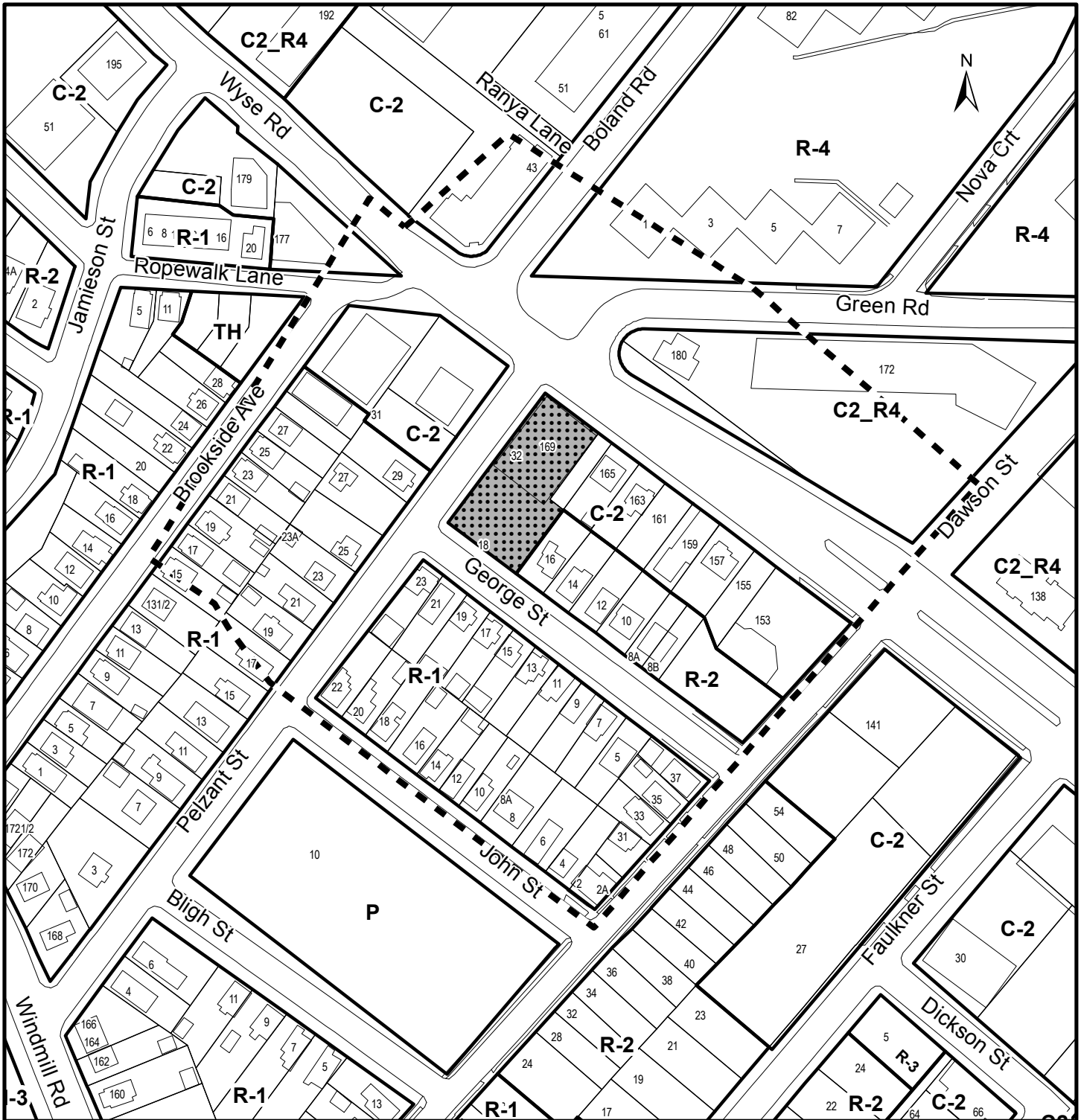
Designation

R Residential
C Commercial

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

169 Wyse Road,
Dartmouth



Area of proposed development Agreement

Area of Notification

Dartmouth
Plan Area

Zone

- R-1 Single Family Residential
- R-2 Two Family Residential
- R-3 Multiple Family Residential (Medium Density)
- R-4 Multiple Family Residential (High Density)
- TH Town Housing
- C-2 General Business
- P Park



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 with the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case Number 19500:

Schedule A	Legal Description of the Lands
Schedule B	Site Plan
Schedule C	Level P1 – Lower Parking
Schedule D	Level P2 – Middle Parking

Schedule E	Floor Plan – George Street Level
Schedule F	Floor Plan – Wyse Road Level
Schedule G	Floor Plan – Level 2
Schedule H	Floor Plan – Level 3
Schedule I	Floor Plan – Level 10
Schedule J	North Elevation
Schedule K	South Elevation
Schedule L	East Elevation
Schedule M	West Elevation
Schedule N	Preliminary Landscape Plan

3.2 Requirements Prior to Approval

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

- (a) A detailed Landscape Plan prepared by a Landscape Architect in accordance with Section 3.6 of this Agreement; and
- (b) A Site Servicing Plan 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 3.6.6.

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

3.3 General Description of Land Use

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

- (a) ground floor commercial uses at the Wyse Road level,
- (b) a maximum of 80 residential units with the following unit mix:
 - (i) 8 two level townhouse units with at least 2 bedrooms each, with each townhouse unit to have independent pedestrian access to either George Street and Pelzant Street;
 - (ii) a minimum of 19 two bedroom or larger apartment units;
 - (iii) a maximum of 8 studio apartments;
 - (iv) with the balance of units to be one bedroom apartments.
- (c) three levels of underground parking, one being accessed from Pelzant Street and the other two being accessed from to George Street.

3.4 Detailed Provisions for Land Use

3.4.1 Ground-floor commercial uses shall be limited to uses permitted by the C-1 (Local Business)

Zone, and to lounges in association with a restaurant. The remaining floors shall include multiple-unit residential, amenity space and residential accessory uses only.

- 3.4.2 A minimum of 176.5 square metres (1900 square feet) of commercial space shall be provided on the ground-floor level of Wyse Road, which shall include contiguous frontage at the corner of Wyse Road and Pelzant Street, as generally shown on Schedule F.

3.5 Architectural Requirements

- 3.5.1 The building's footprint, height, massing, exterior design and materials (including tone of materials) shall be as shown on the Schedules.
- 3.5.2 Minimum property line setbacks shall be provided as follows: 1.4 m (exclusive of staircases) along George Street and 0.6 m (exclusive of staircases) along Pelzant Street. These setbacks may be increased provided the overall massing of the building is otherwise consistent with the Schedules.
- 3.5.3 All guardrails associated with balconies and terraces shall be made of metal framing with insert colour tinted glass.
- 3.5.4 Large blank or unadorned walls shall not be permitted. The scale of large walls shall be tempered by the introduction of artwork (murals), textural plantings and trellises, and architectural detail to create shadow lines (implied windows, cornice lines, offsets in the vertical plane, etc.).
- 3.5.5 Any exposed foundation in excess of 0.3 m (1 foot) in height shall be architecturally detailed, veneered with stone or brick, or treated in an equivalent manner acceptable to the Development Officer.
- 3.5.6 Fixed or retractable awnings are permitted at ground floor levels provided the awnings are designed as an integral part of the building façade and subject to the requirements of any other applicable by-law, statute or regulation.

3.6 Amenity Space and Landscaping

- 3.6.1 The building shall include, in addition to individual balconies or terraces for at least 90 percent of the 72 apartment units, a minimum of 361.6 square metres (3892 square feet) of common amenity space for the residents of the building, inclusive of:
- (i) common room with minimum area of 95.5 square metres (1029 square feet);
 - (ii) a landscaped common terrace on the 3rd floor with a minimum area of 151.3 square metres (1629 square feet); and
 - (iii) a landscaped common terrace on the top floor with a minimum area of 114.8 square metres (1236 square feet).
- 3.6.2 Prior to the issuance of a Development Permit, the Developer shall provide a Landscape Plan which complies with the provisions of this section and conforms with the overall intentions of the landscaping shown on the Schedules of this Agreement. The Landscape Plan shall be prepared by a Landscape Architect (a full member, in good standing with Canadian Society of Landscape Architects) and comply with all provisions of this section.
- 3.6.3 All plant material shall conform to the Canadian Nursery Trades Association Metric Guide Specifications and Standards and sodded areas to the Canadian Nursery Sod Growers' Specifications.
- 3.6.4 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.

- 3.6.5 Notwithstanding Section 3.6.5, 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.
- 3.6.7 The outdoor landscaped open space on the rooftops at Levels 3 and 10 shall be constructed as generally shown on Schedule N of this Agreement.
- 3.6.8 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.
- 3.6.9 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 3.6.3, 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.
- 3.6.10 In addition to the plantings shown on Schedule N, landscaping in the form of planters or at grade planting beds shall be provided for each townhouse on George Street.

3.7 Signs

3.7 Signage shall be limited to the following:

- (a) No ground sign shall be permitted on the Lands;
- (b) The location of fascia and projecting signs shall be limited to the Wyse Road frontage at the ground floor level only; and on awnings on the Wyse Road frontage; and
- (c) One (1) temporary ground sign depicting the name or corporate logo of the Developer shall be permitted on the Lands prior to the issuance of the first Occupancy Permit. The temporary ground sign shall be removed prior to the issuance of the last residential occupancy permit.

3.8 Building and Site Lighting

3.8.1 Outdoor lighting shall be directed to driveways, parking areas, loading areas and building

entrances and shall be arranged so as to direct the light away from streets, adjacent lots and buildings.

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

3.9 Functional Elements

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

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

3.10 Maintenance

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

3.11 Solid Waste Facilities

- 3.11.1 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 Pelzant Street driveway.

3.12 Outdoor Storage

No outdoor storage shall be permitted on the Lands.

3.13 Hours of Operation

- 3.13.1 The private collection of refuse and recyclables on the Lands shall occur only between the hours of 8:00 a.m. and 7:00 p.m.
- 3.13.2 Commercial delivery vehicles on the Lands shall only be permitted between the hours of 8:00 a.m. and 7:00 p.m.
- 3.13.3 A restaurant and accessory lounge shall only be permitted to operate between the hours of 6:00 a.m. and midnight.
- 3.13.4 The hours specified under this section shall apply seven (7) days a week.

3.14 Parking and Bicycle Facilities

- 3.14.1 A minimum of 67 parking spaces shall be provided within the building in a three level underground parking structure which shall have two separate access points as shown on

Schedule B.

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

3.15 Construction/Sales Structure

3.15.1 A temporary structure shall be permitted on the Lands for the purpose of housing equipment, materials and office related matters relating to the construction and sale of the development as per the Land Use Bylaw.

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) increases to the amount of commercial space, except into space intended for townhouse units, on the Wyse Road level beyond what is shown on Schedule F and established

- under Section 3.4;
- (b) changes to the exterior materials required by Section 3.5;
- (c) changes to the landscaping required by Section 3.6;
- (d) changes to the sign requirements of Section 3.7;
- (e) changes to the functional elements requirements of Section 3.9;
- (f) changes to the date of commencement of development specified in Section 7.3; and
- (g) 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 four (4) months 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 demolition of the existing building.
- 7.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 6.2, if the Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the commencement of development time period.

7.4 Completion of Development

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

- (d) for those portions of the development which are completed, discharge this Agreement and apply appropriate zoning pursuant to the 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 five (5) 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

(Insert Registered Owner Name)

presence of:

Witness

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

Witness

Witness

Per: _____

HALIFAX REGIONAL MUNICIPALITY

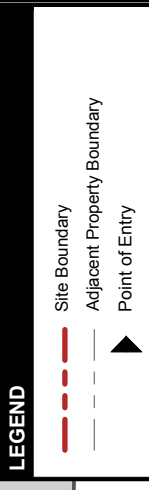
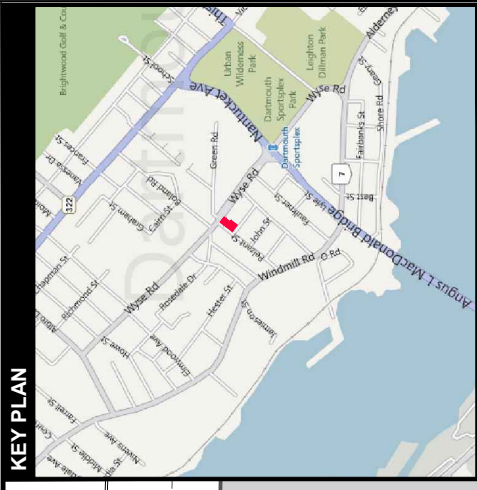
Per: _____

MAYOR

Per: _____

MUNICIPAL CLERK

Schedule B - Site Plan



SITE SUMMARY:

- Land Area - 17,410 SF
- Existing Zone: C-2
- Proposed Parking - 64 Stalls Underground
- Ground Floor Retail Area - 2,352 SF
- Ground Floor Area - 14,017 SF

NOTES:

- Adjacency Property lines approximate only.

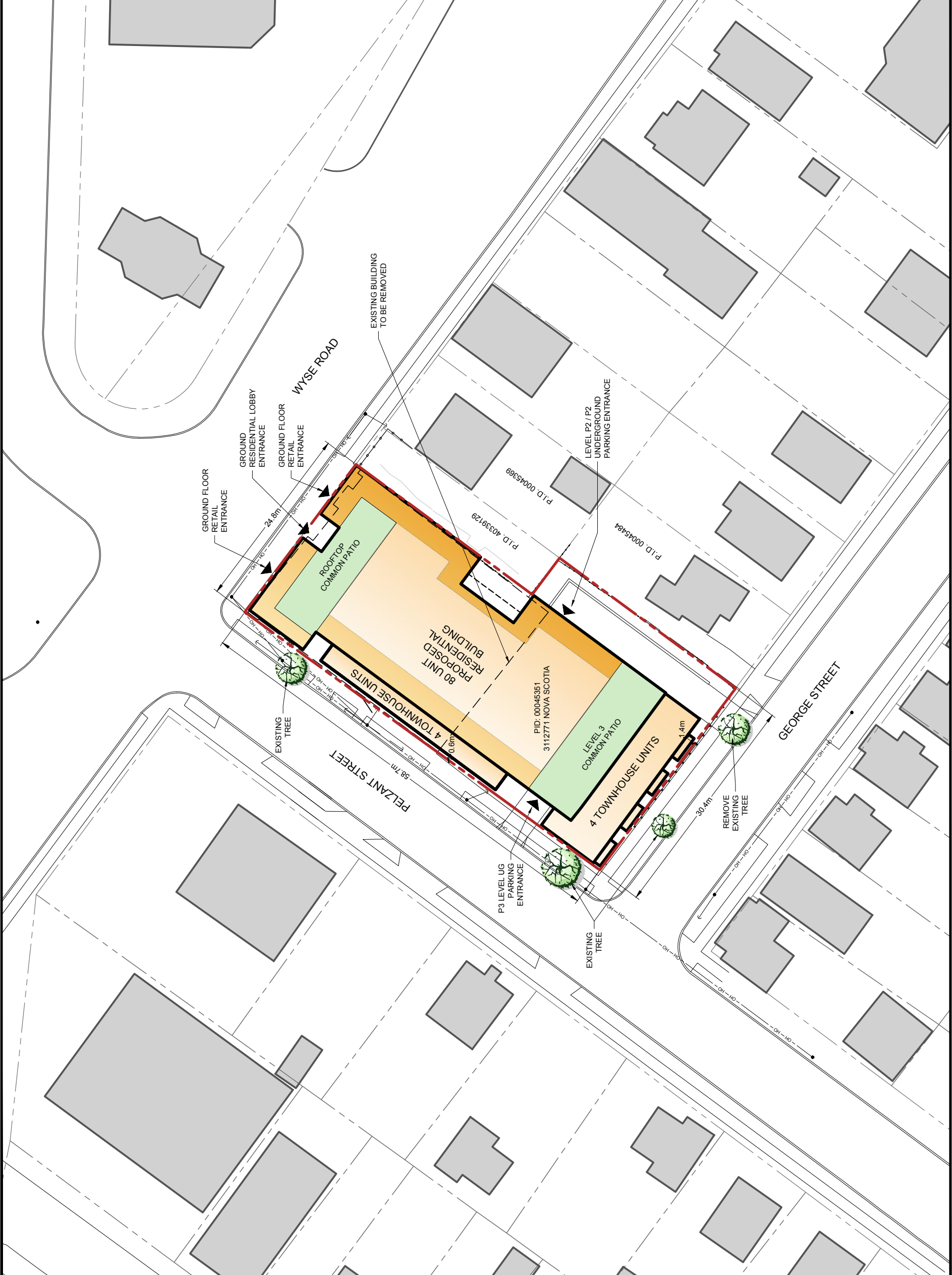
SOURCES:

- Plan based on Thompson Conn survey '15521 Export 169 Brdy wyse Road.dwg', dated 11/09/2011

Designer: KWATTERS
 Planner: AMURNAGHAN
 VERSION: **1.7**

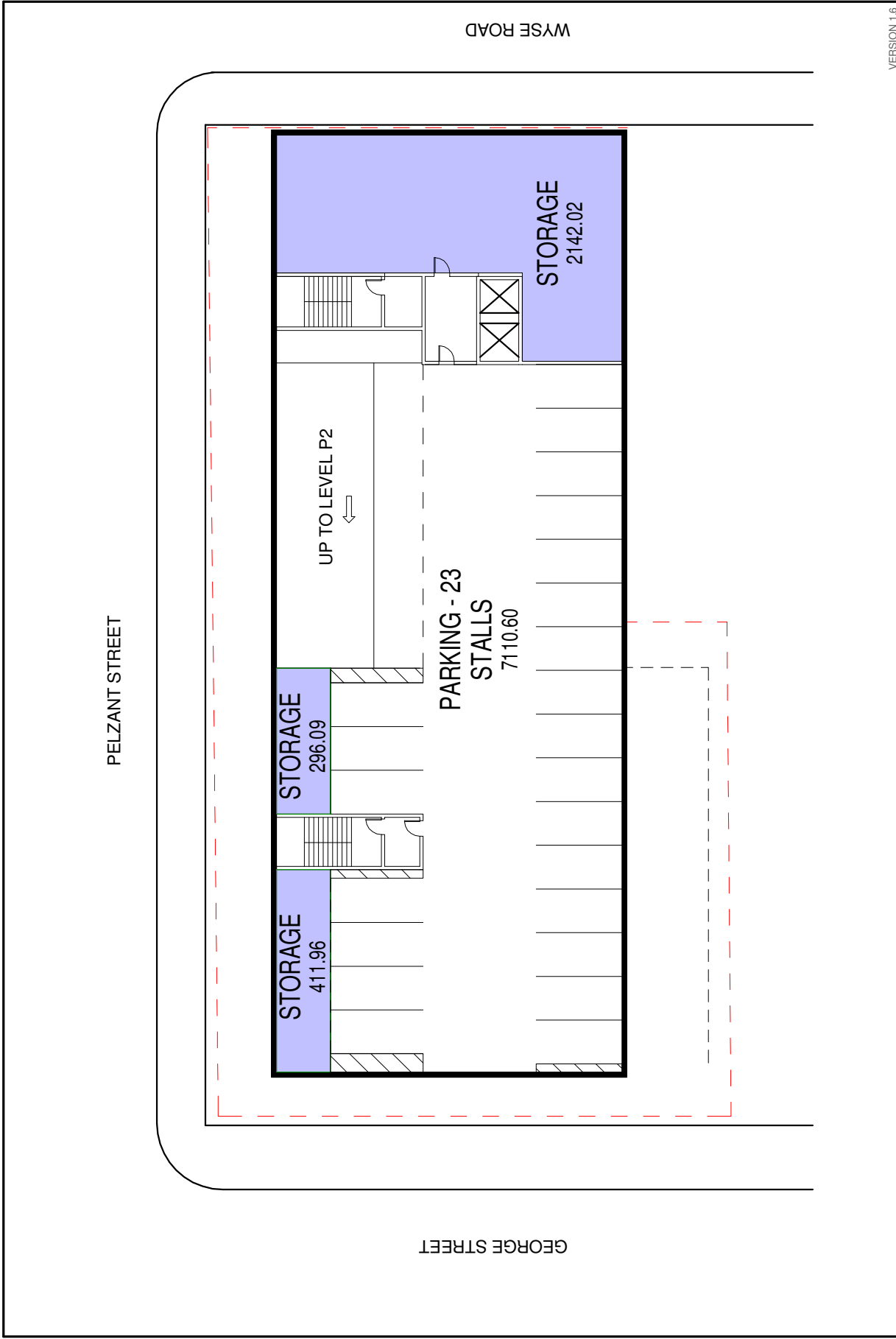
SITE PLAN
169 WYSE ROAD
DARTMOUTH, NOVA SCOTIA

3021386 NOVA SCOTIA LIMITED
 JUNE 29, 2016 131-23735100_V17



Schedule C - Level P1- Lower Parking

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PELZANT STREET

GEORGE STREET

WYSE ROAD

VERSION 1.6
NORTH

SCALE
0 2 4 10m

Date: 30-SEPT-2015

LEVEL P1
169 WYSE ROAD

ARCHITECTURE | 49

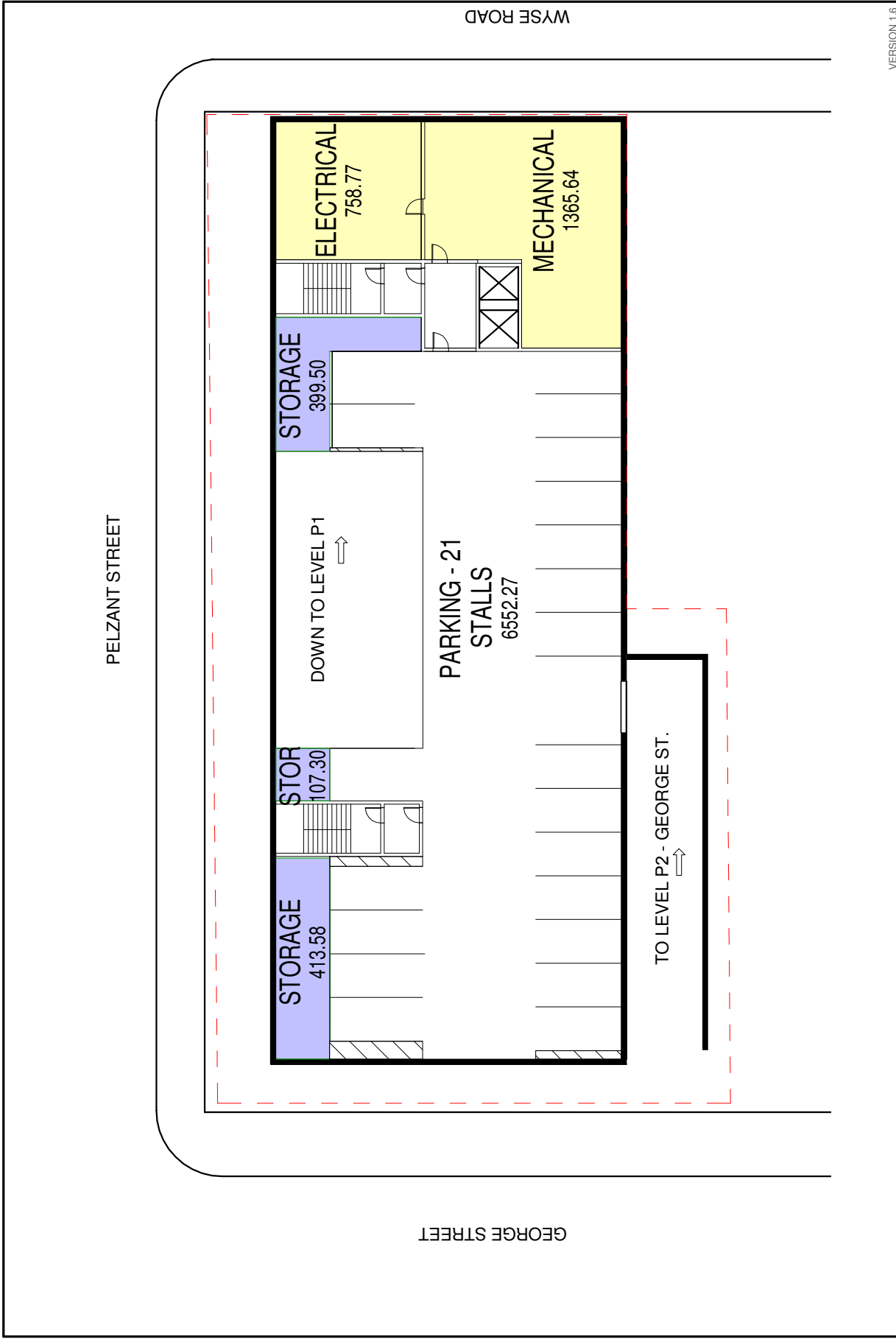


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Schedule D - Level P2 - Middle Parking

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VERSION 1.6
NORTH

SCALE
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Date: 30-SEPT-2015

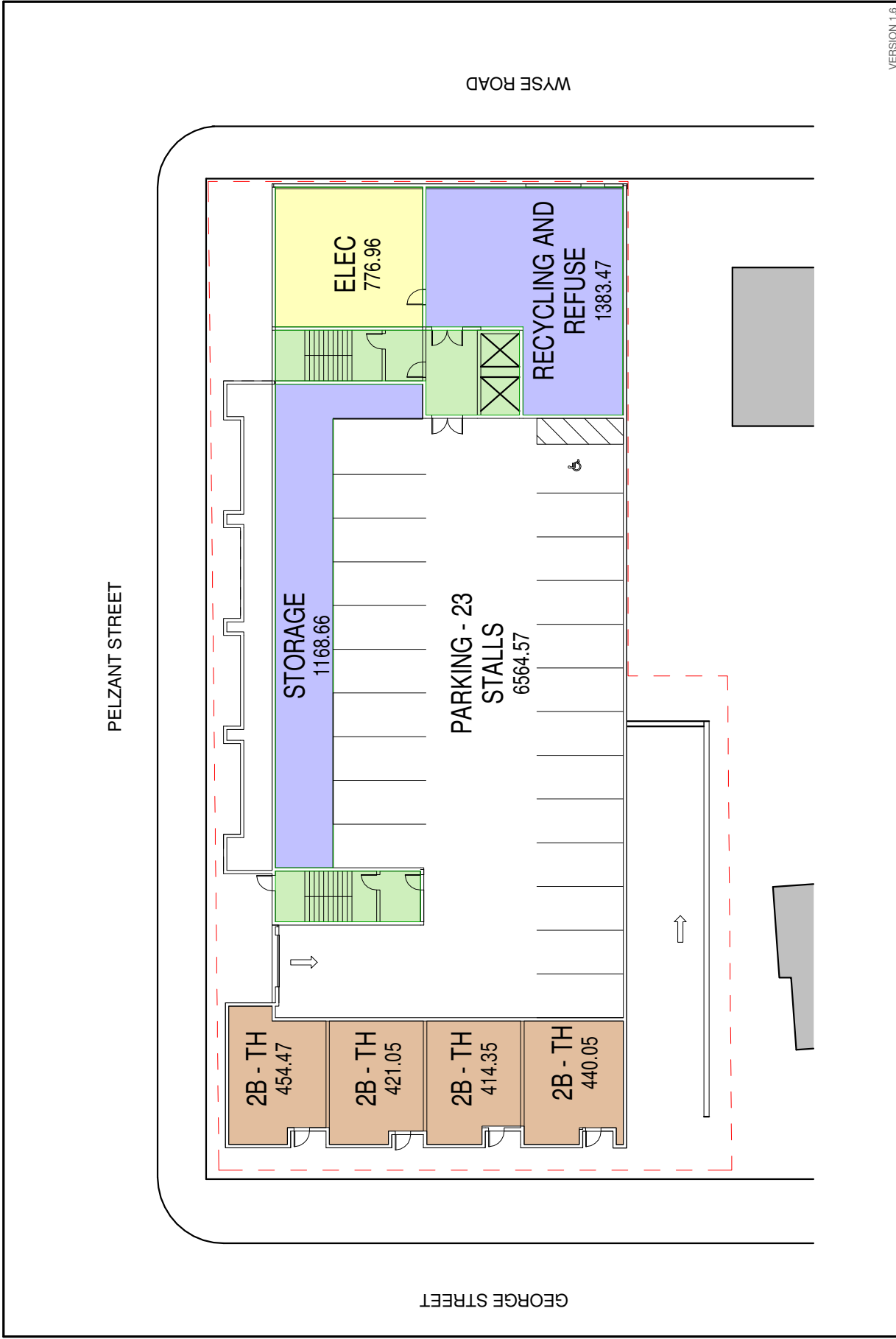
LEVEL P2
169 WYSE ROAD

ARCHITECTURE | 49



Schedule E - Floor Plan - George Street Level

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VERSION 1.6
NORTH

SCALE
0 2 4 10m
Date: 30-SEPT-2015

LEVEL P3 - GEORGE ST
169 WYSE ROAD

ARCHITECTURE | 49



Schedule F - Floor Plan - Wyse Road Level

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VERSION 1.6
NORTH

SCALE
0 2 4 10m

Date: 30-SEPT-2015

LEVEL 1 - WYSE RD
169 WYSE ROAD

ARCHITECTURE | 49



Schedule G - Floor Plan - Level 2

PELZANT STREET

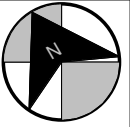
WYSE ROAD



GEORGE STREET

VERSION 1.6

NORTH



SCALE



Date: 27-JULY-2016

LEVEL 2

169 WYSE ROAD

ARCHITECTURE | 49

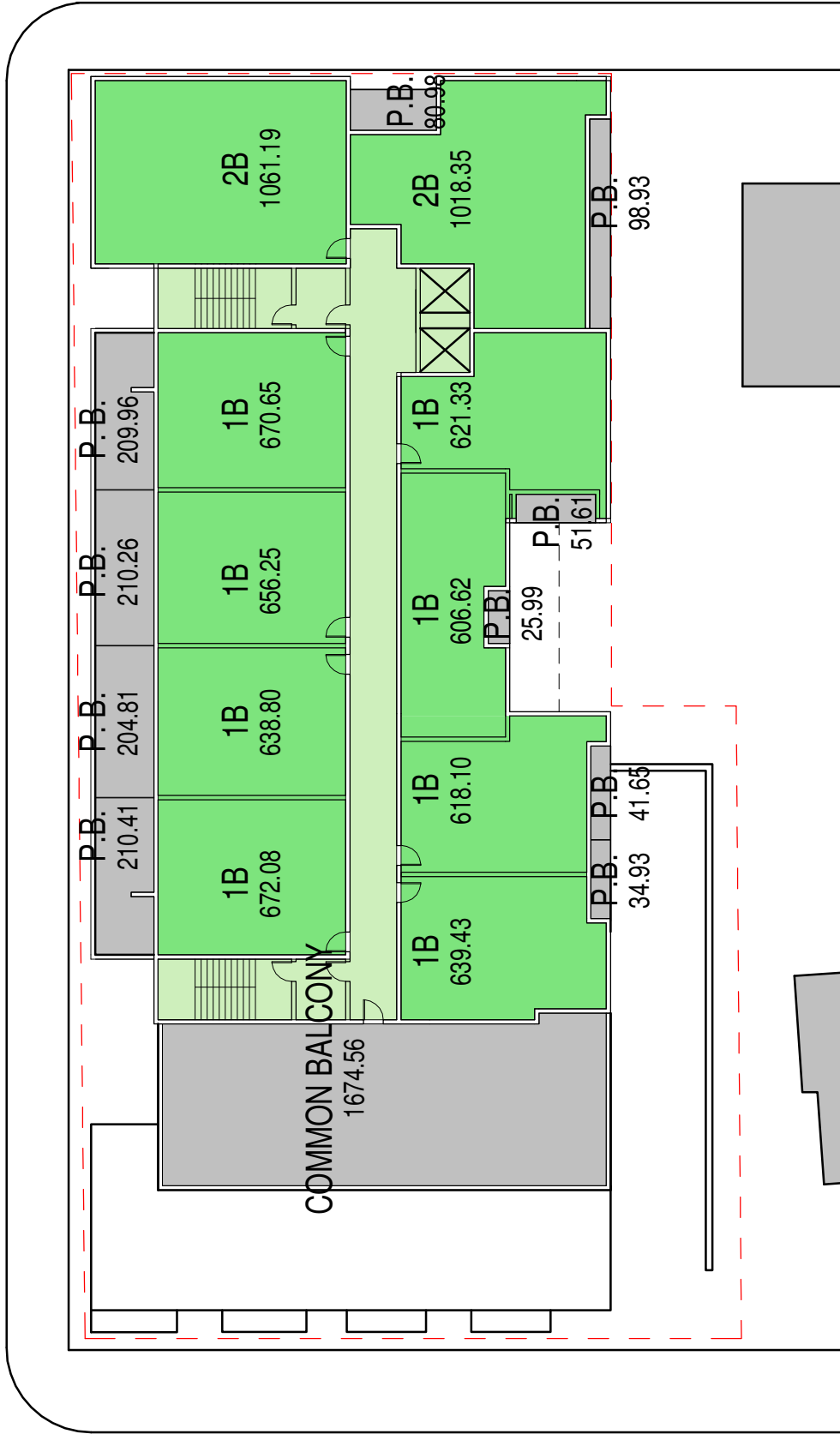


Schedule H - Floor Plan - Level 3

PELZANT STREET

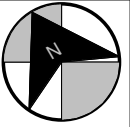
GEORGE STREET

WYSE ROAD



VERSION 1.6

NORTH



SCALE



Date: 27-JULY-2016

LEVEL 3

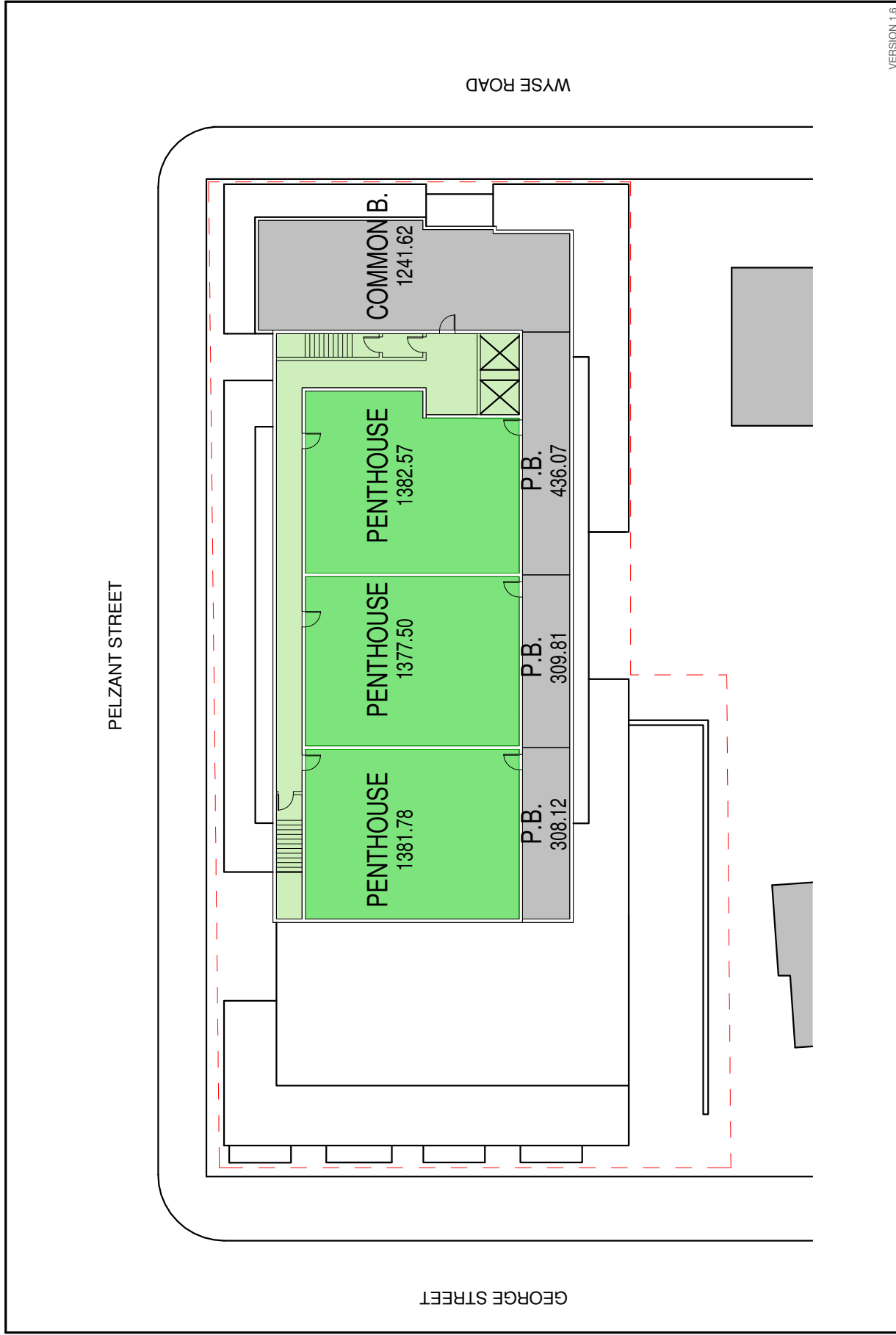
169 WYSE ROAD

ARCHITECTURE | 49



Schedule I - Floor Plan - Level 10

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PELZANT STREET

GEORGE STREET

WYSE ROAD

VERSION 1.6
NORTH

SCALE
0 2 4 10m

Date: 30-SEPT-2015

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LEVEL 10
169 WYSE ROAD

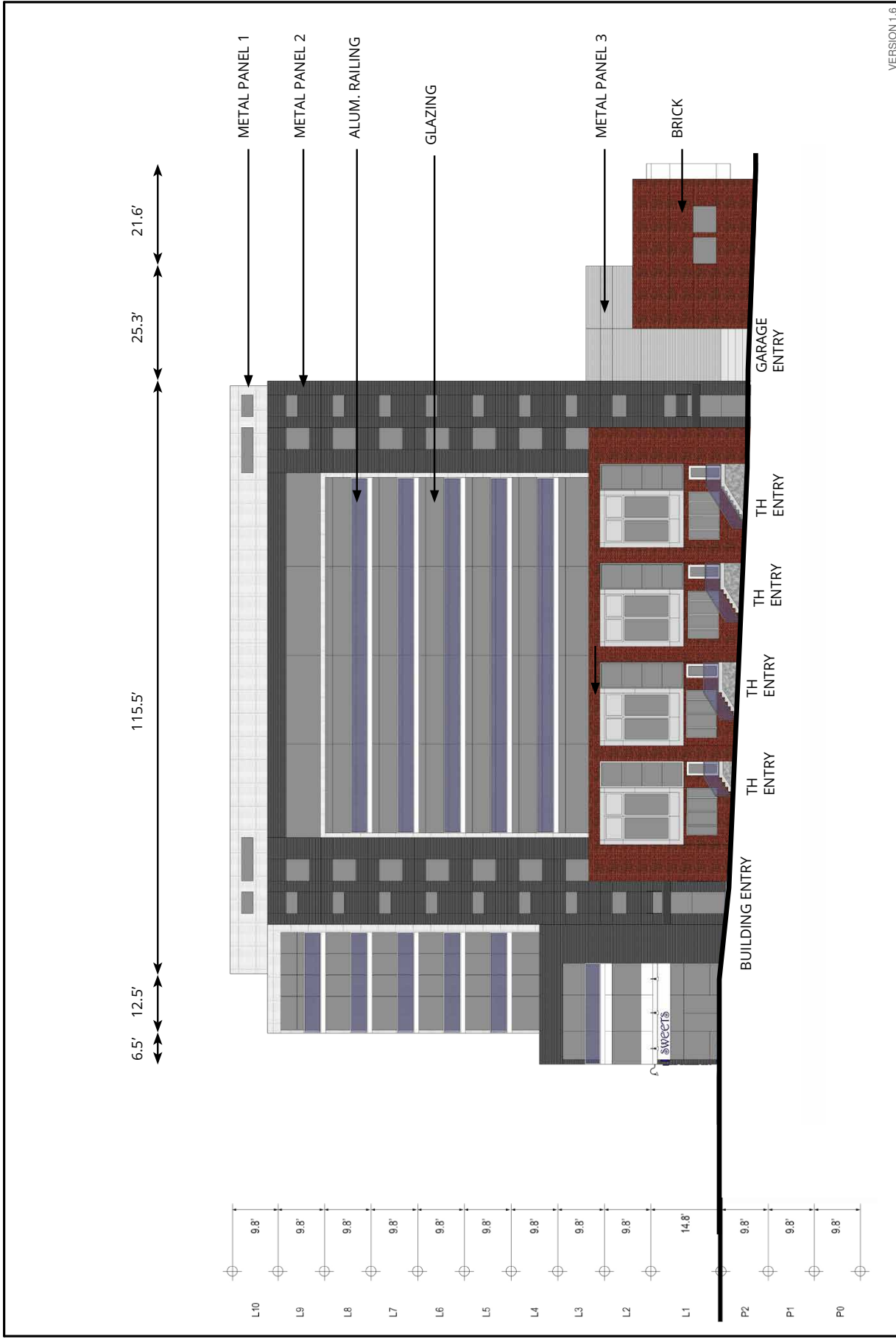
ARCHITECTURE | 49



LETTER - 8.5" x 11"

Schedule J - North Elevation

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VERSION 1.6
NORTH

SCALE

NTS

Date: 30-JUNE-2016

NORTH ELEVATION
169 WYSE ROAD

ARCHITECTURE | 49

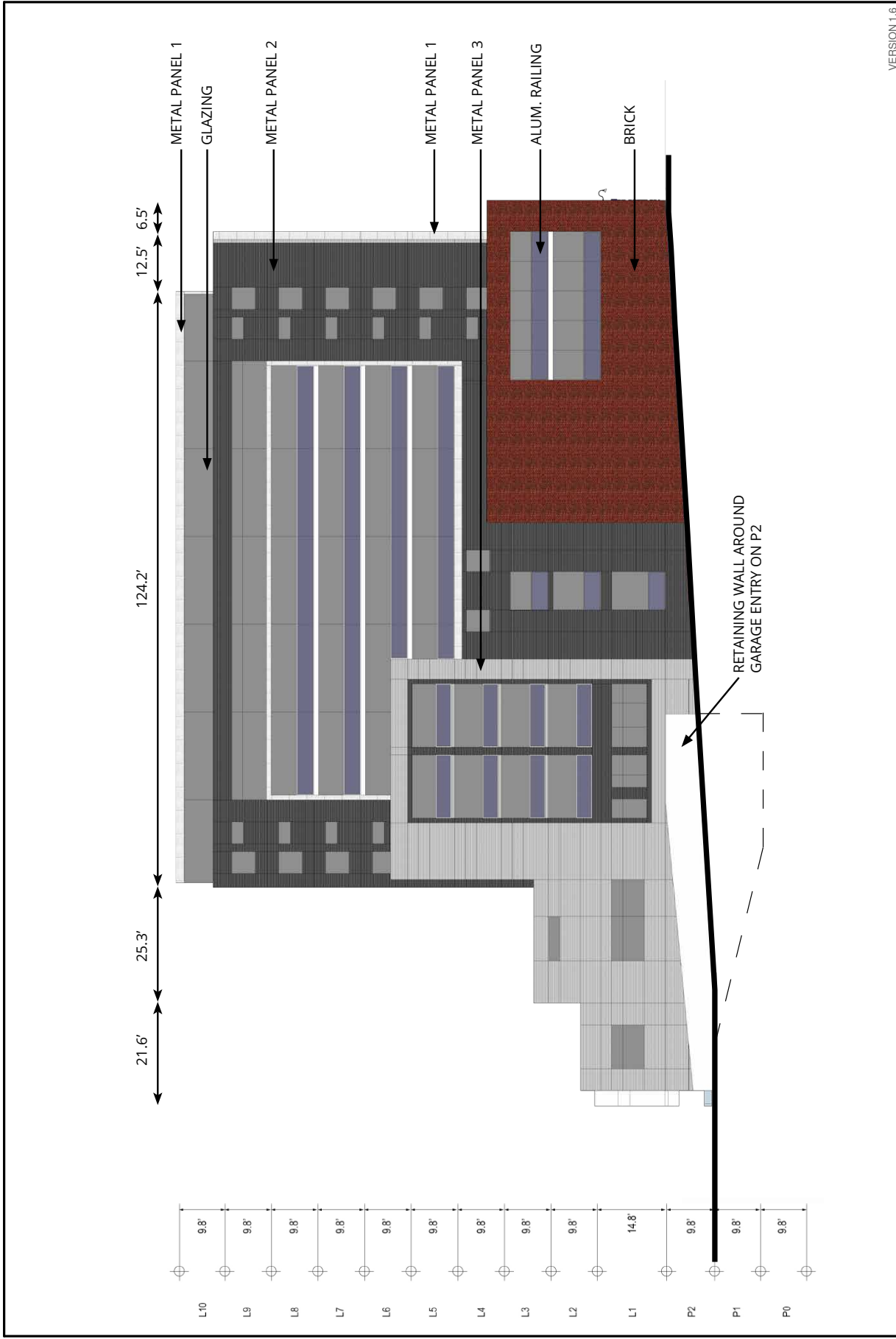


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Schedule K - South Elevation

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SOUTH ELEVATION
 169 WYSE ROAD

ARCHITECTURE | 49



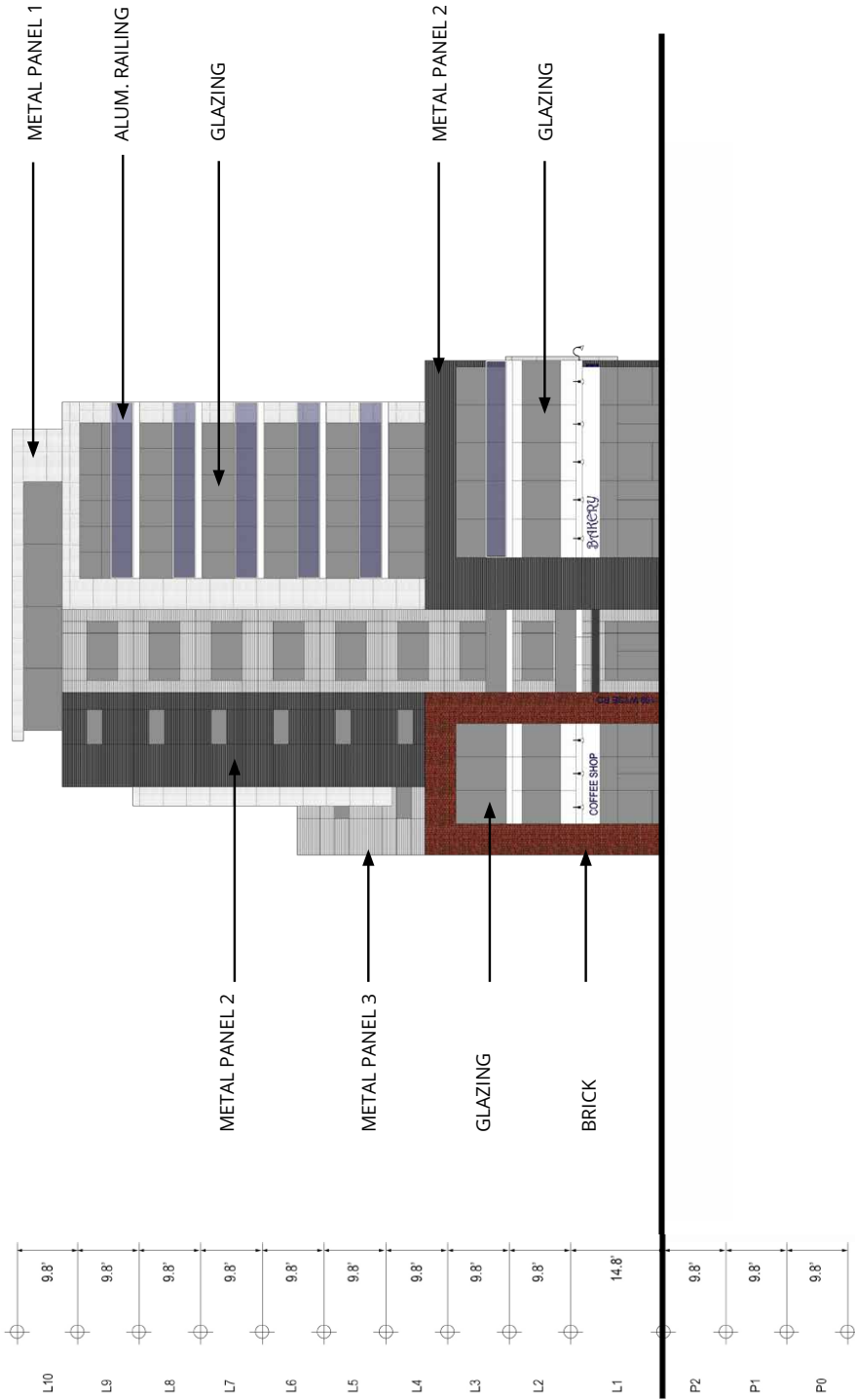
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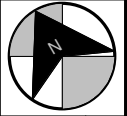
Schedule L - East Elevation

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10.8' 7.3' 49.3' 4.3' 6.5'



VERSION 1.6
NORTH



SCALE

NTS

Date: 30-JUNE-2016

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EAST ELEVATION
169 WYSE ROAD

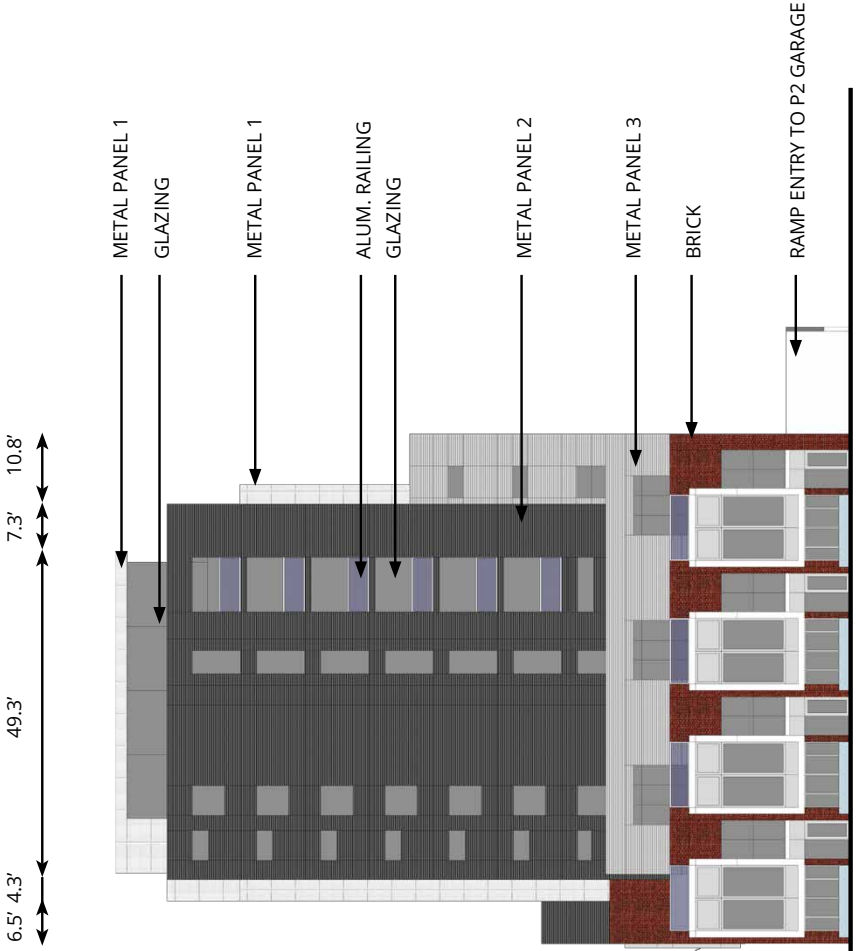
ARCHITECTURE | 49



LETTER - 8.5" x 11"

Schedule M - West Elevation

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VERSION 1.6
NORTH

SCALE

NTS

Date: 30-JUNE-2016

WEST ELEVATION
169 WYSE ROAD

ARCHITECTURE | 49



LETTER - 8.5" x 11"

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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 three streets including Wyse Road which is a major, primarily commercial arterial 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 neighbourhood as follows:</p> <ul style="list-style-type: none"> • The building presents a low rise, low density character in the form of townhouses along George and Pelzant Streets. • The tallest portion of the building is oriented to Wyse Road, and the narrow profile tower form presents its narrow edge to most of the immediate neighbourhood, reducing its visibility and minimizing the potential for shadow impacts on existing housing, • Variations in materials and colour for the upper floors of the building break up the massing and reduces the visual impact of the building, • A two storey residential townhouse form is provided along both George Street and Pelzant Street to reflect the neighbourhood character, to enhance the existing residential environment and to mask the multi-level parking structure, The units are designed to present a fine grained neighbourhood feel through provision of setbacks, individual entrances, landscaping, and cladding materials and colours, • On Pelzant Street a stepback of 2 m (6.5 feet) is provided above the two storey townhouses to maintain a pedestrian scaled streetscape, • On George Street a stepback of 6.6 m (21.6 feet) is provided above the two storey townhouses while the 4th floor and above are stepped back an additional 7.7 m (25.3 feet) from the street to establish a clear low rise, low density character, • A setback of 20 feet is provided for the building from an abutting R-1 zoned property at 16 George Street. Although a parking garage ramp is located within this setback, a retaining wall and extensive landscaping provide a strong visual and acoustic buffer that ensures compatibility.

	Policy	Comment
(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)
	(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. Only a limited number of pedestrian-oriented minor commercial uses are permitted which will 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 67 vehicles is required to be provided in three underground parking levels. This ratio of parking (0.84 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 George Street and Pelzant Street which will diffuse the residential traffic through the local streets. The underground parking structure will be fully 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>

	Policy	Comment
(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 and attractive landscaping such that the needs of a variety of household types are addressed and the development is aesthetically pleasing;	<p>The proposed agreement requires that extensive private and common amenity space be provided. This space will include balconies for most of the units, common rooftop decks, and an internal common room.</p> <p>Landscaping is provided in the form of new street trees around the perimeter of the site, landscaped setbacks and planters along the Pelzant Street and George Street frontages, a privacy fence with tall shrub plantings adjacent to a single unit dwelling at 16 George Street, a fence and trees adjacent to 165 Wyse Road, and mixed hard and soft landscaping on rooftops. This mix of landscaping will complement the exterior design of the project and ensure it is aesthetically pleasing.</p> <p>Adequate amenity space is required to provide opportunities for building residents to socialize, relax and enjoy outdoor opportunities as weather permits as follows:</p> <ul style="list-style-type: none"> • 95.5 square metres (1029 square feet) for a common room, • 151.3 square metres (1629 square feet) of common outdoor space at the 3rd floor level, • 114.8 square metres (1236 square feet) of common outdoor amenity space on the roof of the building.
(f)	that mature trees and other natural site features are preserved where possible;	<p>The only existing trees on the site are adjacent to the property line that is shared with 16 George Street. Several of these trees are proposed to be removed, as they are not expected to survive the excavation for the parking garage ramp.</p> <p>There are 2 existing street trees on Pelzant Street and 2 on George Street. Three of the trees will be retained while the developer is seeking the removal of one on George Street to enable a driveway access to the underground parking garage. The Engineer supports the driveway location in terms of conformance to Bylaw S-300 The Streets Bylaw. The Urban Forester does not support the removal of the tree, however there is a mechanism in place under By-law T-600 The Tree By-law, whereby appropriate compensation can be provided should Council approve the development and the driveway location. The compensation is based on the diameter of the existing tree, which is 381 mm (15 inches). For every 60 mm of diameter, one new tree is required. Seven new trees would therefore be required, to be planted on HRM property in the area.</p> <p>There are no natural site features.</p>

	Policy	Comment
(g)	adequacy of buffering from abutting land uses;	<p>The site abuts a single unit dwelling at 165 Wyse Road and another at 16 George Street. The property at 165 Wyse Road is zoned C-2 (General Business) and is expected to redevelop for commercial uses. As such the proposed building may generally be built to the shared lot line so that future development will share common walls, except that a landscaped recessed internal courtyard is required. The proposed wall at the property line is primarily blank which will enhance privacy for both properties. Tree plantings within the courtyard and a wood fence along the property line will serve as a buffer to the backyard of the dwelling. Above the 3rd floor, the building will step back to provide greater privacy for the existing single unit dwelling.</p> <p>The site also abuts another single unit at 16 George Street that, whilst designated as Commercial by the MPS and eligible to be rezoned commercial, is currently zoned R-1 (Single Unit Dwelling). A 1 metre wide landscaped strip with new tree and shrub plantings is provided along the property line, and there is a 6 metre setback to the development. Within this setback is the below grade parking garage entrance ramp, and the retaining wall with privacy fence will extend above grade to provide, in conjunction with the landscaping, an adequate visual and acoustic buffer.</p>
(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 arterial commercial road and a low density residential neighbourhood that need to be considered.</p> <ul style="list-style-type: none"> Wyse Road is a key area for commercial development under the MPS and contains a broad mix of land uses and building heights and forms. The C-2 zone is intended to enable large scale development. Within the context of the Wyse Road area a 10 storey residential building with ground floor commercial is a compatible use subject to the design controls contained within the development agreement. A 10 storey multiple unit dwelling with limited commercial uses is appropriate for this site given its context to the abutting low density zoned neighbourhood, given the setbacks and stepbacks that are required by the development. Shadow impacts on the neighbourhood would be negligible, and this is a key consideration in compatibility. The townhouse forms to be provided on Pelzant Street and George Street strengthen the residential character of these streets and commercial uses are precluded on those frontages which ensures compatibility.
(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 Wyse Road which is an arterial 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 courses 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 Pelzant Street to minimize the number of properties impacted by potential noise.
	(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. 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 June 4, 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 of Public Information Meeting**

**HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE NO. 19500**

**7:00 p.m.
Wednesday, June 3, 2015
Holiday Inn Harbourview, Hawthorne room
101 Wyse Rd, Dartmouth, NS B3A 1L9**

**STAFF IN
ATTENDANCE:** Mitch Dickey, Planner, Planning Applications
David Hanna, Planning Technician
Tara Couvrette Planning Controller

**ALSO IN
ATTENDANCE:** Councillor Gloria McCluskey
Blaise Morrison – WSP Canada
Craig Mosher – Architecture 49
Ken Anthony – Property owner

**PUBLIC IN
ATTENDANCE:** 45

1. Commencing of meeting

Mr. Dickey started the meeting at 7:00 p.m.

2. Presentation

2.1 Case 19500: An application by WSP for a Development Agreement to allow a 10 storey mixed use development containing 90 residential units with office and retail uses at grade at 169 Wyse Road, Dartmouth.

Mr. Dickey made a presentation to the public outlining the purpose of the meeting, status of the application. Mr. Dickey outlined the context of the subject lands, and relevant planning policies and explained the zoning was and what the changes would mean. He then passed the meeting over to Blaise Morrison to go over the development.

2.2 Mr. Morrison went over the building design and intent for the property.

Design Principles:

- Opportunity for intensification
- Mixed-use
- Increased, and supporting, employment opportunities
- Sidewalk activity / attractive pedestrian realm
- Building transition (setbacks, stepbacks and landscaping)

Building Features:

- Units: 90 (82 rentable / 8 townhouse)
- Retail: 2,634 square feet
- Parking: 67 underground
- Amenity: 4,327 square feet (indoor)
- Deck / Landscaping: 15,582 square feet (outdoor)
- Building Height: 103 feet (Wyse Road) 112 feet (George Street)

Mr. Dickey explained to the members of the public the process and ground rules for the meeting and opened the floor up to comments.

3. Questions and Answers

Laura Hambleton of George Street stated her and her partner just bought the house immediately adjacent to this proposal. She stated she is heartbroken with the proposal. She chose this house because of the neighborhood, it is a quiet small residential street with lots of trees around her house and lots of privacy. She stated the privacy she will lose with a project of this size is too much. In the design it shows the use of 100% of the lot's space and you defiantly do, it comes right up next to her house. The trees that are in between our property and this development are so important to us, they are there to create privacy, division, greenspace and it doesn't seem like they have been taken into consideration.

Consuelo Panzarasa of George Street and she stated she shares Laura's concerns and stated when you look at the design everything that was natural and green is not going to be there anymore. I have a six year old son that I can confidently say can get across the street safely and I can't say that once this building is in here. There is going to be a lot of traffic, the parking entrances are going to be on George Street and Pelzant Street. On top of that traffic is going to be very increased. Where we lived had the advantage of being close to everything yet feeling like you're not close to anything because it was such a quiet street and now this is going to change that feel. My other concern is that because there is not going to be sufficient parking there is going to be parking on our street. One side has no parking so they are going to park along the other side of the street and then there is snow removal, when people park on the street then when the snow plow comes it is your driveway plus three feet isn't plowed so you have so much more to dig out just to get out of your driveway. The reality is that this will become very problematic. I will be the first person on the phone that will call on anyone parked on the street. I like the idea of the front end having some business and stuff going on but I always thought it was going to be a four storey building. I like the idea of the idea of the design but it is ten storeys high and you have used every single piece of that land for development and very little of it is greenspace.

Mr. Dickey explained some of the options that could happen on this site with the properties zoning. He also explained that HRM staff has no position on this proposal yet we have questions and concerns about it but we haven't taken it any deeper than that.

Claire Mclver representing the home owner at 12 George Street Jane Afflect / Wyse society for sensible Urban Development (Jane is also a member of this group)

She wanted to know if there had been a traffic study done.

Mitch Dickey stated yes, there has been a traffic impact study submitted.

Claire Mclver stated that the home owner if she were here tonight would support Laura whole heartedly. This is a nice design and I would support it whole heartedly if it were somewhere else other than adjacent to residential properties. The city has a responsibility to property owners to respect the zoning that is there, the R-2 zoning that is in behind on George Street. I know that the people on Karen Street that are near the six storey building near Boland Road and Wyse Road were very upset when that building went in there. It looks a lot better than the old strip club, it's not that I hate the proposal I just don't think it is a suitable proposal for this property. Jane's concerns have to do with the bulk of the property as it is ten times the size of the existing building. She is particularly concerned about George Street and how there is no mitigation for them. Wyse society for sensible Urban Development did an extensive community consultation about a year and a half ago, we had about sixty people out to two public meetings, and the consensus in that area of Wyse Road is that people wanted low rise development. We have been trying to get the city to change the zoning to accommodate that and have higher density a little farther down along to the bridge where it is not immediately adjacent to residential areas. We are hoping this will happen at some point. According to CMHC the 2014 vacancy rate in Halifax/Dartmouth is almost 4% and that is the highest since 2006 and it is projected to go up to 4 ½% by next year. Dartmouth traditionally have a vacancy rate of 2-3% higher than that. There is no compelling reason to have this kind of density in this location at this point in time. For newer units in the Portland Street area the vacancy rate is 6% which is too high really. Nice development, wrong place. Four storey's might be a better sell.

Doug Rigby from the Wyse society for sensible Urban Development, they are not opposed to development. There are some nice things that are happening in this design and we agree that Wyse Road should have increased density it should also have the commercial street level with mixed residential. We could see it going gradually from low-rise from the corner of Boland Road up to this building (Holiday Inn). The worst design you could have is having ten storey buildings solidly from here to the Bridge with a lack of open space. That would create what we call a luxurious Highfield Park and that is exactly what we don't want. As a community and an organization we would like to work with you positively to get something that really would fit into this area and ten storeys will not do it for the reasons that everyone else stated. Water pressure, will that also be looked at?

Mr. Dickey – Yes it will.

Doug Rigby stated had we been able to take our planning study, which people can see online if you google Wyse decisions, which was prepared by planning students at the university an idea of how to build creatively by building park space and looking at redesign of roads so that there is a flow through of traffic. We don't think Wyse Road is justifiably called a corridor it is a living area we want it to be a Wyse Road neighbourhood.

Josh Herbin from George Street stated they live right next to Laura and they bought their house on George Street two years ago. He stated he agrees that with everyone else that the building is just too high. It is going to change everyone's backyard on George Street and the feel of the neighbourhood. I worried about the construction that it is going to take to build with three storeys of parking underground. A lot of blasting that can happen. Increased traffic is a concern as well. It needs some more thought. What it is going to cost to live there. There are young families in that area for a reason.

Violet Rosengarten who lives in the area and is a member of the Wyse Road society for sensible Urban Development strongly objects to the height of the building. I feel that this building does not fit into the neighbourhood. I am concerned about the residents on George Street. If the residents are strongly objecting to this building how power to the residents have to change this?

Mr. Dickey stated they have power through expressing questions and concerns here tonight. There will be a professional recommendation which is based on the policy of municipal planning strategy which does say that certain issues have to be considered. After tonight we will have discussions with the developer and that will lead to something else coming back and the final step is a public hearing at Harbour East Community Council and the councillors make the decision, the five elected councillors.

Violet Rosengarten asked; is it the five elected councillors are the ones that make the decision?

Mr. Dickey said yes, it is.

Sam Austin made some suggestions to make this building a little bit better for the neighbourhood because he thinks there is an exciting opportunity here.

- The George street side the townhouses are nice
- Good example of a development like this would be the one in Halifax at Hollis and Morris.
- If the townhouses had cladding that looked like wood they would fit in better with the houses on George Street
- Maybe just have a single entrance (garage door) on Pelzant
- Taper the top – lose a storey or two if the height doesn't work for the neighbourhood
- Moved the amenity space you proposed over to towards George Street to add more of a buffer.
- HRM needs to invest into street improvements ie: add a green median in the middle of Wyse Road with trees.

Erin Dalton from George Street stated she feels it is a good thing to have development. She loves how quiet George Street is and how it is this little unique neighbourhood. She lives in one of the nine sisters which are part of the history of the neighbourhood. She thinks ten storeys' is too high it is too extreme. She thinks somewhere between four and six storeys would work better. One of her major concerns would be the traffic flow because right now it is safe and you don't worry about traffic being an issue right as it is right now. She drives her bike, walks and takes the bus and appreciates that that is something that is being considered. Let's try to make this neighbourhood more walkable. 67 parking spots to 90 units is going to cause issues. There are going to be a lot of extra cars trying to find spaces to park. I would like to see how this development is going to take into consideration the neighbours and the people living next door to the building. Wyse Road is ugly, how are we going to improve the ecstic's and the beauty of

our neighbourhood? I do believe with the right kind of development we can improve how that part of Wyse Road functions. If we are looking at attracting tenants as a multi-use building I would really like to have a sense that this development is going to be very particular and strategic about the kinds of tenants they attract into the building because it would make a world of difference. We have an opportunity to also create a meeting place for our community because we don't have a lot of that. An example of where the townhouse and building design work well is on Princess Place. There is a fairly substantial development that took place probably 7-9 years ago. They did a really good job at connecting old heritage design with new contemporary design. Let's build something that is beautiful, let's build something where people can meet in and utilize and not alienate the people that are living in the neighbourhood already.

Tom Anderson of Wyse Road – ABC Insurance stated he has concerns about parking. They have their own parking lot for employees and the city has limited the parking out front to one hour. They run out of room with regard to parking now and with a building of this size is going to crowd them out even more.

Glenace Mullin from Pelzant Street stated for twenty years now she has lived there and has long waited for something to happen to Little Nashville. There have been fires, drug lords, vagabonds living in it and she would be very pleased to see it go. She stated she doesn't have a problem with ten storeys as much as she does with the development taking up the whole footprint of the property. She doesn't like the townhouses on the outside at all. The underground parking, she doesn't know how to resolve that but she doesn't believe the entrance should be on a residential street. Pelzant is like a race track from Windmill to Wyse Road, they have terrible problems. They have repeatedly asked to have a three way stop put in on Pelzant and John because the park and the playground are right there and Metro Transit busses go down there when they shouldn't be. Traffic and parking are our utmost concerns. Now that DND are charging for parking on their property their employees are parking up Windmill Pelzant and Dawson. This winter was a nightmare with our snow.

Marilyn Swaffer from Wyse Rd (Property directly beside this property) she agrees with most of the comments made before her. Something has to happen to the current eye sore. It is full of Racoons the rats. Too much of a footprint on this land, it is too tall and concerned about privacy. The green spot that is planned is going to come into her backyard. Not enough parking, these residents are going to have visitors where are they going to park, the commercial spots are going to have workers and customers there is no setback for if a taxi pulls in or a courier. There needs to be some kind of a pull-in. I am concerned about the wind, has there been a wind study?

Doug Rigby stated he would like to incorporate the community into the process. He would like to work with the developer and have the Wyse Society act as an honest broker to bring the concerns of the community in the process while this is under development. He stated they want to see development and they want to have the community involved because community participation in planning is something that has been lacking because we have had an opportunity. We don't have a secondary plan and we probably won't have a secondary plan for a few years.

Mr. Dickey stated it is common for developers and consultants to meet with concerned resident groups as it allows a different type of information and discussion than what happens here. I will leave that up to the developer to consider.

Denise Dunn from Pelzant Street stated her and her neighbours from the three streets down from Pelzant all share the same concerns brought forward so far tonight. Very, very concerned about the level of traffic and she thought she would be facing townhouses but in fact she would be facing the parkade. This brings with it more concerns of the noise level and having to face the traffic coming out of there every day.

Paddi Hildebrand from Jamison Street stated she would like to know the square footage of the apartments being built within the building. She also thought the red brick on the outside of the building looked very old fashion and she didn't like it. She likes the look of the Hazelton being built on Windmill Road which had more of a modern brick on the outside.

Mr. Morrison stated they will vary, there will be 19 studio's, 34 one's, 27 two bedrooms, and 2 three bedroom units and 8 townhouse units. 37% of them are two bedroom or more. Square footage ranges are from 400 up to 1000 square feet.

Vaughn Shepherd from George Street stated this development is going to eat him up. The traffic is a tremendous issue and this is going to make it worse and the congestion is going to be terrible. He wanted to know if there were going to be other alternatives offered because something like this at 10 storeys is a not acceptable, it is overwhelming, and four might work. He echo's the concerns of his neighbours.

Kim Silver from Pelzant had concerns about the 67 parking sport to 90 units and traffic congestion. It is a huge eye sore right now and it is agreed something has to be put there we need something nice but this is too much for that one little spot.

Erin Dalton from George Street wanted to know if these were going to be rentals or condos. She would like to see a change on how everyone is stuck on parking spaces she would like to see more people use transit and other means of transportation.

Mr. Dickey stated HRM does not regulate that.

Mr. Morrison stated It has yet to be determined. We design the buildings so that they have that flexibility so that when it comes time they could be either or. It is up to the developer to do it themselves or sell it to whatever landlord/tenant.

Laura Hambleton asked them to remember them with regards to their privacy concerns and there greenspace concerns. Maybe pushing the project back, leaving the trees, giving them some sort of privacy that would be huge.

Violet Rosengarten wanted to know from the developer what the next steps are. Are you really seriously considering modifying your plans to respect the concerns of the residents and take into consideration the concerns of the Wyse Society?

Mr. Morrison stated they will defiantly, they have to go through community council to get approval for this and all the information does inform the process. I don't think it is a complete

overhaul of the design but we may have to look at modifying the setback and the height of the building. The ultimate goal of the developer is to get approval for the building.

Violet Rosengarten wanted to know about the underground parking concerns on George Street. Are there other alternatives?

Mr. Morrison stated HRM engineers require that parking access has to be off the least intense street. So that is where the garage has to be. There is no other alternative.

Violet Rosengarten wanted to know about privacy and greenspace. She wanted to know if they took into consideration the character of the houses on George Street. The height, the ten storeys' it is just too high. 4-6 storey's not higher than that and the wind study.

Mr. Morrison stated they are design considerations they are going to go back with.

Genevieve Hashey from George Street stated she doesn't mind the height of the building. She likes the design as well. She is not concerned with the amount of traffic there will be as much as she is concerned with the speed of the cars. Would it be possible to put speed bumps in along George and Pelzant so cars aren't going to fast because of the kids and pets in the neighbourhood?

Stacey Pyke from George Street stated she does like the design of the building. Her main concern is with garbage collection and the trucks going in and out of the garage doors, and the times of day when they come to do their pick-ups. Also, with central air and equipment etc. where is that going to be located, will it be away from locale residents on George street etc.

Mr. Dickey stated those are two questions that need to be raised.

Kim Silver wanted to know if this does go through the way it is how long is construction? We don't want ten storeys, a beautiful place on the corner just smaller.

Mr. Morrison stated 12-18 months.

Allan Collins - a film maker and artist from the area. He would like to see a community room for exhibitions and maybe some small concerts etc. that would add to the cultural life of the community in this project. It could be used as a community space.

Sherry Robins from John Street she welcomes the addition to the neighbourhood and to the community she supports this moving forward.

4. Closing Comments

Mr. Dickey thanked everyone for attending. He encouraged anyone with further questions or comments to contact him.

5. Adjournment

The meeting adjourned at approximately 8:40 p.m.