

# HALIFAX

P.O. Box 1749  
Halifax, Nova Scotia  
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**Item No. 13.1.4**  
**North West Community Council**  
**November 15, 2016**

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

**SUBMITTED BY:** ORIGINAL SIGNED  
\_\_\_\_\_

Bob Bjerke, Director, Planning and Development

**DATE:** October 24, 2016

**SUBJECT:** Case 20747 - Development Agreement for 636 Bedford Highway, Halifax

## **ORIGIN**

Application by Bluenose Inn and Suites Limited

## **LEGISLATIVE AUTHORITY**

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

## **RECOMMENDATION**

It is recommended that North West Community Council:

1. Give notice of motion to consider approval of the proposed development agreement, as contained in Attachment A, to develop a mixed use (commercial/residential) building at 636 Bedford Highway, Halifax 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 of this report; and
2. Require the 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, which is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

**BACKGROUND**

An application has been submitted by Bluenose Inn and Suites Limited to enable the development of a nine storey mixed use building with a maximum of 102 unit residential units and 650.3 sq. m. (7,000 sq. ft.) of commercial space at 636 Bedford Highway, Halifax (Maps 1 through 4). The subject site consists of an existing hotel/motel on a single lot. As the proposal cannot be accommodated by the requirements of the Halifax Mainland Land Use Bylaw because it exceeds the permitted maximum height of 10.67 m (35 feet), the applicant has requested that the proposed mixed use building be considered by development agreement. A previous version of this proposal (Case 18993) which was one storey taller was denied by North West Community Council on June 13, 2016.

**Location, Designation, Zoning and Surrounding Land Use**

<b>Subject Property</b>	636 Bedford Highway, Halifax
<b>Location</b>	North west corner of the intersection of Larry Uteck Boulevard and the Bedford Highway.
<b>Regional Plan Designation</b>	Urban Settlement
<b>Community Plan Designation (Map 1)</b>	Highway Commercial under the Bedford Highway Secondary Plan of the Halifax Municipal Planning Strategy
<b>Zoning (Map 2)</b>	C-2B (Highway Commercial Zone) under the Halifax Mainland Land Use By-law
<b>Schedule (Map 3)</b>	Schedule R of Halifax Land Use By-law
<b>Size of Property</b>	9,219.5 sq.m. (99,241 sq. ft)
<b>Street Frontage</b>	Bedford Highway - Approximately 77 m (252 feet) Larry Uteck Boulevard - Approximately 98.4 m (322 feet)
<b>Site Conditions</b>	Slopes upward as much as 14 metres (44 feet) from the Bedford Highway
<b>Current Land Use(s)</b>	Hotel/Motel
<b>Surrounding Land Use(s)</b>	North - Vacant (7 storey multiple unit residential development approved by NWCC) South - 4 storey multiple unit dwelling and school (École Beaubassin) on the opposite side of Larry Uteck Boulevard West - 4 storey multiple unit dwelling and Bedros Lane Condominiums (4-6 storeys) East - Terrace Condominium (4-5 storeys) and commercial buildings (1-2 storeys) on the opposite side of Bedford Highway

**Proposal**

The application is for the demolition of the existing hotel/motel on the site and the construction of a mixed use (multi-unit residential/commercial) development in a single, eight storey building. The major aspects of the proposal are as follows:

- Eight storeys in height facing the Bedford Highway;
- A maximum of 102 residential dwelling units and approximately 650.3 sq.m. (7,000 sq.ft.) of commercial space;
- Extensive landscaping and indoor and outdoor amenity space;
- A combination of underground and surface parking; and
- Two driveway accesses to the site; one from the Bedford Highway and the other from Larry Uteck Boulevard.

### **Enabling Policy and Zoning Context**

In 2011, Regional Council approved amendments to the Bedford Highway Secondary Plan and applied Schedule R in order to increase the level of land use control along Bedford Highway in the vicinity of Larry Uteck Boulevard (Map 3). The C-2B Zone that is applied within this area permits a mix of commercial and residential uses, including multiple unit dwellings, while limiting the height of development to 10.67 metres (35 feet) in height. Policy 1.8 of the Bedford Highway Secondary Plan allows for the consideration of taller development through the development agreement process.

### **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. Significant consultation on the previous planning application (Case 18993) was undertaken. Given that the new proposal is largely identical to the previous application considered by Council with the exception of being 1 storey shorter, this previous engagement has been considered in evaluating case 20747. The level of community engagement was consultation, achieved through a previous public information meeting held on February 26, 2014. Attachment C contains a copy of the minutes from the meeting. Notices of the previous Public Information Meeting were posted on the HRM website, in the newspaper and mailed to property owners within the notification area shown on Map 4.

A public hearing must be held by North West Community Council before they can consider approval of a 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 4 will be advised of the public hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.

The proposed development agreement will potentially impact local residents and property owners, community or neighbourhood organizations, and business and professional associations.

### **DISCUSSION**

#### **Proposed Development Agreement**

Attachment A contains the proposed development agreement for the subject site and the conditions under which the development may occur. The proposed development agreement addresses the following matters:

- Enables a mixed use development including a range of commercial uses and a 102 unit multiple unit dwelling;
- Places controls on architectural design, signage, lighting, and maximum building height;
- Includes requirements for vehicular site access and the provision of parking (bicycle and vehicular);
- Establishes standards for adequate landscaping and usable amenity space;
- Provides for safe pedestrian circulation and a new sidewalk along Bedford Highway; and
- Includes options for various non-substantive amendments by resolution of Council, including minor changes to the placement and architectural design of the building, changes to sign provisions, changes to the timeframes for development, an increase to the number of dwelling units by up to five percent (provided the building volume does not increase) and enabling the conversion of a portion of commercial space to dwelling units depending on market demand.

The attached development agreement will permit a mixed use building, subject to the controls identified above. 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 detailed discussion.

#### **Design of the Building and Relationship to Surrounding Uses**

The proposed building contains one storey of commercial space along Bedford Highway, seven storeys of residential units, and underground and surface parking. The existing site slopes significantly up from the

Bedford Highway to the rear property line with a 13.4 m (44 feet) rise. The building will be terraced, which enables the first three floors to be integrated into the slope of the site. This design keeps the profile of the building low in relation to surrounding properties. Although the overall height of the building is 8 storeys facing Bedford Highway, the transitions in height over the site in relation to adjacent buildings are appropriate. The reduction in height by one storey from the previous proposal enhances the relationship with surrounding buildings. Three dimensional renderings of the building are contained in Attachment D.

The development agreement requires a fine grain design with a mix of building materials to break up the massing of the building. Landscaping is to be provided throughout the property with an emphasis on areas along property lines to soften the impact of the development. Portions of the roof are to be used as landscaped outdoor amenity space.

### **Density**

Density in a planning context is one measure of the intensity of development, and is typically a measurement of the population or number of dwelling units in an area. It can be measured on a variety of scales ranging from single to multiple sites or from neighbourhoods to communities and beyond. In the case of this proposal, density is based on units per acre and population per acre to provide comparison with other developments.

Density can be used as a control in planning documents or development agreements to achieve a specific population goal or establish a maximum limit within a given area. Most commonly, limits on density are linked to the capacity of service systems such as sewer, water or road networks.

While density is an indicator of the intensity of a development, it is only a single measurement. It illustrates very little about a development itself in terms of form, typology, and can be deceptive when used to compare seemingly similar developments. If for example a large building contains many large 4-5 bedroom units within it, the calculation of units/acre would be low. If that same building were to be re-configured internally to include a number of smaller 1 bedroom units, the 'density' would increase despite the size of the building remaining the same. Similarly, measuring units per acre on a lot by lot basis is less telling about the true size of a development because this can be manipulated by placing the building on a differently sized lot. A small lot pushes the units per acre up while a larger lot forces this number down. This means that a building on a small lot can look on paper to be inappropriate when compared against others, although when seen in the physical context it may be appropriate.

Policy 1.8 of the Bedford Highway Secondary Plan enables the consideration of buildings taller than 35 feet by development agreement. The policy does not establish maximum limits for density, building size or height. The lack of guidance on these matters is common in planning policies as they are intended to allow for innovation and creativity in design based on the unique attributes of each site.

Attachment E provides a comparison of densities for all other sites in the immediate area of the proposal under consideration. Existing development ranges from 11.1 units per acre to 35.5 units per acre, while the proposed development is for 44.8 units per acre, plus commercial space. The applicable MPS policies establish several criteria that must be assessed for this proposal, in addition to the matter of density. If the proposal satisfies all the other criteria, then density alone should not be a matter of concern. The questions raised by the policy criteria include:

- Does the density indicated cause any specific problems or issues;
- Is there adequate parking;
- Are the adjacent roads capable of supporting the development;
- Are sewer and water services capable of supporting the development;
- Is the bulk, mass and height of the building appropriate;
- Does the proposed building overshadow its neighbours; and
- Are the site and building well designed.



Staff advise that the proposed development and its density are appropriate for the site based on nearby development, the character of the community as a whole, and the unique site conditions.

### **Views**

There are no regulated view planes from private property in the area as HRM does not protect private views. However, MPS policy requires the potential for impacts on views from public spaces and active transportation corridors to be considered. The view from the parkland corridor that passes through the Bedros Lane condominium and apartment site has been assessed. The proposed building will not have an impact as it will not be visible from the corridor where it meets the Bedros Lane driveway for the following reasons:

- The difference in elevations and distance between the corridor and the proposed building;
- The roof of the proposed building being located below the viewing elevation;
- The height and placement of the existing buildings on Bedros Lane; and
- Existing vegetation.

Significant modelling was completed for the previous planning case (Case 18993). Additional modelling was not completed for this application, however staff have indicated on the previous visualizations the portion of the building which are being removed through a reduction of one storey. These visualizations are provided in Attachment F.

Staff has reviewed the images and concur with the applicant that the renderings provided appear to accurately represent the impact of the building from a bulk and massing perspective. The renderings demonstrate that there are minimal impacts on views from developments on Bedros Lane, and are of the opinion that the proposed massing and scale of buildings is appropriate for the site.

Views from the apartment building at 37 Larry Uteck Boulevard have not previously been modelled. Since the original public hearing, views from this location have been completed (Attachment G). Staff advise that the views from this building are within the scope of what could reasonably be expected through implementation of Schedule R policies on an adjacent parcel of land.

Council's concern regarding the views as discussed at the previous public hearing focussed on the bulk, mass, and height of the proposal and how it integrates with the existing community rather than view planes. With the removal of a storey from the previous proposal, staff considers the building to fully meet the policy requirements. The building is now of a scale that Council identified as a better fit for the surrounding community when discussing the matter at the Case 18993 public hearing.

### **Pedestrian Linkages**

Bedford Highway Sidewalk – It has been determined that the existing asphalt sidewalk on the Bedford Highway is deficient and should be replaced with a concrete sidewalk. The applicant has offered to build a sidewalk along the property frontage to the property line with 644 Bedford Highway and this is included in the development agreement, to be built to the Municipality's specifications.

Walkways - The proposed development agreement requires that hard surface walkways be provided along each frontage of the proposed building in order to foster good pedestrian access and circulation. These walkways are to be connected to the public sidewalks at each of the two driveways on Bedford Highway and Larry Uteck Boulevard. In addition a central walkway connects to the sidewalk at the corner of Bedford Highway and Larry Uteck Boulevard, through the parking lot, to the building.

### **Traffic**

Traffic Impact Statement - A Traffic Impact Statement (TIS) was provided for the previous application (Case 18993). The technical details of the previous study still apply and a new study was not requested. The study determined no upgrades were required to the road network to accommodate the proposed development. As a result of public concerns with the study (due to the date of data collection), engineering staff subsequently conducted further data collection and determined that the TIS sufficiently

represented the existing and future local demands on the road network and confirmed that there are no concerns.

Bedros Lane Intersection – The lack of traffic signals at Bedros Lane was identified as an issue at the Public Information Meeting. Staff uses the Transportation Association of Canada (TAC) process when determining whether traffic signals are warranted at an intersection. This standard requires that a location generate 100 points under the warrant matrix before traffic signals are considered. A study was conducted by HRM staff at the intersection of Larry Uteck Boulevard, Starboard Drive and Bedros Lane in November 2012. Analysis of the traffic counts revealed that signals do not need to be installed at this intersection at this time. Further, staff are anticipating that the connection of the existing disconnected segments of Starboard Drive in the near future may redistribute traffic flows away from this intersection and this may ease some of the issues residents may be experiencing. Traffic Management staff have indicated they will continue to monitor this intersection.

### **Easements**

There are two existing easements (Parcels E-1 and E-2 on Schedule F of the development agreement) across the site. These were intended, prior to the construction of Larry Uteck Boulevard, to provide access and service easements to the École Beaubassin which is located at 54 Larry Uteck Boulevard. The easements are no longer required, and as they inhibit development of the site, the proposed development agreement requires them to be extinguished prior to issuance of a development permit. There is another easement that provides access for the adjacent property at 37 Larry Uteck Boulevard which is to be retained.

### **Conclusion**

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is reasonably consistent with the intent of the MPS. The proposal satisfies all technical requirements and integrates well with the surrounding land uses. Therefore, staff recommends that the North West Community Council approve the proposed development agreement.

### **FINANCIAL IMPLICATIONS**

There are no budget implications. The applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this proposed development agreement. The administration of the proposed development agreement can be carried out within the approved 2016/2017 budget and with existing resources.

### **RISK CONSIDERATION**

There are no significant risks associated with the recommendations 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 are identified.

### **ALTERNATIVES**

1. North West Community Council may choose to approve the proposed development agreement subject to modifications. Such modifications may require further negotiation with the applicant and

may require a supplementary report or another public hearing. A decision of Council to approve this development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

2. North West Community Council may choose to refuse the proposed development agreement, and in doing so, must provide reasons why the proposed 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 2	Zoning
Map 3	Schedule R
Map 4	Area of Notification
Attachment A	Proposed Development Agreement
Attachment B	Review of Relevant Policies of the Halifax MPS
Attachment C	Minutes of Public Information Meeting – February 26, 2014
Attachment D	3D Renderings
Attachment E	Density Comparison
Attachment F	Visualizations from Bedros Lane
Attachment G	Visualizations from 37 Larry Uteck Boulevard

Available Upon Request:  
[Case 18993 Staff Report](#)  
[Case 18993 Supplementary Report](#)

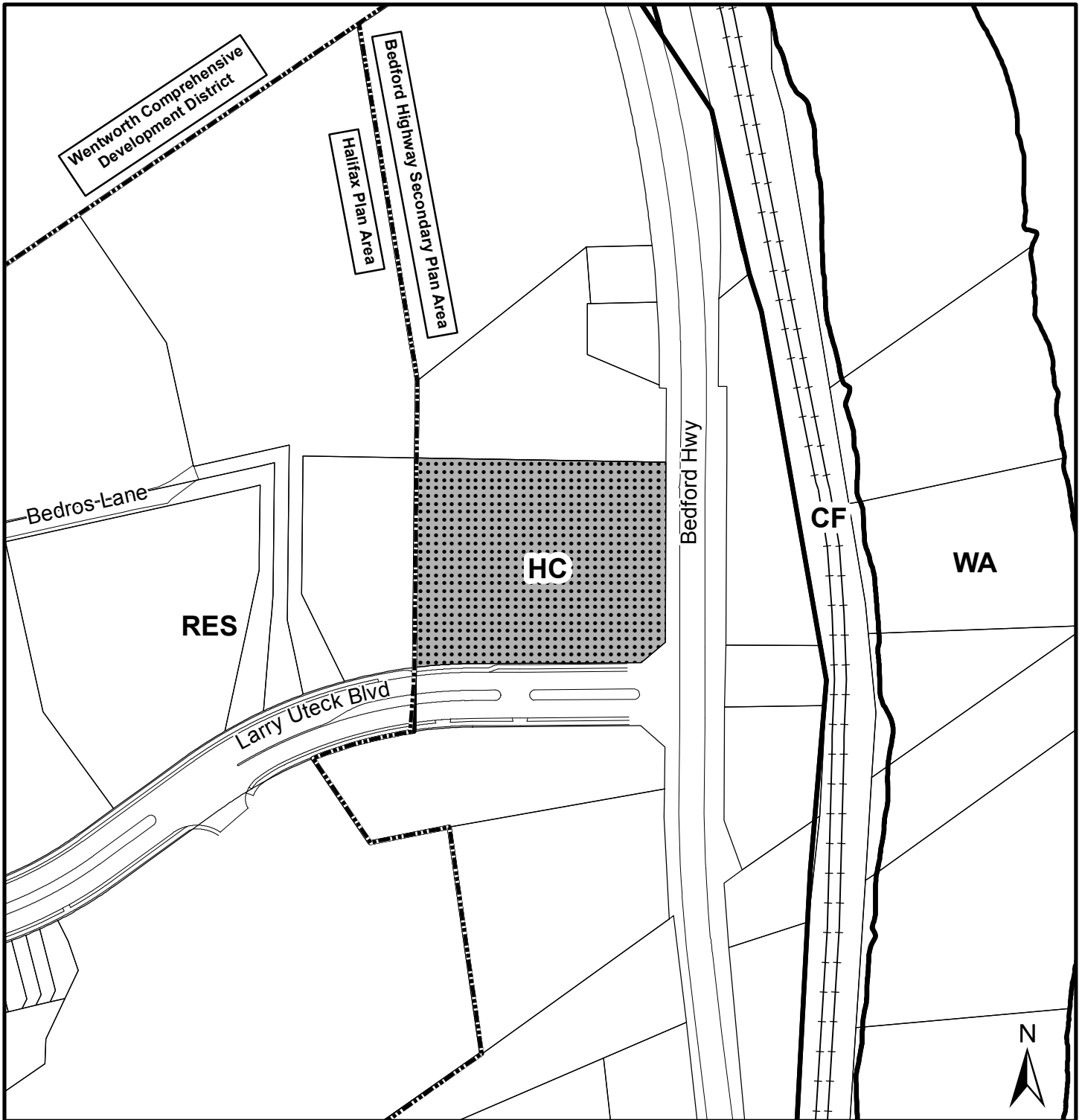
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A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902-490-4210, or Fax.902- 490-4208.

Report Prepared by: Andrew Bone, MCIP, LPP, Planner III, Regional Planning, 902-490-6743

Report Approved by: ORIGINAL SIGNED  
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Kelly Denty, Manager, Current Planning, 902.490.4800


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**Map 1 - Generalized Future Land Use**

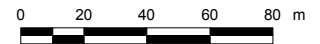
**HALIFAX**

636 Bedford Highway  
Halifax

 Area of proposed development agreement

**Designation - Bedford Highway**

- HC Highway Commercial
- CF Community Facility
- WA Water Access



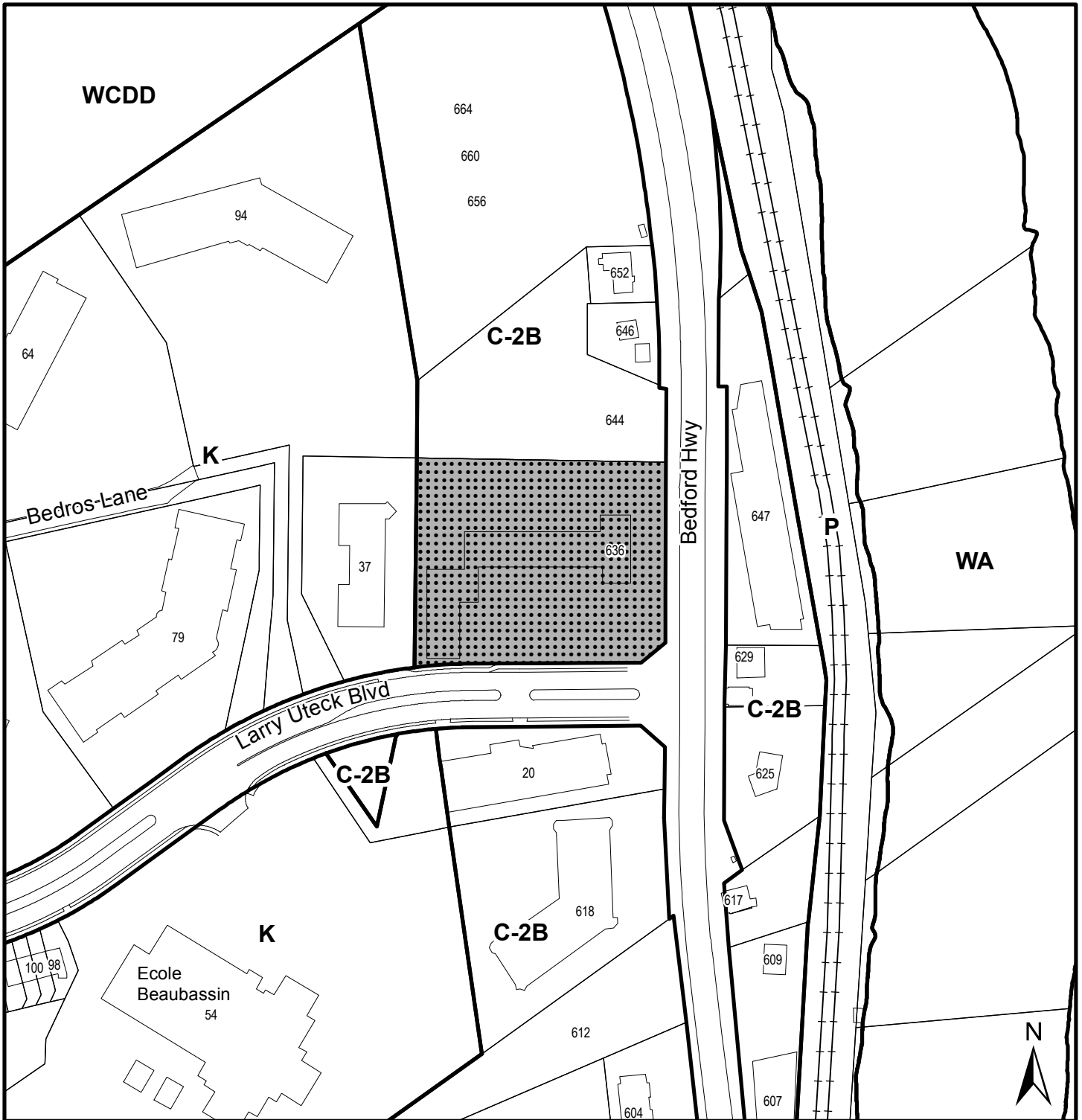
Halifax Mainland  
Land Use By-Law Area

**Designation - Halifax**

- RES Residential Environments


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

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



**Map 2 - Zoning**

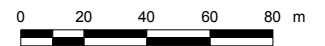
636 Bedford Highway  
Halifax

 Area of proposed development agreement

<b>Zone</b>	
C-2B	Highway Commercial
P	Park and Institutional
WA	Wentworth Comprehensive Dev. District
WCDD	Water Access
K	Schedule K

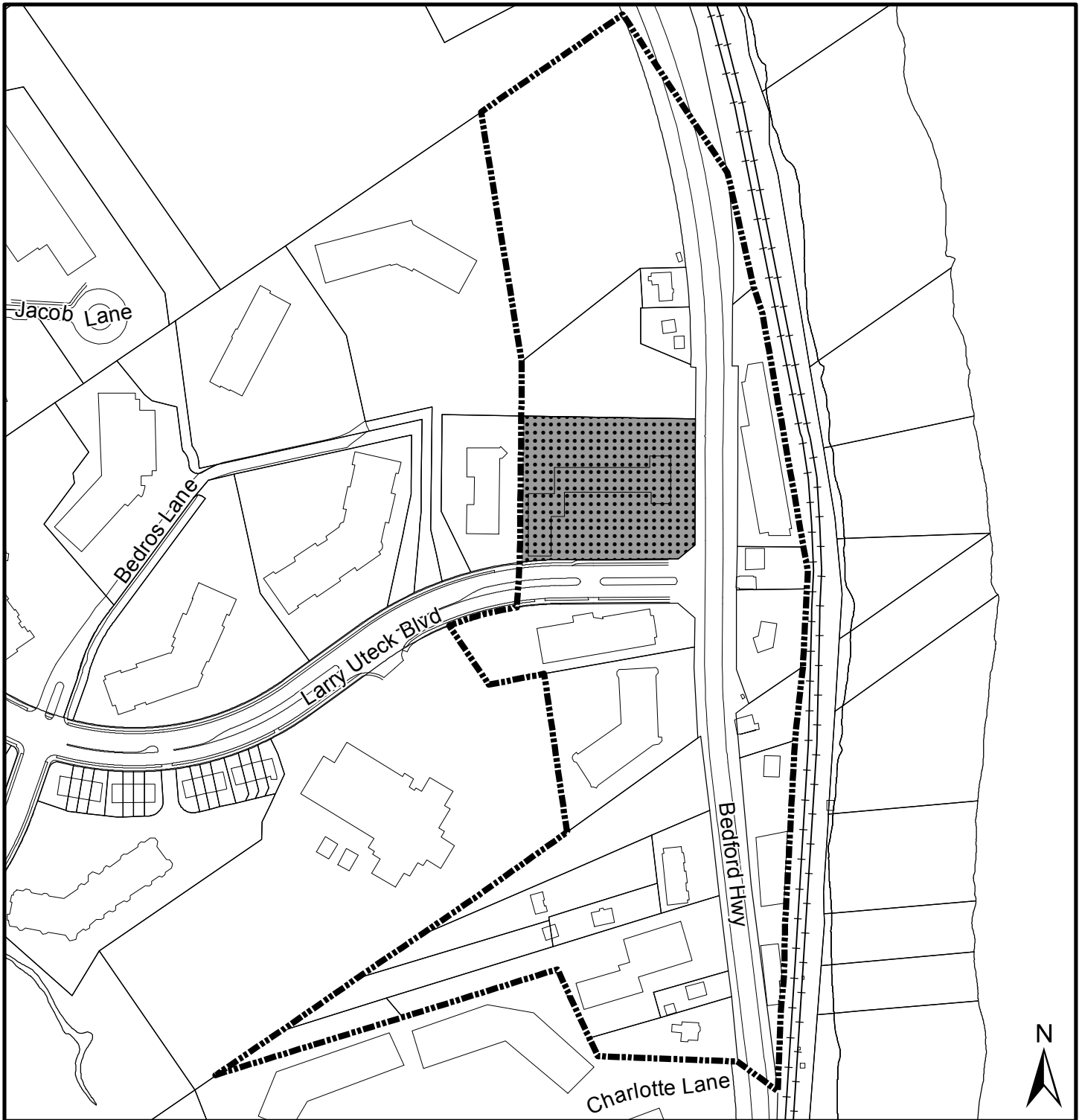
Halifax Mainland  
Land Use By-Law Area

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


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### Map 3 - Schedule R

636 Bedford Highway  
Halifax

**HALIFAX**

 Area of proposed development agreement

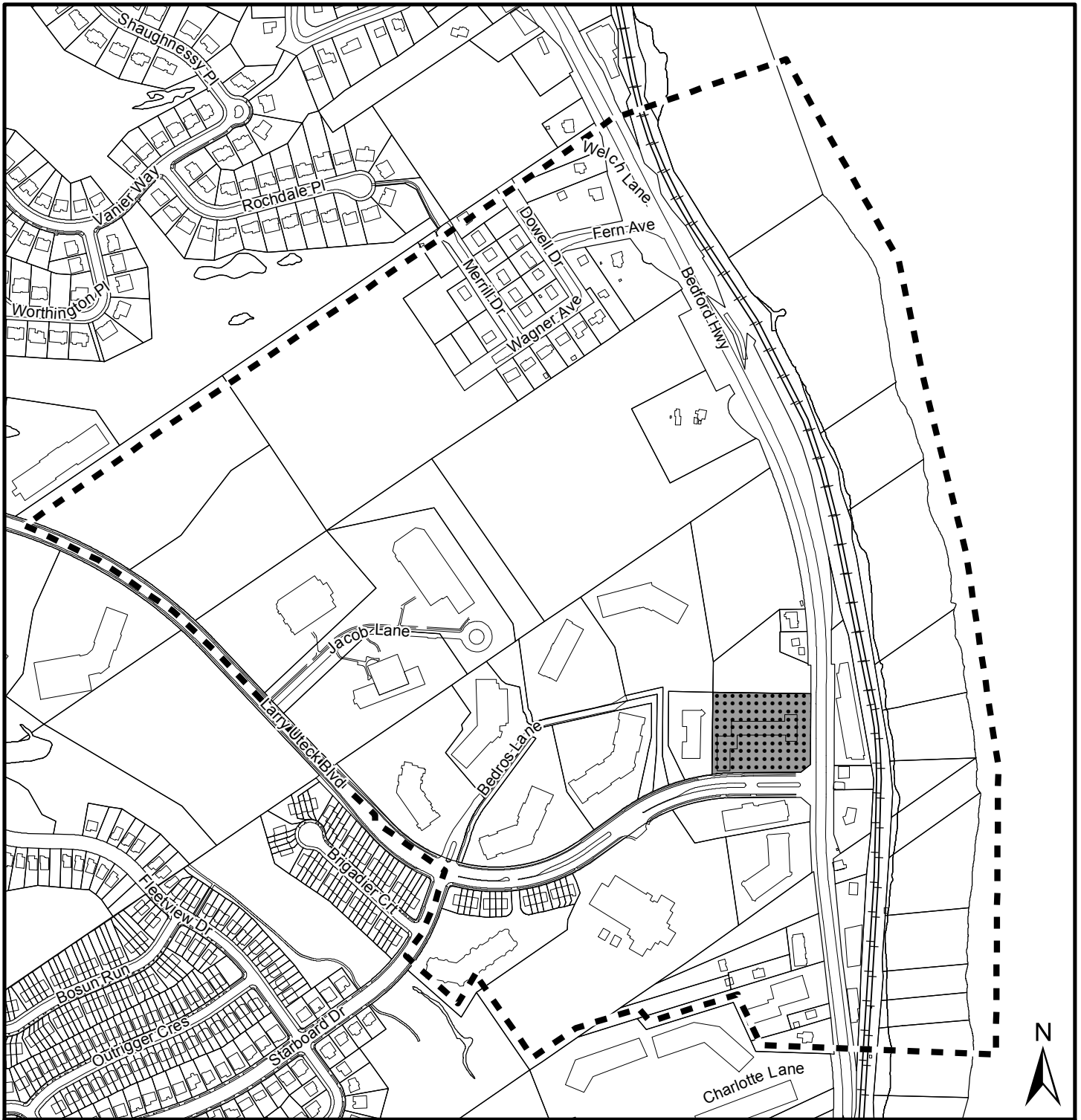


 Area of Schedule R

This map is an unofficial reproduction of a portion of the Schedules and Secondary Plan Areas Map for the plan area indicated.


Halifax Mainland  
Land Use By-Law Area

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

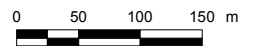


### Map 4 - Area of Notification

636 Bedford Highway  
Halifax

 Area of proposed development agreement

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Halifax Mainland  
Land Use By-Law Area

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

**Attachment A  
Proposed Development Agreement**

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

BETWEEN:

**[Insert Name of Corporation/Business LTD.]**  
a body corporate, in the Province of Nova Scotia  
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

**HALIFAX REGIONAL MUNICIPALITY**  
a municipal body corporate, in the Province of Nova Scotia  
(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at 636 Bedford Highway, Halifax and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

**AND WHEREAS** the former Chebucto Community Council of the Municipality previously approved an application by Bedford Basin Estates Limited and The Armoyan Group Limited to enter into a Stage I development agreement (Municipal Case No. 7620) for the conceptual subdivision and development of the Royale Hemlocks Subdivision, which said agreement was entered into on November 17, 1998, and then registered at the Registry of Deeds in Halifax on November 20, 1998 as Document No. 37344, Book No. 6308, Pages 596 to 618 (hereinafter called the "Existing Agreement");

AND WHEREAS the former Chebucto Community Council approved, by resolution, a request to discharge the Existing Agreement at a meeting held on October 3, 2011, referenced as Municipal Case Number 17001 which said discharge agreement was registered at the Land Registry in Halifax as Document Number 99590201;

AND WHEREAS the Developer has requested that the Municipality enter into a Development Agreement to allow for a mixed use, commercial and multiple unit residential building on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policy 1.8 of the Bedford Highway Secondary Plan of the Halifax Municipal Planning Strategy and Section 74 of the Halifax Mainland Land Use By-law;

AND WHEREAS the North West Community Council for the Municipality approved this request at a meeting held on **[Insert - Date]**, referenced as Municipal Case Number 20747;

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

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**PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION**

**1.1      Applicability of Agreement**

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

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



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

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

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

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

### **1.4 Conflict**

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

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

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

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

### **1.6 Provisions Severable**

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

## **PART 2: DEFINITIONS**

### **2.1 Words Not Defined under this Agreement**

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

### **2.2 Definitions Specific to this Agreement**

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

- (a) Building Height - means the vertical distance on a building between the average elevation at the face of the building (facing the Bedford Highway) and the highest point of the roof surface or the

parapet of a flat roof, whichever is the greater. Structures erected on a building and not used for human occupancy, such as chimneys, heating, ventilating or air conditioning equipment, solar or photo-voltaic panels, elevator housings, antennas, skylights, cupolas, spires and the like may exceed the maximum height of building provided that no part of the structure is more than fifteen (15) feet higher than the upper elevation of the building and the total horizontal coverage of such structures on the building does not exceed twenty-five (25) percent.

- (b) Floor height – means the vertical distance from the top of one finished floor to the top of the next successive finished floor.

## **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 20747:

Schedule A	Legal Description of the Lands
Schedule B	Site Plan
Schedule C	Landscape Plan
Schedule D	Floor Plans
Schedule E	Elevations
Schedule F	Easement Plan

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

3.2.1 Prior to the commencement of any site work on the Lands, the Developer shall provide the following to the Development Officer:

- (a) A detailed Site Disturbance Plan prepared by a Professional Engineer in accordance with Section 5.2 of this Agreement;
- (b) A detailed Erosion and Sedimentation Control Plan prepared by a Professional Engineer in accordance with Section 5.2 of this Agreement; and
- (c) A detailed Site Grading and Stormwater Management Plan prepared by a Professional Engineer in accordance with Section 5.2 of this Agreement.

3.2.2 Prior to the issuance of a Development Permit, the Developer shall provide the following to the Development Officer, unless otherwise permitted by the Development Officer as per the terms of this Agreement:

- (a) an outdoor lighting plan in accordance with Section 3.6 of this Agreement; a detailed Landscape Plan prepared by a Landscape Architect in accordance with Section 3.7 of this Agreement;
- (b) a Site Servicing Plan prepared by a Professional Engineer and acceptable to the Development Engineer in accordance with Section 4.1 of this Agreement; and
- (c) a Bedford Highway sidewalk design prepared by a Professional Engineer and acceptable to the Development Engineer in accordance with Section 3.5.6 of this Agreement; and
- (d) a release of easements from Parcels E-1 and E-2 as shown on Schedule F.

3.2.3 Prior to the issuance of the Occupancy Permit, the Developer shall:

- (a) have constructed a sidewalk and associated works along the street frontage within the public right-of-way according to Section 3.5.6 of this Agreement; and
- (b) provide 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 Section 3.7 of this Agreement.

- (c) provide to the Development Officer a letter prepared by a qualified person that the installation of lighting meets the requirements of the lighting plan according to Section 3.6.4 of this Agreement.

3.2.4 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Lands for any of the uses permitted by this Agreement until after an Occupancy Permit has been issued by the Municipality. Upon the issuance of an Occupancy Permit, the Developer shall comply with all applicable provisions of this Agreement and the Land Use By-law (except to the extent that the provisions of the Land Use By-law are varied by this Agreement) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.

3.2.5 Upon the issuance of the first Occupancy Permit, the Developer shall confirm to the Development Officer that the requirements of this Agreement have been met.

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

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

- (a) uses permitted within the zone applied to the Lands subject to the provisions contained within the Halifax Mainland Land Use By-law as amended from time to time; or
- (b) a mixed use commercial and residential building including indoor and outdoor amenity space, underground and surface parking, and containing a maximum of one-hundred and two (102) residential dwelling units, and a maximum of 650.3 square metres (7,000 square feet) of commercial spaces subject to the terms and conditions of this agreement.

3.3.2 Commercial land uses permitted in subsection 3.3.1 (b) are the following:

- (a) a store for the purpose of retail trade, rental and services only, excluding:
  - (i) motor vehicle dealers;
  - (ii) motor vehicle repair shops which such shops are not primarily engaged in providing service station facilities;
  - (iii) adult entertainment uses; and
  - (iv) amusement centres
- (b) bank or financial institution;
- (c) public hall;
- (d) municipal building;
- (e) restaurant with less than 92.9 sq. metres (1,000 square feet) of seating area;
- (f) radio, television, and electrical appliance repair shops;
- (g) watch and jewellery repair shops;
- (h) a store for the purpose of personal service including shoe repair shops, barber and beauty shops, dry cleaners, self- service laundries, funeral services, and excepting massage parlours, adult entertainment uses and amusement centres;
  - (i) offices;
  - (j) day care facility;
  - (k) community facilities;
  - (l) commercial recreation use;
  - (m) pool hall; and
  - (n) any use accessory to any of the foregoing uses.

### **3.4 Siting and Architectural Requirements**

3.4.1 The building shall be located as shown on Schedule B.

3.4.2 The building's exterior design shall be developed as illustrated on the Schedules inclusive of exterior building materials, colour and tone, emphasized building entry points utilizing material

changes, and overall form. The Development Officer may permit minor variation to the shape, size and the placement of elements of the building provided the following:

- a) the size of the building is not increased;
- b) the separation distance between the building and abutting residential properties is not decreased; and
- c) the variation in yards does not exceed 0.6 metres (2 feet).

3.4.3 The Development Officer may permit the substitution of building materials as shown on the Schedules as follows:

- a) fibre cement siding may be replaced by ceramic siding;
- b) fibre cement panel may be replaced by ceramic panel or precast concrete panel; and
- c) masonry Type 2 may be replaced by metal panel.

3.4.4 The building height shall not exceed 28.96 metres (95 feet) as shown on Schedule E with the exception of the elevator mechanical room and the peak of top floor loft as shown on the schedules. Building floor heights shall be consistent with the Schedules. The Development Officer may permit a variation in floor height to a maximum of 0.3m (1 foot) per floor provided the total height of the building is not greater than 28.96 metres (95 feet) as shown on Schedule E.

3.4.5 The ground floor elevation of the building shall be no greater than 18.29 metres (60.0 feet) above sea level. Notwithstanding the previous statement, the Development Officer may permit a 0.5 metre (1.64 feet) increase in the ground floor elevation provided all other requirements of the agreement can be met. Decreases in the ground floor elevation are permitted.

3.4.6 Balconies shall be provided for each dwelling unit and balcony railings shall be constructed of metal or aluminium framing with glass inserts.

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

3.4.8 Large blank or unadorned walls shall not be permitted. The scale of large walls shall be tempered by the introduction of artwork, such as murals, textural plantings and trellises, architectural detail or a combination of such elements.

3.4.9 Any exposed foundation in excess of 2 feet in height shall be architecturally detailed, veneered with stone or brick or treated in an equivalent manner acceptable to the Development Officer.

3.4.10 The building shall be designed such that the mechanical systems (HVAC, exhaust fans, etc.) are not facing the Bedford Highway or Larry Uteck Boulevard. Furthermore, no mechanical equipment or exhaust fans shall be located between the building and the adjacent properties unless the equipment is screened as an integral part of the building design or by landscaping. Mechanical systems for the individual dwelling units shall be excluded from meeting these requirements.

3.4.11 Roof mounted telecommunication equipment shall be integrated into the roof design of the building.

3.4.12 Floor plans identified on Schedule D are conceptual in nature and the Development Officer may permit changes to the internal configuration of the building provided all other intents of the agreement are met.

### **3.5 Parking, Circulation and Access**

3.5.1 A minimum of one-hundred and fifty (150) vehicle parking spaces shall be required through a combination of underground and surface parking. A minimum of 112 parking spaces shall be

assigned to the residential dwelling units, including 10 visitor parking spaces. Visitor parking spaces shall be clearly demarcated and identified.

- 3.5.2 A minimum of thirty-seven (37) exterior parking spaces shall be provided and sited as shown on Schedule B. The parking spaces shall maintain setbacks from the property lines as shown on Schedule B. Parking spaces shall be 9 feet (2.74m) by 19 feet (5.79m) in size except where small car spaces are shown on Schedule B. Small car parking space shall be a minimum of 9 feet (2.74m) by 17 feet (5.18m). Accessible parking spaces shall be as required by the Nova Scotia Building Code Regulations, as may be amended from time to time.
- 3.5.3 The exterior parking areas shall be hard surfaced.
- 3.5.4 The limits of the exterior parking areas shall be defined by curbing, and fencing or landscaping.
- 3.5.5 A hard surface pedestrian walkway network shall be provided as shown on Schedule B and shall include pedestrian access to the Bedford Highway. All walkways shall be a minimum of 1.5 m (5 feet) wide and be designed to be accessible with a grade of 8 percent or less unless otherwise approved by the Development Engineer of the Municipality. Additional walkways not shown on Schedule B shall be permitted.
- 3.5.6 The Developer shall construct a sidewalk and associated works along the Bedford Highway street frontage within the public right-of-way as shown on Schedule B prior to the issuance of the Occupancy Permit. The sidewalk shall run from the corner of Larry Uteck Boulevard and the Bedford Highway and end at the shared property line with civic 644 Bedford Highway. The sidewalk and associated works shall meet the design and construction standards of the Municipality as required by the Development Engineer of the Municipality. All costs for the construction of this work shall be at the Developer's cost. It shall be the responsibility of the Developer to coordinate the alignment and construction of the sidewalk with adjacent land owners which are developing lands to the north of the site.
- 3.5.7 Further to Section 3.5.6, where the weather and time of year does not allow the completion of the sidewalk 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 qualified professional. 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 Outdoor Lighting**

- 3.6.1 Outdoor lighting shall be directed to driveways, parking areas, loading area, building entrances and walkways and shall be arranged so as to divert the light away from streets, adjacent lots and buildings.
- 3.6.2 Freestanding security lighting shall not exceed a height of 18 feet. All exterior lighting shall be directed downwards with luminaries shielded to prevent unnecessary glare.
- 3.6.3 The Developer shall have a qualified person prepare an exterior lighting plan for the building and submit it to the Development Officer for review to determine compliance with this Agreement. The lighting plan shall contain, but shall not be limited to, the following:
  - (a) Plans indicating the location on the premises, and the type of illuminating devices, fixtures,

- lamps, supports, other devices;
  - (b) Demonstration that the outdoor lighting plan has been designed in accordance with Crime Prevention Through Environmental Design (CPETD) principles ensuring adequate lighting for all areas of the site; and
  - (c) Certification from a qualified person that the lighting plan meets the requirements of this agreement.
- 3.6.4 Upon the issuance of an Occupancy Permit the Developer shall provide to the Development Officer a letter from a qualified person that the installation of lighting meets the requirements of the lighting plan and this Agreement.

### **3.7 Landscaping**

- 3.7.1 Prior to the issuance of a Development Permit, the Developer shall provide a Landscape Plan. 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. Changes to the landscape plan may be permitted in order to accommodate an active transportation trail.
- 3.7.2 The Landscape Plan shall include elements as shown on Schedule C and provide for landscaping of all disturbed areas. The Development Officer may allow for minor changes to the Landscaping Plan.
- 3.7.3 Prior to the issuance of the 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 in accordance to the terms and conditions of this Agreement.
- 3.7.4 Notwithstanding Section 3.7.3, where the weather and time of year does not allow the completion of the outstanding landscape works at the time of issuance of the Occupancy Permit, the Developer may supply a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping. The cost estimate is to be prepared by a member in good standing of the Canadian Society of Landscape Architects. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the work as described herein and illustrated on the Schedules, and as approved by the Development Officer. Should the Developer not complete the landscaping within twelve months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping as set out in this section of the Agreement. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.

### **3.8 Amenity Space**

- 3.8.1 The Developer shall provide indoor and outdoor amenity space as shown on the Schedules and as follows:
- a) Indoor amenity space (minimum)
    - (i) 7th Floor Amenity: 157.9 sq. m. (1,700 square feet); and
    - (ii) 1st Floor Amenity: 334.4 sq. m. (3,600 square feet)
  - b) Outdoor landscaped Amenity space (minimum)
    - (i) Northwest Courtyard: 1207.7 sq. m. (13,000 square feet);
    - (ii) Southwest Entrance: 260.1 sq. m. (2,800 square feet) including walkway;
    - (iii) Southern (Larry Uteck) Road Frontage: 139.4 sq. m. (1,500 square feet); and
    - (iv) 7<sup>th</sup> Floor Rooftop : 56.9 sq. m. (613 square feet).

### **3.9 Maintenance**

3.9.1 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 and ice control, salting of walkways and driveways.

3.9.2 All disturbed areas shall be landscaped if not required for parking or building.

### **3.10 Temporary Construction Building**

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

### **3.11 Screening**

3.11.1 Propane tanks and electrical transformers shall be located on the Lands in such a way to ensure minimal visual impact from neighbouring properties and along Bedford Highway. These facilities shall be secured in accordance with the applicable approval agencies and screened by means of opaque fencing or masonry walls with suitable landscaping.

### **3.12 Signs**

3.12.1 Ground Signs shall be permitted subject to the following:

- (a) two shared ground signs shall be permitted for the commercial portion of the building, one for each frontage on a public street;
- (b) each sign shall have a maximum overall vertical height of 7.63 m (25 feet);
- (c) each sign may have only two faces, and the maximum area for the sign per face shall be 27.87 sq. m. (300 square feet) exclusive of the sign's supports and mounts;
- (d) the signs shall be located as shown on Schedule B. The Development Officer may permit minor changes [maximum 1.5 m (5 feet)] to the location of signs provided the sign does not cause a traffic hazard; and
- (e) An additional ground sign shall be permitted to identify the main entrance to the multiple unit residential portion of the building. The location of such sign shall require the approval of the Development Officer and Development Engineer. The maximum height of any such sign inclusive of support structures shall not exceed 3.05 m (10 feet) and the face area of any sign shall not exceed 4.65 sq. m. (50 square feet). All such signs shall be constructed of natural materials such as wood, stone, brick, enhanced concrete or masonry. The only illumination permitted shall be low wattage, shielded exterior fixtures.

3.12.2 Projecting Signs shall be permitted subject to the following:

- (a) the area for that portion of the sign which projects beyond any wall or roof shall not exceed twenty 2 sq. m (20 square feet);
- (b) the sign shall not project horizontally more than 1.8 m (6 feet) from any wall to which it is attached;
- (c) the sign shall not be erected below a height of 3 m (10 feet) or exceed a height of 10.7 m (35 feet);
- (d) the sign shall not be permitted to swing freely on its supports; and
- (e) one projecting sign shall be permitted per commercial unit.

3.12.3 Fascia signs shall be permitted subject to the following:

- (a) no sign shall extend above the top of the wall on which it is attached;
- (b) no sign shall project beyond the extremities of the wall on which it is attached;

- (c) the maximum height of a fascia sign shall be 1.4 m (4.6 feet);
- (d) the maximum width of fascia sign shall be the width of the retail unit for which the sign is intended;
- (e) no sign shall not project more than 30 cm (12 inches) from the wall of the building; and
- (f) one fascia sign shall be permitted per commercial unit except for corner units where one additional facial sign shall be permitted.

3.12.4 Billboard signs shall not be permitted on the Lands.

3.12.5 The Development Officer may permit illuminated signs provided the Development Officer is satisfied that the sign does not cause a traffic hazard and meets the requirements of clause 3.6.1.

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

### **4.1 General Provisions**

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

### **4.2 Off-Site Disturbance**

Any disturbance to existing off-site infrastructure resulting from the development, including but not limited to, streets, sidewalks, curbs and gutters, street trees, landscaped areas and utilities, shall be the responsibility of the Developer, and shall be reinstated, removed, replaced or relocated by the Developer as directed by the Development Officer, in consultation with the Development Engineer. Furthermore, the Developer shall be responsible for all costs and work associated with the relocation or extension of services including, but not limited to, sewer, storm sewer, water and other underground services, overhead wires, curb and gutter, sidewalks and turning lanes to accommodate the needs of the development as directed by the Development Officer, in consultation with the Development Engineer and other relevant agencies.

### **4.3 Solid Waste Facilities**

4.3.1 The building shall include designated space for multiple stream (refuse, recycling and composting) source separation services consistent with the Solid Waste Resource Collection and Disposal By-law. 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.

4.3.2 Refuse containers and waste compactors shall be confined to the loading areas of the building, and shall be screened from public view where necessary by means of opaque fencing or masonry walls with suitable landscaping.

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

5.1 All private storm water facilities shall be maintained in good order by the Developer in order to maintain full storage capacity on the Lands.

### **5.2 Stormwater Management Plans and Erosion and Sedimentation Control Plans**

Prior to the commencement of any site work on the Lands for construction of streets and services, including grade alteration or tree removal other than that required for preliminary survey purposes, or associated off-site works, the Developer shall:



- (a) Submit to the Development Officer a detailed Site Disturbance Plan, prepared, stamped and certified by a Professional Engineer indicating the sequence and phasing of construction and the areas to be disturbed or undisturbed;
- (b) Submit to the Development Officer a detailed Erosion and Sedimentation Control Plan prepared, stamped and certified by a Professional Engineer in accordance with the Erosion and Sedimentation Control Handbook for Construction Sites as prepared and revised from time to time by Nova Scotia Environment. Notwithstanding other Sections of this Agreement, no work is permitted on the Lands until the requirements of this clause have been met and implemented. The Erosion and Sedimentation Control Plan shall indicate the sequence of construction, all proposed detailed erosion and sedimentation control measures and interim stormwater management measures to be put in place prior to and during construction; and,
- (c) Submit to the Development Officer a detailed Site Grading Plan prepared, stamped and certified by a Professional Engineer, which shall include an appropriate stormwater management system. The Site Grading Plan shall identify structural and vegetative stormwater management measures, which may include infiltration, retention, and detention controls, wetlands, vegetative swales, filter strips, and buffers that will minimize adverse impacts on receiving watercourses during and after construction.

### **5.3 Stormwater Management System**

The Developer agrees to construct at its own expense the Stormwater Management System pursuant to Subsection 5.2(c). The Developer shall provide certification from a Professional Engineer that the system, or any phase thereof, has been constructed in accordance with the approved design.

### **5.4 Failure to Conform to Plans**

If the Developer fails at any time during any site work or construction to fully conform to the approved plans as required under this Agreement, the Municipality shall require that all site and construction works cease, except for works which may be approved by the Development Engineer to ensure compliance with the environmental protection measures.

## **PART 6: AMENDMENTS**

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

The following items are considered by both parties to be not substantive and may be amended by resolution of Council.

- (a) Conversion of a maximum of 50 percent of the commercial space identified in Section 3.3.1 to residential units;
- (b) Exclusive of any additional units allowed under (a), an increase in the number of dwelling units identified in Section 3.3.1 (b) by up to five percent (maximum five additional units) provided the volume of the building does not increase;
- (c) Minor changes to the siting and architectural design of the building as outlined in Section 3.4 of this Agreement, including changes in cladding material, which are beyond the authority of the Development Officer under Sections 3.1 or 3.4 of this Agreement;
- (d) Changes to the sign provisions identified under Section 3.12 of this agreement;
- (e) The granting of an extension to the date of commencement of construction as identified in Section 7.3 of this Agreement; and
- (f) The length of time for the completion of the development as identified in Section 7.4 of this Agreement.

### **6.2 Substantive Amendments**

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

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

## **7.1 Registration**

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 five (5) years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law.
- 7.3.2 For the purpose of this section, commencement of development shall mean the issuance of a Building Permit.
- 7.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 6.1, if the Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the commencement of development time period.

## **7.4. Completion of Development**

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

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

## **7.5 Discharge of Agreement**

If the Developer fails to complete the development after five (5) years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office Council may review this Agreement, in whole or in part, and may:

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

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

### **8.1 Enforcement**

The Developer agrees that any officer appointed by the Municipality to enforce this Agreement shall be granted access onto the Lands during all reasonable hours without obtaining consent of the Developer. The Developer further agrees that, upon receiving written notification from an officer of the Municipality to

inspect the interior of any building located on the Lands, the Developer agrees to allow for such an inspection during any reasonable hour within twenty-four hours of receiving such a request.

**8.2 Failure to Comply**

If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer fourteen (14) 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 defence 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: \_\_\_\_\_

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

\_\_\_\_\_  
**HALIFAX REGIONAL MUNICIPALITY**

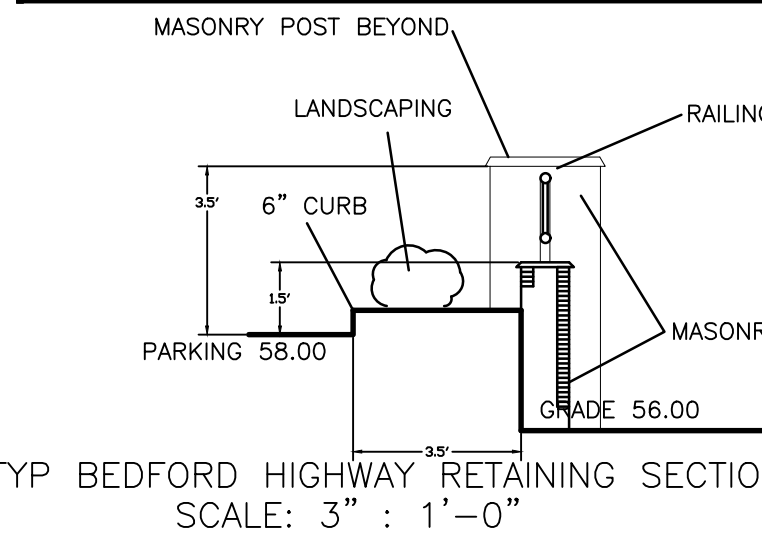
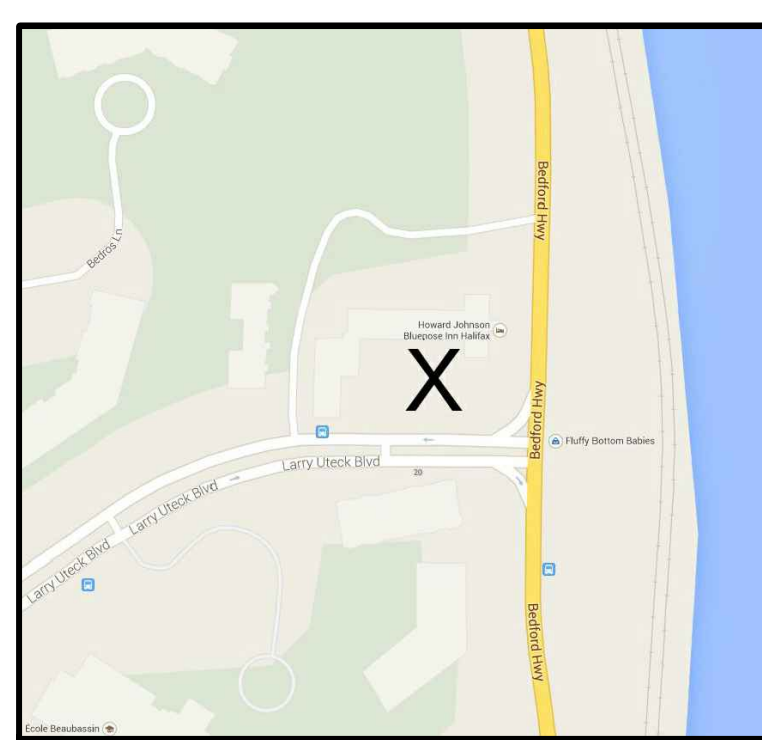
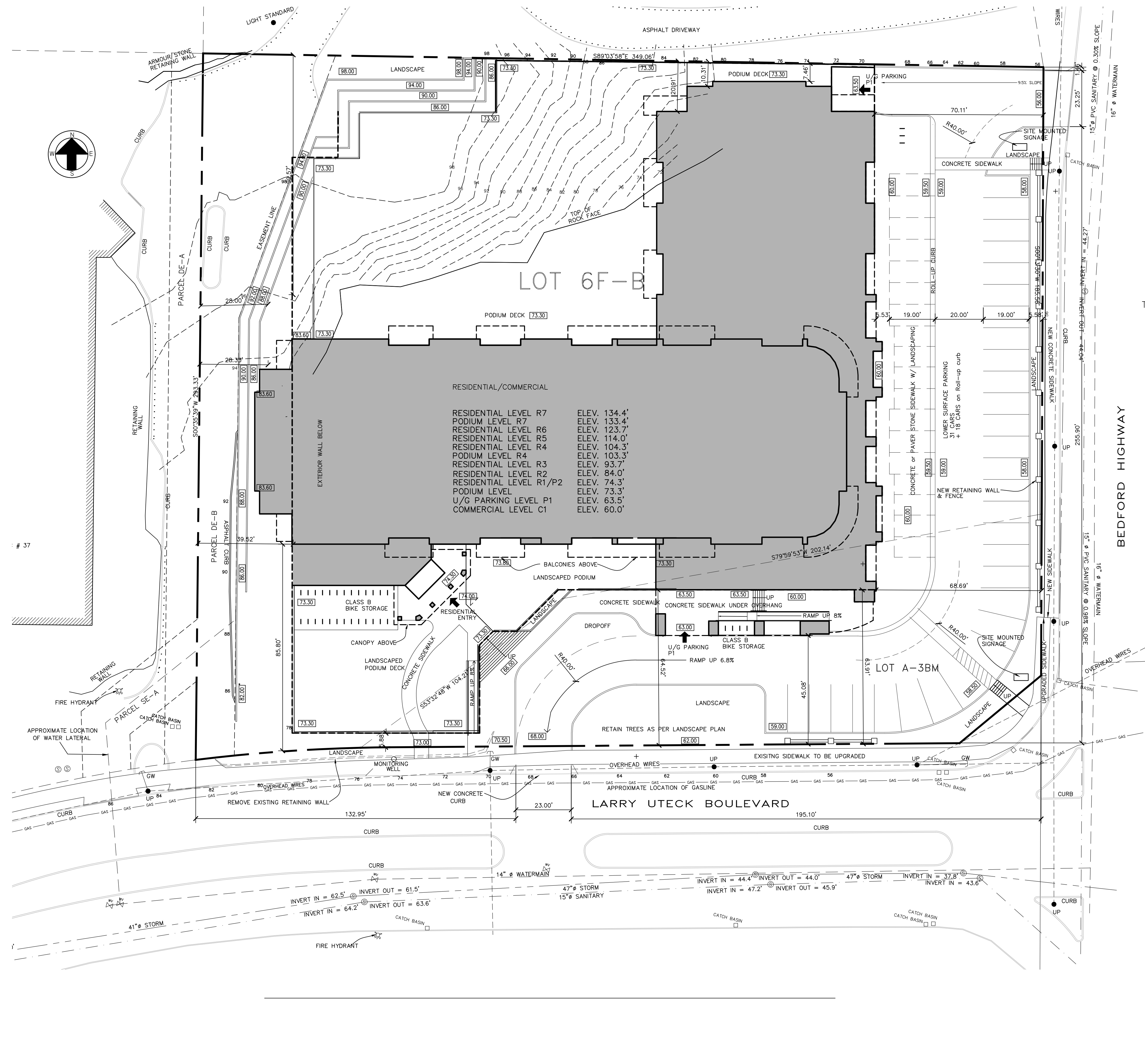
\_\_\_\_\_  
Witness

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

\_\_\_\_\_  
Witness

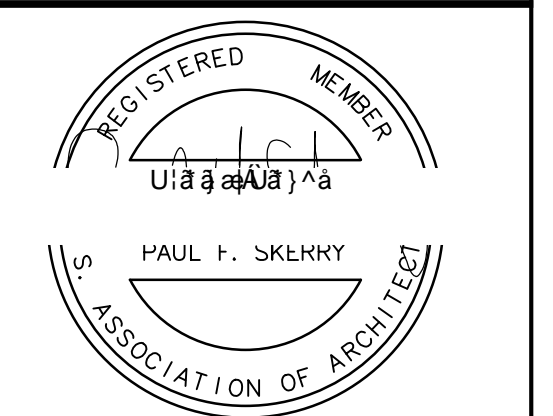
Per: \_\_\_\_\_  
MUNICIPAL CLERK

Schedule B - Site Plan



- NOTES:
- 1) THE CONTRACTOR IS RESPONSIBLE FOR CHECKING ALL DIMENSIONS ON SITE & REPORTING ANY DISCREPANCY TO THE ARCHITECT BEFORE PROCEEDING.
  - 2) DO NOT SCALE FROM DRAWINGS. USE FIGURED DIMENSIONS.
  - 3) DRAWING REPRESENTATIONS MAYBE IN VARIANCE W/ DETAILED SPECS. & SCHEDULES, IN WHICH CASE SPECS. & SCHEDULES OVERRIDE THE DRAWINGS.
  - 4) CHANGES FROM THESE PLANS & SPECS. MUST BE AGED TO IN WRITING, & APPROVED BY THE ARCHITECT & OWNER, BEFORE PROCEEDING.
  - 5) ONLY THOSE DRAWINGS MARKED APPROVED FOR CONSTRUCTION, SIGNED & DATED BY THE ARCHITECT ARE TO BE USED FOR CONSTRUCTION.
  - 6) THESE DRAWINGS ARE TO BE READ IN CONJUNCTION W/ THE SPECS.

Paul Skerry Associates Ltd.  
**ARCHITECTS**  
 5314 LIVINGSTONE PLACE  
 HALIFAX, N.S. B3K 2B9  
 PHONE: 902-455-4361  
 FAX: 902-455-7778  
 EMAIL: pskerry@pskerry.ca



No.	DESCRIPTION	Date

REVISIONS

PROJECT	
COMMERCIAL/RESIDENTIAL LOT 6F-B BEDFORD HWY HALIFAX, N.S.	
TITLE: SITE PLAN	
drawn by:	checked: PS
date: JUNE 24/16	approved: PS
scale: 1"=20'	dwg #: A1
project #: 2879	

RESIDENTIAL  
 1 FLOOR @ 18 = 18  
 2 FLOORS @ 21 = 42  
 3 FLOOR @ 12 = 36  
 1 FLOORS @ 6 = 6  
 TOTAL UNITS 102

PARKING  
 EXTERIOR 49  
 INTERIOR 128  
 TOTAL CARS 177  
 (49 CARS COMM. + 128 RESID.=177 CARS)

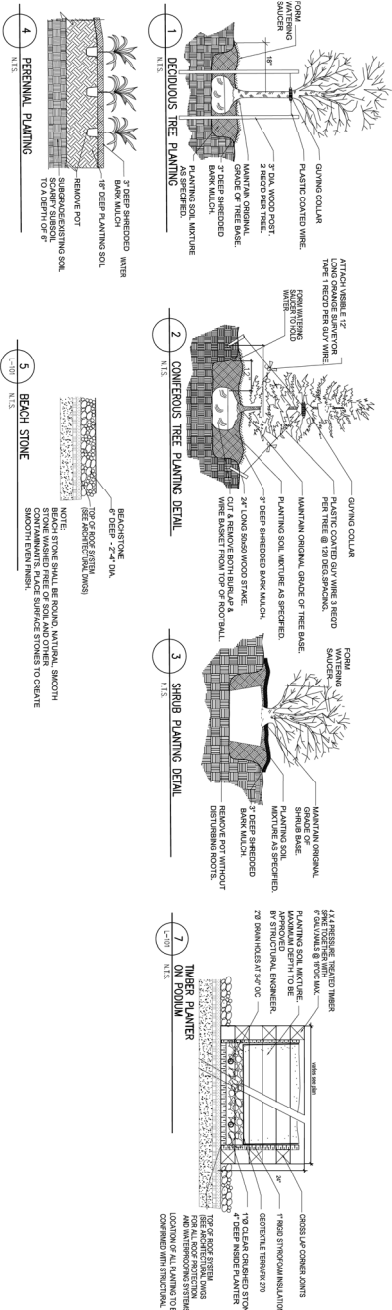
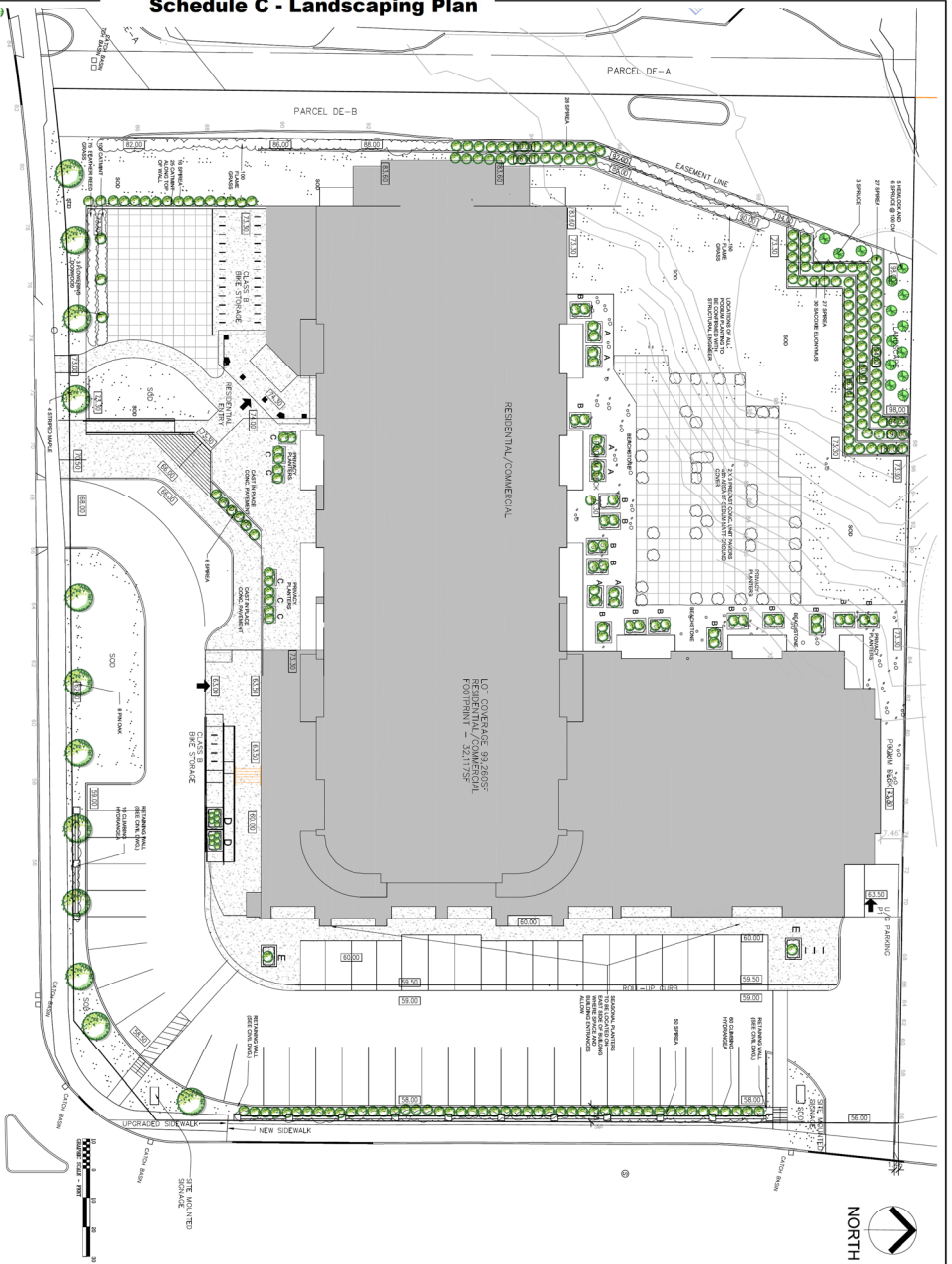
RETAIL SPACE 6,569 SF  
 SUGGESTED PARKING 5 CARS/1000 SF  
 6,569/1000X5=32 CARS

OPEN SPACE CALCULATION  
 REQUIRED OPEN SPACE - 52,275 SF  
 REQUIRED LANDSCAPE - 41,820 SF  
 LOT SIZE - 99,260 SF  
 BUILDING FOOTPRINT - 34,421 SF  
 OPEN SPACE - 64,839 SF  
 GROUND LEVEL LANDSCAPED SPACE - 43,187  
 ROOFTOP SPACE (Level 7) - 613 SF  
 BALCONIES within 5' of Ground Level - 1,798  
 TOTAL LANDSCAPED SPACE - 45,598 SF

AVERAGE GRADE: 63.1'



# Attachment A Schedule C - Landscaping Plan



**PLANT LIST (PLANTS IN PLANTERS)**

QTY	PLANTER	INTERIOR DIMS	PLANTS PER PLANTER
6	PLANTER A	4' X 6'	2 HICKS YEW / 12 CERAMUM
15	PLANTER B	4' X 6'	2 CEDAR / 12 CACTANT
6	PLANTER C	3' X 5'	2 BOXWOOD / 12 GERANIUM ROZANNE
2	PLANTER D	4' X 6'	5 SPHREA / 12 GERANIUM ROZANNE / 1 DOG WOOD / 15 CAMMINT

**PLANT LIST (PLANTS NOT IN PLANTERS)**

QTY	BOTANICAL NAME	COMMON NAME	SIZE CONDITION
12	TAXUS MEDIA HENKEL	HICKS YEW	100 CANB
30	THUJA OCCIDENTALIS BRABANT	CEDRAR	100 CANB
10	BETULA GREEN VENT	BONWOOD	60mm O/L / 1/8
12	SPHREA BULGARIA	ANTHONY WATERER	60mm O/L / 1/8
210	NEPHELA WALKERS LOW	FASERS/SHERITA	1 GAL POT
160	CORNUS KOUSA	CAMMINT	1 GAL POT
2	CORNUS KOUSA	FLOWERING DOGWOOD	4\"/>

**PROJECT NOTES**

- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
- ALL PLANTINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE LANDSCAPE SPECIFICATIONS.
- THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL UTILITIES AT ALL TIMES.
- ALL PLANTINGS SHALL BE WATERED REGULARLY UNTIL THEY ARE ESTABLISHED.
- THE CONTRACTOR SHALL PROTECT ALL EXISTING PLANTINGS AND UTILITIES.
- ALL PLANTINGS SHALL BE INSTALLED WITH PROPER SPACING AND DEPTH.
- THE CONTRACTOR SHALL MAINTAIN A RECORD OF ALL PLANTINGS INSTALLED.
- ALL PLANTINGS SHALL BE INSTALLED WITH PROPER SOIL AND FERTILIZATION.
- THE CONTRACTOR SHALL MAINTAIN A RECORD OF ALL PLANTINGS INSTALLED.
- ALL PLANTINGS SHALL BE INSTALLED WITH PROPER SOIL AND FERTILIZATION.

**Paul Sheen Associates Ltd.**  
ARCHITECTS  
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FAX: 402-452-4431  
EMAIL: gordon@raiflex.com

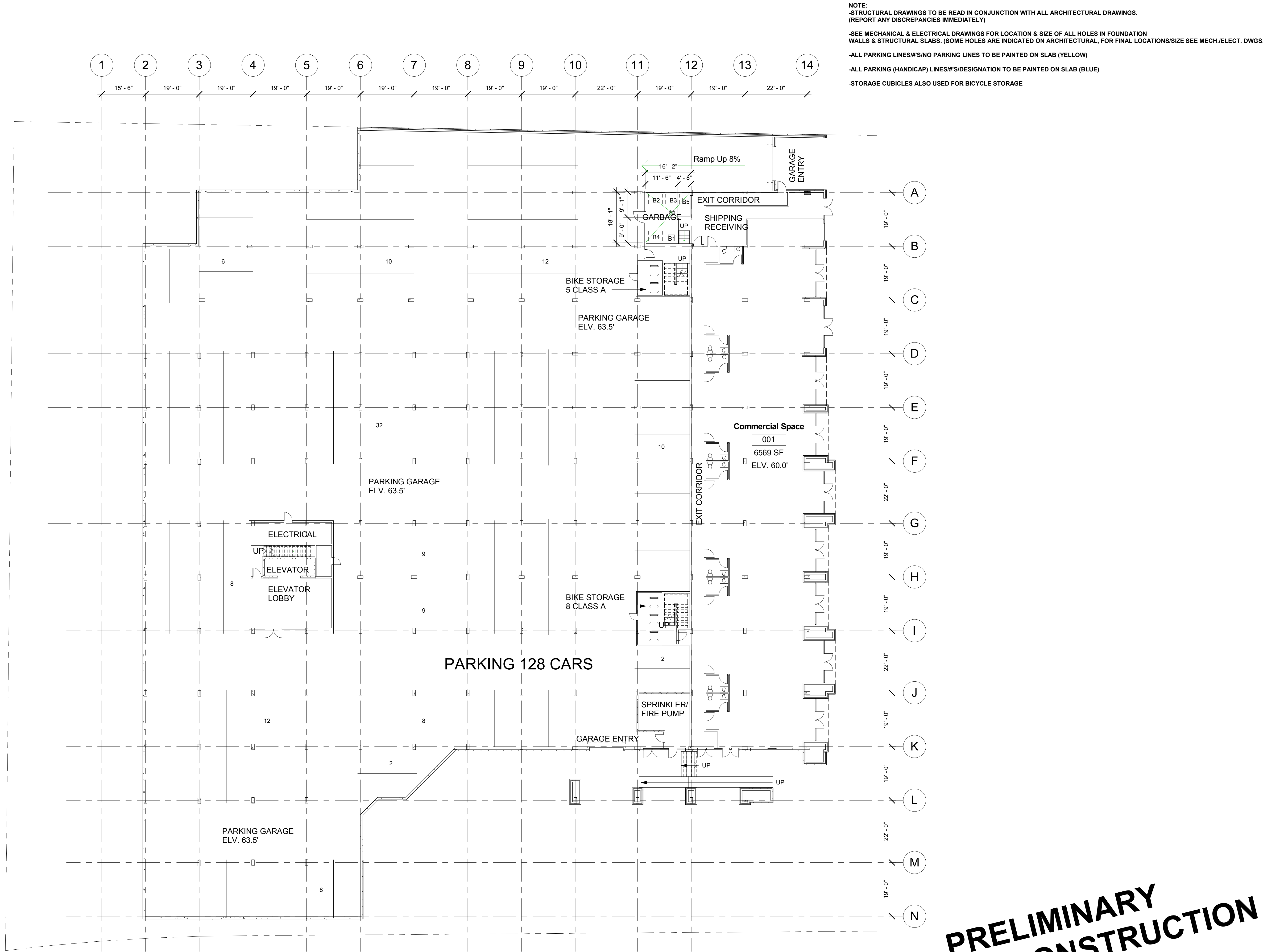
**Original Signed**  
DATE: 2019.05.08

**REVISIONS**

No.	DESCRIPTION	DATE
1	FOR REVIEW	2019.05.08
2	FOR REVIEW	2019.05.08
3	FOR REVIEW	2019.05.08
4	FOR REVIEW	2019.05.08
5	FOR REVIEW	2019.05.08

**LANDSCAPE CONCEPT PLAN**

DATE: AUG 27 2014  
DRAWN BY: [Signature]  
CHECKED BY: [Signature]  
SCALE: AS NOTED  
PROJECT #: 2019



- NOTE:  
 -STRUCTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH ALL ARCHITECTURAL DRAWINGS. (REPORT ANY DISCREPANCIES IMMEDIATELY)  
 -SEE MECHANICAL & ELECTRICAL DRAWINGS FOR LOCATION & SIZE OF ALL HOLES IN FOUNDATION WALLS & STRUCTURAL SLABS. (SOME HOLES ARE INDICATED ON ARCHITECTURAL, FOR FINAL LOCATIONS/SIZE SEE MECH./ELECT. DWGS.)  
 -ALL PARKING LINES/#S/NO PARKING LINES TO BE PAINTED ON SLAB (YELLOW)  
 -ALL PARKING (HANDICAP) LINES/#S/DESIGNATION TO BE PAINTED ON SLAB (BLUE)  
 -STORAGE CUBICLES ALSO USED FOR BICYCLE STORAGE

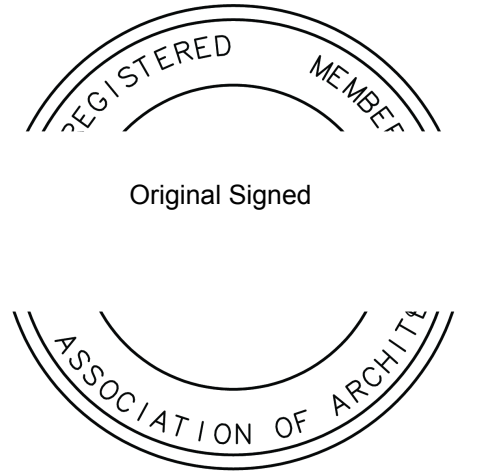
① Commercial/P1  
 1/16" = 1'-0"

**PRELIMINARY  
 NOT FOR CONSTRUCTION**

**Paul Skerry Associates Ltd. ARCHITECTS**  
 5514 LIVINGSTONE PLACE  
 HALIFAX N.S. B3K 2B9  
 pskerry@pskerry.ca

**PAUL SKERRY ASSOCIATES**  
 5514 Livingstone Place  
 Halifax, Nova Scotia B3K 2B9  
 ph: 902-455-4361  
 fax: 902-455-7778  
 email: drawing@pskerry.ca

- NOTES:**
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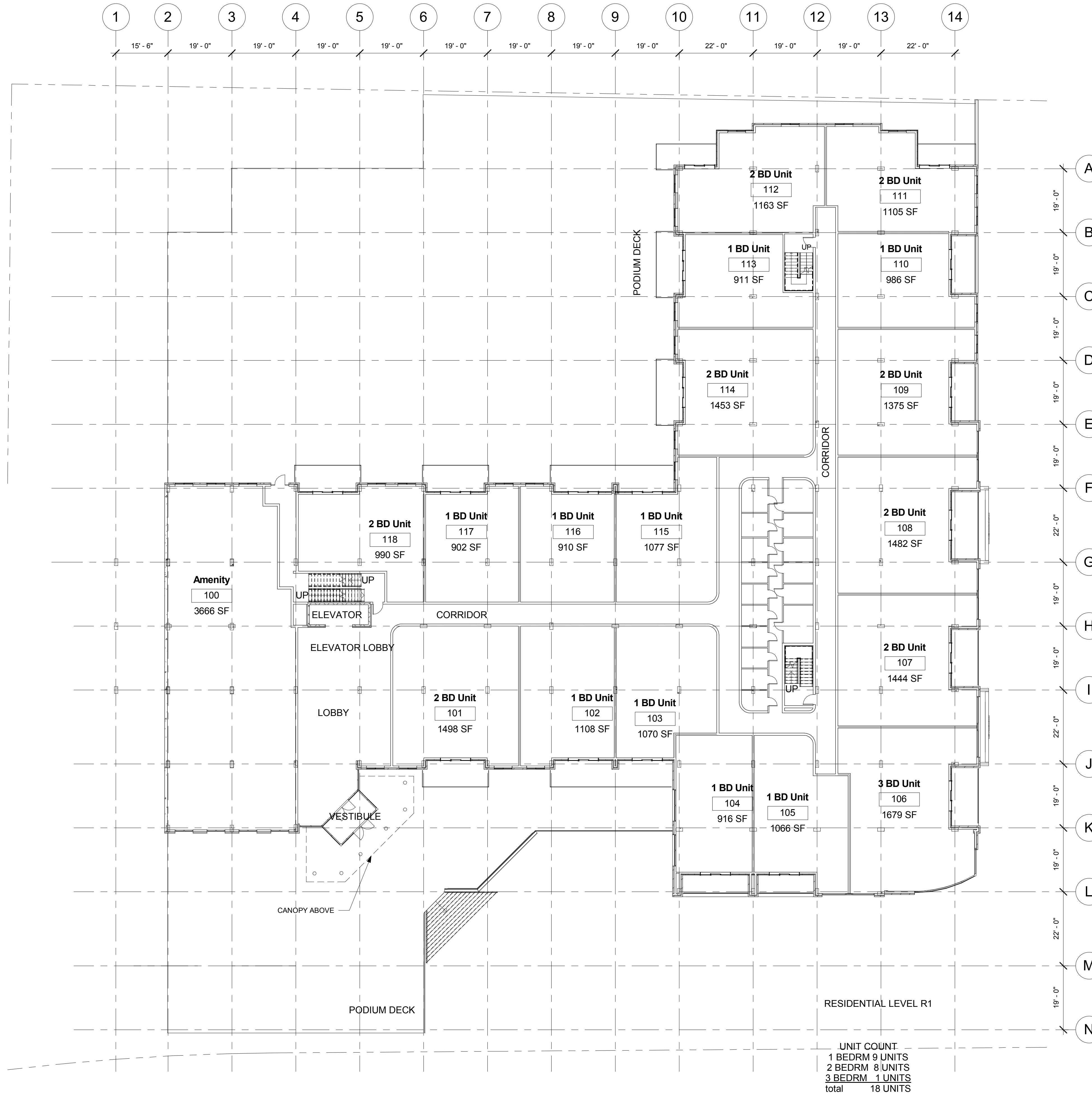


No.	Description	Date
	Issued for DA	6/24/16

**COMMERCIAL/  
 RESIDENTIAL PROJECT  
 LOT#6F-B  
 BEDFORD HIGHWAY  
 HALIFAX, NS**

**Floor Plans - Commercial**  
 Scale 1/16" = 1'-0"  
 Date June 24, 2016  
 Drawn by GJ  
 Checked by PS  
**A3.0**  
 Project number 2879





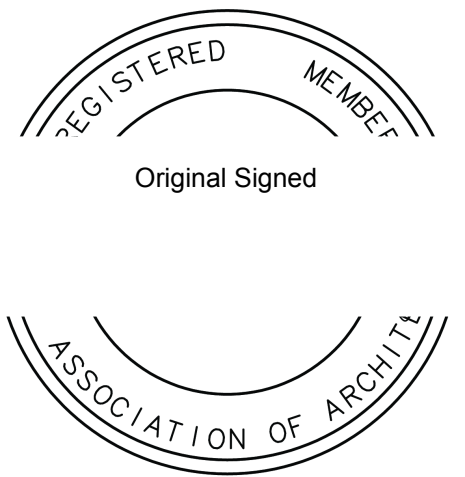
① R1/P2  
1/16" = 1'-0"

pskerry@pskerry.ca

**PAUL SKERRY ASSOCIATES**  
5514 Livingstone Place  
Halifax, Nova Scotia B3K 2B9  
ph: 902-455-4361  
fax: 902-455-7778  
email: drawing@pskerry.ca

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No.	Description	Date
1	Issued for DA	6/24/16

COMMERCIAL/  
RESIDENTIAL  
PROJECT

**Floor Plans - R1/P2**

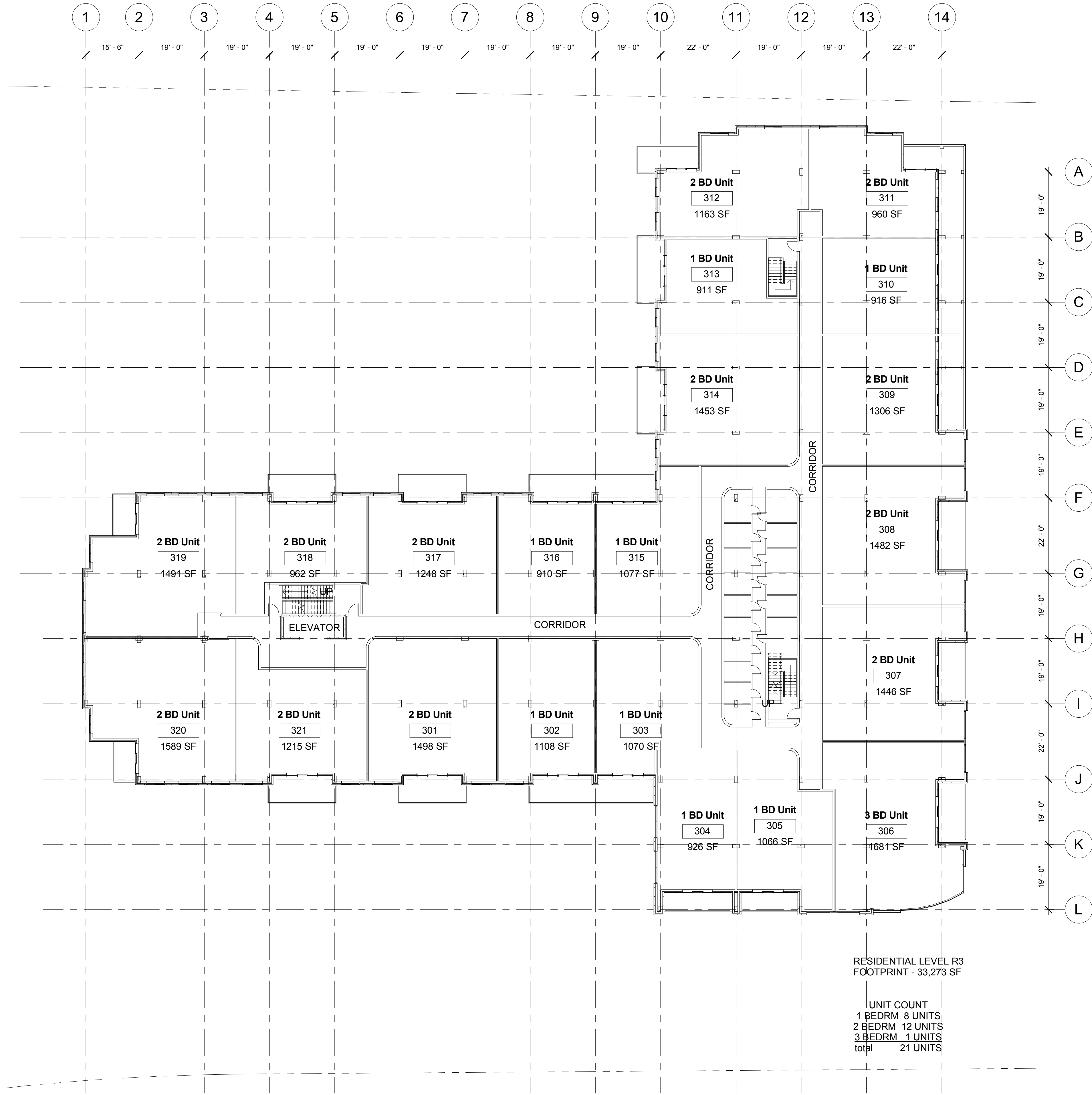
Scale 1/16" = 1'-0"  
Date June 24, 2016  
Drawn by GJ  
Checked by PS

**A3.1**

Project number 2879







RESIDENTIAL LEVEL R3  
FOOTPRINT - 33,273 SF

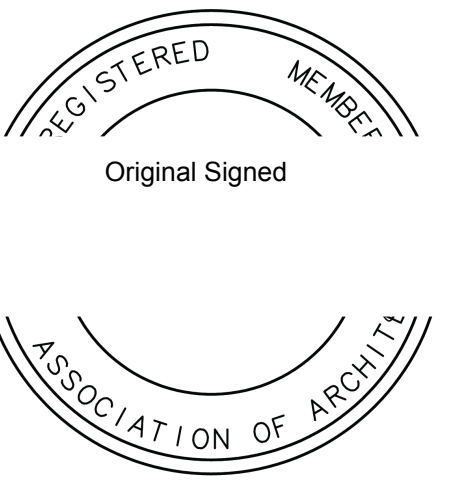
UNIT COUNT  
1 BEDRM 8 UNITS  
2 BEDRM 12 UNITS  
3 BEDRM 1 UNITS  
total 21 UNITS

pskerry@pskerry.ca

**PAUL SKERRY ASSOCIATES**  
5514 Livingstone Place  
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fax: 902-455-7778  
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No.	Description	Date
1	Issued for DA	6/24/16

COMMERCIAL/  
RESIDENTIAL  
PROJECT

Floor Plans - R3

Scale 1/16" = 1'-0"  
Date June 24, 2016  
Drawn by DGR  
Checked by PS

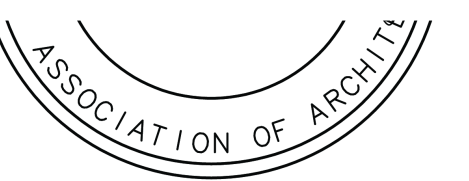
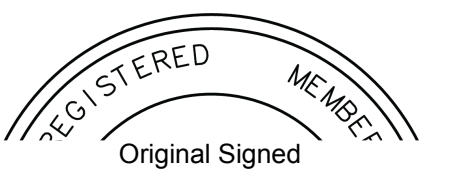
A3.3

Project number 2879

① R3  
1/16" = 1'-0"

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No.	Description	Date
1	Issued for DA	6/24/16

**COMMERCIAL/  
RESIDENTIAL  
PROJECT**

**Floor Plans - R4**

Scale 1/16" = 1'-0"

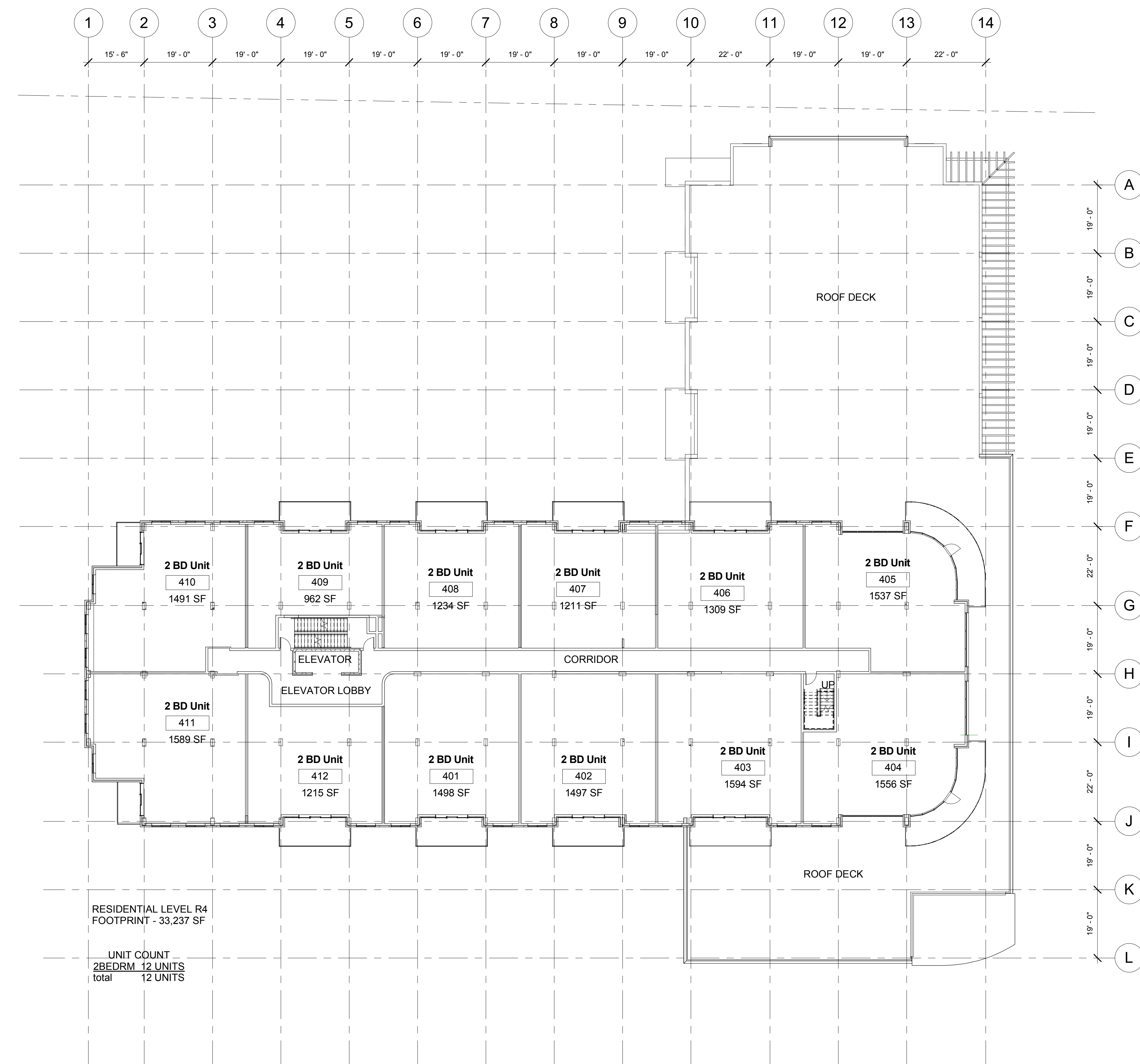
Date June 24, 2016

Drawn by DGR

Checked by PS

**A3.4**

Project number 2879



RESIDENTIAL LEVEL R4  
 FOOTPRINT - 33,237 SF

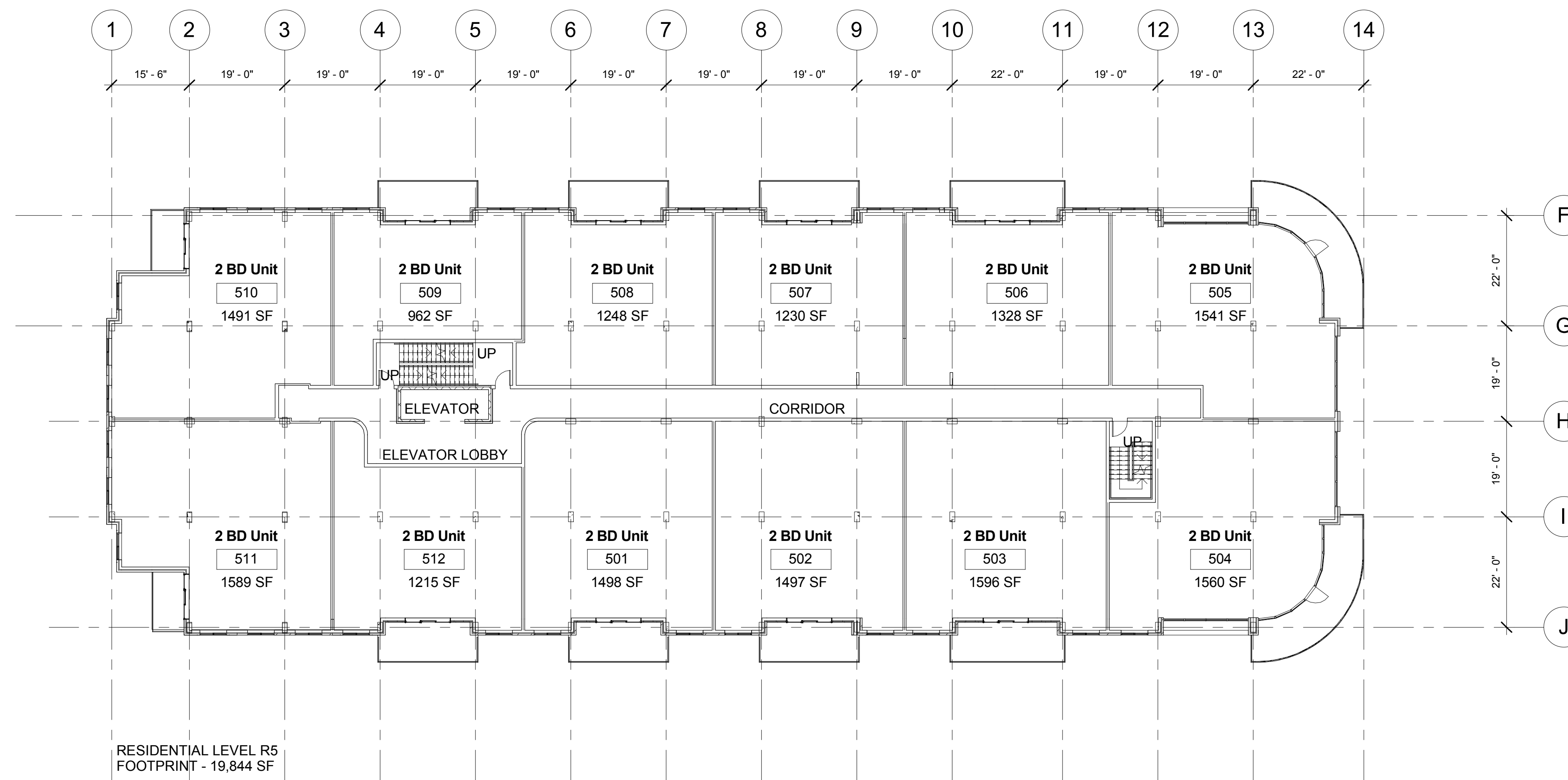
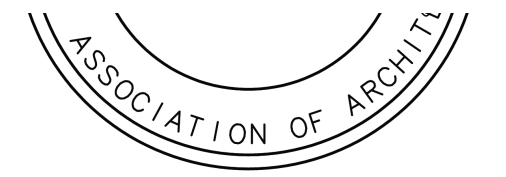
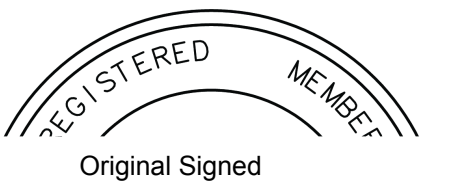
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 2BEDRM 12 UNITS  
 total 12 UNITS

① R4  
 1/16" = 1'-0"

8/16/2016 9:57:15 AM

NOTES:

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RESIDENTIAL LEVEL R5  
FOOTPRINT - 19,844 SF

UNIT COUNT  
**2 BEDRM. 12 UNITS**  
total 12 UNITS

① R5  
1/16" = 1'-0"

No.	Description	Date
	Issued for DA	6/24/16

COMMERCIAL/  
RESIDENTIAL  
PROJECT

Floor Plans - R5

Scale	1/16" = 1'-0"
Date	June 24, 2016
Drawn by	DGR
Checked by	PS

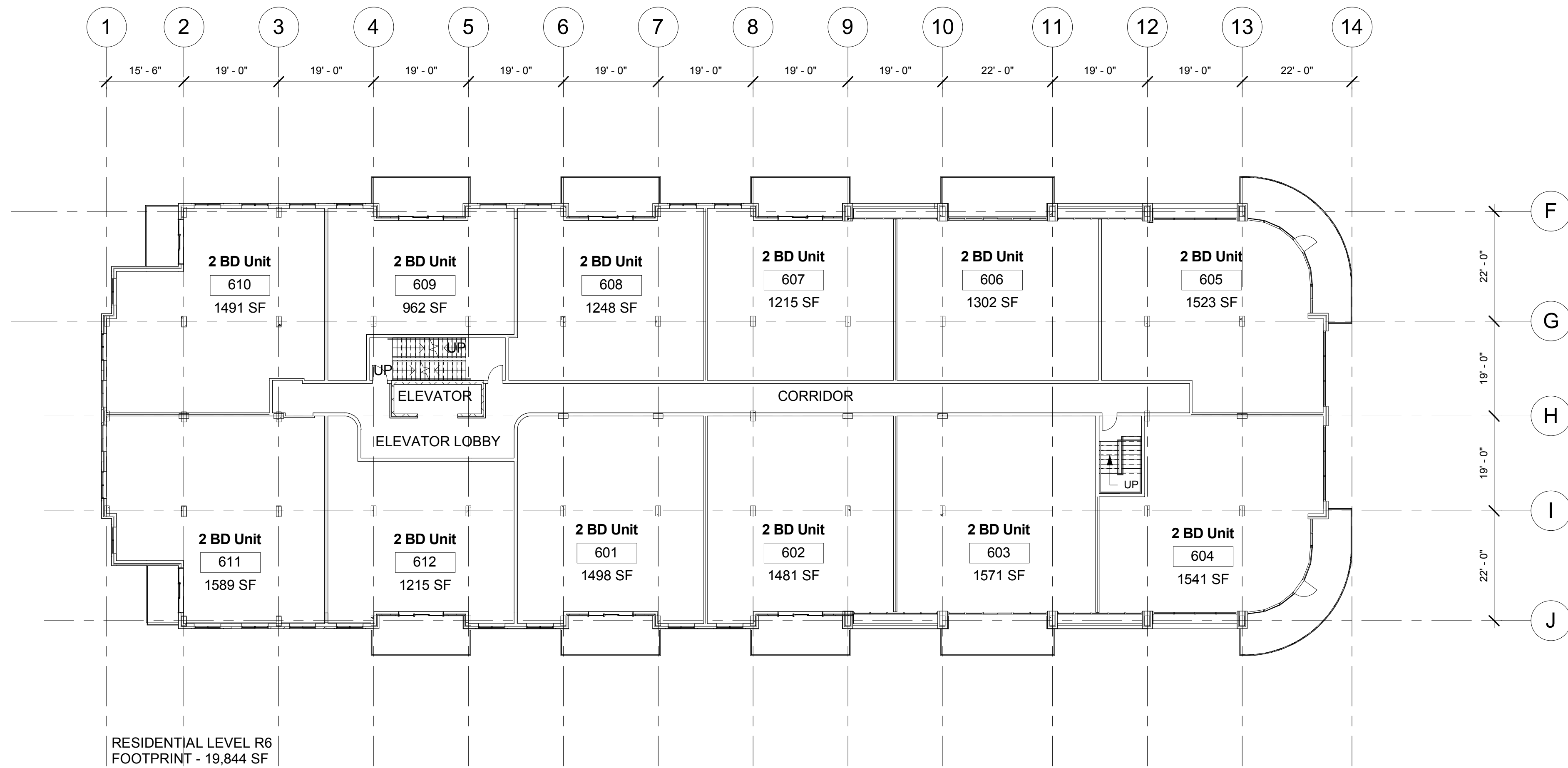
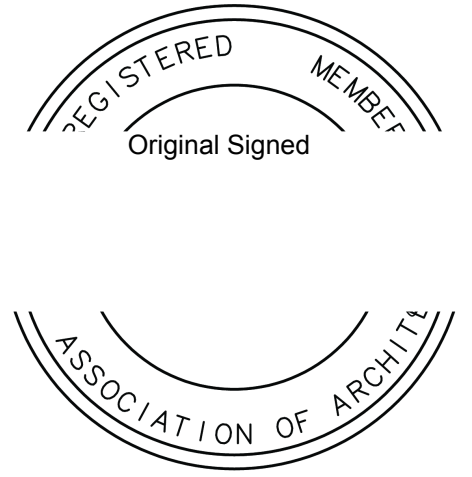
A3.5

Project number	2879
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UNIT COUNT  
 2 BEDRM 12 UNITS  
 total 12 UNITS

① R6  
 1/16" = 1'-0"

No.	Description	Date
1	Issued for DA	6/24/16

COMMERCIAL/  
 RESIDENTIAL  
 PROJECT

Floor Plans - R6

Scale	1/16" = 1'-0"
Date	June 24, 2016
Drawn by	DGR
Checked by	PS

**A3.6**

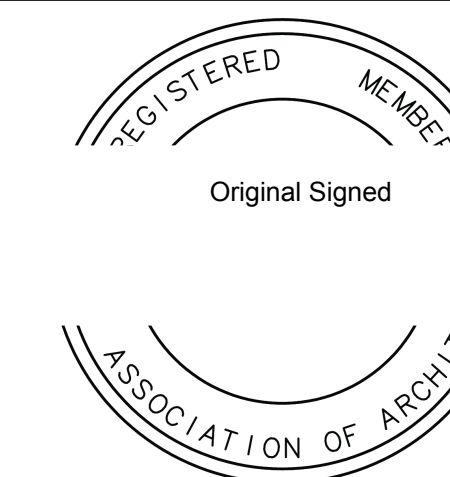
Project number	2879
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pskerry@pskerry.ca

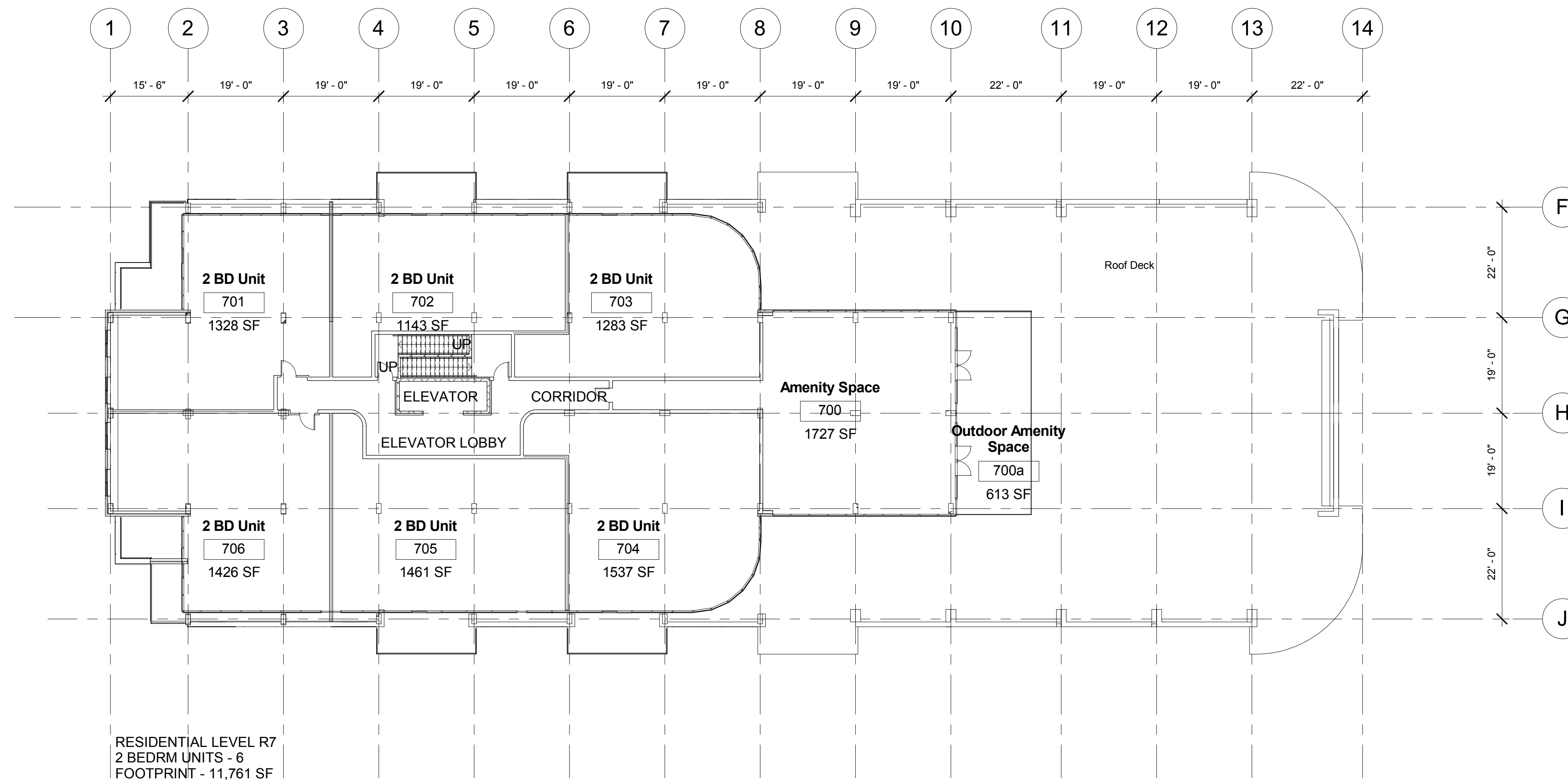
**PAUL SKERRY ASSOCIATES**  
 5514 Livingstone Place  
 Halifax, Nova Scotia B3K 2B9  
 ph: 902-455-4361  
 fax: 902-455-7778  
 email: drawing@pskerry.ca

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No.	Description	Date
1	Issued for DA	6/24/16



RESIDENTIAL LEVEL R7  
 2 BEDRM UNITS - 6  
 FOOTPRINT - 11,761 SF

① R7  
 1/16" = 1'-0"

COMMERICAL/  
 RESIDENTIAL  
 PROJECT

Floor Plans - R7

Scale	1/16" = 1'-0"
Date	June 24, 2016
Drawn by	GJ
Checked by	PS

**A3.7**

Project number	2879
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Schedule E - Elevations



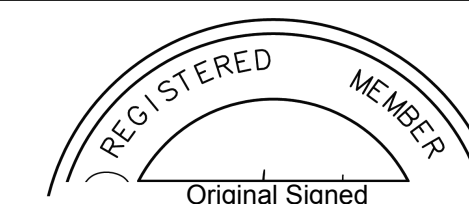
1 East Elevation  
1/16" = 1'-0"



2 South Elevation  
1/16" = 1'-0"

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No.	Description	Date
	Issued for DA	5/9/12
4	Revised per Comments	5/26/14
5	Revised Plans	7/8/14
6	Revised per HRM Comments	2/5/15
7	Removed One Storey	6/24/16

COMMERCIAL/  
RESIDENTIAL PROJECT  
LOT#6F-B  
BEDFORD HIGHWAY  
HALIFAX, NS

East & South  
Elevations

Scale	1/16" = 1'-0"
Date	June 24, 2016
Drawn by	GJ
Checked by	PS

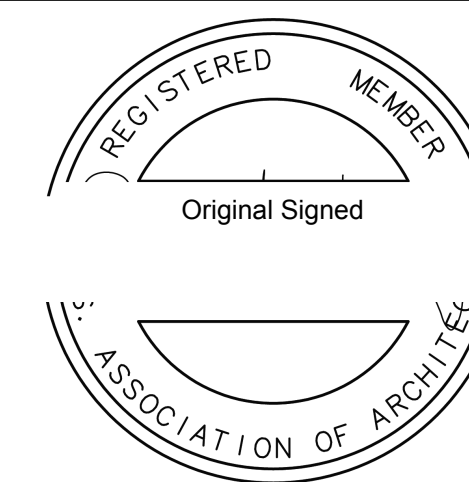
**A4.0**

Project number	2879
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- A - Masonry Type 1 - Red/Brown Tone
- B - Fibre Cement Siding - Light Beige Tone
- C - Aluminum Glazing System
- D - Aluminum/Glass Railing
- E - Vinyl Window/Door
- F - Fibre Cement Panel - Off White Tone
- G - Masonry Type 2 - Mid Beige Tone
- H - Aluminum/Glass Canopy
- I - Pergola - Brownish Tone



1 North Elevation  
 1/16" = 1'-0"



2 West Elevation  
 1/16" = 1'-0"

No.	Description	Date
	Issued for DA	5/9/12
4	Revised per Comments	5/26/14
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7	Removed One Storey	6/24/16

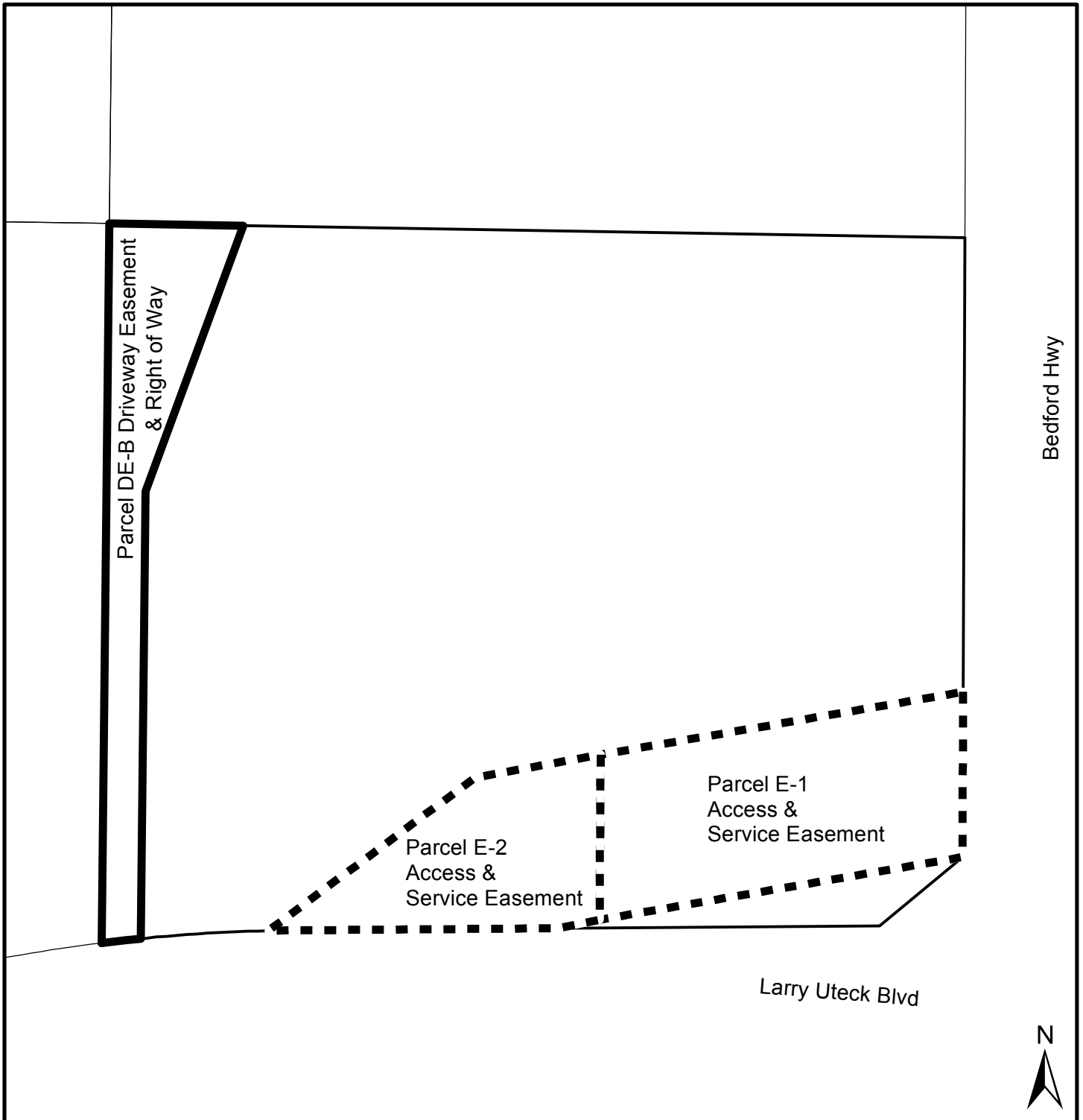
COMMERCIAL/  
 RESIDENTIAL PROJECT  
 LOT#6F-B  
 BEDFORD HIGHWAY  
 HALIFAX, NS

North & West  
 Elevations

Scale	1/16" = 1'-0"
Date	June 24, 2016
Drawn by	GJ
Checked by	PS

**A4.1**


Project number	2879
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


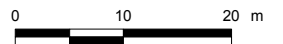
### Schedule F - Easement Plan

636 Bedford Highway  
Halifax

**HALIFAX**

 Easement to be maintained

 Easements to be extinguished



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

Halifax Mainland  
Land Use By-Law Area



**Attachment B**  
**Review of Relevant Policies of the Halifax MPS**

<b>Policy Criteria</b>	<b>Staff Comment</b>
<p><i>1.8.1 In considering land use by-law amendments to allow inclusion of a specific property within Schedule "R", the lands must be within the Bedford Highway Secondary Plan area, designated Highway Commercial, zoned C-2B (Highway Commercial Zone) and be immediately adjacent to lands currently identified in the land use by-law as Schedule "R". (RC-Jan 11/11;E-Mar 12/11)</i></p>	<p>The subject property is currently located in Schedule "R" and is within the Bedford Highway Secondary Plan, is designated Highway Commercial and is zoned C-2B (Highway Commercial Zone).</p>
<p><i>1.8.2 In considering development agreements pursuant to Policy 1.8, Council shall consider the following:</i></p>	
<p><i>(a) the relationship of new development to adjacent properties and uses; and, the mitigation of impacts on the amenity, convenience and development potential of adjacent properties through effective urban design and landscape treatment;</i></p>	<p>The subject property is adjacent to several medium to high density residential uses. Separation distances between the proposed development and existing buildings vary from approximately 75 feet to 400 feet (building face to building face). The effects of the proposed development on the amenity, convenience and development potential of surrounding properties are mitigated through controls on building placement, massing, orientation and design. Urban design and architectural techniques have been used to reduce the visual impact of the building and the building is built into the slope of the site so that impacts of the building height are minimized especially with regard to views from adjacent properties. Architectural detailing minimizes the impact of the building by providing visual interest and breaking up the mass of the building. The architectural design of the building focuses attention on Bedford Basin views and minimizes the interaction with its closest neighbours by creating a building mass perpendicular rather than parallel to the adjacent multiple unit dwelling at 24 Larry Uteck Boulevard.</p> <p>Significant landscaping is proposed throughout the development with attention paid to the transitions from the public right-of-way to the development, and the landscaping of rooftop podium decks, providing a uniform and quality landscaped aesthetic.</p>
<p><i>(b) direct access to and sufficient frontage on Bedford Highway;</i></p>	<p>The property has direct access to Bedford Highway and has approximately 77m (250 feet) of frontage on this street. This frontage is more than sufficient for this development. Additional road frontage of 95 m (311 feet)) and access is available on Larry Uteck Boulevard.</p>
<p><i>(c) the architectural design of the building(s) including high quality building materials, articulation</i></p>	<p>The primary cladding materials used include: several types of masonry brick, fibre cement</p>

<b>Policy Criteria</b>	<b>Staff Comment</b>
<i>of and variation to the building(s) facades; and fine-grained architectural detailing;</i>	siding, aluminum and glass panels, vinyl windows and doors, and aluminum and glass railings. The building is designed to have a fine grained appearance with frequent articulation or changes in materials and/or pattern and texture. Staff are satisfied that the architectural details include high quality building materials, appropriate articulation and variation; and fine-grained architectural detailing.
<i>(d) the scale of the building(s) having regard for the retention of views of the Bedford Basin from public spaces including streets, and active transportation corridors;</i>	Although the building height in total is 8 storeys, the building is located in a location where views of Bedford Basin from public places are not anticipated to be significantly affected. Views from public trails within the Bedros Lane development are primarily screened by existing vegetation and buildings. Public views of Bedford Basin from public streets are not expected to be significantly affected.
<i>(e) safe vehicular and pedestrian access to the site and building(s);</i>	<p>Two vehicular access points, one on the Bedford Highway and the other on Larry Uteck Boulevard are proposed. These access points are located as far back as possible from the traffic signals at Bedford Highway and Larry Uteck Boulevard. Additional upgrades to the Bedford Highway are not required.</p> <p>There are three pedestrian accesses proposed to the site, one adjacent each driveway, and one at the corner of Bedford Highway and Larry Uteck Boulevard. A full pedestrian network to and through the site has been provided, In addition, the developer has offered to upgrade the Bedford Highway sidewalk to concrete from the current asphalt one. This sidewalk will connect to other sidewalk improvements proposed to the north of the property on the Bedford Highway.</p> <p>No significant issues with regard to safety was identified during the review of this proposal.</p>
<i>(f) the adequacy of vehicle and bicycle parking facilities;</i>	<p>The development agreement requires 150 parking spaces which is considered adequate for the development. Additional parking spaces are available and the developer is expected to exceed the minimum number of required parking spaces.</p> <p>Bicycle parking is provided as per the LUB at bicycle racks at building entrances and within the parking garage.</p>
<i>(g) the location of the majority of the vehicular parking below or to the side or rear of the building(s) with a minimal amount of parking accommodated in the front of the building(s) only where appropriate landscape measures along the</i>	Over three quarters of all parking spaces are located underground; the remaining (32+) are located above ground, in the front yards, adjacent the commercial land uses.

<b>Policy Criteria</b>	<b>Staff Comment</b>
<i>street edge are provided;</i>	Landscaping (shrubs and fencing) are required to be planted along the Bedford Highway street frontage and on Larry Uteck Boulevard which mitigates the visual effects of front yard parking..
<i>(h) the provision of both interior and exterior amenity areas and open space of a high quality, of a size and type adequate for the active and passive use of the residents;</i>	The development agreement requires indoor and outdoor amenity space. Outdoor amenity space (greater than 1664 sq. m. (17913 sq. ft.)) is provided through private balconies, several common roof top terraces, and surface landscaped areas. Several interior rooms and common areas (538 sq. m.(5800 sq. ft.)) provide for adequate indoor amenity space.
<i>(i) the adequacy of the servicing capacity of the site;</i>	The application has been reviewed by Halifax Water. There were no concerns regarding the adequacy of the servicing capacity of the site. The applicant is to provide a sewage flow generation analysis at the development permit stage and any issues identified at that stage must be rectified by the developer at the developers expense.
<i>(j) the provision of appropriate buffering and landscape treatment;</i>	There is adequate separation distance between the proposed building and the adjacent buildings. The proposed building includes significant landscaping and where possible vegetation has been provided around the edge of the development to enhance separation distances.
<i>(k) the potential impact of shadowing on surrounding residential buildings beyond what currently exists;</i>	While some shading on land uses is commonly acceptable especially in urban and suburban areas, shading that occurs over extended periods of time can be considered a negative impact. The applicant submitted a shadow study for the original proposal which indicates that there may be shadow impacts on the lands and existing building to the west (24 Larry Uteck Boulevard), for several hours in the morning during the spring and fall. This impact was primarily to the limited to the eastern side of the building. The reduction of the building height to eight storeys should marginally reduces the impacts. Staff considers the amount of shadow impact acceptable. Further minor impacts on the building at 647 Bedford Highway may be experienced on the west side of the building in late afternoon.
<i>(l) demonstrated incorporation of Crime Prevention Through Environmental Design (CPTED) principles in the site and building design; and</i>	The proposed development was reviewed the Community Response Team of the Halifax Regional Police in relation to CPTED principles. Based on their comments the natural surveillance of the site is considered adequate.  Further, the proposed development agreement requires an outdoor lighting plan to be submitted prior to the issuance of a development permit. The developer is to provide verification that the lighting plan complies with the principles of

<b>Policy Criteria</b>	<b>Staff Comment</b>
	CPTED.
<i>(m) the provision of active transportation linkages, where needed.</i>	No active transportation linkages have been identified through this site.

**Attachment C**  
**Public Information Meeting Minutes – February 26, 2014**

**Case No. 18993**

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**Wednesday, February 26, 2014**  
**7:00 p.m.**  
**St. Peter's Anglican Church Hall**

**STAFF IN**

**ATTENDANCE:** Andrew Bone, Senior Planner, HRM Planning Applications  
Hilary Campbell, Planning Technician, HRM Planning Applications  
Cara McFarlane, Planning Controller, HRM Planning Applications

**ALSO IN**

**ATTENDANCE:** Councillor Tim Outhit, District 16  
Paul Skerry, Paul Skerry Associates Ltd., Representative of Applicant

**PUBLIC IN**

**ATTENDANCE:** Approximately 56

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The meeting commenced at approximately 7:11 pm.

**1. Call to order, purpose of meeting – Andrew Bone**

The Public Information Meeting (PIM) is to discuss Case 18993 which is an application by Bluenose Inn and Suites to enter into a development agreement to permit a nine-storey building plus a penthouse at 636 Bedford Highway. A mixed use building including 92 residential dwelling units, 26,000 square feet of commercial space and under/above ground parking is being proposed.

The purpose of the PIM is to identify that HRM has received an application, give some background on the proposal and receive feedback from the public. The PIM is purely for information exchange and no decisions are made at this time.

The PIM agenda was reviewed.

Mr. Bone introduced himself as the Planner facilitating this application through the planning process; Councillor Tim Outhit, District 16; Cara McFarlane and Hilary Campbell, HRM Planning Applications; and Paul Skerry, Paul Skerry Associates Ltd.

**2. Overview of Planning Process – Andrew Bone**

The planning process is as follows: the PIM is held; a detailed review with internal/external agencies; negotiate with the applicant and come up with some terms and conditions of the development agreement; a staff report, with staff's recommendation, is forwarded to North West Community Council (NWCC); NWCC will hold first reading and schedule a public hearing; the public hearing is held and NWCC will make a decision to approve or reject the proposal; a 14 day appeal period will follow; if not appealed, the development agreement is fully executed and registered with the Land Registry; and, once registered, applications for subdivision and building permits can be submitted to HRM's Development Services.

There was a lengthy discussion about this community not having a Planning Advisory Committee (PAC) to represent them. If this application goes before the NSUARB, PAC's opinion would provide extra support. Mr. Bone explained that a PAC can be valuable but not having one doesn't take away from the public's comments getting to Council through public meetings such as the PIM. PAC does not have the power to turn down a proposal. Councillor Outhit assured the public that Staff and himself will be taking their comments into consideration.

### **3. Presentation of Proposal – Andrew Bone**

The site is located at the corner of the Bedford Highway and Larry Uteck Boulevard (shown). It is zoned C-2B Zone and is in what is known as Schedule R of the Halifax Mainland Land Use By-law (LUB). Schedule R makes the site eligible for a development agreement for a mixed use building.

The Howard Johnson Motel is currently located on the site. The proposal would require the demolition of the motel and replacing it with the proposed multi-unit building. The site slopes from the Bedford Highway up Larry Uteck Boulevard in spots.

Policy 1.8 of the Bedford Highway Secondary Planning Strategy (SPS) enables Council to consider a development agreement on this subject site and allows the construction of mixed-use development in two specific nodes (near the Larry Uteck Boulevard interchange and one closer to Bedford) while preventing conflict with new and existing uses. It also allows the height of the building to go beyond the current 35 foot height restriction.

Schedule R runs to the north and to the south of Larry Uteck Boulevard. HRM has received four applications for adjacent properties along this section of the Bedford Highway, one has already been approved.

Council has to consider the terms of the policy when considering any application. The requirements were reviewed.

Mr. Bone explained what a development agreement is.

### **Presentation of Proposal – Paul Skerry**

This particular site has an existing Highway Commercial use, a motel, which has been deemed obsolete. It is a major corner on a very prominent site overlooking the Bedford Basin.

Planning regulations are considered when looking at the possibilities of a site. The size of a building is determined by the amount of parking and amenity space on the site that can service the building. The site plan shows frontage on the Bedford Highway and Larry Uteck Boulevard, a low rise commercial (and office) component and some low rise residential facing the Bedford Highway. The remainder of the building (the higher portion) is aligned so it gives a presence on Larry Uteck Boulevard. The entrance to the apartment building and the commercial component were shown. There is surface parking for the retail/commercial portion and the residential parking is completely underground.

The reason the building was aligned in this way is to minimize the impact of the viewplane for the buildings in behind. This site is steep; therefore, by layering the building it gives the appearance of disappearing into the hill. There are two things the architect is trying to achieve: give everyone in the building a view from both sides of the building and minimize the view blockage for anyone situated behind the building.

### **4. Questions and Comments**

**A Resident** – The community is concerned about traffic problems and the loss of views. Requests for installing traffic lights at the corner of Bedros Lane and Larry Uteck Boulevard have been turned down. The residents are concerned about health and safety. Mr. Skerry indicated that residential buildings do not generate a lot of traffic. Mr. Bone's role in the planning process is to review the proposal and all of the issues brought to attention with a team of professionals. Staff is aware of many of the issues as there are other proposals to the north and south of the site. These issues will be addressed through negotiations with the applicant and brought forth to Council through the staff report. Such issues will include, but not limited to: traffic, pedestrian safety, sidewalks, viewplanes, building height, compatibility with adjacent structures, etc.

**Jud Godin, Halifax** – He believes that the three high-rise proposals should be considered as one, particularly in regard to drainage, sewage capacity, sidewalks, turning lanes, traffic and pedestrian safety. High density is good in an urban environment if there are amenities nearby. Council should require that real amenities (pharmacies, banks, etc.) be included in proposals. Sidewalks are needed, not bike paths. This project will add hundreds of commuters all day to the area and exiting Bedros Lane or Starboard Drive is already hazardous at almost any time of the day due to the steep grade and sharp turns on the lower section of Larry Uteck Boulevard. There should be a traffic study that considers future developments. If this is not possible, reduce the density and enforce a 35 foot height restriction. Mr. Bone has been assigned as the planner to facilitate any planning applications along this section of the Bedford Highway for consistency purposes.

**Ray Hunt, Bedros Lane** – He referred to the PIM for 644 Bedford Highway and a Traffic Impact Study performed by Genivar for that application. The study was done in August 2011 and since that study was done, 19 buildings have been developed west of Bedros Lane. At the time, the study was deemed to be inaccurate. The public was concerned about the traffic and inquired about traffic signals on Larry Uteck Boulevard at Bedros Lane and Starboard Drive. Traffic lights are determined on a point system and include such factors as traffic and pedestrian volumes, accident history and the location of nearby traffic signals. In 2003, by Administrative Order #12, HRM created the Traffic Authority which is run by one person who makes decisions on traffic signals in HRM. Mr. Hunt submitted a picture (taken in November) of the traffic on Larry Uteck Boulevard from 2011.

**Ira MacInnis, Bedros Lane** – It was noted that the group is concerned about views and traffic after Mr. MacInnis asked a show of hands. He also noted that traffic is a concern for Councillor Outhit. The building at 644 Bedford Highway is much worse as it runs horizontal to the highway as opposed to perpendicular; however, as he will be looking at the back of these buildings, it will impact his view. He understood that the building at 644 Bedford Highway was originally five storeys but now it is mentioned that it will be five to seven storeys. The proposal for 664 Bedford Highway definitely blocks the whole north-end of the Bedford Basin from his view. Mr. Bone explained that the proposal for 644 Bedford Highway remains unchanged from the original proposal. The proposal for 664 Bedford Highway has changed since the PIM was held and can be viewed on the HRM Website.

**Mr. MacInnis** – He believes that this proposal does not meet policy as it, and the other three proposed properties, are not consistent with the buildings adjacent to them which are four storeys or less in height. Mr. Bone could not comment on the proposal for 644 Bedford Highway as he was not the planner. The staff report for 664 Bedford Highway has not been prepared; therefore, he has not provided any advice to this point. The developer, as a result of the PIM, has decided to submit a redesign and change the way the building sits on the property.

**Mr. MacInnis** – When travelling Downtown, it currently takes 20 to 25 minutes longer than it used to. HRM did a good job putting the infrastructure in place for Larry Uteck Boulevard to the overpass before construction started. These proposals are major and there is no plan to upgrade the Bedford Highway. Why are these applications even coming forward to Council? He asked HRM staff and Councillor Outhit to please give careful consideration to these projects because this is a major impact for all of this development.

**Elaine Godin, Bedros Lane** – She is concerned about the ingress and egress of the property. As it is, people don't know if Larry Uteck Boulevard is one, two or four lanes. Can some lines be painted on the road so that people are aware that two lanes merge into one? There is going to be a traffic horror story on Larry Uteck Boulevard. Mr. Bone will provide HRM Engineers with specifics from this meeting when seeking comment from them.

**Ann Lynk, Bedros Lane** – She agrees with the traffic problems and high numbers. Bedros Lane is a unique, quiet, clean little enclave. Up until now, it has a million dollar view and this building will definitely take that away. The building is way out of scale. She doesn't understand that this will be decided by other people (who don't live in the area), Councillors and planners. Mr. Skerry said that only 5% of Ms. Lynk's

view would be obstructed. Mr. MacInnis disagrees with Mr. Skerry. Mr. Skerry will prepare a digital picture showing the obstruction of her view due to this proposal. Mr. Bone said the relationship of all these structures will be part of the review. One resident asked why nine and ten storey buildings along the Bedford Highway are coming forth now? Mr. Bone said that the policy is not specific to height; therefore, allowing Council to look at unique situations of any particular site and where appropriate allow for higher.

**Hugh Lynch** – He wondered if the architect could reduce the height and spread the building over the footprint which would still give the developer the square footage. This would allow the residents to keep their view. This building is ten storeys, not nine storeys and a penthouse. Mr. Skerry said it would be more massive.

**Sat Lalla, Bedros Lane** – Having a building of this size and blocking the view of the residents behind will depreciate the property values. He is also concerned about traffic volumes. Counts have to be done at certain times. Mr. Bone agreed that the corner at Larry Uteck Boulevard and Bedros Lane has very limited visibility and he will raise that question with qualified staff. Mr. Lalla suggested that a traffic engineer be present at the next public meeting. Mr. Bone believes it would be beneficial at the public hearing.

**David Holding, Bedros Lane** – His property value will depreciate if his view is obstructed.

**Mr. MacInnes** – With the amount of proposals in the same area, there should be some answers to traffic issues by now, especially if 644 Bedford Highway has been approved. It would be appreciated to have someone here to answer the public's questions. Mr. Bone reiterated that he was not the planner for 644 Bedford Highway. The proposal for 664 Bedford Highway is scheduled to meet for review on March 17. He doesn't have any personal knowledge at this point. Mr. MacInnis would like to know when the public can review Mr. Bone's recommendation to Council. Mr. Bone explained that could be done at the public hearing.

**Allan MacDonald, Bedros Lane** – He disagrees with adding 92 dwelling units due to the increase in traffic. Larry Uteck Boulevard was constructed to enhance construction (he is not against that). The existing buildings are angled in such a way not to block the residents' views. This building is a wall and people are going to be upset if this approved. He did not agree with the wording of nine storeys plus a penthouse. It is ten storeys.

**Mr. MacDonald** – He said that by removing one of the underground parking levels and the building being five storeys would not obstruct the view of anyone behind. People bought into this community for the views. This is really upsetting to people and cuts into their lifestyle.

**Maureen Palmeter, Fernleigh Park** – The traffic study should follow Appendix A from the HRM Traffic Impact Study Guidelines and include things such as future developments in the area, sidewalks, turning lanes, etc. She would like to know what HRM asked the consultant to include in this study. The data used, such as time of year (not when University students are on break), should be accurate. She is also concerned about density. In the end, what will the density of the whole development be? Please include this in the staff report.

**Brian Worrall, Bedros Lane** - The ten storey proposal will set a precedent for future developments. The penthouse in this building looks to be two storeys; therefore, the building now becomes eleven storeys. He is also concerned about traffic where Bedros Lane and Starboard Drive enter onto Larry Uteck Boulevard. Traffic lights are needed there.

**Chris Rafuse, Bedros Lane** – He doesn't have an issue with development but if this proposal is approved, there will be somewhere between 2.6 and 3.1 million dollars of net worth wiped out from the units that are impacted by the view. That net worth is being transferred directly to this developer. Many of these residents are on a fixed income. Councillors have to keep this in mind when making a decision. There are other options.



**Henderson Allen, Bedford Highway** – Larry Uteck Boulevard was constructed to alleviate traffic on the Bedford Highway, but it has become worse. This development will create more traffic trying to enter the Bedford Highway.

**Debbie Conlon, Bedros Lane** – If these high-rise buildings are approved, the attitude of the area will change. Access from this building onto Larry Uteck Boulevard is at a point where vehicles often get stuck during snowfalls. This needs to be re-examined.

**John Namnoum, Larry Uteck Boulevard** – He owned this property for 35 years and sold a portion of it because he was not permitted to build something of this size. If approved, this development will increase traffic and make that corner more hazardous. It will also block the building he owns in behind.

**Councillor Outhit** – Several public meetings have been held and the same issues brought to light. He takes the residents' views and investments very seriously. He believes losing the view will decrease property values. Through consultation with developers, people's views have been protected. One developer has agreed to put in a sidewalk along their site. By way of negotiations between staff and the developer, maybe something creative can be done with how the building is angled, designed and located to minimize the impact of views. The developer for 664 Bedford Highway has lowered the building for their proposal. Councillor Outhit is doing what he can regarding the traffic on the Bedford Highway but Council does not control the Traffic Authority. He promised that a study and count would be done every six months at the intersection of Larry Uteck Boulevard and Bedros Lane. He believes traffic lights should be installed there.

## **5. Closing Comments**

**Mr. Bone** thanked everyone for coming and expressing their comments.

## **6. Adjournment**

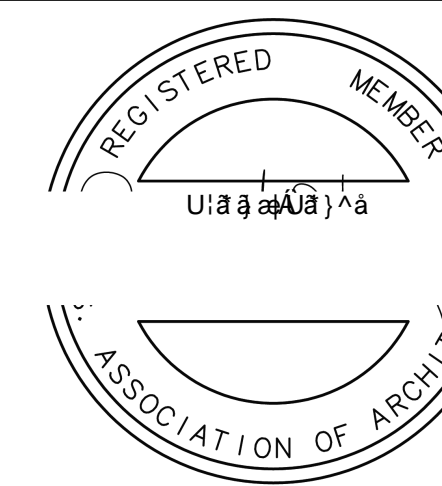
The meeting adjourned at approximately 9:05 p.m.



① Bird's Eye

**NOTES:**

- 1) THE CONTRACTOR IS RESPONSIBLE FOR CHECKING ALL ALL DIMENSIONS ON SITE & REPORTING ANY DISCREPANCY TO THE ARCHITECT BEFORE PROCEEDING.
- 2) DO NOT SCALE FROM DRAWINGS USED FIGURED DIMENSIONS.
- 3) DRAWING REPRESENTATIONS MAYBE IN VARIANCE W/ DETAILED SPECS. & SCHEDULES, IN WHICH CASE SPECS. & SCHEDULES OVERRIDE THE DRAWINGS.
- 4) CHANGES FROM THESE PLANS & SPECS. MUST BE AGREED TO IN WRITING, & APPROVED BY THE ARCHITECT & OWNER, BEFORE PROCEEDING.
- 5) ONLY THOSE DRAWINGS MARKED APPROVED FOR CONSTRUCTION, ARE TO BE USED FOR CONSTRUCTION.
- 6) THESE DRAWINGS ARE TO BE READ IN CONJUNCTION W/ THE SPECS.



No.	Description	Date
5	Revised Plans	7/8/14
7	Removed One Storey	6/24/16

COMMERICAL/  
 RESIDENTIAL PROJECT  
 LOT#6F-B  
 BEDFORD HIGHWAY  
 HALIFAX, NS

Perspective - Bird's  
 Eye

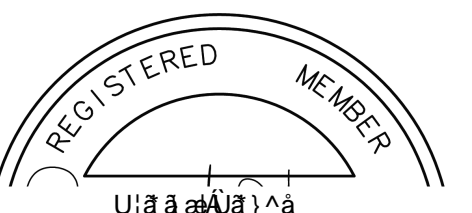
Scale	
Date	June 24, 2016
Drawn by	GJ
Checked by	PS

**A4.3**

Project number	2879
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**NOTES:**

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No.	Description	Date
	Issued for DA	5/9/12
4	Revised per Comments	5/26/14
5	Revised Plans	7/8/14
7	Removed One Storey	6/24/16

**COMMERCIAL/  
 RESIDENTIAL PROJECT  
 LOT#6F-B  
 BEDFORD HIGHWAY  
 HALIFAX, NS**

**Perspective Towards  
 Bedford Highway**

Scale	
Date	June 24, 2016
Drawn by	GJ
Checked by	PS

**A4.4**

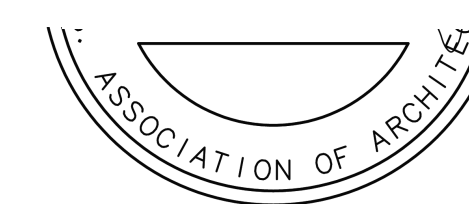
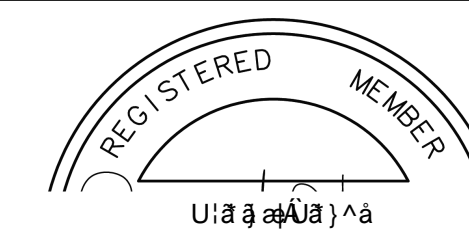


① Perspective Towards Bedford Highway



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1 Perspective from Bedford Highway

No.	Description	Date
3	Issued for DA	5/9/12
4	Revised per Comments	5/26/14
5	Revised Plans	7/8/14
7	Removed One Storey	6/24/16

COMMERICAL/  
 RESIDENTIAL PROJECT  
 LOT#6F-B  
 BEDFORD HIGHWAY  
 HALIFAX, NS

Perspective from  
 Bedford Highway

Scale	
Date	June 24, 2016
Drawn by	DR
Checked by	PS

A4.2

Project number	2879
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**Attachment E  
Density Comparison**

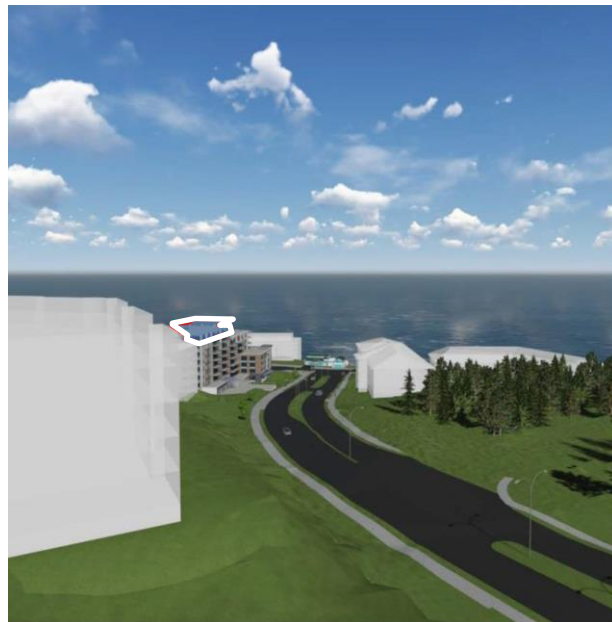
<b>Address</b>	<b>Units</b>	<b>Property Size (sq ft)</b>	<b>Units/Acre</b>	<b>Population/Acre</b>
Proposed – 636 Bedford Highway**	102	99,241	44.8	100.7*
647 Bedford Highway	38	45,359	35.5	82.1
644 Bedford Highway (WM Fares)**	52	62,761	36.1	81.2
664 Bedford Highway (Premax)**	98	173,576	24.6	55.3*
37 Larry Uteck Boulevard	24	45,074	23.2	52.2
20 Larry Uteck Boulevard	24	55,515	18.8	42.3
116 Larry Uteck Boulevard	60	117,969	22.2	49.8
22 Bedros Lane	72	167,918	18.7	42.0
40 Bedros Lane	77	107,640	31.1	70.0
53 Bedros Lane	76	124,862	26.5	59.7
64 Bedros Lane	32	125,939	11.1	24.9
79 Bedros Lane	63	107,293	33.7	75.8
94 Bedros Lane	83	190,523	19.0	42.7
26 Jacobs Lane	96	173,380	24.1	54.3
51 Jacobs Lane	96	166,842	25.1	56.4
56 Jacobs Lane	96	248,739	16.8	37.8

\*Does not include a conversion of commercial space to an equivalent population. When commercial area is added in, the densities would increase to 105 person per acre and 61 person per acre.

\*\* Subject to Schedule R Policies.

**Attachment F Visualizations from Bedros Lane  
52 Bedrose Lane – Unit 107**

The areas outlined in white indicate the ninth floor, to be removed with the reduction from nine to eight storeys.



94 Bedros Lane – First Floor





94 Bedros Lane – 2<sup>nd</sup> Floor

Unit 203



Unit 203





94 Bedros Lane – 3<sup>rd</sup> Floor



Unit  
312



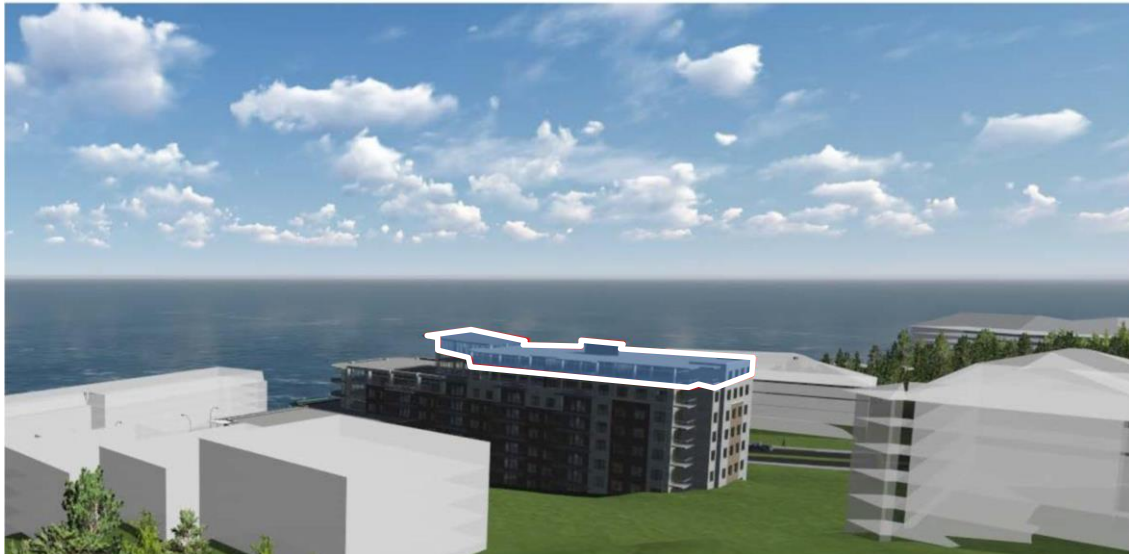
Unit  
312

94 Bedros Lane – 3<sup>rd</sup> Floor

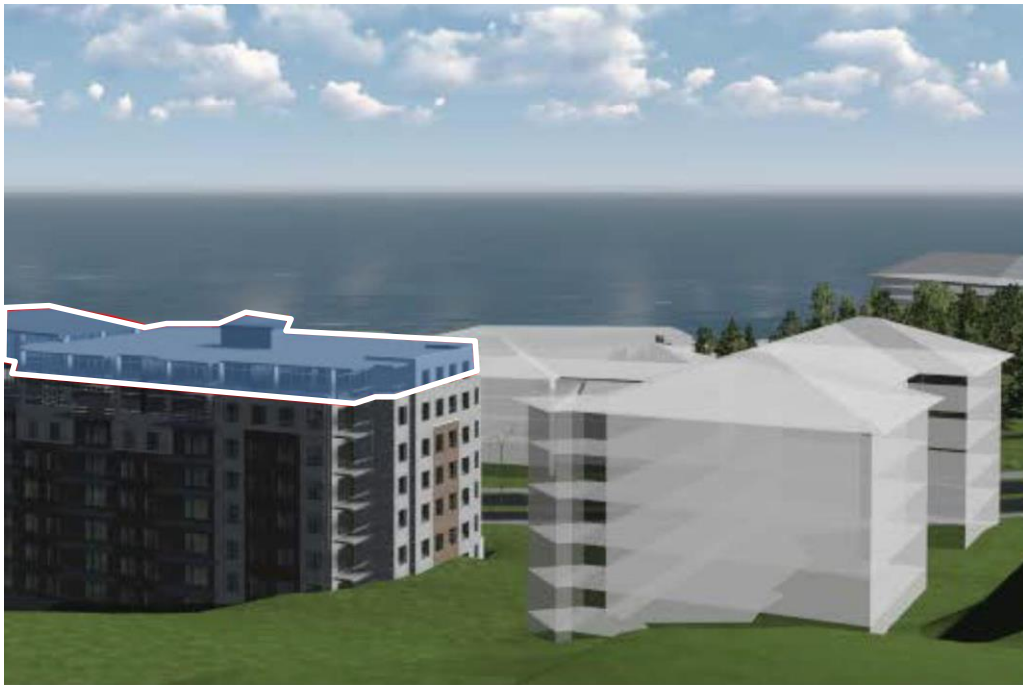
Third Floor



Third Floor



94 Bedros Lane – 3<sup>rd</sup> Floor





94 Bedros Lane – 4th Floor



**79 Bedros Lane – Unit 107**

Unit 107



Unit 107



79 Bedros Lane – Unit 109

Unit 109



Unit 109



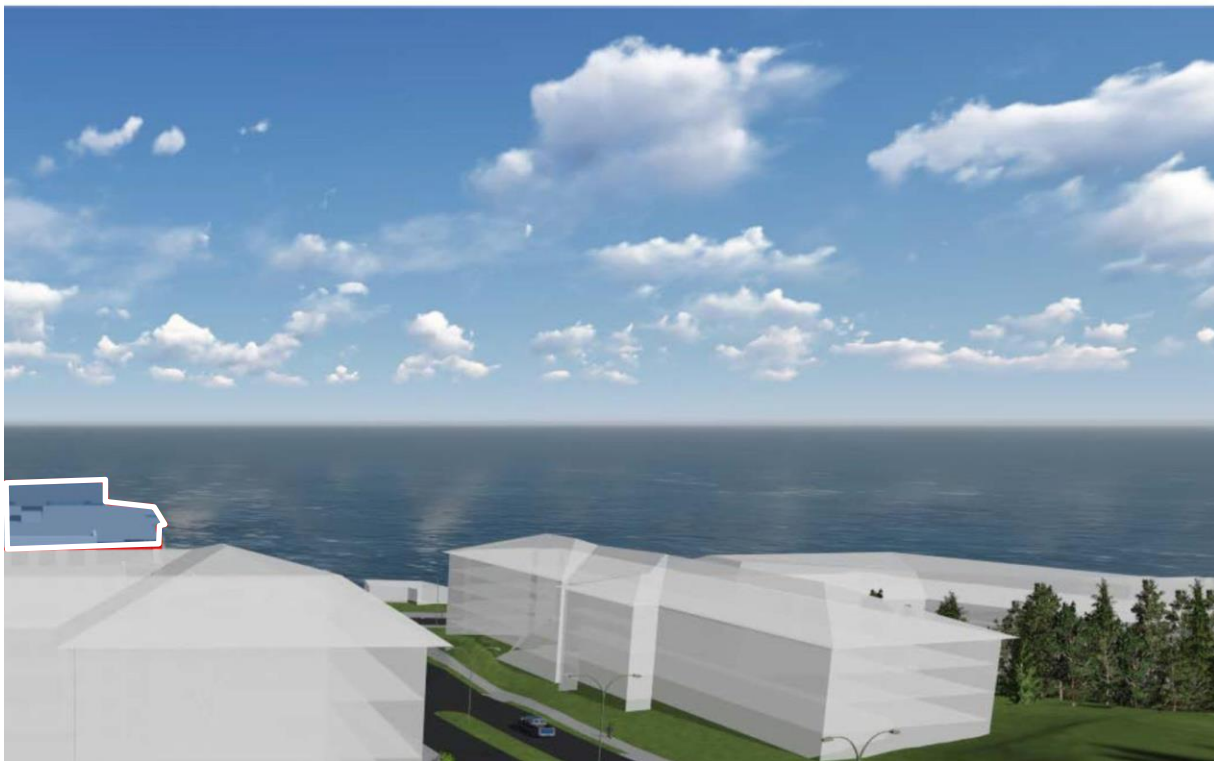


79 Bedros Lane – Unit 305

Unit 305



Unit 305



79 Bedros Lane – Unit 305

Unit 305



Unit 305





79 Bedros Lane – Unit 406

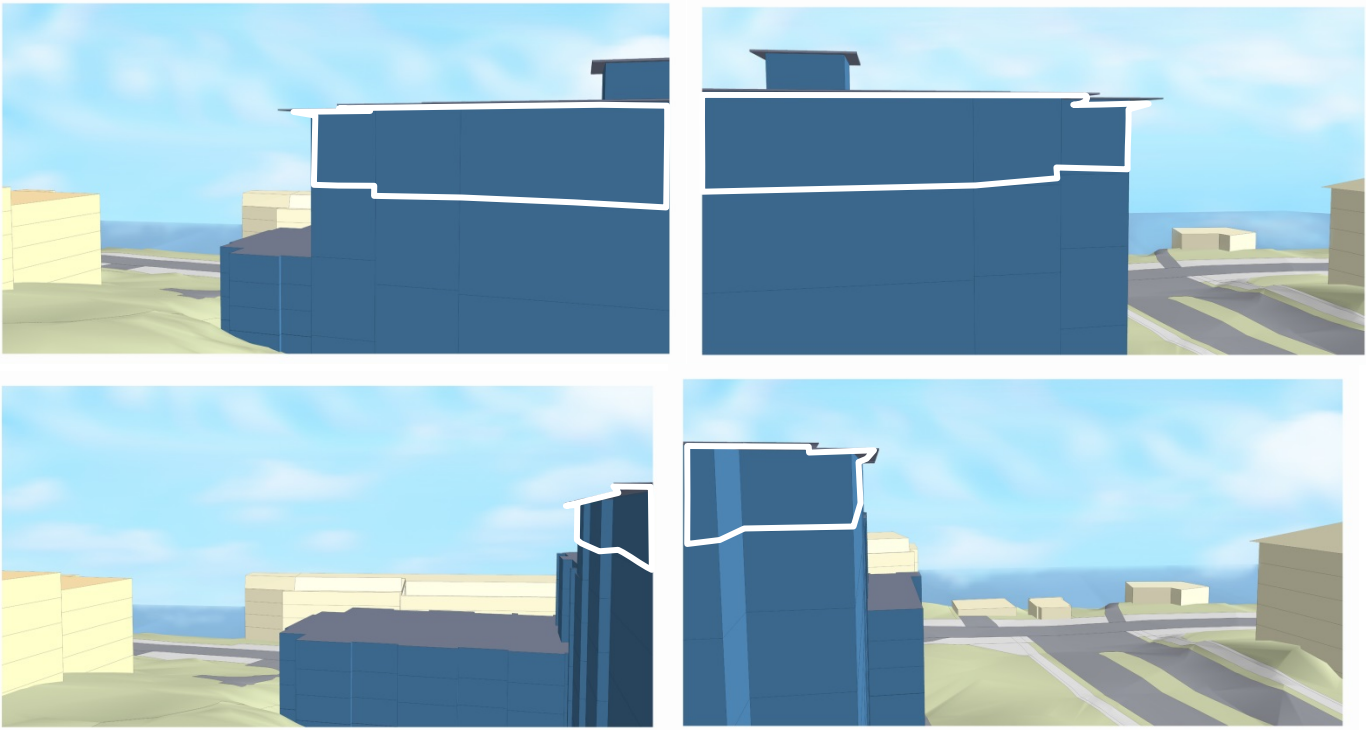
Unit 406



Unit 406



Attachment G  
Visualizations from 37 Larry Uteck Boulevard



The areas outlined in a white indicate the ninth floor, to be removed with the reduction from nine to eight storeys.