



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

Item No. 13.1.1
Halifax and West Community Council
September 12, 2018

TO: Chair and Members of Halifax and West Community Council

-Original Signed-

SUBMITTED BY:

Steve Higgins, Acting Director of Planning and Development

-Original Signed-

Kelly Denty, Acting Chief Administrative Officer

DATE: August 27, 2018

SUBJECT: **Case 21321: LUB Amendment and Development Agreement Amendment-
2856 Gottingen Street, 5517 Bilby Street, and 5519 Bilby, Street Corner of
Gottingen Street and Bilby Street, Halifax.**

ORIGIN

Application by Michael Napier Architecture.

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that Halifax and West Community Council:

1. Give First Reading to consider approval of the proposed amendment to Map ZM-2 of the Land Use By-law for Halifax Peninsula, as set out in Attachment A, to include 2856 Gottingen Street, Halifax, in Schedule Q, and schedule a public hearing;
2. Give notice of motion to consider the proposed amending development agreement, as set out in Attachment B, and schedule a public hearing for the proposed amending development agreement shall be held concurrently with that indicated in Recommendation 1; and
3. Adopt the amendment to Map ZM-2 of the Land Use By-law for Halifax Peninsula, as set out in Attachment A.

Contingent upon the amendment to the Halifax Peninsula Land Use By-law being approved by Community Council and becoming effective pursuant to the requirements of the *Halifax Regional Municipality Charter*, it is further recommended that Halifax and West Community Council:

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

BACKGROUND

On October 28, 2013, Halifax and West Community Council approved an amendment to the Halifax Peninsula Land Use By-law to apply Schedule Q to three properties on the west side of Bilby Street at the intersection of Bilby and Gottingen Streets. This zoning amendment enabled a development agreement process to consider a comprehensive development proposal at this location.

On January 6, 2014, Halifax and West Community Council approved a development agreement on these three properties to permit a mixed use seven storey building. The building approved in that application has not yet been constructed.

Since that previous approval, the developer has acquired the abutting property at 2856 Gottingen Street and wishes to incorporate it into the development approved in 2013-14. 2856 Gottingen Street currently contains a two-storey vacant commercial building and accessory building previously used as a locksmith shop.

Michael Napier Architecture, on behalf of the property owner, Nick I Holdings Ltd. is applying to amend the Halifax Peninsula Land Use By-Law to apply Schedule Q to 2856 Gottingen Street and make substantive amendments to the existing approved building to allow additional commercial floor space, an additional 24 residential units and an eighth storey. The proposed building would include a total of 63 residential units.

Subject Site	2856 Gottingen Street (PID's 00127548, 00127530, 00127555, and 00127522)
Location	West side of Gottingen Street between Macara Street and Bilby Street, Halifax
Regional Plan Designation	Urban Settlement
Community Plan Designation (Map 1)	MJC (Major Commercial), Peninsula North Secondary Plan, Area 5 under the Halifax MPS
Zoning (Map 2)	C-2 (General Business) Zone, under the Halifax Peninsula LUB
Size of Site	Approximately 1,189 square metres (12,800 square feet) total.
Street Frontage	Approximately 30.48 metres (100 feet) along Gottingen Street and 39.17 metres (128.5 feet) along Bilby Street.
Current Land Use(s)	PIDs 00127548, 00127530, 00127555: Vacant PID 00127522: Vacant Commercial building and accessory building.
Surrounding Use(s)	Canadian Forces Base Stadacona across Gottingen Street, low and medium density residential uses, an Ultramar Service Station, commercial retail, and a Subway restaurant.

Proposal Details

The major aspects of the proposal are as follows:

- A proposed increase of 24 residential units to a new total of 63 residential units: 23 bachelor, 12 one-bedroom, 24 two-bedroom, and 4 two-bedroom + den;
- An additional storey, for a total of eight storeys. Building setbacks from existing adjacent residential properties at the 2nd level through 7th level, and again at the 8th level;
- A proposed increase of 16 vehicle parking spaces to a new total of 41 within the building;
- A proposed increase of bicycle parking spaces to meet LUB requirements;
- 1,750 square feet of indoor amenity space, and 1,600 square feet of outdoor amenity space, comprised of a second-level shared outdoor patio; and
- Use of the same building materials as approved in the existing agreement.

Existing Development Agreement

On October 28, 2013, Halifax and West Community Council approved the adoption of an amendment to Map ZM-2 (Schedule Q) of the Halifax Peninsula Land Use By-law to include three properties (PIDs 00127548, 00127530, 00127555), (Planning Case 18149).

As part of the same application, on January 6, 2014, Halifax and West Community Council approved a development agreement on these three properties to:

- Permit a mixed use seven storey building;
- Permit a maximum of 39 residential units within the residential portion of the building, and the option for two additional units that may be permitted on the ground floor;
- Require a minimum of 15 residential units consist of 2 or more bedrooms;
- Permit ground floor commercial uses limited to those permitted within the C-2A Minor Commercial Zone, excepting billboards;
- Require a minimum of 153.66 square metres (1,654 square feet) of a combination of indoor and outdoor amenity space. A minimum of 112.41 square metres (1,210 square) feet of which was required to be located on an outdoor patio; and
- Control architectural requirements, landscaping, signage, bike parking, vehicle parking, and site lighting.

Enabling Policy and LUB Context

The subject properties are designated MJC (Major Commercial), Peninsula North Secondary Plan, Area 5 under the Halifax Municipal Planning Strategy. This designation allows Council to identify areas designated Major Commercial for comprehensive site planning through the development agreement process. This is achieved through the application of Schedule "Q" of the Halifax Peninsula Land Use By-law. Schedule "Q" was established to address the challenge of introducing new residential uses into existing commercial and industrial areas by negotiating development agreements on a site-by-site basis. The three properties under the Existing Development Agreement are within Schedule "Q".

The subject properties are all zoned C-2 (General Business) Zone, under the Halifax Peninsula Land Use By-law. This zone permits commercial buildings with no restrictions on front, side, or rear yards but limits the height to 21.34 metres (80 feet), with an allowance for additional height if the building is setback from the property line. Residential uses are also permitted within the C-2 Zone subject to the requirements of the R-3 (Multiple Dwelling) Zone. The application of Schedule "Q" to a property supersedes the requirements of the C-2 Zone by requiring projects of greater than four dwelling units to be considered through the development agreement process. This provides flexibility by enabling the modification of standard land use by-law requirements through a development agreement.

Approval Process

The approval process for this application involves two steps:

- i) First, Halifax and West Community Council may consider and, if deemed appropriate, approve the proposed amendment to the Land Use By-law (Map ZM-2) to include the property at 2856 Gottingen Street within Schedule "Q"; and
- ii) Second, Halifax and West Community Council may consider and, if deemed appropriate, approve the proposed amending development agreement once the LUB amendment is in effect.

Notwithstanding the two-stage approval process, a single public hearing can be held by Community Council to consider both the proposed LUB amendment and the development agreement. However, subsequent to the completion of the hearing process, the proposed LUB amendment must be approved by Community Council and be in effect prior to a decision on the development agreement. Both decisions are subject to appeal to the N.S. Utility and Review Board.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, letters mailed to property owners within the notification area and a public information meeting held on Thursday, February 22, 2018 at Ward 5 Neighborhood Centre beginning at 7:00pm. Approximately 10 members of the public attended. Attachment D contains a copy of the minutes from the meeting. The public comments received include the following topics:

- Concern regarding number of parking spaces within building and traffic generation.
- Some residents concerned the building is not in line with Centre Plan (4-6 stories, 8 stories is exception), others do not see an issue with the proposed height.
- Some residents expressed that the recent increased density in the area does not fit in with surrounding residential homes, some residents expressed that the increased density is welcome and helping improve the look of the many empty lots.
- Comments that the proposal's increased setbacks and balconies is an improvement over the approved building.

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

The proposal will potentially impact local residents and property owners.

Halifax Peninsula Planning Advisory Committee

On March 26, 2018, the Halifax Peninsula Planning Advisory Committee (PAC) recommended that the application be approved subject to considerations. HPPAC raised concerns over:

HPPAC Concern	How Concern is Addressed
Spacing between towers (neighboring approved building at corner of Gottingen and Macara Streets)	Applicant expressed that the building setback is in keeping with industry standards and left the application as-is. The setback from the adjacent interior property line is the same 4.2 metres (13 feet-10 inches) past the podium, as was approved in the original agreement. Since the approval of the original agreement, an agreement on the adjacent property was approved with an interior line setback of 3.6 metres (12 feet), resulting in a total building separation (past the podiums) of 7.8 metres (25 feet - 10 inches).

Delivery access plan	Applicant expressed that a lay-by space is not appropriate and that the commercial area is accessed off Gottingen Street, so confining loading/unloading to an adjacent street would be problematic. Delivery access will remain along Gottingen St.
Extra storey (is not in-line with Centre Plan 4-6 storeys - 8 storeys is an exception)	Applicant expressed that the eight storey is proposed to better match the height of the approved building at the corner of Gottingen and Macara Streets (adjacent to this proposal), and the eight-storey building under construction at the corner of Almon and Gottingen, and that the continuity of height will read between along the street than having a shorter building between the others.
Public art/wall treatment recommended for blank surface on Gottingen Street	Applicant revised the blank wall on the ground floor to have larger commercial windows to improve the quality of the commercial space and street presence.

The recommendations of the PAC on the application are sent to Community Council by means of a separate report.

DISCUSSION

Staff has reviewed the proposal relative to all relevant policies and advise that it is reasonably consistent with the intent of the MPS. Attachment C provides an evaluation of the proposed LUB amendment and amending development agreement in relation to the relevant MPS policies.

Land Use By-law Amendment (Schedule “Q”)

Considering the mixed nature of the surrounding land uses and the abutting existing development agreement, the property has been assessed by staff as appropriate for mixed use development. As Schedule “Q” is currently applied to large portions of Peninsula North that are designated Major Commercial, application to the property at 2856 Gottingen Street represents a relatively small expansion of the area under the Schedule (Map 3). However, the incorporation of the property at 2856 Gottingen Street into the abutting development presents a significant opportunity for further comprehensive site planning along Gottingen Street between Bilby and Macara Streets. The proposal will benefit from the controls and flexibility that the development agreement process provides to reduce future land use conflicts.

Proposed Amending Development Agreement

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

- Residential uses limited to a maximum of 63 units with a minimum of 25 of those units containing two or more bedrooms);
- Maximum building height of 25.9 metres (85 feet);
- Minimum 232.2 square metres (2,500 square feet) of a combination of landscaped open space and recreational space. A minimum 107.7 square metres (1,160 square feet) of landscaped open space required on level 2;
- Minimum of 41 vehicular parking spaces;
- Bicycle parking requirements; and
- Time extensions to commencement of construction and completions dates.

The proposed amending 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 C, the following have been identified for detailed discussion.

Building Height, Design, and Neighbourhood Compatibility

To achieve investment in commercial and residential redevelopment, the MPS requires that Council consider *“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”*. Substantial building heights and massing are achievable through the as-of-right permitting process in this area. However, the existing development agreement addresses design and compatibility issues, resulting in a building of greater density with less massing and height than could be achieved in an as-of-right situation. The addition of the property at 2856 Gottingen Street and the addition of an eighth storey enabled under the amending development agreement still results in a building of less massing and potentially height (depending on setbacks) that could be achieved in an as-of-right situation. The proposed height is consistent with building height recently approved by Community Council on the adjacent property at the corner of Gottingen and Macara Streets (Case 20149).

The MPS encourages effective urban design treatments and the use of high quality exterior building materials. These elements were regulated through the existing development agreement and no changes have been made to the existing requirements for building materials, streetwall height, or signage.

To minimize potential land use conflicts, commercial uses were limited in the existing agreement to those permitted in the C-2A (Minor Commercial) Zone (with the exception of service stations and billboards). No changes to these limitations are proposed. The design of the proposed building also includes measures to reduce land use conflict such as larger setbacks from the neighbouring property line for the upper stories of the building. A further increased setback of 20 feet at the eighth level is proposed to mitigate impacts from the additional storey. Setbacks for all other stories have remained the same as those approved in the existing development agreement.

Traffic/Site Access

MPS policy encourages vehicular traffic to use principal streets and discourages traffic from infiltrating through existing neighbourhoods. However, the Streets Bylaw S300 requires driveways to be on the lower volume street whenever possible. A traffic impact statement prepared by the applicant's consultant was reviewed by HRM and was deemed acceptable. While the primary residential access and parking entrance is proposed on Bilby Street, commercial customers accessing the building will use the entrance from Gottingen Street. The site is located along major transit routes.

Landscaped Open Space and Amenity Areas

MPS policy calls for on-site open space and leisure areas which are adequate for the building residents. The original agreement requires a minimum of 153.66 square metres (1,654 square feet) of a combination of indoor and outdoor common amenity space, including a minimum of 112.41 square metres (1,210 square feet) being located on a second-floor outdoor patio. The proposed amending development agreement requires an increase of amenity area/landscaped space proportional to the larger building size and increased unit count. This results in a minimum of 232.2 square metres (2,500 square feet) of landscaped open space and recreational space, including a minimum of 107.7 square metres (1,160 square feet) of landscaped open space required to be located on the 2nd level of the development. Additional roof top amenity space is permitted on the upper levels. The existing development agreement requires a detailed landscaping plan prepared by a landscape architect when applying for the development permit.

Parking

The development agreement requires a minimum of 41 interior parking spaces which equates to approximately 0.65 parking spaces per unit. Staff consider the need for parking in a building based on its location in relation to transit connections, opportunities for active transportation and the community desire for less costly housing. This building is well located with regular and frequent bus service on Gottingen and Robie Streets. Minimizing the required number of parking spaces can reduce construction costs which can contribute to less costly units. Under these circumstances, staff support the proposed parking requirements.

Conclusion

Staff have reviewed the application in terms of all relevant policy criteria and advise that the proposal is reasonably consistent with the intent of the Halifax MPS.

Staff recommend that the Halifax and West Community Council approve the proposed land use by-law amendment (Attachment A) and proposed amending development agreement (Attachment B).

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 2018-2019 budget and with existing resources.

RISK CONSIDERATION

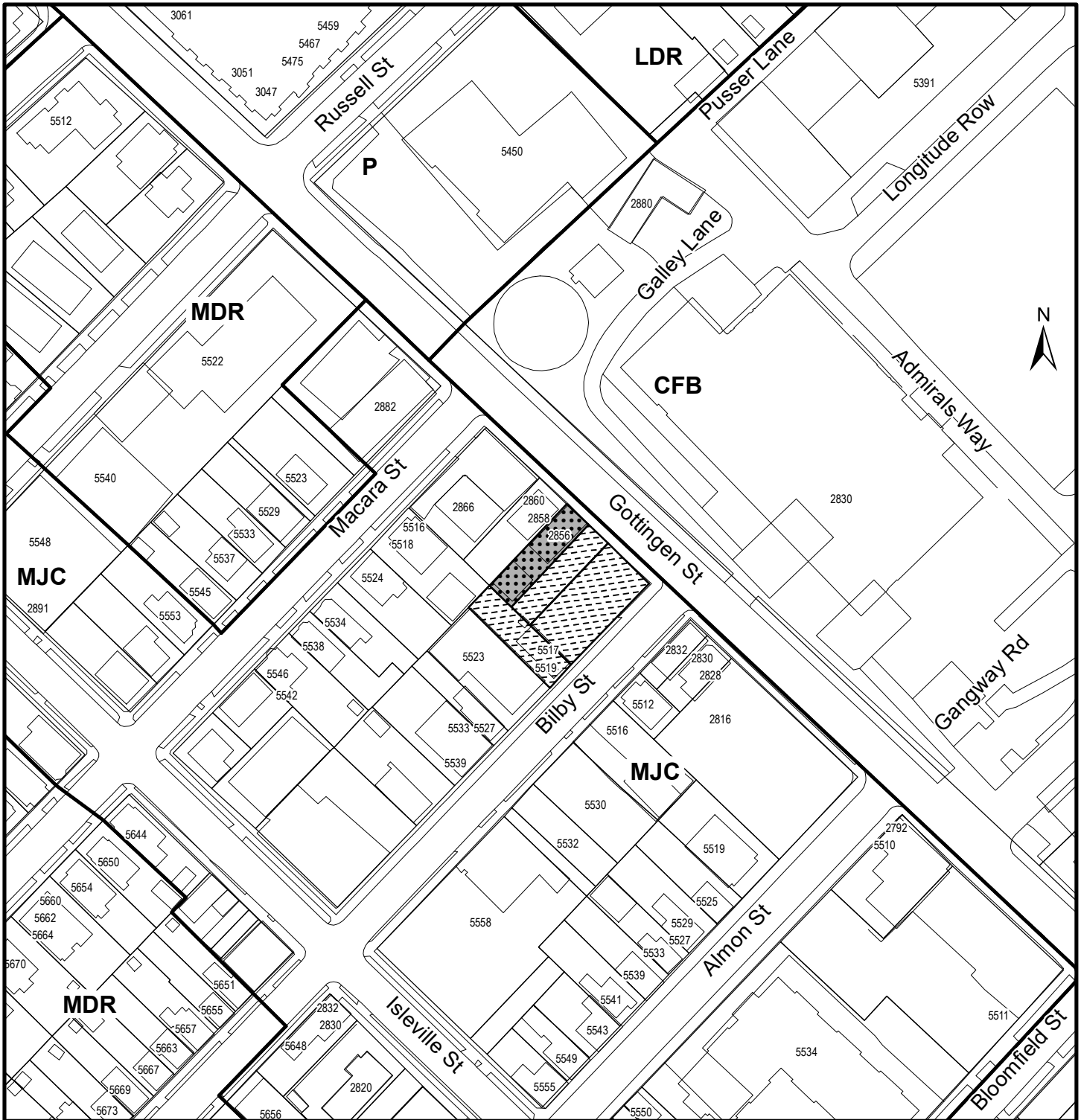
There are no significant risks associated with the recommendations contained within this report. This application may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility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

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

ALTERNATIVES



1. Halifax and West Community Council may choose to approve the proposed amendment to the Halifax Peninsula LUB and the proposed amending 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 the proposed LUB Amendment or development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Halifax and West Community Council may choose to refuse the proposed amendment to the Halifax Peninsula LUB and proposed amending development agreement, and in doing so, must provide reasons why either or both do not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed LUB amendment or development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
3. Halifax and West Community Council may choose to refuse the approve the proposed amendment to the Halifax Peninsula LUB and refuse the amending development agreement, and in doing so, must provide reasons why either or both do not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed LUB amendment or development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.



Map 1 - Generalized Future Land Use

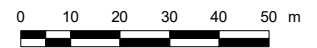
HALIFAX

2856 Gottingen Street,
Halifax

-  Subject Property to be added to Schedule Q and added to existing Development Agreement
-  Area of Existing Development Agreement and Proposed Amendments

Designation

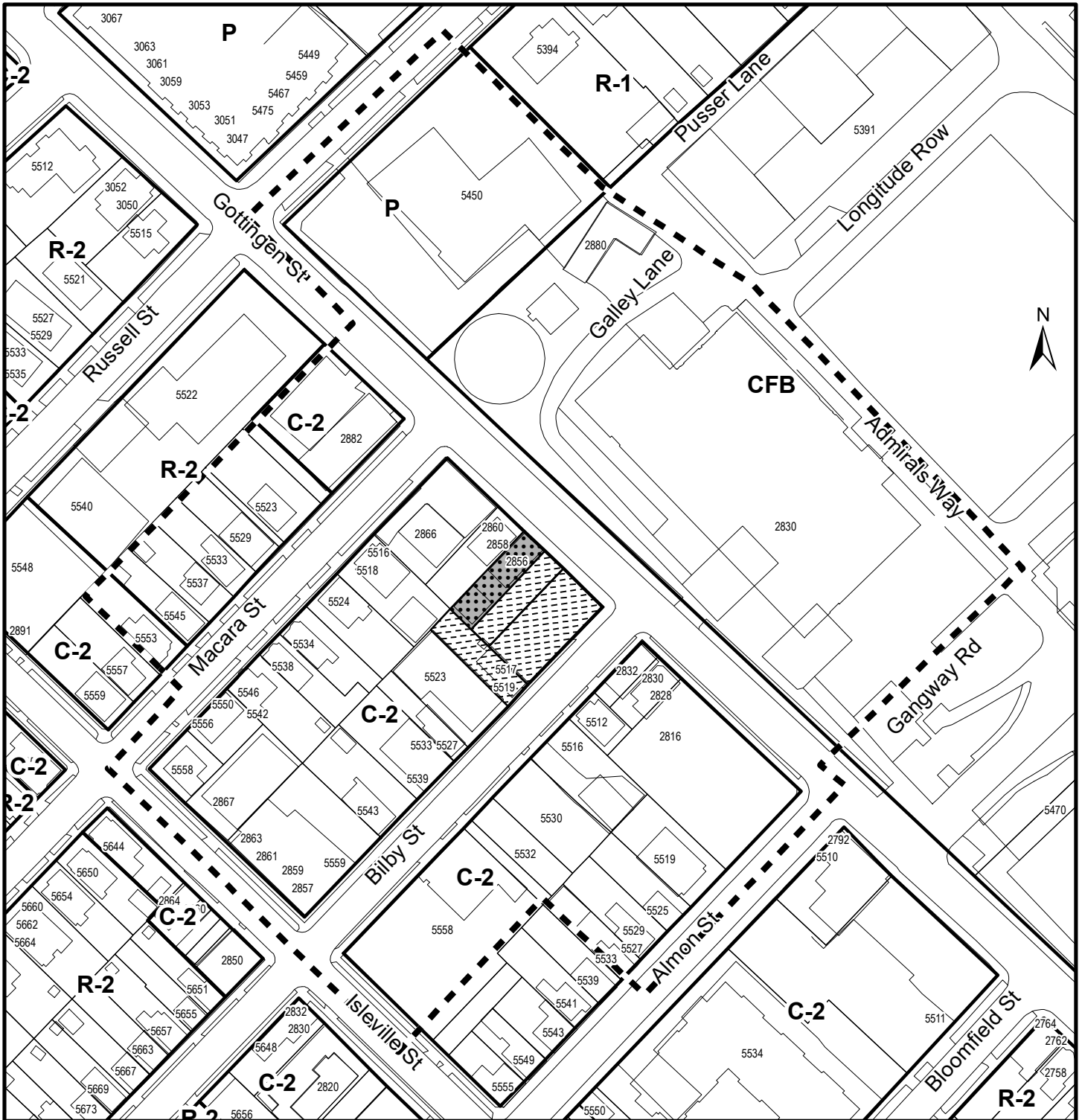
- LDR Low Density Residential
- MDR Medium Density Residential
- MJC Major Commercial
- P Park and Institutional
- CFB Canadian Forces Base



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

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




Halifax Plan Area
Peninsula North Secondary Plan Area



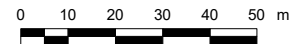
Map 2 - Zoning and Notification

2856 Gottingen Street,
Halifax



-  Subject Property to be added to Schedule Q and added to existing Development Agreement
-  Area of Existing Development Agreement and Proposed Amendments
-  Area of Notification

- Zone**
- R-1 Single Family Dwelling
 - R-2 General Residential
 - C-2 General Business
 - P Park and Institutional
 - CFB Canadian Forces Base



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

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

Halifax Peninsula Land Use By-Law Area




Map 3 - Schedule Q Lands

2856 Gottingen Street,
Halifax

HALIFAX



 Area to be included in Schedule Q

 Existing Schedule Q

Halifax Plan Area
Peninsula North Secondary Plan Area

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Attachment A

Proposed Amendment to the Land Use By-law for Halifax Peninsula

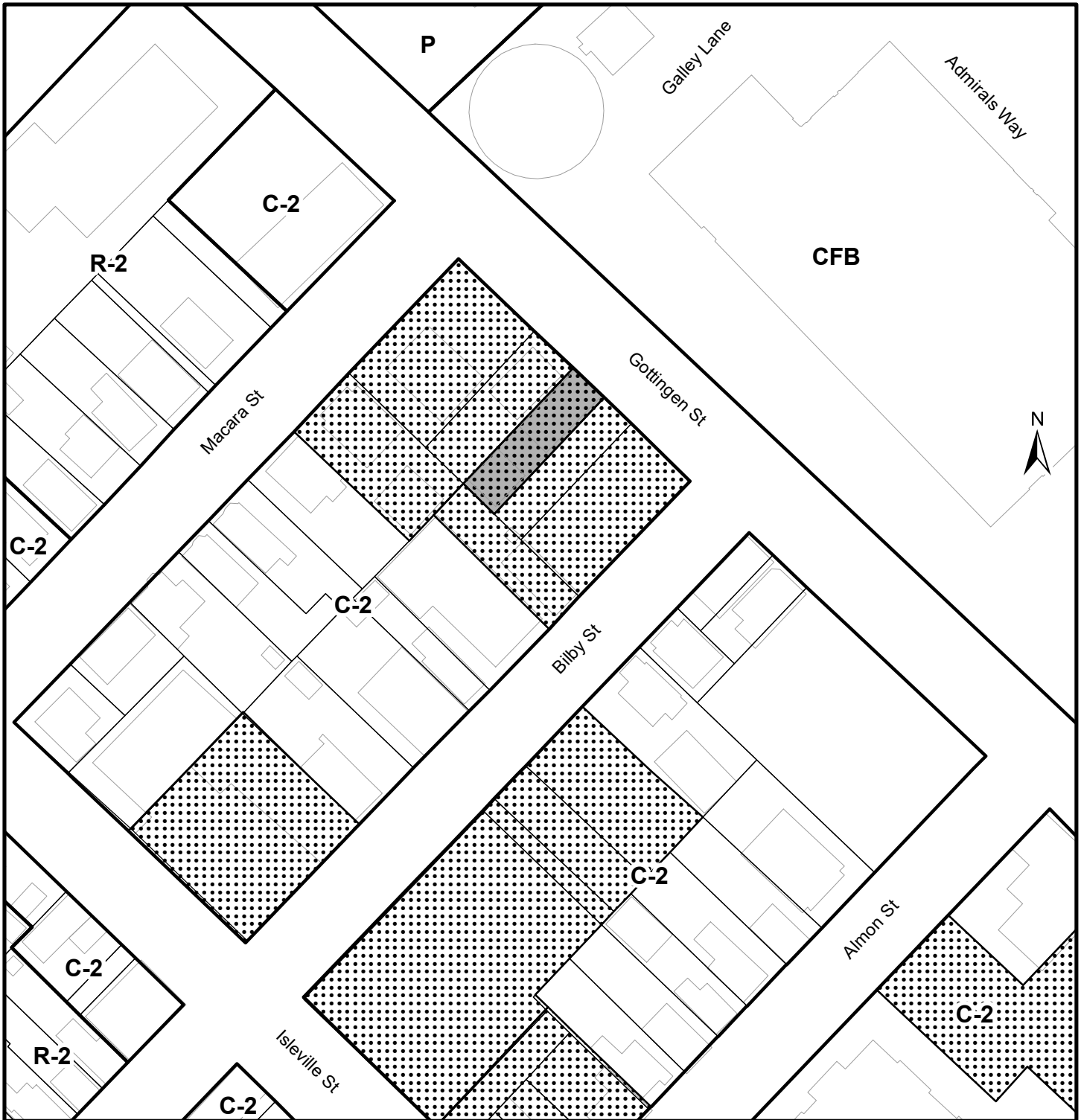
BE IT ENACTED by the Halifax and West Community Council of the Halifax Regional Municipality that the Land Use By-law for Halifax Peninsula is hereby further amended as follows:

1. Amend Map ZM-2, the Zoning Map, of the Halifax Peninsula Land Use Bylaw by applying Schedule "Q" to property identified as 2856 Gottingen St, Halifax (PID 00127522) as illustrated on Schedule A attached hereto.

THIS IS TO CERTIFY that the amendments to the Halifax Peninsula Land Use By-law, as set out above, were duly passed by a majority vote of the Halifax and West Community Council at a meeting held on the day of , 20__.

GIVEN under the hand of the Municipal Clerk and the Corporate Seal of the Halifax Regional Municipality this day of , 20__.


Municipal Clerk



Schedule A

HALIFAX

2856 Gottingen Street,
Halifax

 Area to be included in Schedule Q

 Existing Schedule Q

Zone

- R-2 General Residential
- C-2 General Business
- P Park and Institutional
- CFB Canadian Forces Base



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

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

Halifax Plan Area
Peninsula North Secondary Plan Area

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

3. The first recital shall be amended by inserting the text shown in bold, as follows:

WHEREAS the Developer is the registered owner of certain lands located on the north western corner of Gottingen Street and Bilby Street, identified as PIDs (PIDS 00127548, 00127530, **00127522** and 00127555), and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

4. Section 3.1 of the Original Agreement shall be amended by deleting the text shown in strikeout and inserting the text shown in bold, as follows:

~~Schedule A~~ ~~Legal Description of the Lands~~
~~Schedule B~~ ~~Subdivision Plan~~
~~Schedule C~~ ~~Site Plan~~
~~Schedule D~~ ~~East (Gottingen Street) Elevation~~
~~Schedule E~~ ~~South (Bilby Street) Elevation~~
~~Schedule F~~ ~~West Elevation~~
~~Schedule G~~ ~~North Elevation~~

Schedule A-1 **Legal Description of the Lands**
Schedule B-1 **Subdivision Plan**
Schedule C-1 **Site Plan**
Schedule D-1 **East (Gottingen Street) Elevation**
Schedule E-1 **South (Bilby Street) Elevation**
Schedule F-1 **West Elevation**
Schedule G-1 **North Elevation**

3. The Original Agreement shall be amended by deleting the following Schedules:

Schedule A Legal Description of the Lands
Schedule B Subdivision Plan
Schedule C Site Plan
Schedule D East (Gottingen Street) Elevation
Schedule E South (Bilby Street) Elevation
Schedule F West Elevation
Schedule G North Elevation

And inserting the following Schedules,

Schedule A-1 Legal Description of the Lands (attached)
Schedule B-1 Subdivision Plan (attached)
Schedule C-1 Site Plan (attached)
Schedule D-1 East (Gottingen Street) Elevation (attached)
Schedule E-1 South (Bilby Street) Elevation (attached)
Schedule F-1 West Elevation (attached)
Schedule G-1 North Elevation (attached)

4. The Original Agreement shall be amended by deleting all text references to Schedules A, B, C, D, E, F and G, and replacing such references with the respective reference to Schedules A-1, B-1, C-1, D-1, E-1, F-1, and G-1.

5. Subsection 3.4.1 of the Original Agreement shall be amended by deleting the text shown in strikeout and inserting the text shown in bold, as follows:

3.4.1 Ground-floor land uses shall be limited to uses permitted by Section 3.3(a), **parking, and lobby, and residential amenity space landscaped open space, and recreational space.**
6. Subsection 3.4.2 of the Original Agreement shall be amended by deleting the text shown in strikeout and inserting the text shown in bold, as follows:

3.4.2 A maximum of ~~39~~ **63** residential dwelling units shall be permitted within the multiple-unit residential portion of the building. Notwithstanding Section 3.4.1, two additional residential units may be permitted if located on the ground-floor.
7. Subsection 3.4.3 of the Original Agreement shall be amended by deleting the text shown in strikeout and inserting the text shown in bold, as follows:

3.4.3 A minimum of ~~45~~ **25** of the residential dwelling units shall consist of 2 or more bedrooms.
8. Subsection 3.5.2 of the Original Agreement shall be amended by deleting the text shown in strikeout and inserting the text shown in bold as follows:

3.5.2 The building's height, massing, exterior design and materials shall be as shown on the Schedules. The ground floor of the south elevation, as shown on Schedule E, may be altered to accommodate residential uses, commercial uses, or ~~amenity area~~ **recreational space.**
9. Subsection 3.5.3 of the Original Agreement shall be amended by deleting the text shown in strikeout and inserting the text shown in bold, as follows:

3.5.3 The maximum height of the building shall not exceed ~~22.86~~ **25.9** metres (~~75~~ **85** feet). Height shall be defined as the vertical distance of the highest point of the roof, excluding any mechanical rooftop equipment **and elevator overrun**, above the mean grade of the finished ground adjoining the building along the principle street. **For the purposes of this section the principle street shall be Gottingen Street.**
10. Subsection 3.5.5 of the Original Agreement shall be amended by deleting the text shown in strikeout, as follows:

3.5.5 Further to Section 3.5.4, acceptable cladding materials include brick, stone masonry, cement siding, metal paneling, wooden shingles, ~~wooden~~ railings and high quality pre-cast paneling containing fine grained detail to resemble one of the other permitted cladding materials or an acceptable equivalent as determined by the Development Officer of the Municipality.
11. Subsection 3.5.8 of the Original Agreement shall be amended by deleting the text shown in strikeout and inserting the text shown in bold, as follows:

3.5.8 All guardrails associated with ~~outdoor common space~~ **landscaped open space** shall be made of ~~metal framing with insert glass. The metal framing shall be complementary in colour to the surrounding building material~~ **non-combustible wood-lock railing to provide privacy screening from adjacent properties.**
12. Subsection 3.6.1 of the Original Agreement shall be amended by deleting the text shown in strikeout and inserting the text shown in bold, as follows:

- 3.6.1 A minimum of ~~153.66~~ **232.2** square meters (~~1,654~~ **2,500** square feet) of a combination of ~~indoor and outdoor common amenity space~~ **landscaped open space and recreational space** shall be provided. A minimum of ~~112.41~~ **107.7** square metres (~~1,210~~ **1160** square feet) shall be provided as ~~outdoor amenity space~~ **landscaped open space** on level 2 ~~as shown on Schedule B~~. Additional outdoor landscaped open space may be provided on the upper levels of the building.
13. Subsection 3.15.1 of the Original Agreement shall be amended by deleting the text shown in ~~strikeout~~ and inserting the text shown in bold, as follows:
- 3.15.1 Vehicular parking shall be fully enclosed and shall accommodate a minimum of ~~25~~ **41** vehicular parking spaces. Up to 80 percent of the parking spaces may be reduced in size to 2.44 metres (8 feet) by 5.18 metres (17 feet).
14. Subsection 7.3.1 of the Original Agreement shall be amended by inserting the text shown in bold, as follows:
- 7.3.1 In the event that development on the Lands has not commenced within four years from the date of registration of this **First Amending** 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.
15. Section 7.5 of the Original Agreement shall be amended by inserting the text shown in bold, as follows:
- 7.5. If the Developer fails to complete the development after six years from the date of registration of this **First Amending** 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 the Agreement.

WITNESS that this First Amending Agreement, made in triplicate, was properly executed by the respective Parties on this _____ day of _____, 20____ .

SIGNED, SEALED AND DELIVERED in the presence of:

Witness

Witness

<INSERT REGISTERED OWNER NAME>

Per: _____

Per: _____

=====

SEALED, 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

Per: _____

Mayor

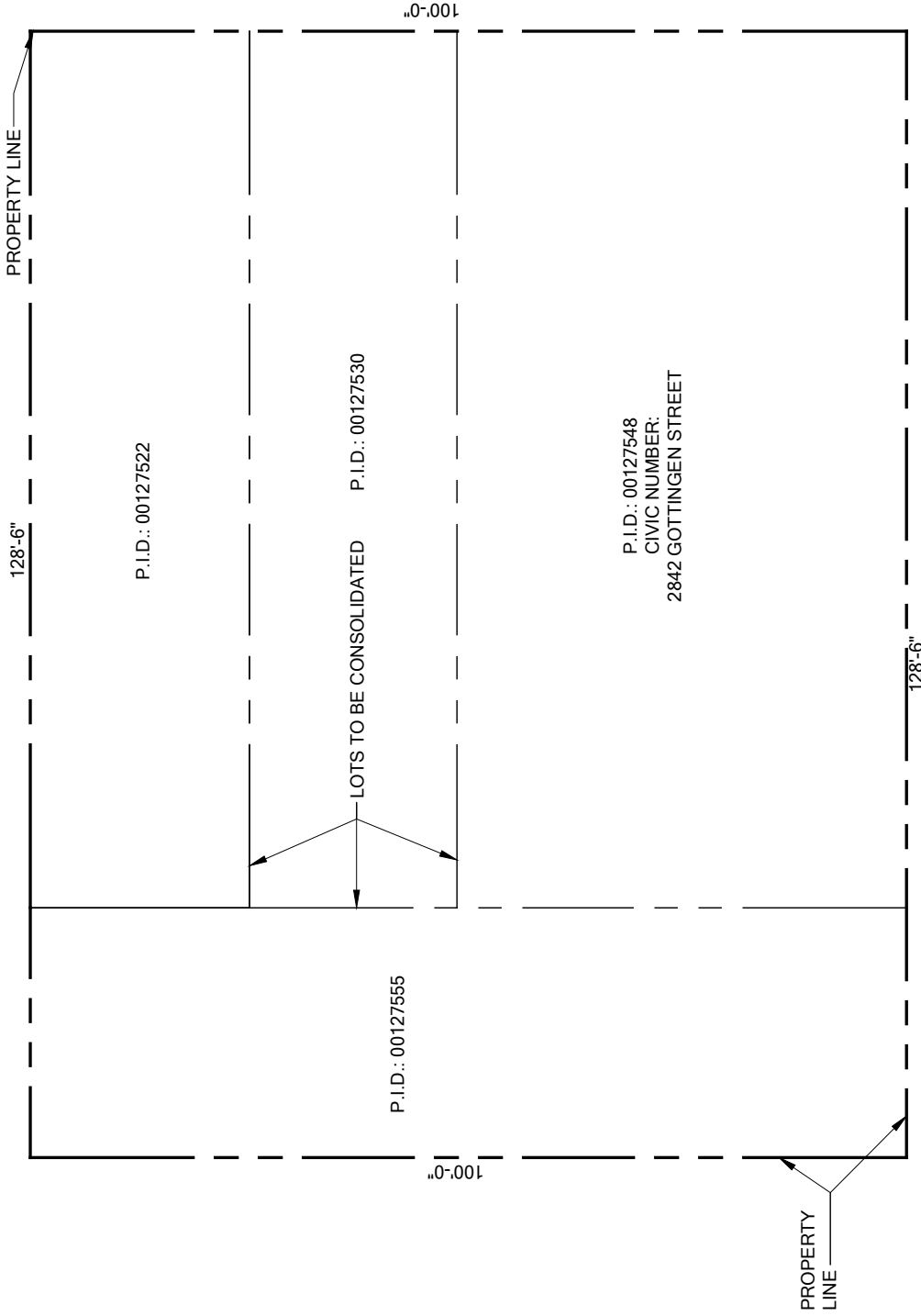
Per: _____

Municipal Clerk

Schedule B-1 Subdivision Plan

GRID NORTH

GOTTINGEN STREET
60'-0" (APPROX.)



BILBY STREET
55'-0" (APPROX.)

PROPOSED MIXED-USE DEVELOPMENT

2842 GOTTINGEN STREET
P.I.D.: 00127548
HALIFAX, NOVA SCOTIA

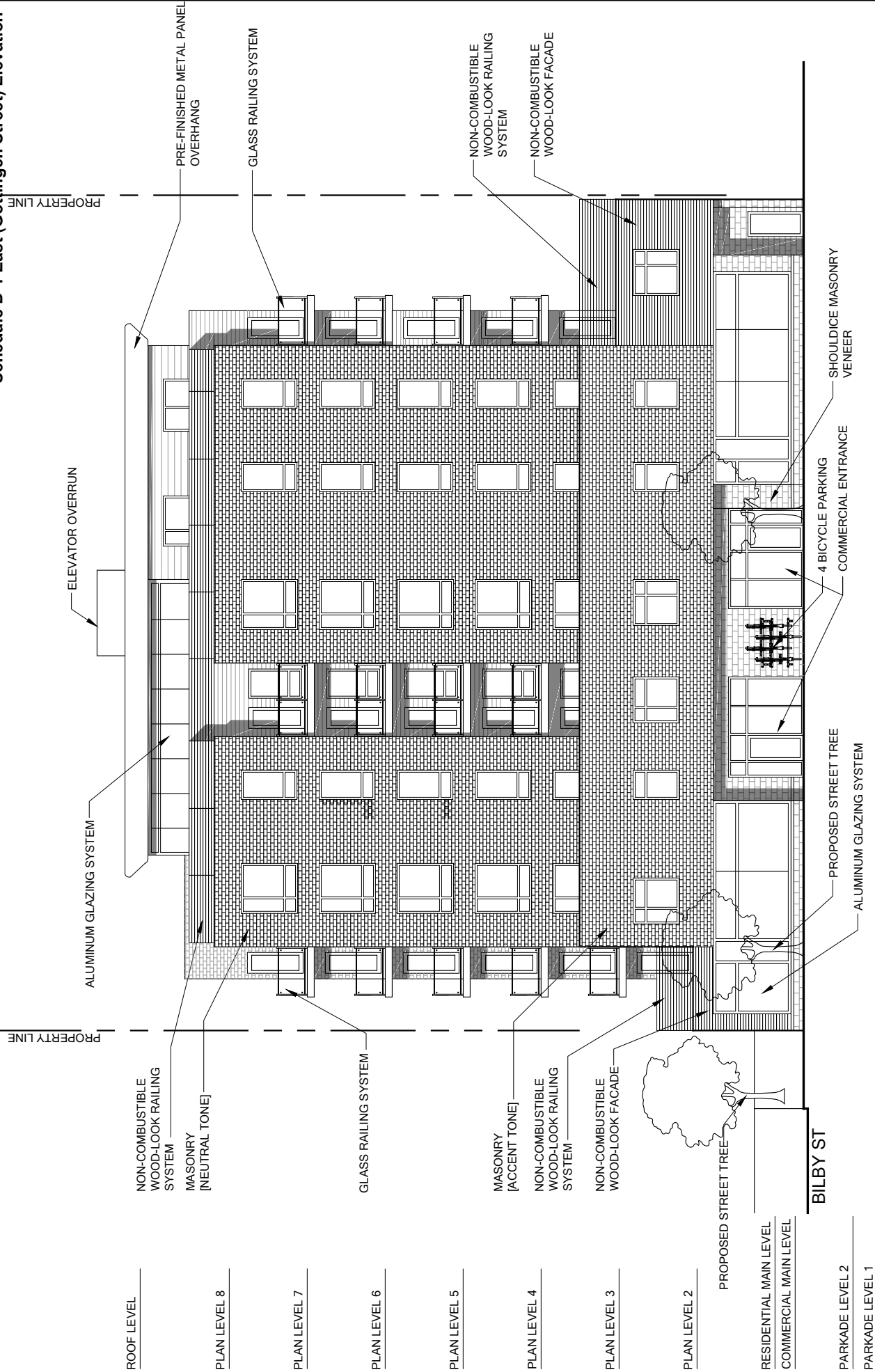
ALL CONSTRUCTION TO MEET
ALL APPLICABLE CODES, BY-LAWS,
STANDARDS, ETC.
APPROXIMATE DIMENSIONS
AND ROOF SLOPES



DRAWING
SITE PLAN
SCALE
NTS

DATE
MAY 2018
DRAWING NO.
A-100B

Schedule D-1 East (Gottingen Street) Elevation



- ROOF LEVEL
- PLAN LEVEL 8
- PLAN LEVEL 7
- PLAN LEVEL 6
- PLAN LEVEL 5
- PLAN LEVEL 4
- PLAN LEVEL 3
- PLAN LEVEL 2
- RESIDENTIAL MAIN LEVEL
- COMMERCIAL MAIN LEVEL
- PARADE LEVEL 2
- PARADE LEVEL 1

PROPERTY LINE

PROPERTY LINE

BILBY ST

ELEVATOR OVERRUN

ALUMINUM GLAZING SYSTEM

NON-COMBUSTIBLE WOOD-LOOK RAILING SYSTEM
MASONRY (NEUTRAL TONE)

GLASS RAILING SYSTEM

GLASS RAILING SYSTEM

MASONRY (ACCENT TONE)
NON-COMBUSTIBLE WOOD-LOOK RAILING SYSTEM

NON-COMBUSTIBLE WOOD-LOOK RAILING SYSTEM
NON-COMBUSTIBLE WOOD-LOOK FACADE

NON-COMBUSTIBLE WOOD-LOOK FACADE

PROPOSED STREET TREE

PROPOSED STREET TREE
ALUMINUM GLAZING SYSTEM

SHOULDRICE MASONRY VENEER

4 BICYCLE PARKING
COMMERCIAL ENTRANCE

PROPOSED MIXED-USE DEVELOPMENT

2842 GOTTINGEN STREET
P.I.D. 00127548
HALIFAX, NOVA SCOTIA

ALL CONSTRUCTION TO MEET
ALL APPLICABLE CODES, BY-LAWS,
STANDARDS, ETC.
APPROXIMATE DIMENSIONS
AND ROOF SLOPES



MICHAEL
APIER
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DRAWING
EAST ELEVATION

SCALE
NTS

DATE
MAY 2018

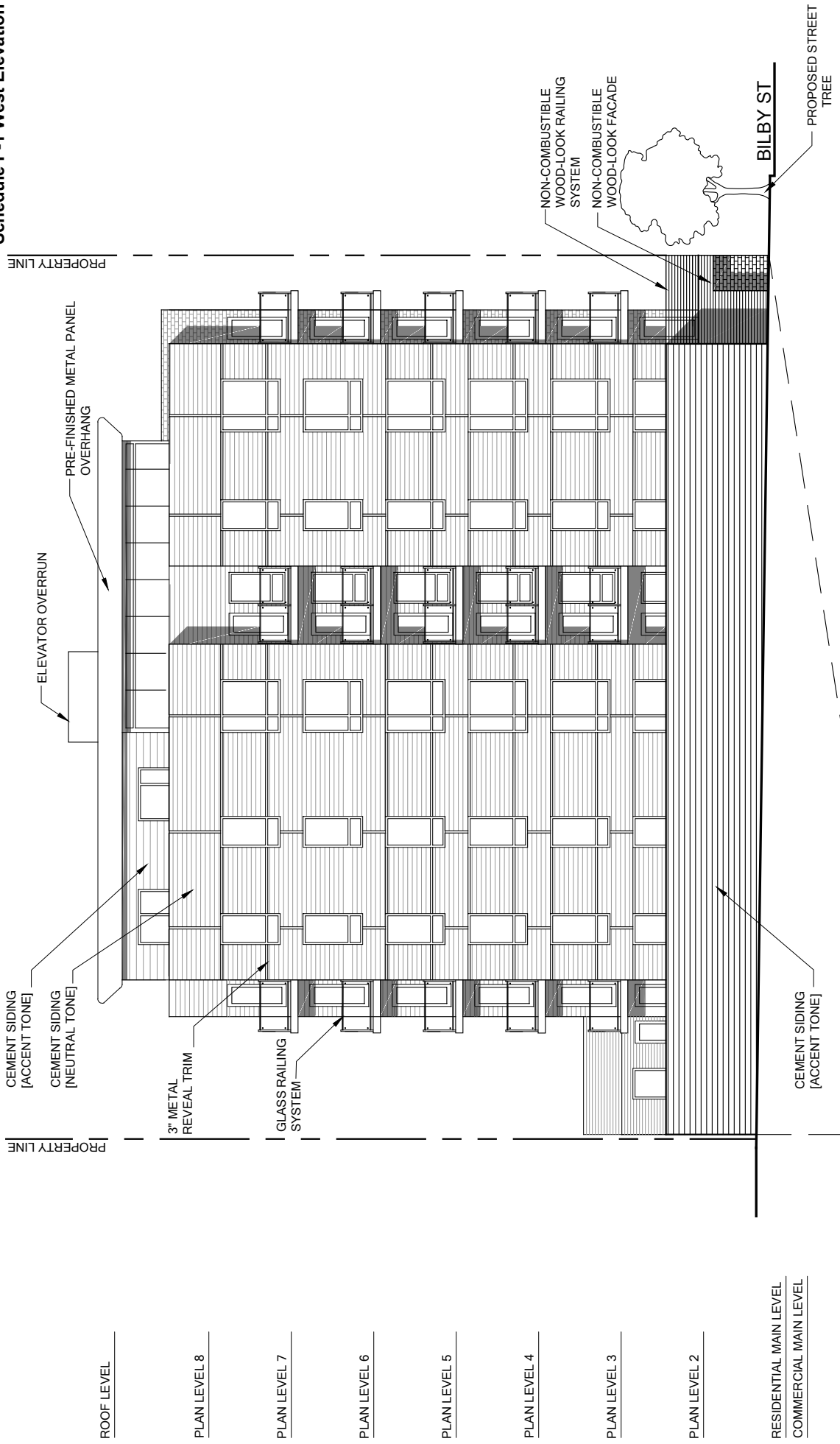
DRAWING NO.
A-201

Schedule E-1 South (By Street) Elevation



<p>PROPOSED MIXED-USE DEVELOPMENT</p> <p>2842 GOTTINGEN STREET P.I.D. 00127548 HALIFAX, NOVA SCOTIA</p>	<p>ALL CONSTRUCTION TO MEET ALL APPLICABLE CODES, BY-LAWS, STANDARDS, ETC.</p> <p>APPROXIMATE DIMENSIONS AND ROOF SLOPES</p>	<p>MZA</p> <p>MICHAEL APIER ARCHITECTURE INC www.march.ca 902-455-5522</p>	<p>DRAWING</p> <p>SOUTH ELEVATION</p> <p>SCALE</p> <p>NTS</p>	<p>DATE</p> <p>MAY 2018</p> <p>DRAWING NO.</p> <p>A-202</p>
			<p>DRAWING NO.</p> <p>NTS</p>	<p>DATE</p> <p>MAY 2018</p> <p>DRAWING NO.</p> <p>A-202</p>

Schedule F-1 West Elevation



PROPOSED MIXED-USE DEVELOPMENT

2842 GOTTINGEN STREET
 P.I.D. 00127548
 HALIFAX, NOVA SCOTIA

ALL CONSTRUCTION TO MEET
 ALL APPLICABLE CODES, BY-LAWS,
 STANDARDS, ETC.
 APPROXIMATE DIMENSIONS
 AND ROOF SLOPES



DRAWING
 WEST ELEVATION
 SCALE
 NTS

DATE
 MAY 2018
 DRAWING NO.
A-203

Schedule G-1 North Elevation

PROPERTY LINE

PROPERTY LINE



ROOF LEVEL

PLAN LEVEL 8

PLAN LEVEL 7

PLAN LEVEL 6

PLAN LEVEL 5

PLAN LEVEL 4

PLAN LEVEL 3

PLAN LEVEL 2

RESIDENTIAL MAIN LEVEL
COMMERCIAL MAIN LEVEL

GOTTINGEN ST

52.2

PARKADE LEVEL 2

PARKADE LEVEL 1

53.0
SHOULDICE MASONRY
VENEER

PROPOSED MIXED-USE DEVELOPMENT

2842 GOTTINGEN STREET
P.I.D. 00127548
HALIFAX, NOVA SCOTIA

ALL CONSTRUCTION TO MEET
ALL APPLICABLE CODES, BY-LAWS,
STANDARDS, ETC.
APPROXIMATE DIMENSIONS
AND ROOF SLOPES

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DRAWING
NORTH ELEVATION

SCALE
NTS

DATE
MAY 2018

DRAWING NO.
A-204

Attachment C – Review of Relevant MPS Policies

Halifax MPS- Section XI (Peninsula North Secondary Planning Strategy) Policy 2.3.1, 2.3.2 and 2.3.3

Policy	Staff Comment
<p>2.3 <i>In areas designated major commercial, uses consistent with Section II, Policy 3.1.3 shall be permitted.</i></p> <p>Section II, 3.1.3 <i>Major commercial centres should service a market area comprising most or all of the City. These centres may include major offices and hotels, in addition to uses suggested for minor commercial centres. The City should encourage parking facilities in these centres to serve several businesses in order to limit nuisance impact. The City's policy for major commercial centres in all other respects should be identical to Policy 3.1.2.</i></p> <p>3.1.2 <i>Minor commercial centres should service several neighbourhoods. They should locate along principal streets with adequate provision for pedestrian, transit, service and private automobile access. Parking provision should be allowed on surface lots servicing single businesses, as long as conditions preclude nuisance impact on adjacent residential areas. Access to any parking area from the principal street should be controlled. The City should define the geographic limits of minor commercial centres, and shall encourage contiguity of commercial or associated uses within those limits. Minor commercial centres should offer a wider range of services than neighbourhood shopping facilities including local office, restaurants, cinemas, health centres and multi-service centres. Notwithstanding any other policy in the Municipal Planning Strategy or Secondary Planning Strategies, billboards advertising off-site goods and services shall be prohibited in Minor Commercial areas. This policy shall serve as a guideline in rezoning decisions in accordance with Implementation Policies 3.1 and 3.2 as appropriate.</i></p>	<p>In the Peninsula North Secondary Planning Strategy (Section XI of the Halifax MPS), the site is designated for Major Commercial land uses. The site is zoned C-2 (General Business), which permits major and minor commercial land uses as well as residential uses.</p> <p>The existing Development Agreement restricts uses to those uses permitted in the C-2A (Minor Commercial) Zone, with the exception of service stations and bill boards, to lessen the impact of commercial uses on the residential component of the building. The proposed Amending Development Agreement does not change this restriction.</p> <p>The proposal includes both vehicular and bicycle parking spaces to service residential and commercial services.</p>
<p>2.3.1 <i>In order to promote investment in commercial and residential redevelopment and to prevent conflict between new and existing uses the city may, through the land use by-law, identify areas that provide an opportunity for and will benefit from comprehensive site planning.</i></p>	<p>The site is appropriate for and will benefit from comprehensive site planning. The site is located within a major commercial area and is adjacent to a variety of land uses. The development</p>

	agreement process can help alleviate and minimize potential land use conflicts.
2.3.2 <i>In those areas identified in the land use by-law pursuant to Policy 2.3.1 all residential and mixed residential-commercial development over four units shall be by agreement.</i>	The proposal is to amend the Halifax Peninsula Land Use By-Law “Schedule Q” to include one property at 2856 Gottingen St, and make a substantial amendment to existing development agreement no.18149 to include this property to allow for an eight storey mixed commercial residential building (4,360 sq ft commercial space main level, 63 residential units on floors 2-8).
2.3.3 <i>In considering agreements pursuant to Policy 2.3.2, Council shall consider the following:</i> <i>(i) the relationship of new development to adjacent properties and uses; and, the mitigation of impacts on the amenity, convenience and development potential of adjacent properties through effective urban design and landscape treatment;</i>	<p>The street wall height along Gottingen Street is consistent with the height of the neighboring building along Gottingen Street.</p> <p>Although the property is C-2 (Major Commercial), the existing Development Agreement restricts uses to those uses permitted in the C-2A (Minor Commercial) Zone, with the exception of service stations and bill boards, to lessen the impact of commercial uses on the residential component of the building. C-2 uses not permitted in the C-2A Zone can be considered through a non-substantial amendment in the existing development agreement. The proposed Amending Development Agreement does not change this restriction.</p> <p>The design of the proposed building includes measures to reduce land use conflict such as including larger setback from neighboring property line for the upper stories of the building and through the nature of the building’s non-combustible construction materials which will assist with noise attenuation. An increased setback of 20 feet at the eighth level is proposed to mitigate impacts on adjacent properties. Setbacks for all other stories have remained the same as those approved in the existing development agreement.</p> <p>The amending development agreement requires a minimum of 2,500 square feet of indoor and outdoor amenity space, 1,160 square feet of which, to be provided as outdoor amenity space on an outdoor terrace on the second level to be landscaped.</p>
<i>(ii) the appropriate integration of the development into the traditional grid street system of the Peninsula;</i>	The site abuts Gottingen and Bilby Streets. The proposed development integrates with the existing street grid.

<p><i>(iii) the design and layout of the development should encourage vehicular traffic to use Principal Streets and discourage traffic from infiltrating through existing neighbourhoods;</i></p>	<p>Gottingen Street is identified in the MPS as principal street. While driveway is proposed Bilby Street, vehicles will utilize Gottingen Street, which minimizes infiltration through neighbourhoods.</p> <p>A traffic impact study, prepared by the developer's consultant has been reviewed by HRM and no potential issues were identified.</p> <p>The proposal is located along major transit routes.</p>
<p><i>(iv) the creation of high quality design detail at street level through attention to such matters as landscaping, signs, building entrances, and vehicle layby areas;</i></p>	<p>Commercial uses are to be located at the ground level along the street. The proposed amending agreement requires an otherwise blank wall between the two commercial space doors along Gottingen Street, to have a wall mounted bicycle rack.</p> <p>Signs are limited fascia type and are not permitted to be back-lit, with the exception of individual lettering which may be internally illuminated.</p> <p>All parking is to be enclosed.</p>
<p><i>(v) the provision of high quality open space and leisure areas of a size and type adequate for the resident population;</i></p>	<p>Open space and leisure areas will consist primarily of second floor landscaped terrace, and first and second floor indoor amenity space. The design of the building also includes individual private balconies, and landscaped terraces.</p> <p>The amending development agreement requires a minimum of 2,500 square feet of indoor and outdoor amenity space, 1,160 square feet of which, to be provided as outdoor amenity space on an outdoor terrace on the second level to be landscaped.</p>
<p><i>(vi) residential and commercial densities consistent with municipal services;</i></p>	<p>The application was reviewed by Halifax Water. Comments were received including the following: "development must provide evidence capacity exists in the local combined system at the building permit stage. The requirement for combined capacity analysis is flagged at the pre-application stage to make the applicant aware their development may require upgrades to the local combined system and could have significant financial implications on their development."</p>

<i>(vii) encouraging high quality exterior construction materials such as masonry; and</i>	Proposed exterior materials are of high quality and include stone masonry, cement siding, glass, and metal rails.
<i>(viii) other relevant land use considerations which are based on the policy guidance of this Section.</i>	Staff are of the opinion that the proposed height and mass of the building does not necessitate a wind or shadow impact study. No other relevant land use issues were identified.

Attachment D

HALIFAX REGIONAL MUNICIPALITY Public Information Meeting Case 21321

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

Thursday, February 22, 2018
7:00 p.m.
Ward 5 Neighbourhood Centre

STAFF IN

ATTENDANCE: Brittney MacLean, Planner, HRM Planning and Development
Alden Thurston, Planning Technician, HRM Planning and Development
Cara McFarlane, Planning Controller, HRM Planning and Development

ALSO IN

ATTENDANCE: Erin Ashley and Catherine MacQuarrie, Michael Napier Architecture

REGRETS:

Councillor Lindell Smith, District 8

PUBLIC IN

ATTENDANCE: Approximately 10

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

1. Call to order, purpose of meeting – Brittney MacLean

Ms. MacLean is the Planner and Facilitator for the application and introduced the applicant, staff members and passed along the Councillor's regrets.

Case 21321 - Application by Michael Napier Architect to amend the Halifax Peninsula Land Use By-Law (Schedule "Q") to include one property at 2856 Gottingen Street, Halifax and requesting substantive amendments to an existing development agreement (Case 18149) to include this property and allow a multi-use building at the corner of Gottingen and Bilby Streets.

The purpose of the Public Information Meeting (PIM) is to:

- Identify the proposal site and highlight the proposal;
- Give the applicant an opportunity to present the proposal; and
- Receive public feedback and input regarding the proposal that will be used to prepare the staff report and go forward with this application.

No decisions are made at the PIM or have been made up to this point.

2. Presentation of Proposal – Brittney MacLean

Ms. MacLean presented the proposal for 2856 Gottingen Street and the corner of Gottingen and Bilby Streets:

- Site context (aerials and a photo from Gottingen Street);
- What properties the existing (approved in 2014) / proposed (enlarge approved building, increase from 39 to 64 units, increase ground floor commercial, add another storey)

- development agreements apply to;
- Existing / proposed elevations from Gottingen Street; and
- Within the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law: C-2 (General Business) Zone, designated Major Commercial (under the Peninsula North Secondary Plan, Area 5), existing use – vacant commercial building and accessory building, and enabling policies – 2.3.1 (Schedule Q), 2.3.2 and 2.3.3.

Presentation of Proposal – Catherine MacQuarrie and Erin Ashley, Michael Napier Architecture

Ms. MacQuarrie presented:

- A slide showing the site on the corner of Bilby and Gottingen Streets, an approved eight storey building on the other corner (not the applicant's application) and the site between the two buildings that has been acquired (to be added to Schedule Q);
- The streetscape along Gottingen Street with images of what's been approved and being proposed;
- Building elevation from Gottingen Street: approved and proposed (same relationship and stepback to the street, materiality, commercial space, etc.);
- Building elevation from Bilby Street (approved and proposed); and
- Site plan of surrounding area showing approved building heights within the area.

Ms. MacLean showed a 3D image of what the area would look like with all the approved seven and eight storey buildings.

3. Questions and Comments

Steve Hart, Fuller Terrace asked for clarification regarding the restriction of building heights for developments across from Stadacona as it is a naval base. **Ms. MacLean** is not aware of any but will verify.

Jennifer Beamer, Bilby Street would like to know the result of the traffic impact study and the ongoing cumulative impact of the traffic from all the surrounding approved developments. **Ms. MacLean** – The result of the submitted traffic study was that there would be little to minimal impact on traffic. The study was sent to HRM Engineering for comment and given the same result. The access for the development will be onto Bilby Street and then Gottingen Street. The engineers also take into account transportation routes, number of buses, etc. The parking for the proposal would be all underground. **Ms. MacQuarrie** – Other developments in the area are taken into account when preparing a traffic study. The proposed building will have 41 parking spaces for 69 units as opposed to the approved application which has 28 spaces for 39 units (about the same percentage).

Pete Lavell, Belle Aire Terrace would like to see the maximum amount of parking provided in the building for the number of units. A six storey building should be the maximum for the area which is mentioned in the Centre Plan. The depiction of the adjacent neighbourhood with seven and eight storey buildings is deceptive and offensive to the current residents. The existing buildings are a maximum of two storeys and have been there for 100 years. There are other ways to achieve density. **Ms. MacLean** affirmed that the Centre Plan (not approved yet) depicts a mix of three to six storey buildings but that will also depend on how the policies and land use by-laws are laid out.

Mike Salterio, manages a building on Kay Street doesn't have an issue with the height. The building on Kay Street has 25 parking spaces for 25 units which are not full because people choose to use the transit system. Traffic will always be an issue.

Mr. Hart asked for a breakdown of units in the approved and proposed building. **Ms. MacQuarrie** – The approved has 39 units with 15 of them being two bedroom. The proposed is 64 units, 24 bachelor, 12 one bedroom units, 24 two bedroom units and four two bedroom plus den units. **Mr. Hart** – Why more people downtown and what is the benefit? Most cities have urban sprawl. Many people have to leave the city due to development and affordability. **Ms. MacLean** – A general planning principle is that it is more sustainable to have more people living in a downtown area. Infrastructure costs and environmental pollution are decreased. The Centre Plan provides more reasons and stats. Another section of Planning is exploring the issue of affordable housing so everyone can share the downtown area.

Patrick Murphy, Young Street would like to see planning be more inclusive and engage public participation for as of right developments. Currently, it is a disservice to the public. Residents are untrusting of the planning department. Many residents in the area have invested greatly in their homes. This is a residential neighbourhood and the taller buildings are imposing. How many units are on the additional storey. **Ms. MacQuarrie** – There are four penthouse units. **Ms. MacLean** – As of right developments are enabled if they meet the land use by-law requirements. The creation of the notification area was explained. It was recommended that the public attend some of the Centre Plan engagement and to participate in the new writing for as of right policies.

Jeff Fish, Almon and Agricola Streets is not against change or increased density. Mr. Fish likes the proposal with more of a setback and balconies, etc. It is an improvement over the approved application.

4. Closing Comments – Brittney MacLean

Ms. MacLean thanked everyone for coming and expressing their comments.

5. Adjournment

The meeting adjourned at approximately 7:55 p.m.