



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

Item No. 13.1.1
Halifax and West Community Council
First Reading October 9, 2018

TO: Chair and Members of Halifax and West Community Council

-Original Signed-

SUBMITTED BY: _____
Kelly Denty, Director of Planning and Development

-Original Signed-

Jacques Dubé, Chief Administrative Officer

DATE: August 23, 2018

SUBJECT: **Case 20323: Amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law and associated development agreement for the former Ben's Bakery Lands on Quinpool Road, Pepperell Street, Preston Street and Shirley Street, Halifax**

ORIGIN

- Application by WSP on behalf of Westwood Group
- August 1, 2017, Regional Council direction to continue to process this site-specific secondary municipal planning strategy amendment

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that Halifax and West Community Council recommend that Regional Council:

1. Give First Reading to consider the proposed amendments to the Municipal Planning Strategy for Halifax (MPS) and Land Use By-law (LUB) for Halifax Peninsula, as set out in Attachments A and B of this report, to permit redevelopment of the former Ben's Bakery Lands into a mixed-use development and schedule a public hearing; and

Recommendation continues on page 2

2. Approve the proposed amendments to the MPS for Halifax and LUB for Halifax Peninsula, as set out in Attachments A and B of this report.

It is further recommended that Halifax and West Community Council:

3. Give Notice of Motion to consider the proposed development agreement, as set out in Attachment C of this report, to permit a mixed-use building on Quinpool and Pepperell Streets, stacked townhouses on Preston Street and Pepperell Street, a 6-storey residential building on Pepperell Street, and townhouse buildings on Shirley Street. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1.

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

4. Approve the proposed development agreement for a mixed-use building on Quinpool and Pepperell Streets, stacked townhouses on Preston Street and Pepperell Street, a 6-storey residential building on Pepperell Street, and townhouse buildings on Shirley Street, which shall be substantially of the same form as contained in Attachment C of this report; and
5. 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, whichever is later, otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

WSP and Architecture 49, on behalf of Westwood Group, has applied to amend the Municipal Planning Strategy for Halifax (MPS) and Land Use By-law for Halifax Peninsula (LUB) to enable residential, commercial and mixed-use redevelopment of the former Ben's Bakery lands on Quinpool Road, Pepperell Street, Preston Street and Shirley Street, Halifax.

| | |
|---|---|
| General Location | Mid-block Quinpool Road south to Pepperell Street, western portion of the block bounded by Pepperell, Preston and Shirley Streets (former Ben's Bakery lands), Halifax |
| Subject Lands | The former Ben's Bakery lands, plus one additional abutting lot at 6250 Quinpool Road (24 total lots) |
| Regional Plan Designation | Urban Settlement |
| Community Plan Designation (Map 1) | Quinpool Road Commercial (lots fronting Quinpool Road only) under the Quinpool Road Commercial Area Plan; Medium Density Residential, Peninsula Centre Area Plan (Pepperell Street Sub-Area), under the Halifax MPS |
| Zoning (Map 2) | C-2C (Minor Commercial - Quinpool Road), B (Bakery) and R-2 (General Residential) under the Halifax Peninsula LUB |
| Size of Subject Lands | Approximately 10,253 sq. m. (110,362 sq. ft.) |
| Street Frontage | 37.8 m (124 ft.) on Quinpool Road; 77 m (252 ft.) and 112 m (367 ft.) on Pepperell Street, 106 m (347 ft.) on Shirley Street; 61 m (200 ft.) on Preston Street |
| Current Land Use(s) | Three main buildings formerly associated with the bakery, including a baking facility, retail outlet/warehouse and silo building, a parking lot and vacant land; a one-storey commercial building |
| Surrounding Use(s) | On Quinpool Road, there are several mixed-use buildings with local commercial uses and residential units. The neighbourhood surrounding Pepperell, Shirley and Preston Streets is a low-rise residential neighbourhood developed primarily with houses and some low-rise apartment buildings. |

Proposal Details

Following the closure of Ben's Bakery in 2015, the lands and buildings were sold to Westwood Group. The applicant has proposed redevelopment of the lands, including different uses and building types than could be considered under the current policy. Therefore, the applicant has requested amendments to the Halifax MPS and Halifax Peninsula LUB. The major aspects of the proposal are as follows:

Quinpool Road and north side of Pepperell Street:

- 9-storey building (plus habitable penthouse)
- Commercial uses on the ground level facing Quinpool Road and residential units facing Pepperell Street; residential units on upper floors
- Underground parking, with access from Pepperell Street
- At-grade, exterior pedestrian walkway accessible to the public connecting Quinpool Road and Pepperell Street
- Rooftop and ground-level landscaping, including privacy screening between properties

South side of Pepperell Street and Preston Street:

- Stacked townhouses and 6-storey Berkeley seniors' residence
- Shared underground parking structure, with access from Pepperell Street
- Ground-level landscaping in the front and rear of the buildings

Shirley Street:

- Townhouses

MPS and LUB Context

Under the Halifax MPS, the lands are within both the Peninsula Centre Area Plan and the Quinpool Road Commercial Area Plan.

The portion of the lands with frontage on Quinpool Road is designated Commercial and zoned C-2C (Minor Commercial - Quinpool Road) under the Quinpool Road Commercial Area Plan. This portion of the subject lands is contemplated for a range of commercial uses and multi-unit residential development, in buildings up to 45 feet (13.7 meters) in height.

The portion of the lands on Pepperell, Preston and Shirley Streets is designated Medium Density Residential, and zoned B (Bakery) and R-2 (General Residential) under the Peninsula Centre Area Plan. The Medium Density Residential designation envisions a family-oriented neighbourhood with single and two-unit dwellings, townhouses where appropriate, and low-rise apartment buildings with up to four units. The policy does not contemplate larger scale multi-unit residential development; however, it does recognize the Ben's Bakery lands, and envisions redevelopment of the lands subject to a plan amendment process:

"If at any time Ben's Limited or its successors finds it necessary to relocate elsewhere, the City shall undertake, in cooperation with the owner, to examine alternative residential, commercial and mixed use redevelopment options, including associated Plan and Zoning By-law amendments, for re-use of the property identified in Policy 2.4 above within the context of a requirement to properly integrate new uses with adjacent residential areas, provided that adequate notice is given to the City." (Policy 2.5, Section VI)

Regional Plan Context and the Centre Plan

Under the Halifax Regional Municipal Planning Strategy (the "Regional Plan"), the subject lands are designated Urban Settlement, and are within the Regional Centre (identified as the area encompassing the Halifax Peninsula and Dartmouth between Halifax Harbour and the Circumferential Highway). Broadly, the Regional Plan takes a strategic approach to growth, to ensure development makes effective use of land, energy, infrastructure, public services and facilities, and supports the Regional Centre as the focus for economic, cultural, and residential activities. Policy G-9 of the Regional Plan directs HRM to consider its objectives and policies when bringing forward amendments to existing secondary planning strategies.

A primary objective of the Regional Plan is to adopt a Regional Centre Plan. The process to adopt the Regional Centre Plan is well underway, and is known commonly as the Centre Plan process. In June of 2017, as part of the Centre Plan process, Regional Council authorized the direction contained within the June 2017 Centre Plan document as a framework for amending existing planning documents and developing new planning documents in the Regional Centre.

Under the Urban Structure in the June 2017 Centre Plan document, the portion of the lands on Quinpool Road and the north side of Pepperell Street are within the Quinpool Road Centre, in an area where four to six-storey buildings are envisioned. The portion of the lands on Shirley Street, Preston Street and the south side of Pepperell Street are within an Established Residential area, where low-rise residential buildings are envisioned.

While the Centre Plan process is ongoing, and is expected to result in new policy and regulations for the Regional Centre, Regional Council's August 1, 2017 motion on this application directed staff to consider a site-specific amendment to the existing MPS. This direction is consistent with the existing MPS policy which calls for redevelopment to be considered through a plan amendment process when Ben's Bakery is no longer operating.

Approval Process

The approval process for this application involves two steps:

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

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

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy, the HRM Charter, and the alternative engagement program approved by Regional Council on August 1, 2017 for this application. The approved engagement program included a mail-out notification of the proposal sent to surrounding property owners within the notification area (Map 2) on August 3, 2017, as well as a specific web page on the Municipal website, and signage posted on the subject lands. The mail-out notification and website provided the application details and contact information for Planning staff, and comments by email and telephone were welcomed.

Additionally, this application was available for comment at a public meeting held in conjunction with 17 other plan amendment applications within the Regional Centre on December 7, 2016. Planning staff held this meeting to seek early public feedback on these proposals as part of the research and analysis for these applications, and in consideration of the ongoing Centre Plan process.

Attachment E contains a summary of the public comments received in response to both the Open House and the mail-out notification to neighbours. These comments helped staff to understand public concerns and provide feedback to the applicant. In general, public comments included:

- Some general support for the overall project;
- Some concern regarding the relationship to the Centre Plan process; and
- Comments concerning the design and scale of the proposal in relation to the neighbourhood's character and context, including taller buildings and greater massing than surrounding development.

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

The proposal will potentially impact local residents, property owners and local businesses.

Halifax Peninsula Planning Advisory Committee

On August 28, 2017, the Halifax Peninsula Planning Advisory Committee (PAC) recommended that the application be approved. The PAC reviewed an earlier version of the proposal. Minor changes to the applicant's proposed design were made to address comments from the PAC, the public and staff as outlined below:

- Increased setbacks between the proposed buildings and residential properties on Pepperell and Preston Streets;

- Included a defined streetwall on Quinpool Road and Pepperell Street, with upper storeys stepped back;
- Limited the massing on upper storeys for the mixed-use building on Quinpool Road and Pepperell Street.

A report from the PAC to Community Council will be provided under a separate cover.

DISCUSSION

The MPS is a strategic policy document that sets out the goals, objectives and direction for long term growth and development in Halifax. Amendments to an MPS are significant undertakings and Council is under no obligation to consider such requests. Changes to policy should only be considered when warranted due to a change in circumstances, and with consideration to the broader planning context.

Rationale for Policy Changes

This application proposes significant changes to the Halifax MPS. The applicant submitted rationale with their application which explains that the proposed development:¹

- responds to the site's location and is designed to accommodate a transition between the Quinpool Road Commercial Corridor and the low density residential neighbourhood to the south;
- The proposed development intends to maximize its potential street frontage, adding vitality to the street level environment, and is located within the existing street network and not proposing new streets;
- is located on Quinpool Road, an area of Halifax currently seeing an increase in development projects, enabling greater density on the Peninsula; and
- uses high quality street level design and quality construction materials and includes a significant amount of outdoor green space.

Staff have considered the applicant's proposal against the existing MPS policy, the Regional Plan's objectives and policies, and the surrounding neighbourhood context:

- The existing MPS policy clearly directs that appropriate changes to the MPS shall be considered when the bakery ceases operation.
- The proposal aligns with the strategic growth objectives of the Regional Plan, as the subject lands are located close to services and employment, and are well-connected to major transportation routes and transit.
- Increasing residential density in the area, including a mix of uses and unit types, can contribute to a complete community, where people can live, work, and play within the neighbourhood.

Given the neighbourhood's context, and supportive policy in both the MPS and Regional Plan, staff advise that changes to the Halifax MPS are appropriate to consider at this time.

Proposed MPS and LUB Amendments

Attachments A and B contain the proposed MPS and LUB amendments. The proposed amendments have two main components. First, the proposed changes remove the policies and regulations related to the former bakery, as the light industrial use is no longer located on the lands, nor is it appropriate for it to continue. These changes to the MPS and LUB are recommended independent of the applicant's proposal. The lands will maintain their current designation (Medium Density Residential and Quinpool Road Commercial). If for some reason the proposed development were not to take place, these changes would

¹ The full application package, including the planning rationale, can be found here:
https://www.halifax.ca/sites/default/files/documents/business/planning-development/applications/20323_Bensplans_redacted.pdf

enable the same uses that are permitted currently in the rest of the neighbourhood on the lands, as opposed to only the bakery use. These changes to the MPS and LUB include:

- Repealing policies from Section VI, Peninsula Centre Area Plan of the MPS which allow for Ben's Bakery to operate on the lands under the Bakery Zone;
- Repealing the Bakery Zone from the LUB and rezoning the lands currently zoned Bakery to the R-2 (General Residential) Zone, reflective of the zoning of the surrounding properties;
- Amending Map ZM-17 Height Precinct of the LUB so that height on the former Bakery Zone lands could be measured in a consistent manner to the surrounding residential neighbourhood;
- Repealing MPS Section VI Policy 8.3.3 and the corresponding LUB provision which permits office uses in conjunction with a bakery by development agreement for a property on Preston Street which is adjacent to but not included in the current redevelopment proposal.

Second, responding to the applicant's proposal, the proposed MPS and LUB amendments would enable redevelopment of the subject lands by development agreement. Comprehensive redevelopment of the lands provides an opportunity to develop this large site in a manner that recognizes the neighbourhood context. A development agreement can provide a degree of control over the site layout and building design that may not be as predictably achieved through zoning.

The following paragraphs outline the intent of the proposed MPS and LUB amendments for the development, and the main components of the proposed policy.

Overall land use intent

This proposal involves redeveloping a former light industrial use within an established residential neighbourhood, and the existing policy directs that "*alternative residential, commercial and mixed use redevelopment options*" may be considered provided the redevelopment should "*properly integrate new uses with adjacent residential areas*". The proposed policy intends that any redevelopment should respond to the surrounding residential neighbourhood through appropriate building siting, use and design. The proposed policy enables a mix of uses (residential, commercial and institutional) provided the development respects the residential nature of Pepperell Street, Preston Street and Shirley Street, and commercial uses are directed to Quinpool Road.

Residential uses

The proposed policy envisions residential uses that are sensitive to the existing residential neighbourhood, while allowing for some increased density over what could be considered under current MPS policy. Consistent with the Regional Plan, which suggests that new developments should create opportunities for a mix of housing where transit is available, the proposed policy requires any redevelopment to provide a range of housing options, in different unit types and sizes. The proposed policy would allow the lands to be developed with residential units permitted by the existing zoning applied to the lands, or alternatively townhouses on Shirley Street, stacked townhouses on Pepperell and Preston Streets, apartment units on Pepperell Street and Quinpool Road, as well as supportive housing uses. These uses permit increased density compared to the existing zoning; however, townhouse buildings could be considered under the existing Medium Density Residential designation, and stacked townhouses are a similar low-rise building form. Apartment units on Pepperell Street and Quinpool Road would need to provide a range of unit sizes. Supportive housing uses would include assisted living residences (like the proposed Berkeley seniors' residence) and could also include nursing care.

Urban Design

The proposed policy also requires residential development to follow established urban design principles. Residential units at grade should have access to the street with individual entrances, and be designed with features that provide visual privacy from the sidewalk. Recognizing that smaller residential units are unlikely to have traditional backyards, on-site amenity space should be provided.

Building heights and massing

Maximum overall building heights are included in the proposed policy. The proposed policy intent is to locate the tallest buildings on and close to Quinpool Road, with lower heights on the adjacent residential streets. Together with criteria that require development to mitigate impacts on residential properties, staff advise that the heights outlined in the proposed policy adequately address the context of the neighbourhood. Including maximum heights in policy will provide clarity in the future, should development on the lands proceed differently than expected by the applicant's current proposal.

On Shirley Street, the proposed policy would apply the existing 10.7 metre height limit on the lands to any townhouse development. For the stacked townhouses proposed on Pepperell and Preston Streets, the applicant has indicated that a modest increase in height is necessary to allow daylight into and improve liveability in the lower units. The proposed policy therefore limits the overall height of the stacked townhouses to 12.2 metres. The proposed policy would allow higher heights for the mixed-use and multi-unit residential buildings on Quinpool Road and Pepperell Streets, provided the architectural design considers impacts on adjacent residential properties. Buildings would need to include setbacks from side and rear property lines, stepbacks in building massing to allow for transition to adjacent residential properties, and include landscaping in yards to act as a buffer.

Human-scale and pedestrian-oriented design

The proposed policy criteria require the development to include measures to improve the public realm and the pedestrian environment compared to the existing bakery buildings. This approach is consistent with the direction of the June 2017 Centre Plan document and the Integrated Mobility Plan (IMP), which both highlight that pedestrian-oriented design contributes to complete communities and can make walking and cycling more comfortable and enjoyable. To promote design at a human scale, the proposed policy requires larger buildings to have defined streetwalls no more than two or three storeys tall, with upper storeys stepped back. Buildings should be designed with varied building façades, to break up the streetscape to a human scale. At street level, buildings would need to include details like landscaping, entrances, lighting and signage to provide visual interest for people walking past. The proposed policy encourages active commercial uses on Quinpool Road by requiring large windows at the ground floor.

The proposed policy intends that the site design for any redevelopment proposal should prioritize pedestrians walking through and around the area. To ensure people can move through the lands, particularly to and from Quinpool Road, the proposed policy requires a pedestrian connection between Quinpool Road and Pepperell Street via a publicly-accessible exterior pedestrian walkway. Vehicle accesses, including driveways, routes through the site and any surface parking areas, should be designed to prioritize pedestrians using landscaping and appropriate paving materials.

The lands are close to services, shopping, and employment, with access to transit. Further, the IMP highlights that on-street parking is underutilized in the Quinpool Road commercial area. As part of improving mobility choice and reducing reliance on private vehicles, the IMP recommends reduced parking standards in well-connected areas that are designed with people walking and cycling in mind. The proposed policy therefore requires any proposal include an adequate amount of bicycle parking, but does not require a specific amount of vehicle parking. Instead, the policy focuses on the design of vehicle parking where it is provided. Surface parking for vehicles should be limited, and underground parking structures should be designed so that a building's ground floor is at or near the grade of the sidewalk.

Proposed Development Agreement

Attachment C contains the proposed development agreement for the lands. The proposed development agreement is reasonably consistent with the intent of the proposed MPS amendments. Attachment D contains a review of the proposed development agreement against the proposed criteria of the MPS. The following paragraphs outline the major components of the proposed agreement:

Comprehensive Development

The proposed development agreement sets out a comprehensive plan for the subject lands, dividing the components of the development into four sites, including:

- Site A: Nine-storey (plus penthouse) mixed-use building on Quinpool Road through to Pepperell Street (Building A);
- Site B: Six-storey assisted living residence (Building B);
- Site C: Stacked townhouses (Building C); and
- Site D: Townhouse dwellings.

Architectural Design and Built Form

The architectural design and built form of the proposed buildings on Sites A, B and C are controlled primarily through schedules within the proposed development agreement. The schedules allow some flexibility in building design, to accommodate minor changes that may occur as construction drawings are drafted. The proposed development agreement allows changes to window and balcony placement, provided the general architectural intent of the schedules is met. The schedules provide a general description of the proposed buildings materials, and the proposed development agreement text outlines prohibited materials considered inappropriate and low-quality. The text of the proposed development agreement ensures that utilities and mechanical systems will be screened from public view. Buildings contribute to a pedestrian-oriented neighbourhood by including defined streetwalls with upper storey stepbacks and architectural detailing, residential units with individual entrances on Pepperell Street and Preston Street, an active ground floor on Quinpool Road, and setbacks to allow for landscaping in front of buildings.

The proposed development agreement places less emphasis on the architectural design of the townhouse buildings on Site D, given the relative size and scale of the proposed buildings. Taking an approach similar to zoning, the agreement controls the envelope of the townhouse buildings with lot area and lot frontage requirements, minimum setbacks, maximum height, and a maximum number of dwelling units per building.

Transition to residential neighbourhood

The proposed MPS policy requires that buildings are designed to mitigate effects on adjacent residential properties. The proposed development agreement achieves this primarily through the site layout and building design. In particular:

- Taller buildings are located closest to Quinpool Road, with lower buildings within the residential neighbourhood. Taller buildings are proposed mostly to the north of the existing neighbourhood, limiting major shadow impacts on the neighbourhood.
- On Site A, the nine-storey (plus penthouse) mixed-use building is set back significantly from residential properties on Pepperell Street and Preston Street, and taller portions of the building are oriented toward Quinpool Road.
- On Site B, the massing of Building B is somewhat bulky due to its proposed use as an assisted living residence. The applicant has attempted to mitigate the impact of the building's mass on adjacent residential properties by setting the building back from the residential property to the east on Pepperell Street and including upper storey stepbacks at the rear of the building.
- On Site C, the stacked townhouse building (Building C) is proposed to be about 1.5 metres (5 feet) taller than permitted under the area's height precinct. Building C has an adequate transition to the existing houses on Preston and Shirley Streets, given the building is separated by the width of the road, and the increase in height is not excessive.
- On Site D, the proposed townhouses on Shirley Street will meet the height requirements of the area's height precinct. This low-rise form will help to buffer the existing houses on Shirley Street from the taller buildings proposed for Sites A and B.

Vehicle and bicycle parking

Consistent with the proposed policy, the proposed development agreement requires bicycle parking to be provided according to the land use by-law standards. Recognizing that there will be some demand for personal vehicles, the proposed development agreement requires some vehicle parking, but focuses on minimizing effects on the pedestrian realm. Vehicle parking must be provided underground on Sites A, B and C, and individual driveways are permitted for the townhouses on Site D. Five surface parking spaces are provided on Site A, on the interior of the site, located behind the building and not visible from the public street. The proposed development agreement requires an overall number of vehicle parking spaces per building on Sites A, B and C, but does not require a specific number of parking spaces per use. This

approach will allow the developer to be flexible when offering parking to tenants, and is consistent with the IMP, which suggests shared parking for mixed-use developments can improve parking efficiency while meeting demand. The proposed development agreement allows minor changes to the vehicle parking and access requirements to be considered by Council as a non-substantive amendment to the development agreement.

Driveways and the pedestrian realm

To ensure people can move safely through and around the development, the proposed development agreement requires clear pathways for pedestrians and measures to mitigate the impact of vehicles on the public realm. Proposed driveways are limited in size and proposed pedestrian accesses are shown on the schedules. Where vehicle drop-off areas are proposed, the agreement requires landscaping to mitigate the impact on the pedestrian realm. The proposed development agreement requires a pedestrian walkway on the west side of the building, moving between Quinpool Road and Pepperell Street. The walkway is required to be landscaped, include pedestrian-scale lighting, and be accessible to the public during daytime and evening hours.

Dwelling Unit Mix

Consistent with the proposed policy intent to encourage increased residential density to support a complete community, the proposed development agreement does not impose a strict limit on the number of dwellings units provided in the development. Instead, the development agreement will ensure that a range of unit types are provided. By providing townhouses, stacked townhouses, and apartment-style units, as well as assisted living for seniors, the development provides a range of housing options. Furthermore, on Site A, at least one-third of the residential units must be at least 75 square metres (807 square feet). Existing Halifax MPS policy refers to dwellings units of that size as "family-type units", large enough to include two bedrooms.

Landscaping and Amenity Space

The proposed development agreement requires indoor and outdoor common amenity space to be provided for the residents of the buildings on Sites A, B and C. The agreement requires the outdoor areas to be landscaped with a mixture of materials, including trees, shrubs and planters. Indoor space may be used as recreational or social space. Landscaped buffers and fencing will also help to mitigate the effects of the development on the adjacent residential properties on Pepperell and Preston Streets. Townhouses developed on Site D will each have private yard areas.

Conclusion

Staff have reviewed the application and the existing policy context and advise that it is appropriate to amend the MPS to allow for appropriate redevelopment of the former Ben's Bakery Lands. Proposed MPS and LUB changes will remove the policies and regulations related to the former bakery and apply the same zoning applied to the surrounding neighbourhood. Responding to the applicant's proposal, and recognizing that the lands were once a light industrial use in a residential neighbourhood, the proposed MPS and LUB changes will also enable alternative mixed-use development on the lands. Located in the Regional Centre, the lands are in an area where increased residential density is encouraged. The proposed policy requires a comprehensive plan for new development, which must integrate with the adjacent residential neighbourhood. The proposed policy calls for pedestrian-oriented and human scale buildings and site design. The proposed development agreement requires that the site layout and design of the proposed buildings provide adequate transitions to the surrounding neighbourhood through building orientation, massing, and setbacks from residential properties. The proposed site layout and buildings are designed to limit conflict between people and cars, and to provide visual interest on the streets. To achieve a pedestrian-oriented streetscape and sufficient open space, the proposed development agreement requires appropriate landscaping and amenities, including a pedestrian walkway from Pepperell Street to Quinpool Road. Therefore, staff recommend that the Halifax and West Community Council recommend that Regional Council approve the proposed MPS and LUB amendments.

FINANCIAL IMPLICATIONS

There are no financial 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 Development Agreement. The administration of the development agreement can be carried out within the approved 2018-19 budget with existing resources.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application involves proposed MPS amendments. Such amendments are at the discretion of Regional Council and are not subject to appeal to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed amendments are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No additional concerns were identified beyond those raised in this report.

ALTERNATIVES

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

1. Modify the proposed amendments to the MPS for Halifax and LUB for Halifax Peninsula as set out in Attachments A and B of this report. If this alternative is chosen, specific direction regarding the requested modifications is required. Substantive amendments may require another public hearing to be held before approval is granted. A decision of Council to approve or refuse the proposed amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Refuse the proposed amendments to the MPS for Halifax and LUB for Halifax Peninsula. A decision of Council to approve or refuse the proposed amendments is not 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 and Notification Area |
| Attachment A: | Proposed MPS Amendments |
| Attachment B: | Proposed LUB Amendments |
| Attachment C: | Proposed Development Agreement (REVISED) |
| Attachment D: | Policy Review of Proposed Development Agreement |
| Attachment E: | Public Comment Summary |

Report Prepared by: Leah Perrin, Planner III, 902-490-4338

-Original Signed-

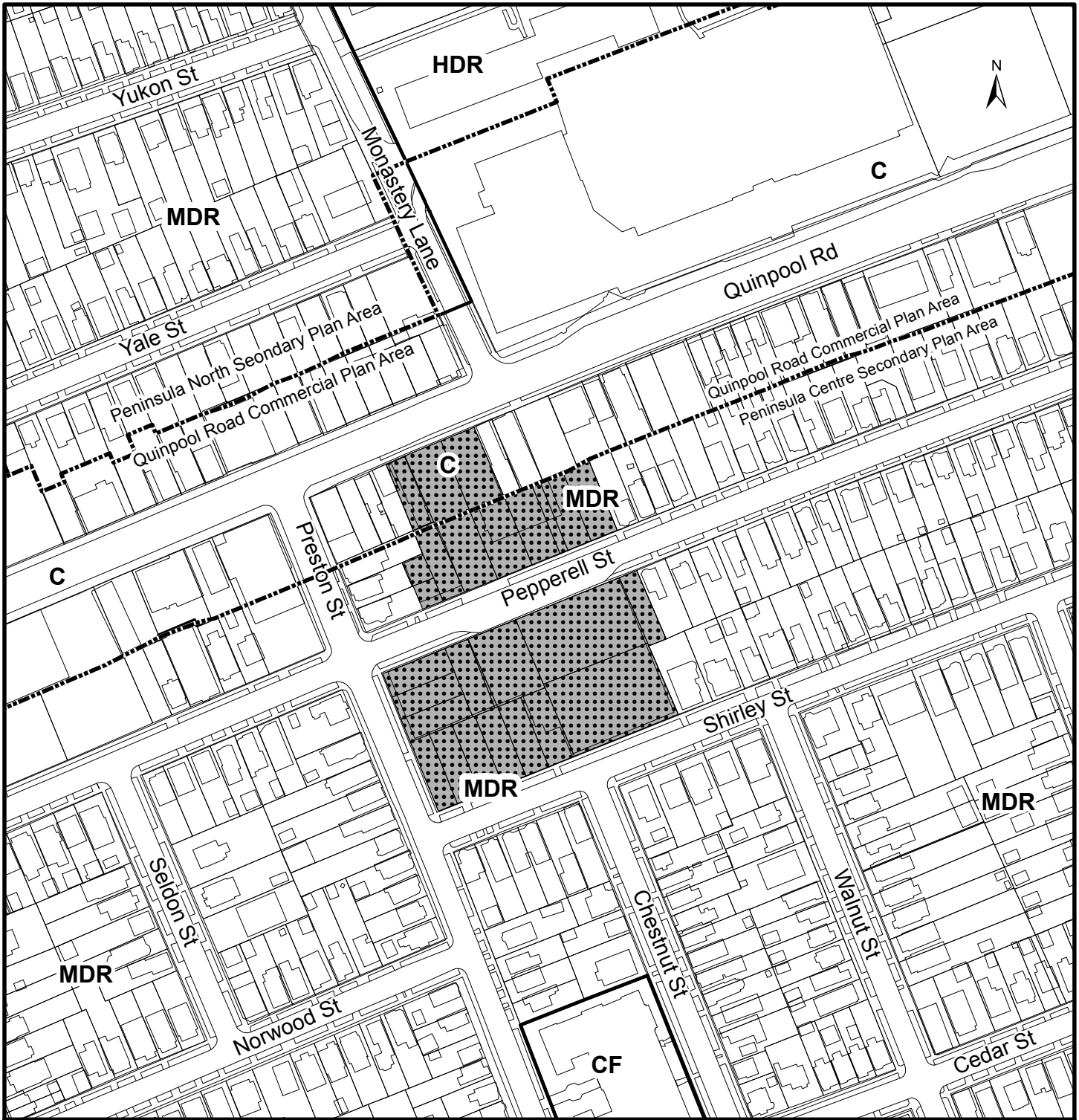
Report Approved by:

Kate Greene, Policy & Strategic Initiatives Program Manager, 902.225.6217

-Original Signed-

Report Approved by:

Eric Lucic, Manager, Regional Planning, 902.430.3954

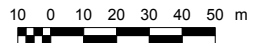


Map 1 - Generalized Future Land Use

Quinpool Rd, Pepperell St., Preston St. and Shirley St.,
Halifax

HALIFAX

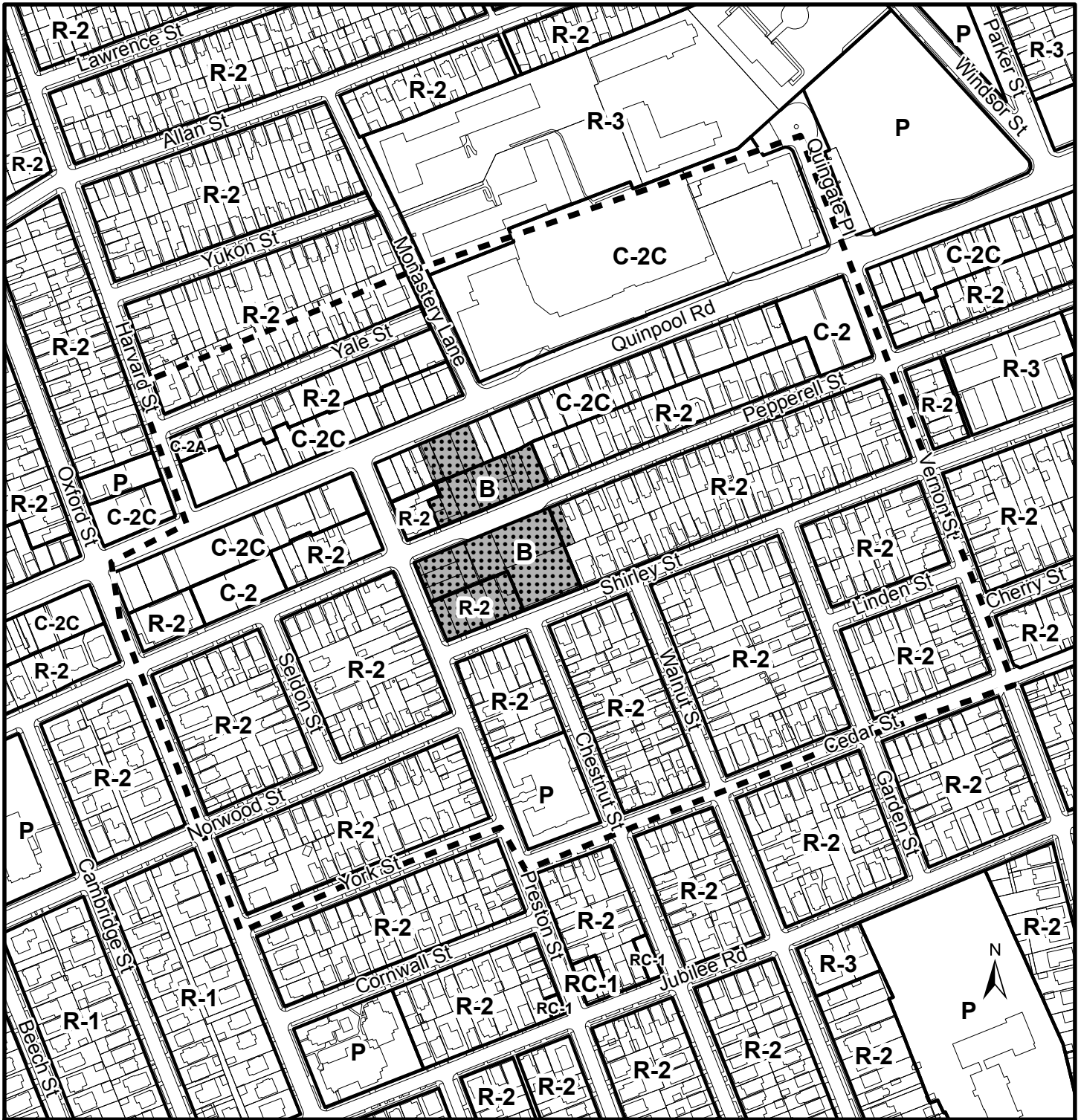
- | | | |
|--|---|--|
|  Subject Properties | Quinpool Road Commercial Designation C Commercial | Peninsula North Secondary Designation MDR Medium Density Residential HDR High Density Residential |
| | Peninsula Centre Area Designation MDR Medium Density Residential CF Community Facilities | |



Halifax Plan Area
 Quinpool Road Commercial Plan Area
 Peninsula Centre Area Plan

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.




Map 2 - Zoning and Notification

Quinpool Rd, Pepperell St., Preston St. and Shirley St.,
Halifax

HALIFAX

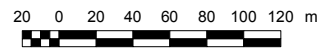
 Subject Properties

 Area of Notification

Halifax Peninsula
Land Use By-Law Area

Zone

- R-2 General Residential
- R-3 Multiple Dwelling
- RC-1 Neighbourhood Commercial
- C-2 General Business
- C-2C Minor Commercial - Quinpool Road
- P Park and Institutional
- B Bakery



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.

Attachment A

Amendments to the Municipal Planning Strategy for Halifax

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

1. By repealing Policies 2.4 and 2.5 of Section VI Peninsula Centre Area Plan, as shown in strikeout below:

~~2.4 The Land Use By-law shall include a zone for the property of Ben's Bakery Limited on the south and north side of Pepperell Street which is presently in use as a bakery, such zone to:~~

- ~~(i) provide for a bakery as a permitted use, including accessory uses thereto;~~
- ~~(ii) provide for the present use to continue;~~
- ~~(iii) require a height limit of 33 feet or three storeys; and~~
- ~~(iv) provide adequate parking.~~

~~2.5 If at any time Ben's Limited or its successors finds it necessary to relocate elsewhere, the City shall undertake, in cooperation with the owner, to examine alternative residential, commercial and mixed use redevelopment options, including associated Plan and Zoning By-law amendments, for re-use of the property identified in Policy 2.4 above within the context of a requirement to properly integrate new uses with adjacent residential areas, provided that adequate notice is given to the City.~~

2. By adding the following words shown in **bold** below to the Residential Environments policies of Section VI Peninsula Centre Area Plan:

1.17 Lands located on Quinpool Road, Pepperell Street, Preston Street and Shirley Street were formerly developed with a commercial bakery (Ben's Bakery Limited). Since the bakery no longer operates, alternative residential, commercial and mixed-use redevelopment which does not meet the zoning applied to the lands may be accommodated in this area, provided any proposal properly integrates new uses with adjacent residential areas.

Therefore, notwithstanding the Medium Density Residential designation and any other policies of this Municipal Planning Strategy, and in conjunction with Policy 2.11 of Section XII of this Municipal Planning Strategy, the Municipality shall consider a comprehensive redevelopment proposal for the entirety of the lands identified by Map 3 of this Section by development agreement, as enabled in accordance with the *Halifax Regional Municipality Charter*.

1.17.1 In considering a development agreement pursuant to Policy 1.17, overall building heights (not including non-habitable space) shall not exceed those shown on Map 3 of this Section. In addition, Council shall have regard for the following:

- a) A comprehensive plan for the development of the lands is provided;**
- b) The development may include uses permitted by the zoning applied to the lands, or a mix of residential, commercial and institutional uses, provided the form of development respects the residential nature of Pepperell Street, Preston Street and Shirley Street, and directs commercial uses to Quinpool Road;**

- c) **The development provides a range of housing options, by including a mix of residential unit types and sizes. The development may include residential uses permitted by the zone applied to the site, or:**
 - i. townhouses on Shirley Street;
 - ii. stacked townhouses on Preston and Pepperell Street;
 - iii. apartment units, in a range of unit sizes, on Pepperell Street and Quinpool Road;
 - iv. supportive housing.
- d) **Where possible, residential units at grade level have individual entrances from the public sidewalk, and use architectural and landscape design details for visual privacy from sidewalks;**
- e) **Residential units have access to on-site amenity space;**
- f) **The development includes high-quality architectural and site design, including:**
 - i. high-quality durable exterior building materials for larger buildings;
 - ii. defined streetwalls no more than two or three storeys high, with upper storeys stepped back, to ensure human-scaled design for larger buildings;
 - iii. setbacks from side and rear property lines and setbacks in building massing to ensure appropriate transition and mitigate effects on adjacent residential properties, especially for larger buildings;
 - iv. variations in the façade and mass of buildings to provide visual interest and establish vertical rhythm, especially for long building frontages;
 - v. massing or architectural design features to mitigate the effects of wind where tall buildings are proposed;
 - vi. landscaping elements, especially vegetation, in yards and outdoor areas (including rooftops) to provide useable amenity space and act as buffers to adjacent properties;
- g) **The development encourages pedestrian-friendly design by:**
 - i. setting buildings back from the street to allow for landscaping;
 - ii. including active commercial uses with large windows at the ground floor on Quinpool Road;
 - iii. designing details such as entrance treatments, landscaping, lighting and signage to provide visual interest for people walking;
 - iv. providing an exterior pedestrian walkway accessible to the public connecting Quinpool Road and Pepperell Street, which includes appropriate landscaping and lighting;
 - v. defining vehicular and pedestrian access and egress routes to prioritize people walking, and designing vehicular driveways with appropriate paving materials and landscaping elements to clearly prioritize the pedestrian realm;
 - vi. providing an adequate supply of bicycle parking;
 - vii. limiting surface parking for vehicles; and
 - viii. designing underground parking structures so that a building's ground floor facing the public street is at or near the grade of the sidewalk.

3. By repealing Section 8.3.3 of Section VI Peninsula Centre Area Plan, as shown in strikeout below:

~~8.3.3 The City may, for the property identified as Civic No. 1971 Preston Street, enter a~~

~~development agreement to permit office uses associated with a bakery pursuant to the authority of the Planning Act. As part of that consideration, the City shall require that:~~

- ~~(a) the general character of the existing building shall be maintained;~~
- ~~(b) only office uses accessory to a bakery shall be permitted;~~
- ~~(c) the external evidence of the office use shall be minimized; and~~
- ~~(d) the development agreement shall be terminated when the property is no longer used for office purposes accessory to a bakery.~~

4. By adding the map shown in the attached Schedule A, titled "Peninsula Centre Area Plan – Map 3", to Section VI Peninsula Centre Area Plan, following Map 2 at the end Section VI, and before Section VII, Fairview Area Secondary Planning Strategy.

5. By adding the text shown in **bold** below following Policy 2.10.4 in Section XII Quinpool Road Commercial Area Plan:

2.11 Lands located on Quinpool Road, Pepperell Street, Preston Street and Shirley Street were formerly developed with a commercial bakery (Ben's Bakery Limited). Since the bakery no longer operates, alternative residential, commercial and mixed-use redevelopment which does not meet the zoning applied to the lands may be accommodated in this area, provided any proposal properly integrates new uses with adjacent residential areas.

Therefore, notwithstanding any other policies of this Municipal Planning Strategy, and in conjunction with Section VI Policy 1.17 of this Municipal Planning Strategy, the Municipality shall consider a comprehensive redevelopment proposal for the entirety of the lands identified on Map 3 of Section VI by development agreement, as enabled in accordance with the *Halifax Regional Municipality Charter*.

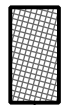
2.11.1 In considering a development agreement proposal pursuant to Policy 2.11, Council shall refer to the criteria set out in Section VI Policy 1.17.1.

Schedule A

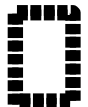


HALIFAX

Peninsula Centre Area Plan - Map 3



Area Subject to Commercial Facilities Policy 1.17



Maximum Height Area (in metres)



Approved:

Attachment B

Amendments to the Halifax Peninsula Land Use By-law

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

1. By amending the "TABLE OF CONTENTS" by deleting the words "B Zone" and renumbering accordingly.
2. By amending Section 17 "CLASSES OF ZONES" by deleting the words "Bakery Zone".
3. By amending Section 18 by deleting the word "B" as shown in strikeout below:

18 The uses of buildings and land permitted by this by-law in such zones may be referred to as R-1, R-1A, R-2, R-2T, R-2A, R-3, RC-1, RC-2, RC-3, RC-4, C-1, C-2, C-2A, C-2C, C-2D (Deleted RC-June 16/09;E-Oct 24/09), C-3A, C-3, C-5, C-6, P, ~~B~~, U-1, U- 2, CFB, BCDD, CD-1, CD-2, CD-3, ICH , HZ (Deleted RC-Jun 16/09;E-Oct 24/09), RPK, and WA uses, respectively.
4. By repealing the Bakery Zone, as shown in strikeout below:

~~B-ZONE~~

~~BAKERY ZONE~~

~~70A(1) The following uses shall be permitted in any B Zone:~~

- ~~(a) a bakery;~~
- ~~(b) uses accessory to the foregoing use.~~

~~70A(2) No persons shall in any B Zone carry out or cause or permit to be carried out any development for any purpose other than one or more of the uses set out in subsection (1).~~

~~70A(3) No persons shall in any B Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).~~

~~REQUIREMENTS - SIGNS - HEIGHT~~

~~70A(4) Buildings erected, altered or used for B uses in a B Zone shall comply with the following requirements:~~

- ~~(a) Maximum building height shall be 33 feet or three storeys;~~
- ~~(b) A minimum of 20 parking spaces shall be provided; and~~
- ~~(c) Signs shall comply with the requirements of the C-2A Zone.~~

~~70A(5) (Deleted)~~

5. By deleting the words shown in strikeout below from Section 95(1) "PENINSULA CENTRE – DEVELOPMENT AGREEMENTS"

~~1971 Preston Street~~

~~(h) permit office uses associated with a bakery at the property known as 1971 Preston Street in accordance with Policy 8.3.3.~~

6. By adding the following words shown in **bold** below after Section 95(7) and before Section 96:

95(8) Council may permit a comprehensive mixed-use development on Quinpool Road, Pepperell Street, Preston Street and Shirley Street in accordance with Policy 1.17 of Section VI and Policy 2.11 of Section XII of the Halifax Municipal Planning Strategy.

7. By adding the following words shown in **bold** below after Section 98E and before the heading "Peninsula Wide – Development Agreements" and Section 99(1):

98F Council may permit a comprehensive mixed-use development Quinpool Road, Pepperell Street, Preston Street and Shirley Street in accordance with Policy 1.17 of Section VI and Policy 2.11 of Section XII of the Halifax Municipal Planning Strategy.

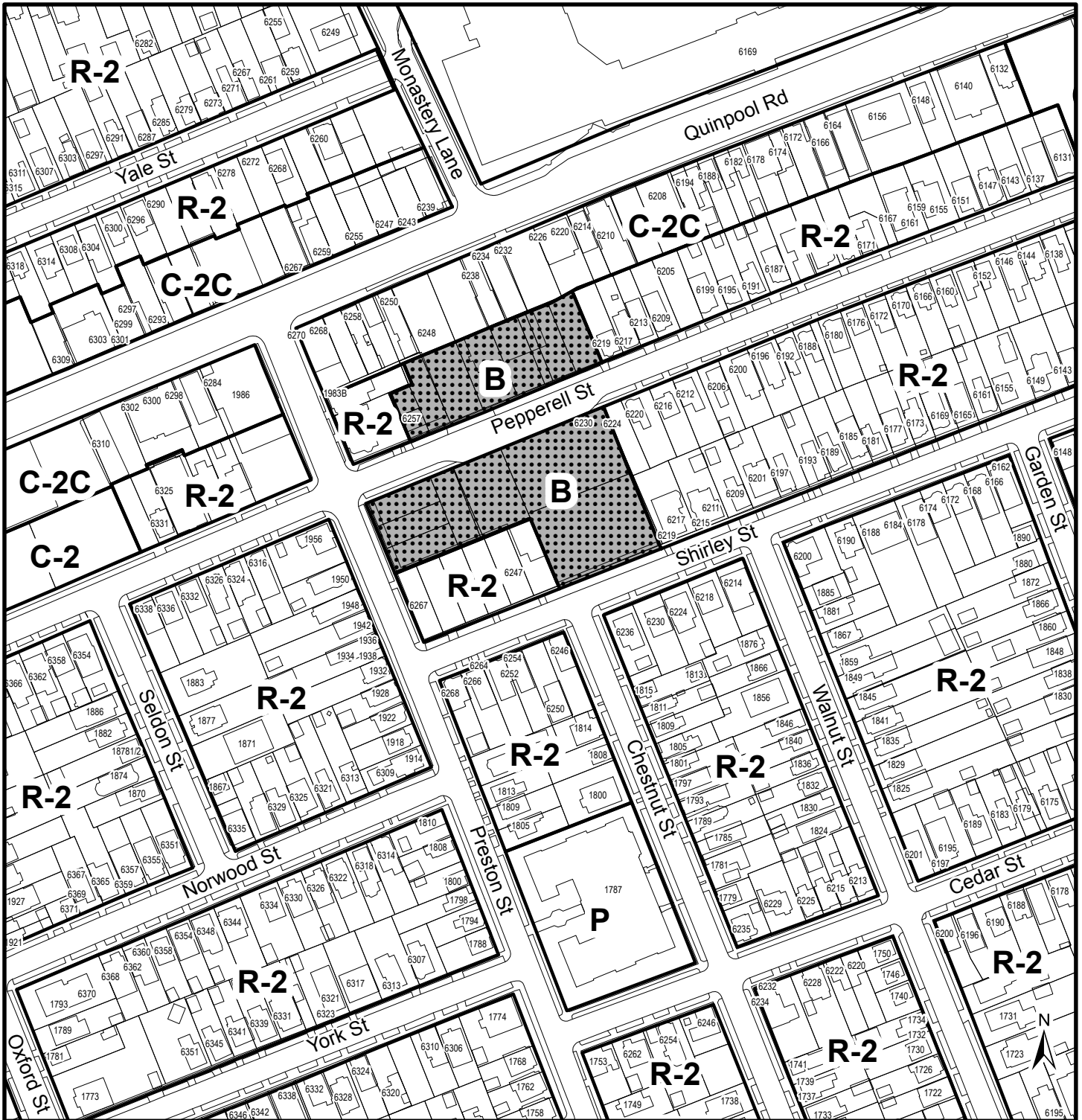
8. By amending Map ZM-1 as shown on Schedule B.

9. By amending Map ZM-17 as shown on Schedule C.

I HEREBY 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 Regional Municipal Council at a meeting held on the day of , 2018.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this day of , 2018.

Municipal Clerk



Schedule B

Quinpool Rd, Pepperell St., Preston St. and Shirley St.,
Halifax

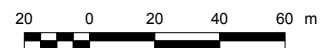
HALIFAX



Areas to be Rezoned from
(B) Bakery to (R-2) General
Residential

Zone

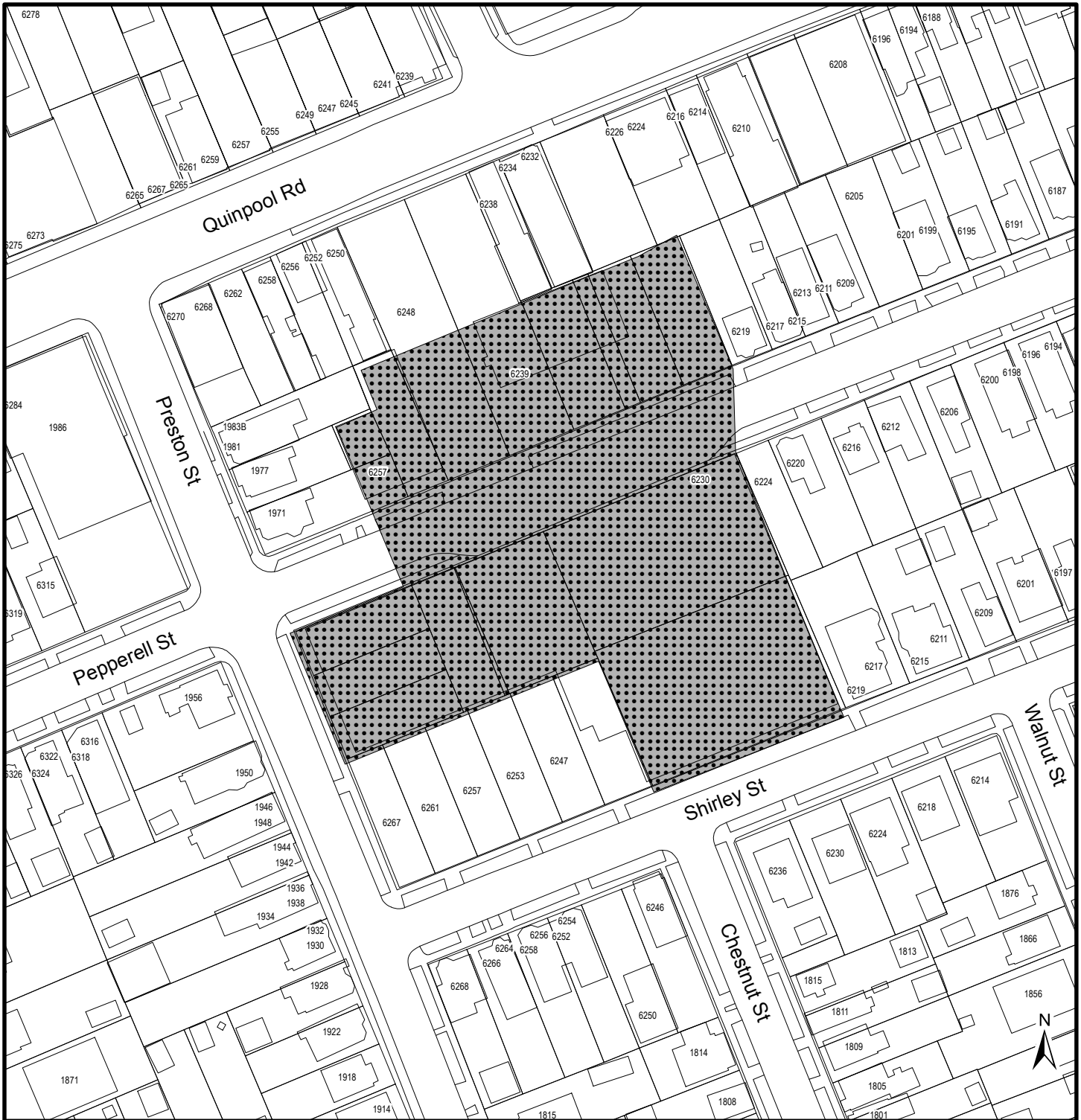
- R-2 General Residential
- R-3 Multiple Dwelling
- RC-1 Neighbourhood Commercial
- C-2 General Business
- C-2C Minor Commercial - Quinpool Road
- P Park and Institutional
- B Bakery



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



Schedule C: Amendments to the ZM-17 Height Precinct Map



Quinpool Rd, Pepperell St., Preston St. and Shirley St.,
Halifax



Amend subject areas to:
Area where maximum permitted height is measured between the highest point of the building, exclusive of any non-habitable roof, and the mean grade of the finished ground adjoining the building between the building and the fronting street



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.

**ATTACHMENT C:
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 on Quinpool Road, Pepperell Street, Preston Street and Shirley Street, a portion of which were formerly occupied by Ben's Bakery Limited, and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a Development Agreement to allow for residential, commercial and institutional development on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Section VI Policy 1.17 and Section XII Policy 2.11 of the Halifax Municipal Planning Strategy and Sections 95(8) and 98F of the Land Use By-law for Halifax Peninsula;

AND WHEREAS the Regional Council for the Municipality approved this request at a meeting held on [Insert - Date], referenced as Municipal Case Number 20323;

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

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

- 1.1.1 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

- 1.2.1 Except as otherwise provided for herein, the development, use and subdivision of the Lands shall comply with the requirements of the applicable Land Use By-law 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

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

1.6 Provisions Severable

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

PART 2: DEFINITIONS

2.1 Words Not Defined under this Agreement

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

2.2 Definitions Specific to this Agreement

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

- (a) "Amenity Space" means indoor or outdoor space on a lot that is communal and available for use by the occupants of a building on the lot for recreational or social activities.
- (b) "Assisted Living Residence" means a building or part of a building in which residential accommodation is provided, in which on-site nursing, supervisory and personal care services, such as but not limited to social activities, housekeeping and meal services are available to residents but does not include a hotel or motel.
- (c) "Development" means the Development that is enabled by this Agreement.
- (d) "Pedestrian Walkway" means the walkway that extends between Quinpool Road and Pepperell Street, as shown on the Schedules.
- (e) "Landscape Architect" means a professional, full member in good standing with the Canadian Society of Landscape Architects.
- (f) "Landscaped Open Space" means the landscaped areas identified on the Schedules, including the Pedestrian Walkway.
- (g) "Site" means the portions of the Development shown as Sites A, B, C and D on the Schedules.
- (h) "Stacked Townhouse" means a building containing three or more dwelling units attached side by side, two units high, where each unit has an independent entrance to the unit from the outside.

PART 3: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS

3.1 Schedules

- 3.1.1 Unless otherwise provided for in the text of this Agreement, 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 20323:**

| | |
|--------------|---|
| Schedule A | Legal Description of the Lands(s) |
| Schedule B | Overall Site Plan |
| Schedule C-1 | Site A Plan |
| Schedule C-2 | Site A Landscape Plan |
| Schedule C-3 | Site A Rooftop Landscape Plan |
| Schedule C-4 | Site A Elevation – North (Quinpool) |
| Schedule C-5 | Site A Elevation – West |
| Schedule C-6 | Site A Elevation – South (Pepperell) |
| Schedule C-7 | Site A Elevation – East |
| Schedule D-1 | Sites B and C Plan |
| Schedule D-2 | Sites B and C Landscape Plan |
| Schedule D-3 | Site B, Building B Elevation – North (Pepperell Berkeley) |
| Schedule D-4 | Site B, Building B Elevation – South |
| Schedule D-5 | Site B, Building B Elevation – East and West |
| Schedule D-6 | Site C, Building C Elevations – West and East |
| Schedule D-7 | Site C, Building C Elevations – North and South |

3.2 Requirements Prior to Approval

- 3.2.1 Prior to the issuance of a Development Permit for a building on any Site, the Developer shall provide the following to the Development Officer, unless otherwise permitted by the Development Officer:
- (a) Plan of Subdivision in accordance with Section 3.6 of this Agreement
 - (b) Landscape Plan in accordance with Section 3.9 and the Schedules of this Agreement.
- 3.2.2 Prior to the issuance of a Development Permit for a building on any Site, the Developer shall provide the following to the Development Officer, in consultation with the Development Engineer:
- (a) Tree Retention and Mitigation Plan for street trees in accordance with Subsection 4.1.2 of this Agreement.
- 3.2.3 Prior to the issuance of a municipal Occupancy Permit on any Site, the Developer shall provide the following to the Development Officer, unless otherwise permitted by the Development Officer:
- (a) Written confirmation from a Landscape Architect which the Development Officer may accept as sufficient record of compliance with the Landscape Plan in accordance with Section 3.9 and the Schedules 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 unless an Occupancy Permit has been issued by the Municipality. No Occupancy Permit shall be issued by the Municipality unless and until the Developer has complied with all 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.

3.3 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 existing zone applied to the Lands subject to the provisions contained within the applicable Land Use By-law, as amended from time to time;

or

- (b) A mixed-use building (Building A) on Quinpool Road through to Pepperell Street, as shown on Site A on the Schedules; a six-storey building (Building B) and a stacked townhouse building (Building C) on Pepperell Street and Preston Street, as shown on Sites B and C on the Schedules; and townhouses buildings on the area identified as Site D on the Schedules.

3.4 Detailed Provisions for Land Use

3.4.1 Unless otherwise provided for in the text of this Agreement, the location of land uses shall be as shown on the Schedules.

3.4.2 The following uses shall be permitted within a mixed-use building on Site A:

- (a) Commercial uses permitted within the existing zone applied to the Lands, under the applicable Land Use By-law, as amended from time to time;
- (b) Residential dwelling units;
- (c) Assisted living residences;
- (d) Home occupations in conjunction with residential uses; and
- (e) Accessory uses.

3.4.3 On Site A, the ground floor of the building immediately abutting Quinpool Road shall include commercial uses.

3.4.4 On Site A, commercial uses shall not be permitted in any portion of the building which faces Pepperell Street.

3.4.5 On Site A, except for required commercial areas, residential dwelling units and assisted living residences shall be permitted throughout the building.

3.4.6 On Site A, at least 33% of the total number of residential dwelling units shall be 75 square metres or greater in size.

3.4.7 Within Building B, the following uses shall be permitted:

- (a) Residential dwelling units;
- (b) Assisted living residences; and
- (c) Accessory uses.

3.4.8 Within Building C the following uses shall be permitted:

- (a) Residential dwelling units;
- (b) Home occupation uses in conjunction with residential uses; and
- (c) Accessory uses.

3.4.9 On Site D, the following uses shall be permitted:

- (a) Townhouse buildings;
- (b) Home occupation uses in conjunction with residential uses; and
- (c) Accessory uses.

3.4.10 Home occupations shall comply with the requirements of the applicable Land Use By-law, as amended from time to time, except that more than one home occupation may be permitted per site.

3.5 Siting and Architectural Requirements

3.5.1 On Sites A, B and C, building setbacks, heights, and massing shall be as shown on the Schedules.

3.5.2 On Sites A, B and C, architectural detailing and building materials shall be provided in accordance with the Schedules.

3.5.3 On Site B, where non-combustible cladding is shown on the Schedules, a minimum of two visually distinct external cladding materials shall be used to break up the building's massing.

3.5.4 On Sites A, B and C, the arrangement of windows and balconies may be altered to accommodate the interior layout of the buildings as noted on the Schedules, provided that the arrangement is consistent with the general architectural intent of the Schedules, and under no circumstances shall the arrangement create a condition which results in large blank or unadorned walls.

3.5.5 On Sites A, B and C, the following external cladding materials shall be prohibited:

- (a) vinyl, except for vinyl windows;
- (b) plastic, except for architectural laminate panels;
- (c) bare or painted plywood;
- (d) standard concrete blocks, however architectural concrete products are permitted;
- (e) exterior insulation and finish systems where stucco is applied to rigid insulation as a primary weather protection for the building envelope;
- (f) mirrored glass in spandrel panels or vision glass panels; and
- (g) darkly tinted glass, excepting spandrel glass panels.

3.5.6 For Sites A, B and C, height shall be measured between the highest point of the roof and the mean grade of the finished ground adjoining the building. The maximum height shown on the Schedules shall not apply to elevator and stair enclosures or mechanical equipment, provided the provisions of Subsection 3.5.11 are met.

3.5.7 On Site A, fixed or retractable awnings are permitted at the ground floor level facing Quinpool Road, provided the awnings are designed as an integral part of the building façade and subject to the requirements of any other applicable by-law, statute or regulation.

3.5.8 On Sites A and C, where residential uses are provided on the ground floor facing public streets, individual entrances to dwellings units shall be provided. Visual privacy to these units shall be achieved through the use of well-designed entrance features as shown on the Schedules, and may include features such as stoops, porches, landings, canopies, subtle changes in grade, materials, decorative railings and landscaping, or an acceptable equivalent approved by the Development Officer.

3.5.9 On Sites B and C, Building B and Building C may share common access to underground parking facilities. The common access shall be located on Site B.

3.5.10 On Sites A, B and C, all vents, down spouts, flashing, electrical conduits, metres, service connections, and other functional elements shall be treated as integral parts of the design of the

buildings. Where appropriate these elements shall match the colour of the adjacent surface, except where used expressly as an accent.

- 3.5.11 On Sites A, B and C, buildings shall be designed such that the mechanical systems (HVAC, exhaust fans, etc.) are screened. Furthermore, no mechanical equipment or exhaust fans shall be located between the buildings and adjacent residential properties unless screened as an integral part of the building design and noise reduction measures are implemented. This shall exclude individual residential mechanical systems.
- 3.5.12 On Sites A, B and C, all roof-mounted mechanical or telecommunication equipment shall be visually integrated into the roof design or screened.
- 3.5.13 On Sites A, B and C, large blank or unadorned walls shall not be permitted. The scale of large walls shall be tempered by landscaping, including textural plantings and trellises, or architectural detail to create shadow lines (implied windows, cornice lines, or offsets in the vertical plane) as identified on the Schedules.
- 3.5.14 On Sites A, B and C, any exposed foundation greater than 0.3 metres in height shall be architecturally detailed, veneered with stone or brick or treated in an equivalent manner acceptable to the Development Officer.
- 3.5.15 On Site D, no subdivision approval or development permit shall be granted for any townhouse building except in accordance with the following provisions:
- | | | |
|-----|--|----------------------------|
| (a) | Minimum lot frontage: | 6 metres per unit |
| (b) | Minimum lot area: | 150 square metres per unit |
| (c) | Minimum front yard: | 2 metres |
| (d) | Minimum rear yard: | 6 metres |
| (e) | Minimum side yard: | 2 metres for end units |
| (f) | Maximum building height: | 10.7 metres |
| (g) | Maximum number of dwelling units per building: | 5 |
- 3.5.16 For Site D, height shall be measured between the highest point of the building, exclusive of any non-habitable roof, and the mean grade of the finished ground adjoining the building between the building and the fronting street.
- 3.5.17 For Site D, unsheltered decks, steps and accessibility ramps may be permitted within the required yards.

3.6 Subdivision of the Lands

- 3.6.1 Prior to the issuance of a Development Permit for a building on a Site, a subdivision application for that Site shall be submitted to the Development Officer in accordance with the terms of this agreement. The Development Officer shall grant subdivision approval in accordance with the Regional Subdivision By-law and:
- (a) For Site A, a subdivision plan shall consolidate all properties so that the building is on one lot;
- (b) For Sites B and C, the properties shall be subdivided so that Building B is located on one lot and Building C is located on a separate lot;
- (c) For Site D, townhouse buildings may be subdivided so that each townhouse dwelling is located on its own lot in accordance with Subsection 3.5.15. No side yard shall be required along the common lot boundary dividing the townhouse building.

3.7 Parking and Bicycle Facilities

- 3.7.1 On Site A, a minimum of 95 vehicle parking spaces shall be provided, including underground parking and limited surface parking as shown on the Schedules.
- 3.7.2 On Site B, underground parking shall provide a minimum of 43 vehicle parking spaces. A drop-off driveway for vehicles shall be permitted as shown on the Schedules.
- 3.7.3 On Site C, underground parking shall provide a minimum of 25 vehicle parking spaces.
- 3.7.4 On Site D, vehicle parking may be provided for townhouse dwellings pursuant to the applicable Land Use By-law, as amended from time to time.
- 3.7.5 On Sites A, B and C, the Developer shall provide bicycle parking for each building pursuant to the applicable Land Use By-law. Class "B" bicycle parking shall be located at grade, and may be located within the amenity space or the Pedestrian Walkway shown on the Schedules.
- 3.7.6 Notwithstanding Subsection 3.7.5, should the primary use on Site B be an assisted living residence, Site B shall follow the bicycle parking requirements of the applicable Land Use By-law for institutional uses.

3.8 Outdoor Lighting

- 3.8.1 Lighting shall be directed to driveways, parking areas, loading areas, building entrances and walkways and shall be arranged to divert the light away from streets, adjacent lots and buildings.
- 3.8.2 The Pedestrian Walkway on Site A shall include pedestrian-scale lighting.

3.9 Amenity Space and Landscaping

Landscape Plan

- 3.9.1 Prior to the issuance of a Development Permit for a Site, the Developer shall provide a Landscape Plan which complies with the provisions of this section and conforms with the overall intentions shown on the Schedules. The Landscape Plan(s) shall be prepared by a Landscape Architect (a full member, in good standing with the Canadian Society of Landscape Architects) and comply with all provisions of this Agreement.
- 3.9.2 Where privacy screening is shown on the Schedules, the following shall be provided along the property line:
 - (a) a minimum 1.8 metre high opaque fence; and
 - (b) one tree and three shrubs per 4.6 metres of required screening.
- 3.9.3 Where fencing is shown on the Schedules, a minimum 1.8 metre high opaque fence shall be provided along the property line.
- 3.9.4 All plant material shall conform to the Canadian Nursery Trades Association Metric Guide Specifications and Standards and sodded areas to the Canadian Nursery Sod Growers' Specifications.
- 3.9.5 Prior to issuance of an Occupancy Permit for a site, the Developer shall submit to the Development Officer a letter prepared by a member in good standing of the Canadian Society of Landscape Architects certifying that all landscaping has been completed according to the terms of this Development Agreement.

- 3.9.6 Notwithstanding Subsection 3.9.1, an Occupancy Permit may be issued provided that the weather and time of year does not allow the completion of the outstanding landscape works and that the Developer supplies 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.
- 3.9.7 Planting on rooftops and podiums above structures shall be carefully selected for their ability to survive in rooftop environments. Rooftop trees shall be located in planting beds or containers. It is the responsibility of the Developer to ensure that the underground parking structures or other structures are capable of supporting loads from all landscaping as well as the anticipated mature weight of the plant material on any rooftop and podium.

Amenity Space

- 3.9.8 On Site A, a combination of private indoor and outdoor amenity space shall be provided. Private outdoor amenity space at grade and on rooftops shall be landscaped as shown on the Schedules. A minimum of 140 square metres of private indoor amenity space shall be provided.
- 3.9.9 On Site A, a Pedestrian Walkway shall allow the general public to pass between Quinpool Road and Pepperell Street. The Pedestrian Walkway shall be located as shown on the Schedules. Accesses to commercial businesses and commercial patios shall be permitted on the Pedestrian Walkway, provided that no commercial access shall be located more than 30 metres horizontally from Quinpool Road. Where the Pedestrian Walkway is to be used by any commercial business, a clear path of a minimum 1.8 metres must be maintained during the opening hours described in Subsection 3.13.2 to allow the general public to pass through.
- 3.9.10 For Building B, indoor and outdoor common amenity space shall be provided. Outdoor space shall be located and landscaped as shown on the Schedules.
- 3.9.11 For Building C, common landscaped open space shall be provided as shown on the Schedules.

3.10 Maintenance

- 3.10.1 The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the exterior of the buildings, 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.

3.11 Signs

- 3.11.1 On Site A, each commercial tenant shall be permitted to install the following signs upon the exterior of the building that faces Quinpool Road and the Pedestrian Walkway:
- (a) one fascia sign which may be illuminated, a maximum of 1 metre in height, and located immediately above storefront windows and entrances;
 - (b) one projecting sign which may be illuminated, a maximum area of 1 square metre in area and a minimum of 3 metres from the bottom of the sign to the ground below; and

- (c) Signs upon or immediately behind storefront windows, provided they occupy a maximum of 30 percent of that window's area.
- 3.11.2 Building B shall be permitted to install non-illuminated fascia signs, totalling a maximum of 3 square metres in area.
- 3.11.3 Signs shall not include any animation or illumination that flashes, moves, or varies in intensity.
- 3.11.4 Information and directional signs are permitted throughout Sites A, B and C.
- 3.11.5 No temporary or mobile signs are permitted on any Site, except for:
 - (a) one temporary ground sign per Site depicting the name or corporate logo of the Developer, which shall be permitted prior to the issuance of an Occupancy Permit; and
 - (b) non-illuminated real estate signs less than 2 square metres in area pertaining to the sale, rental, or lease of the premises on which the sign is displayed. A sign so erected shall be removed within 14 days after the referenced sale, rental or lease.

3.12 Temporary Construction Building

- 3.12.1 Temporary construction buildings shall be permitted on the Lands for housing equipment, materials and office related matters relating to the construction and sale of the development in accordance with this Agreement. The construction buildings shall be removed from the Lands prior to the issuance of the last Occupancy Permit.

3.13 Hours of Operation

- 3.13.1 Deliveries to all buildings, and the collection of refuse and recyclables, shall occur only between the hours of 7:00 am and 7:00 pm.
- 3.13.2 The Developer shall facilitate public access and travel through the Pedestrian Walkway between the hours of 8:00 am and 8:00 pm, or during the opening hours of any commercial business within the building.
- 3.13.3 Notwithstanding Subsection 3.13.2, a private or special event not exceeding one calendar day in duration may obstruct public access and travel through the Pedestrian Walkway between the hours of 8:00 am and 8:00 pm. At the event's conclusion, the Developer shall ensure public access is restored.
- 3.13.4 Hours of operation shall conform with all relevant Municipal and Provincial legislation and regulations, as may be amended from time to time.

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 Engineering prior to undertaking the work.
- 4.1.2 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.

PART 5: ENVIRONMENTAL PROTECTION MEASURES

5.1 All storm water facilities shall be maintained in good order in order to maintain full storage capacity.

PART 6: AMENDMENTS

6.1 Non-Substantive Amendments

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

- (a) Vehicle parking requirements identified in Subsections 3.7.1 to 3.7.4 inclusive and the Schedules of this Agreement;
- (b) The granting of an extension to the date of commencement of construction as identified in Subsection 7.3.1 of this Agreement;
- (c) The length of time for the completion of the development as identified in Subsection 7.5.1 of this Agreement.

6.2 Substantive Amendments

6.2.1 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

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

7.2 Subsequent Owners

7.2.1 This Agreement shall be binding upon the parties hereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the Lands which are the subject of this Agreement until this Agreement is discharged by Council.

7.2.2 Upon the transfer of title to any lot(s), the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot(s).

7.3 Commencement of Development

7.3.1 In the event that development on the Lands has not commenced within 3 years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein,

the Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law.

7.3.2 For the purpose of this section, commencement of development shall mean the issuance of a Construction Permit for either Site A or Site B.

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(b), if the Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the commencement of development time period.

7.4 Completion of Development

7.4.1 Upon the completion of the whole development or completion of individual Sites 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 applicable Municipal Planning Strategy and Land Use By-law, as may be amended from time to time.

7.5 Discharge of Agreement

7.5.1 If the Developer fails to complete the development after 13 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

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

8.2 Failure to Comply

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

- (a) The Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defense based upon the allegation that damages would be an adequate remedy;

- (b) The Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the Agreement, whereupon all reasonable expenses whether arising out of the entry onto the Lands or from the performance of the covenants or remedial action, shall be a first lien on the Lands and be shown on any tax certificate issued under the *Assessment Act*;
- (c) The Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; or
- (d) In addition to the above remedies, the Municipality reserves the right to pursue any other remedy under the *Halifax Regional Municipality Charter* or Common Law in order to ensure compliance with this Agreement.

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

SIGNED, SEALED AND DELIVERED in the presence of:

(Insert Registered Owner Name)

Witness

Per: _____

HALIFAX REGIONAL MUNICIPALITY

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

Witness

Per: _____

MAYOR

Witness

Per: _____

MUNICIPAL CLERK

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

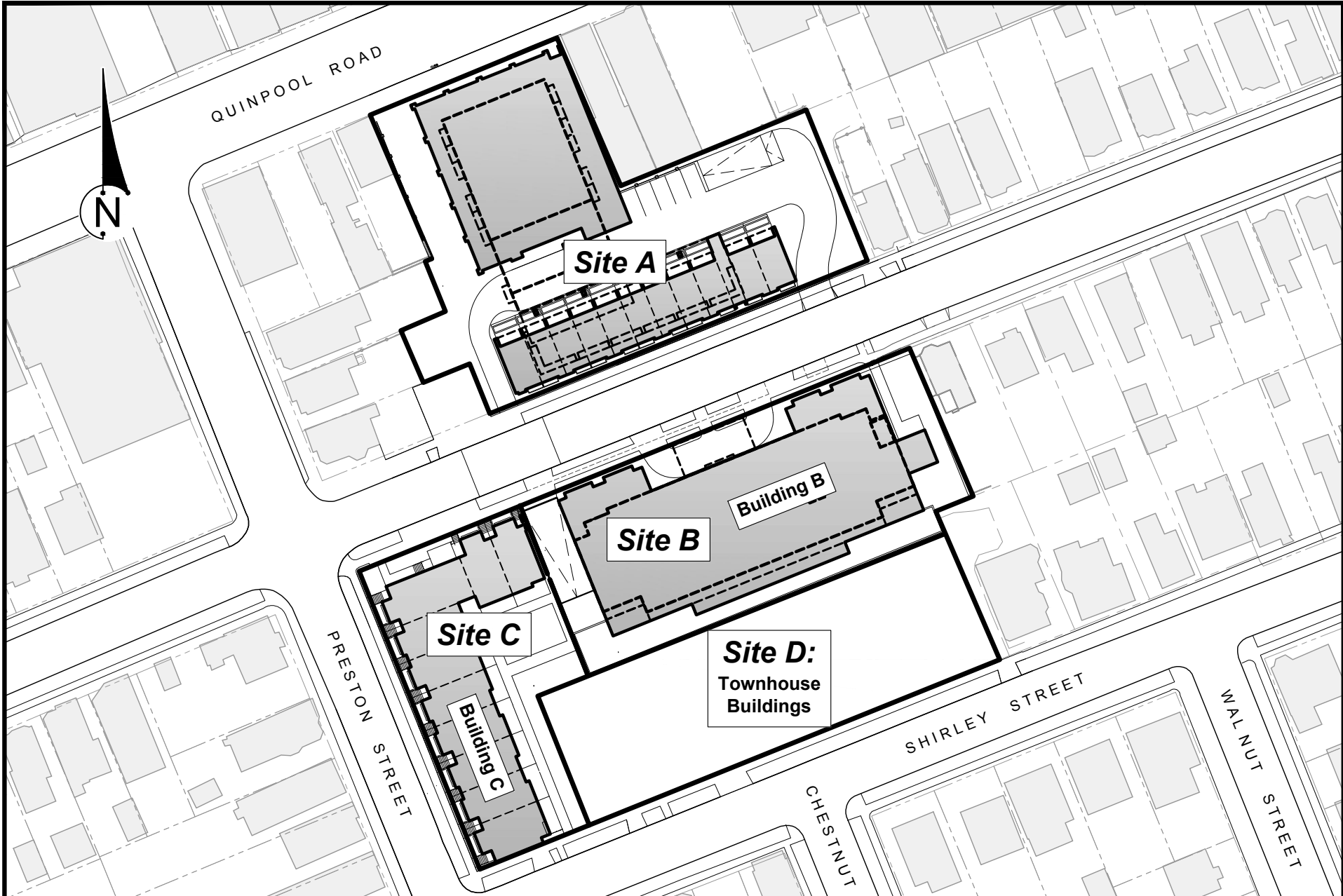
On this _____ day of _____, A.D. 20____, before me, the subscriber personally came and appeared _____ a subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that _____, _____ of the parties thereto, signed, sealed and delivered the same in his/her presence.

A Commissioner of the Supreme Court
of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

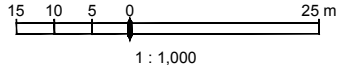
On this _____ day of _____, A.D. 20____, before me, the subscriber personally came and appeared _____ the subscribing witness to the foregoing indenture who being by me sworn, made oath, and said that Mike Savage, Mayor and Kevin Arjoon, Clerk of the Halifax Regional Municipality, signed the same and affixed the seal of the said Municipality thereto in his/her presence.

A Commissioner of the Supreme Court
of Nova Scotia



SCHEDULE B
 OVERALL SITE PLAN
 BEN'S BAKERY REDEVELOPMENT
 HALIFAX, NOVA SCOTIA

SCALE

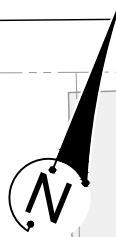


DATE: 17-JUL-2018

151-11467-SCHEDULE_V22

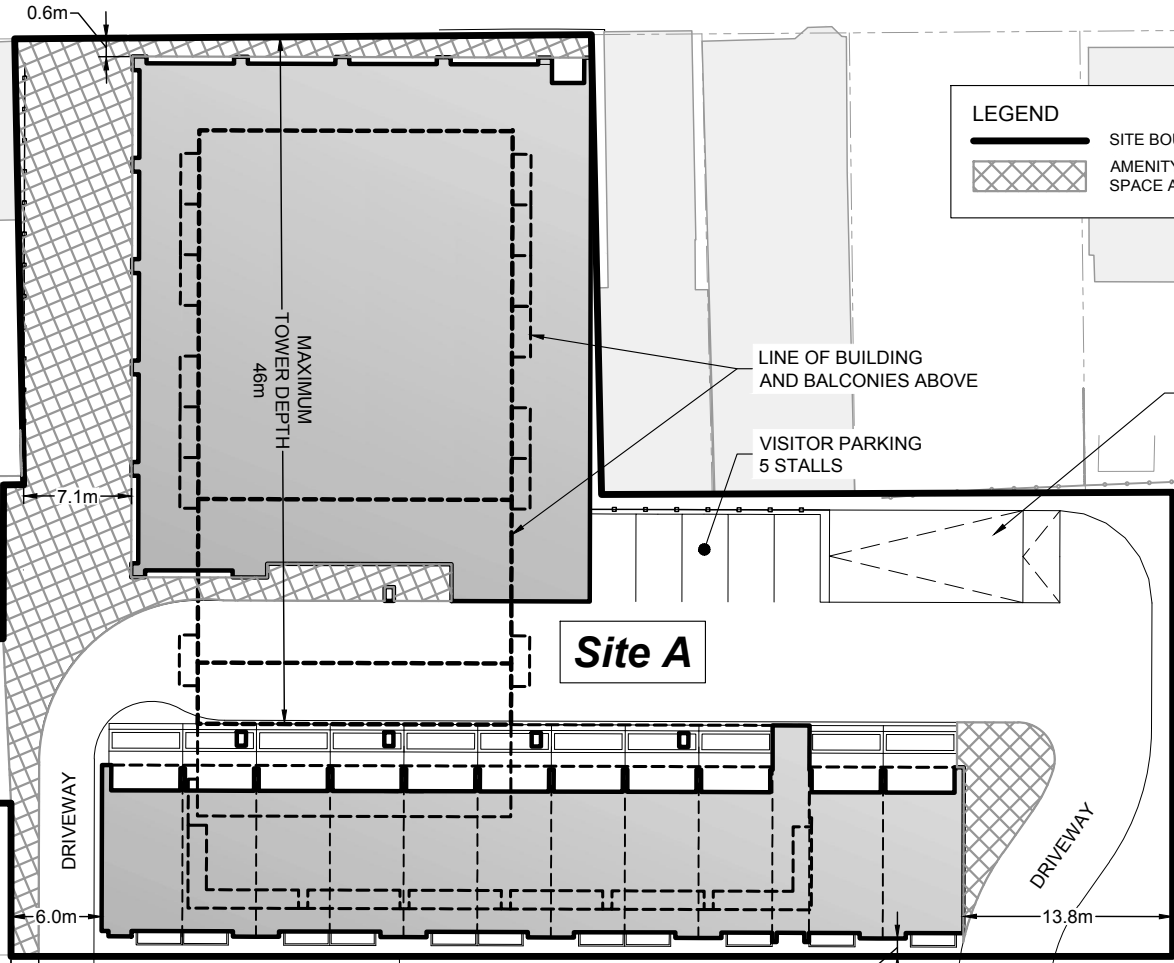
FILE: K:\DRAWING\2018\151-11467-WESWOOD CONST_BENS BAKERY SITE_HALIFAX\11_CONCEPT_PLANS\151-11467-SCHEDULE_V22.DWG Sheet B - Overall Site Plan

QUINPOOL ROAD



LEGEND

- SITE BOUNDARY
- AMENITY / OPEN SPACE AREA



Site A

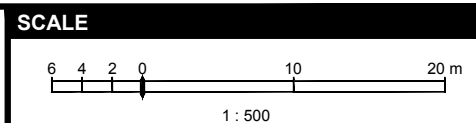
PEPPERELL STREET

EXISTING STREET TREE

EXISTING CURB CUT



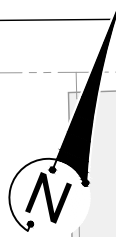
SCHEDULE C-1
SITE A PLAN
BEN'S BAKERY REDEVELOPMENT
 HALIFAX, NOVA SCOTIA



DATE: 17-JUL-2018 151-11467-SCHEDULE_V22

FILE: K:\04\1511467\1511467-WESWOOD CONST_BEN'S BAKERY SITE_HALIFAX\11_CONCEPT_PLANS\1511467-SCHEDULE_V22.DWG Sheet C-1 - Site A Plan

QUINPOOL ROAD



POTENTIAL TREE SPECIES:

Deciduous:

- Linden Tree
- Eastern Black Oak
- Mountain Maple
- Red Maple
- Silver Maple
- Sugar Maple

Coniferous:

- Norway Spruce
- Red Spruce
- White Spruce
- Balsam Fir
- Eastern Hemlock

POTENTIAL SHRUB SPECIES:

Coniferous shrubs:

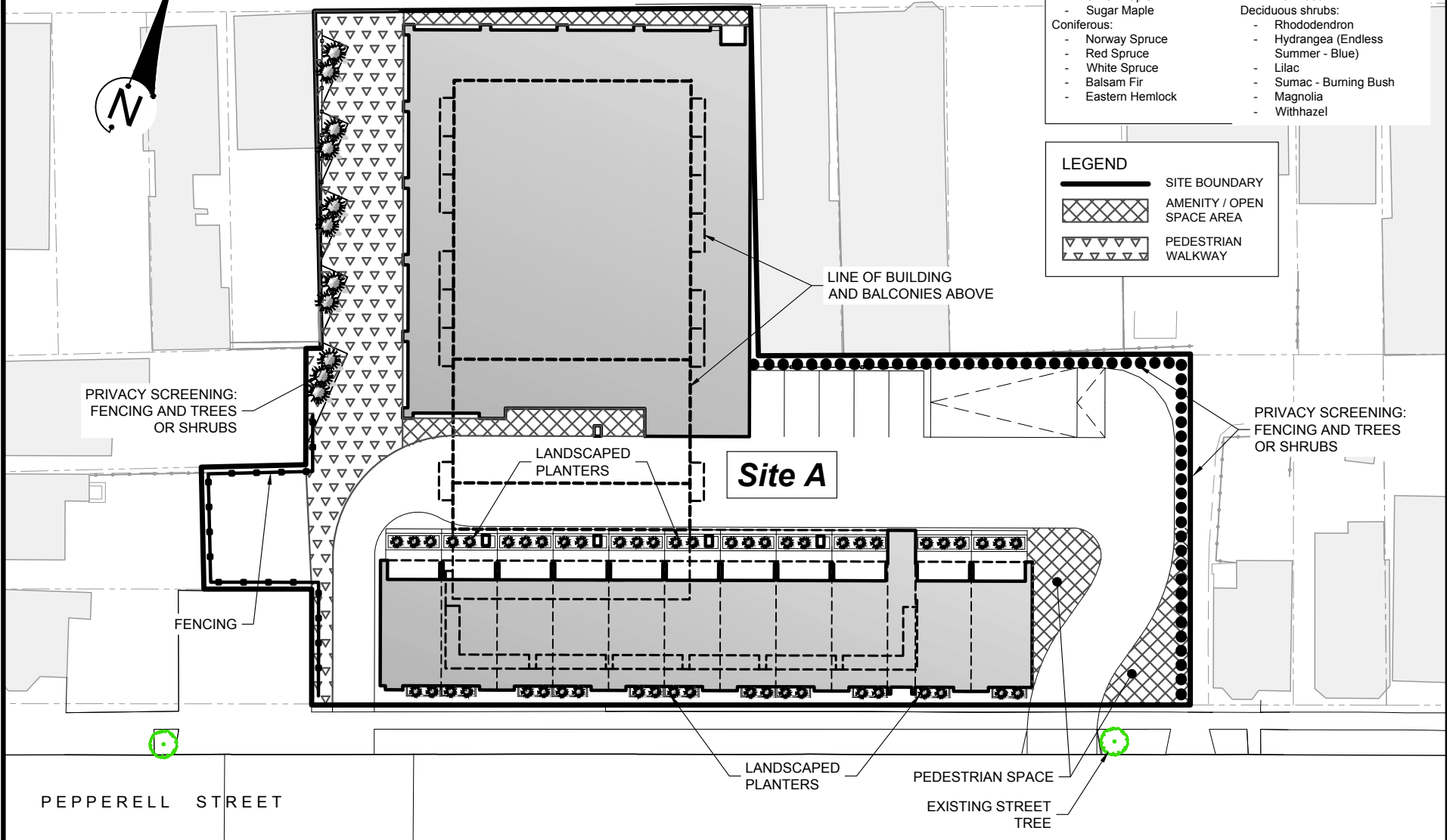
- Dwarf Juniper
- Common Juniper
- American Yew
- Slowmound Pine
- Boxwood

Deciduous shrubs:

- Rhododendron
- Hydrangea (Endless Summer - Blue)
- Lilac
- Sumac - Burning Bush
- Magnolia
- Withhazel

LEGEND

- SITE BOUNDARY
- AMENITY / OPEN SPACE AREA
- PEDESTRIAN WALKWAY



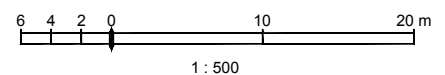
Site A

PEPPERELL STREET



SCHEDULE C-2
 SITE A LANDSCAPE PLAN
 BEN'S BAKERY REDEVELOPMENT
 HALIFAX, NOVA SCOTIA

SCALE






DATE: 17-JUL-2018

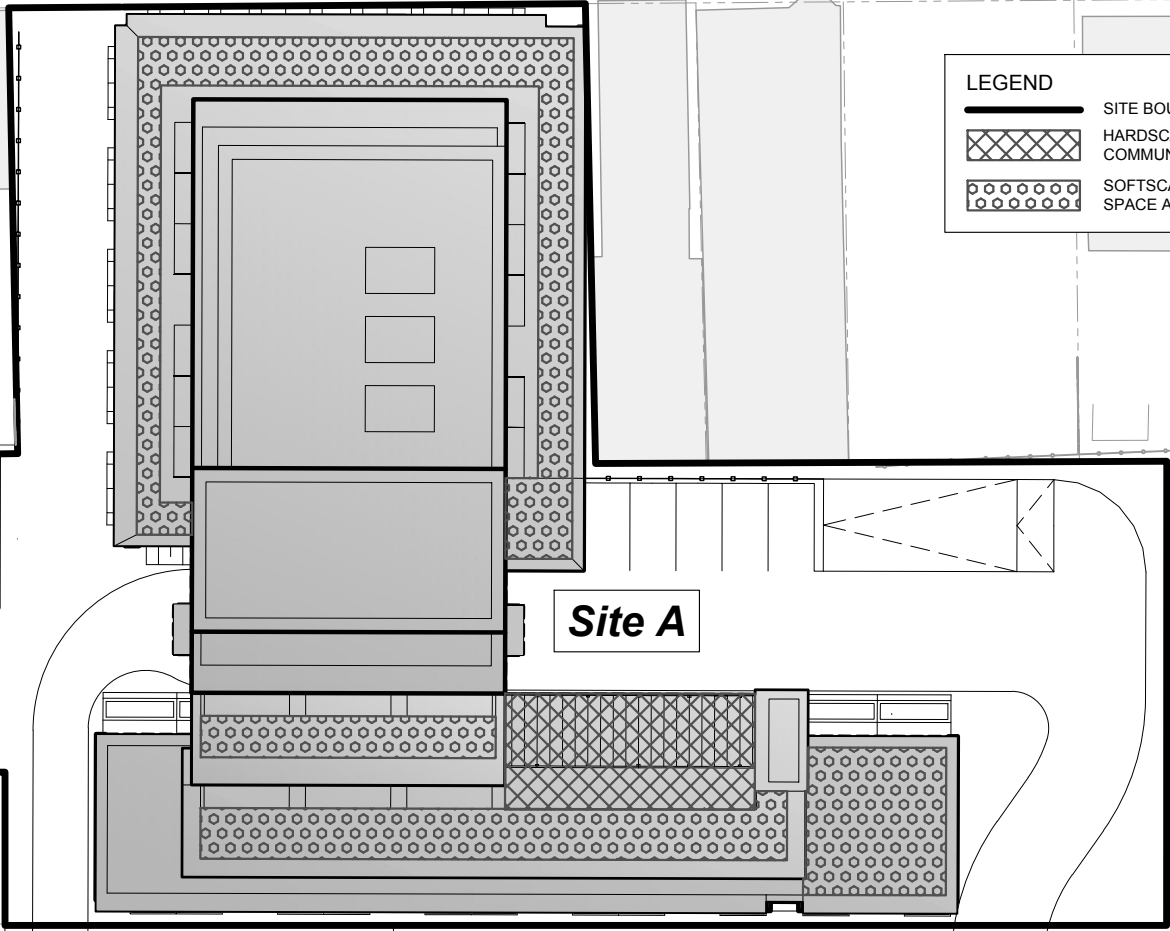
151-11467-SCHEDULE_V22

QUINPOOL ROAD



LEGEND

-  SITE BOUNDARY
-  HARDSCAPE / COMMUNAL AREA
-  SOFTSCAPE / GREEN SPACE AREA

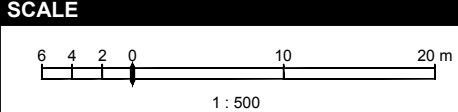


Site A

PEPPERELL STREET



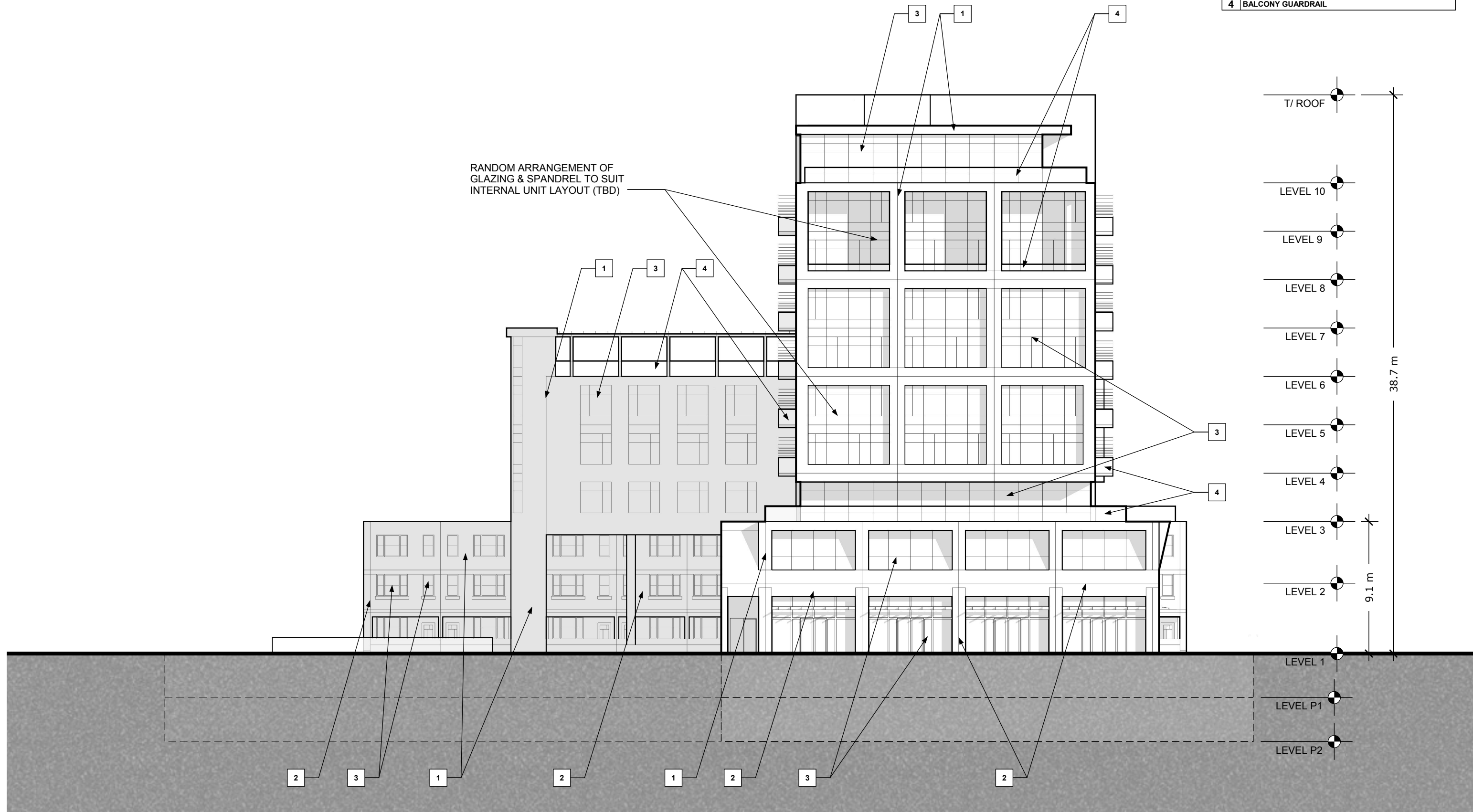
SCHEDULE C-3
 SITE A ROOFTOP LANDSCAPE PLAN
 BEN'S BAKERY REDEVELOPMENT
 HALIFAX, NOVA SCOTIA



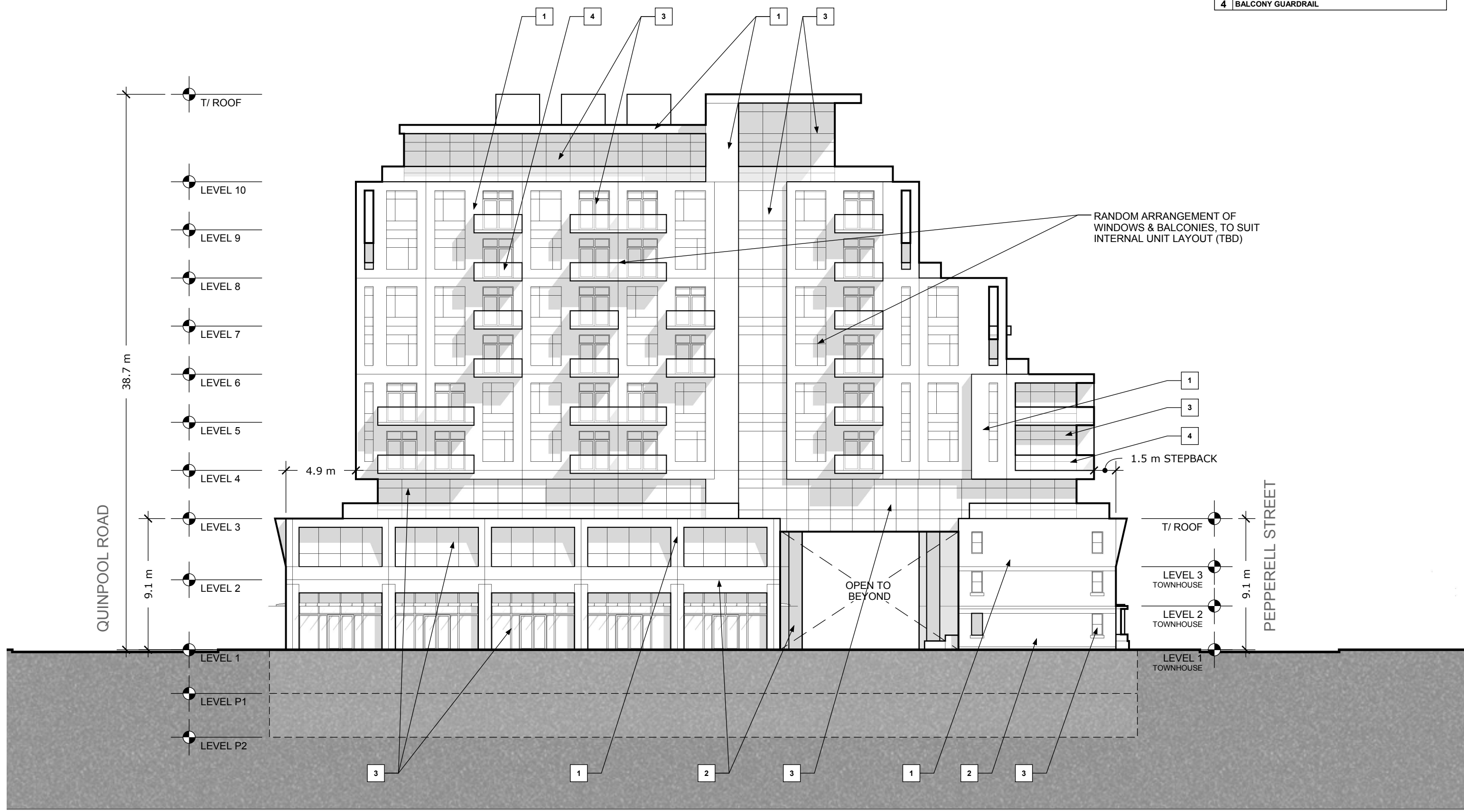
DATE: 17-JUL-2018 151-11467-SCHEDULE_V22

| LEGEND - EXTERIOR MATERIALS | |
|-----------------------------|--------------------------|
| 1 | NON-COMBUSTIBLE CLADDING |
| 2 | MASONRY |
| 3 | GLAZING SYSTEM |
| 4 | BALCONY GUARDRAIL |

RANDOM ARRANGEMENT OF GLAZING & SPANDREL TO SUIT INTERNAL UNIT LAYOUT (TBD)



| LEGEND - EXTERIOR MATERIALS | |
|-----------------------------|--------------------------|
| 1 | NON-COMBUSTIBLE CLADDING |
| 2 | MASONRY |
| 3 | GLAZING SYSTEM |
| 4 | BALCONY GUARDRAIL |

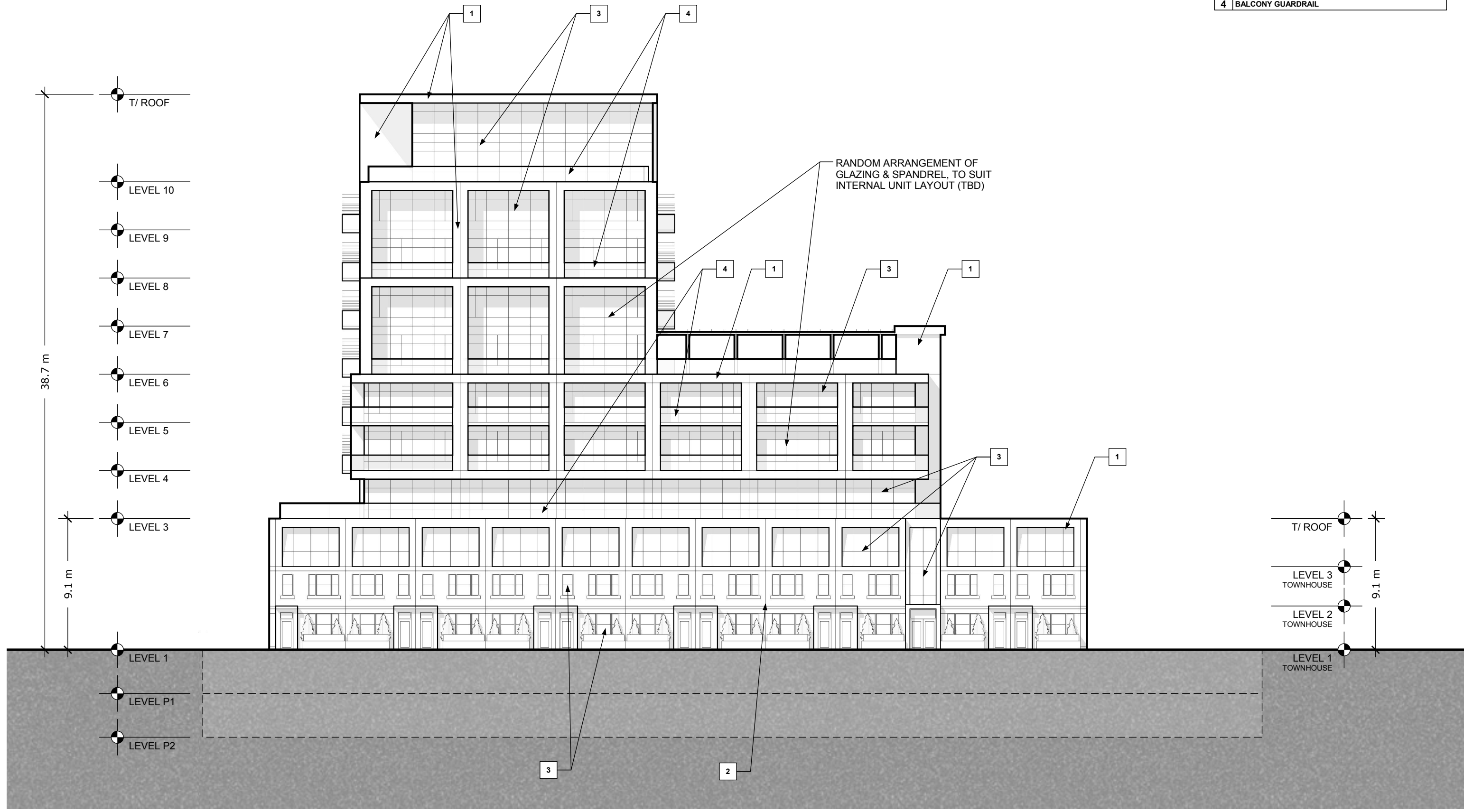


Ben's Bakery Mixed Use Redevelopment **SITE A (MIXED-USE)**
ELEVATION - WEST

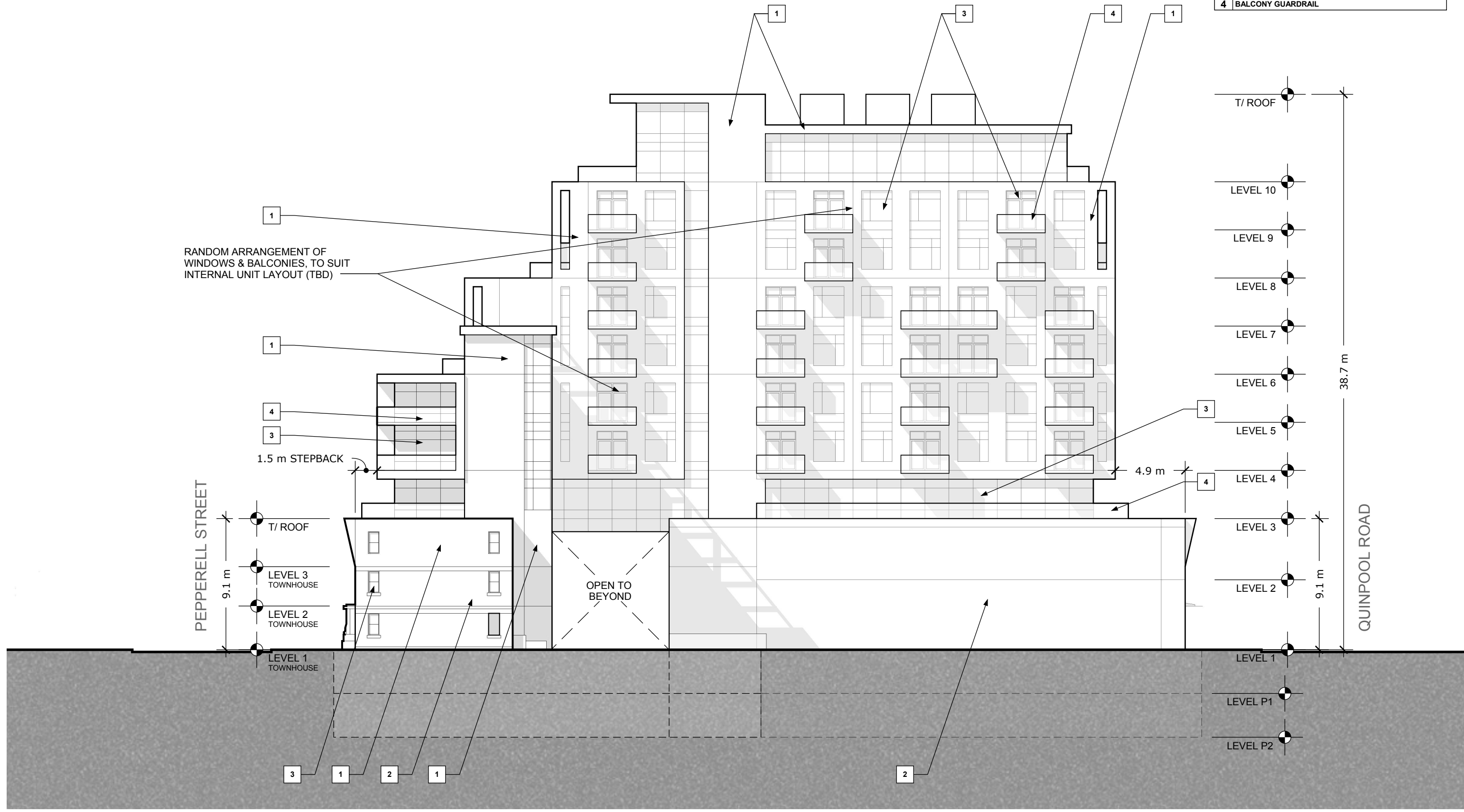
151-11467-00
 2018-01-03

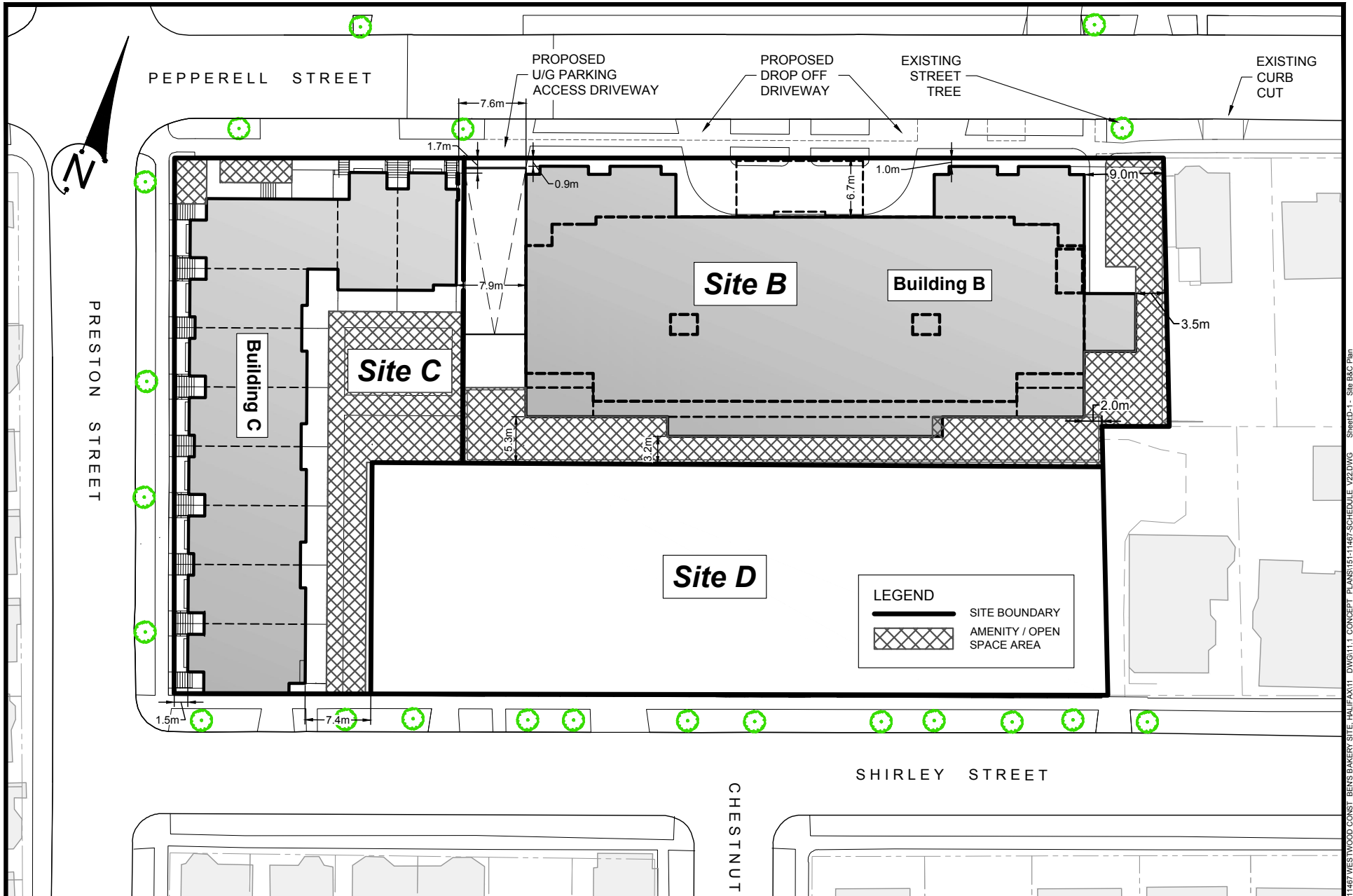


| LEGEND - EXTERIOR MATERIALS | |
|-----------------------------|--------------------------|
| 1 | NON-COMBUSTIBLE CLADDING |
| 2 | MASONRY |
| 3 | GLAZING SYSTEM |
| 4 | BALCONY GUARDRAIL |



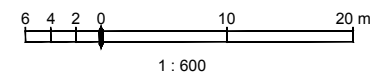
| LEGEND - EXTERIOR MATERIALS | |
|-----------------------------|--------------------------|
| 1 | NON-COMBUSTIBLE CLADDING |
| 2 | MASONRY |
| 3 | GLAZING SYSTEM |
| 4 | BALCONY GUARDRAIL |





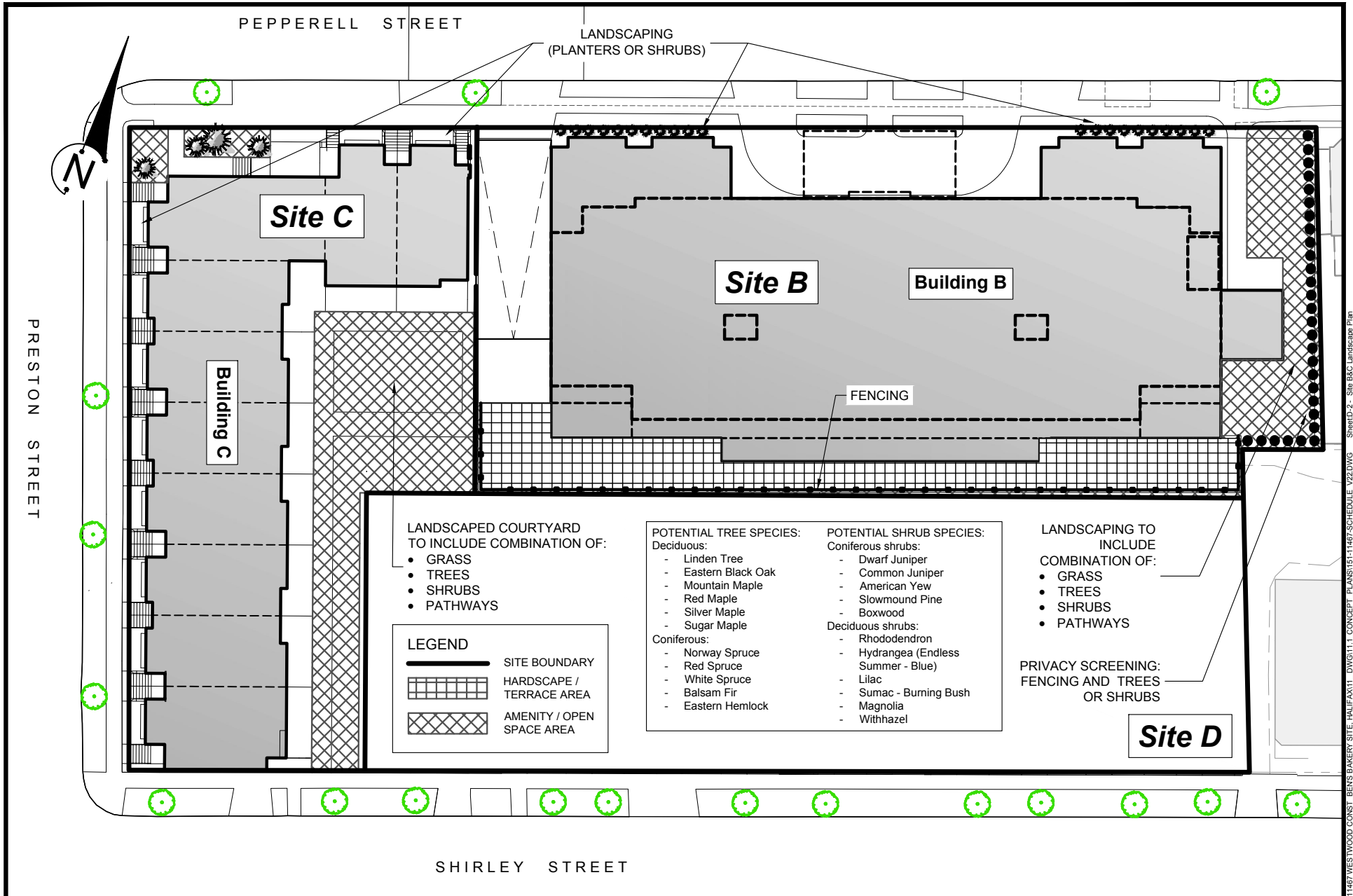
SCHEDULE D-1
 SITE B & C PLAN
 BEN'S BAKERY REDEVELOPMENT
 HALIFAX, NOVA SCOTIA

SCALE



DATE: 17-JUL-2018

151-11467-SCHEDULE_V22



PEPPERELL STREET

LANDSCAPING
(PLANTERS OR SHRUBS)

Site C

Site B

Building B

Building C

FENCING

PRESTON STREET

LANDSCAPED COURTYARD
TO INCLUDE COMBINATION OF:

- GRASS
- TREES
- SHRUBS
- PATHWAYS

LEGEND

-  SITE BOUNDARY
-  HARDSCAPE / TERRACE AREA
-  AMENITY / OPEN SPACE AREA

POTENTIAL TREE SPECIES:

- Deciduous:
- Linden Tree
 - Eastern Black Oak
 - Mountain Maple
 - Red Maple
 - Silver Maple
 - Sugar Maple
- Coniferous:
- Norway Spruce
 - Red Spruce
 - White Spruce
 - Balsam Fir
 - Eastern Hemlock

POTENTIAL SHRUB SPECIES:

- Coniferous shrubs:
- Dwarf Juniper
 - Common Juniper
 - American Yew
 - Slowmound Pine
 - Boxwood
- Deciduous shrubs:
- Rhododendron
 - Hydrangea (Endless Summer - Blue)
 - Lilac
 - Sumac - Burning Bush
 - Magnolia
 - Withhazel

LANDSCAPING TO INCLUDE

- COMBINATION OF:
- GRASS
 - TREES
 - SHRUBS
 - PATHWAYS

PRIVACY SCREENING:
FENCING AND TREES
OR SHRUBS

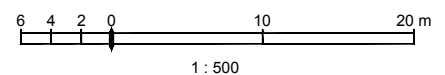
Site D

SHIRLEY STREET



SCHEDULE D-2
SITE B & C LANDSCAPE PLAN
BEN'S BAKERY REDEVELOPMENT
HALIFAX, NOVA SCOTIA

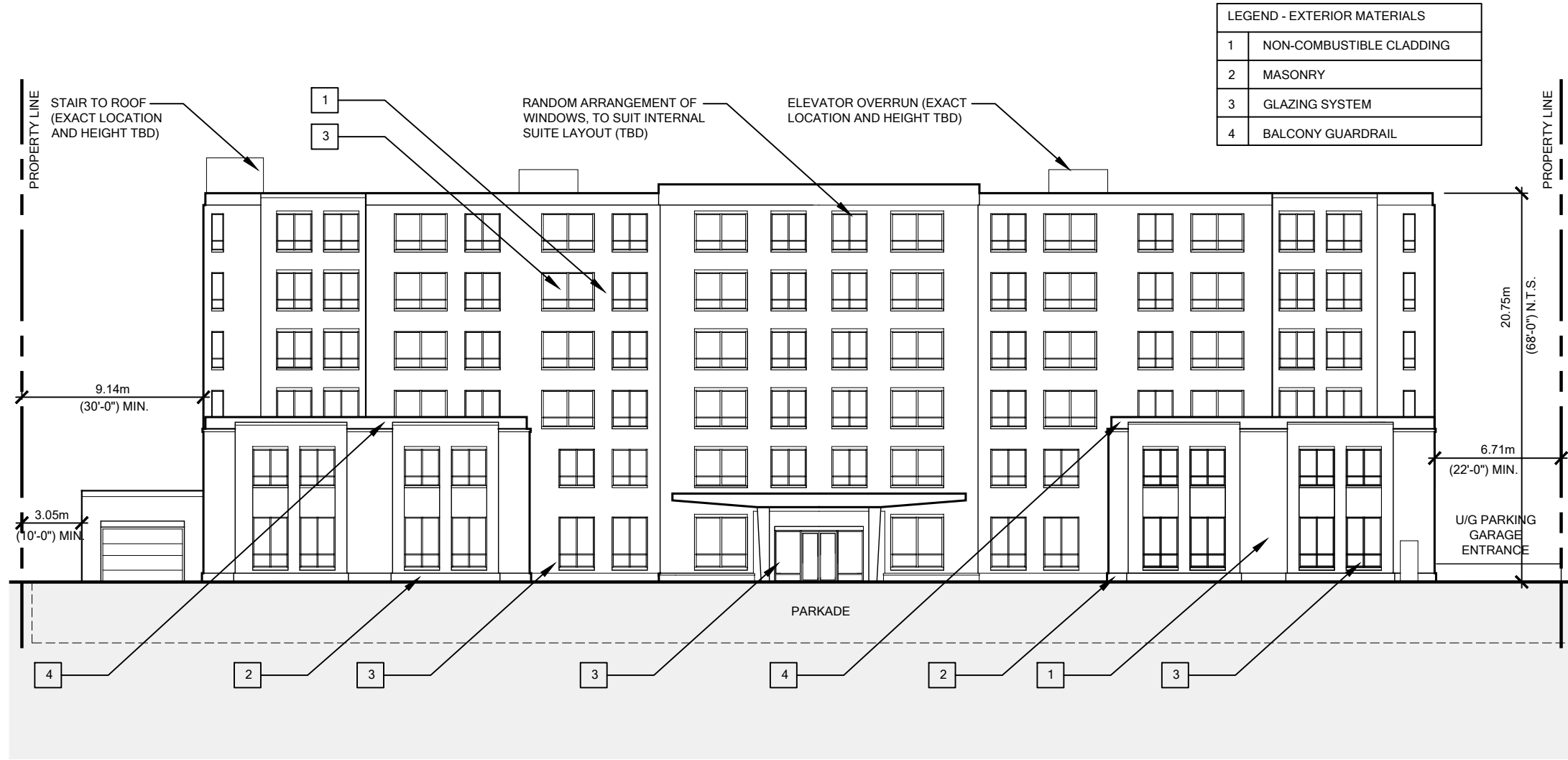
SCALE

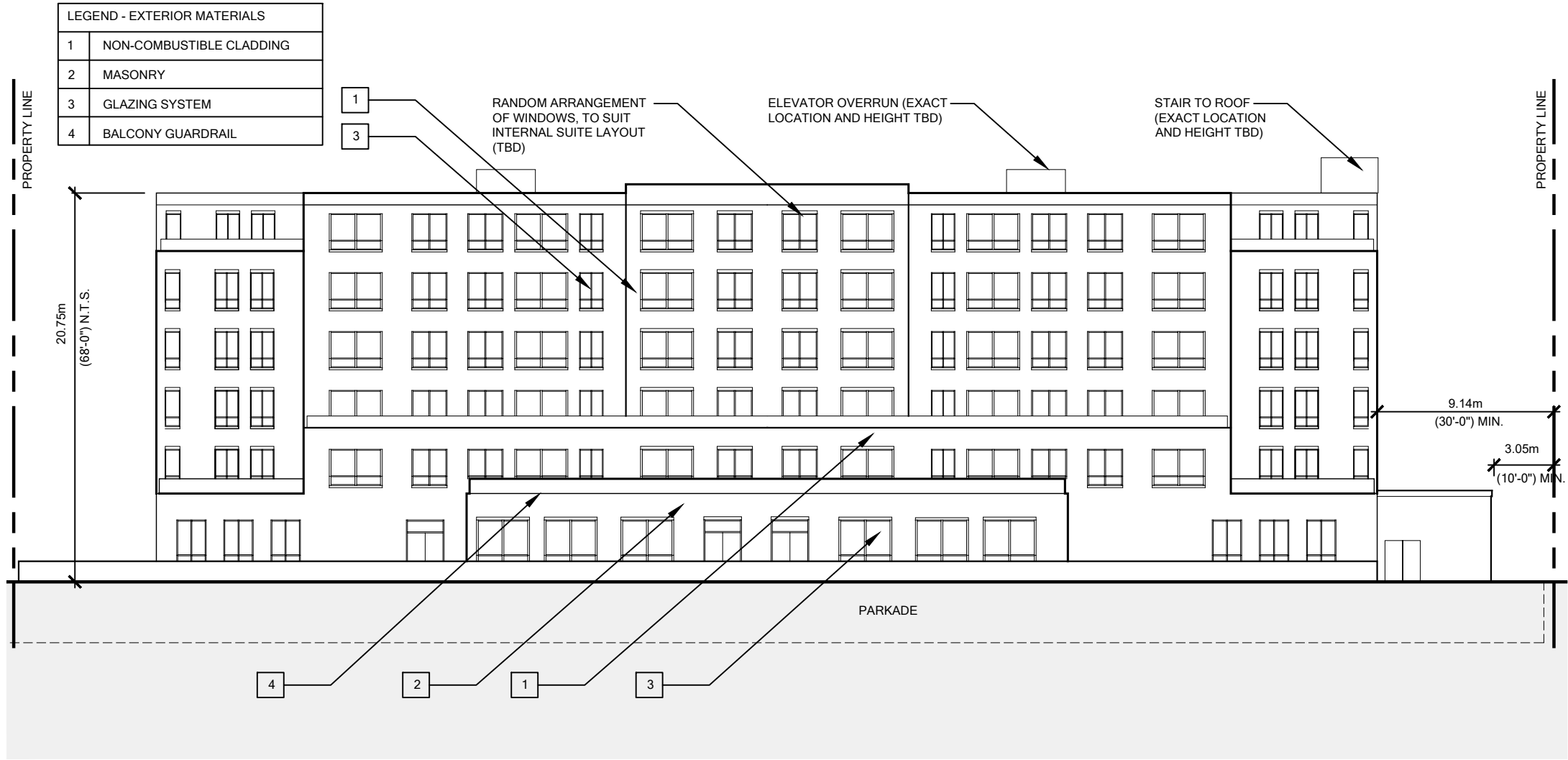


DATE: 17-JUL-2018

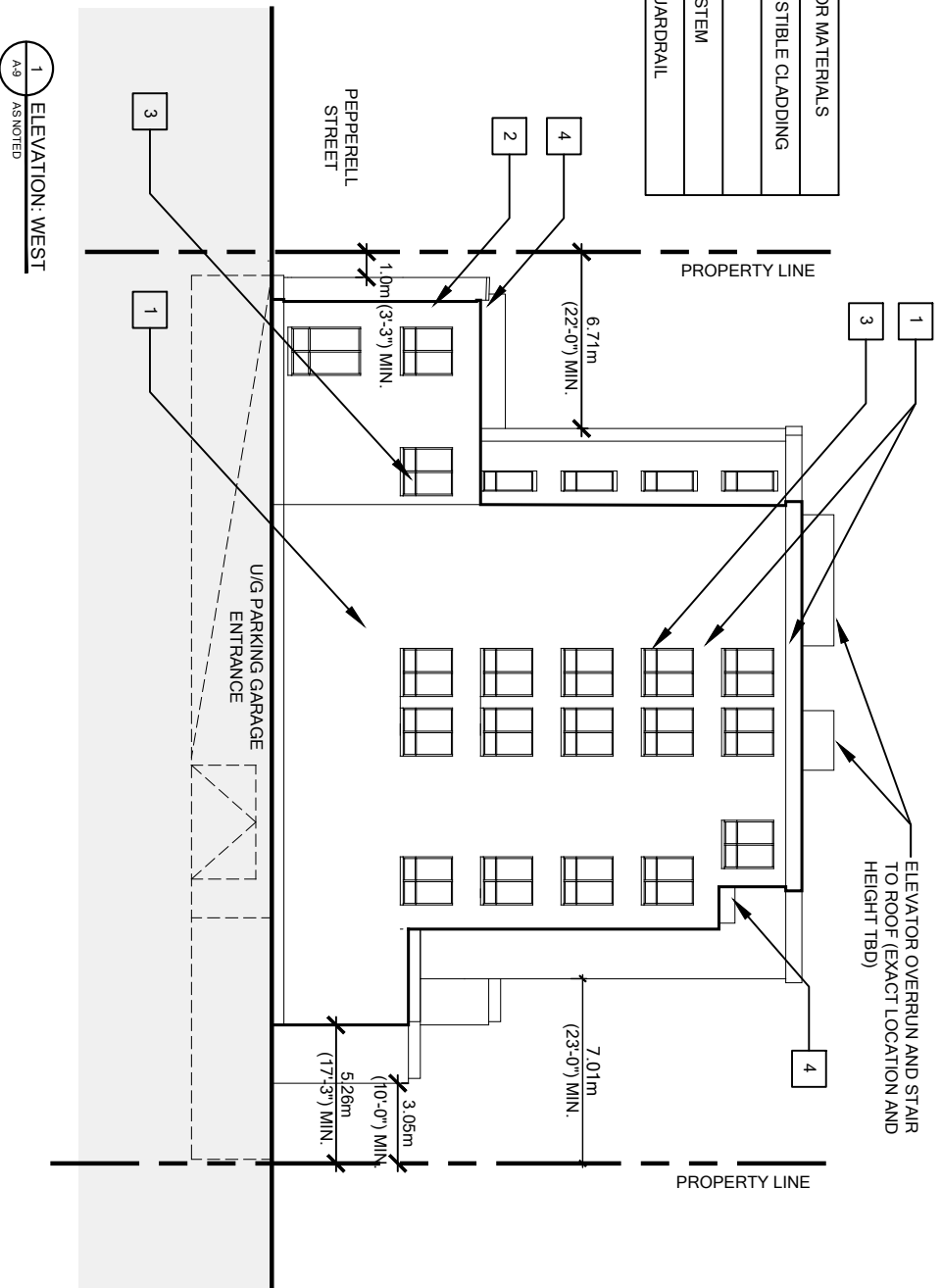
151-11467-SCHEDULE_V22

FILE: K:\DR\1511467\1511467-WESTWOOD CONST - BEN'S BAKERY SITE - HALIFAX\11 - DWG\11 - CONCEPT_PLANS\1511467-SCHEDULE_V22.DWG Sheet D-2 - Site B&C Landscape Plan

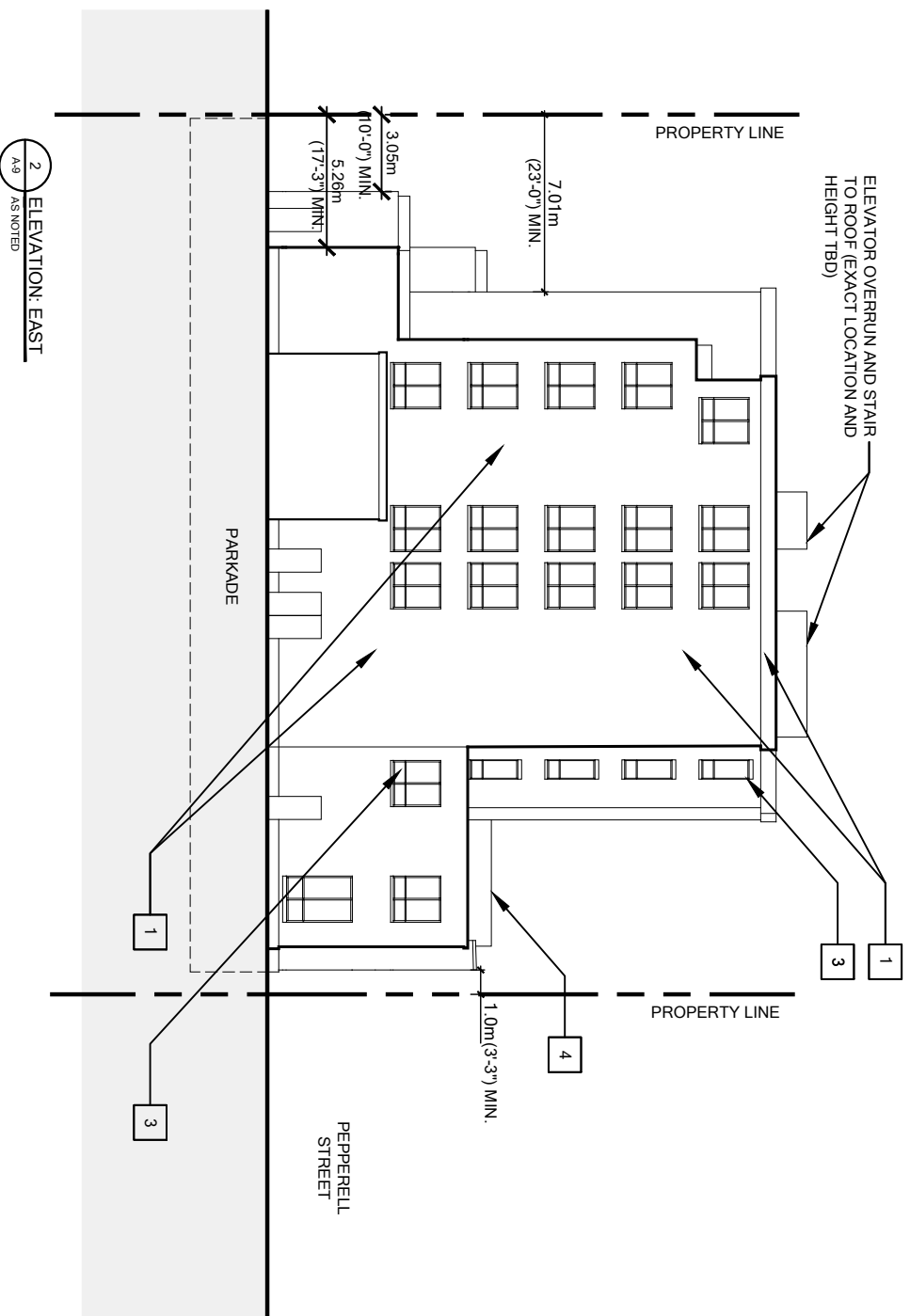




| LEGEND - EXTERIOR MATERIALS | |
|-----------------------------|--------------------------|
| 1 | NON-COMBUSTIBLE CLADDING |
| 2 | MASONRY |
| 3 | GLAZING SYSTEM |
| 4 | BALCONY GUARDRAIL |

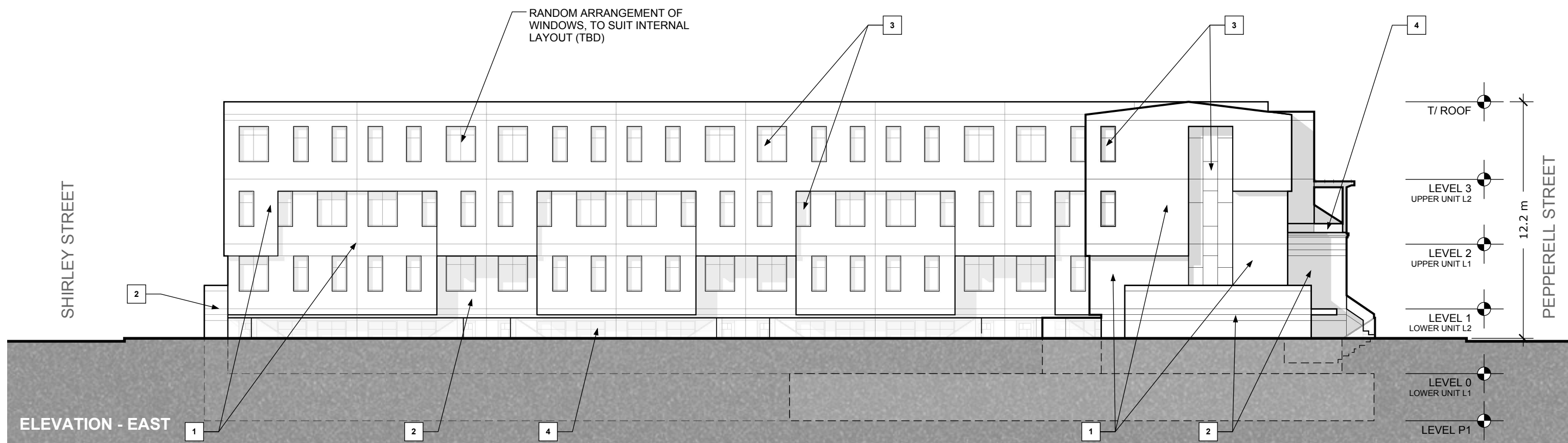
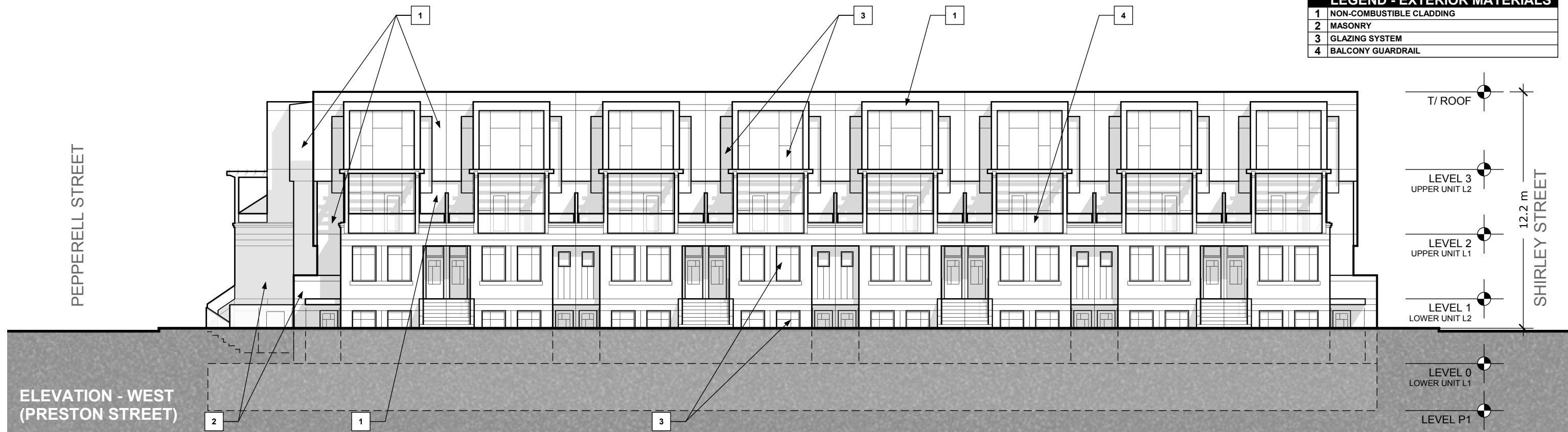


1 ELEVATION: WEST
A-9 AS NOTED



2 ELEVATION: EAST
A-9 AS NOTED

| LEGEND - EXTERIOR MATERIALS | |
|-----------------------------|--------------------------|
| 1 | NON-COMBUSTIBLE CLADDING |
| 2 | MASONRY |
| 3 | GLAZING SYSTEM |
| 4 | BALCONY GUARDRAIL |

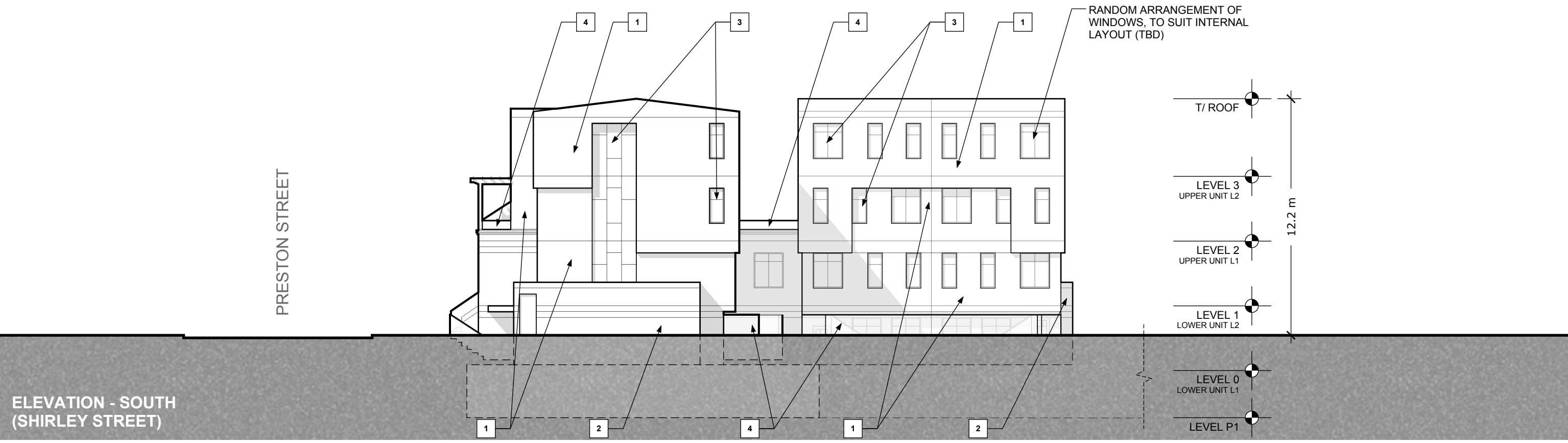
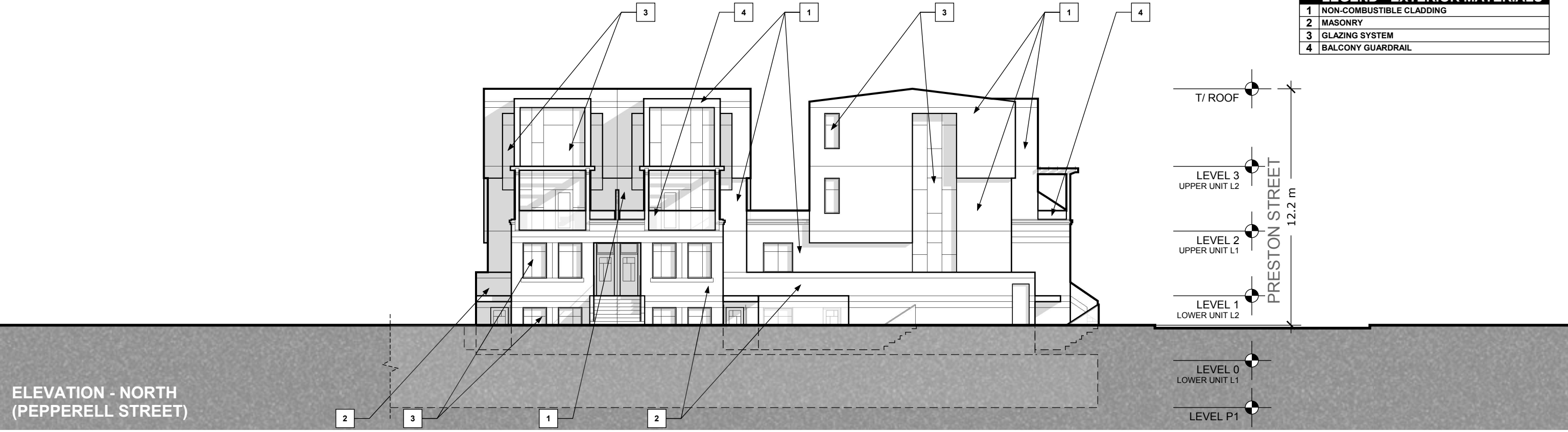


Ben's Bakery Mixed Use Redevelopment SITE C, BUILDING C (STACKED TOWNHOUSES)
ELEVATIONS

151-11467-00
2018-04-09



| LEGEND - EXTERIOR MATERIALS | |
|-----------------------------|--------------------------|
| 1 | NON-COMBUSTIBLE CLADDING |
| 2 | MASONRY |
| 3 | GLAZING SYSTEM |
| 4 | BALCONY GUARDRAIL |



Attachment D
Policy Review of Proposed Development Agreement

| Proposed Policy | Comment |
|--|---|
| Section VI Peninsula Centre Area Plan | |
| <p>1.17 <i>Lands located on Quinpool Road, Pepperell Street, Preston Street and Shirley Street were formerly developed with a commercial bakery (Ben's Bakery Limited). Since the bakery no longer operates, alternative residential, commercial and mixed-use redevelopment which does not meet the zoning applied to the lands may be accommodated in this area, provided any proposal properly integrates new uses with adjacent residential areas.</i></p> <p><i>Therefore, notwithstanding the Medium Density Residential designation and any other policies of this Municipal Planning Strategy, and in conjunction with Policy 2.11 of Section XII of this Municipal Planning Strategy, the Municipality shall consider a comprehensive redevelopment proposal for the entirety of the lands identified by Map 3 by development agreement, as enabled in accordance with the Halifax Regional Municipality Charter.</i></p> | |
| <p>1.17.1 <i>In considering a development agreement pursuant to Policy 1.17, overall building heights (not including non-habitable space) shall not exceed those shown on Map 3 of this Section. In addition, Council shall have regard for the following:</i></p> | <p>The heights of the proposed buildings on all Sites are consistent with the maximum heights in the proposed policy.</p> |
| <p>a) <i>A comprehensive plan for the development of the lands is provided;</i></p> | <p>The proposed development agreement provides detailed land use and built form requirements for the entire subject site, including four components:</p> <ul style="list-style-type: none"> • Site A: Nine-storey (plus penthouse) mixed-use building on Quinpool Road through to Pepperell Street (Building A); • Site B: Six-storey assisted living residence (Building B); • Site C: Stacked townhouses (Building C); and • Site D: Townhouse dwellings. |
| <p>b) <i>The development may include uses permitted by the zoning applied to the lands, or a mix of residential, commercial and institutional uses, provided the form of development respects the residential nature of Pepperell Street, Preston Street and Shirley Street, and directs commercial uses to Quinpool Road;</i></p> | <p>The proposed development agreement permits a range of uses. Residential uses are permitted on all Sites, but commercial uses are permitted on only on Site A, facing Quinpool Road or on the pedestrian walkway within 30 metres of Quinpool Road. On Sites A and B, assisted living residences are also permitted.</p> |
| <p>c) <i>The development provides a range of housing options, by including a mix of residential unit types and sizes. The development may include residential uses permitted by the zone applied to the site, or:</i></p> | <p>The proposed development agreement provides for a range of unit types and sizes as outlined below:</p> |
| <p><i>i. townhouses on Shirley Street;</i></p> | <p>Townhouses are permitted on Shirley Street, defined as "Site D" under the proposed development agreement.</p> |
| <p><i>ii. stacked townhouses on Preston and Pepperell Street;</i></p> | <p>A stacked townhouse building is permitted on Preston and Pepperell Street, defined in the proposed development agreement as "Building C" on "Site C".</p> |

| | |
|---|---|
| <p>iii. <i>apartment units, in a range of unit sizes, on Pepperell Street and Quinpool Road;</i></p> | <p>A mixed-use building with residential units is proposed on Quinpool Road through to Pepperell Street, defined as “Site A” in the proposed development agreement. At least 33% of the total number of residential units in this building must be 75 square metres or greater.</p> |
| <p>iv. <i>supportive housing.</i></p> | <p>The six-storey building on the south side of Pepperell Street is proposed to be used as an assisted living residence (“The Berkeley”). The proposed development agreement allows this building to be used as a multi-unit residential building and/or an assisted living residence.</p> |
| <p>d) <i>Where possible, residential units at grade level have individual entrances from the public sidewalk, and use architectural and landscape design details for visual privacy from sidewalks;</i></p> | <p>The proposed development agreement requires that:</p> <ul style="list-style-type: none"> • On Site A: <ul style="list-style-type: none"> ➢ Residential units on the ground level facing Pepperell Street must include individual entrances onto the public sidewalk; and ➢ Landscape planters are provided in front of windows for visual privacy; • On Site C, the proposed stacked townhouses building includes individual entrances onto the public sidewalk for each unit in the building; and • On Site D, the proposed townhouse buildings includes individual entrances onto the public sidewalk for each unit. <p>On Site B, where the proposed building is intended to be purpose-built as an assisted living residence, individual entrances for residential units from the street are not proposed.</p> |
| <p>e) <i>Residential units have access to on-site amenity space;</i></p> | <p>The proposed development agreement requires that:</p> <ul style="list-style-type: none"> • On Site A, the building must include: <ul style="list-style-type: none"> ➢ Landscaped outdoor common space at grade and on rooftops; and ➢ A minimum of 140 square metres of indoor common amenity space; • On Site B, Building B must include: <ul style="list-style-type: none"> ➢ Indoor amenity space; and ➢ Outdoor common amenity space in a landscaped courtyard; • On Site C, Building C must include: <ul style="list-style-type: none"> ➢ Balconies; and ➢ Access to common landscaped open space. <p>On Site D, the proposed townhouses will be located on their own lots, and have yard areas for private amenity space.</p> |
| <p>f) <i>The development includes high-quality architectural and site design, including:</i></p> | |
| <p>i. <i>high-quality durable exterior building materials for larger buildings;</i></p> | <p>The Schedules in the proposed development agreement provide a general description of the materials to be used on the buildings on Sites A, B and C, and the text of the agreement prohibits the use of inappropriate and low-quality building materials.</p> <p>For the townhouses on Site D, exterior building materials are not required to be controlled through the proposed development agreement. This is consistent with the zoning approach for townhouses in the Halifax Peninsula LUB.</p> |

| | |
|--|---|
| <p>ii. <i>defined streetwalls no more than two or three storeys high, with upper storeys stepped back, to ensure human-scaled design for larger buildings;</i></p> | <p>The proposed development agreement requires that:</p> <ul style="list-style-type: none"> • On Site A, the proposed building includes a two-storey streetwall on Quinpool Road with upper storeys significantly stepped back, and a three-storey streetwall on Pepperell Street, with a stepback above; and • On Site B, the proposed building includes a two storey streetwall, with upper storeys significantly stepped back from the street. <p>Sites C and D contain low-rise buildings, so defined streetwalls are not required.</p> |
| <p>iii. <i>setbacks from side and rear property lines and stepbacks in building massing to ensure appropriate transition and mitigate effects on adjacent residential properties, especially for larger buildings;</i></p> | <p>The proposed development agreement requires that:</p> <ul style="list-style-type: none"> • On Site A, the building's massing is designed to limit the impact on residential properties, including: <ul style="list-style-type: none"> ➢ The building is set back by a minimum of 6 metres from adjacent residential properties on Pepperell Street and Preston Street; ➢ The bulk of the building's height and mass is focused toward Quinpool Road, with a transition in height down to a three-storey streetwall on Pepperell Street; and ➢ Site design and landscaping features further mitigate the impact on adjacent properties. • On Site B, the bulky massing of the proposed Building B is significant given the size of the site. The proposal has attempted to mitigate the impact of the building's mass on adjacent residential properties by including: <ul style="list-style-type: none"> ➢ A 9-metre landscaped setback between the building's upper storeys from the adjacent residential property to the east on Pepperell Street; ➢ Separation from Building C by a shared underground parking garage entrance, 7.6 metres wide; and ➢ Upper storey stepbacks at the rear of the building. • On Sites C and D: <ul style="list-style-type: none"> ➢ The low-rise nature of the townhouses is similar to the existing neighbourhood; and ➢ Setbacks to adjacent residential properties provide a modest separation distance between buildings. |
| <p>iv. <i>variations in the façade and mass of buildings to provide visual interest and establish vertical rhythm, especially for long building frontages;</i></p> | <p>On Sites A, B, and C, the proposed development agreement requires variations in the façade of the buildings through projections and recesses, varied window placement, and materials. Large blank walls are not permitted, and large walls must be architecturally detailed or tempered by landscaping. Vertical rhythm on Pepperell Street and Preston Street is achieved with frequent and consistent placement of windows and doors, which define each residential unit.</p> <p>For Site D, townhouse buildings are not permitted to include more than 5 dwellings units per building, ensuring that the buildings are not overly long. Individual entrances required in these buildings will help to ensure sufficient architectural variation.</p> |
| <p>v. <i>massing or architectural design features to mitigate the effects of wind where tall buildings are proposed;</i></p> | <p>The proposed tall building on Site A has significant breaks in the building's massing, including several stepbacks which are intended to mitigate downward wind flows. Recessed entrances with canopies and landscaping elements on and around the buildings that create wind barriers will further limit the impact of wind at the pedestrian level.</p> |

| | |
|--|--|
| <p>vi. <i>landscaping elements, especially vegetation, in yards and outdoor areas (including rooftops) to provide useable amenity space and act as buffers to adjacent properties;</i></p> | <p>The proposed development agreement requires that:</p> <ul style="list-style-type: none"> • On Site A, the proposed landscaping elements include: <ul style="list-style-type: none"> ➢ Privacy screening, including fencing and vegetation on side lot lines adjacent to residential properties; ➢ Landscape planters; ➢ Hard and soft landscaping on rooftops; and ➢ A pedestrian walkway between Quinpool Road and Pepperell Street that is accessible to the public, is landscaped and includes pedestrian-scale lighting; • On Site B, the proposed landscaping elements include: <ul style="list-style-type: none"> ➢ Privacy screening, including fencing and vegetation on between Building B and the adjacent house to the east on Pepperell Street; ➢ Landscape planters or shrubbery in front of the building; ➢ Hard and soft landscaping on lower rooftops; and outdoor amenity space at the rear of the building; and • On Site C, the proposed landscaping elements include: <ul style="list-style-type: none"> ➢ Vegetation in front of the building on Pepperell and Preston Street; and ➢ Outdoor landscaped amenity space at the rear of the building. <p>On Site D, the proposed townhouses will be located on their own lots with yard areas, and individual property owners may landscape these yards.</p> |
| <p>g) <i>The development encourages pedestrian-friendly design by:</i></p> | |
| <p>i. <i>setting back buildings from the street to allow for landscaping;</i></p> | <p>The proposed development agreement requires that:</p> <ul style="list-style-type: none"> • On Site A, a modest setback is provided from Quinpool Road and Pepperell Street, which will allow for planters on Pepperell Street and a widened sidewalk area on Quinpool Road; • On Sites B and C, a modest setback is provided, and landscaping is proposed in front of the buildings; • On Site D, the proposed townhouses are required to be set back from the front property line. Individual properties owners may landscape the front yards as appropriate. |
| <p>ii. <i>including active commercial uses with large windows at the ground floor on Quinpool Road;</i></p> | <p>The proposed development agreement requires that the ground floor on Quinpool Road include commercial uses in units with large windows.</p> |
| <p>iii. <i>designing details such as entrance treatments, landscaping, lighting and signage to provide visual interest for people walking;</i></p> | <p>The proposed development agreement requires buildings to be scaled for pedestrians, including frequent entries and windows, and grade-level landscaping. Canopies at entrances on Quinpool Road may provide weather protection. Outdoor lighting must be directed downward, away from adjacent properties. Pedestrian scale lighting is required for the pedestrian walkway on Site A. Signs are limited in size and placement.</p> |
| <p>iv. <i>providing an exterior pedestrian walkway accessible to the public to connect Quinpool Road and Pepperell Street, which includes appropriate landscaping and lighting;</i></p> | <p>The proposed development agreement requires a pedestrian walkway on the west side of Site A, connecting Quinpool Road and Pepperell Street. The walkway is required to be landscaped, include pedestrian-scale lighting, and be accessible to the public during daytime and evening hours.</p> |
| <p>v. <i>defining vehicular and pedestrian access and egress routes to prioritize people walking, and designing vehicular driveways with appropriate paving materials and landscaping elements to clearly prioritize the pedestrian realm;</i></p> | <p>As shown on the proposed development agreement schedules, proposed driveways are limited in size, and separate pedestrian and vehicle accesses are defined with landscaping and surface treatments. Where vehicle drop-off areas are proposed, the proposed development agreement requires landscaping to mitigate the impact on the pedestrian realm.</p> |

| | |
|---|--|
| <i>vi. providing an adequate supply of bicycle parking;</i> | The proposed development agreement requires bicycle parking in accordance with the provisions of the land use by-law. |
| <i>vii. limiting surface parking for vehicles; and</i> | There are five surface parking spaces provided on Site A, on the interior of the site, located behind the building and not visible from the public street. No surface parking is proposed on Sites B and C. Surface parking for townhouses on Site D may be provided. |
| <i>viii. designing underground parking structures so that a building's ground floor facing the public street is at or near the grade of the sidewalk.</i> | The proposed development agreement requires at-grade entrances for both Quinpool Road and Pepperell Street. If any exposed foundation on any part of the building is greater than 0.3 metres in height, the proposed development agreement requires it must be architecturally detailed. |

Attachment E Public Comment Summary

Open House – December 7, 2016

49 comments received

- Form: The majority of respondents liked the proposed design. The development was praised for its incorporation of townhomes and a seniors' complex in transition to a larger residential building abutting Quinpool Road. Some find the scale and/or height to be reasonable; however, others felt that the proposed height on Quinpool Road was too tall
- Character: Some commenters felt the development did not fit the character of the existing neighbourhood, while others felt the proposed development, especially the townhouses, were appropriate for the area
- Process: Comments urged that Council wait for the Centre Plan and stick to the height rules
- General Positive Comments: "Build this now", "YES"

Neighbourhood Mail-Out Notification sent August 3, 2017

Total 22 comments received including:

16 comments sent directly to staff

6 comments sent to Halifax Peninsula Planning Advisory Committee/ Members of Council

General Comments

- A few comments generally supportive of the overall proposal were received
- Planning process: Some comments expressed concern that the proposal was an exception to the Plan that shouldn't be considered either outside of the existing rules or ahead of the Centre Plan
- Traffic and Parking: Many comments were concerned with traffic congestion in the area and felt the proposal would have a negative effect on traffic. A couple of comments questioned the amount of parking provided and the location of driveways
- Landscaping and Trees: Several comments were made about a need for additional green and open space, and good landscaping. A couple of comments noted that the area's street trees should be protected

Proposed Building Design, Heights, and Massing

- Several comments expressed concern that the design and scale of the overall proposal is not sensitive to the neighbourhood's character and context

Quinpool/Pepperell mixed-use building

- A couple of comments were supportive of the overall height and massing of the building
- A few felt the overall height of the building was too tall or out of scale with the neighbourhood, and identified wind and shade concerns
- The massing and height on Pepperell Street, including the setback from the street was highlighted as a concern

Pepperell Street 6-storey building (proposed Berkeley seniors' residence)

- Several residents felt this building was too tall or out of scale with the neighbourhood
- Some felt the building's setbacks from the street and side property lines should be increased to improve the building's pedestrian-orientation and transition to nearby residential properties

Stacked townhouses on Pepperell and Preston Streets

- Several comments highlighted that the proposed height of the stacked towns (42 feet/ 4 storeys) was too tall and out of scale with the surrounding neighbourhood. These comments included shade

and privacy concerns, and a couple of comments suggested that a greater setback of the buildings from the street and stepbacks of the upper storeys could improve the design

Townhouses on Shirley Street

- A few comments appreciated the townhouses on Shirley Street as more in line with the neighbourhood, but at least one resident was concerned that the overall height may be too tall