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Item No. 15.3.1
Halifax Regional Council
May 14, 2019

TO: Mayor Savage Members of Halifax Regional Council

Original Signed

SUBMITTED BY:

For Councillor Stephen D. Adams, Chair, Halifax and West Community Council

DATE: May 8, 2019

SUBJECT: **Case 20774: Amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law, and a proposed development agreement to enable an eight storey building (plus penthouse) on the lands fronting Wellington Street, Halifax**

ORIGIN

May 7, 2019 meeting of Halifax and West Community Council, Item 13.1.7.

LEGISLATIVE AUTHORITY

HRM Charter, Part 1, Clause 25(c) – “The powers and duties of a Community Council include recommending to the Council appropriate by-laws, regulations, controls and development standards for the community.”

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Give First Reading to consider the proposed amendments to the Municipal Planning Strategy for Halifax and the Land Use By-law for Halifax Peninsula, as set out in Attachments A and B of the staff report dated April 11, 2019, to allow an eight storey (plus penthouse) residential building by development agreement at 1110, 1116, 1120, 1122, 1126A/1126B/1126C and 1130/1132 Wellington Street, Halifax, and schedule a joint public hearing; and
2. Adopt the proposed amendments to the Municipal Planning Strategy and the Land Use By-law, as set out in Attachments A and B of the staff report dated April 11, 2019.

BACKGROUND

At their May 7, 2019 meeting, Halifax and West Community Council considered the staff report dated April 11, 2019 regarding Case 20774: Amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law, and a proposed development agreement to enable an eight storey building (plus penthouse) on the lands fronting Wellington Street, Halifax.

For further information, refer to the staff report dated April 11, 2019. (Attachment 1)

DISCUSSION

Halifax and West Community Council considered the staff report dated April 11, 2019 and approved a recommendation to forward to Halifax Regional Council, as outlined in the 'Recommendation' section of this report. Community Council additionally gave notice of motion to consider the proposed development agreement, as set out in Attachment C of the staff report dated April 11, 2019.

For further discussion on this item, refer to the staff report dated April 11, 2019. (Attachment 1)

FINANCIAL IMPLICATIONS

For information on the financial implications relating to this item, refer to the staff report dated April 11, 2019. (Attachment 1)

RISK CONSIDERATION

For information on the risk considerations relating to this item, refer to the staff report dated April 11, 2019. (Attachment 1)

COMMUNITY ENGAGEMENT

Meetings of Halifax and West Community Council are open to the public and live-streamed on Halifax.ca. The agenda, reports, and minutes for the meeting are posted on Halifax.ca as well.

For further information on Community Engagement as it relates to this item, refer to the staff report dated April 11, 2019. (Attachment 1)

ENVIRONMENTAL IMPLICATIONS

For information on the environmental implications relating to this item, refer to the staff report dated April 11, 2019. (Attachment 1)

ALTERNATIVES

Halifax and West Community Council did not provide alternatives.

Refer to the staff report dated April 11, 2019. (Attachment 1) for alternatives.

ATTACHMENTS

Attachment 1 - Staff report dated April 11, 2019.

Attachment 2 - Halifax Peninsula Planning Advisory Committee Memo dated June 25, 2018.

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: David Perusse, Legislative Assistant, Municipal Clerk's Office 902.490.6732

P.O. Box 1749
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Item No. 13.1.7
Halifax and West Community Council
May 7, 2019

TO: Chair and Members of Halifax and West Community Council

Original Signed

SUBMITTED BY:

Kelly Denty, Director, Planning and Development

Original Signed

Jacques Dubé, Chief Administrative Officer

DATE: April 11, 2019

SUBJECT: **Case 20774: Amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law, and a proposed development agreement to enable an eight storey building (plus penthouse) on the lands fronting Wellington Street, Halifax**

ORIGIN

- Application by Lydon Lynch, on behalf of BANC Developments Limited.
- January 16, 2018, Regional Council direction to continue to process this request for site-specific municipal planning strategy amendments, subject to the proposal:
 - a) Generally aligning with the June 2017 Centre Plan document relative to Urban Structure, Height and Floor Area Ratio, and
 - b) Addressing the planning principles of transition, pedestrian-orientation, human-scale, building design, and context-sensitive as noted in Attachment D of the staff report dated January 5, 2018.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning and 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 and the Land Use By-law for Halifax Peninsula, as set out in Attachments A and B of this report, to allow an eight storey (plus penthouse) residential building by development agreement at

1110, 1116, 1120, 1122, 1126A/1126B/1126C and 1130/1132 Wellington Street, Halifax, and schedule a public hearing; and

2. Adopt the proposed amendments to the Municipal Planning Strategy and the Land Use By-law, 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 an eight storey (plus penthouse) residential building at 1110, 1116, 1120, 1122, 1126A/1126B/1126C and 1130/1132 Wellington Street, Halifax. The public hearing for the proposed development agreement shall be held concurrently with the public hearing referenced in Recommendation 1.

Contingent upon the amendments to the MPS and LUB amendments 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 an eight storey (plus penthouse) residential building at 1110, 1116, 1120, 1122, 1126A/1126B/1126C and 1130/1132 Wellington Street, Halifax, which shall be substantially of the same form as contained in Attachment C of this report; and
5. Require the development agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later, otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Lydon Lynch Architects, on behalf of BANC Developments Limited, is applying to amend the Halifax Municipal Planning Strategy (MPS) and Halifax Peninsula Land Use By-law (LUB) to permit an eight storey (plus penthouse) residential development on the properties located at 1110, 1116, 1120, 1122, 1126A/1126B/1126C and 1130/1132, Wellington Street, Halifax. A development of this nature cannot be considered under existing policy and regulations. Attachment C contains the current version of the proposal, which was revised following staff’s final review in January 2019, and includes the following features:

- An eight storey multiple unit residential building (plus penthouse);
- 101 residential units;
- A three storey streetwall facing Wellington Street; and
- Approximately 93 underground parking spaces.

Subject Property Details

<i>Location</i>	Wellington Street, Halifax
<i>Subject Site</i>	6 properties in total (1110; 1116; 1120; 1122; 1126A/1126B/1126C; and 1130/1132).
<i>Regional Plan Designation</i>	Urban Settlement
<i>Community Plan Designation (Map 1)</i>	MDR (Medium Density Residential) under the Halifax Municipal Planning Strategy (MPS)
<i>Zoning (Map 2)</i>	R-2A (General Residential Conversion Zone) under the Halifax Peninsula Land Use By-law (LUB)
<i>Size of Site</i>	1,841 square metres (19,818 square feet)
<i>Street Frontage</i>	50.5 metres (165.7 feet) on Wellington Street

<i>Current Land Use(s)</i>	All 6 properties contain low density dwellings. 2 of the dwellings (1126A/1126B/1126C and 1130/1132) contain more than 1 residential unit.
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Surrounding Context

The built form and community context of Wellington Street and surrounding area do not exhibit one dominant form or scale. The subject site is located in close proximity to large scale institutional uses (Saint Mary's University and IWK Health Centre), a district park (Gorsebrook Park) and Robie Street, which is designated under the Integrated Mobility Plan (IMP) as a Transit Priority Corridor. The existing residential neighbourhood contains dwellings ranging from two storeys to fifteen storeys in height. The site's northern boundary abuts a two and a half storey single unit dwelling (1136 Wellington Street). Further north, residential development continues including a two storey single unit dwelling (1142 Wellington Street) and a three storey multiple unit dwelling (1146-1152 Wellington Street). To the east, the site is bounded by residential development ranging from two to three storeys containing multiple dwelling units. To the south, the site is bounded by existing high-rise multiple unit residential development consisting of fifteen (1094 Wellington Street) and twelve (1074 Wellington Street) storeys. Further south, at 1048 Wellington Street, construction of a ten storey residential development is underway. To the west, the site borders an existing surface parking lot and an institutional use (Atlantic Provinces Special Education Authority).

MPS and LUB Context

The subject site is designated MDR (Medium Density Residential) and zoned R-2A (General Residential Conversion Zone). The R-2A Zone permits single detached dwellings, semi-detached dwellings, townhouses and converted multiple dwelling houses, which subject to conditions, permits a maximum of 14 self-contained dwelling units. The maximum height permitted on the subject site is 35 feet.

The MDA designation and R-2A Zone, along with the HDR (High Density Residential) Designation and R-3 (Multiple Dwelling Zone) Zone represent the common zones surrounding the subject site. This is consistent with the existing building fabric of low density and higher density residential development. Maximum permitted heights in the area range from 35 feet up to 90 feet. Some developments, most notably the fifteen storey multiple unit dwelling located south of the site, exceed the maximum heights prescribed in the Halifax Peninsula LUB, however many of these developments were in existence prior to the subject regulations. Other developments, for instance the ten storey residential development located at 1048 Wellington Street, exceed the permitted heights, however have been considered appropriate through discretionary planning processes.

The proposed development does not adhere to the as-of-right provisions of the existing zoning framework. Further, the Halifax MPS contains no enabling policy to consider the proposed development within the MDR designation. As such, the applicant is requesting a site-specific amendment to the Halifax MPS to enable consideration of the subject proposal.

Regional Plan & Centre Plan

The Halifax Regional Municipal Planning Strategy (i.e., the "Regional Plan") identifies the Halifax Peninsula and Dartmouth, between Halifax Harbour and the Circumferential Highway, as the Regional Centre. The Regional Plan expresses a clear objective 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 2017, 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 within the Regional Centre.

Regional Council Direction for this Application

On August 1, 2017, Regional Council determined that fourteen requests for site specific MPS amendments inside the Regional Centre area should proceed, subject to considerations flowing from the June 2017 Centre Plan document. A remaining eight applications were given no specific direction, of which this

application is one.

Following Regional Council's meeting, the applicant made revisions to their original proposal, including a reduction to the total building height. On January 13, 2018, Regional Council considered whether this application, along with two others, should proceed. Similar to direction provided in August 2017, Regional Council directed staff to process this application, subject to:

- (a) The application generally aligning with the June 2017 Centre Plan document, relative to Urban Structure, Height and Floor Area Ratio; and
- (b) The application addressing the planning principles of transition, pedestrian-orientation, human-scale, building design, and context-sensitive.

According to the June 2017 Centre Plan document, the subject site is located in a Higher Order Residential area. Along with Established Residential Areas, these residential areas are envisioned to accommodate 16% of new residential growth in the Regional Centre. Moderate to high density Higher Order Residential Areas are characterized by clusters of multi-unit apartment and condominium buildings. The proposed development's alignment with the June 2017 Centre Plan document's direction for High Order Residential Areas and Regional Council's planning principles are reviewed in the Discussion section of this report.

Incentive or Bonus Zoning

Incentive or bonus zoning is a process that provides additional public benefits for additional development rights such as additional height. This tool is currently used through the Downtown Halifax Secondary Municipal Planning Strategy. The HRM Charter enables the Municipality to use the incentive or bonus zoning tool to allow an increase in built area in exchange for public amenities or benefits. While originally limited to Downtown Halifax, in 2014 the Province extended HRM's ability to use this tool in the Regional Centre. At the time, the Province also required a portion of the bonus (outside of Downtown Halifax) to be provided in the form of affordable housing. In December 2016, Regional Council considered this tool and directed staff to develop an incentive or bonus zoning program for the Regional Centre, to capture affordable housing benefits. This includes policies, planning document amendments, and financial tools. This work is underway as part of the Centre Plan.

To date, Regional Council has not directed the use of incentive or bonus zoning for site specific MPS amendments, except for the MPS amendment process for the proposal by APL Properties at the corner of Robie Street and Quinpool Road (Case 18966). Regional Council also directed staff to consider the use of incentive or bonus zoning for an active site specific amendment application at the corner of Bedford Highway and Flamingo Drive (Case 21730). When Council initiated the subject application, it did not direct staff to consider incentive or bonus zoning.

Approval Process

The approval process for this application involves two steps:

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

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 public participation program approved by Regional Council on August 1, 2017. The approved public participation program for this application included a webpage, signage posted on the subject site, and a public meeting.

Engagement Exercise – December 7, 2016

This application, in conjunction with 17 other MPS amendment applications within the Regional Centre, was the focus of a December 7, 2016 Open House. Planning staff held this meeting to seek early public feedback on these proposals, and in consideration of the ongoing Centre Plan process. At the time of this presentation, the subject proposal was for an eleven storey residential building. An overview of Open House comments pertaining to the eleven storey proposal are as follows:

- **Form** - Many participants identified that the proposed development was too tall, too dense, and out of scale with the surrounding neighbourhood. A handful commented that they did not like the design and found it “non-descript” and “boxy”. Participants expressed preference for a design that resulted in more “eyes on the street”. On the other hand, some participants noted that increased density made sense in the subject area. A handful of participants stated that the height and/or scale seemed reasonable, and that they liked the design;
- **Character** - Several participants noted that the proposed development did not fit with the character of the surrounding neighbourhood. Some respondents identified their preference to preserve the existing older homes;
- **Streetscape** - Some participants noted the need for improvements to the streetscape including larger setbacks and additional green space; and
- **Process** - Comments urge that Council wait for the Centre Plan and adhere to the height rules. Several respondents expressed concern that the subject proposal repeats a previous process with another development on Wellington Street, which they felt was inappropriate.

Public Meeting – April 19, 2018

In late 2017, the applicant made revisions to their proposal, most notably by reducing the proposed building height from eleven storeys to eight storeys plus a penthouse. On April 19, 2018, members of the Halifax Peninsula Planning Advisory Committee (HPPAC) held a public meeting to discuss the application. Attachment D contains a copy of the minutes from the meeting. Public comments received included the following:

Form: Some participants expressed that the proposed building was too tall and dense. Some questioned whether the proposed mechanical penthouse served as a ninth floor. Other participants noted that building setbacks could be increased to improve separation, especially between the north and west lot lines.

Character: Many residents expressed that the proposed development did not fit within the existing character of the area.

Streetscape: Participants noted that the proposed development could benefit from increased landscaping. On street parking was identified as sometimes problematic and could be worsened if insufficient parking was provided as part of the development. Some residents noted the proposed development may serve as an improvement to some of the existing single unit residential buildings which are not well kept. One resident also indicated increased bicycle parking would be beneficial.

Impact on Neighbours: Residents expressed concerns regarding potential shadow and wind impacts and sufficient parking along on Wellington Street. A proposed commercial parking use was welcomed by some and discouraged by others.

Process: Residents stated that the proposed development was not in alignment with the draft Centre Plan. Some residents expressed concern that the proposed Floor Area Ratio (FAR) was higher than indicated.

A public hearing must be held by Regional Council before they can consider MPS amendments. Should Regional Council decide to proceed with a public hearing on this application, property owners and residents within the notification area shown on Map 2 will be notified of the hearing by regular mail. Newspaper ads for the hearing will also be published.

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

Halifax Peninsula Planning Advisory Committee

The Halifax Peninsula Planning Advisory Committee (HPPAC) reviewed the applicant's proposal on May 28 and June 25, 2018. The HPPAC commented that the proposal does not align enough with the recommendations of the Centre Plan to be considered. Specifically, the Committee noted that the proposed building height of nine storeys and Floor Area Ratio (FAR) of 5.16 is inconsistent with the Centre Plan recommendation of four to six storeys and a FAR of 3.5. The HPPAC did not believe the proposal presented sufficient circumstances or public benefits to warrant exceptions to the Centre Plan principles. While the Committee appreciated the design of the top floor and the provision of amenity space to residents, it indicated that the proposal did not offer adequate step-backs and other features to improve the overall pedestrian experience along Wellington Street.

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

REVISIONS

Following the April 19, 2018 public meeting and HHPAC's review (June 2018), the applicant revised the proposed development to respond to public, staff, and HPPAC feedback and to better align with Regional Council's direction. The notable changes are as follows:

- The penthouse was reduced in scale (no greater than 30% of roof area) to better align with existing regulations;
- Separation distances, in the form of building setbacks and stepbacks, were increased between the building and northern lot line and nearby existing residential development; and
- The total number of two-bedroom dwelling units was increased to provide an improved mix of family and non-family units.

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. Council is under no obligation to consider such requests. In this case, staff recommend that amendments to the MPS are warranted. The following sections review the rationale and content of the proposed MPS and LUB amendments.

June 2017 Centre Plan Document

As previously stated, Regional Council directed staff to process the subject application in accordance with

two key criteria; the first being the June 2017 Centre Plan document, which classifies the site as a Higher Order Residential Area. Staff advise that the proposed development is consistent with the direction for Urban Structure. While the proposal's height and FAR have been subject to some public concern, staff believe the proposal generally aligns with the Centre Plan direction.

Urban Structure

The June 2017 Centre Plan document identifies moderate to high density Higher Order Residential Areas as being characterized by clusters of multi-unit apartment and condominium buildings. The Centre Plan indicates that redevelopment of these areas should include similarly scaled infill of moderate buildings. Improving public amenities, promoting environmental sustainability, and accommodating sensitive infill are key development considerations within these areas.

The proposal is consistent with the intent of a High Order Residential Area and the June 2017 Centre Plan document's vision of how and where growth should occur. The applicant has proposed a multiple unit residential building that is consistent with adjacent scaled development and that contributes to the character of the surrounding neighbourhood.

As proposed, the development will contribute to a variety of housing choice within the Higher Order Residential designation by incorporating a mix of family and non-family units. The incorporation of private outdoor space along ground-oriented units and front yard setbacks which support walkability and the pedestrian environment will contribute to a safe and comfortable public realm.

Floor Area Ratio

Within High Order Residential Areas, a Floor Area Ratio (FAR) of 3.5 shall be considered in the development of regulations.

The applicant proposes a FAR of 4.8. This FAR was calculated using a hybrid of the document's FAR definition and the current working FAR definition used by the Centre Plan - Package A; floor area is measured from the inside building wall and the calculation does not include balconies, elevator shafts, mechanical penthouses, and underground areas.

The June 2017 Centre Plan document's direction for Height and FAR are interrelated and must be assessed accordingly. The document states that four-to-six storey buildings are suitable for the Higher Order Residential designation, and a FAR of 3.5 shall be considered in these instances; however, the document also provides for consideration of development provided it is consistent in scale or serves as an appropriate transition to adjacent properties.

Height

The June 2017 Centre Plan document identifies four to six storeys as an appropriate height range. As proposed, the development consists of eight floors plus a rooftop penthouse. While four to six storeys is identified within the Centre Plan document, the proposed height of eight storeys plus a penthouse is generally consistent with this range when considering the surrounding context of Wellington Street and existing development, particularly to the south. As such, the proposed development serves as an appropriate transition between existing apartment houses located to the south and residential lands which are proposed to be designated as Higher Order Residential under the Centre Plan.

Planning Principles

The second evaluative criteria for this application are Regional Council's planning principles, which are outlined in Table 1:

Table 1. Planning Principles

Planning Principles	Description
Transition	The proposed building design recognizes surrounding development, especially adjacent low-scale residential buildings, through built form and landscape transitions. This can include setting proposed buildings back from property lines

Planning Principles	Description
	and stepping down the height of proposed buildings as they approach low-rise buildings. Landscaping can be used as a buffer between properties and to soften building elements.
Pedestrian-oriented	Pedestrian-oriented means that the proposed building and site design prioritizes the needs and comfort of pedestrians. The intent is to create safe, comfortable, and more enjoyable environments for people of all ages and abilities. Pedestrian-oriented design elements include buildings that are oriented to the street, with safe and inviting pedestrian connections through larger sites. Streetwalls should respond to the rhythm and variety of walking speed. Buildings should provide frequent and prominent entrances, transparent windows, weather protection using awnings and recesses, and be designed to mitigate the impact of required parking accesses and utility features.
Human-Scale	Human-scale means the impression of a building when seen in relation to its surroundings, or the size and proportion of parts of a building or its details in relation to its surroundings, that relates in a positive way to the visual and physical experience of a pedestrian. Moderately sized buildings, as well as taller buildings with lower scale podiums and architectural detailing, work together with narrow streets, plazas and small pocket parks to create an intimate environment and comfortable experience. Human scale design makes urban environments more interesting, encourages exploration and draws more people to local shops and services.
Building Design	Design means the overall architectural composition of a building and its orientation on the site. Proposed buildings should provide visual interest from all vantage points, and especially from the street. The building's façade should be articulated vertically and horizontally using a combination of windows, changes to materials and material treatments and other architectural façade elements. Coordinated building elements (like lighting and signage) and site elements (like landscaping) contribute to the overall quality of the design.
Context-sensitive	The proposed building's design respects the character of the surrounding neighbourhood. The scale, form, and materials used respond to the architectural character of the neighbourhood. Next to heritage buildings or streetscapes, the proposed building complements and enhances the heritage features.

The revised proposal places greater emphasis on addressing the Transition and Context-Sensitive principles than the original design. Overall, the proposal adequately addresses the subject planning principles. The following provides discussion related to each of the planning principles:

Transition

The applicant has revised the proposed development, in an effort to address the Transition principle. Staff believe that the revisions have generally accomplished their intended goal. As proposed, the development recognizes surrounding development, including existing low-scale residential development located north of the subject site.

Side yard building setback and stepback distances have been increased from the north property line to improve the transition between the proposed development and adjacent low-scale development. Streetwall and building podium heights are consistent with existing building heights of surrounding low-scale residential development, which range from two to three storeys. Overall, the proposed development serves as an appropriate transition between existing high-rise residential development from the south to lower scale forms of residential development to the north and east.

Pedestrian-Oriented

As proposed, the design of the streetwall, including the incorporation of ground floor units with private amenity space and landscaping provide an improved pedestrian environment along Wellington Street. The streetwall setback of 4.1 metres (13.4 feet), along with the use of hard and soft landscape surfaces provides additional width near the sidewalk, which serves to support walkability and increase space for pedestrians.

Articulation of the streetwall façade above the ground floor and between each at grade residential unit, provides vertical breaks in the façade, contributes to variety along the street and provides opportunity for animation. The proposed use of quality materials such as stone and brick encourage continuity with the existing streetscape. The proposed use of glass and development of multiple at grade entrances provide transparency at the ground floor level. Together, these elements help to create a pedestrian-oriented streetwall condition along Wellington Street.

Human-Scale

The proposed building is larger in scale than surrounding residential development located to the north and east, however is smaller in comparison to existing residential high-rise development located to the south. Although larger than much of the surrounding low-scale residential development, the proposed building incorporates design elements which help to relate in a positive way to its surroundings. Overall, the design of the building effectively incorporates a base, middle and top. This is achieved by providing a streetwall and building walls to the north and south which do not exceed three storeys. To the west, the building incorporates a building projection, in the form of a cantilever, which provides a break between the base and mid-rise portion of the building. Above the base, the mid-rise portion of the building steps back before rising an additional five storeys. A mechanical penthouse serves as the top of the building and is located on the rooftop of the mid-rise portion. Similar to the commencement of the mid-rise portion, the mechanical penthouse is stepped back, thus providing a clear vertical break. These features lessen the impact of the proposed development on its potential surroundings.

The ground storey and streetwall contain many windows and pedestrian entrances, which provide greater transparency, helps to humanize the building's scale and facilitate vibrancy on the street. The proposal also contains landscaping / hardscaping along the streetline, which in tandem with ground floor residential units will help add life to the streetscape.

Remaining portions of the building have been designed to include protrusions, recessions, and balconies that break the building walls mass into smaller, human-focused components. Together, these design features help lessen the building's physical presence on pedestrians and the neighbourhood as a whole.

Building Design

The overall massing of the proposed building denotes a base, middle and top which is oriented toward Wellington Street. A combination of architectural façade elements including protrusions, recessions and balconies helps to generate visual interest from several vantage points. The use of a variety of materials including brick, stone, cladding and large clusters of glass help generate additional visual interest through contrast, colour, transparency and reflectivity. The use of materials and façade elements is particularly notable along the streetwall where the three storey base maintains rhythm with low-scale residential development located to the north and east. The building wall facing north contains no balconies and less overall articulation. Therefore, it does not provide the same degree of visual interest from some vantage points, however the presence of landscaping and fencing help to contribute to the overall proposal.

Context-Sensitive

Through the public engagement process, many participants commented that the proposed development was too tall and dense and that it did not fit within the existing character of the area. The revised proposal provides a reasonable response to concerns related to the context-sensitive principle. Most notably, the overall location of the building has shifted to accommodate greater separation distance from existing low-scale residential development. To achieve this separation, the mid-rise portion of the building has been stepped back 7 metres (22.9 feet) from the northern property line. Setbacks determined to be less sensitive,

notably to the south and west (adjacent to existing apartment houses and institutional uses), have been reduced. However, through the use of architectural elements and building materials, the building retains an appearance which effectively denotes a base, middle and top.

The streetwall is setback 4.1 metres (13.4 feet) from the streetline. This setback is consistent with the average existing building setbacks along the block when considering the various forms of existing residential development. The majority of surrounding low-scale residential uses are setback a minimal distance from the streetline, however high-rise residential uses, such as the neighbouring fifteen storey apartment house, are setback approximately 9 metres (29.5 feet) from the streetline. While the proposed building is set back from the streetline, it is designed in a manner that supports walkability and the pedestrian environment. Further, the building responds to the architectural character of the surrounding area by incorporating building materials (i.e. brick, stone and glass) and architectural elements (i.e. at grade residential entrances) which form part of the existing neighbourhood. Lastly, it should be noted that there are no heritage buildings nearby.

HRM Initiatives

Staff advise that the proposed development does not conflict with HRM's broad planning initiatives.

Regional Plan

The Regional Plan expresses a clear objective to adopt a Regional Centre Plan. A focus of the Centre Plan process relates to "growth and change", which is identified in the Regional Plan as a guiding principle for the purposes of adopting a Regional Centre Plan. The Regional Plan's growth and change principle directs change and intensification to areas that will benefit from growth. The appropriate development of the subject site will contribute to the Regional Plan's "growth and change" guiding principle.

Centre Plan Package A

On February 23, 2018, Centre Plan Package A was released for public and committee review. Package A includes a draft Secondary Municipal Planning Strategy and Land Use By-law which focusses on Centres, Corridors, Higher Order Residential, and Future Growth Node classifications in the Regional Centre. Package A suggested an approach for regulating development on the subject property, including a Height Precinct Map and maximum FAR value. With respect to height, Package A indicates that the subject site could support a maximum building height of 14 metres (45.9 ft.). The applicant, however, has proposed a maximum building height of 32.5 metres (106.6 ft.). Concerning FAR, Package A indicates a maximum value of 2.25. Again, the applicant has proposed a higher FAR value of 4.8. Staff were directed to review the application in accordance with the June 2017 Centre Plan documents' direction for Height and FAR, not the draft height precincts and FAR values listed in the Centre Plan - Package A. As previously stated, the application is generally consistent with Council's specific direction regarding height and FAR.

Integrated Mobility Plan

The Integrated Mobility Plan, which was approved by Council in December 2017, provides a vision for facilitating movement throughout HRM and investing in transportation demand management, transit, attractive transportation, and street network infrastructure. This Plan identifies nearby Robie Street as a *Potential Transit Priority Corridor*, as these corridors should incorporate measures to reduce transit delays and improve service reliability in the future. This classification indicates that Robie Street is well positioned to support increased density and mixed-use development, which generate additional ridership. By virtue of its close proximity to Robie Street, and existing Corridor Routes in the form of South and Inglis Streets, Wellington Street may also be well positioned to support increased density and mixed-use development.

Additional Planning Items

Additional planning concerns were raised during the public participation process. Staff reviewed the following concerns and do not anticipate significant impacts:

- **Traffic Congestion** | The Traffic Impact Statement (TIS) indicates that the proposed development will not significantly impact traffic congestion or the performance of adjacent streets. The Planning and Development Department's Engineering Division accepted the applicant's TIS and raised no additional concerns.

- **On-Street Parking** | Several residents are concerned about the availability of on-street parking and that parking is frequently occupied by commuters and individuals employed in the area. The proposed development agreement contains parking requirements to ensure that underground parking spaces are available to residents of the proposed development.
- **Shadows** | The applicant submitted shadow analysis drawings, which evaluate the shadow impacts for various times of the calendar year. Based on a review of this analysis, the proposed building is not anticipated to have a significant impact on the surrounding area.

Proposed MPS and LUB Amendments

MPS and LUB amendments are required to permit an eight storey (plus penthouse), residential building on the subject site. The proposed MPS policy, which includes additions to Section XVI of the Halifax MPS, is contained in Attachment A. The proposed MPS policy ensures the subject site's future development generally aligns with the June 2017 Centre Plan document relative to Urban Structure, FAR, and Height, and addresses Regional Council's planning principles. Further, the policy requires that the proposed development be permitted via development agreement.

Attachment B contains a proposed LUB amendment, which includes an addition to the South End – Development Agreement section.

Proposed Development Agreement

Attachment C contains the proposed development agreement. Staff notes that the proposed agreement carries out the intent of the proposed MPS amendments (See Attachment E).

The proposed development agreement allows for multi-unit residential uses and commercial parking. The development agreement requires that at least one quarter of residential units contain two or more bedrooms. Additional highlights include the following:

Height and Built Form

- Maximum building height of eight storeys (plus penthouse);
- Three storey streetwall along Wellington Street;
- Three storey building walls in the northern, southern and western yards;
- Indoor and outdoor amenity space; and
- Requirements for exterior appearance and building materials.

Setbacks and Stepbacks

- Minimum streetwall setback of 1.5 metres (4.9 feet) from Wellington Street lot line;
- Maximum streetwall setback of 4.5 metres (14.7 feet) from Wellington Street lot line;
- Minimum horizontal stepback of 1.5 metres (4.9 feet) above the Wellington Street streetwall;
- Minimum northern yard setback of 1.5 metres (4.9 feet);
- Minimum northern yard setback of 7.0 metres (22.9 feet) above the third storey;
- Minimum southern yard setback of 1.2 metres (3.9 feet);
- Minimum southern yard setback of 3.9 metres (12.7 feet) above the third storey; and
- Minimum western yard setback of 3.0 metres (9.8 feet).

Conclusion

Staff have reviewed the proposal and completed the public participation program approved by Regional Council. In accordance with the objectives of the Higher Order Residential Designation, the proposed development contributes to providing: a range of housing options; a safe and comfortable public realm for people of all ages and abilities; and protection of the surrounding residential area's character. Further, the proposal generally aligns with the June 2017 Centre Plan document's Urban Structure, FAR, and Height direction.

Staff advise the proposal is reasonably consistent in scale and appropriately transitions to adjacent

properties. The revised proposal incorporates numerous design features (e.g., limiting overall building and streetwall heights, utilizing horizontal stepbacks, pedestrian-focused design practices, etc.) to better address Regional Council's planning principles. Therefore, staff advise that the proposal is reasonably consistent with Regional Council's direction for the subject application.

Staff recommend adopting new MPS policy, new LUB provisions, and a development agreement to regulate development on the subject site. The MPS and LUB amendments respond to the direction Regional Council provided when this planning application was initiated, while the development agreement ensures future development generally aligns with the June 2017 Centre Plan document and Regional Council's key planning principles. Should Regional Council approve the MPS and LUB amendments, Halifax & West Community Council may render a decision on the proposed development agreement.

FINANCIAL IMPLICATIONS

There are no financial implications. The applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred to satisfy the terms of the proposed development agreement. The administration of the proposed development agreement can be carried out within the 2019-20 budget with existing resources.

RISK CONSIDERATION

There are no significant risks associated with the recommendations in 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. The proposed development agreement is subject to appeal to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed amendments are contained in the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

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

ALTERNATIVES

Halifax & West Community Council may choose to recommend that Regional Council:

1. Modify the proposed amendments to the Halifax MPS and Halifax Peninsula LUB, 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 Halifax MPS and the Halifax Peninsula LUB. 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
Map 2	Zoning and Area of Notification

Attachment A	Proposed Amendments to the Municipal Planning Strategy for Halifax
Attachment B	Proposed Amendments to the Land Use By-law for Halifax Peninsula
Attachment C	Proposed Development Agreement
Attachment D	Public Information Meeting Minutes
Attachment E	Policy Review of Proposed Development Agreement

A copy of this report can be obtained online at or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Tyson Simms, Planner III, 902.490.6983

Original Signed

Report Approved by: _____
Eric Lucic, Regional Planning Manager, 902.430.3954



Map 1 - Generalized Future Land Use

Wellington Street

 Subject Properties

Designation

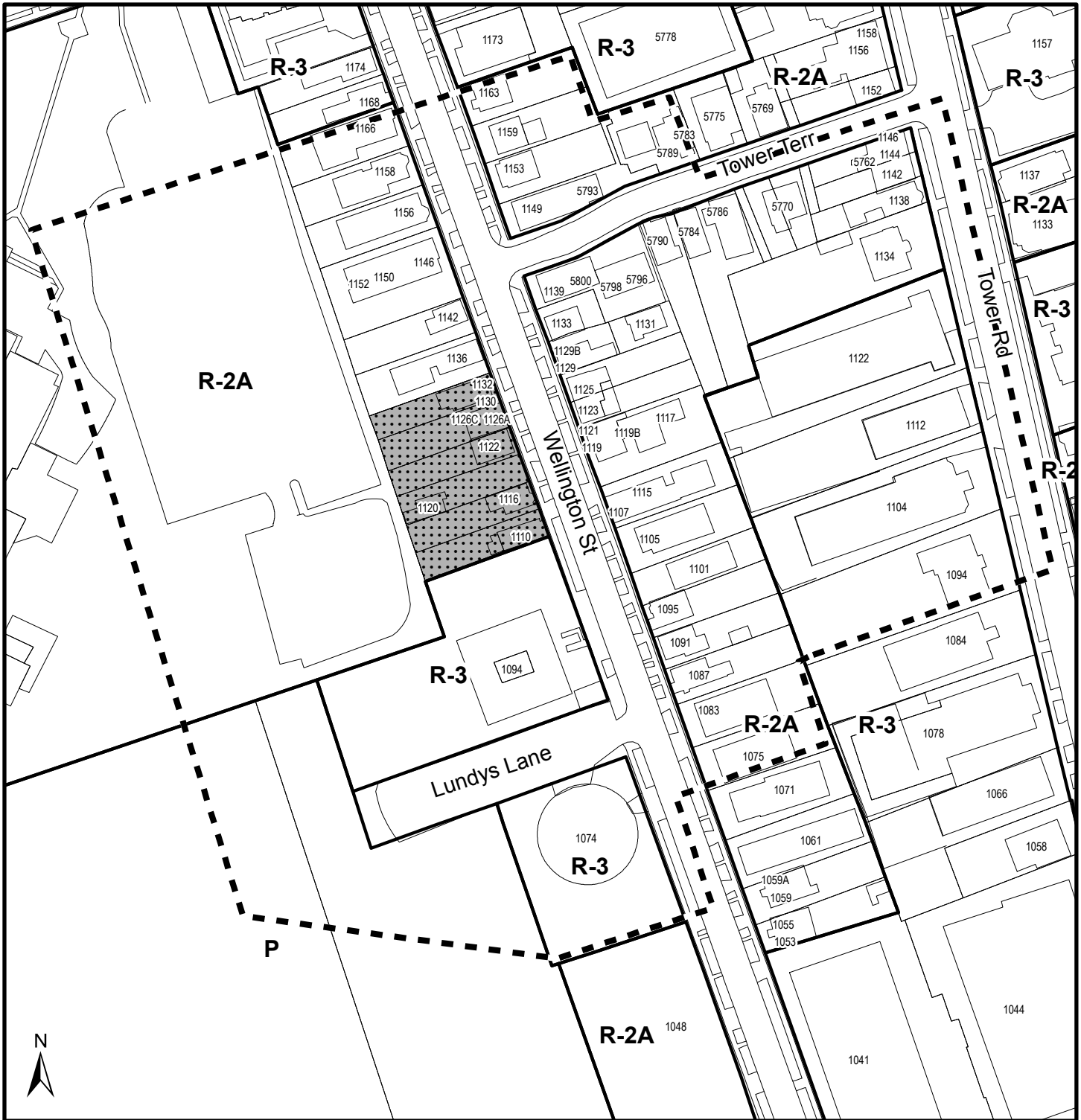
- MDR Medium Density Residential
- HDR High Density Residential
- INS Institutional
- OS Open Space



Halifax Plan Area
South End Plan Area

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 Area of Notification



Wellington Street

-  Subject Properties
-  Area of Notification

- Zone**
- R-2A General Residential Conversion
 - R-3 Multiple Dwelling
 - P Park and Institutional



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

ATTACHMENT A:
Proposed 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 amending the TABLE OF CONTENTS to add the following text shown in bold immediately before the text "IMPLEMENTATION POLICIES", and renumbering the page numbers for the TABLE OF CONTENTS as applicable:

SECTION XVI SITE-SPECIFIC POLICIES IN KEEPING WITH THE JUNE 2017 CENTRE PLAN DOCUMENT

1. Background
2. The Planning Principles
3. Development at Robie Street / Pepperell Street / Shirley Street
4. Development at Chebucto Road / Elm Street / Beech Street
- 7. Development at Wellington Street**

2. By amending Section XVI, to add the following text shown in bold and ~~strikeout~~ as follows:

SECTION XVI SITE-SPECIFIC POLICIES IN KEEPING WITH THE JUNE 2017 CENTRE PLAN DOCUMENT

2. THE PLANNING PRINCIPLES

Regional Council directed that five planning principles be used to evaluate the following requests for new Municipal Planning Strategy policy:

- a) Development at Robie Street / Pepperell Street / Shirley Street, as identified in Section 3;
- b) Development at Chebucto Road / Elm Street / Beech Street, as identified in Section 4;
- e) Development at Wellington Street, as identified in Section 7.**

These planning principles are described as:

Planning Principles	Description
a) Transition	The proposed building design recognizes surrounding development, especially adjacent low-scale residential buildings, through built form and landscape transitions. This can include setting proposed buildings back from property lines and stepping down the height of proposed buildings as they approach low-rise buildings. Landscaping can be used as a buffer between properties and to soften building elements.

Planning Principles	Description
b) Pedestrian-oriented	Pedestrian-oriented means that the proposed building and site design prioritizes the needs and comfort of pedestrians. The intent is to create safe, comfortable, and more enjoyable environments for people of all ages and abilities. Pedestrian-oriented design elements include buildings that are oriented to the street, with safe and inviting pedestrian connections through larger sites. Streetwalls should respond to the rhythm and variety of walking speed. Buildings should provide frequent and prominent entrances, transparent windows, weather protection using awnings and recesses, and be designed to mitigate the impact of required parking accesses and utility features.
c) Human-Scale	Human-scale means the impression of a building when seen in relation to its surroundings, or the size and proportion of parts of a building or its details in relation to its surroundings, that relates in a positive way to the visual and physical experience of a pedestrian. Moderately sized buildings, as well as taller buildings with lower scale podiums and architectural detailing, work together with narrow streets, plazas and small pocket parks to create an intimate environment and comfortable experience. Human scale design makes urban environments more interesting, encourages exploration and draws more people to local shops and services.
d) Building Design	Design means the overall architectural composition of a building and its orientation on the site. Proposed buildings should provide visual interest from all vantage points, and especially from the street. The building's façade should be articulated vertically and horizontally using a combination of windows, changes to materials and material treatments and other architectural façade elements. Coordinated building elements (like lighting and signage) and site elements (like landscaping) contribute to the overall quality of the design.
e) Context-sensitive	The proposed building's design respects the character of the surrounding neighbourhood. The scale, form, and materials used respond to the architectural character of the neighbourhood. Next to heritage buildings or streetscapes, the proposed building complements and enhances the heritage features.

3. By amending Section XVI to add the following text shown in bold after Subsection 4.2.1:

4. DEVELOPMENT AT CHEBUCTO ROAD / ELM STREET / BEECH STREET

The properties having street frontage on Chebucto Road, Elm Street, and Beech Street (6482 Chebucto Road, 2586 Beech Street and 2585 Elm Street) is the subject site of a proposal for site-specific planning policy amendments to allow for a 5-storey mixed-use building. This proposal is one of the twelve policy requests noted in Section 1. On August 1, 2017, Regional Council chose to continue processing the 5-storey proposal subject to specific considerations.

4.1 Specific Considerations

The June 2017 Centre Plan Document identifies this property as a Corridor, which is envisioned to support approximately 21% of new Regional Centre residents. Corridors are an appropriate destination for low (three storey) to moderate (four-to-six storey) development that, depending on local conditions, should include ground floor commercial spaces. Specifically, building heights shall only exceed 4-storeys if there is sufficient lot depth to accommodate up to 6-storeys through appropriate design transitions to adjacent buildings.

The Chebucto Road / Elm Street / Beech Street 5-storey proposal was given Regional Council direction to continue, subject to the proposal generally aligning with the June 2017 Centre Plan

Document relative to urban structure, height, and floor area ratio. Regional Council also directed the 5-storey proposal to address the planning principles noted in Section 2.

4.2 Regulating Development

To achieve a development form on the Chebucto Road / Elm Street / Beech Street site that generally aligns with the urban structure and heights identified in the June 2017 Centre Plan Document, and ensure the five planning principles noted in Section 2 are addressed, development will be permitted by development agreement, as described below.

4.2.1 Development Agreement Provisions

The Land Use By-law for Halifax Peninsula shall be amended to identify that mixed-use development may be considered by development agreement for the properties located at the intersections of Chebucto Road, Elm Street, and Beech Street.

- (1) Notwithstanding other policies of this Municipal Planning Strategy except 4.2.1(2), a development agreement for the property located at the intersections of Chebucto Road, Elm Street, and Beech Street shall:
 - (a) permit a mixed-used (residential and commercial) building;
 - (b) permit a range of commercial uses, including, cultural, daycare, office, restaurant, retail, and work-live uses;
 - (c) require a mix of residential unit types;
 - (d) restrict building height to a maximum of 5 storeys, plus penthouse(s);
 - (e) require that the 4th and 5th storeys and penthouse(s) are orientated towards Chebucto Road;
 - (f) restrict streetwall height to a maximum of 4 storeys along Chebucto Road;
 - (g) restrict streetwall height to a maximum of 3 storeys along both Elm Street and Beech Street;
 - (h) restrict the building's podium height to a maximum of 3 storeys along the southern lot line;
 - (i) restrict development to a minimum setback, both above and below grade, of 1.5 metres from the Chebucto Road lot line;
 - (j) require a landscaped buffer and fencing along the rear lot line;
 - (k) require indoor and outdoor amenity space for on-site residents;
 - (l) regulate streetwall massing, external building design, cladding materials, design of at-grade residential units, front yard landscaping, outdoor storage, signage, and the planting and retention of vegetation; and
 - (m) permit underground parking.
- (2) In addition to meeting the requirements of Policy 4.2.1(1) a) to m) inclusive, when considering a development agreement for the property located at the intersections of Chebucto Road, Elm Street, and Beech Street, Halifax, Council shall consider:
 - (a) the planning principles of transition, pedestrian-oriented, human-scale, building design and context sensitive, as described in Section 2; and
 - (b) the provision of appropriate changes in building size and massing, to create appropriate transitions to surrounding built forms.

7. DEVELOPMENT AT WELLINGTON STREET

The properties having street frontage on Wellington Street (1110, 1116, 1120, 1122, 1126A/1126B/1126C and 1130/1132 Wellington Street, Halifax) are the subject site of a proposal for site-specific planning policy amendments to allow for an 8-storey (plus penthouse) residential building. This proposal is one of the twelve policy requests noted in

Section 1. On January 13, 2018, Regional Council chose to continue processing the 8-storey proposal subject to specific considerations.

7.1 Specific Considerations

The June 2017 Centre Plan document identifies the site as a moderate to high density Higher Order Residential Area, which is characterized by clusters of multi-unit apartment and condominium buildings. The Centre Plan indicates that redevelopment of these areas should include similarly scaled infill of moderate height buildings. Improving public amenities, promoting environmental sustainability, and accommodating sensitive infill are key development considerations within these areas.

The 8-storey proposal was given Regional Council direction to continue, subject to the proposal generally aligning with the June 2017 Centre Plan Document relative to urban structure, height, and floor area ratio. Regional Council also directed the proposal to address the planning principles noted in Section 2.

7.2 Regulating Development

To achieve a development form on the Wellington Street site that generally aligns with the urban structure, floor area ratio and heights identified in the June 2017 Centre Plan Document, and ensure the five planning principles noted in Section 2 are addressed, development will be permitted by development agreement, as described below.

7.2.1 Development Agreement Provisions

The Land Use By-law for Halifax Peninsula shall be amended to identify that multiple-unit residential development may be considered by development agreement for the properties located at 1110, 1116, 1120, 1122, 1126A/1126B/1126C and 1130/1132 Wellington Street.

- (1) Notwithstanding other policies of this Municipal Planning Strategy except 7.2.1(2), a development agreement for the property located at 1110-1132 Wellington Street shall:
 - (a) permit a multiple unit residential building;**
 - (b) require a mix of residential unit types;**
 - (c) restrict building height to a maximum of 8 storeys, plus penthouse(s);**
 - (d) require that the building is orientated towards Wellington Street;**
 - (e) restrict streetwall height to a maximum of 3 storeys along Wellington Street;**
 - (f) restrict the building's podium height to a maximum of 3 storeys;**
 - (g) restrict development to a minimum setback of 1.5 metres from the Wellington Street lot line;**
 - (h) require landscaping and fencing along the northern lot line;**
 - (i) require indoor and outdoor amenity space for on-site residents;**
 - (j) regulate streetwall massing, external building design, cladding materials, design of at-grade residential units, front yard landscaping and the planting of vegetation; and**
 - (k) permit underground parking.****
- (2) In addition to meeting the requirements of Policy 7.2.1(1) a) to k) inclusive, when considering a development agreement for the property located at 1110-1132 Wellington Street, Halifax, Council shall consider:
 - (a) the planning principles of transition, pedestrian-oriented, human-scale, building design and context sensitive, as described in Section 2****

- (b) the provision of appropriate changes in building size and massing, to create appropriate transitions to surrounding built forms;and
- (c) Permitting commercial parking as an accessory use, provided all parking requirements for the primary land use (multiple-unit residential building) are satisfied.

I, Kevin Arjoon, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the [INSERT COUNCIL NAME] held on [DATE], 201[#].

Kevin Arjoon

Municipal Clerk

ATTACHMENT B:
Proposed Amendments to the Land Use By-law for Halifax Peninsula

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. Amend the section under the heading SOUTH-END DEVELOPMENT AGREEMENTS by inserting the following sub-heading and subsection 94(1)(w) immediately following Subsection 94(1)(v):

1110, 1116, 1120, 1122, 1126A/1126B/1126C and 1130/1132 Wellington Street

- (w) **Council may, by development agreement, pursuant to Policy 7.2.1 Section XVI of the Halifax Municipal Planning Strategy, permit a multiple dwelling and commercial parking at 1110, 1116, 1120, 1122, 1126A/1126B/1126C and 1130/1132 Wellington Street.**

I, Kevin Arjoon, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the [INSERT COUNCIL NAME] held on [DATE], 201[#].

Kevin Arjoon

Municipal Clerk

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 at 1110, 1116, 1120, 1122, 1126A/1126B/1126C and 1130/1132 Wellington Street, Halifax 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 multi-unit residential development and commercial parking on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Section XVI, Policy **[Insert - #]** of the Municipal Planning Strategy for Halifax and Subsection 94(1)(w) of the Land Use By-law for Halifax Peninsula;

AND WHEREAS the Halifax and West Community Council for the Municipality approved this request at a meeting held on **[Insert - Date]**, referenced as Municipal Case Number 20774;

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 Land Use By-law for Halifax Peninsula 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.

1.7 Lands

- 1.7.1 The developer hereby represents and warrants to the Municipality that the Developer is the owner of the Lands and that all owners of the Lands have entered into this Agreement.

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

- 2.2.1 The following words used in this Agreement shall be defined as follows:
- a) "Commercial Parking" means a parking structure, or any portion thereof, where parking spaces can be leased by the public;
 - b) "Height" as pertaining to any building, means, the vertical distance of the highest point of the roof above the mean grade of the finished ground adjoining the building; excluding mechanical penthouses and similar rooftop structures;
 - c) "Interior Lot" means a lot with frontage on one street only;
 - d) "Parapet" means a barrier which is an extension of the wall at the edge of a roof or at the edge of the streetwall;
 - e) "Penthouse" means enclosed rooftop space used for mechanical or shared amenity purposes.
 - f) "Streetwall" means the wall of a building or portion of a wall facing a streetline that is below the height of a specified stepback or angular plane, excluding minor recesses for elements such as doorways or intrusions such as bay windows;
 - g) "Streetwall Height" means the vertical distance between the top of the streetwall, excluding parapets, and the streetline grade, extending across the width of the streetwall;
 - h) "Streetwall Setback" means the distance between the streetwall and the streetline;
 - i) "Stepback" means a specified horizontal recess from the top of a streetwall, which shall be unobstructed from the streetwall to the sky except as otherwise specified;
 - j) "Streetline" means the lot line between the street and an abutting lot; and
 - k) "Streetline Grade" means the elevation of a streetline at a point that is perpendicular to the horizontal midpoint of the streetwall. Separate streetline grades shall be determined for each streetwall segment that is greater than 20 metres in width or part thereof.

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 20774:**

Schedule A	Legal Description of the Lands(s)
Schedule B	Site Plan
Schedule C	Building Elevations
Schedule D	Landscaping Plan

3.2 Requirements Prior to Approval

- 3.2.1 Prior to the commencement of any site work on the Lands, the Developer shall provide the following to the Development Officer:
- a) A detailed Site Disturbance Plan prepared by a Professional Engineer in accordance with Section 5.1 of this Agreement;
 - b) A detailed Erosion and Sedimentation Control Plan prepared by a Professional Engineer in accordance with Section 5.1 of this Agreement; and
 - c) A detailed Site Grading and Stormwater Management Plan prepared by a Professional Engineer in accordance with Section 5.1 of this Agreement.
- 3.2.2 Prior to the issuance of a Development Permit, the Developer shall provide the following to the Development Officer, unless otherwise permitted by the Development Officer:
- a) A Landscape Plan prepared by a Landscape Architect in accordance with Subsection 3.5.17 of this Agreement; and
 - b) A Subdivision Plan prepared by a Professional Surveyor in accordance with Subsection 3.6.1 of this Agreement.
- 3.2.3 Prior to the issuance of a Development Permit for the building, 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 4.2.1 of this Agreement.
- 3.2.4 Prior to the issuance of the first Municipal Occupancy Permit, the Developer shall provide the following to the Development Officer, unless otherwise permitted by the Development Officer, subject to Subsection 3.5.18:
- a) Written confirmation from a Landscape Architect which the Development Officer may accept as sufficient record of compliance with the landscaping requirements of this Agreement.
- 3.2.5 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 Subject to Subsection 3.3.2, the use(s) of the Lands permitted by this Agreement are the following:
- a) Apartment house (multiple dwelling);
 - b) Commercial parking; and
 - c) Any use accessory to any of the foregoing uses.
- 3.3.2 At least twenty-five (25) percent of the total number of dwelling units in the apartment house, rounded up to the nearest full number, shall include two or more bedrooms.

3.4 Siting and Architectural Requirements

Siting

- 3.4.1 The building shall be generally sited as shown on Schedule B, and include additional detailing as identified in this Section.

Height Framework

- 3.4.2 Subject to Subsection 3.4.3, no building shall be constructed or altered so that it exceeds the maximum height as shown on Schedule C.
- 3.4.3 Elevator enclosures and penthouses shall be:
- a) Generally located as shown on Schedule B;
 - b) Restricted to indoor amenity space and/or mechanical equipment;
 - c) Setback a minimum of 5 metres from the north, south and east rooflines and 3 metres from the west roofline;
 - d) Permitted to extend a maximum of 5.5 metres above the building height; and
 - e) Limited to a maximum of 30 percent of the total roof area.
- 3.4.4 Any outdoor rooftop amenity space shall be setback from all rooflines as follows:
- a) 5 metres from the north roofline;
 - b) 3 metres from the west roofline;
 - c) 3 metres from the east roofline; and
 - d) 1.5 metres from the south roofline.
- 3.4.5 No portion of the development shall be visible above the topmost line of the earthworks of the Citadel Ramparts as required under the Halifax Peninsula Land Use By-law.

Exterior Design

- 3.4.6 The building's exterior design shall be developed substantially in conformance with Schedule C of this Agreement. The Development Officer may permit minor changes to building elements shown on Schedule C, provided the height and size of the building do not increase and the intent of this Agreement is maintained.

Streetwall Setbacks

- 3.4.7 The streetwall shall be setback 4.1 metres from the streetline.

Interior Lot Yard Setbacks

- 3.4.8 As shown on Schedule B, the minimum setbacks for the first three storeys of the building shall be:
- a) 1.2 metres from the southern lot line;
 - b) 3.0 metres from the western lot line; and
 - c) 1.5 metres from the northern lot line.
- 3.4.9 As shown on Schedule C, the minimum setbacks above the third storey of the building shall be:
- a) 3.9 metres from the southern lot line;
 - b) 3.0 metres from the western lot line; and
 - c) 7.0 metres from the northern lot line.
- 3.4.10 Building projections located along the building wall facing the western lot line shall be exempt from the minimum setback requirement.
- 3.4.11 Notwithstanding section 3.4.9 (c), the required setback of the building wall above the third storey facing the northern lot line may be reduced from 7.0 metres to 4.5 metres for a maximum width of 15.5 metres of said building wall.

Maximum Streetwall Height and Building Podium Height

- 3.4.12 Subject to Subsections 3.4.13 through 3.4.15, the maximum streetwall height and building podium height shall conform with the heights as shown on Schedule C.
- 3.4.13 Streetwall height and building podium height shall be a maximum of 3 storeys.

- 3.4.14 Up to 20 percent of the streetwall may exceed the maximum streetwall height.
- 3.4.15 The maximum streetwall height may be exceeded by a parapet no higher than 1.25 metres in height.

Streetwall Design

- 3.4.16 If the building's streetwall width exceeds 15.0 meters, the streetwall must incorporate distinct changes in articulation, in increments of 5-10 metres, while still respecting relevant height and setback requirements. Changes in articulation may include:
- a) Changes to streetwall heights;
 - b) Changes to setbacks and front yards;
 - c) Use of different façade materials;
 - d) Recesses, projections or recessed balconies; and/or
 - e) Building entrances.

Streetwall Stepback

- 3.4.17 Above the streetwall, the building shall have a horizontal stepback of at least 1.5 metres from the edge of the streetwall.
- 3.4.18 Notwithstanding Subsection 3.4.17, no horizontal stepback is required for up to 20% of the width of the streetwall.

At-grade Residential

- 3.4.19 At-grade residential units that have exterior entrances fronting on a public street shall be designed as follows:
- a) The ground floor will be set above the sidewalk grade;
 - b) The entrance will open directly onto an individual porch, patio or stoop, which is connected directly to the sidewalk by a stairway or ramp; and
 - c) A wall, planter or fence of up to 1.25 metres in height may be placed between the sidewalk and the porch, stoop or patio. Above 1.25 metres, a glass railing may be used if needed.

External Building Appearance

- 3.4.20 All cladding materials shall be durable and have an architectural finish.
- 3.4.21 The following cladding materials are prohibited:
- a) Vinyl siding;
 - b) Plywood;
 - c) Unfinished concrete block or cinder block;
 - d) Exterior insulation and finish systems where stucco is applied to rigid insulation; and
 - e) Darkly tinted or mirrored glass (not including spandrel panels), however tinted glass may be permitted as part of balcony railing systems.
- 3.4.22 Utility connections, fill pipes, exhaust vents, and ventilators shall be screened.
- 3.4.23 Mechanical and electrical systems (HVAC, exhaust fans, generators etc.) shall be screened. Furthermore, no mechanical equipment, electrical equipment or exhaust fans shall be located between the building and abutting properties used or zoned for residential, unless screened, and noise reduction measures are implemented.

3.5 General Requirements

Permitted Encroachments Into Required Yards and Stepbacks

- 3.5.1 No encroachments are permitted in the required front (east) yard facing Wellington Street.

- 3.5.2 The following structures design features are permitted encroachments into the side yards and rear yard:
- a) Balconies, lifting devices, porches, steps, sundecks, uncovered patios, verandas, walkways, and wheelchair ramps;
 - b) Eaves, gutters, downspouts, cornices, and other similar features, up to 0.9 metres from the building face;
 - c) Window bays and solar collectors, up to 0.9 metres from the building face;
 - d) Mechanical and electrical systems, up to 0.9 metres from the building face, subject to Subsection 3.4.23; and
 - e) Building projections and associated balconies located along the west building wall.
- 3.5.3 Notwithstanding Subsection 3.5.2, balconies shall not be permitted along the north building wall.
- 3.5.4 Building stepbacks above the streetwall and required setbacks above the building podium must be open and unobstructed except for:
- a) Eaves, gutters, downspouts, cornices, and other similar features; and
 - b) Balconies, provided that balconies shall:
 - i. Be located as shown on Schedule C;
 - ii. Not project more than 1.5 metres in depth past the building wall; and
 - iii. Not be permitted along north building wall.

Parking

- 3.5.5 Surface parking lots are prohibited.
- 3.5.6 The development shall provide one underground, separately accessible parking space, at least 2.4 metres wide and 4.8 metres long, for every:
- a) Four bachelor units, or fraction thereof, contained in an apartment house;
 - b) Three one-bedroom units contained in an apartment house; and
 - c) Dwelling unit in excess of one-bedroom in an apartment house.
- 3.5.7 Provided sufficient parking is provided for the apartment house in accordance with Subsection 3.5.6, surplus parking spaces may be used as commercial parking.
- 3.5.8 Access to the underground parking area shall be located along Wellington Street as shown on Schedule B.
- 3.5.9 The development shall comply with the bicycle parking provisions of the applicable Land Use By-law, as amended from time to time.

Indoor and Outdoor Amenity Space

- 3.5.10 Subject to Subsections 3.5.11 and 3.5.12, the apartment house building shall provide indoor and outdoor amenity spaces to residents at a rate of 5 square metres per residential unit.
- 3.5.11 An interior amenity space may be provided on the building's rooftop, in conjunction with the mechanical penthouse as generally shown on Schedule C.
- 3.5.12 Additional amenity spaces may include, but are not limited to unit patios, unit balconies, rooftop gardens, rooftop patios, fitness rooms, and community rooms.

Required Yard on Wellington Street

- 3.5.13 As shown on Schedule D, the required front yard, fronting onto Wellington Street, shall contain:
- a) A combination of soft landscaping materials and hard landscaping materials; and
 - b) Planter boxes, containing soft landscaping or vegetation.

Landscaping and Privacy Fencing

- 3.5.14 The rear yard, both side yards and outdoor rooftop amenity space shall be landscaped as follows:
- a) The side yards shall incorporate soft landscaping materials;
 - b) At least 50% of the rear yard shall be hard or soft landscaped;
 - c) Landscaped areas to be used for outdoor amenity space or walkways may include hard landscaping materials such as pavers, tile or wood; and
 - d) An opaque fence, measuring 1.8 metres in height, shall be provided along the full extent of the northern property line.
- 3.5.15 Soft and/or hard landscaping may be provided on any flat roof that:
- a) Exceeds 40 contiguous square metres;
 - b) Has at least one linear dimension exceeding 3.0 metres; and
 - c) Is not required or used for amenity space, architectural features, mechanical equipment, or solar collectors.
- 3.5.16 Areas required for pedestrian access do not need to be landscaped.
- 3.5.17 Prior to the issuance of a Development Permit, the Developer agrees to provide Landscape Plan which complies with the landscaping provisions of this Agreement. The Landscape Plan shall be prepared by a Landscape Architect (a full member, in good standing with Canadian Society of Landscape Architects) and comply with all provisions of this section.
- 3.5.18 Prior to issuance of the first Occupancy Permit, the Developer shall submit to the Development Officer a letter prepared by a member in good standing of the Canadian Society of Landscape Architects certifying that all landscaping has been completed according to the terms of this Agreement.
- 3.5.19 Notwithstanding Subsection 3.5.18 where the weather and time of year do not allow the completion of the outstanding landscape works prior to the issuance of the Occupancy Permit, the Developer may supply a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping. The cost estimate is to be prepared by a member in good standing of the Canadian Society of Landscape Architects. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the work as described herein and illustrated on the Schedules, and as approved by the Development Officer. Should the Developer not complete the landscaping within twelve months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping as set out in this section of the Agreement. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.

Building Foundations

- 3.5.20 Subject to Subsection 3.5.21, an exposed concrete foundation wall shall not exceed 0.6 metres in height above grade.
- 3.5.21 Foundations or enclosed parking structures that are taller than 0.6 metres above grade, shall be clad or architecturally detailed in a manner that compliments the exterior design and materials of the building.

Outdoor Lighting

- 3.5.22 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. Accent lighting of building elements is permitted.

3.6 Additional Requirements

Subdivision of the Lands

- 3.6.1 Prior to the issuance of a Development Permit, a subdivision application to consolidate the Lands shall be submitted to the Development Officer in accordance with the Regional Subdivision By-law. No Development Permit shall be issued until the subdivision plan is approved.

Hours of Operation

- 3.6.2 Deliveries to the building, and the collection of refuse and recyclables, shall occur only between the hours of 7:00am and 10:00pm.
- 3.6.3 Hours of operation shall conform with all relevant Municipal and Provincial legislation and regulations, as may be amended from time to time.

Maintenance

- 3.6.4 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.

Temporary Buildings

- 3.6.5 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.

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.

4.2 Off Site Disturbance

- 4.2.1 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 Stormwater Management Plans and Erosion and Sedimentation Control Plan

- 5.1.1 Prior to the commencement of any site work on the Lands, including earth movement or tree removal other than that required for preliminary survey purposes, or associated off-site works, the Developer shall:

- (a) Submit to the Development Officer a detailed Site Disturbance Plan, prepared by a Professional Engineer indicating the sequence and phasing of construction and the areas to be disturbed or undisturbed;
- (b) Submit to the Development Officer a detailed Erosion and Sedimentation Control Plan prepared by a Professional Engineer in accordance with the Erosion and Sedimentation Control Handbook for Construction Sites as prepared and revised from time to time by Nova Scotia Environment. Notwithstanding other sections of this Agreement, no work is permitted on the Lands until the requirements of this clause have been met and implemented. The Erosion and Sedimentation Control Plan shall indicate the sequence of construction, all proposed detailed erosion and sedimentation control measures and interim stormwater management measures to be put in place prior to and during construction; and
- (c) Submit to the Development Officer a detailed Site Grading and Stormwater Management Plan prepared by a Professional Engineer.

5.1.2 All private storm water facilities shall be maintained in good order in order to maintain full storage capacity by the owner of the lot on which they are situated.

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) The granting of an extension to the date of commencement of construction as identified in Subsection 7.3.1 of this Agreement; and
 - b) 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 6 years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law.
- 7.3.2 For the purpose of this section, commencement of development shall mean the issuance of a Building Permit.
- 7.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 6.1(a), 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 phases of the development, Council may review this Agreement, in whole or in part, and may:
- a) Retain the Agreement in its present form;
 - b) Negotiate a new Agreement;
 - c) Discharge this Agreement; or
 - d) For those portions of the development which are completed, discharge this Agreement and apply appropriate zoning pursuant to the 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 10 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.

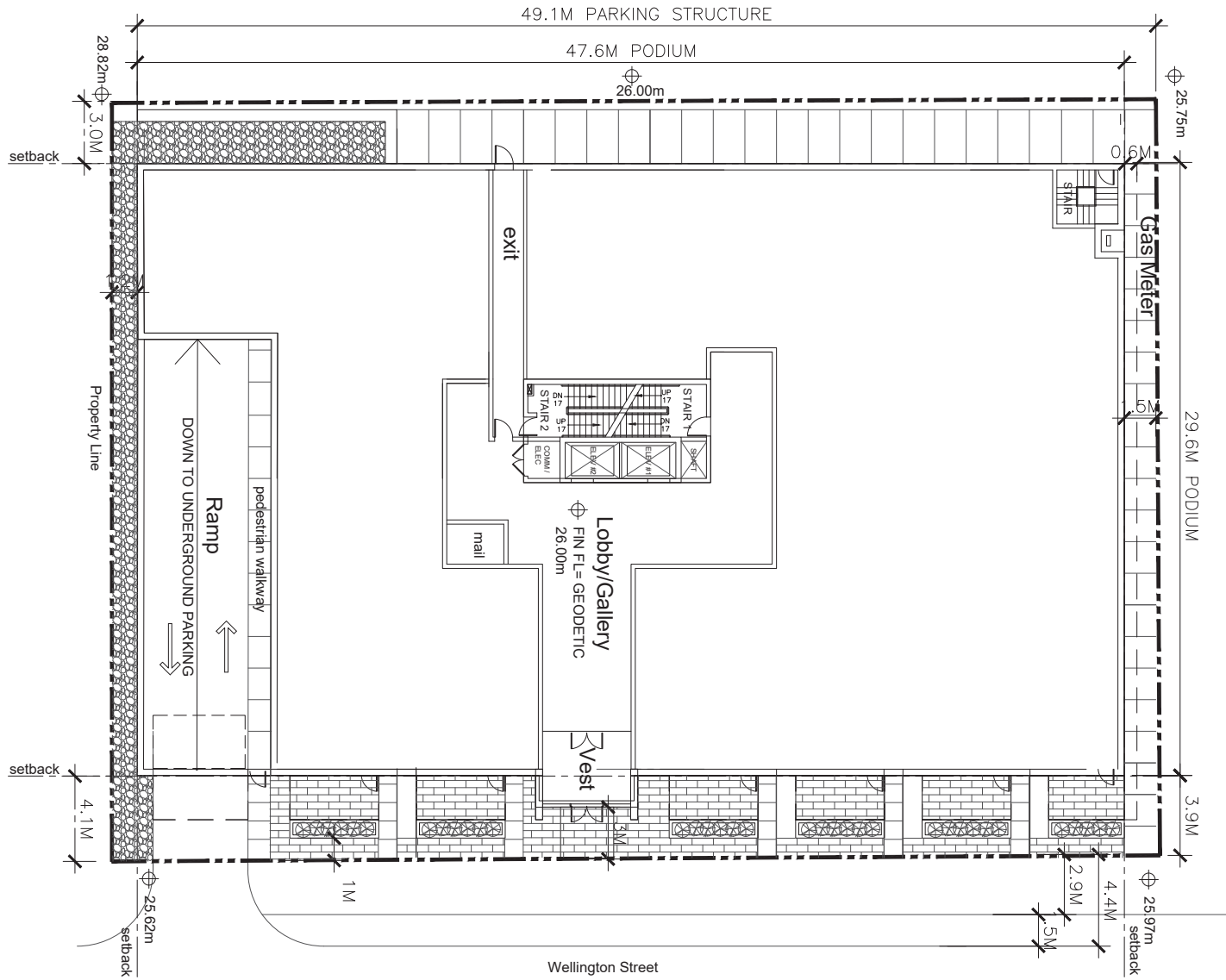
A Commissioner of the Supreme Court
of Nova Scotia

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: Site Plan



LYDON LYNCH

401 - 1668 BARRINGTON STREET
 HALIFAX, NOVA SCOTIA B3J 2A2
 902-422-1446 LYDONLYNCH.CA



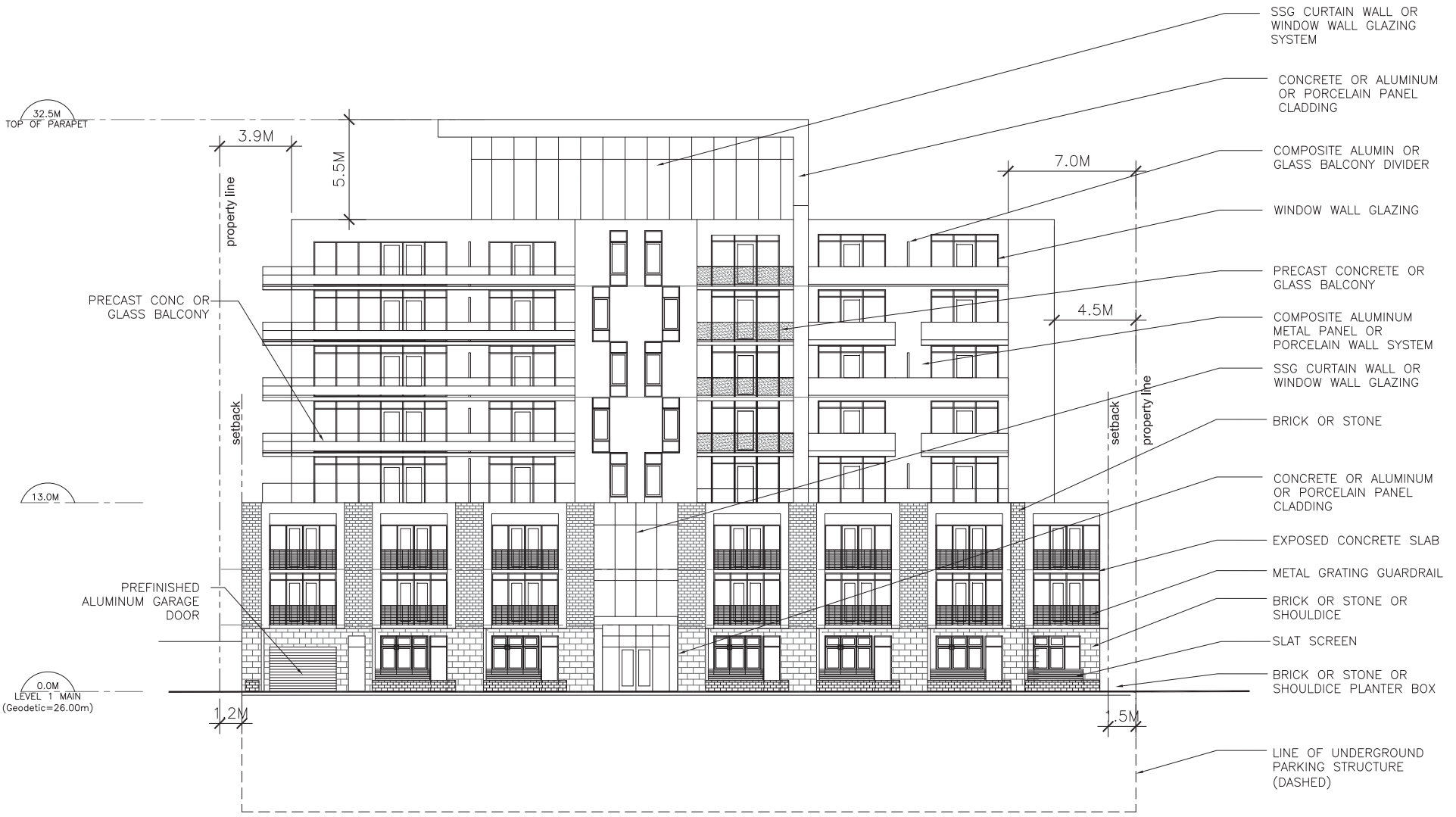
PROJECT NAME:
 WELLINGTON APARTMENTS

DRAWING TITLE:
 SITE PLAN
 SCHEDULE B

DATE: 2019.02.08
 SCALE: 1/8" = 1'-0"
 PROJ.#: 16008

DRAWING #:
A02

Schedule C: Building Elevations



1 EAST ELEVATION
1/8" = 1'-0"

LYDON LYNCH

401 - 1668 BARRINGTON STREET
HALIFAX, NOVA SCOTIA B3J 2A2
902-422-1446 LYDONLYNCH.CA

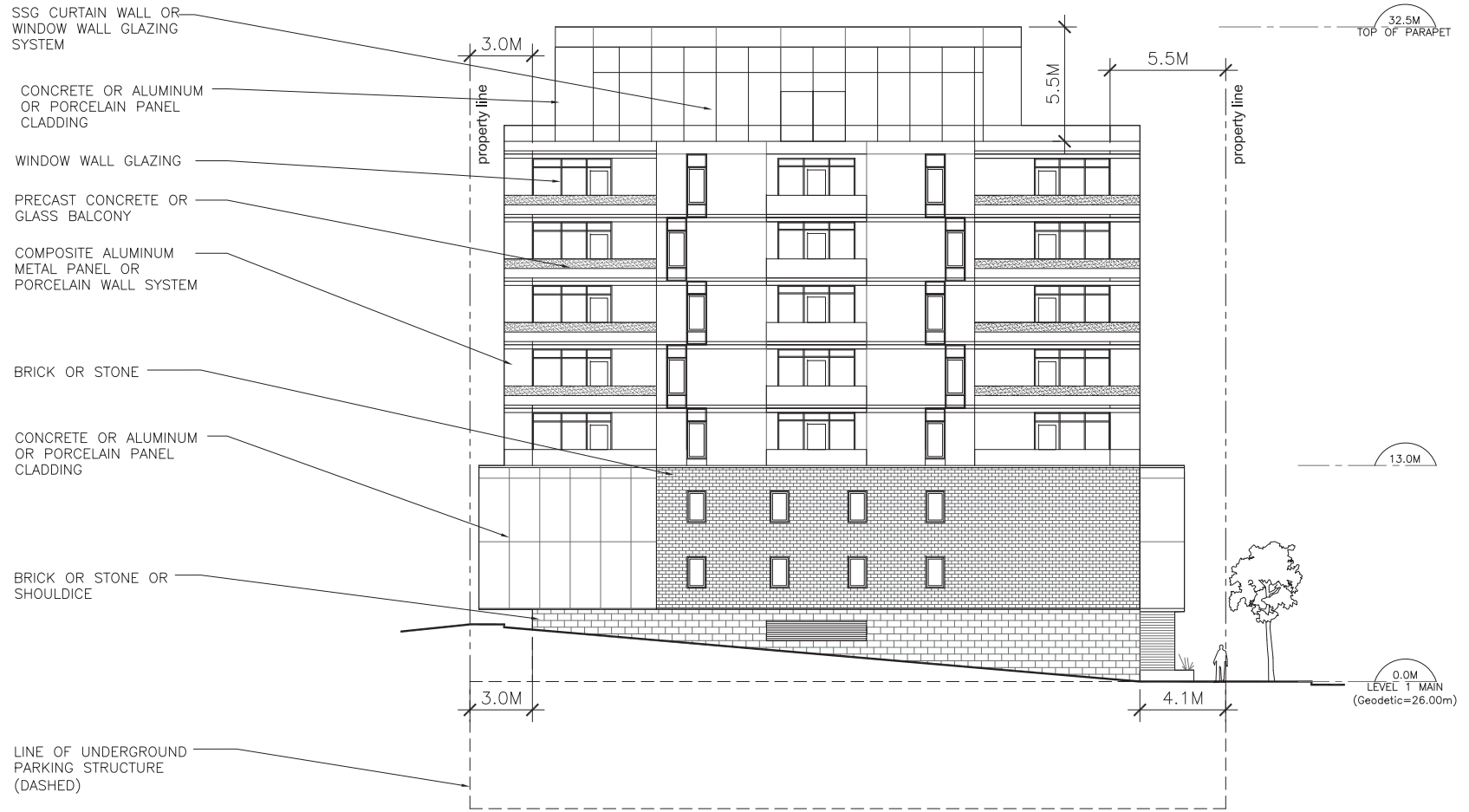
PROJECT NAME:
WELLINGTON APARTMENTS

DRAWING TITLE:
EAST ELEVATIONS
SCHEDULE C

DATE: 2019.02.15
SCALE: 1/8" = 1'-0"
PROJ.#: 16008

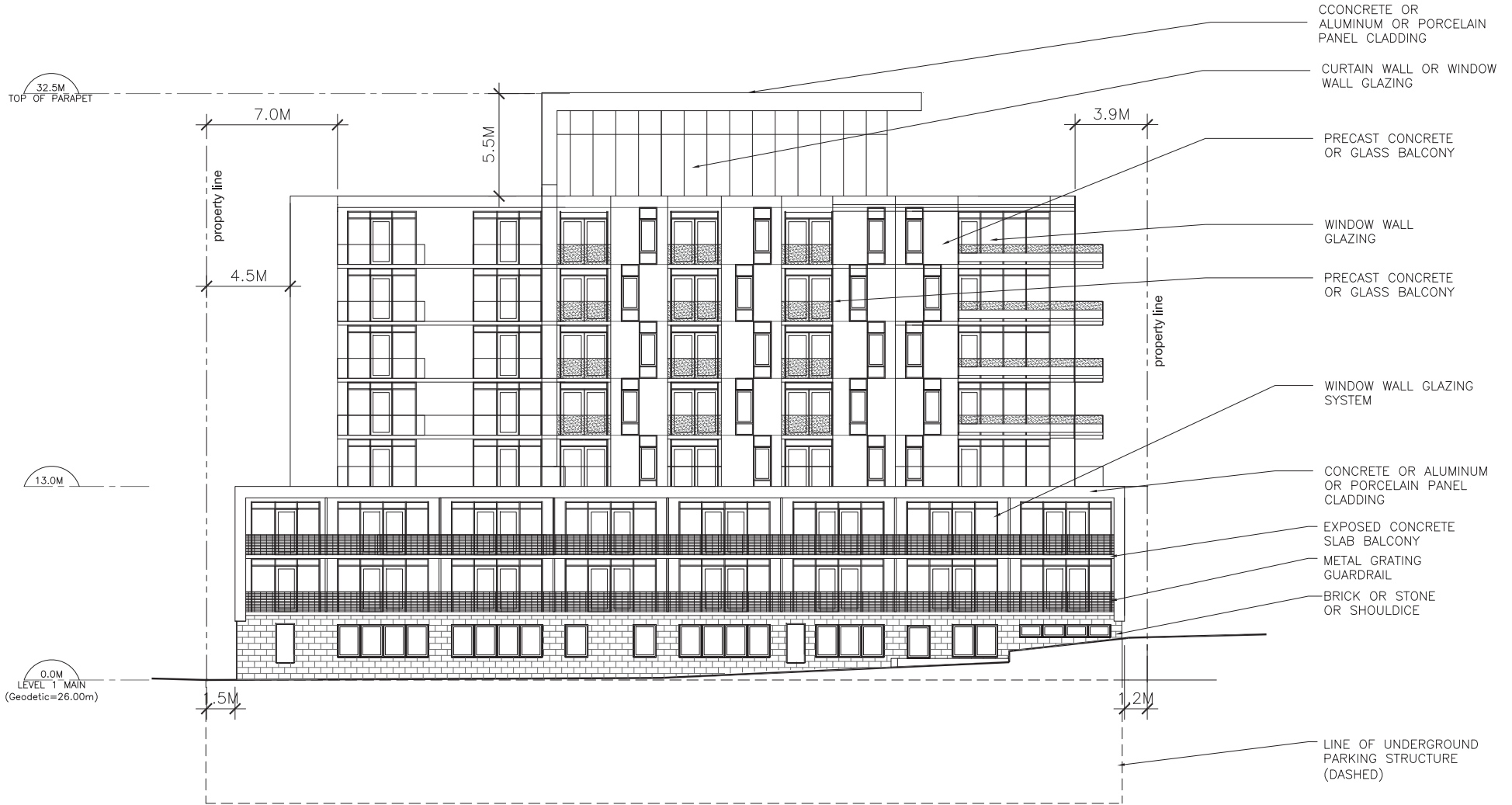
DRAWING #:
A05

Schedule C: Building Elevations



1 SOUTH ELEVATION
1/8" = 1'-0"

Schedule C: Building Elevations



1 WEST ELEVATION
1/8" = 1'-0"

LYDON LYNCH

401 - 1668 BARRINGTON STREET
HALIFAX, NOVA SCOTIA B3J 2A2
902-422-1446 LYDONLYNCH.CA

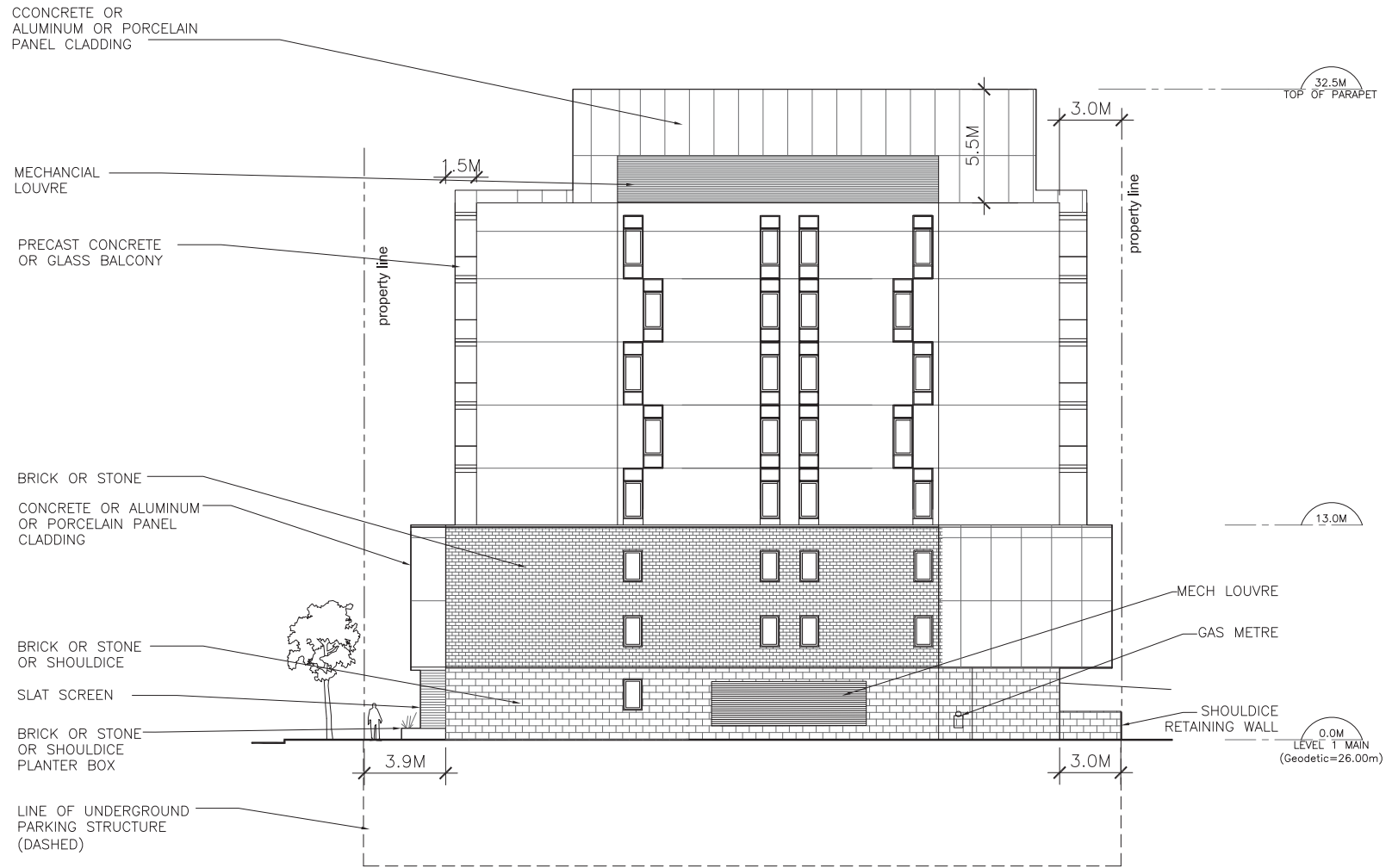
PROJECT NAME:
WELLINGTON APARTMENTS

DRAWING TITLE:
WEST ELEVATION
SCHEDULE C

DATE: 2019.02.15
SCALE: 1/8" = 1'-0"
PROJ.#: 16008

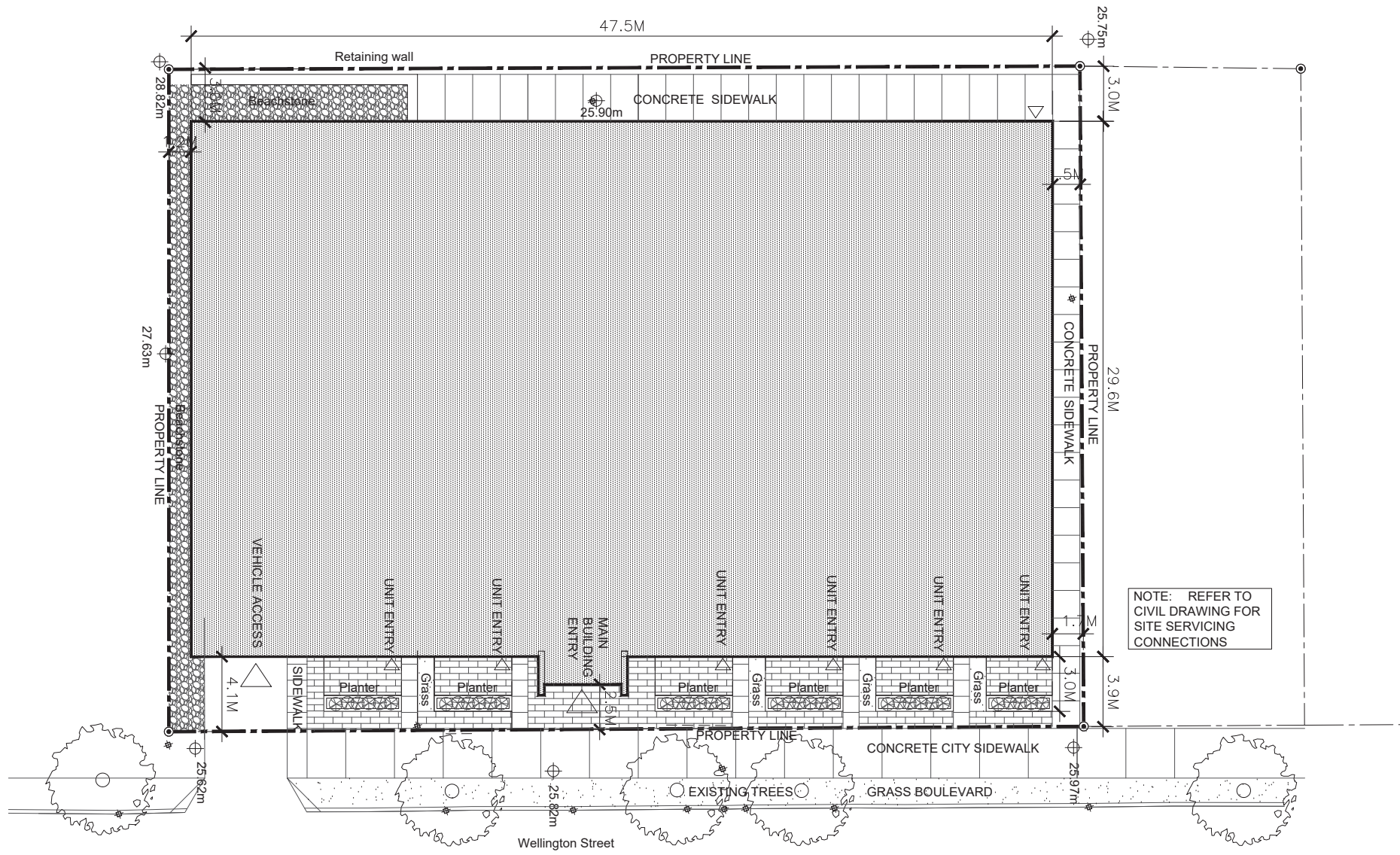
DRAWING #:
A06

Schedule C: Building Elevations



1 NORTH ELEVATION
1/8" = 1'-0"

Schedule D: Landscaping Plan



NOTE: REFER TO CIVIL DRAWING FOR SITE SERVICING CONNECTIONS



401 - 1668 BARRINGTON STREET
 HALIFAX, NOVA SCOTIA B3J 2A2
 902-422-1446 LYDONLYNCH.CA



PROJECT NAME:
 WELLINGTON APARTMENTS

DRAWING TITLE:
 LANDSCAPE PLAN
 SCHEDULE D

DATE: 2019.02.08
 SCALE: 1/8" = 1'-0"
 PROJ.#: 16008

DRAWING #:
A01



**Attachment D: Public Information Meeting Minutes
April 19, 2018**

PRESENT: Sarah MacDonald, Chair
Matthew Novak
Deputy Mayor, Wayne Mason
Councillor Lindell Smith
Jason Cooke
Houssam Elokda
Grant Cooke

REGRETS: Ashley Morton
Margo Grant
Jeana MacLeod, Vice Chair

STAFF: Tyson Simms, Planner
Alden Thurston, Planning Technician
Keith Tuffs, Applicant
Sharon Chase, Legislative Assistant, Office of the Municipal Clerk
Hannah Forsyth, Legislative Support, Office of the Municipal Clerk

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

The agenda, supporting documents, and information items circulated to the Committee are available online at Halifax.ca

The meeting was called to order at 7:01 p.m. and the Committee adjourned at 8:58 p.m.

1. CALL TO ORDER

The Chair called the meeting to order at 7:01 p.m. at the Westin Hotel- Harbour Suites A/B 1181 Hollis Street, Halifax NS.

The Chair introduced the Committee and outlined the schedule of the evening and the importance of the public feedback.

2. PUBLIC INFORMATION MEETING

Case 20774 - Application by Lydon Lynch Architects to amend the Halifax Peninsula Municipal Planning Strategy and Land Use By-law to allow an 8-storey multiple-unit residential building at 1110-1132 Wellington Street, Halifax.

The Chair invited Tyson Simms, Planner, to present Case 20774. Simms outlined the planning process and application so far. Simms explained that the committee will review the input collected today and incorporate it into their evaluation. The proposal is an 8-storey residential development with 101 units, that are a mix of one and two bedrooms. Simms gave an overview of the context of the proposed development and surrounding area. The relevant land use by-laws and Council's past concerns were explained.

The Chair invited Keith Tuffs, Applicant, to present the building proposal. Tuffs presented a short video of the entire project and provided commentary on the site. Tuffs explained how the design project aligns with city requirements and how architectural breaks give the building character. Tuffs stated that a 3-storey podium is to maintain street wall continuity and the streetscape with town house elements. No street parking is in the planning, with underground parking available.

The Chair clarified the rules of the question and answer and the format for a productive feedback session before opening the floor to comments from the public.

Chris Annand, Wellington Street shared concerns around increasing the density and that a 5 to 6 storey building is preferred. The town house style is appreciated but more human scale is needed. A 73% lot coverage is felt to be too high in the area, and it reflects an intensely urban area, not a residential street. Annand noted that the destruction of 4 to 5 trees will ruin the tree canopy and it will take ten to fifteen years for the new saplings to mature. Annand also noted that family size units should be considered for families to move into the area.

Brett Ryan, Wellington Street noted that the current buildings in the proposed area are not well kept and that parking is an issue on the street. Ryan suggested that green technology be used in the development when possible.

Bobbi-Lynn Keating, Peter Green Hall Children's Centre shared that a children's playground is south of the tower. Keating stated that urban development is welcomed, as are families to the south end.

Mary MacDonald, Wellington Street shared that the street is short and a two-block area. MacDonald viewed the development as a "spot development" in the middle of a short street. MacDonald noted that the proposal has an urban look with no landscaping and it does not fit in a residential neighbourhood given the lack of greenery and setbacks.

George Soumi, Wellington Street shared that they are looking to move into a new development on a quiet street and would move into this development.

Pat Whitman, Wellington Street shared concerns with the height of 8 storeys and the mass that would cause a loss of sunlight. Whitman asked if the mechanical room was a ninth floor and if the utilities would

be underground. Whitman noted that hospital parking overflows onto Wellington, and that a parking restriction should be included. Moving the garage entrance to the north side to avoid the children's care centre was also suggested.

Chris Beaumont, Fenwick/Wellington Street stated that the gross floor area ratio is 5.5 by their estimates and that the 9 storey development overloads the lot. Beaumont stated that the development does not align with the Centre Plan and that it is 1.6 times the recommended size.

Becky Jamieson, Fenwick/Wellington Street stated that the gross floor area ratio is excessive and that the development is still a solid mass along the street instead of driveways and a green space. Jamieson noted that a wind tunnel would be an issue on the south side and a 4 to 6 storey building would be appreciated and compatible with guidelines.

Madge Skinner, Victoria Road asked if bicycle parking would be available underground and outside. Skinner also noted that there should be a garbage designated room for compost and sorting. Skinner also suggested a 4 feet walkway between buildings instead of the 3 feet of walkway.

Danni Spire, Halifax noted that bicycles are an important consideration and the town house style is appreciated.

Michael McCurdy, Victoria Road stated that the underground entrance to parking is dangerous and raised concerns with parents dropping off their children at Peter Green Hall.

Susan McCurdy, Victoria Road raised concerns over the lack of green space with little setback. McCurdy stated that the development would overpower the neighbourhood.

Oriel MacLellan, Wellington Street raised concerns with the liveability of the neighbourhood. MacLellan noted that there is not enough setback and bicycle parking is needed.

Doug Kirkaldy, Wellington Street stated that the development should be 4 or 6 storeys and the length of construction should be noted.

Armani Nosoveli, Halifax stated that the development will bring young people and families to Halifax and that parking is something that everyone must deal with as a city.

Adam Conter, Halifax stated that street parking is a problem and supports underground parking. Conter noted that adding density is a good thing, and that the development will make an unaffordable area affordable.

Debbie White, Halifax noted the high demand of the area and the poor upkeep of the older homes on the street. White stated that the underground parking will help with the parking problems on the street.

Nina Power, Halifax shared that as a senior they would like to live in a small unit.

Marie Louise, Halifax shared that the development is too big for the lot and that the gross floor area ratio exceeds what is acceptable.

Samuel Rudd, Halifax noted that the street is currently not well taken care of and that the development is appropriate and needed in the city.

Brian Taylor, Halifax stated that the development would be an asset to the community.

Dhual Joshi, Halifax shared concerns over parking and would appreciate use of the underground parking.

Jay Vyas, Halifax stated that downtown living has become unaffordable for the average family and increased density will drive business activity as well.

Ziyan Xiong, Halifax stated that there are not many housing options for international students when they first arrive to Halifax. Current affordable apartments are outdated and in poor repair.

Gurpreet Singh, Halifax stated that his family must live outside of the downtown, despite working downtown, because there are not enough good accommodation options.

Grishma Chokshi, Halifax shared that the houses on the current lot are run down and the development would be an improvement.

Hussain Maboud, Halifax stated that Halifax needs to grow and if the city wants more people it needs more apartments.

Sreejata Chatterjee, Halifax stated that there is a lack of luxury apartments in the south end and renters should be welcomed. Chatterjee noted that rental prices are too high, and more competition will bring the prices down.

Keith Tuffs responded to a few questions and noted that the application was put forth because there is a demand for the housing. Tuffs stated that the floor area ratio of 3.5 and further densities will be coming. The applicant noted that there will be mirrors on the parkade for added safety and that for every tree removed, two to four additional trees will be planted or a financial compensation made to the city.

Tyson Simms noted that concerns over guest parking, Airbnb use, the floor area ratio, setbacks and property lines will all be considered by staff.

The Chair clarified contact information and comment cards for feedback and thanked the community for attending the Public Information Meeting.

3. ADJOURNMENT

The meeting adjourned at 8:58 p.m.

Hannah Forsyth
Legislative Support

ATTACHMENT E
Policy Review of Proposed Development Agreement

Policy 7.2.1 Development Agreement Provisions

The Land Use By-law for Halifax Peninsula shall be amended to identify that multiple-unit residential development may be considered by development agreement for the properties located at 1110-1132 Wellington Street.

(1) Notwithstanding other policies of this Municipal Planning Strategy except 7.2.1(2), a development agreement for the property located at 1110, 1116, 1120, 1122, 1126A/1126B/1126C and 1130/1132 Wellington Street shall:

Policy Criteria	Comment
<i>a) permit a multiple unit residential building;</i>	Subsection 3.3.1 of the development agreement permits residential multiple unit uses within a single building.
<i>b) require a mix of residential unit types;</i>	Subsection 3.3.2 of the development agreement requires that at least one quarter of the total number of dwelling units contain two or more bedrooms.
<i>(c) restrict building height to a maximum of 8 storeys, plus penthouse(s);</i>	Subsection 3.4.2 of the development agreement states that no building shall be constructed that exceeds the maximum height framework listed in Schedule C. Schedule C clearly denotes the tallest portion of the building as eight storeys tall (plus penthouses).
<i>d) require that the building is oriented towards Wellington Street;</i>	Subsection 3.4.1 of the development agreement states that the proposed building shall be sited as shown on Schedule B. Schedule B clearly denotes that the proposed building is to be oriented towards Wellington Street.
<i>e) restrict streetwall height to a maximum of 3 storeys along Wellington Street;</i>	Subsection 3.4.13 of the development agreement requires that the streetwall be a maximum of 3 storeys.
<i>f) restrict the building's podium height to a maximum of 3 storeys;</i>	Subsection 3.4.13 of the development agreement requires that the building podium be a maximum of 3 storeys.
<i>g) restrict development to a minimum setback of 1.5 metres from the Wellington Street lot line;</i>	Subsection 3.4.7 of the development agreement requires that the streetwall be setback 4.1 metres from the Wellington Street lot line.
<i>h) require landscaping and fencing along the northern lot line;</i>	Subsection 3.5.14 of the development agreement requires a combination of landscaping and fencing along the northern property line. Section 3.5.14(d) requires the installation of a wooden opaque fence along the full extent of the northern property line.

<p><i>i) require indoor and outdoor amenity space for on-site residents;</i></p>	<p>Subsection 3.5.10 of the development agreement requires indoor and outdoor amenity space to on-site residents at a rate of 5 square metres per residential unit. Subsection 3.5.12 of the development agreement allows for various forms of amenity space including: patios, unit balconies, rooftop gardens, rooftop patios, fitness rooms and community rooms.</p>
<p><i>j) regulate streetwall massing, external building design, cladding materials, design of at-grade residential units, front yard landscaping and the planting of vegetation; and</i></p>	<p>The development agreement regulates streetwall and external building design; restricts the cladding materials that are suitable for the building; requires at-grade residential units to open onto a porch or patio, and mandates that the ground floor be set above sidewalk grade; requires that the front yards contain a combination of hardscaping, landscaping, and planters. These features will allow the building to more effectively satisfy the planning principles listed in Section 2.</p>
<p><i>k) permit underground parking.</i></p>	<p>Subsection 3.5.5 of the development agreement prohibits surface parking lots. Subsections 3.5.6 to 3.5.9 of the development agreement contain list requirements for underground parking. The development agreement states that bicycle parking provisions shall adhere to the provisions of the applicable Land Use By-law.</p>
<p><i>(2) In addition to meeting the requirements of Policy 7.2.1(1) a) to k) inclusive, when considering a development agreement for the property located at 1110, 1116, 1120, 1122, 1126A/1126B/1126C and 1130/1132 Wellington Street, Halifax, Council shall consider:</i></p>	
<p><i>(a) the planning principles of transition, pedestrian-oriented, human-scale, building design and context sensitive, as described in Section 2; and</i></p>	<p>A detailed review of the planning principles is provided within the staff report. The development agreement contains various regulations to ensure the proposed development generally addresses the subject planning principles.</p>
<p><i>b) the provision of appropriate changes in building size and massing, to create appropriate transitions to surrounding built forms.</i></p>	<p>The Transition principle is discussed at length in the staff report. The development agreement contains regulations and Schedules, which incorporate design features (e.g., limited streetwall and building podium heights, large horizontal setbacks, fencing, etc.) that create appropriate transitions to surrounding built forms.</p>
<p><i>c) Permitting commercial parking as an accessory use, provided all parking requirements for the primary land use (multiple-unit residential building) are satisfied.</i></p>	<p>Subsections 3.3.1 and 3.5.7 of the development agreement permit commercial parking as an accessory land use, provided all parking requirements for the primary land use are satisfied.</p>

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MEMORANDUM

TO: Chair and Members of the Halifax and West Community Council
CC: Tyson Simms, Planner III, Planning and Development
FROM: Sarah MacDonald, Chair, Halifax Peninsula Planning Advisory Committee
DATE: June 25, 2018

SUBJECT: Case 20774: Wellington Street, Halifax

Application by Lydon Lynch Architects, on behalf of Banc Investments Limited, to amend the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law to allow an 8 storey multiple unit dwelling at 1110-1132 Wellington Street, Halifax.

The Halifax Peninsula Planning Advisory Committee considered Case 20774 at their June 25, 2018 meeting. The following motion was put forth by the Committee:

That the Halifax Peninsula Planning Advisory Committee recommends that the Halifax & West Community Council not proceed with the approval of Case 20774.

The committee also:

- **Believes that the proposal does not align enough with the recommendations of the Centre plan to be considered;**
 - **Centre plan recommends 4-6 stories in height with a FAR of 3.5; the proposal is 9 stories with a FAR of 5.16.**
- **Believes that the proposal has not presented sufficiently special circumstances or public benefits to warrant the exceptions to the Centre Plan principles;**
- **Feels that the proposal does not offer significant enough step-backs and other features to improve pedestrian experience along the street;**
- **Appreciates the design of the top floor and significant amenity space available to all residents; and**
- **Encourages Halifax & West Community Council to consider what benefits to the public could be offered in exchange for exceptions to the Centre Plan principles in future proposals.**

This motion has been provided to HRM planning staff and will be addressed in their report to the Halifax & West Community Council.

Office of the Municipal Clerk

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