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Item No. 12.3
Halifax Regional Council
April 30, 2019
May 21, 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: April 10, 2019

SUBJECT: **Case 20577: Amendments to the Municipal Planning Strategy for Halifax and Land Use By-law for Halifax Peninsula, and a proposed development agreement to enable an eight-storey building (plus penthouse) on the lands fronting Robie Street, Cunard Street, and Compton Avenue, Halifax**

ORIGIN

April 9, 2019 meeting of Halifax and West Community Council, Item 13.1.3.

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 (MPS) for Halifax and the Land Use By-law (LUB) for Halifax Peninsula, as set out in Attachments A and B of the staff report dated March 22, 2019, to allow for an eight-storey (plus penthouse) mixed-use building by development agreement at 2180 Robie Street, 2178 Robie Street, 2176 Robie Street, 2166 Robie Street, 2164 Robie Street, 2162 Robie Street, 6020 Cunard Street, 6018 Cunard Street, 6014 Cunard Street, and 6025 Compton Avenue, Halifax, and schedule a joint public hearing;
2. Adopt the proposed amendments to the Halifax MPS and the Halifax Peninsula LUB, as set out in Attachments A and B of the staff report dated March 22, 2019.

BACKGROUND

At their April 9, 2019 meeting, Halifax and West Community Council considered the staff report dated March 22, 2019 regarding Case 20577: Amendments to the Municipal Planning Strategy for Halifax and Land Use By-law for Halifax Peninsula, and a proposed development agreement to enable an eight-storey building (plus penthouse) on the lands fronting Robie Street, Cunard Street, and Compton Avenue, Halifax.

For further information, refer to the staff report dated March 22, 2019. (Attachment 1)

DISCUSSION

Halifax and West Community Council considered the staff report dated March 22, 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 March 22, 2019.

For further discussion on this item, refer to the staff report dated March 22, 2019. (Attachment 1)

FINANCIAL IMPLICATIONS

For information on the financial implications relating to this item, refer to the staff report dated March 22, 2019. (Attachment 1)

RISK CONSIDERATION

For information on the risk considerations relating to this item, refer to the staff report dated March 22, 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 March 22, 2019. (Attachment 1)

ENVIRONMENTAL IMPLICATIONS

For information on the environmental implications relating to this item, refer to the staff report dated March 22, 2019. (Attachment 1)

ALTERNATIVES

Halifax and West Community Council did not provide alternatives.

Refer to the staff report dated March 22, 2019. (Attachment 1) for alternatives.

ATTACHMENTS

Attachment 1 - Staff report dated March 22, 2019.

Attachment 2 - Memorandum from the Chair of the Halifax Peninsula Planning Advisory Committee

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
Halifax, Nova Scotia
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Item No. 13.1.3
Halifax and West Community Council
April 9, 2019

TO: Chair and Members of Halifax and West Community Council

-Original Signed-

SUBMITTED BY:

Steve Higgins, Acting Director, Planning and Development

-Original Signed-

Jacques Dubé, Chief Administrative Officer

DATE: March 22, 2019

SUBJECT: **Case 20577: Amendments to the Municipal Planning Strategy for Halifax and Land Use By-law for Halifax Peninsula, and a proposed development agreement to enable an eight-storey building (plus penthouse) on the lands fronting Robie Street, Cunard Street, and Compton Avenue, Halifax**

ORIGIN

- Application by WM Fares Architects.
- August 1, 2017, 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 Table 2 of the staff report dated July 26, 2017.

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 (MPS) for Halifax and the Land Use By-law (LUB) for Halifax Peninsula, as set out in Attachments A and B of this report, to allow for an eight-storey (plus penthouse) mixed-use building by development agreement at 2180 Robie Street, 2178 Robie Street, 2176 Robie Street, 2166 Robie Street, 2164 Robie Street, 2162 Robie Street, 6020 Cunard Street, 6018 Cunard Street, 6014 Cunard Street, and 6025 Compton Avenue, Halifax, and schedule a public hearing; and

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

It is 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) mixed-use building at 2180 Robie Street, 2178 Robie Street, 2176 Robie Street, 2166 Robie Street, 2164 Robie Street, 2162 Robie Street, 6020 Cunard Street, 6018 Cunard Street, 6014 Cunard Street, and 6025 Compton Avenue, Halifax. The public hearing for the proposed development agreement shall be held concurrently with the public hearing referenced in Recommendation 1.

Contingent upon 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) mixed-use building at 2180 Robie Street, 2178 Robie Street, 2176 Robie Street, 2166 Robie Street, 2164 Robie Street, 2162 Robie Street, 6020 Cunard Street, 6018 Cunard Street, 6014 Cunard Street, and 6025 Compton Avenue, Halifax, which shall be substantially of the same form as contained in Attachment C of this report; and
5. Require the proposed 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

WM Fares Architects have applied to amend the Municipal Planning Strategy (MPS) for Halifax and Land Use By-law (LUB) for Halifax Peninsula to permit the proposed development on the properties located at 2180 Robie Street, 2178 Robie Street, 2176 Robie Street, 2166 Robie Street, 2164 Robie Street, 2162 Robie Street, 6020 Cunard Street, 6018 Cunard Street, 6014 Cunard Street, and 6025 Compton Avenue, Halifax. The proposed development, which cannot be considered under existing policy and regulations, includes the following features:

- An eight-storey mixed-use building (plus penthouse);
- Five-storey streetwall facing Robie Street;
- Three-to-four-to-five-storey streetwall facing Cunard Street;
- Three-storey streetwall facing Compton Avenue;
- Rear stepback at the third storey, and additional rear stepback at the fourth-and-fifth storeys;
- Landscaped courtyard, landscaped buffer, and privacy fencing along the western lot line;
- Ground-storey commercial, cultural, and/or work-live uses;
- Approximately 88 residential units, including unit(s) within the penthouse; and
- Approximately 75 underground parking spaces.

Subject Property Details

<i>Location</i>	Robie Street / Cunard Street and Robie Street / Compton Avenue intersections
<i>Subject Site</i>	2180 Robie Street, 2178 Robie Street, 2176 Robie Street, 2166 Robie Street, 2164 Robie Street, 2162 Robie Street, 6020 Cunard Street, 6018 Cunard Street, 6014 Cunard Street, and 6025 Compton Avenue, Halifax
<i>Regional Plan Designation</i>	Urban Settlement
<i>Community Plan Designation (Map 1)</i>	MDR (Medium-Density Residential)
<i>Zoning (Map 2)</i>	R-2 (General Residential)
<i>Size of Site</i>	Approximately 2136.4 square metres (22,996 square feet)
<i>Street Frontage</i>	Approximately 52.7 metres (173 feet) on Robie Street; 40.8 metres (134 feet) on Cunard Street; and 39.2 metres (128.5 feet) on Compton Avenue
<i>Current Land Use(s)</i>	2180 Robie Street / 6014 Cunard Street contains a mixed-use building. All other properties contain residential dwellings

Surrounding Context

The subject site spans a full block along Robie Street and is bounded by Cunard Street to the north and Compton Avenue to the south. The site contains several buildings ranging from two-to-three storeys in height. The building at the corner of Robie Street and Cunard Street is a mixed-use building, while the remaining buildings contain residential uses.

The built form and character of the surrounding area is largely defined by an established residential neighbourhood consisting of low-to-medium density dwellings. These residential uses are interspersed with small commercial / mixed-use nodes, clustered along intersecting streets to serve local residents. Lastly, The Halifax Commons, a prominent community greenspace, lies to the east across Robie Street. There are, however, some exceptions to these development patterns; the north-east quadrant of the Robie Street / Cunard Street intersection contains three large apartment dwellings (ranging from nine-to-13 storeys in height), while a fourth large-scale apartment dwelling (19 storeys) is located three blocks south of the subject site.

MPS and LUB Context

The subject site is located in the R-2 (General Residential) Zone of the Halifax Peninsula Land Use By-law (LUB). The R-2 Zone permits single-detached dwellings, semi-detached dwellings, and residential buildings with a maximum of four units. As such, the applicant’s proposed development is not permitted as an as-of-

right use. The site is designated Medium Density Residential as per the Peninsula North Secondary Planning Strategy (SPS). The Peninsula North SPS contains no enabling policy to consider the proposed development within the Medium Density Residential designation.

Regional Plan & Centre Plan

The Halifax Regional Municipal Planning Strategy (i.e., 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 several requests for site specific MPS amendments inside the Regional Centre area should proceed, subject to considerations flowing from the June 2017 Centre Plan document. Specifically, Regional Council directed staff to continue to process this application, 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.

According to the June 2017 Centre Plan document, the majority of the subject site is located in 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. Development on a corner lot, however, may exceed six storeys within a *Corridor* provided that appropriate transitions are provided. Conversely, 6025 Compton Avenue (or approximately 15% of the subject site) is located within an *Established Residential Area*. These areas will support 16% of HRM's new residential development by accommodating detached dwellings, auxiliary units, and modest redevelopment opportunities that respect the existing scale, character, and built form of surrounding properties.

The proposed development's alignment with the June 2017 Centre Plan document's direction for *Corridors* and *Established Residential Areas* and key planning principles is 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 proposed amendments to the MPS and LUB; and
- (b) Secondly, Halifax and West Community Council must consider and, if deemed appropriate, approve a proposed development agreement.

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

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy, the HRM Charter, and the alternative public participation program approved by Regional Council on August 1, 2017. The approved public participation program included a webpage, signage posted on the subject site, and a public information meeting (PIM). Attachment D contains a copy of the minutes from the PIM meeting, which was hosted by the Halifax Peninsula Planning Advisory Committee on October 11, 2017. The public comments include the following:

- Some attendees liked the proposed development, yet many stated that it may be better suited for another site.
- Many attendees stated that the building is too large (in terms of height, massing, and residential density) for the subject site and surrounding neighbourhood.
- Several attendees believed that the proposal offers an insufficient transition to the existing low-density dwellings north of the subject site. Further, many attendees believed that the proposal lacks context-sensitive design features and, therefore, will have a detrimental impact on the neighbourhood's established character.
- Several attendees noted that the proposal does not enhance the local streetscape and was not designed with pedestrians in mind.
- Many attendees expressed concern about the proposal's impact on local traffic congestion. Another individual noted concerns about the parking garage's placement.

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 the Open House, the proposal was for a 13-storey building. The proposal was subsequently revised (See Revision section below).

An overview of Open House comments pertaining to the subject application are as follows:

- **Form** - Many participants considered this proposal too tall and would prefer to see a height of four-to-eight storeys for this site. Some suggested that the design could be improved by articulating the streetwall and incorporating stepbacks into the building.
- **Character** - Many respondents felt that this proposal does not fit with the surrounding neighbourhood, and that heritage homes should not be bulldozed for the sake of this building.

- **Streetscape** - Some participants mentioned the need for more green space and public amenities at grade, as well as wider sidewalks. It was suggested that sightlines be improved for cars turning right onto Robie using larger setbacks.
- **Process** - Comments urge that Council wait for the Centre Plan and stick to the height rules. Some participants commented that this benefits the developer and not the community.

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 January 22, 2018. The HPPAC passed a motion recommending that Halifax & West Community Council approve the application, subject to a list of considerations. The HPPAC valued the proposed residential density, *townhouse transition* along Compton Avenue, central courtyard, façade detailing and overhangs that help enhance the pedestrian environment. Conversely, the HPPAC had concerns about the courtyard's shortage of amenities, the building's massing near the Robie / Cunard intersection, and abrupt height changes along Cunard Street.

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

REVISIONS

The applicant originally sought a thirteen-storey mixed-use building, however, the proposal was reduced to eight storeys following the December 2016 Open House. Since that time, the applicant made additional revisions in an effort to respond to public / HPPAC feedback and better align with Regional Council's planning principles (See Discussion Section); the proposal was revised following the August 2017 PIM, and again after the January 2018 HPPAC meeting. The most notable changes from this period are as follows:

- The front yard setbacks on Robie Street, Cunard Street, and Compton Avenue have increased from 0 metres to 1.5 metres;
- The Cunard Street streetwall has a more gradual height transition approaching the western lot line. The streetwall now possess two height reductions (i.e., five storeys - four storeys - three storeys) as opposed to one (i.e., five storeys - four storeys);
- The courtyard's depth has reduced from approximately 15.8 metres to 12.7 metres;
- A landscape buffer and privacy fencing have been added along the western lot line;
- The building facades have been modified;
- An accent feature and coloured spandrel has been added to the façade near the Robie Street / Cunard Street intersection; and
- The Introduction of residential unit(s) into the rooftop penthouse.

DISCUSSION

The MPS is a strategic policy document that sets out the goals, objectives and direction for long-term growth and development in the municipality. 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

Regional Council directed staff to continue to process a development proposal on the subject site in accordance with two key criteria; the first being the June 2017 Centre Plan document, which classifies the majority of the subject site as a *Corridor* and a small portion as an *Established Residential Area*. Staff advise that the proposal generally aligns with the document's direction pertaining to Urban Structure, Height

and Floor Area Ratio.

Urban Structure

The June 2017 Centre Plan document states that redevelopment, mixed-used buildings in particular, is encouraged within a *Corridor*. Mixed-use development, in addition to new residents, amenities, and transit services, ensures that *Corridors* play a key part in supporting established residential areas and creating complete communities within the Regional Centre.

The applicant has proposed a mixed-use development, which contains active ground floor uses, seven storeys of dwelling units, and a residential penthouse along an HRM transit priority corridor (See HRM Initiatives section). As such, the proposal will bring new housing and employment opportunities to the edge of an established residential area and help enhance transit ridership.

A small portion of the subject site (6025 Compton Avenue) is classified as an *Established Residential Area*, which is intended to support low-density residential uses (e.g., detached dwellings, duplexes, townhouses, etc.) and often characterized by detached homes. While the proposed development, as a whole, more closely resembles *Corridor* development, the intent for this portion of the site is generally consistent with the Urban Structure of an *Established Residential Area*. 6025 Compton Avenue will primarily resemble a townhouse-style development with individual entryways and a maximum height of three storeys.

Height

The June 2017 Centre Plan document states that, *Building heights* – within a *Corridor* - shall not exceed four storeys unless there is sufficient lot depth to accommodate up to six storeys through appropriate design transitions of adjacent buildings, such as building setbacks, horizontal separation and stepbacks. Further, buildings on corner lots may exceed the prescribed height if the applicant demonstrates that a sufficient transition is being provided.

The applicant has proposed an eight-storey building (plus penthouse) on a large corner lot, which incorporates a minimum 1.5 metre setback from all public streets. These setbacks are generally compatible with the front yard setbacks of surrounding properties. The proposed development has a stepback from Robie Street and Cunard Street, two-level stepback from Compton Avenue, and multiple setbacks / stepbacks from the western lot line. Further, the proposal incorporates a landscaped buffer, privacy fencing, and courtyard to help minimize potential land use impacts on abutting properties. A more detailed transition assessment is provided in the proceeding section.

The June 2017 Centre Plan document does not specify a permitted height for *Established Residential Areas*, though detached, semi-detached, and townhouse dwellings typically range between one-and-three storeys in height. As stated, the portion of the proposal within an *Established Residential Area* will primarily be occupied by townhouse-style form, which is a maximum of three storeys in height.

Floor Area Ratio

Within *Corridors*, a Floor Area Ratio (FAR) of 3.5 shall be considered in the development of regulations. There is no FAR direction for *Established Residential Areas*.

The applicant indicated that the proposal has a FAR of 4.2. This FAR was calculated using a hybrid of the June 2017 Centre Plan document's FAR definition and a working definition used by the Centre Plan - Package A. Floor area is measured from the inside building wall, and the calculation does not include balconies, stairwells, elevator shafts, mechanical penthouses, and underground areas. The proposed penthouse is included in this calculation as it contains dwelling units / habitable space, not solely mechanical structures.

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 *Corridor* designation, and a FAR of 3.5 shall be considered in these instances; however, the document also provides a route for taller buildings if key criteria are met (i.e., a corner lot with appropriate transition). When a taller building is

appropriate the proposal will, in turn, produce a larger FAR. As such, the proposal is generally aligns with the document's overall direction for both Height and FAR.

Planning Principles

The second evaluative criteria for this application are the planning principles of transition, pedestrian-oriented human-scale, building design and context-sensitive, 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 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 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.

Staff note that the revised proposal places greater emphasis on addressing the Transition and Context-Sensitive principles than the original design. Overall, the proposal adequately addresses these planning principles.

Transition

The proposed development utilizes a five-storey streetwall along Robie Street - a *Transit Priority Corridor* - and the building's upper storeys are orientated towards Robie Street, away from low-lying residential uses to the west. The streetwalls along both Cunard Street and Compton Avenue have been designed in accordance with each street's established built form and land uses. The Cunard streetwall is five storeys at the Robie Street / Cunard Street intersection, but decreases to four storeys and again to three storeys as the building approaches the western property line. The Compton streetwall is three storeys throughout its entirety, reflecting the street's historical residential form and lessening the impact of the proposal's overall mass.

The proposal contains a one metre setback from the western property line, which is relatively minor for an eight-storey building. This setback, however, is enhanced by a three-storey building podium, which creates compatibility with the abutting two-to-three storey dwellings, and the introduction of a four metre landscape buffer and 1.8 metre privacy fence. Overall, the applicant's proposal adequately addresses the transition principle.

Pedestrian-Oriented

The proposed building is orientated towards the street. The building has a minimum setback of 1.5 metres from all streetlines, and portions of the ground-floor façade along Robie Street and Cunard Street are recessed further. These features help enhance the pedestrian environment: first, the design creates series of overhangs that help protect pedestrians from the elements; and second, the required setback area consists primarily of hard landscaping, thus expanding the pedestrian environment and providing a more-inviting interface with ground-floor commercial uses.

The ground-floor facade along Robie Street and Cunard Street is largely defined by glazing and the presence of numerous commercial and residential entrances, which will help generate activity on the street. The streetwall along Compton Avenue incorporates vertical recessions / protrusions to bring visual interest to the pedestrian environment, while the ground floor contains numerous entrances that mimic low-density residential buildings. Further, the required setback area consists of walkways and vegetated landscaping which creates a more inviting space for pedestrians.

Human-Scale

The proposed building is larger in scale than abutting properties, however, the applicant made efforts to humanize the building. A three-storey streetwall is provided along Compton Avenue, the most sensitive of the three streets. Stepbacks above this streetwall range from 4.7 to 5.8 metres above the third storey, and an additional 2.6 metres above the fifth storey. The Cunard streetwall is three-to-five storeys tall and has stepbacks ranging from 1.7 to 2.6 metres, while Robie has a five-storey streetwall and a 2.5 metre stepback. These features help reduce the building's overall massing and impact on the pedestrian environment.

The Compton Street façade mimics townhouse development, which is generally compatible with the street's traditional uses and pre-existing pedestrian environment.

The Robie and Cunard ground level façades have a uniform design that lacks physical depth / detailing that would optimize vibrancy on the sidewalk, however, the introduction of overhangs and hardscaping along with glazing, storefronts, and multiple entryways help create a positive interface with pedestrians to enhance the environment along the sidewalk.

Building Design

The proposal's architectural composition provides visual interest through the use of horizontal and vertical articulation. All three public façades have positive interfaces with the streetscape. Compton Avenue contains four townhouse-entryways, which blend with the neighbourhood and help reduce the presence of the parking garage, while the remaining facades have numerous storefronts and entryways. From a holistic perspective, the building is broken into horizontal components through a hierarchy of colours: streetwalls contain dark colours / materials, while the upper storeys contain white and light grey building materials / colours. This contrast reduces the building's perceived height.

The proposal blends protrusions, recessions, balconies, and building materials / colours to create vertical rhythm and generate visual interest from the street and the Halifax Common. These features combine to create four unique building walls, particularly above the ground storey. Additionally, the proposal has accent features to highlight the significance of intersections along Robie Street.

Context-Sensitive

The subject site's western lot line abuts an established residential area, and the applicant has taken measures to respect the surrounding context. The proposed development's mass is orientated towards Robie Street, away from the established residential neighbourhood to lessen potential impacts. While the proposal's minimum setbacks only range from one-to-two metres from the western lot line, a large courtyard pushes the central building wall back approximately 12.7 meters from the western lot line, and a fence and four-metre-tall coniferous trees create a buffer. The extremities of the rear building wall are limited to three storeys to enhance compatibility with the abutting residential buildings. Further, the building height increases gradually to four-and-five storeys before ascending to its maximum height near the site's midpoint. 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 (February 23, 2018)

On February 23, 2018, Centre Plan Package A was released for public and committee review. The document provides no direction for 6025 Compton Avenue; however, it indicates that 6020 Cunard Street and 6018 Cunard Street can support a maximum height of 20 metres and a FAR of 3.5, and the remainder of the subject site can accommodate a maximum height of 26 metres and a FAR of 4.25. Given the proposed building's mass is largely oriented towards Robie Street, the proposal is generally consistent with Centre Plan Package A.

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 Robie Street as a *Potential Transit Priority Corridor*; these corridors should incorporate traffic priority 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.

Additional Planning Items

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

- **Traffic Congestion** - The Transportation Impact Statement (TIS) indicates that the proposed development will not significantly impact traffic congestion or the performance of adjacent streets. HRM Engineering Services accepted the applicant's TIS.
- **Shadows** - The subject site is located west of the Halifax Commons. The applicant's shadow analysis drawings indicate that the proposal should not create significant impacts on the Halifax Commons.
- **Wind** - The applicant submitted a letter from a licenced architect, stating that the proposed development is not likely to have any major wind impacts on pedestrian comfort and the building is *relatively low to trigger any wind downwashing to the sidewalk*.

Proposed MPS and LUB Amendments

MPS and LUB amendments are required to permit an eight-storey (plus penthouse) mixed-use 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 Peninsula North – Development Agreement section.

Proposed Development Agreement

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

The proposed DA allows a mix of commercial, cultural, work-live, and multi-residential uses, though commercial uses are limited to the ground storey only. The DA requires that at least one third 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);
- Five-storey streetwall along Robie Street;
- Three-to-four-to-five-storey streetwall facing Cunard Street;
- Three-storey streetwalls along Compton Avenue;
- Western courtyard, landscape buffer, and privacy fencing; and
- Requirements for exterior appearance and building materials.

Setbacks and Stepbacks

- Minimum streetwall setback of 1.5 metres from the Robie Street, Cunard Street, and Compton Avenue lot lines;
- Minimum horizontal stepback of 2.5 metres above the Robie Street streetwall;
- Minimum horizontal stepback of 1.7 to 2.6 metres above the Cunard Street streetwall;
- Minimum horizontal stepback of 4.7 to 5.8 metres above the Compton Avenue streetwall, and a second horizontal stepback on 2.6 metres above the fifth storey;
- Minimum western yard setbacks between 1.2 and 2.1 metres;
- Minimum western yard setback of 10.1 metres above the third storey (abutting Cunard Street);
- Minimum western yard setback of 14.1 metres above the fourth storey (abutting Cunard Street);
- Minimum western yard setback of 8.4 metres above the third storey (abutting Compton Avenue); and
- The western courtyard has a minimum depth of 12.7 metres.

Conclusion

Staff have reviewed the proposal and completed the public participation program approved by Regional Council. This corner lot is primarily located within the *Corridor* designation, as per the June 2017 Centre Plan document, which means the subject site is suitable for a four-plus-storey building provided that appropriate transitions are provided. Conversely 6025 Compton Avenue (or approximately 15% of the subject site) is located within an *Established Residential Area*, which is intended to accommodate low-rise dwellings. The proposed development was designed with these considerations in mind. Staff advise that the proposal generally aligns with the June 2017 Centre Plan document's Urban Structure, FAR, and Height direction.

The proposed development was revised on several occasions; the revised proposal incorporates numerous design features (e.g., compatible streetwall heights, horizontal stepbacks, gradual height reduction along Cunard Street, three-storey building podium and courtyard along the western lot line, 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 creating 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 planning principles. Should Regional Council approve the MPS and LUB amendments, Halifax & West Community Council may render a decision on the proposed development agreement once the MPS and LUB amendments become effective.

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 approved 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 Map and Notification Area

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 (October 11, 2017)
Attachment E Policy Review of Proposed Development Agreement

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: Jesse Morton, Planner II, 902.490.4844

-Original Signed-

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



Map 1 - Generalized Future Land Use

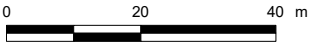
Robie St, Compton Ave
and Cunard St
Halifax

 Subject Properties

Designation

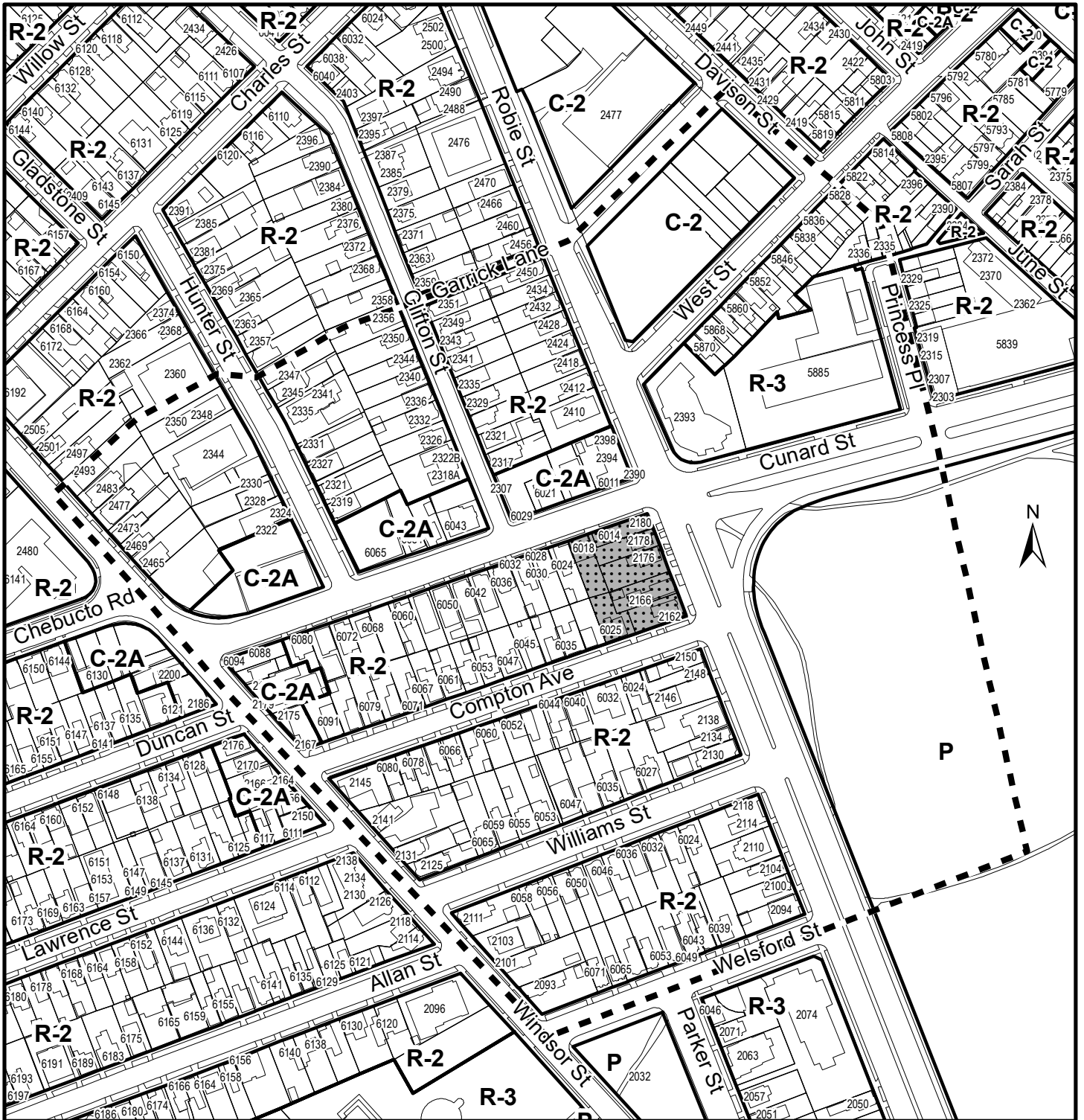
- MDR Medium Density Residential
- HDR High Density Residential
- MJC Major Commercial
- MNC Minor Commercial
- P Park and Institutional

Halifax Plan Area
Peninsula North Secondary 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 Notification

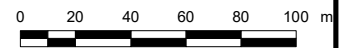
Robie St, Compton Ave
and Cunard St
Halifax

 Subject Properties

Zone	
R-2	General Residential
R-3	Multiple Dwelling
C-2	General Business
C-2A	Minor Commercial
P	Park and Institutional

Halifax Peninsula
Land Use By-Law Area

HALIFAX



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

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

ATTACHMENT A:
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
- 6. Development at Robie Street / Cunard Street / Compton Avenue**

2. By amending Section XVI, to add the following text shown in bold and strikethrough 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; ~~and~~
- b) Development at Chebucto Road / Elm Street / Beech Street, as identified in Section 4; ~~and~~
- d) Development at Robie Street / Cunard Street / Compton Avenue, as identified in Section 6.**

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.

6. DEVELOPMENT AT ROBIE STREET / COMPTON STREET / CUNARD STREET

The properties having street frontage on Robie Street, Cunard Street, and Chebucto Road (2180 Robie Street, 2178 Robie Street, 2176 Robie Street, 2166 Robie Street, 2164 Robie Street, 2162 Robie Street, 6020 Cunard Street, 6018 Cunard Street, 6014 Cunard Street, and 6025 Compton Avenue) is the subject site of a proposal for site-specific planning policy amendments to allow for an 8-storey (plus penthouse) 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 8-storey proposal subject to specific considerations.

6.1 Specific Considerations

The June 2017 Centre Plan Document identifies the majority of the site as a Corridor, which is envisioned to support approximately 21% of new Regional Centre residents. Corridors are an appropriate destination for low (3-storey) to moderate (4-to-6 storey) development that, depending on local conditions, should include ground floor commercial spaces. Development on a corner lot, however, may exceed 6 storeys within a Corridor provided that appropriate transitions are provided.

A small portion (approximately 15%) of the site is located within an Established Residential Area. These areas will support 16% of HRM's new residential development by accommodating low-density dwellings, auxiliary units, and modest redevelopment opportunities that respect the existing scale, character, and built form of surrounding properties.

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.

6.2 Regulating Development

To achieve a development form on the Robie Street / Cunard Street / Compton Avenue 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.

6.2.1 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 Robie Street, Cunard Street, and Compton Avenue.

- (1) Notwithstanding other policies of this Municipal Planning Strategy except 6.2.1(2), a development agreement for the property located at the intersections of Robie Street, Cunard Street, and Compton Avenue 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 commercial uses along the ground storey along Robie Street and Cunard Street;
 - (d) require a mix of residential unit types;
 - (e) restrict building height to a maximum of 8 storeys, plus penthouse(s);
 - (f) require that the 6th, 7th, and 8th storeys and penthouse(s) are orientated towards Robie Street;
 - (g) restrict streetwall height to a maximum of 5 storeys along Robie Street and Cunard Street;
 - (h) restrict streetwall height to a maximum of 3 storeys along Compton Avenue;
 - (i) restrict the building's podium height to a maximum of 3 storeys abutting the western lot line;
 - (j) restrict development to a minimum setback, both above and below grade, of 1.5 metres from the Robie Street lot line;

- (k) require a landscaped buffer and fencing along the western lot line;
 - (l) require indoor and outdoor amenity space for on-site residents;
 - (m) 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
 - (n) permit underground parking.
- (2) In addition to meeting the requirements of Policy 6.2.1(1) a) to n) inclusive, when considering a development agreement for the property located at the intersections of Robie Street, Cunard Street, and Compton Avenue, Halifax, Council shall consider:
- (o) the planning principles of transition, pedestrian-oriented, human-scale, building design and context sensitive, as described in Section 2; and
 - (p) the provision of appropriate changes in building size and massing, to create appropriate transitions to surrounding built forms.

I HEREBY CERTIFY that the amendment to the Municipal Planning Strategy for Halifax as set out above, was passed by a majority vote of the maximum number of members that may be elected to Halifax Regional Council, at a meeting held on the [DATE] day of [MONTH], [YEAR].

GIVEN under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this ___ day of _____, A. D., 20____.

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. By Amending the section PENINSULA NORTH - DEVELOPMENT AGREEMENTS part to insert Subsection 98(4) following Subsection 98(3) as follows:

Intersections of Robie Street, Cunard Street, and Compton Avenue, Halifax (2180 Robie Street, 2178 Robie Street, 2176 Robie Street, 2166 Robie Street, 2164 Robie Street, 2162 Robie Street, 6020 Cunard Street, 6018 Cunard Street, 6014 Cunard Street, and 6025 Compton Avenue)

98(4) Council may, by development agreement, pursuant to Policy 6.2.1 of Section XVI of the Halifax Municipal Planning Strategy, permit a multiple dwelling containing commercial uses.

I HEREBY CERTIFY that the amendment to the Land Use By-law for Halifax Peninsula as set out above, was passed by a majority vote of the maximum number of members that may be elected to Halifax Regional Council, at a meeting held on the [DATE] day of [MONTH], [YEAR].

GIVEN under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this ____ day of _____, A. D., 20____.

ATTACHMENT C:

Proposed Development Agreement

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

BETWEEN:

[Insert Name of Corporate/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 on Compton Street, Cunard Street, and Robie Street, 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 mixed-use, high density residential development on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Section ##, Policy ## of the Municipal Planning Strategy for Halifax and Subsection ## 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 20577;

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

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

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

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

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

1.3 Applicability of Other By-laws, Statutes and Regulations

- 1.3.1 Further to Section 1.2, nothing in this Agreement shall exempt or be taken to exempt the Developer, lot owner or any other person from complying with the requirements of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement), or any statute or regulation of the Provincial/Federal Government and the Developer or Lot Owner agree(s) to observe and comply with all such laws, by-laws and regulations, as may be amended from time to time, in connection with the development and use of the Lands.
- 1.3.2 The Developer shall be responsible for securing all applicable approvals associated with the on-site and off-site servicing systems required to accommodate the development, including but not limited to sanitary sewer system, water supply system, stormwater sewer and drainage system, and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of the Municipality and other approval agencies. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer. All design drawings and information shall be certified by a Professional Engineer or appropriate professional as required by this Agreement or other approval agencies.

1.4 Conflict

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

1.5 Costs, Expenses, Liabilities and Obligations

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

1.6 Provisions Severable

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

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, and 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) "Parapet" means a barrier which is an extension of the wall at the edge of a roof or at the edge of the streetwall;
- d) "Streetwall" means the wall of a building or portion of a wall facing a streetline that is below the height of a specified setback or angular plane, excluding minor recesses for elements such as doorways or intrusions such as bay windows;
- e) "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;
- f) "Streetwall setback" means the distance between the streetwall and the streetline;
- g) "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;
- h) "Streetline" means the lot line between the street and an abutting lot;
- i) "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; and
- j) "Work-live unit" means buildings or spaces within buildings that are used jointly for commercial and residential purposes, where the residential use of the space is equal to or accessory to the primary use as a place of work.

PART 3: USE OF LANDS 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, which form a part of this Agreement and are attached to this Agreement **and filed in the Halifax Regional Municipality as Case Number 20577:**

Schedule A	Legal Description of the Lands(s)
Schedule B	Site Plan & Building Height Framework
Schedule C	Elevations & Streetwall Framework

Schedule D Landscape Buffer & Fencing Cross Section
Schedule E 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, 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.
- 3.2.3 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 3.5.19 of this Agreement.
- 3.2.4 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.
- 3.2.5 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 3.5.20:
- 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.
- 3.2.6 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 through 3.3.6, the use(s) of the Lands permitted by this Agreement are:
- a) An apartment house (multiple dwelling);
 - b) The following uses on the ground storey only:
 - i. Commercial recreation uses;
 - ii. Cultural uses;
 - iii. Daycares;
 - iv. Institutional uses;
 - v. Medical clinics and medical offices;

- vi. Office uses;
 - vii. Personal and professional services; and/or
 - viii. Restaurants and licensed alcohol establishments, excluding cabarets and lounges; and
 - ix. Retail uses, excluding adult entertainment uses, amusement centres and automotive uses;
 - c) Work-live units, which include the uses listed in Subsection 3.3.1.b; and
 - d) Any use accessory to any of the foregoing uses.
- 3.3.2 Uses listed in Subsection 3.3.1.b shall be provided on the ground storey abutting Robie Street and Cunard Street.
- 3.3.3 At least one third of the total number of dwelling units in an apartment house, rounded up to the nearest full number, shall include two or more bedrooms.
- 3.3.4 Apartment house uses or work-live units shall be provided along the Compton Avenue streetscape.
- 3.3.5 The commercial portion of any work-live unit shall be located and accessible at the ground floor, and shall have a separate exterior entrance.
- 3.3.6 Drive-through facilities shall not be permitted.

3.4 Site 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 Section 3.4 of this Agreement.
- 3.4.2 In accordance with Subsection 3.4.13, all portions of the building, including those above and below grade, shall be setback a minimum of 1.5 metres from the Robie Street lot line as shown on Schedule B.

Height Framework

- 3.4.3 Subject to Subsection 3.4.4 and 3.4.5, no building shall be constructed or altered so that it exceeds the maximum height framework as shown on Schedule B.
- 3.4.4 Elevator enclosures / overruns, stairway enclosures, mechanical penthouses, amenity penthouses, residential penthouses, and similar rooftop structures shall be:
- a) Generally located as shown as Schedule B;
 - b) Setback a minimum of 5.5 metres from the Robie Street roofline;
 - c) Setback a minimum of 11 metres from the Cunard Street roofline;
 - d) Setback a minimum of 5 metres from the Compton Avenue roofline;
 - e) Setback a minimum of 3.5 metres from the western roofline; and
 - f) Limited to a maximum of 30 percent of the roof area.
- 3.4.5 Elevator enclosures / overruns may extend a maximum of 5.5 metres above the maximum building height. Stairway enclosures, mechanical penthouses, amenity penthouses, residential penthouses and similar rooftop structures may extend a maximum of 4.5 metres above the maximum building height.

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.

Maximum Streetwall Height

- 3.4.7 Subject to Subsection 3.4.8 through 3.4.10, the maximum streetwall height shall conform with the streetwall heights as shown on Schedule C.
- 3.4.8 Up to 20 percent of the streetwall may exceed the maximum streetwall height.
- 3.4.9 The maximum streetwall height may be exceeded by a glass guard and railing system to allow for the safe use of podiums and rooftops.
- 3.4.10 The maximum streetwall height may be exceeded by a parapet, no higher than 1.25 metres in height.

Streetwall Design

- 3.4.11 The ground floor shall have a minimum floor to ceiling height of 3.5 metres.
- 3.4.12 If a 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; or
 - e) Building entrances.

Streetwall Setbacks

- 3.4.13 Streetwalls shall be setback a minimum of 1.5 metres from the streetline. Streetwalls shall be setback a maximum of 3.5 metres from the streetline.

Building Stepbacks

- 3.4.14 Building walls facing Compton Avenue shall have a minimum horizontal stepback of 4.5 metres from the edge of the streetwall above the third storey, and an additional minimum horizontal stepback of 2.5 metres above the fifth storey.
- 3.4.15 Building walls facing Robie Street shall have a minimum horizontal stepback of 2.5 metres from the edge of the streetwall above the fifth storey.
- 3.4.16 Building walls facing Cunard Street shall have a minimum horizontal stepback of:
- a) 2.5 metres from the edge of the streetwall above the fourth storey; and
 - b) 1.7 metres from the edge of the streetwall above the fifth storey.

Western Yard Setbacks

- 3.4.17 The minimum setbacks (at-grade and above the third, fourth, and fifth storeys) from the western lot line shall be as shown on Schedule B.

At-grade Residential

- 3.4.18 At-grade residential units and work-live units that have exterior entrances fronting on a public street shall be designed as follows:
- c) The ground floor will be set above the sidewalk grade;
 - d) 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
 - e) 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

- 3.4.19 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).
- 3.4.20 Utility connections, fill pipes, exhaust vents, and ventilators shall be screened.
- 3.4.21 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 Yards and Stepbacks

- 3.5.1 No encroachments are permitted in the required front yard setback facing Robie Street and the required setbacks facing the western lot line.
- 3.5.2 The following structures are permitted encroachments into the front yards facing Compton Avenue and Cunard Street:
- a) Steps, sundecks, uncovered patios, walkways, and wheelchair ramps; and
 - b) Eaves, gutters, downspouts, cornices, and other similar features, up to 0.45 metres from the building face;
- 3.5.3 Building stepbacks above the streetwall must be open and unobstructed except for eaves, gutters, downspouts, cornices, and other similar features.
- 3.5.4 Building stepbacks above the streetwall must be open and unobstructed except for balconies, if:
- a) The total horizontal width of the balconies on any one storey is not more than 40 percent of the width of the building wall; and
 - b) Balcony depth does not project more than 2 metres past the building face.

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;
 - c) Dwelling unit in excess of one-bedroom in an apartment house; and
 - d) Live-work unit.
- 3.5.7 Access to the underground parking area shall be located along Compton Avenue as shown on Schedule B and D.
- 3.5.8 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

- 3.5.9 Subject to Subsection 3.5.10 through 3.5.13, an apartment house building shall provide indoor and outdoor amenity spaces to on-site residents.

- 3.5.10 A common courtyard (minimum area of 255 square metres) shall be provided in the western yard, as generally shown on Schedule B.
- 3.5.11 A common outdoor amenity space (minimum floor area of 102 square metres) shall be provided on the fourth-storey rooftop (along Cunard Street) or the eighth-storey rooftop.
- 3.5.12 An outdoor amenity space(s) on the eighth-storey rooftop shall be setback a minimum of 2.5 metres from all rooflines.
- 3.5.13 Indoor amenity space(s) may include fitness rooms, community rooms, or similar shared amenity space.

Required Front Yards

- 3.5.14 The required yards fronting onto Compton Avenue, Cunard Street, and Robie Street shall contain a combination of soft landscaping materials, planter boxes, and hard landscaping materials as shown on Schedule E.

Landscaping

- 3.5.15 The western courtyard, and all areas on top of an enclosed parking structure, must be landscaped as follows:
- a) Landscaped areas shall include soft landscaping materials, such as grasses or plantings; and
 - b) Landscaped areas to be used for outdoor amenity space or walkways may include hard landscaping materials such as pavers, tile or wood.
- 3.5.16 Areas required for pedestrian access do not need to be landscaped.

Landscaped Buffer

- 3.5.17 Subject to Subsection 3.5.18, a landscape buffer shall be provided along the full extent of the western lot line as shown on Schedule B and D.
- 3.5.18 The landscaped buffer shall:
- a) Contain a minimum of 1 tree (with a minimum base caliper of 60 millimetres) for every 4 linear metres of said buffer;
 - b) Have a minimum height of 4 metres; and
 - c) Have a minimum width of 1.2 metres.
- 3.5.19 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.
- 3.5.20 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.
- 3.5.21 Notwithstanding Subsection 3.5.20, 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.

Privacy Fencing

3.5.22 Subject to subsection 3.5.23, an opaque fence shall be provided along the full extent of the western lot line as shown on Schedule B and D.

3.5.23 The opaque fence shall have a minimum height of 1.8 metres.

Signs

3.5.24 Any persons carrying on a use permitted in this Agreement may place upon and parallel to the front of the building signage that complies with the following:

- a) Where signs are illuminated, they shall be illuminated in such a manner not to cause a glare or hazard to motorists, pedestrians or neighbouring premises;
- b) Fascia signs shall not extend beyond the extremities of a wall on which they are affixed;
- c) Maximum combined size of fascia signs on the wall of a building shall be no greater than 10 percent of the total area of said wall;
- d) Aggregate area of all window signs shall not exceed 25 percent of the window, or glass area of a door, to which they are affixed;
- e) Signs on awnings shall not cover more than 25 percent of the area of the awning, and the length of the text shall not exceed 80 percent of the length of the front valance; and
- f) No signs shall be permitted on the roof of a building.

Parking Structures and Foundations

3.5.25 Subject to Subsection 3.5.26, an exposed concrete foundation wall or enclosed parking structure shall not exceed 0.6 metres in height.

3.5.26 Foundations or enclosed parking structures that are taller than 0.6 metres, shall be clad or architecturally detailed in a manner that compliments the exterior design and materials of the main building.

Outdoor Lighting

3.5.27 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

Hours of Operation

3.6.1 Restaurants shall be permitted to operate between the hours of 7:00am and 10:00pm on Sunday through Thursday, and between the hours of 7:00am and 11:00pm on Friday and Saturday.

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.

Solid Waste Facilities

3.6.4 All refuse and recycling materials shall be contained within the building.

Maintenance

- 3.6.5 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

- 3.6.6 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 Engineer 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)

Per: _____

Witness

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:

Per: _____

Witness

MAYOR

Per: _____

Witness

MUNICIPAL CLERK

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

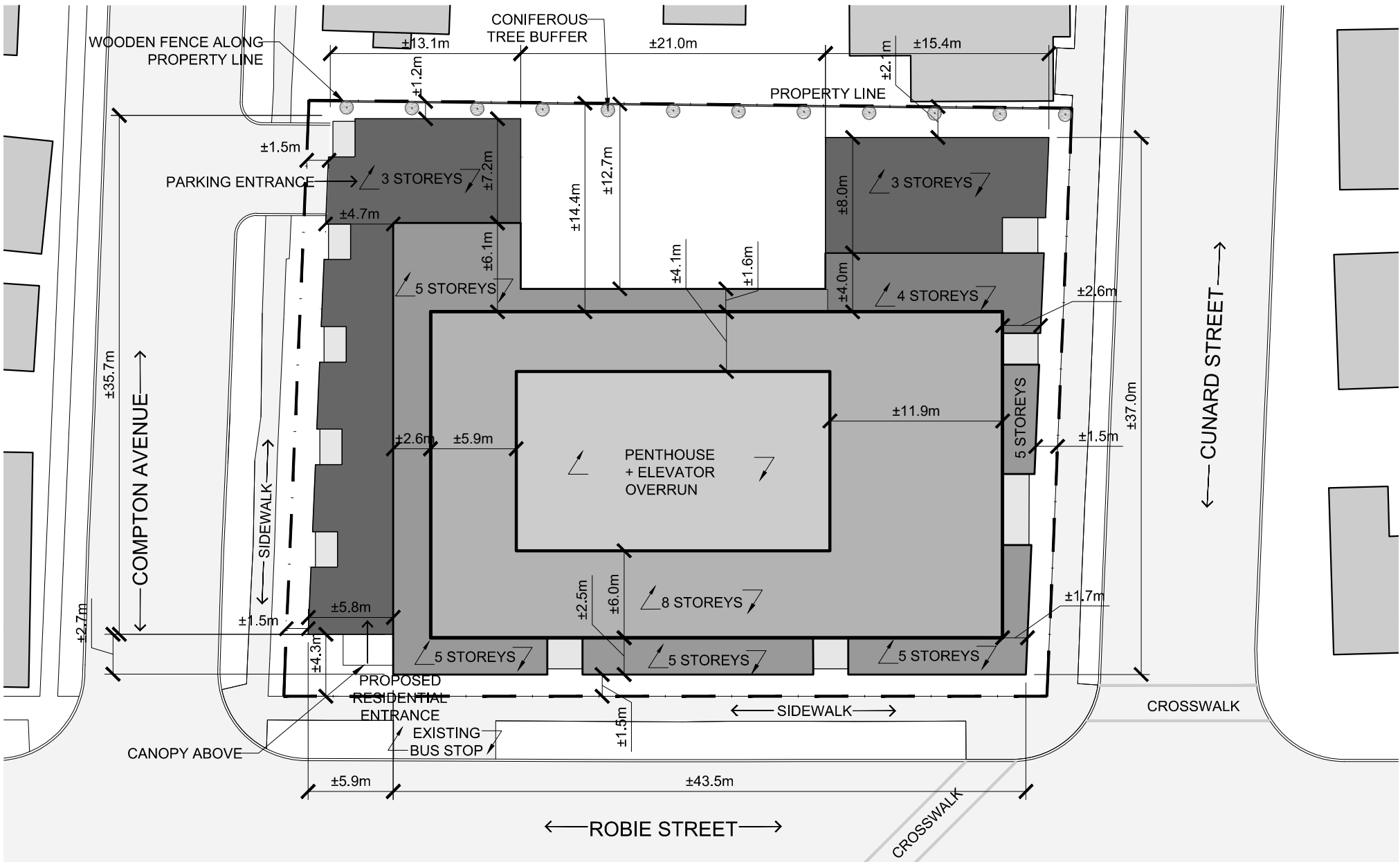
On this _____ day of _____, A.D. 20____, before me, the subscriber personally came and appeared _____ a subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that _____, _____ of the parties thereto, signed, sealed and delivered the same in his/her presence.

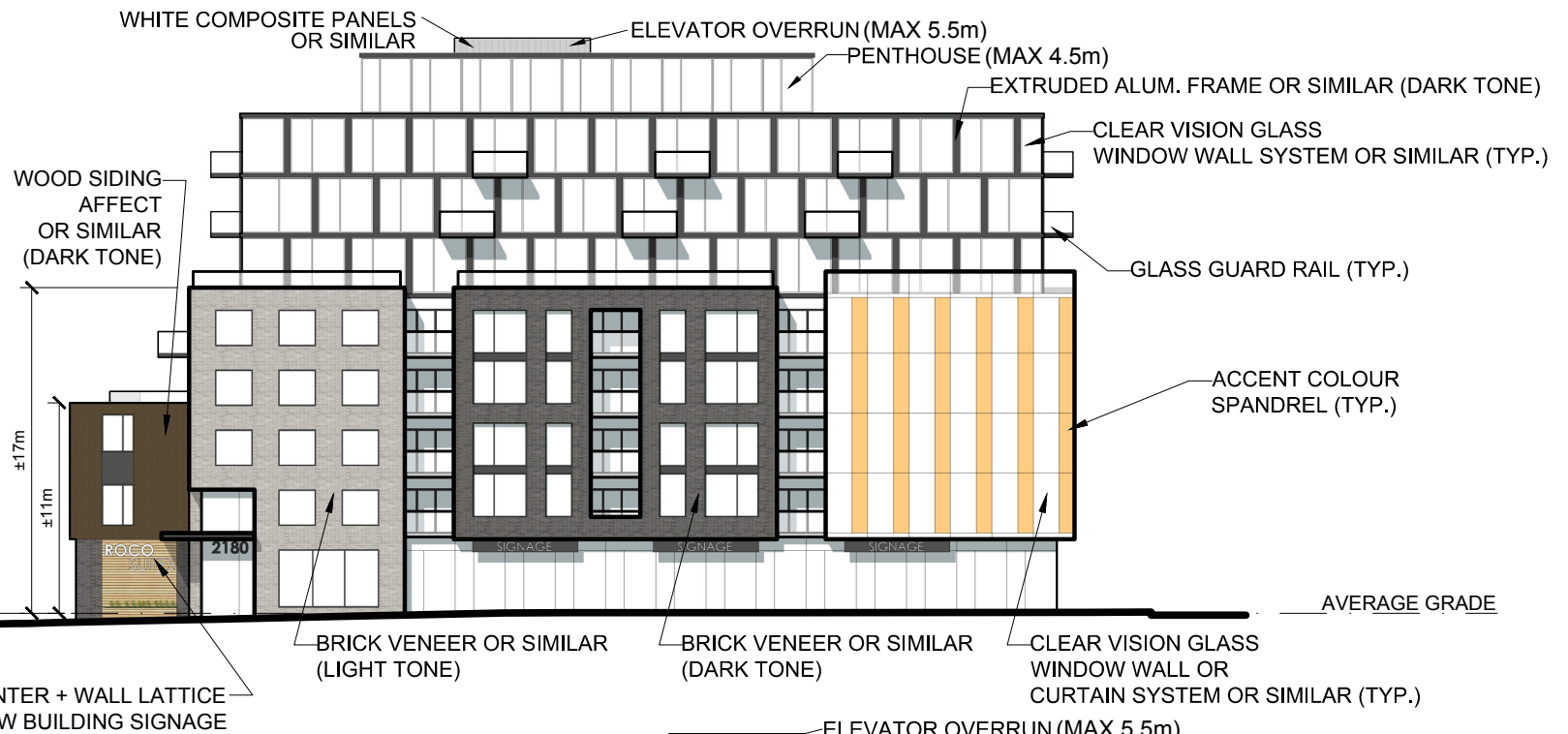
A Commissioner of the Supreme Court
of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

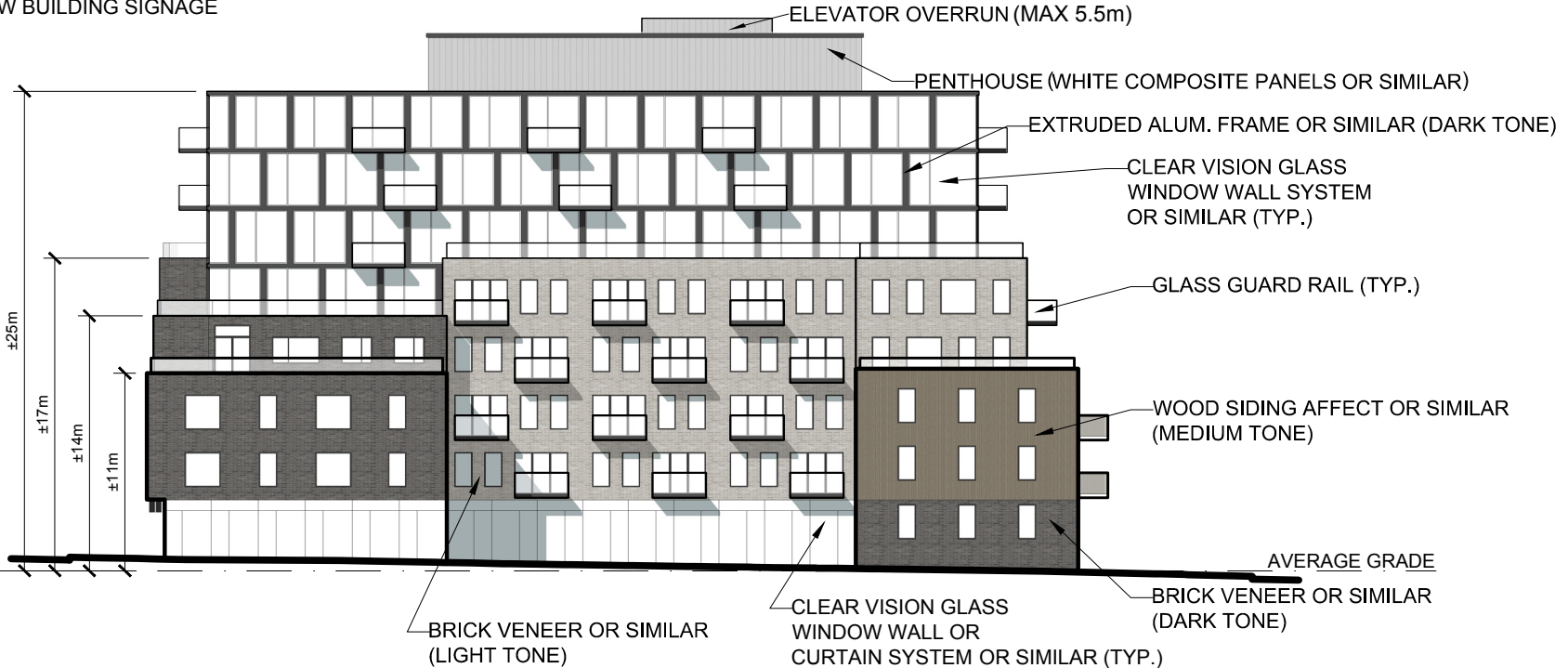
On this _____ day of _____, A.D. 20____, before me, the subscriber personally came and appeared _____ the subscribing witness to the foregoing indenture who being by me sworn, made oath, and said that Mike Savage, Mayor and Kevin Arjoon, Clerk of the Halifax Regional Municipality, signed the same and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

A Commissioner of the Supreme Court
of Nova Scotia

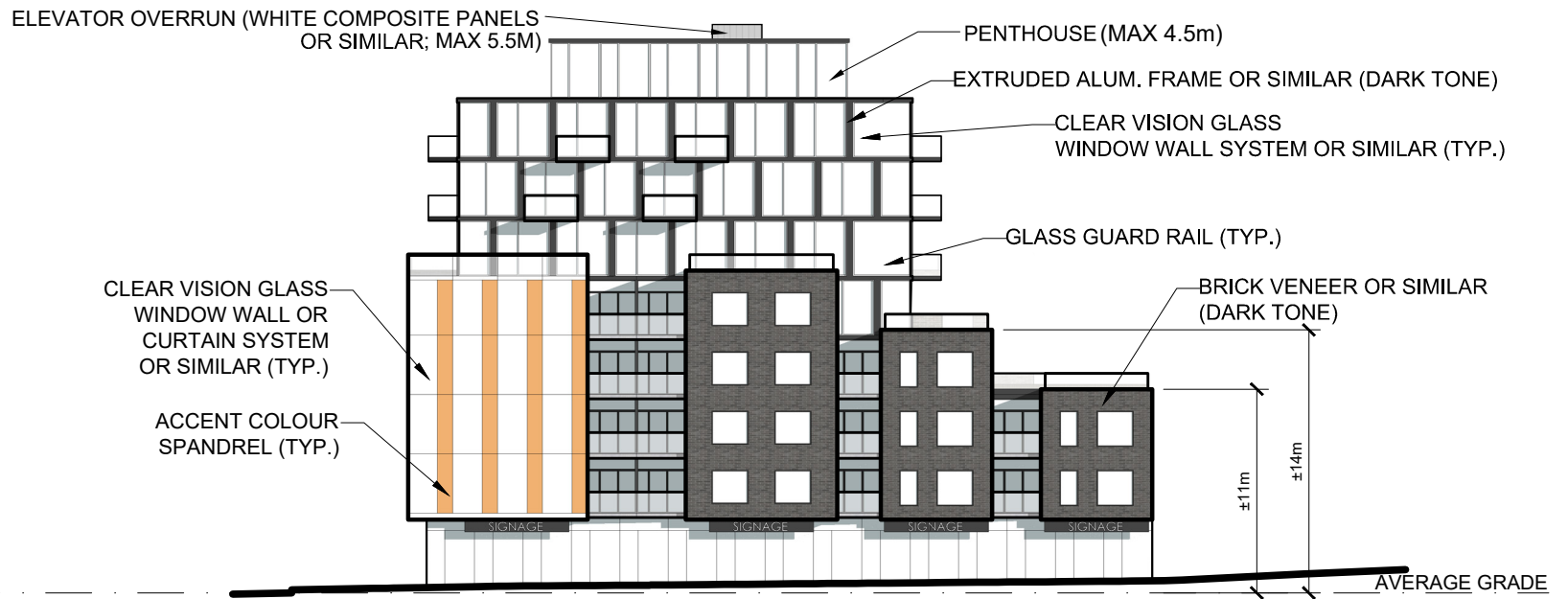




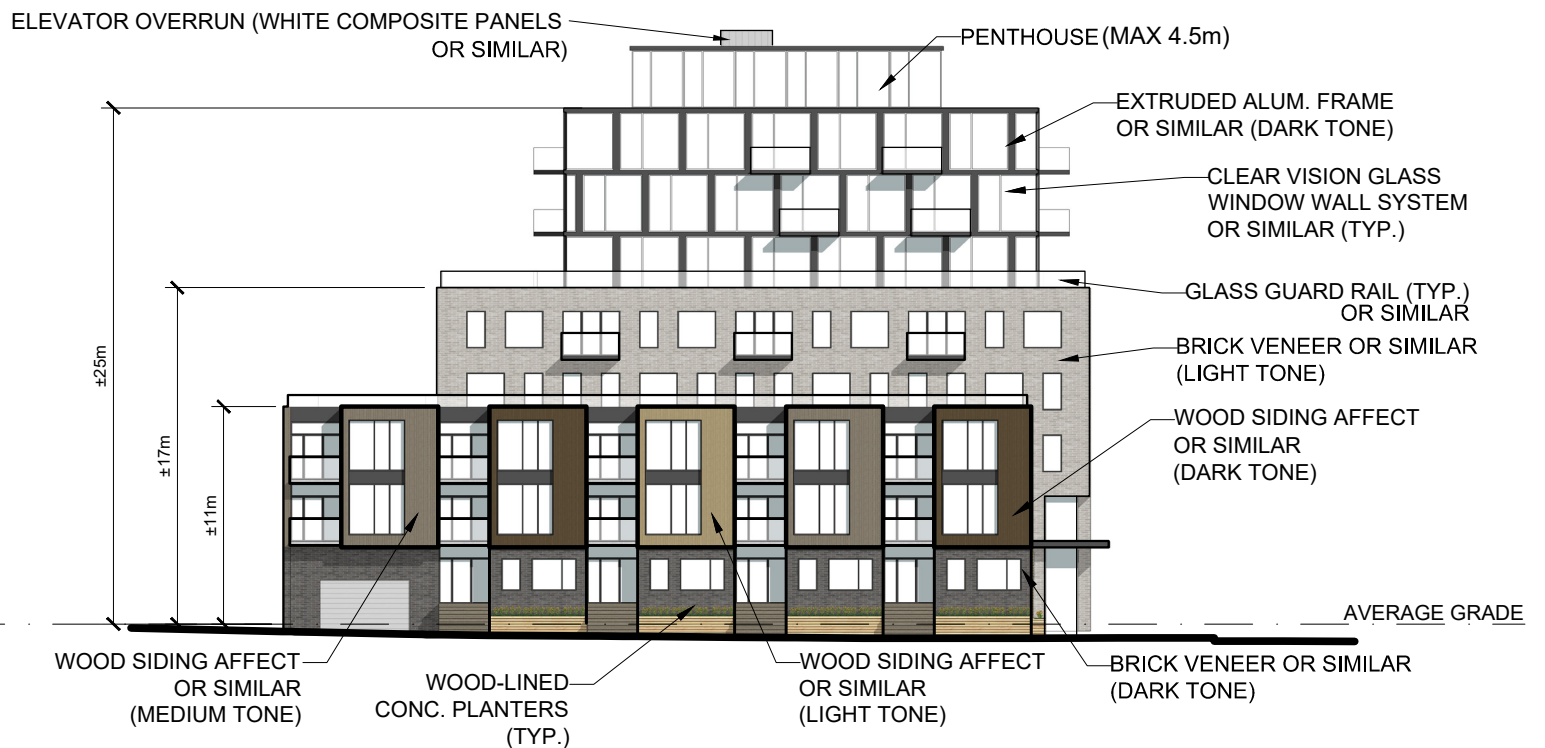
1 EAST ELEVATION
A03 SCALE: 1:360



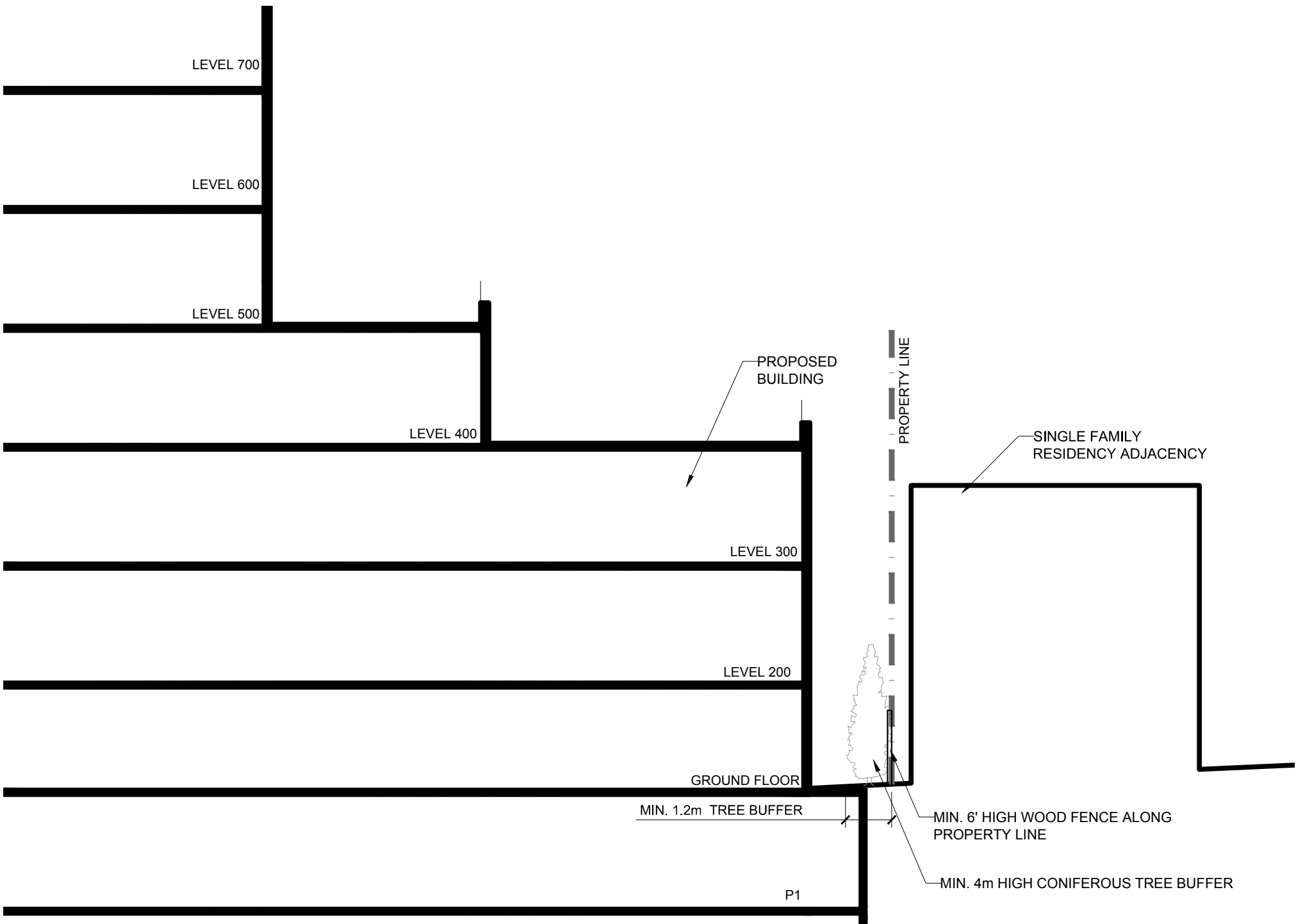
2 WEST ELEVATION
A03 SCALE: 1:360

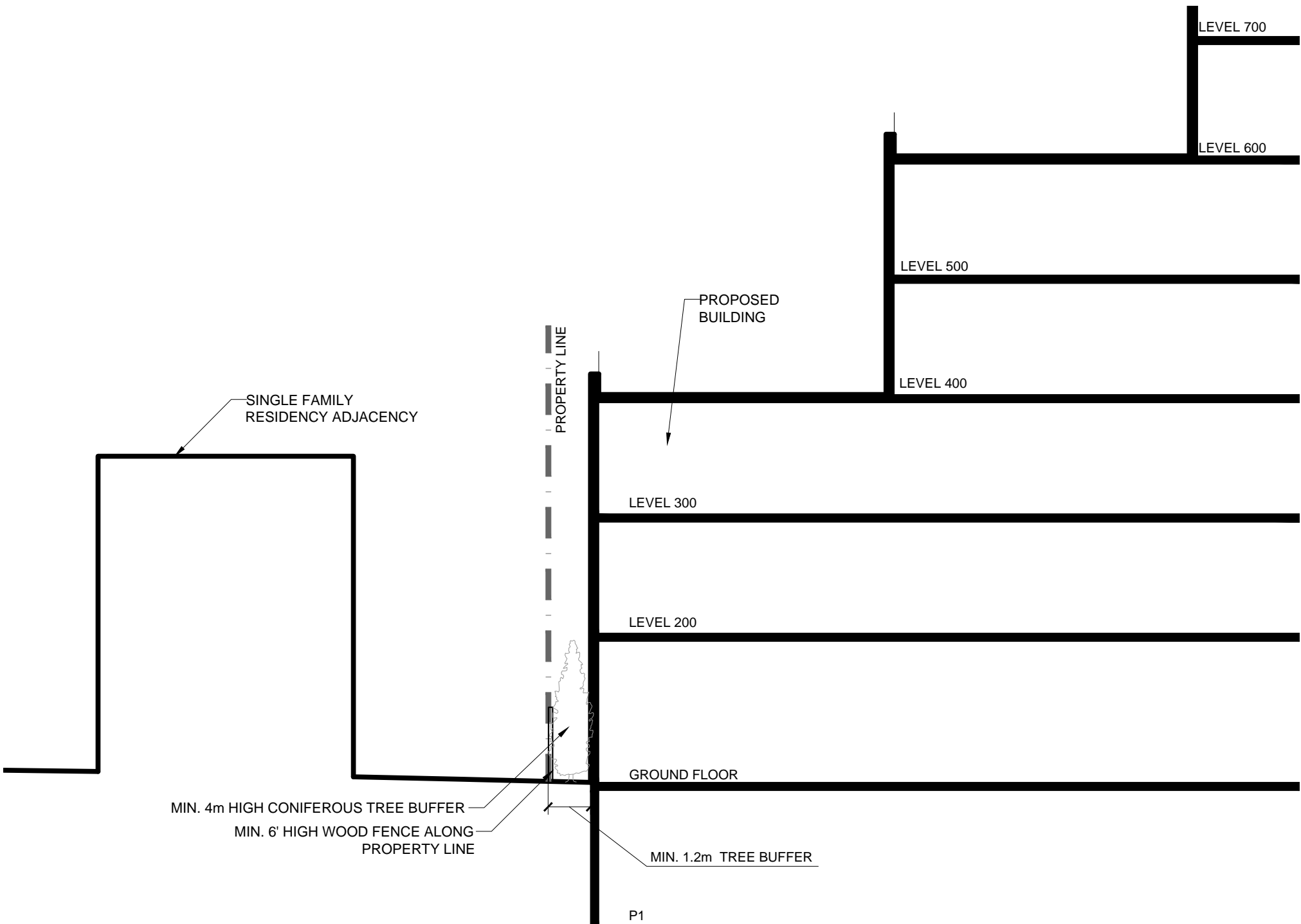


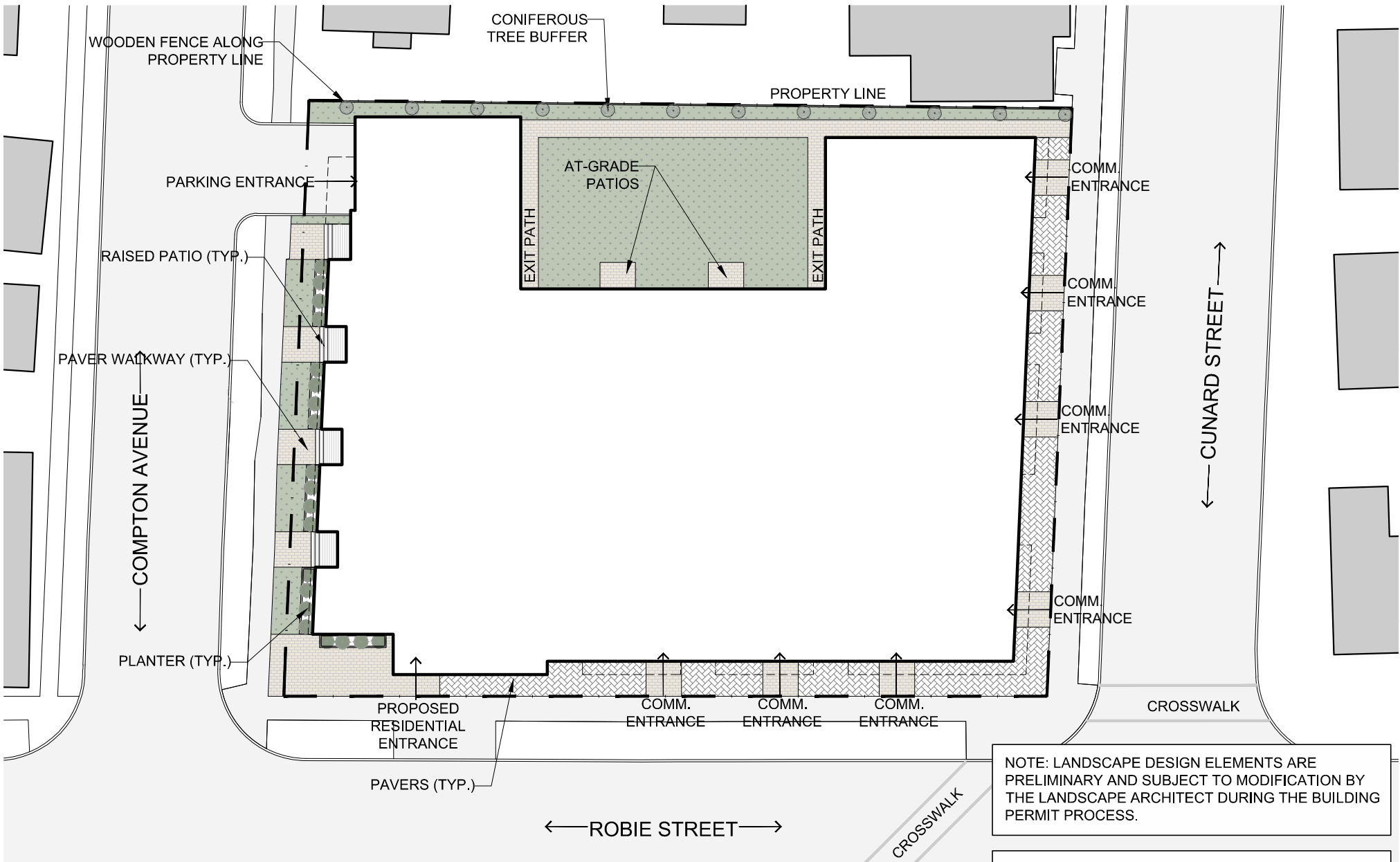
1 NORTH ELEVATION
SCALE: 1:360



2 SOUTH ELEVATION
SCALE: 1:360







NOTE: LANDSCAPE DESIGN ELEMENTS ARE PRELIMINARY AND SUBJECT TO MODIFICATION BY THE LANDSCAPE ARCHITECT DURING THE BUILDING PERMIT PROCESS.

NOTE: COMMERCIAL ENTRANCES ARE A FUNCTION OF INTERNAL PROGRAMMING AND MAY VARY.



**HALIFAX PENINSULA PLANNING ADVISORY COMMITTEE
PUBLIC MEETING MINUTES
October 11, 2017**

PRESENT: Ashley Morton, Chair
Sarah MacDonald, Vice Chair
Councillor Lindell Smith
Councillor Wayne Mason
Amy Siciliano
Jeana MacLeod
Michael Bradfield
Grant Cooke

REGRETS: Joe Metlege
Sunday Miller

OTHERS PRESENT: Jacob JeBailey, Principal Architect, WM Fares Architects

STAFF: Andrew Bone, Planner
Phoebe Rai, Legislative Assistant
Alicia Wall, Legislative Support

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

The agenda, reports, supporting documents, and information items circulated to the Halifax Peninsula Planning Advisory Committee are available online at halifax.ca.

The meeting was called to order at 7:00 p.m., the Committee adjourned at 8:55 p.m.

1. CALL TO ORDER

The Chair called the meeting to order at 7:00 p.m. at the Maritime Hall, Halifax Forum.

The Chair invited the attendees to continue browsing the information billboards.

2. PUBLIC INFORMATION MEETING

2.1 Case 20577 - Application by WM Fares Architects to change the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law to allow an 8-storey building, with commercial and residential uses, on properties on Robie, Compton and Cunard Streets. The proposal includes 6014, 6018, and 6020 Cunard Street, 2180, 2178, 2176, 2166, 2164 and 2162 Robie Street, and 6025 Compton Avenue, Halifax which are located at the corners of Robie Street, Compton Avenue and Cunard Street, Halifax.

The Chair invited Andrew Bone, Planner to present Case 20577. Bone indicated they were the main point of contact for this application. The speaker encouraged people to make contact with any questions or concerns. Bone explained that the purpose of the meeting was to provide information and explain the process concerning this proposal, and that no decisions were being made.

Bone advised that this proposal involves seven properties that under the Land Use By-law are currently zoned R-2 with a designation of Medium Density Residential. They provided information regarding the surrounding areas, indicating some properties on Cunard are zoned C-2-A (minor commercial) and that currently, there are two existing multiple-unit buildings on the corner of Cunard and Robie designated minor commercial, High Density Residential with an R-3 zoning.

The Speaker stated that the Municipality was in the process of updating the Land Use By-laws and the Halifax Municipal Planning Strategy through the Centre Plan. Bone went on to say the draft Centre Plan has been released, and although not approved, Council has directed staff to consider the Centre Plan when making planning decisions. They advised that one of the properties is not located within the proposed Centre Plan corridor and Council has asked that the application be considered despite this, due to the majority of the site being located within the proposed corridor.

Bone explained the current planning documents do not enable this proposal and an amendment to the Halifax Municipal Planning Strategy would be required. The Planner further indicated that Council has directed staff to consider five key planning principles being transition, pedestrian oriented, human-scale, building design and context sensitivity. Bone outlined the planning application process, noting that following the public meeting, staff would bring the matter to the Planning Advisory Committee for a recommendation before drafting a staff report with recommendation for the Halifax and West Community Council to consider. The process would culminate in a Public Hearing held at Regional Council.

Jacob JeBailey, Principal Architect, WM Fares Architects took the floor to present on behalf of the applicant. The speaker indicated their desire to receive and document feedback and provide the information they have to date. JeBailey indicated some concerns have already been heard regarding the main residential entrance. The Architect proceeded to show street view images of the properties and explained that as architects they take into consideration the character of the neighborhood, considering things like porches, widths, distances and heights, etc. They indicated the building was 8 stories at highest and that they felt it was important to incorporate open-space into the design. JeBailey provided site data stating the lot coverage is 72%, commercial area at grade is 6500 square feet, there are 95+ parking units below grade and 95 units, with a minimum of 30% to be family, meaning 2+ bedrooms. The parking entrance is situated on Compton Avenue and they have a traffic consultant to determine where the optimal entrances should be based on safety and traffic.

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October 11, 2017**

The Chair advised the audience as to the type of feedback that would be most helpful to the Committee and things to keep in mind when commenting. Morton advised that the speakers will have five minutes to speak.

Steve Parcell, Halifax stated the proposal on the website differs from the proposal received at the meeting. Parcell went on to say that the website contained a lack of important information concerning parking spaces, number of units, design rationale, wind analysis, etc. The speaker indicated the Centre Plan allows 4 stories, up to 6, however this development is 8. They wanted to note that there is a parking garage exiting onto Compton Avenue and expressed concerns that Compton Avenue will become a back service lane. Parcell also feels the amount of erosion that is expected on Cunard and Robie is excessive.

Janet Stevenson, Halifax expressed disappointment with the proposal. Stevenson would like to see the proponent have to show how their proposal meets the planning policies. The speaker feels this development is not context sensitive to the neighborhood and that Compton Avenue will no longer be a quiet street, and will become a traffic lane. Stevenson feels this proposal is contrary to the Centre Plan as it is not pedestrian friendly and does nothing to reduce traffic.

Andrea Arbic, Lawrence Street feels the transition is insufficient and in terms of human-scale, the building is massive and has no relationship with the surrounding areas. Arbic indicated there are no heritage features and the building does nothing to enhance the streetscape. They noted that this proposal is another exception and is wondering why the application is being considered.

Allen Robertson, Vienna Street asked if the current R-2 zoning allows a thirty-five foot height.

The Chair indicated they would get an answer to that question.

Robertson feels the building is far too big and that there is no transition between the building and the houses on either side. The speaker expressed concern regarding traffic and indicated disagreement with the statement that Robie was a six-lane road, as it is only six lanes in front of this building. Robertson concluded with noting there is a bad intersection one block away.

Jennifer Berry, Compton Avenue agrees that the area near building needs improvement, but feels this building is too big and would like to see fewer units. Berry echoed previous concerns regarding increased traffic on Compton Avenue.

Pat Whitman, Wellington Street feels the location of the front door is too close to a bus stop and the corner of Cunard and Robie, as there would be cars stopping in the front of the building and pedestrians coming and going. Whitman would like to see the location of the front door moved further down the street. They feel all of the buildings are starting to look the same and would like to see something more interesting.

Candace Stevenson, North Street agrees with much of the concerns previously expressed and feels the application should not be approved as an exception due to the fact that the developer was aware of the zoning at the time of acquisition. Stevenson would like to see Council enforce the rules currently in place and feels the objective is being lost.

Susan Love, Compton Avenue described Compton Avenue as a family-oriented street whose residents get together for street parties and barbeques. Love feels this development will negatively impact the community.

Andrew Kent, Compton Avenue agrees the area needs work and would like to see a development that benefits the area. Kent is frustrated with the process and indicated the plans provided at the meeting were not found on the website. They would have liked to see developer engage the residents in order to incorporate their input into the design.

**Halifax Peninsula Planning Advisory Committee Public Meeting Minutes
October 11, 2017**

Stephanie Robertson, Vienna Street asked the architect why glass was selected as a prominent material for the building and noted it is more of a safety risk than other building materials. Robertson further indicated that they would like to see the design of the building in context with the surrounding properties.

Jacob JeBailey responded to the question by providing some benefits to building with glass are contrast and natural light.

Beverley Miller, South Street feels the existing neighborhood, as it stands meets the five key planning principles that Council wanted considered. Miller would like to know why the developer is asking for special changes and feels it would set a bad precedent for future developers in requesting exceptions. The speaker requested more realistic drawings from staff. They further inquired as to whether or not any specific analysis has been done regarding density. Miller concluded with stating they would like to see the application denied.

Andrew Bone responded to Miller indicating to date, no major analysis has been done on this project.

Darryl Dutton, Williams Street stated they used to live on Compton Avenue and agrees the area needs improvement. Dutton indicated they like the building, but feels it is slightly too high and would like the esthetics to show more heritage features. Dutton concluded they like the idea of commercial and inquired about a roundabout.

Andrew Bone indicated they have heard talk in the public concerning potential redesign of the other intersections around the Commons and that they spoke to one of the engineers, and they were not aware of any projects. Bone stated a more detailed consultation with the development engineer and the traffic services group will be conducted subsequent to this meeting and any issues will be addressed in the staff report.

Karen Gunther, Halifax, inquired on shadow studies.

The Planner indicated updates to the project will be added to the website as they become available.

Shannon Kam, Compton Avenue stated they like the design, but not for this neighborhood and agrees with some of the neighbors that the area needs work. Kam likes the commercial space aspect of the development; the concerns are with the upkeep of the building.

Judith Cabrita, Halifax indicated they would like the developer to incorporate the character of Halifax in the design, and feels it does not reflect the history of Halifax. Cabrita concluded with asking if all five key planning principles needed to be incorporated in the design or if some, but not all would be acceptable.

Andrew Bone responded by stating Council has given direction to consider all five of the key planning principles.

Carol Godsman, West Street advised they have lived there for 21 years and feels they are being boxed in by 8-12 story buildings. Godsman expressed traffic concerns on Robie and feels the second story overhang is oppressive.

Matt Lordlerly, Compton Avenue, an existing resident in one of the houses being demolished, is not opposed to development on this block but feels living on the Peninsula is not what it used to be. Lordlerly agrees the existing buildings look rundown from the outside but indicated they were quite nice on the inside.

3. ADJOURNMENT

The meeting adjourned at 8:55 p.m.

Alicia Wall
Legislative Assistant

ATTACHMENT E
Policy Review of Proposed Development Agreement (DA)

Policy 6.2.1 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 Robie Street, Cunard Street, and Compton Avenue.

(1) Notwithstanding other policies of this Municipal Planning Strategy except 6.2.1(2), a development agreement for the property located at the intersections of Robie Street, Cunard Street, and Compton Avenue shall:

Policy Criteria	Comment
<i>a) permit a mixed-used (residential and commercial) building;</i>	The DA permits residential and commercial uses within a single building.
<i>b) permit a range of commercial uses, including, cultural, daycare, office, restaurant, retail, and work-live uses;</i>	The DA permits a wide mix of uses, including residential, commercial, cultural, work-live, and limited institutional uses.
<i>(c) require commercial uses along the ground storey along Robie Street and Cunard Street;</i>	The DA ensures that commercial uses are provided on the building's ground storey abutting Robie Street and Cunard Street.
<i>d) require a mix of residential unit types;</i>	The DA requires that at least one third of the all dwelling units contain two or more bedrooms.
<i>e) restrict building height to a maximum of 8 storeys, plus penthouse(s);</i>	The DA states that no building shall be constructed that exceeds the maximum height framework listed in Schedule B. Schedule B clearly denotes the tallest portion of the building as eight storeys tall (plus penthouses).
<i>f) require that the 6th, 7th, and 8th storeys and penthouse(s) are orientated towards Robie Street;</i>	The DA requires that the proposed height framework is achieved. The DA, in addition to Schedule B, indicates that storeys six through eight, along with the penthouse(s), are shifted away from the western property line towards Robie Street.
<i>g) restrict streetwall height to a maximum of 5 storeys along Robie Street and Cunard Street;</i>	The DA, in accordance with Schedule B, permits a maximum streetwall height of five storeys along Robie Street. Staff suggest that this streetwall height helps maintain a human scale long a transit priority corridor. Schedule B ensures that the maximum streetwall height near the Robie / Cunard intersection is a maximum of five storeys tall. Further, it requires that the streetwall height along Cunard Street decreases to four storeys near the site's midpoint and three storeys near the western lot line. Staff indicate that this streetwall maximum height and gradual transition helps satisfy the transition principle.
<i>h) restrict streetwall height to a maximum of 3 storeys along Compton Avenue;</i>	The DA, in accordance with Schedule B, permits a maximum streetwall height of three storeys along Compton Avenue. Staff advise this feature contributes to several planning principles.

<p><i>i) restrict the building's podium height to a maximum of 3 storeys abutting the western lot line;</i></p>	<p>The DA, via Schedule B, permits a maximum podium height of three storeys along the extremities of the western lot line. The DA also requires that a central courtyard be provided in the western yard, which pushes the building mass towards Robie Street. Opposite the courtyard, the rear building wall increases to four-and-five storeys. These features help provide a sufficient transition into, and lessen the proposal's impact on the established low-density residential neighbourhood.</p>
<p><i>j) restrict development to a minimum setback, both above and below grade, of 1.5 metres from the Robie Street lot line;</i></p>	<p>The DA, in accordance with Schedule B, requires that a minimum setback of 1.5 metres from the Robie Street lot line is provided both above and below grade.</p>
<p><i>k) require a landscaped buffer and fencing along the western lot line;</i></p>	<p>The DA requires that a landscaped buffer be provided along a portion of the western lot line. The buffer shall contain trees that have a minimum height of 4 metres and a minimum width of 1 metre. The DA also requires that an opaque fence, which has a minimum height of 1.8 metres, is provided along the western lot line, as per the attached Schedules.</p>
<p><i>l) require indoor and outdoor amenity space for on-site residents;</i></p>	<p>The DA ensures that a western yard courtyard and outdoor amenity space on the fourth storey rooftop or eighth storey rooftop are provided to on-site residents. The DA also requires that indoor amenity space be provided.</p>
<p><i>m) 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</i></p>	<p>The DA: 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 front yards contain a combination of hardscaping, landscaping, and planters (depending on the yard in question); regulates the size of signs permitted on-site; requires a tree retention and mitigation plan; and provides direction for landscaping in the western courtyard. These features will allow the building to more effectively satisfy the planning principles listed in Section 2.</p>
<p><i>n) permit underground parking.</i></p>	<p>The DA prohibits surface parking lots and contains minimum requirements for underground vehicular parking. Additionally, the DA states that bicycle parking provisions shall adhere to the Land Use By-law.</p>
<p><i>(2) In addition to meeting the requirements of Policy 6.2.1(1) a) to n) inclusive, when considering a development agreement for the property located at the intersections of Robie Street, Cunard Street, and Compton Avenue, 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 subject staff report. The DA contains various regulations to ensure the proposed development generally addresses the necessary planning principles.</p>

b) the provision of appropriate changes in building size and massing, to create appropriate transitions to surrounding built forms.

The Transition principle is discussed at length in the subject staff report. The DA includes regulations and Schedules, which incorporate design features (e.g., limited streetwall and building podium heights, large horizontal stepbacks, western courtyard, landscaped buffer, fencing, etc.) that create sufficient transitions to surrounding built forms.

HALIFAX

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MEMORANDUM

TO: Chair and Members of the Halifax and West Community Council
CC: Andrew Bone, Planner III, Planning and Development
FROM: Ashley Morton, Chair, Halifax Peninsula Planning Advisory Committee
DATE: January 22, 2018

SUBJECT:

8.1 Case 20577: Application by WM Fares, on behalf of Abe Salloum, to amend the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law to permit an 8-storey building, with residential units and ground floor commercial on Robie Street. The proposal includes 6014, 6018, and 6020 Cunard Street, 2180, 2178, 2176, 2166, 2164 and 2162 Robie Street, and 6025 Compton Avenue, Halifax which is located at the corners of Robie Street, Compton Avenue and Cunard Street.

The Halifax Peninsula Planning Advisory Committee considered Case 20577 at their January 22, 2018 meeting. The following motion was approved by the Committee.

The Halifax Peninsula Planning Advisory Committee has reviewed the proposal in Case 20577. The Committee recommends that the Halifax & West Community Council proceed with approval of this proposal. The Committee:

- *Values the affordable housing that is currently located on the site, and encourages the Halifax & West Community Council to take whatever measures may be available to preserve affordable housing on this site.*
- *Values the increase in residential density that this proposal would provide, particularly for its location close to transit and recreational opportunities.*
- *Finds the principle of Transition is not sufficiently observed on the Cunard street frontage, as the heights move abruptly from 8 storeys to 4 storeys within the proposal, and then to 2 storeys at the neighbouring property.*
- *Is concerned about the architectural mass towards the corner of Robie & Cunard, and would value the mass being subdivided to a greater degree, with greater architectural value in this area.*
- *Values the increase in width of sidewalk but feels that it would be more appropriate to increase the sidewalk width by at least 2 metres, rather than only 1.*
- *Values the courtyard green space at the west side of the building, but believes that it will not provide the desired value without further development, because of the facts that the courtyard abuts the 8-storey height directly, will receive very little sunlight and has not yet identified any recreational amenities. The committee would value greater public space closer to, or directly adjoining public streets, so long as the principle of context-sensitivity is observed.*

Office of the Municipal Clerk

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