

**Item No. 12.2**  
**Halifax Regional Council**  
**May 14, 2019**  
**July 16, 2019**

**TO:** Mayor Savage Members of Halifax Regional Council

**SUBMITTED BY:** Original Signed  
\_\_\_\_\_  
For Councillor Stephen D. Adams, Chair, Halifax and West Community Council

**DATE:** May 8, 2019

**SUBJECT:** **Case 21115: Amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law, and a proposed development agreement to enable a 9 storey building on Quinpool Road and Pepperell Street, near Preston Street**

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## **ORIGIN**

May 7, 2019 meeting of Halifax and West Community Council, Item 16.1.

## **LEGISLATIVE AUTHORITY**

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

## **RECOMMENDATION**

It is recommended that Halifax Regional Council:

1. Give First Reading to consider the proposed amendments to the Municipal Planning Strategy for Halifax and the Land Use By-law for Halifax Peninsula, as set out in Attachments A and B of the staff report dated April 11, 2019, to permit a 9 storey, mixed-use building on Quinpool Road with a 3 storey section facing Pepperell Street, and schedule a joint public hearing with Halifax and West Community Council; and
2. Adopt the proposed amendments to the Halifax Municipal Planning Strategy and the Land Use By-law for Halifax Peninsula, as set out in Attachments A and B of the staff report dated April 11, 2019.

## **BACKGROUND**

At their May 7, 2019 meeting, Halifax and West Community Council considered the staff report dated April 11, 2019 regarding Case 21115: Amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law, and a proposed development agreement to enable a 9 storey building on Quinpool Road and Pepperell Street, near Preston Street.

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

## **DISCUSSION**

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

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

## **FINANCIAL IMPLICATIONS**

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

## **RISK CONSIDERATION**

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

## **COMMUNITY ENGAGEMENT**

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

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

## **ENVIRONMENTAL IMPLICATIONS**

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

## **ALTERNATIVES**

Halifax and West Community Council did not provide alternatives.

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

## **ATTACHMENTS**

**Attachment 1** - Staff report dated April 11, 2019.

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

A copy of this report can be obtained online at [halifax.ca](http://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

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**Item No. 16.1**  
**Halifax and West Community Council**  
**May 7, 2019**

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

Original Signed

**SUBMITTED BY:**

\_\_\_\_\_  
Kelly Denty, Director of Planning and Development

Original Signed

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Jacques Dubé, Chief Administrative Officer

**DATE:** April 11, 2019

**SUBJECT:** **Case 21115: Amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law, and a proposed development agreement to enable a 9 storey building on Quinpool Road and Pepperell Street, near Preston Street**

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**ORIGIN**

- Application by WSP, on behalf of Façade Investments Ltd.
- January 16, 2018, Regional Council direction to continue processing this request for site-specific Municipal Planning Strategy amendments, subject to the proposal:
  - a) Generally aligning with the June 2017 Centre Plan document relative to Urban Structure, Height and Floor Area Ratio; and
  - b) Addressing the planning principles of transition, pedestrian-orientation, human-scale, building design, and context-sensitive as noted in Attachment D of the staff report presented to Regional Council on January 16, 2018 as Item 14.1.4.

**LEGISLATIVE AUTHORITY**

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

**RECOMMENDATION**

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

1. Give First Reading to consider the proposed amendments to the Municipal Planning Strategy for Halifax and the Land Use By-law for Halifax Peninsula, as set out in Attachments A and B of

this report, to permit a 9 storey, mixed-use building on Quinpool Road with a 3 storey section facing Pepperell Street, and schedule a joint public hearing with Halifax and West Community Council; and

2. Adopt the proposed amendments to the Halifax Municipal Planning Strategy and the Land Use By-law for Halifax Peninsula, as set out in Attachments A and B of this report.

It is further recommended that Halifax and West Community Council:

3. Give Notice of Motion to consider the proposed development agreement, as set out in Attachment C of this report, to permit a 9 storey, mixed-use building on Quinpool Road with a 3 storey section facing Pepperell Street. The public hearing for the proposed development agreement shall be held concurrently with the public hearing referenced in Recommendation 1.

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

4. Approve the proposed development agreement for a 9 storey, mixed-use building on Quinpool Road with a 3 storey section facing Pepperell Street, which shall be substantially of the same form as set out in Attachment C of this report;
5. Approve, by resolution, the proposed partial discharging agreement, which shall be substantially of the same form as set out in Attachment F of this report; and
6. Require that both the partial discharging agreement and 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**

### **Proposal Details**

WSP, on behalf of Façade Investments Ltd., has applied to amend the Municipal Planning Strategy (MPS) for Halifax and the Land Use By-law (LUB) for the Halifax Peninsula to enable a 9 storey, mixed-use development at 6290 and 6298 Quinpool Road with a 3 storey section at 6325 and 6331 Pepperell Street. A development of this size cannot be considered under existing policy and regulations. Proposal details are as follows:

- Mixed commercial and residential development;
- 9 storey mid-rise building near Quinpool Road; 3 storey low-rise section facing Pepperell Street;
- About 70 residential units proposed, including at-grade units facing Pepperell Street;
- Ground floor commercial units facing Quinpool Road;
- 2 storey streetwall next to Quinpool Road; and
- Underground parking with about 70 spaces, with a garage entrance off Pepperell Street.

<b>Subject Site</b>	6290, 6298, 6300, and 6302 Quinpool Road, 6325 and 6331 Pepperell Street (PIDs 00165936, 00165928, 00165845, 00165852, 41446881)
<b>Location</b>	Through lots, between Quinpool Road and Pepperell Street, near

	Preston Street
<b>Regional Plan Designation</b>	Urban Settlement
<b>Community Plan Designation (Map 1)</b>	Commercial (COM) under the Quinpool Road Commercial Plan Area and Medium Density Residential (MDR) under the Peninsula Centre Area Plan
<b>Zoning (Map 2)</b>	C-2C (Minor Commercial – Quinpool Road) and R-2 (General Residential Zone)
<b>Size of Site</b>	1693 square metres (18,227 square feet)
<b>Street Frontage</b>	35 metres (115 feet) on Quinpool Road and 23 metres (75 feet) on Pepperell Street
<b>Current Land Use(s)</b>	Low-rise commercial buildings facing Quinpool Road and low-rise residential properties facing Pepperell Street
<b>Surrounding Use(s)</b>	Low-rise commercial buildings on Quinpool Road. Houses and some commercial parking lots facing Pepperell Street.

### Surrounding Uses and Context

The subject site is made up of through lots between Quinpool Road and Pepperell Street, on the block between Preston and Oxford Streets. Quinpool Road is a major east-west street on the Halifax Peninsula. It is the commercial main street for the west end of Halifax. Quinpool has many small shops and restaurants. It is a major thoroughfare carrying cars and buses from Halifax Mainland into Downtown Halifax. Pepperell Street is a residential side-street. This block of Pepperell Street is mostly 2storey houses, many with more than one dwelling unit. There are also some commercial parking lots that face Pepperell Street.

The neighbourhood is walkable, with shops, restaurants, a grocery store and schools within a 5-minute walk. Dalhousie University's main campus and the Halifax Infirmary are within a 10-minute walk. The side streets are flat and have low traffic volumes, making the area bikeable and walkable. Additionally, HRM has built a bike-boulevard on Vernon and Seymour Streets. The bike-boulevard connects the neighbourhood with Dalhousie University via a safe, all ages and abilities (AAA) cycling route. Frequent bus service is available on Quinpool Road and Oxford Street, providing service to Halifax Shopping Centre, Dalhousie University, Spring Garden Road and Downtown Halifax. The site is central and has good transportation options.

### MPS and LUB Context

The MPS designates half of the subject site (facing Pepperell Street) as Medium Density Residential, under the Peninsula Centre Area Plan. The zoning is R-2 (General Residential) Zone, which permits buildings with up to 4 dwelling units. Under the R-2 Zone, the maximum building height is 35 feet and the maximum lot coverage is 35 percent. The Medium Density Residential designation does not permit rezoning to the R-3 Multiple Dwelling Zone, which would allow for high density residential development. The Medium Density Residential designation does not provide a development agreement option to consider high density residential development. The MPS provides a clear goal – maintaining areas designated Medium Density Residential as low-rise residential.

The half of the subject site facing Quinpool Road is designated Commercial and zoned C-2C (Minor Commercial – Quinpool Road), under the Quinpool Road Commercial Area Plan. The purpose of this Area Plan is to encourage a wide range of commercial uses, serving a large portion of Halifax. The Commercial designation establishes a 45-foot height precinct along Quinpool Road between Oxford Street and Robie Street. The C-2C Zone permits commercial uses and permits residential uses as per the R-3 (Multiple Dwelling) Zone. Residential uses must meet both the 45-foot height limit, and the R-3 Zone angle controls. Angle controls are a method of controlling the bulk of a building. The C-2C Zone would allow a 4 to 5 storey building on the Quinpool Road side of this site.

### Regional Plan & Centre Plan

The Halifax Regional Municipal Planning Strategy (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 commonly known as the Centre Plan.

In June of 2017, as part of the Centre Plan process, Regional Council authorized the direction contained within the June 2017 Centre Plan document as a framework for amending existing planning documents and developing new planning documents in the Regional Centre.

### **Regional Council Direction for this Application**

On August 1, 2017, Regional Council determined that fourteen requests for site specific MPS amendments inside the Regional Centre area should proceed, subject to considerations related to the June 2017 Centre Plan document. Eight other applications were not given specific direction. This application is one of the eight which received no direction.

Following Regional Council's meeting, the applicant revised their original proposal by lowering the building height. On January 16, 2018, Regional Council initiated three requests, including this proposal, for site specific MPS amendments. Council directed these amendments to proceed, subject to the same considerations given in August 2017. Specifically, Regional Council directed staff to continue processing this application, subject to:

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

The June 2017 Centre Plan document classified the subject site as part of the Quinpool Centre. The Centre classification applies to areas with significant redevelopment potential. The June 2017 Centre Plan document identified the subject site with a 4 to 6 storey height range, but did not set specific Floor Area Ratios for Centres.

The planning principles noted in Regional Council's January 2018 initiation are reviewed in the Discussion section of this report.

### **Incentive or Bonus Zoning**

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

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

### **Existing Development Agreement**

The subject property at 6331 Pepperell Street is subject to an existing development agreement, which also covers the KFC restaurant on Quinpool Road. The agreement was put in place in 1988 to allow KFC to legally access their site from Pepperell Street, using a one-way driveway that runs from Quinpool Road to Pepperell Street. Part of this driveway is on a deeded right-of-way at 6331 Pepperell Street. Because KFC is a commercial property, but 6331 Pepperell Street is zoned residential, the development agreement was required. Generally, commercial properties may not be accessed across residential zones. In addition to legalizing the driveway, the existing agreement requires the retention and maintenance of the residential structure at 6331 Pepperell Street. The agreement also requires a five-foot-high fence around the rear yard of the residential building. The applicant requests that the existing agreement at 6331 Pepperell Street be discharged to allow the existing house to be removed, and that the agreement be replaced with an agreement that permits a mid-rise, multi-unit building.

### **Approval Process**

The remaining 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;
- b) Second, when the MPS and LUB amendments are in effect, Halifax and West Community Council may consider and, if deemed appropriate, approve a development agreement.

A decision on proposed MPS and LUB amendments is not appealable to the Nova Scotia Utility and Review Board (the Board). However, a decision on the proposed development agreement is appealable to the Board.

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 Public Participation Program approved by Council on January 16, 2018. The level of community engagement was consultation, which was achieved by providing information through the HRM website, by posting signs on the subject site, by mailing letters to residents within the notification area and by hosting a public information meeting on May 7, 2018. Attachment D contains a copy of the minutes from the meeting. The public comments included the following:

- Some local business owners would like to see redevelopment and more density on Quinpool Road;
- Some speakers stated traffic was a concern, especially on side streets;
- Some speakers noted that the development fits the character of Quinpool, although some disagreed; and
- Some speakers noted the need for trees and wider sidewalks to improve Quinpool Road.

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



The proposal will potentially impact residents, property owners and businesses on Quinpool Road and residents and property owners on Pepperell Street.

### **Halifax Peninsula Planning Advisory Committee**

On June 25, 2018, the Halifax Peninsula Planning Advisory Committee (PAC) considered this proposal. The PAC recommended that the application be approved, but recommended a height more in line with the June 2017 Centre Plan (6 storeys). When PAC reviewed the proposal, the overall height was 8 storeys and the mid-rise portion at the interior of the block was 4 storeys, as opposed to 6 storeys. Other PAC feedback on the proposal included:

- PAC values the proposed streetwall height for pedestrian experience
- PAC believes that the proposal adequately considers transition and context-sensitivity in its design
- PAC appreciated the proposed amenity space
- PAC valued additional density on the Quinpool corridor

The proposed MPS and LUB amendments would permit a 9 storey building, with a 6 storey portion at the interior of the block. The overall height is higher than recommended by PAC. Staff's reasons for recommending a 9 storey building are provided in the Discussion section of this report.

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

### **REVISIONS**

Following the PIM and the PAC meeting, the applicant revised the proposed development to respond to public, staff, and PAC feedback. The notable changes are as follows:

- The height of the mid-block section between Quinpool Road and Pepperell Street increased from 4 storeys to 6 storeys;
- The overall height of the building, near Quinpool Road, increased to 9 storeys. The 9<sup>th</sup> floor is a modest sized penthouse, setback from the edge of 8<sup>th</sup> floor roof;
- The setback between neighbouring properties on Pepperell Street increased from 0 metres to 1.5 metres;
- The underground parking entrance was shifted to face Pepperell Street, instead of facing a side property line; and
- Side setbacks above the second floor were increased to 4 metres for mid-rise building portions.

### **DISCUSSION**

The MPS is a strategic policy document. It sets out the goals, objectives and direction for the long-term growth and development of Halifax. Amendments to an MPS are significant undertakings. Council is under no obligation to consider such requests. Staff advise that amendments are warranted in this case. The following sections review the rationale and content of the proposed MPS and LUB amendments.

#### **Applicant's Rationale**

The applicant has provided reasons they believe that the proposed building should be considered, which are summarized as follows:

- Quinpool Road is classified as a Centre in the Centre Plan Framework. Centres should accommodate significant growth;
- The proposed building design transitions to surrounding development. The tower portion is stepped back and the massing decreases in relation to the stacked townhouses on Pepperell Street; and
- The proposed design promotes a human scale and a safe, comfortable pedestrian experience.

## **Staff Review**

### Regional Plan Context

As noted in the Background section of this report, 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 commonly known as the Centre Plan. A focus of the Centre Plan is '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.

### Centre Plan 2017 Context

In keeping with the Regional Plan, the June 2017 Centre Plan document outlined a vision for strategic growth and outlined how and where the Regional Centre should grow through the land use and form classification shown on the Urban Structure Map. As noted in the Background section of this report, the Urban Structure includes the following 10 classifications: Downtowns, Centres, Corridors, Future Growth Nodes, Established Residential Areas, Higher Order Residential Areas, Intensive Employment Areas, Institutional Employment Areas, Small Scale Institutional Areas, Parks and Open Spaces.

The June 2017 Centre Plan document identified 5 Centres (Gottingen, Spring Garden, Wyse, Young, and Quinpool). It envisioned the Centres playing an important role in managing growth in the Regional Centre and proposed that Centres accommodate 28% of new Regional Centre residents. Medium to high density development is appropriate for growth areas. This concentrates people, jobs, and services. New development can add vitality to these areas, but must transition well to existing residential and commercial areas. The overall, long-term framework for new development in the Regional Centre will be finalized through adoption of a Regional Centre Secondary Municipal Planning Strategy and a Land Use By-law.

The June 2017 Centre Plan document identifies the Quinpool Centre as the heart of the Regional Centre's West End neighbourhood, which includes a scale of buildings that transition from taller buildings at the eastern end to low buildings at the residential western end of the street. Based on the general transition of existing building heights, the June 2017 Centre Plan document proposed the tallest buildings (up to 20 floors) at the eastern edge of the Quinpool Centre. In the Quinpool Centre, Regional Council has recently approved MPS amendments to enable:

- a 14 storey (plus penthouse) building on Robie Street, between Pepperell Street and Shirley Street;
- a 10 storey building facing Quinpool Road at the Ben's Bakery site; and
- a 25 storey building at the intersection of Quinpool Road and Robie Street (at the Willow Tree).

On February 23, 2018, Centre Plan Package A was released for public and committee review. Package A includes a draft Secondary Municipal Planning Strategy and Land Use By-law which focuses on Centres, Corridors, Higher Order Residential, and Future Growth Node classifications in the Regional Centre. Package A proposes the following regulations for the site:

- FAR (Floor Area Ratio): 3.5 facing Quinpool Road; 2.25 facing Pepperell Street
- Maximum building height: 20 metres (6 storeys) facing Quinpool Road; 14 metres (4 storeys) facing Pepperell Street
- Maximum streetwall height: 8 metres (2 storeys)
- Stepback above streetwall: 2.5 metres

### Regional Council Direction on this Application

Regional Council directed staff to process this application, subject to it generally aligning with the June 2017 Centre Plan document, relative to Urban Structure, Height and Floor Area Ratio. The subject property is placed within a Centre classification (Quinpool Centre). Staff advise the proposed building strongly aligns

with the Urban Structure. The June 2017 Centre Plan document did not set specific Floor Area Ratios for Centres. The June 2017 Centre Plan document gives the site a 4 to 6 storey height range. The proposed building is nine floors – eight full floors and a modestly sized ninth floor penthouse. The building height near Pepperell Street is 3 storeys. These heights generally align with the June 2017 Centre Plan document, which proposed a maximum height of 6 storeys.

Regional Council also directed staff to continue processing this application, subject to it addressing the planning principles of transition, pedestrian-oriented, human-scale, building design, and context-sensitive. These planning principles are further described in Table 1 below.

**Table 1. Planning Principles**

Planning Principles	Description
<b>Transition</b>	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.
<b>Pedestrian-oriented</b>	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.
<b>Human-Scale</b>	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.
<b>Building Design</b>	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.
<b>Context-sensitive</b>	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.

### **Analysis of the Planning Principles**

The proposed MPS and LUB amendments address the planning principles set out above. Proposed policy limits the building's height to 9 storeys, and requires the height to decrease towards Pepperell Street. This change in massing allows the building to transition from Quinpool, the commercial main street, to Pepperell, the residential street. Transition is also achieved by limiting the types of commercial uses on Pepperell Street. This transition ensures that the proposed building is appropriate for both the Quinpool Road context and the Pepperell Street context.

The proposed MPS policy requires ground floors to be pedestrian-oriented, facing both Quinpool and Pepperell. The applicant has proposed storefronts and the main building entrance on Quinpool Road. The storefronts have large windows and have small setbacks from the street. This design will provide an inviting place to walk past or stand near. The streetwall facing Quinpool Road is 2 storeys, appropriate for pedestrian comfort. Facing Pepperell Street, residential entrances connect directly to the sidewalk, via outdoor stairways. The first floors of the stacked townhouses are raised above sidewalk level. This provides a balance between residents' privacy and visual connections between the sidewalk and the townhouses. Visual connections – being able to see into units – increases the comfort of pedestrians.

The proposed building design contributes to a human-scale at the sidewalk level. Streetwall heights are modest, and the streetwalls have prominent doors and windows. Doors and windows are sized to human dimensions, creating a link between the human scale and the larger building scale. Through the main building masses, balconies and windows also provide a link between human scale and the larger scale of the building. Finally, the building design uses colour, window and door openings, and changes in materials to break down the mass of the building, which provides visual interest.

### **Proposed MPS and LUB Amendments**

To draft the proposed MPS and LUB amendments, staff considered Regional Plan policy and the proposed direction from the June 2017 Regional Centre Plan. Attachments A and B contain the proposed MPS and LUB amendments. A summary of the proposed amendments are as follows:

- enables mixed-use buildings, with residential, commercial, institutional and entertainment uses;
- permits a 9 storey (8 storeys plus a smaller 9<sup>th</sup> floor penthouse) multi-unit residential building facing Quinpool Road;
- permits low-rise, residential development facing Pepperell Street;
- requires a mix of residential unit types;
- permits licensed establishments on Quinpool Road;
- limits commercial uses fronting on Pepperell Street;
- regulates building massing, streetwall heights, setbacks, signs and landscaping; and
- requires a development agreement.

The proposed amendments enable a mixed-use, high density development on a main street in the Regional Centre. Quinpool Road is walkable, has many services and has frequent, all-day transit service on weekdays. Increasing density on Quinpool Road supports Regional Plan policy by directing growth to an appropriate street in the Regional Centre. Increasing density supports the goals of the Integrated Mobility Plan by directing growth to an area with sustainable transportation options.

The proposed MPS policy is reasonably consistent with Regional Council's direction for this proposal. The proposal is consistent with the urban structure proposed for this area by the June 2017 Centre Plan document. While the building's height is taller than the 6 storeys proposed for the site in the June 2017 Centre Plan document, the primary difference between 6 storeys and 9 storeys is in the building's appearance, not in the building form or the impact on its surroundings.

The proposed MPS policy will enable a building that addresses the five planning principles. The building's design mitigates impacts on surrounding properties. For instance, the streetwall height facing Quinpool Road is 2 storeys, which will reduce the wind impacts. The wind study for this proposal suggests the

proposal will marginally increase wind speeds in the area, for short periods in the spring and winter. Shadow studies show modest impacts. Staff recommends the shadow or wind impacts from a 9 storey building are marginal.

Staff recommends regulating the proposed building through a Development Agreement.

### **Proposed Development Agreement**

Attachment C contains the proposed development agreement for the subject site. Staff advise that the proposed development agreement carefully carries out the intent of the proposed MPS amendments. Attachment E contains a review of the proposed development agreement against proposed MPS criteria.

The following highlights the primary land use, built form, and site design requirements found in the proposed development agreement:

*Land Uses (facing Quinpool Road):* The proposed development agreement allows a mix of commercial, institutional, community and multi-unit residential uses. It allows restaurants and licensed establishments, excluding cabarets and lounges. Banks and office uses are limited to 4,000 square metres (43,056 square feet).

*Land Uses (facing Pepperell Street):* The proposed development agreement prohibits restaurants, licensed establishments, banks, offices, commercial recreation, retail or pharmacies.

#### *Building Height and Built Form:*

- Maximum height is limited to 9 storeys (up to 35 metres or 115 feet), near Quinpool Road. The 9<sup>th</sup> storey is smaller than the 8 storeys below;
- Maximum height in the middle of the block is limited to 6 storeys (25 metres or 82 feet); and
- Maximum height next to Pepperell Street is limited to 12.5 metres (41 feet);

#### *Building Setbacks:*

- Maximum streetwall height of 2 storeys facing Quinpool Road;
- Streetwall setbacks of at least 0.6 metres facing Quinpool Road;
- Streetwall setbacks of at least 2.5 metres facing Pepperell Street; and
- Building walls must have a minimum horizontal step-back above the second storey.

*Unit Mix:* The proposed development agreement requires at least 30 percent of residential units to have 2 or more bedrooms.

The proposed development agreement also includes requirements for:

- Landscaping and landscaped buffers;
- Amenity space;
- External appearance;
- Streetwall articulation and streetwall design;
- Commercial access to the neighbouring KFC restaurant (see below); and
- Parking.

### **Discharging Development Agreement**

As described in the Background section, 6331 Pepperell Street is subject to an existing development agreement. The agreement allows the neighbouring KFC to legally access their site from Pepperell Street. In addition to legalizing the access, the existing agreement requires the retention and maintenance of the residential structure and requires fencing. The existing agreement at 6331 Pepperell Street must be partially discharged before any new development can be permitted on the property. However, the existing development agreement is one mechanism that legalizes KFC's current driveway on Pepperell Street. To

maintain KFC's legal access, the proposed development agreement permits a commercial driveway on the deeded right-of-way at 6331 Pepperell Street.

A partial discharging development agreement is provided as Attachment F.

### **Conclusion**

Staff have considered the request against the policies of the Regional Plan and against Regional Council's direction for this proposal. Staff advises that the proposed building is generally aligned with the direction of the June 2017 Centre Plan, relative to height and urban structure. The proposal is in the Quinpool Centre. Centres are identified as mixed-use areas appropriate for redevelopment at high densities. Centres are intended to accommodate a significant amount of new development in the Regional Centre. The building also addresses the five planning principles of pedestrian-oriented, transition, human-scale, building design and context-sensitive. Staff recommends new MPS and LUB policy to enable, by development agreement, a 9 storey, mixed-use development on Quinpool Road, along with a 3 storey residential section facing Pepperell Street.

### **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 development agreement can be carried out within the 2019-2020 budget with existing resources.

### **RISK CONSIDERATION**

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

### **ALTERNATIVES**

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

1. Modify the proposed amendments to the MPS for Halifax and the LUB for Halifax Peninsula, as set out in Attachments A and B of this report. If this alternative is chosen, specific direction regarding the requested modifications is required. Substantive amendments may require another public hearing to be held before approval is granted. A decision of Council to approve or refuse the proposed amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Refuse the proposed amendments to the MPS for Halifax and the LUB for Halifax Peninsula. A decision of Council to approve or refuse the proposed amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

## **ATTACHMENTS**

Map 1:	Generalized Future Land Use
Map 2:	Zoning and Notification Area
Attachment A:	Proposed MPS Amendments
Attachment B:	Proposed LUB Amendments
Attachment C:	Proposed Development Agreement
Attachment D:	Public Information Meeting (PIM) Minutes
Attachment E:	Policy Matrix – Review of Proposed Development Agreement
Attachment F:	Proposed Partial Discharging Agreement

## **RELATED REPORTS**

**Initiation Report:** January 16, 2018, Regional Council, Item 14.1.4. [Site-specific Secondary Municipal Planning Strategy Amendment Requests within the Regional Centre Boundary \(Supplementary Report\).](#)

August 1, 2017, Regional Council, Item 14.1.10. [Site-Specific Secondary Municipal Planning Strategy \(SMPS\) Amendment Requests within the Regional Centre Boundary.](#)

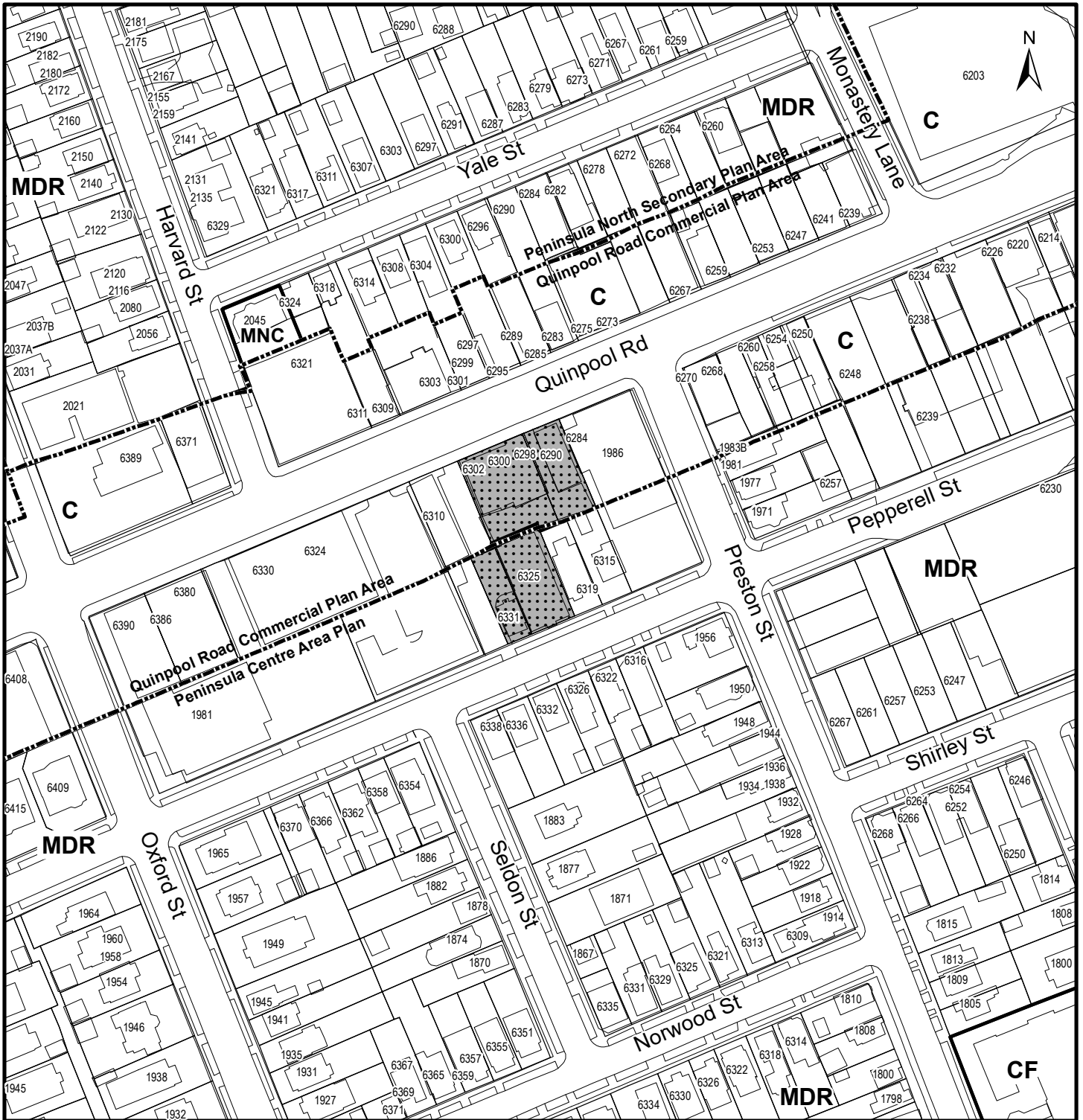
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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Sean Gillis, Planner II, 902.490.6357  
Original Signed

Report Approved by: \_\_\_\_\_  
Eric Lucic, Manager, Regional Planning, 902.430.3954

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**Map 1 - Generalized Future Land Use**



Quinpool Road and Pepperell Street

Subject Properties

**Quinpool Road Commercial Designation**

C Commercial

**Peninsula North Secondary Designation**

MDR Medium Density Residential  
MNC Minor Commercial



**Peninsula Centre Secondary Designation**

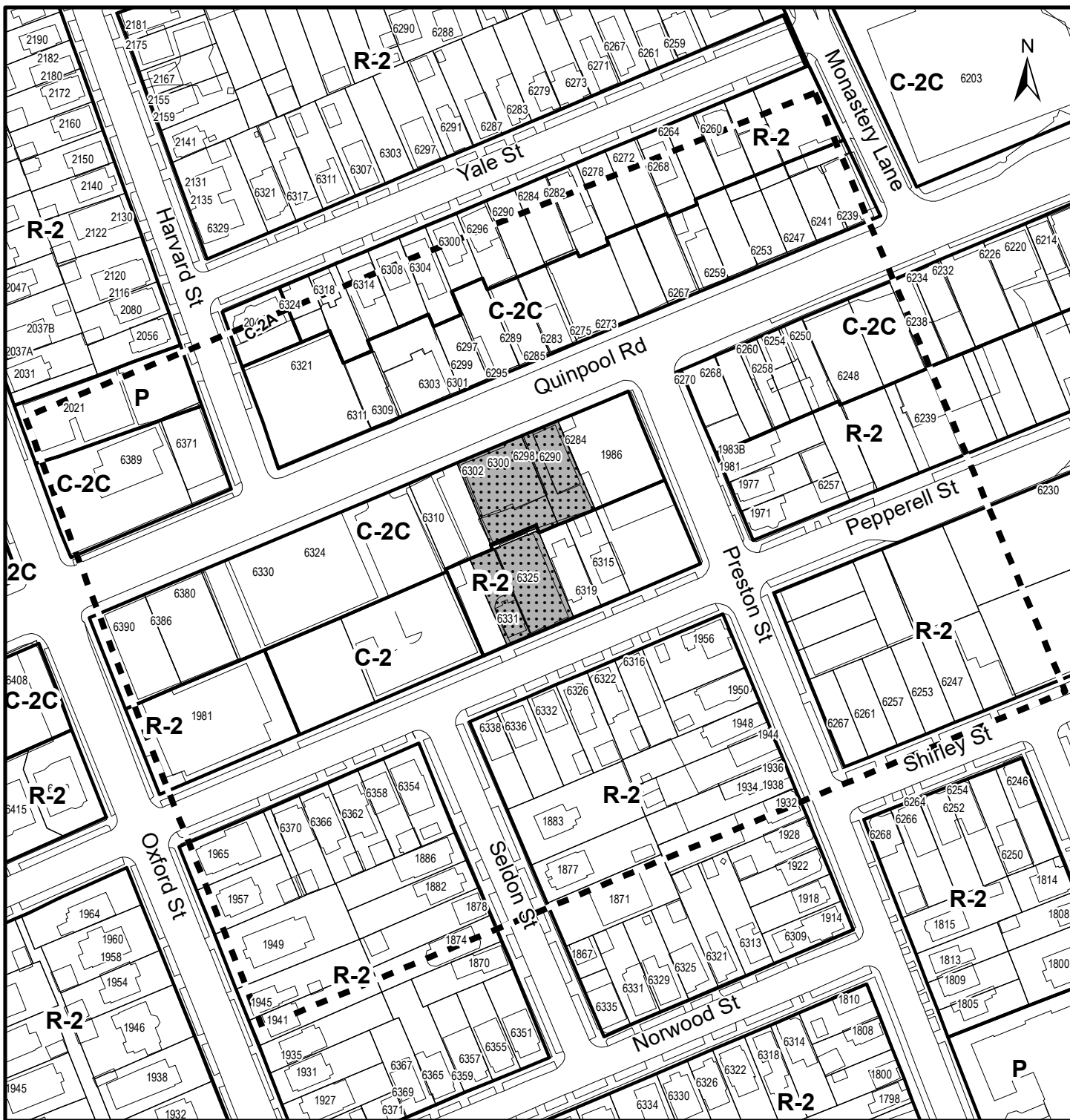
MDR Medium Density Residential

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

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

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





**Map 2 - Zoning and Notification Area**

Quinpool Road and  
Pepperell Street


**HALIFAX**

 Subject Properties

**Zone**

- R-2 General Residential
- C-2 General Business
- C-2A Minor Commercial
- C-2C Minor Commercial - Quinpool Road
- B Bakery
- P Park and Institutional



 Area of Notification

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

Halifax Peninsula  
Land Use By-Law Area

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/ Beech Street / Elm Street
- 5. Development at Quinpool Road / Pepperell Street, near Preston Street**

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

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-;
  - c) Development at Quinpool Road/ Pepperell Street, near Preston Street, as identified in Section 5.**
3. By amending Section VXI to add the following text in bold after Subsection 4.2.1:

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

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.

Notwithstanding other policies of this Municipal Planning Strategy, 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 uses, including, but not limited to residential, 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 4<sup>th</sup> and 5<sup>th</sup> storeys, in addition to 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 and external building design, cladding materials, design of at-grade residential units, front yard landscaping, outdoor storage, signage, and the planting / retention of vegetation; and
- m) permit underground parking.

In addition to meeting the requirements of Policy 4.2.1 a) to m) inclusive, Council shall also have regard for the following when considering a development agreement for the property located at the intersections of Chebucto Road, Elm Street, and Beech Street, Halifax:

- n) the planning principles of transition, pedestrian-oriented, human-scale, building design and context sensitive, as described in Section 2; and
- o) the provision of appropriate changes in building size and massing, to create appropriate transitions to surrounding built forms.

**5. DEVELOPMENT AT QUINPOOL ROAD / PEPPERELL STREET, NEAR PRESTON STREET**

**The properties having street frontage on Quinpool Road and Pepperell Street (6290, 6298, 6300, and 6302 Quinpool Road, 6325 and 6331 Pepperell Street) is the subject site of a**

## **REVISED**

proposal for site-specific planning policy amendments to allow for a 9-storey mixed-use building. This proposal is one of the twelve policy requests noted in Section 1. On January 16, 2018, Regional Council chose to continue processing the proposal subject to specific considerations.

### **5.1 Specific Considerations**

The June 2017 Centre Plan Document identifies this property as part of the Quinpool Centre. The Quinpool Centre is the heart of Halifax's West End Neighbourhood. The scale of buildings transition from taller buildings at the eastern end of the Centre to low rise buildings in the western end. The June 2017 Centre Plan Document proposed buildings between 4 and 6 storeys tall on the block of Quinpool Road between Preston Street and Oxford Street. Pepperell Street is a local, residential street, suitable for low-rise buildings.

In January 2018, Regional Council initiated amendments to consider an 8-storey proposal on Quinpool Road and Pepperell Street, near Preston Street. Regional Council directed that the proposal shall generally align with the June 2017 Centre Plan Document relative to urban structure, height, and floor area ratio. Regional Council also directed this 8-storey proposal shall address the planning principles noted in Section 2.

The Quinpool Road/ Pepperell Street (near Preston Street) 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.

### **5.2 Regulating Development**

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

#### **5.2.1 Development Agreement Provisions**

The Land Use By-law for Halifax Peninsula shall be amended to identify that mixed-use, multi-unit residential development may be considered by development agreement for the properties located at 6290, 6298, 6300, and 6302 Quinpool Road and 6325 and 6331 Pepperell Street.

(1) Notwithstanding other policies of this Municipal Planning Strategy except 5.2.1(2), a development agreement for the properties located at 6290, 6298, 6300, and 6302 Quinpool Road and 6325 and 6331 Pepperell Street shall:

- a) permit a mixed-used (residential and commercial) building;
- b) permit a range of uses that serve both a local and regional population, including: residential, office, retail, service, restaurants, institutional, cultural and entertainment uses, and establishments licensed to serve alcohol;
- c) limit the commercial uses that are permitted to front on Pepperell Street;

- d) require a mix of residential unit types;**
  - e) permit a multi-unit, mixed-use building of up to 9 storeys on part of the property near Quinpool Road, and of up to 6 storeys mid-block between Quinpool Road and Pepperell Street;**
  - f) permit low-rise, residential development of up to 3 ½ storeys on part of the property near Pepperell Street;**
  - g) restrict streetwall height facing Quinpool Road to 2 storeys;**
  - h) control the massing of the mid-rise portions by requiring building setbacks to provide separation from neighbouring properties;**
  - i) require a side setback between any building and the residential property immediately east on Pepperell Street;**
  - j) require indoor and outdoor amenity space for residents;**
  - k) regulate signage and the external appearance of structures;**
  - l) regulate streetwall design and the design of at-grade commercial and residential units;**
  - m) allow commercial parking; and**
  - n) prohibit surface parking lots.**
- (2) In addition to meeting the requirements of Policy 5.2.1(1) a) to n) inclusive, when considering a development agreement for the properties located at Quinpool Road and Pepperell Street, 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.**

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

---

Kevin Arjoon  
Municipal Clerk

# REVISED

## Attachment B:

### Proposed Amendments to the Land Use By-law for Halifax Peninsula

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

1. Amend the section under the heading PENINSULA CENTRE - DEVELOPMENT AGREEMENTS by inserting the following subsection 95(9) immediately following Section 95(8):

**95(9) Quinpool Road / Pepperell Street near Preston Street, Halifax (6290, 6298, 6300, and 6302 Quinpool Road, 6325 and 6331 Pepperell Street)**

**Council may, by development agreement, pursuant to Policy 5.2.1 of Section XVI of the Halifax Municipal Planning Strategy, permit a multiple dwelling which may contain commercial uses.**

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

---

Kevin Arjoon

Municipal Clerk

**ATTACHMENT C:**

**Proposed Development Agreement**

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

BETWEEN:

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

OF THE FIRST PART

- and -

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

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands on Quinpool Road and Pepperell 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 XVI, Policy 5.2.1 of the Municipal Planning Strategy for Halifax and Subsection 95(9) 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 21115;

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) "Amenity Space" means indoor or outdoor spaces designed for leisure or recreational activities by the residential occupants of a building;
  - b) "Commercial Parking" means a parking structure, or any portion thereof, where parking spaces can be leased by the public;
  - c) "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;
  - d) "Micro Brewery" means a craft brewery primarily engaged in the production and packaging of less than 15,000 hectolitres per year of specialty or craft beer, ale, or other malt beverages. The facility may include accessory uses such as retail sale, wholesale, tours and events, or hospitality rooms where beverages produced at the facility can be sampled;
  - e) "Micro Distillery" means a craft distillery primarily engaged in the production and packaging of less than 75,000 litres per year of liquor and spirits, other than wine and beer. The facility may include accessory uses such as retail sale, wholesale, tours and events, or hospitality rooms where beverages produced at the facility can be sampled;
  - f) "Streetwall" means the wall of a building or portion of a wall facing a streetline that is below the height of a specified stepback or angular plane, excluding minor recesses for elements such as doorways or intrusions such as bay windows;
  - g) "Streetwall Height" means the vertical distance between the top of the streetwall and the streetline grade, extending across the width of the streetwall;
  - h) "Streetwall Setback" means the distance between the streetwall and the streetline;
  - i) "Stepback" means a specified horizontal recess above the top of a wall, which shall be unobstructed from the top of the wall or from the property line to the sky except as otherwise specified;
  - j) "Streetline" means the lot line between the street and an abutting lot; and
  - k) "Streetline Grade" means the elevation of a streetline at a point that is perpendicular to the horizontal midpoint of the streetwall. Separate streetline grades shall be determined for each streetwall segment that is greater than 20 metres in width or part thereof; and

## **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 21115:

Schedule A	Legal Description of the Land(s)
Schedule B	Subject Properties
Schedule C	Site Plan
Schedule D	Setback and Stepback Plan
Schedule E	Height Framework
Schedule F	Building Elevations

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

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

- a) a detailed Site Disturbance Plan prepared by a Professional Engineer in accordance with Section 5.1 of this Agreement;
- b) a detailed Erosion and Sedimentation Control Plan prepared by a Professional Engineer in accordance with Section 5.1 of this Agreement; and
- c) a detailed Site Grading and Stormwater Management Plan prepared by a Professional Engineer in accordance with Section 5.1 of this Agreement.

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

- a) a Landscape Plan prepared by a Landscape Architect in accordance with Subsection 3.5.10 of this Agreement.
- b) A Tree Protection Plan for street trees in accordance with Subsection 4.2.1 of this Agreement.

3.2.3 Prior to the issuance of the first Occupancy Permit, the Developer shall provide the following to the Development Officer, unless otherwise permitted by the Development Officer, subject to Subsection 3.5.10:

- 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.

3.2.4 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Lands for any of the uses permitted by this Agreement unless an Occupancy Permit has been issued by the Municipality. No Occupancy Permit shall be issued by the Municipality unless and until the Developer has complied with all applicable provisions of this Agreement and the Land Use By-law (except to the extent that the provisions of the Land Use By-law are varied by this Agreement) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.

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

3.3.1 Subject to Subsection 3.3.2, the use(s) of the Lands permitted by this Agreement are the following:

- a) residential uses, including an apartment house (multiple dwelling);

- b) restaurants and licensed alcohol establishments, excluding cabarets and lounges;
- c) micro brewery or micro distillery;
- d) banks and office uses, up to 4,000 square metres total;
- e) retail uses, grocery stores and pharmacies;
- f) commercial recreation uses;
- g) personal and professional services;
- h) daycares;
- i) institutional uses;
- j) medical clinics and medical offices;
- k) cultural uses;
- l) commercial parking;
- m) any other use permitted by the Land Use By-law, as amended from time to time; and
- n) any use accessory to any of the foregoing uses.

3.3.2 The following uses are not permitted to front on Pepperell Street:

- a) restaurants and licensed alcohol establishments;
- b) micro brewery or micro distillery;
- c) banks and office uses;
- d) retail uses, grocery stores, and pharmacies; and
- e) commercial recreation uses.

3.3.3 A maximum of 75 residential units are permitted. At least thirty percent of the total number of dwelling units, rounded up to the nearest full number, shall include two or more bedrooms.

### **3.4 Site and Architectural Requirements**

3.4.1 The building shall be generally sited as shown on Schedule C, and shall include additional detailing as identified in Section 3.4 of this Agreement.

3.4.2 Subject to Subsection 3.4.3, no building will be constructed or altered so that it exceeds the maximum height framework as shown on Schedule E, Height Framework.

3.4.3 An elevator enclosure or overrun of up to 1 metre in height may project above the building roof, and may exceed the maximum height framework, provided it is generally located as shown in Schedule F.

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

#### *Setbacks and Stepbacks*

3.4.5 Subject to Subsection 3.5.1, minimum building setbacks shall conform to Schedules C and D.

3.4.6 Subject to Subsection 3.4.7, minimum building stepbacks from the property line shall conform to Schedules C and D.

- 3.4.7 Building setbacks above the streetwall must be open and unobstructed except for railings, or eaves, gutters, downspouts, cornices, and other similar features.

*Maximum Streetwall Height*

- 3.4.8 Subject to Subsections 3.4.9 and 3.4.10, the maximum streetwall height facing Quinpool Road shall be 2 storeys not exceeding a total height of 9 metres.
- 3.4.9 Up to 20 percent of the streetwall may exceed the maximum streetwall height.
- 3.4.10 The maximum streetwall height may be exceeded by a glass guard and railing system to allow for the safe use of podiums and rooftops.

*Streetwall Design*

- 3.4.11 The ground floor facing Quinpool Road shall have a minimum floor to ceiling height of 4 metres.
- 3.4.12 If a building's streetwall width exceeds 15 meters, the ground floor of the streetwall must incorporate distinct changes in articulation, in increments of 15 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 or treatments;
  - d) recesses, projections or recessed balconies; and
  - e) building entrances.
- 3.4.13 The first floor commercial façade facing Quinpool Road shall provide a minimum of 50% area of windows, doors, or other transparent treatments that provide views of the interior of the building.
- 3.4.14 The number of commercial units and commercial entrances facing Quinpool Road may change provided that all other provisions of this Agreement are met.
- 3.4.15 The façade facing Pepperell Street shall incorporate ground floor residential units that have exterior entrances fronting on the street. The facades shall be designed as follows:
- a) to maintain resident's privacy, the main floor of each residential unit will be set above the sidewalk grade; and
  - b) the entrance will open directly onto a porch, patio or stoop, which is connected directly to the sidewalk by a stairway or ramp.

*External Building Appearance*

- 3.4.16 All cladding materials shall be durable and have an architectural finish.
- 3.4.17 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 or balcony railings).
- 3.4.18 Utility connections, fill pipes, exhaust vents, and ventilators shall be screened from view.

3.4.19 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*

3.5.1 The following structures are permitted encroachments into any required yard:

- a) wheelchair ramps, uncovered patios, porches, walkways, lifting devices, and steps;
- b) ornamental frames that are part of the ground floor commercial facade, as shown on Schedule F;
- c) eaves, gutters, downspouts, cornices, and other similar features may project up to 0.9 metres from the building face;
- a) window bays and solar collectors may project up to 0.9 metres from the building face; and
- b) mechanical and electrical systems may project up to 0.9 metres from the building face, subject to Subsection 3.4.18.

#### *Screening of Waste Management Containers*

3.5.2 All refuse and recycling materials shall be contained within a building. The building shall include designated space for five stream commercial waste containers (1. Garbage, 2. Blue Bag Recyclables, 3. Paper, 4. Corrugated Cardboard, and 5. Organics) to accommodate source separation program in accordance with By-law S-600 as amended from time to time. This designated space for five (5) waste containers shall be shown on the building plans and approved by the Development Officer and Building Inspector in consultation with HRM Solid Waste Resources.

#### *Parking, Driveways and Garage Entrances*

3.5.3 The development is not required to provide parking spaces for commercial, service or institutional uses. The development shall provide at least one separately accessible parking space, at least 2.4 metres wide and 4.8 metres long, for every:

- a) four bachelor units, or fraction thereof, contained in an apartment house;
- b) three one-bedroom units contained in an apartment house; and
- c) two dwelling units in excess of one-bedroom in an apartment house.

3.5.4 Commercial parking is permitted. Up to four surface parking spaces are permitted..

3.5.5 Driveway access shall be off Pepperell Street. A garage entrance may face Pepperell Street. The garage entrance shall be setback from the streetwall facing Pepperell, and shall be generally designed as shown in Schedule F.

#### *Bicycle Parking*

3.5.6 The development shall comply with the bicycle parking provisions of the applicable Land Use By-law, as amended from time to time.

#### *Landscaping*

3.5.7 Subject to Subsection 3.5.9, all required yards shall 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.
- 3.5.8 Areas required for vehicle and pedestrian access do not need to be landscaped.
- 3.5.9 Where the development abuts a property zoned or used for residential, it must contain a landscape buffer along the side yard next to that use. The landscape buffer must contain:
- a) an opaque fence or masonry wall at least 1.8 metres high; and
  - b) at least three coniferous trees with a minimum height of 4 metres.
- 3.5.10 Prior to the issuance of a Development Permit, the Developer agrees to provide a 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.
- 3.5.11 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.
- 3.5.12 Notwithstanding Subsection 3.5.10, 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.

#### *Amenity Space*

- 3.5.13 Apartment house buildings shall provide amenity space at a rate of 5 square metres per residential unit. Amenity space may be provided in the form of unit patios, unit balconies or terraces, rooftop balconies or terraces, and shall include interior amenity space. Interior amenity space shall include one of the following common elements:
- a) fitness room of a minimum size of 40 square metres; or
  - b) community room of a minimum size of 40 square metres.

#### *Signs*

- 3.5.14 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 end 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.

3.5.15 Three fascia signs displaying the name of the building may be placed on the exterior walls, as shown on Schedule F. The fascia signs shall be made of individual letters. The fascia signs may be internally illuminated or backlit.

### **3.6 Additional Requirements**

- 3.6.1 Prior to the issuance of a Development Permit, a subdivision application to consolidate the properties shown on Schedule B shall be submitted to the Development Officer in accordance with the Regional Subdivision By-law. A Demolition Permit is required to remove existing buildings on the properties prior to consolidation. No Development Permit shall be issued until the subdivision plan is approved.
- 3.6.2 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.
- 3.6.3 The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the exterior of the buildings, fencing, walkways, recreational amenities, parking areas and driveways, and the maintenance of all landscaping including the replacement of damaged or dead plant stock, trimming and litter control, garbage removal and snow and ice control, salting of walkways and driveways.
- 3.6.4 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.

#### *Commercial Access*

- 3.6.5 An easement agreement permits vehicles to pass from 6331 Pepperell Street to 6310 Quinpool Road and vice-versa. If this easement remains in force, the easement may be used to provide commercial access to 6310 Quinpool Road.

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

### **4.1 General Provisions**

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

## **4.2 Off Site Disturbance**

- 4.2.1 Any disturbance to existing off-site infrastructure resulting from the development, including but not limited to, streets, sidewalks, curbs and gutters, street trees, landscaped areas and utilities, shall be the responsibility of the Developer, and shall be reinstated, removed, replaced or relocated by the Developer as directed by the Development Officer, in consultation with the Development Engineer.

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

### **5.1 Stormwater Management Plans and Erosion and Sedimentation Control Plan**

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.
- 5.2 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;
  - (b) The length of time for the completion of the development as identified in Subsection 7.5.1 of this Agreement.

### **6.2 Substantive Amendments**

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



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

### **7.1 Registration**

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

### **7.2 Subsequent Owners**

- 7.2.1 This Agreement shall be binding upon the parties hereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the Lands which are the subject of this Agreement until this Agreement is discharged by Council.
- 7.2.2 Upon the transfer of title to any lot(s), the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot(s).

### **7.3 Commencement of Development**

- 7.3.1 In the event that development on the Lands has not commenced within 6 years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law.
- 7.3.2 For the purpose of this section, commencement of development shall mean the issuance of a Building Permit.
- 7.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 6.1(a), if the Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the commencement of development time period.

### **7.4 Completion of Development**

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

### **7.5 Discharge of Agreement**

- 7.5.1 If the Developer fails to complete the development after 10 years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office Council may review this Agreement, in whole or in part, and may:
- (a) retain the Agreement in its present form;
  - (b) negotiate a new Agreement; or
  - (c) discharge this Agreement.

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

### **8.1 Enforcement**

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

### **8.2 Failure to Comply**

- 8.2.1 If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer 30 days written notice of the failure or default, then in each such case:
- (a) The Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defense based upon the allegation that damages would be an adequate remedy;
  - (b) The Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the Agreement, whereupon all reasonable expenses whether arising out of the entry onto the Lands or from the performance of the covenants or remedial action, shall be a first lien on the Lands and be shown on any tax certificate issued under the *Assessment Act*;
  - (c) The Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; or
  - (d) In addition to the above remedies, the Municipality reserves the right to pursue any other remedy under the *Halifax Regional Municipality Charter* or Common Law in order to ensure compliance with this Agreement.

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

**SIGNED, SEALED AND DELIVERED** in the presence of:

(Insert Registered Owner Name)

\_\_\_\_\_  
Witness

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

**HALIFAX REGIONAL MUNICIPALITY**

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

\_\_\_\_\_  
Witness

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

MAYOR

\_\_\_\_\_  
Witness

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

MUNICIPAL CLERK

PROVINCE OF NOVA SCOTIA  
COUNTY OF HALIFAX

On this \_\_\_\_\_ day of \_\_\_\_\_, 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.

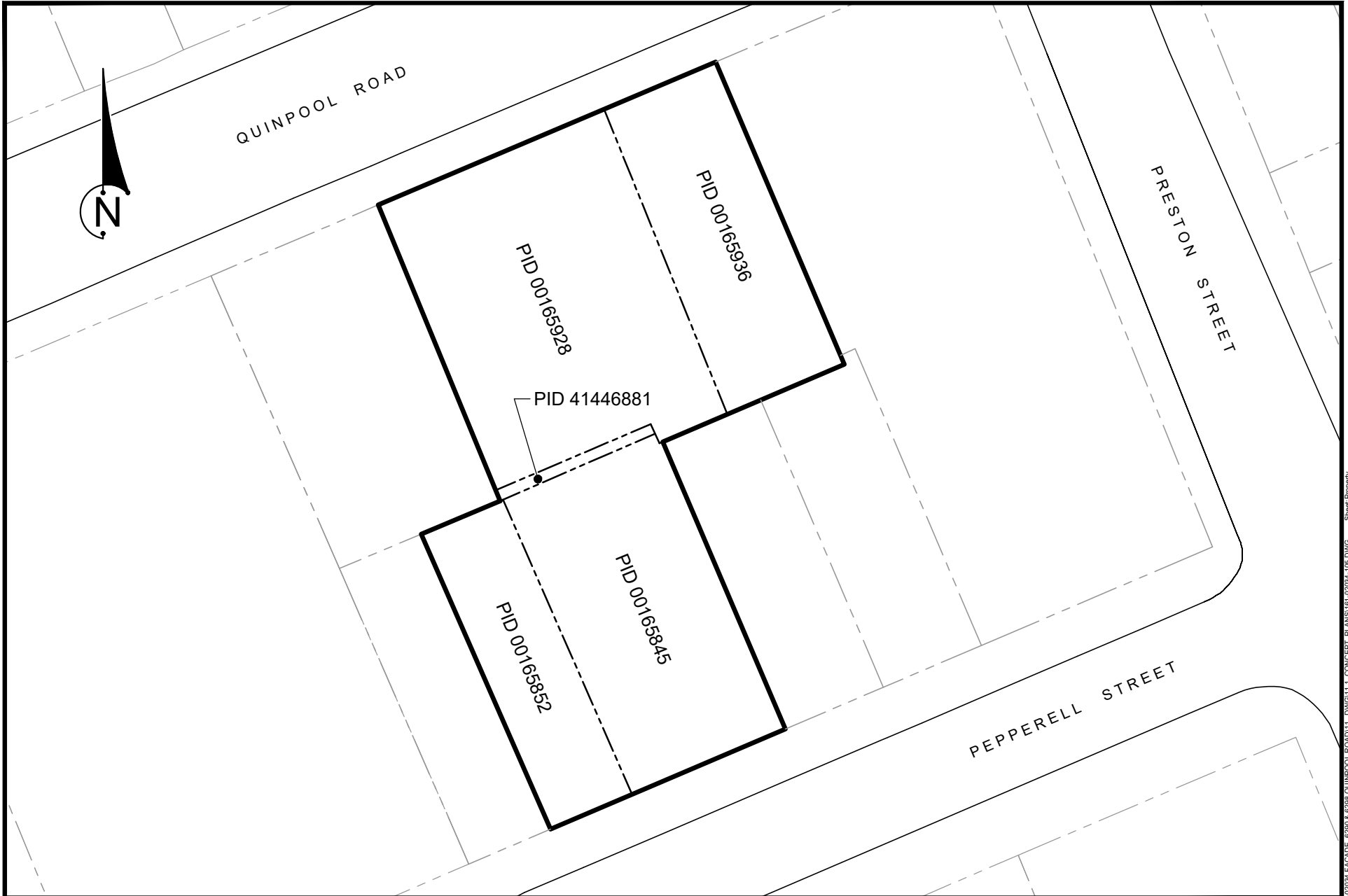
\_\_\_\_\_  
A Commissioner of the Supreme Court  
of Nova Scotia

PROVINCE OF NOVA SCOTIA  
COUNTY OF HALIFAX

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

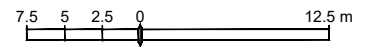
\_\_\_\_\_  
A Commissioner of the Supreme Court  
of Nova Scotia

# Schedule B - Subject Properties



PROPERTY PLAN - TED BUILDING  
QUINPOOL ROAD  
HALIFAX, NOVA SCOTIA

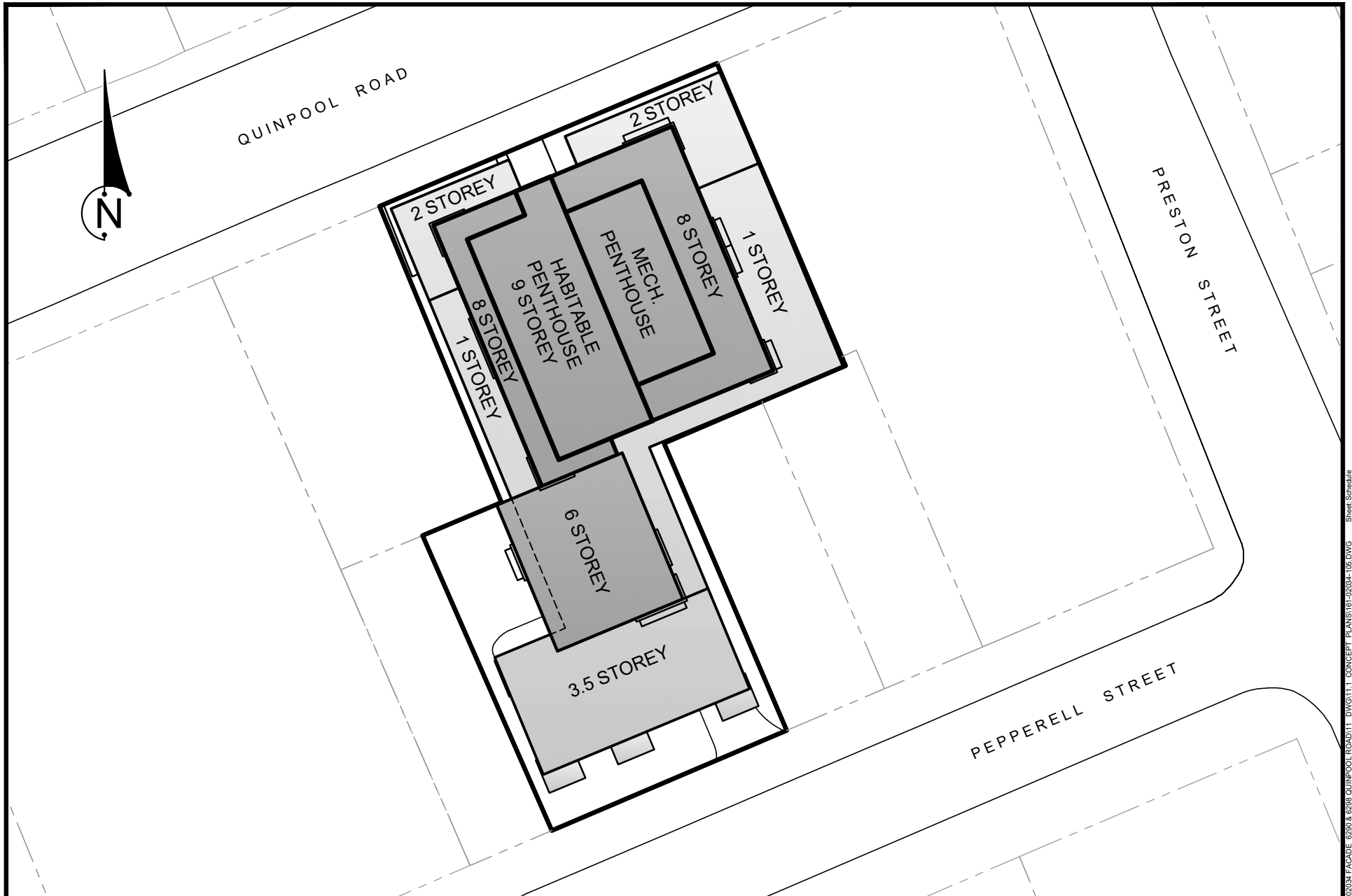
SCALE



DATE: 27-FEB-2019

161-02034-105

# Schedule C - Site Plan



SITE PLAN - TED BUILDING  
QUINPOOL ROAD  
HALIFAX, NOVA SCOTIA

SCALE

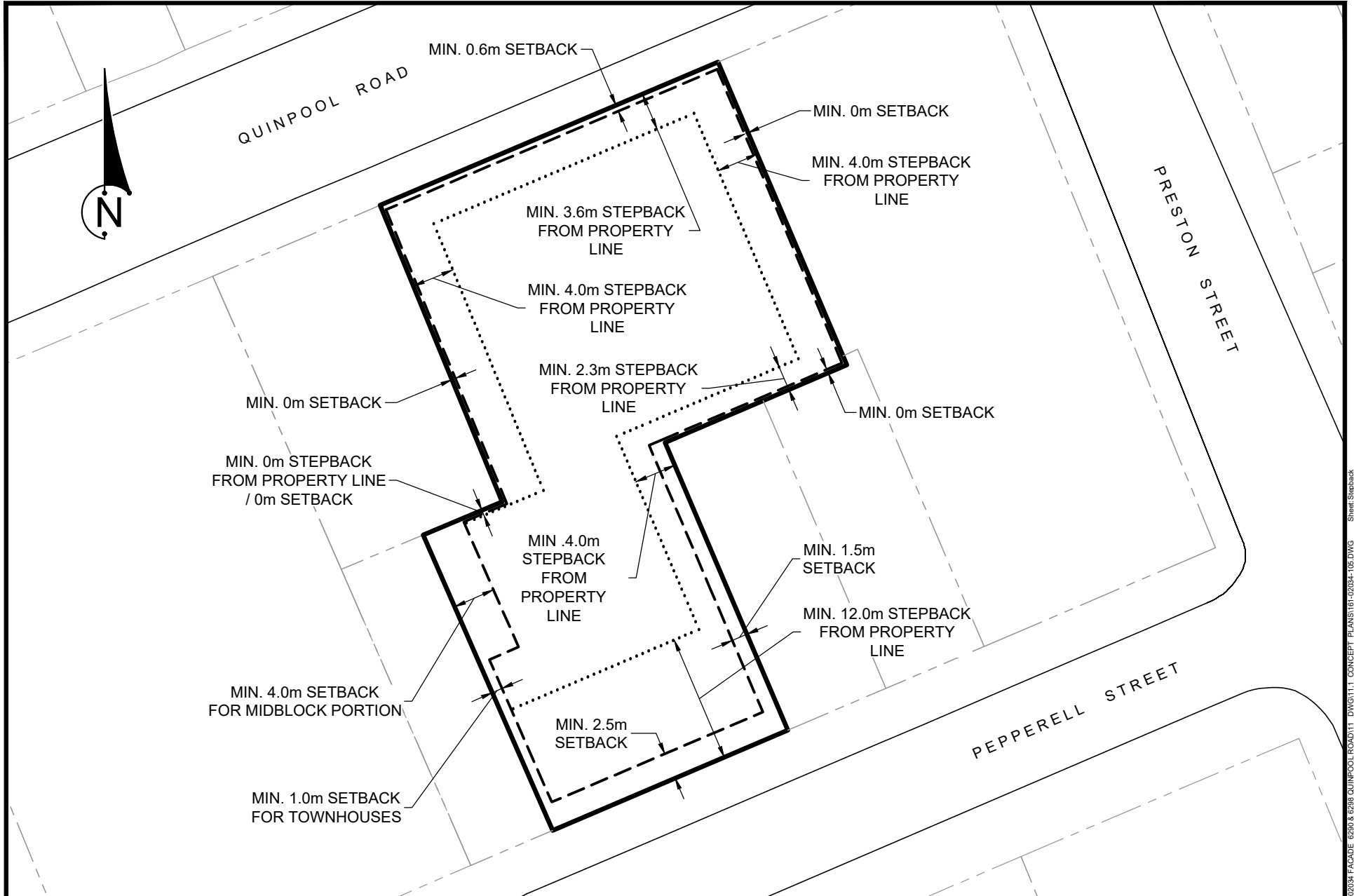


DATE: 27-FEB-2019

161-02034-105

FILE: K:\DATA\16102034\161-02034-FACADE\_0200 & 0208 QUINPOOL ROAD\11\_CONCEPT\_PLANS\161-02034-105.DWG Sheet Schedule

# Schedule D - Setback and Stepback Plan



STEPBACK / SETBACK PLAN - TED BUILDING  
QUINPOOL ROAD  
HALIFAX, NOVA SCOTIA

SCALE



DATE: 27-FEB-2019

161-02034-105

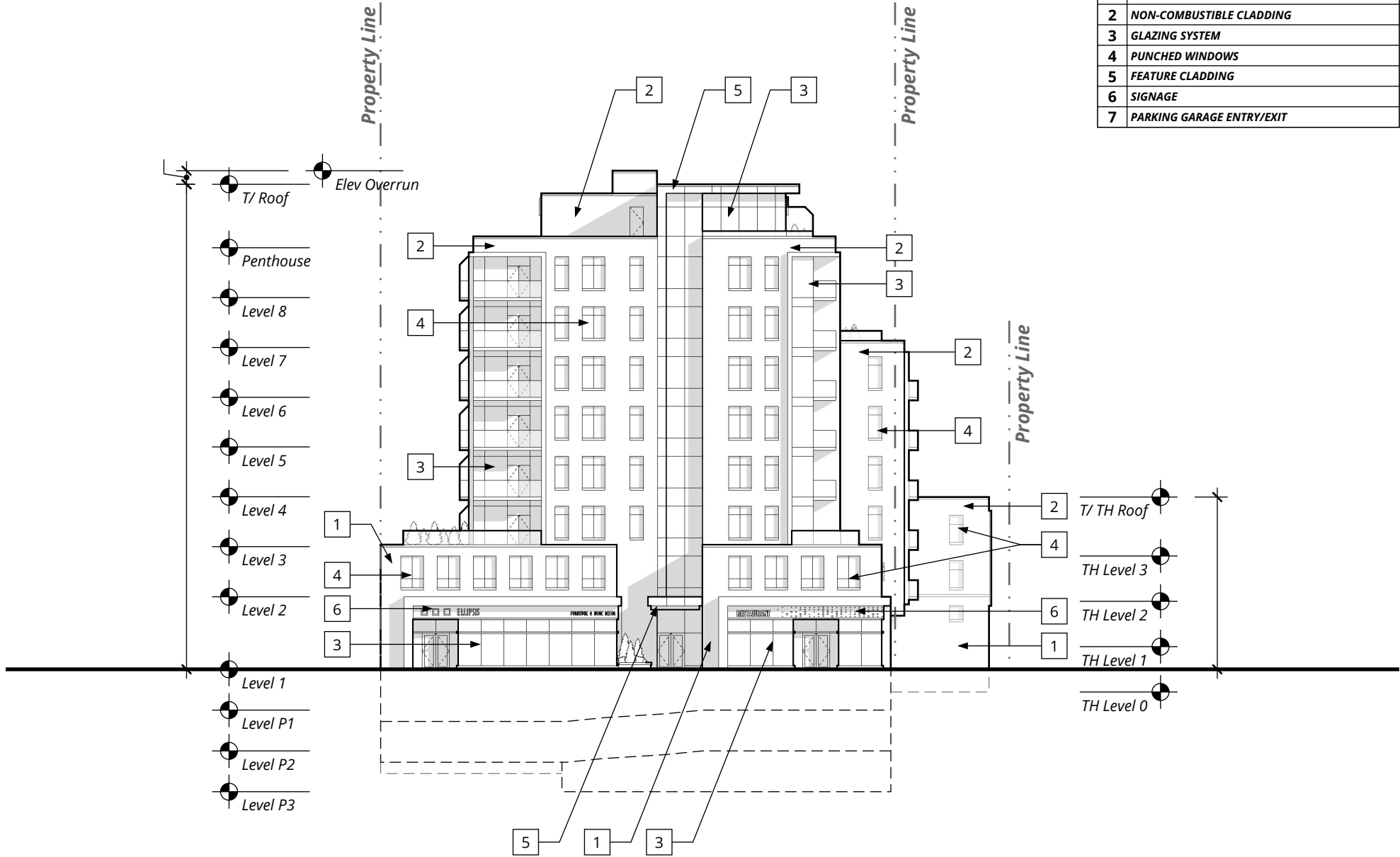
# Schedule E - Height Framework





# Schedule F - Building Elevations

LEGEND - EXTERIOR MATERIALS	
1	MASONRY
2	NON-COMBUSTIBLE CLADDING
3	GLAZING SYSTEM
4	PUNCHED WINDOWS
5	FEATURE CLADDING
6	SIGNAGE
7	PARKING GARAGE ENTRY/EXIT



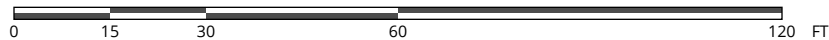
## TED Building

## NORTH ELEVATION (QUINPOOL RD)

Halifax, NS

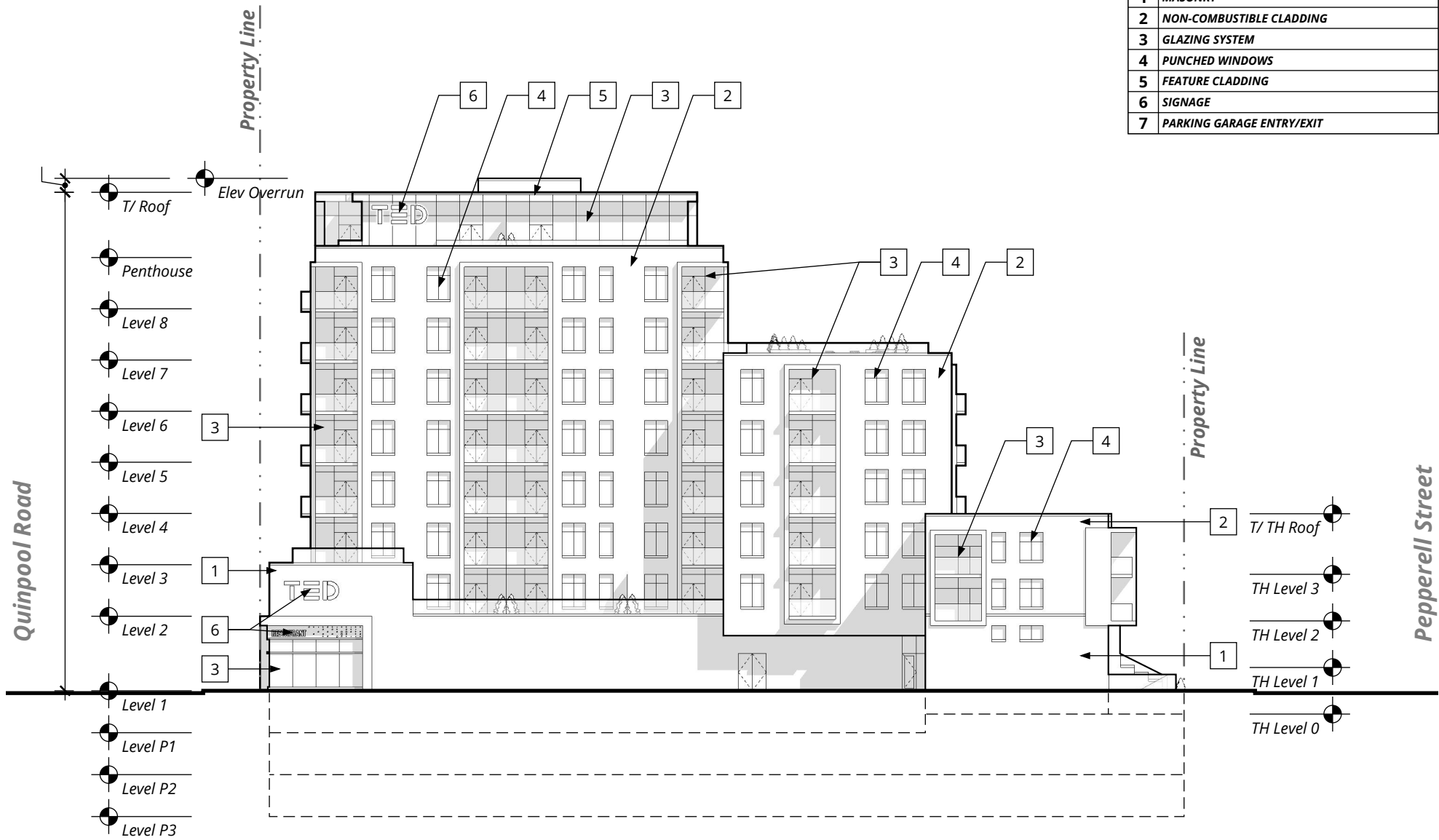
161-02034-00 March 1, 2019

SCALE: 1" = 30'-0"



**LEGEND - EXTERIOR MATERIALS**

1	MASONRY
2	NON-COMBUSTIBLE CLADDING
3	GLAZING SYSTEM
4	PUNCHED WINDOWS
5	FEATURE CLADDING
6	SIGNAGE
7	PARKING GARAGE ENTRY/EXIT

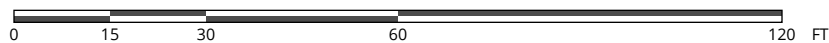


**TED Building**

**WEST ELEVATION**

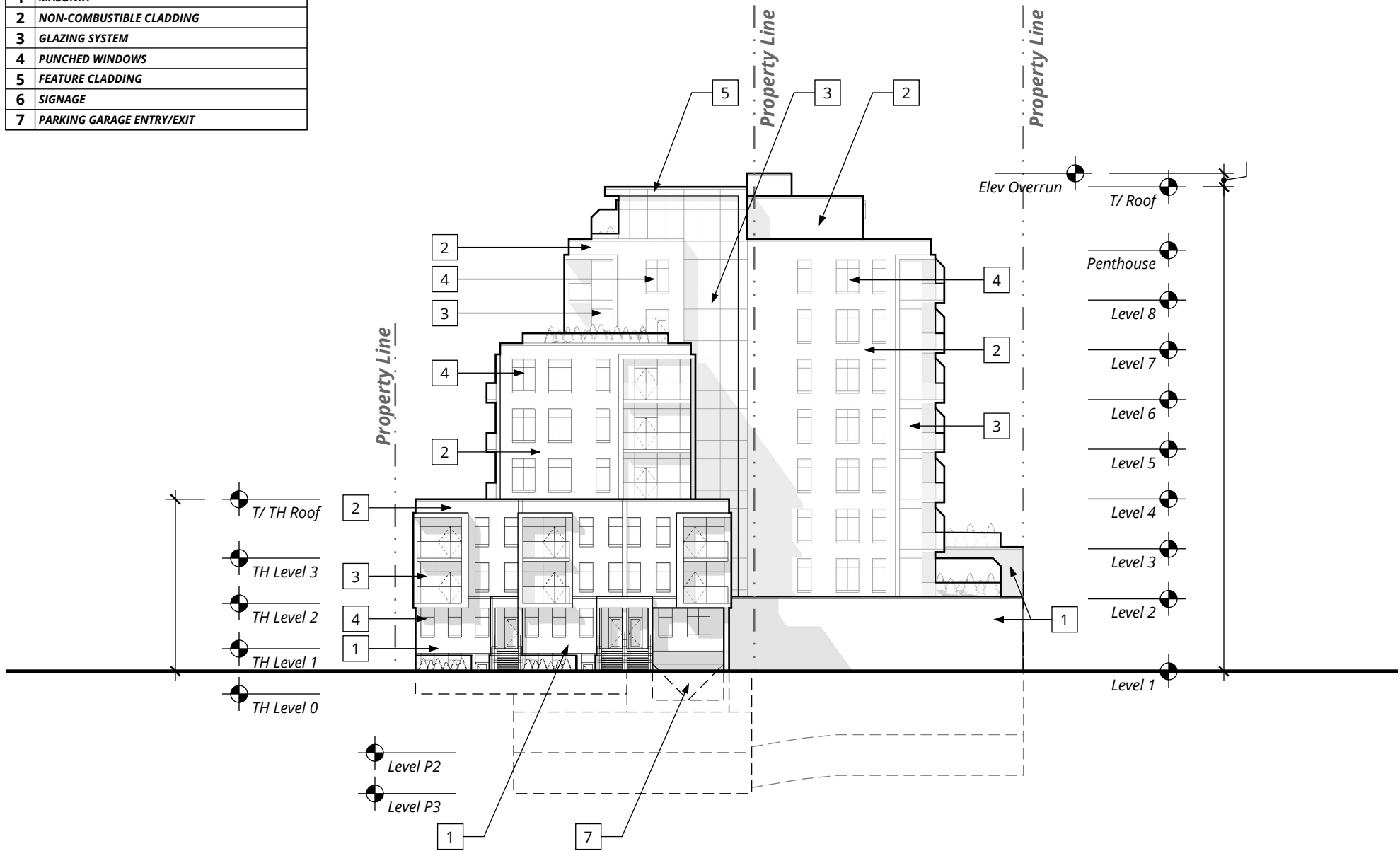
Halifax, NS  
161-02034-00 March 1, 2019

SCALE: 1" = 30'-0"



**LEGEND - EXTERIOR MATERIALS**

1	MASONRY
2	NON-COMBUSTIBLE CLADDING
3	GLAZING SYSTEM
4	PUNCHED WINDOWS
5	FEATURE CLADDING
6	SIGNAGE
7	PARKING GARAGE ENTRY/EXIT

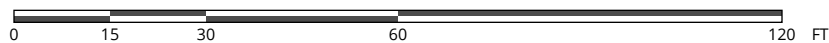


**TED Building**

**SOUTH ELEVATION (PEPPERELL ST)**

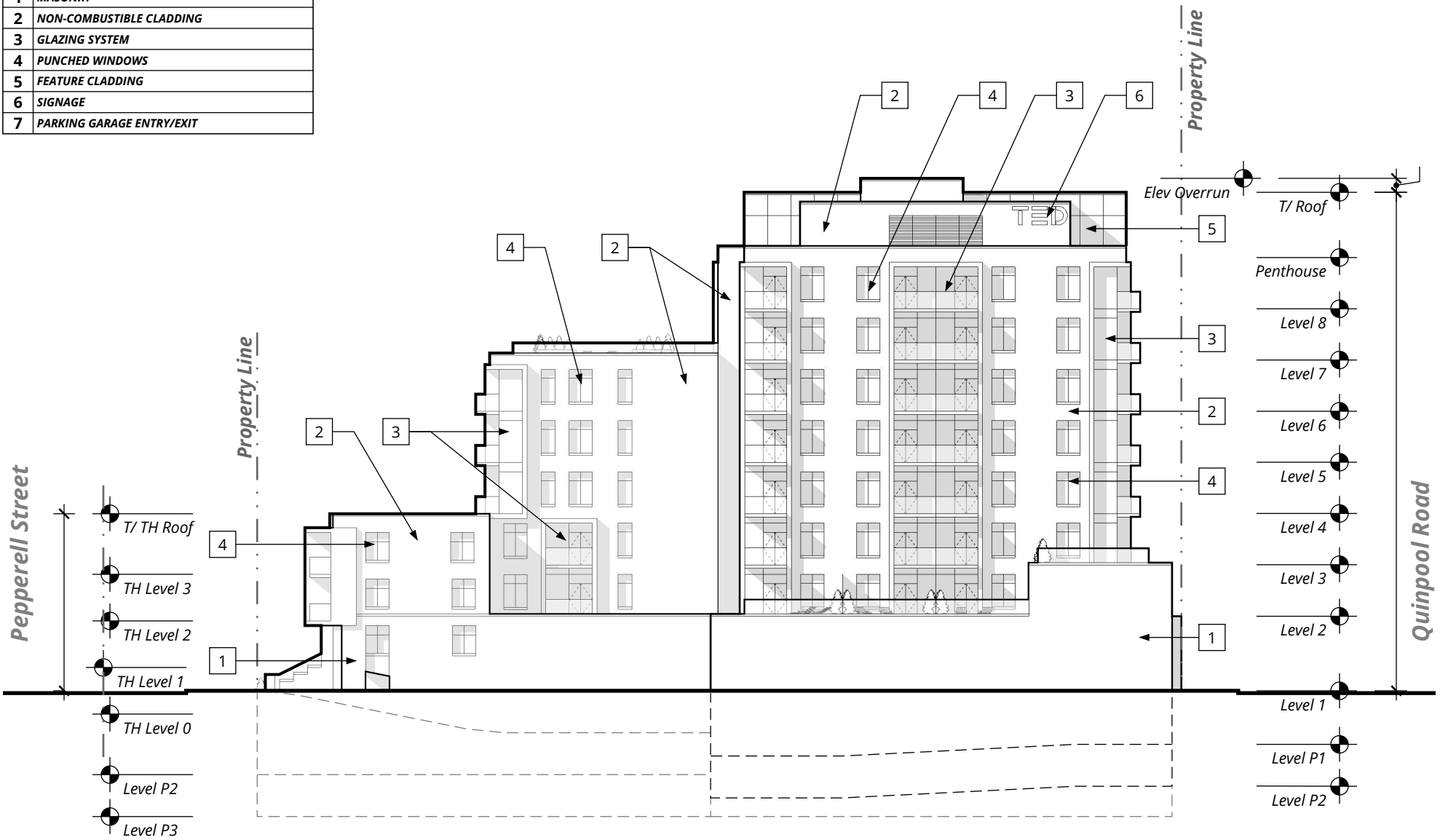
Halifax, NS  
161-02034-00 March 1, 2019

SCALE: 1" = 30'-0"



**LEGEND - EXTERIOR MATERIALS**

1	MASONRY
2	NON-COMBUSTIBLE CLADDING
3	GLAZING SYSTEM
4	PUNCHED WINDOWS
5	FEATURE CLADDING
6	SIGNAGE
7	PARKING GARAGE ENTRY/EXIT



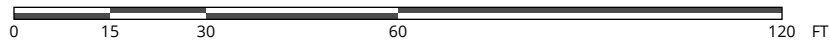
**TED Building**

**EAST ELEVATION**

Halifax, NS

161-02034-00 March 1, 2019

SCALE: 1" = 30'-0"





**HALIFAX PENINSULA PLANNING ADVISORY COMMITTEE  
PUBLIC MEETING  
MINUTES  
May 7, 2018**

**PRESENT:** Sarah MacDonald, Chair  
Jeana MacLeod, Vice Chair  
Matthew Novak  
Deputy Mayor, Wayne Mason  
Jason Cooke  
Grant Cooke  
Ashley Morton  
Margo Grant

**REGRETS:** Houssam Elokda  
Councillor Lindell Smith

**STAFF:** Sean Gillis, Planner  
Joe Nahas, Developer  
Christina Lovitt, Applicant  
Hannah Forsyth, Legislative Support, Office of the Municipal Clerk

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

*The agenda, supporting documents, and information items circulated to the Committee are available online at [Halifax.ca](http://Halifax.ca)*

*The meeting was called to order at 7:17 p.m. and the Committee adjourned at 8:58 p.m.*

## **1. CALL TO ORDER**

The Chair called the meeting to order at 7:17pm pm at St. Andrews United Church 6036 Coburg Road, Halifax NS. The Chair introduced the Committee and outlined the schedule of the evening and the importance of the public feedback.

## **2. PUBLIC INFORMATION MEETING**

**2.1 Case 21115 - Application by WSP, on behalf of Facade Investments Limited, for amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-Law to enable an 8-storey mixed-use residential/ commercial development at 6290 and 6298 Quinpool Road, and 6325 and 6331 Pepperell Street, Halifax.**

The Chair invited Sean Gillis, Planner, to present Case 21115. Gillis outlined the planning process and application thus far. Gillis explained that the committee will review the input collected today and incorporate it into their evaluation. Gillis gave an overview of the context of the proposed development and surrounding area. The relevant land use by-laws and Centre Plan guidelines were explained.

The Chair invited Christina Lovitt, Applicant, to present the building proposal. The proposal is an 8-storey building that will transition to four and then three and a half storeys towards Pepperell. Lovitt stated there will be 67 multi-units and six townhouses, with 67 parking spots underground and 38 bike spaces with outdoor amenity space. Lovitt noted that both shade and wind studies have been completed.

The developer, Joe Nahas, spoke to the importance of development on Quinpool, the need for density, and the background behind the name of the building.

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

**Kim Carter, Clayton Park** stated that she is the CEO of the ALS society of New Brunswick and Nova Scotia. Carter is excited to see new development that will be for young professionals, families and seniors. Carter supports restaurants and businesses in the area and would support cultural outdoor events.

**Sean Alexander, Bedford** owns a business on Quinpool Road. Alexander wants more density in the area and more commercial space is important for small businesses.

**Joe Perot, Halifax** owns abutting property. Perot is excited about the development and updates to Quinpool. Perot appreciated the advanced notice by the developer.

**Carla Nicholson, Halifax** is the Executive Director of the Quinpool Road District Association. In general, the board likes the pedestrian experience and currently businesses are struggling. Nicholson read a letter on behalf of the Athens Restaurant, the letter passed on support for the development.

**Jimmy Zalious, Halifax** is the owner of the Blue Olive Greek restaurant. Zalious stated that there is currently no foot traffic in the area and traffic is awful. Zalious welcomes any development and investment in the area.

**Will Pefrell, Halifax** expressed excitement for the development in the area, and that the developer has been friendly and accommodating to the next door church.

**Smith, Halifax** owns a business on Quinpool and is a member of the business association. Smith appreciated the design and the transitions.

**Joachim Stroink, Halifax** owns a business on Quinpool Road. Stroink supports the development and the

increased density will help struggling businesses.

**Danny Chedrawe, Halifax** stated that Quinpool Road is a great street and noted that the Centre Plan acknowledges growth in this corridor. Chedrawe is in favour of integrated mobility and a 20 feet wide sidewalk with trees and bike lanes.

**Frank Maynard, Young Ave** stated that the development will fit in with Quinpool Road but traffic is a concern with young families nearby. Maynard urged the committee to consider an overall strategy for the area, instead of a case by case approach.

**Julia Normsteal, Harbord Street** stated that the development will change the character of the neighbourhood. Traffic is already an issue.

**Claire MacIntosh, Halifax** warned that increased density does not always bring economic stimulus.

**Rodger, Yale Street** stated that Quinpool is ripe for development and a new plan. Rodger noted that there is a wind tunnel at Vernon and Quinpool. Rodger stated that the Centre Plan is on the right track, but the Committee should be cautious of density and height going forward.

Sean Gillis noted other avenues to communicate their comments.

Deputy Mayor Wayne Mason thanked the committee for their time and efforts.

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

### **3. ADJOURNMENT**

The meeting adjourned at 8:23 p.m.

Hannah Forsyth  
Legislative Support

**Attachment E**  
**Policy Matrix – Review of Proposed Development Agreement**

**SECTION XVI: SITE-SPECIFIC POLICIES IN KEEPING WITH THE JUNE 2017 CENTRE PLAN DOCUMENT – Proposed Policy**

**5. DEVELOPMENT AT QUINPOOL ROAD / PEPPERELL STREET, NEAR PRESTON STREET**

The properties having street frontage on Quinpool Road and Pepperell Street (6290, 6298, 6300, and 6302 Quinpool Road, 6325 and 6331 Pepperell Street) is the subject site of a proposal for site-specific planning policy amendments to allow for a 9-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 proposal subject to specific considerations.

**5.1 Specific Considerations**

The June 2017 Centre Plan Document identifies this property as part of the Quinpool Centre. The Quinpool Centre is the heart of Halifax's West End Neighbourhood. The scale of buildings transition from taller buildings at the eastern end of the Centre to low rise buildings in the western end. The June 2017 Centre Plan Document proposed buildings between 4 and 6 storeys tall on the block of Quinpool Road between Preston Street and Oxford Street. Pepperell Street is a local, residential street, suitable for low-rise buildings.

In January 2018, Regional Council initiated amendments to consider an 8-storey proposal on Quinpool Road and Pepperell Street, near Preston Street. Regional Council directed that the proposal shall generally align with the June 2017 Centre Plan Document relative to urban structure, height, and floor area ratio. Regional Council also directed this 8-storey proposal shall address the planning principles noted in Section 2.

The Quinpool Road/ Pepperell Street (near Preston Street) 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.

<b>Proposed Policy</b>	<b>Comment</b>
<p><b>5.2.1 Development Agreement Provisions</b>                      The Land Use By-law for Halifax Peninsula shall be amended to identify that mixed-use, multi-unit residential development may be considered by development agreement at 6290, 6298, 6300, and 6332 Quinpool Road and 6325 to 6331 Pepperell Street.</p> <p>(1) Notwithstanding other policies of this Municipal Planning Strategy except 2.2.1(2), a development agreement for the properties located at 6290, 6298, 6300, and 6332 Quinpool Road and 6325 and 6331 Pepperell Street shall:</p>	
a) permit a mixed-used (residential and commercial) building;	The Agreement permits commercial uses and multi-unit residential uses.
b) permit a range of uses that serve both a local and regional population, including: residential, office, retail, service, restaurants, institutional, cultural and entertainment uses, and establishments licensed to serve alcohol;	The Agreement permits a wide mix of uses, including residential, retail, commercial, institutional and cultural uses. (Section 3.3.1)
c) limit the commercial uses that are permitted to front on Pepperell Street;	The Agreement permits commercial uses to front on Pepperell Street, but does not permit: restaurants or licensed establishments; micro breweries or micro distilleries; banks and office uses; retail uses; or commercial recreation. (Section 3.3.2)
d) require a mix of residential unit types;	The Agreement requires at least thirty percent of units to include at least two bedrooms. (Section 3.3.3)
e) permit a multi-unit, mixed-use building of up to 9 storeys on part of the property near Quinpool Road, and of up to 6 storeys mid-block between Quinpool Road and Pepperell Street;	The Development Agreement regulates heights, to a maximum of 35 metres (9 floors) next to Quinpool Road and up to 23 metres (6 floors) mid-block. (Schedule E – Height Framework, Schedule F – Building Elevations) Further, Schedule C provides a site plan setting out the building massing in greater detail.



f) permit low-rise, residential development of up to 3 ½ storeys on part of the property near Pepperell Street;	The Agreement permits a maximum height of 12.5 metres facing Pepperell Street. (Schedule E – Height Framework)
g) restrict streetwall height facing Quinpool Road to 2 storeys;	The Agreement states the maximum streetwall height facing Quinpool Road shall be 2 storeys, up to 9 metres. (Section 3.4.8)
h) control the massing of the mid-rise portions by requiring building setbacks to provide separation from neighbouring properties;	Stepbacks are required above the streetwall and on most building facades. (Schedule D – Stepback and Setback Plan)
i) require a side setback between any building and the residential property immediately east on Pepperell Street;	On the Pepperell Street side of the building, the eastern side yard shall be a minimum of 1.5 metres (Section 3.4.6 and Schedule D – Stepback and Setbacks)
j) require indoor and outdoor amenity space for residents;	Apartment house buildings shall provide amenity space at a rate of 5 square metres per residential unit. Amenity space may be provided in the form of unit patios, unit balconies or terraces, rooftop balconies or terraces, and shall include interior amenity space. (Section 3.5.12)
k) regulate signage and the external appearance of structures;	Low quality materials are not permitted. (Section 3.4.17) Pipes, exhausts and other mechanical equipment must be screened. (Section 3.4.18) Section 3.5.13 of the Agreement regulates signs.
l) regulate streetwall design and the design of at-grade commercial and residential units;	For the ground floor facing Quinpool Road, the Agreement requires: a minimum floor-to-ceiling height of 4 metres; distinct changes in articulation; and a minimum of 50% transparent materials. (Section 3.4.12, Section 3.4.13, Section 3.4.14) In addition, the building elevations in Schedule F of the Agreement regulate the overall design.  For the front façade facing Pepperell Street must include residential entrances fronting opening onto a porch, patio or stoop that is connected directly to the sidewalk by a stairway or ramp, and the main floor of each residential unit must be set above or below sidewalk grade. (Section 3.4.15. In addition, the building elevations in Schedule F of the Agreement regulate the overall design.
m) allow commercial parking; and	Commercial parking is permitted.
n) prohibit surface parking lots.	Surface parking lots of greater than four spaces are prohibited. (Section 3.5.4)
(2) In addition to meeting the requirements of Policy 5.2.1 a) to n) inclusive, when considering a development agreement for the properties located at Quinpool Road and Pepperell Street, Council shall consider:	
o) the planning principles of transition, pedestrian-oriented, human-scale, building design and context sensitive, as described in Section 2; and	The Agreement is generally consistent with the planning principles. Quinpool Road is a reasonable context for a mid-rise, high density development. The larger portions of the building on Quinpool transition to smaller portions near Pepperell, the residential street. Setbacks and stepbacks are required, which help controls the building's scale and aid in transition. Streetwall heights and streetwall design contribute to pedestrian-oriented streetscapes. Building design is regulated through the text of the Agreement and through the attached building elevations.
p) the provision of appropriate changes in building size and massing, to create appropriate transitions to surrounding built forms.	The Development Agreement regulates heights, to a maximum of 35 metres (9 floors) next to Quinpool Road and up to 23 metres (6 floors) mid-block. The maximum height facing Pepperell Street is about 3½ floors, an appropriate mass for a residential street. Setbacks and stepbacks are required to further reduce building mass and ensure appropriate transition.

**ATTACHMENT F:**  
**PROPOSED PARTIAL DISCHARGING AGREEMENT**

THIS DISCHARGING AGREEMENT made this      day of **[Insert Month]**, 2019,

BETWEEN:

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

OF THE FIRST PART

- and -

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

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located on 6331 Pepperell Street, and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Municipality entered into a development agreement with Edwards Fine Foods Ltd, a previous owner of the Lands, to allow for the use of a commercial parking lot and vehicular egress point, the said agreement being recorded at the Land Registry Office in Halifax on February 19, 1988 as Book Number 4526 at Pages 599-604 (hereinafter called the "Existing Agreement");

AND WHEREAS the Developer has requested that the Existing Agreement be discharged from the Lands;

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 21115;

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

1. The Existing Agreement is hereby discharged as it applies to the Lands and shall no longer have any force or effect;
2. Any future development of the Lands shall conform with any development agreements for the lands entered into by the parties and all applicable provisions and requirements of the applicable Land Use By-law, as amended from time to time; and
3. The Existing Agreement shall remain in full force and effect for all other lands described in the Existing Agreement.

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

**SIGNED, SEALED AND DELIVERED** in the presence of:

**(Insert Registered Owner Name)**

\_\_\_\_\_  
Witness

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

**HALIFAX REGIONAL MUNICIPALITY**

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

\_\_\_\_\_  
Witness

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

**MAYOR**

\_\_\_\_\_  
Witness

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

**MUNICIPAL CLERK**

PROVINCE OF NOVA SCOTIA  
COUNTY OF HALIFAX

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

\_\_\_\_\_  
A Commissioner of the Supreme Court  
of Nova Scotia

PROVINCE OF NOVA SCOTIA  
COUNTY OF HALIFAX

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

\_\_\_\_\_  
A Commissioner of the Supreme Court  
of Nova Scotia



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

## MEMORANDUM

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

### SUBJECT:

Case 21115: Quinpool and Pepperell Street, Halifax- WSP, on behalf of Façade Investments, has applied to amend the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law to permit an 8-storey mixed-use residential/commercial development at 6290, 6298 and 6302 Quinpool Road, and stacked townhouses at 6325 and 6331 Pepperell Street.

The Halifax Peninsula Planning Advisory Committee considered Case 21115 at their June 25, 2018 meeting. The following motion was approved by the Committee:

That the Halifax Peninsula Planning Advisory Committee recommends that the Halifax & West Community Council **proceed** with the approval of Case 21115.

The committee also:

- Values additional density along the Quinpool corridor;
- Is concerned with the overall height of the proposed building, and recommends a height more in line with Centre Plan parameters;
- Values that the applicant has engaged community members in the development of this proposal;
- Believes that the proposal adequately considers transition and context-sensitivity in its design;
- Values the proposed street-wall height for pedestrian experience;
- Recommends that bicycle parking be located on the upper floor of parking to ease access from street level;
- Recommends that a designated service entrance be incorporated into the design, with consideration for traffic impacts and pedestrian experience;
- Appreciates proposed amenity space, and would value additional and/or higher-value amenity space where possible; and
- Would value the commercial space be designed to be flexible to allow small business use.

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

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Office of the Municipal Clerk

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Email: clerks@halifax.ca halifax.ca