



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

**Item No. 10.1.2**  
**Halifax and West Community Council**  
**November 13, 2019**

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

*-Original Signed-*

**SUBMITTED BY:**

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Kelly Denty, Director of Planning and Development

**DATE:** October 9, 2019

**SUBJECT:** **Case 22029: Development Agreement for 6009 and 6017 Quinpool Road, Halifax**

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**ORIGIN**

Application by Armco Capital Inc.

**LEGISLATIVE AUTHORITY**

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

**RECOMMENDATION**

It is recommended that Halifax and West Community Council:

1. Give notice of motion to consider the proposed development agreement, as set out in Attachment A, to permit a mixed-use, multiple-unit residential and commercial building, and schedule a public hearing; and
2. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A; and
3. Require the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

## **BACKGROUND**

Armco Capital Inc. is applying to enter into a development agreement to allow a mixed-use, multiple-unit residential and commercial building at 6009-6017 Quinpool Road, Halifax.

<b>Subject Site</b>	6009 and 6017 Quinpool Road, Halifax
<b>Location</b>	Northwest corner of Quinpool Road and Robie Street, Halifax
<b>Regional Plan Designation</b>	Urban Settlement
<b>Community Plan Designation (Map 1)</b>	Commercial – Quinpool Road Commercial Plan Area High Density Residential – Peninsula North Secondary Plan
<b>Zoning (Map 2)</b>	C-2C (Minor Commercial-Quinpool Road Zone) C-2 (General Business Zone) R-3 (Multiple Dwelling Zone)
<b>Size of Site</b>	2021.6 sq. m. (21,760 sq. ft.)
<b>Street Frontage</b>	137 m (450 ft.)
<b>Current Land Use(s)</b>	Ten storey office building and an above grade parking garage
<b>Surrounding Use(s)</b>	West – Parker Street and the Former St. Patrick's High School site North – Low density residential homes and a former funeral home East – Robie Street and the Halifax North Common South – Quinpool Road and the Atlantica Hotel

## **Proposal Details**

### Development Agreement

On June 19, 2018 Regional Council approved amendments to the Halifax Municipal Planning Strategy (MPS) and the Land Use By-law for Halifax Peninsula (LUB) to enable consideration of a development agreement for a 78-metre-tall mixed use building on the corner of Quinpool Road and Robie Street.

The owner has applied for approval of the development agreement and the major aspects of the proposal are as follows:

- 25-storey building with a maximum height of 78 metres;
- 7-storey streetwall at the corner of Robie Street and Quinpool Road;
- Transitions in the podium height to reflect the differing character of surrounding streets;
- Ground floor commercial space fronting Parker Street, Quinpool Road, and Robie Street;
- 50 % of the residential units having two or more bedrooms with a minimum floor area of 69.68 sq. m.
- 310 sq. m. of indoor amenity space and 375 sq. m. of outdoor amenity space for building residents;
- A parking ratio of 0.3:1 vehicular space to residential unit and a ratio of 1:1 Class A bicycle stall to residential unit, with access to underground parking facilities off Parker Street;
- A public benefit in the form of a \$1.8 million contribution in-lieu of the affordable housing units;
- Limitations on tower dimensions and orientation to minimize shadow impact on the adjacent Halifax Common, and to locate the mass of the building away from Parker Street;
- Wind mitigation measures to reduce wind impact on surrounding lands; and
- The requirement for an artistic element as a part of the building architecture which reflects the local cultural and historic significance of the Quinpool Road and Robie Street intersection.

### Enabling Policy and LUB Context

The subject properties are designated Commercial under the Quinpool Road Commercial Plan Area and High Density Residential under the Peninsula North Secondary Plan (Map 1). The site is zoned C-2C (Minor Commercial-Quinpool Road Zone), C-2 (General Business Zone), R-3 (Multiple Dwelling Zone) under the Halifax Peninsula Land Use By-law (Map 2).

Policies 2.10 - 2.10.4 of Section XII of the Halifax MPS are site specific polices adopted by Regional Council in 2018 that allow Halifax and West Community Council to consider a mixed used development by

development agreement. These policies are prescriptive in terms of massing, form, and height based on plans presented during the planning process associated with those MPS and By-law amendments.

The maximum pre-bonus height is 62 metres, however, a maximum building height of 78 metres may be achieved through incentive or bonus zoning. Clauses 3A, 98C, 98D, and 98E of the LUB set out the terms and conditions of the density bonusing. Subject to the provisions of the LUB, additional height of no greater than 16 metres may be provided in exchange for the contribution of any of the following public benefit options

- 1) ten affordable housing dwelling units and the undergrounding of all electrical and utility wires adjacent to the development along both the Quinpool Road and Robie Street elevations; or
- 2) twenty affordable housing dwelling units; or
- 3) ten affordable housing dwelling units and \$900,000 as the contribution for the additional ten affordable dwelling units; or
- 4) money in lieu of a contribution of twenty affordable housing dwelling units as the contribution for incentive or bonus zoning in the amount of \$1,800,000.

On October 8, 2019 Regional Council approved acceptance of \$1,800,000 as the approved public benefit contribution. This money will be required by the Municipality prior to a development permit being issued.

It should be noted that the subject site was initially intended to be regulated under the recently approved Regional Centre Secondary Municipal Planning Strategy and Land Use By-law (Centre Plan – Package A). However, the current application was in an advanced state of approval while the Centre Plan was being considered. Applying the new Centre Plan policies and regulations to the subject property after Council's approval of the site specific MPS and LUB amendments but before the approval of the development agreement would eliminate the policy and by-law provisions that enabled the development agreement. As a result, the capacity to approve the development agreement and implement the density bonusing model as approved by Council would have been eliminated. Accordingly, the Centre Plan was not applied to the subject property and the ongoing project was permitted to be completed through the process originally approved by Council in 2018.

### **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, letters mailed to property owners within the notification area, and a public information meeting held on June 6, 2019. Attachment C contains a copy of a summary from the meeting. The public comments received include the following topics:

- More affordable housing should be provided;
- More on-site parking should be provided; and
- Environmental concerns associated with new construction.

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

The proposal will potentially impact local residents and property owners.

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

On June 24, 2019 the Halifax Peninsula Planning Advisory Committee (PAC) recommended that the application proceed with the considerations as outlined in the chart below. At the time of the PAC meeting the application included a proposed LUB amendment to allow the developer to provide a public benefit in

the form of affordable housing units with the associated leasing, monitoring and reporting to be aligned with, and supported by, Housing Nova Scotia's current programming. Subsequent to the PAC review, the developer continued to explore that approach. However, they have concluded that the inherent costs, logistics and timelines render that model impractical. As noted above, the Developer has proposed money in lieu of affordable housing units and that proposal was approved by Regional Council on October 8, 2019. As a result, the previously proposed LUB amendment has been withdrawn and some of the PAC commentary relative to the provision of affordable housing units is no longer applicable.

<b>PAC Concern</b>	<b>Applicant Response</b>
Amend the Halifax Peninsula Land Use By-law to reflect Housing Nova Scotia' process regarding possible housing units.	Housing Nova Scotia has been fully supportive of the current affordable housing scheme, outlined in the policy documents approved by Regional Council.
Uphold affordable housing commitments for lifespan of the building, in line with Housing Nova Scotia policies.	Rents will be well below market rates for new buildings, especially in this area. Rents will also not be adjusted for inflation. Generally, Housing Nova Scotia does not wish to have too many affordable units concentrated in one building.
Request that the applicant set their affordable housing rental price below the policy maximum of \$750.	We believe the number of proposed units will be a valuable addition to affordable housing in HRM. The affordable units would be among the larger units in the building and use the same finishes.
Inclusion of more than 10 affordable units.	The amount of terrace space available is fixed by the mass of the building. The private terrace spaces are located directly outside of individual units. Converting these terrace spaces to shared spaces would seriously impact privacy and security for these tenants.
Public amenity space be places where tenants can gather together, thus excluding private tenant balconies.	We believe that the shared amenity space being provided in the current design will provide a sufficient amount of high-quality accessible spaces for building residents. Additionally, the building is located across from the Halifax Commons, providing residents easy access to a large public outdoor greenspace with numerous amenities.
Redesign outdoor amenity space to include more tenant community space.	The building design currently includes 310 sq. m of indoor amenity space in two locations on the 5th and 8th floors. These rooms are contiguous to the public outdoor amenity spaces. We believe this is an appropriate amount of amenity space in ideal locations for the residents of the building.
Incorporate additional internal public amenity space taking into consideration height of the building and weather patterns in Halifax.	We have complied with HRM's wishes, in regards to pedestrian scale streetscaping.
Street landscaping be required to mitigate high streetwall and wind condition impacts on pedestrian experience.	We have provided a transit stop on the northeast corner of the building. The stop will include a bench, underneath the building overhang, with a canopy.
Efforts be made to improve pedestrian experience, particularly at transit stop locations.	Addressed under discussion section and through Attachment B, which includes the MPS amendments Regional Council approved in 2018.
That a document outlining the prior Municipal Planning Strategy (MPS) changes approved by Council be submitted to Halifax and West Community Council and Regional Council in their review of this development application.	

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

## **DISCUSSION**

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

### Proposed Development Agreement

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

- Height, siting, massing, and exterior design of the building;
- A public benefit in the form of a \$1.8 million contribution in-lieu of the affordable housing units;
- Permitted uses within the building, including a residential tower and commercial ground floor uses;
- Required unit mix with a minimum of 50% of the units containing two or more bedrooms with a minimum floor area of 69.68 square metres;
- Required indoor and outdoor amenity space and its location;
- Site access location and requirements for vehicular and bike parking;
- Signage and lighting; and
- Non-substantive amendments permitted within the agreement including:
  - Extension to the dates of commencement and completion of development;
  - Changes to the amenity space requirements;
  - Changes to the parking requirements; and
  - Changes the schedules to reduce the overall height of the building should the bonus density option not be exercised.

The attached development agreement will permit a 25-storey mixed use building, subject to the controls identified above. Of the matters addressed by the proposed development agreement to satisfy the MPS criteria as shown in Attachment B, the following have been identified for detailed discussion.

### Density Bonusing

On June 19, 2018 Regional Council approved amendments to the Halifax MPS and Halifax Peninsula LUB to allow a development agreement for a 62-metre-tall mixed-use building on the corner of Robie Street and Quinpool Road. That policy and by-law also allowed an incentive or bonus zoning option that would permit additional height to a maximum of 78 metres subject to the contribution of a public benefit in the form of the undergrounding of utilities and/or affordable housing. An option was also included for money-in-lieu of affordable housing units subject to a separate Regional Council motion accepting this alternative.

On October 8, 2019, Regional Council approved money-in-lieu of affordable housing units in the amount of \$1,800,000. The development agreement requires that no permit shall be issued for a 78-metre-tall building until money in lieu of affordable housing units being received by the municipality.

### Building Design

The proposed building plans have not materially changed in terms of form and massing from the what was presented at the time of approval of the MPS/LUB amendments in 2018. At the base of the building, the podium height transitions from a maximum of 7 storeys at the corner of Quinpool and Robie to 5 storeys at the corner of Quinpool and Parker and finally to 4 storeys at the northwest corner of the site along Parker Street. The 4 storey height is intended to respond to the smaller single unit residential nature of the northern half of Parker Street. Above the podium level, the tower has also been located in the far southeast corner of the site to maximize the separation from the low-density residential uses along Parker Street. The tower dimensions are 39.6 metres (130 feet) along its Quinpool elevation and 17.7 metres (58 feet) at its narrowest point facing Robie Street, expanding to 22.6 metres (74 feet) moving west towards Parker Street.

### Wind & Shadow Impact

The proposed development is taller than the existing building and taller structures tend to intercept stronger winds at higher elevations and deflect them to the ground level. This could result in increased wind impacts

in the public realm surrounding the proposed building if measures to mitigate wind are not incorporated into the design.

A quantitative wind analysis has been conducted including a wind tunnel study that identified some areas of concern. The proposed development has incorporated several design features to reduce wind effects, including a large, low podium, tower setbacks at several levels, screen walls on the podium, and canopies at grade. As a result, the predicted wind conditions are expected to be similar to those that currently exist in the area and are considered to be acceptable for the surrounding pedestrian uses.

The design of the building as proposed has been oriented to limit shadow widths projected from the development. A shadow study completed by the applicant, and confirmed by staff, shows the building cast a long but fast moving shadow, meaning that any given adjacent location is not under continuous shadow for extended periods of time.

### **Conclusion**

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is reasonably consistent with the intent of the MPS. The proposed building meets the prescribed building form and mass requirements approved by Regional Council. Therefore, staff recommend that the Halifax and West Community Council approve the proposed development agreement.

### **FINANCIAL IMPLICATIONS**

There are no budget implications. The applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this proposed development agreement. The administration of the proposed development agreement can be carried out within the approved 2019-2020 budget and with existing resources.

### **RISK CONSIDERATION**

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

### **ENVIRONMENTAL IMPLICATIONS**

No environmental implications are identified.

### **ALTERNATIVES**

1. Halifax and West Community Council may choose to approve the proposed development agreement subject to modifications. Such modifications may require further negotiation with the applicant and may require a supplementary report or another public hearing. A decision of Council to approve the proposed development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Halifax and West Community Council may choose to refuse the proposed development agreement, and in doing so, must provide reasons why the proposed development agreement does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed development agreement is 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 Development Agreement
Attachment B	Review of Relevant Halifax MPS Policies
Attachment C	Public Information Meeting Summary

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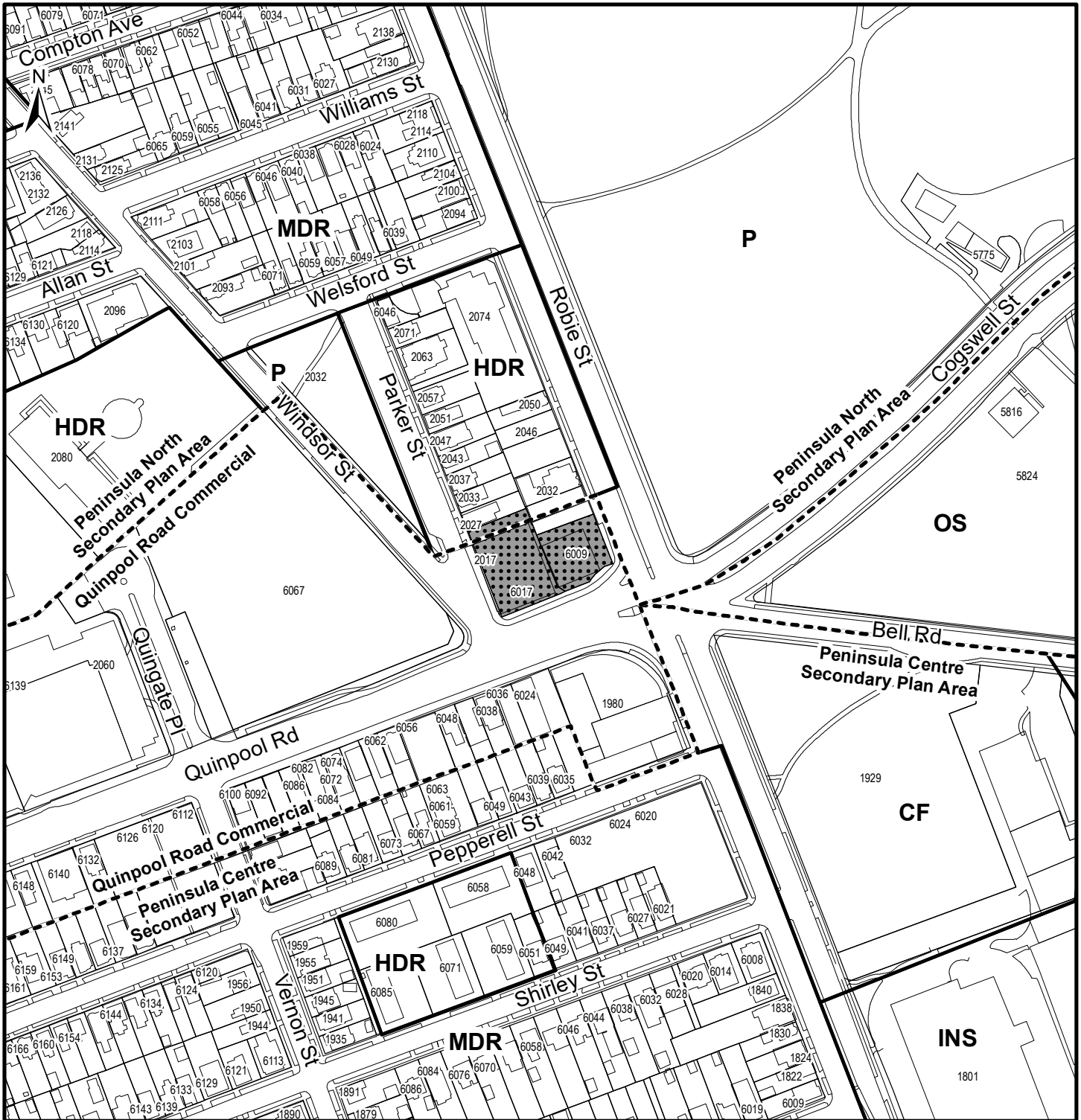
A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Dean MacDougall, Planner III, 902.490.4193

***-Original Signed-***

Report Approved by: Steven Higgins, Manager Current Planning, 902.490.4382

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**Map 1 - Generalized Future Land Use**

6009-6017 Quinpool Road  
Halifax

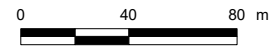
 Subject Properties

**Peninsula Centre Designation**  
 CF Community Facilities  
 HDR High Density Residential  
 INS Institutional  
 MDR Medium Density Residential

**Peninsula North Designation**  
 HDR High Density Residential  
 MDR Medium Density Residential  
 MNC Minor Commercial  
 P Park and Institutional

**Halifax Plan Area Designation**  
 OS Major Community Open Spaces

**HALIFAX**

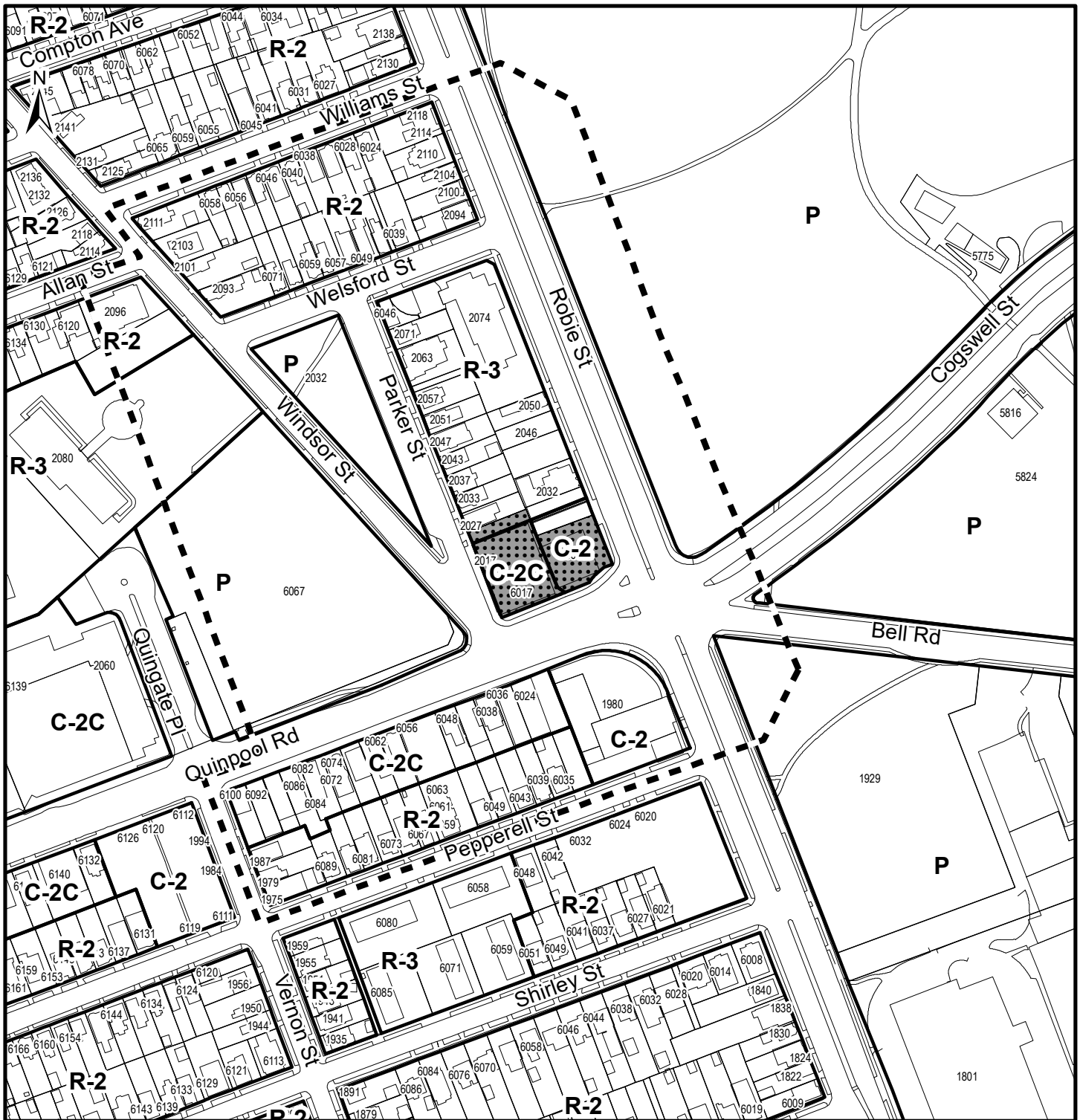


This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

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

Halifax Plan Area  
 Quinpool Road Commercial  
 Peninsula North Secondary Plan Area







### Map 2 - Zoning and Notification

6009-6017 Quinpool Road  
Halifax

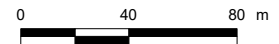
# HALIFAX

 Subject Properties

 Area of Notification

#### Zone

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



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

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

Halifax Peninsula  
Land Use By-Law Area

**Attachment A: Development Agreement**

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

BETWEEN:

**PROPERTY OWNER**, a body corporate, in the Province of Nova Scotia  
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

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

OF THE SECOND PART

**WHEREAS** the Developer is the registered owner of certain lands located at 6009 and 6017  
Quinpool Road, Halifax and which said lands are more particularly described in Schedule A hereto  
(hereinafter called the "Lands");

**AND WHEREAS** the Developer has requested that the Municipality enter into a Development  
Agreement to allow for a mixed-use, multiple-unit residential and commercial development on the Lands  
pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policies 2.10 - 2.10.4  
of the Quinpool Road Commercial Area Plan of the Halifax Municipal Planning Strategy and Section 3A,  
98C, 98D, and 98E of the Halifax Peninsula Land Use By-law;

**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 22029;

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

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## **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 Halifax Peninsula Land Use By-law and the Regional Subdivision By-law, as may be amended from time to time.
- 1.2.2 Variances to the requirements of the Halifax Peninsula Land Use Bylaw and this agreement shall not be permitted.

### **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 Halifax Peninsula 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 Halifax Peninsula 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 Halifax Peninsula Land Use By-law and Subdivision By-law, if not defined in these documents their customary meaning shall apply.

### **2.2 Definitions Specific to this Agreement**

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

**Outdoor Amenity Space** means common amenity areas for residents of the development located outside the building, including but not limited to public terraces and individual unit balconies.

**Indoor Amenity Space** means common amenity areas for residents of the development located within the building, including but not limited to, exercise facilities and multi-purpose rooms with associated kitchen facilities.

## **PART 3: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS**

### **3.1 Schedules**

- 3.1.1 The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, conforms with the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case Number 22029:

Schedule A	Legal Description of the Lands
Schedule B	Site Plan
Schedule C	Ground Floor Plan
Schedule D	Quinpool Road Elevation
Schedule E	Robie Street Elevation
Schedule F	Parker Street Elevation
Schedule G	Interior Lot Line Elevation
Schedule H	Decorative Element
Schedule I	Wind Control Measures

### **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 The maximum achievable building height of 78 metres may only be obtained through incentive or bonus zoning, as set out in Sections 3A, 98C, 98D, and 98E of the Halifax Peninsula Land Use Bylaw. The maximum pre-bonus height is 62 metres. No development permit shall be issued for a development exceeding 62 meters in height unless:
- (a) Regional Council has approved the acceptance of money in lieu of the contribution of affordable housing units and the Municipality has received the full amount of the money accepted in lieu of a contribution of affordable housing dwelling units pursuant to 98C(1)(b)(iv) of the Halifax Peninsula Land Use By-law;
- 3.2.3 Prior to the issuance of a Development Permit, the Developer shall provide the following to the Development Officer:
- (a) An approved Plan of Survey showing consolidation of PIDs 00140012 and 00140020;
  - (b) An outdoor Lighting Plan in accordance with Section 3.8 of this agreement; and
  - (c) A site servicing plan prepared by a Professional Engineer and acceptable to the Development Engineer.
- 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 until the Developer has complied with all applicable provisions of this Agreement and the Halifax Peninsula Land Use By-law (except to the extent that the provisions of the Halifax Peninsula Land Use By-law are varied by this Agreement) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.

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

- 3.3.1 The use(s) of the Lands permitted by this Agreement are the following:
- (a) A mixed-use building containing:
    - (i). Residential units, of which a minimum 50% shall contain two or more bedrooms and be a minimum of 69.68 square metres. Each floor above the ground floor of the building shall contain a minimum of one unit containing two or more bedrooms;
    - (ii). Commercial uses on the ground floor which have direct access to Robie Street, Quinpool Road, and Parker Street;
    - (iii). Indoor and Outdoor Amenity Space; and
    - (iv). Uses accessory to any of the foregoing uses.
  - (b) Ground floor commercial uses permitted as per Section 3.3.1(a)(ii) shall be limited to commercial uses permitted by the C-2C (Minor Commercial – Quinpool Road) Zone of the Halifax Peninsula Land Use By-law; and
  - (c) Indoor and Outdoor Amenity Space, as per Section 3.3.1(a)(iii), shall meet the requirements of Section 3.9.

### **3.4 Phasing**

- 3.4.1 No phasing of the development is permitted.

### **3.5 Building Siting**

- 3.5.1 The building's siting, bulk and scale shall comply with all of the following:

- (a) The maximum height of the building shall not exceed 62 metres, inclusive of all mechanical spaces, penthouses, and other structures. If Section 3.2.2 is satisfied, then the maximum height of the building shall not exceed 78 metres, inclusive of all mechanical equipment, penthouses, and other structures;
- (b) Any portion of the building at the street level shall be setback 2 metres on Robie Street and 2 metres on Quinpool Road, measured from the lot line. This portion of the building shall be a minimum height of 8 metres. This setback space shall be designated to be used as public space;
- (c) The tower shall be located on the site to maximize separation distance between it and the adjacent low-density residential uses on Parker Street and not exceed:
  - (i). A width of 39.6 metres in the elevation parallel to Quinpool Road,
  - (ii). A width of 17.7 metres in the easternmost third of the building facing the Halifax North Common, and
  - (iii). A width of 22.6 metres in its western elevation,
- (d) The podium shall transition in height with a maximum streetwall height of:
  - (i). 5 storeys at the northeast corner of the site,
  - (ii). 7 storeys addressing the intersection of Quinpool Road and Robie Street,
  - (iii). 5 storeys at the southwest corner of the site, and
  - (iv). 4 storeys at the northwest corner of the site.
- (e) The podium shall include a decorative or artistic element as a part of the building architecture which reflects the local cultural and historic significance of the Quinpool Road and Robie Street intersection, as generally shown on Schedule H.

3.5.2 The building's massing, exterior design, and materials shall meet the provisions of this section and be as generally shown on Schedules D-G.

### **3.6 Architectural Requirements**

- 3.6.1 The primary residential entrance to the building shall face Quinpool Road. All entrances shall be emphasized by detailing, changes in materials, and other architectural devices such as but not limited to lintels, pediments, pilasters, columns, porticos, overhangs, cornerboards, fascia boards or an acceptable equivalent approved by the Development Officer.
- 3.6.2 The façades facing Quinpool Road, Robie Street, and Parker Street shall be designed and detailed as primary façades. Further, architectural treatment shall be continued around all sides of the building as identified on the Schedules.
- 3.6.3 The architectural design of the building, including a high-quality design using durable exterior building materials, variations in the façade and mass of the building shall provide visual interest as identified on the Schedules.
- 3.6.4 Service entrances, utility features, and garage doors shall be integrated into the design of the building and shall not be a predominate feature. Garage doors shall have windows in their design, as shown on Schedule F.
- 3.6.5 Exterior building materials shall not include vinyl siding.
- 3.6.6 All vents, down spouts, flashing, electrical conduits, metres, service connections, and other functional elements shall be treated as integral parts of the design. Where appropriate these elements shall be painted to match the colour of the adjacent surface, except where used expressly as an accent.

- 3.6.7 Buildings shall be designed such that the mechanical systems (HVAC, exhaust fans, etc.) and telecommunications equipment are not visible from Quinpool Road, Robie Street, and Parker Street or abutting residential properties. Furthermore, no mechanical equipment, telecommunications equipment, or exhaust fans shall be located between the building and the adjacent residential properties unless screened as an integral part of the building design and noise reduction measures are implemented. This shall exclude individual residential mechanical systems.
- 3.6.8 Fixed or retractable awnings are permitted at ground floor levels provided the awnings are designed as an integral part of the building façade.
- 3.6.9 Wind control measures, as shown on Schedule I, shall be included in the design of the building.
- 3.6.10 A bench for transit users shall be located on the property at the northeast corner of the site along Robie Street, as shown on Schedule B and C. This bench shall be no less than 3.048 metres long and located under a canopy that is no less than 1.98 metres wide and no less than 3.6 metres above the surface of the sidewalk.

### **3.7 Parking, Circulation, and Access**

- 3.7.1 Vehicular access/egress to the development shall be located at the northwest corner of the site along Parker Street, as shown on Schedule B.
- 3.7.2 While the location of vehicular access/egress is to be located as per Schedule B, right-of-way infrastructure changes and or upgrades to ensure safe ingress and egress to this access point will be assessed at the time of Development Permit.
- 3.7.3 Vehicular parking shall be provided at a minimum ratio of 0.3 spaces per residential unit.
- 3.7.4 Bicycle parking shall be required as per the following:
- a) 14 Class B bicycle parking stalls located on the ground level; and
  - b) Class A bicycle parking shall be provided at a ratio of 1 Class A stall per residential unit. The location and specifications of the Class A parking stalls shall meet the requirements of the Halifax Peninsula Land Use By-law.

### **3.8 Outdoor Lighting**

- 3.8.1 Lighting shall be directed to driveways, parking areas, loading area, building entrances and walkways and shall be arranged so as to divert the light away from streets, adjacent lots and buildings. This shall be confirmed in writing by a qualified person.

### **3.9 Amenity Space**

- 3.9.1 A minimum of 310 square metres of Indoor Amenity Space shall be provided within the building. Any Indoor Amenity Space shall be a minimum of 50 square metres.
- 3.9.2 A minimum of 2,357 square meters of Outdoor Amenity Space shall be provided, of which 375 square metres are to be communal terraces for the residents of the building located on Floors 5 and 8.

### **3.10 Maintenance**

- 3.10.1 The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the exterior of the building, fencing, walkways, recreational amenities, parking areas and driveways, and the maintenance of all landscaping including the replacement of

damaged or dead plant stock, trimming and litter control, garbage removal and snow and ice control, salting of walkways and driveways.

### **3.11 Signs**

- 3.11.1 The sign requirements shall be accordance with the Halifax Peninsula Land Use By-law, as amended from time to time.
- 3.11.2 Signs depicting the name or corporate logo of the Developer shall be permitted while a sales office is located on the site.
- 3.11.3 Signs shall only be externally illuminated.
- 3.11.4 Temporary signs shall be regulated under HRM By-law S-801.

### **3.12 Temporary Construction Building**

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

### **3.13 Screening**

- 3.13.1 Propane tanks and electrical transformers shall be located on the site in such a way to ensure minimal visual impact from Quinpool Road, Robie Street, and Parker Street and residential properties along the north property line. These facilities shall be screened by means of opaque fencing or masonry walls with view obstructing landscaping.

## **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.

### **4.3 Undergrounding Services**

- 4.3.1 All electrical, telephone, and cable service from the utility pole to the building shall be underground installation. This is separate from the undergrounding outlined in Section 3.2.2.

### **4.4 Solid Waste Facilities**

- 4.4.1 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.

- 4.4.2 Refuse containers and waste compactors shall be confined to the interior of the building and screened from public view.

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

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

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

### **5.2 Archaeological Monitoring and Protection**

- 5.2.1 The Lands fall within the High Potential Zone for Archaeological Sites identified by the Province of Nova Scotia. The Developer shall contact the Coordinator of Special Places of the Nova Scotia Department of Communities, Culture and Heritage prior to any disturbance of the Lands and the Developer shall comply with the requirements set forth by the Province of Nova Scotia in this regard.

### **5.3 Sulphide Bearing Materials**

- 5.3.1 The Developer agrees to comply with the legislation and regulations of the Province of Nova Scotia with regards to the handling, removal, and disposal of sulphide bearing materials, which may be found on the Lands.

## **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) Changes to the amenity space requirements as detailed in Section 3.9;
  - (b) Changes to the parking requirements as detailed in Section 3.7;

- (c) Changes to the schedules to reduce the overall height of the building from 78 metres to 62 metres;
- (d) The granting of an extension to the date of commencement of construction, as identified in Section 7.3 of this Agreement; and
- (e) The length of time for the completion of the development as identified in Section 7.5 of this Agreement.

## **6.2 Substantive Amendments**

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

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

### **7.1 Registration**

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

### **7.2 Subsequent Owners**

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

### **7.3 Commencement of Development**

- 7.3.1 In the event that development on the Lands has not commenced within 3 years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Halifax Peninsula Land Use By-law.
- 7.3.2 For the purpose of this section, commencement of development shall mean the issuance of a development 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 6.1.1 (d), 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, Council may review this Agreement, in whole or in part, and may:
- (a) retain the Agreement in its present form;
  - (b) discharge this Agreement; or
  - (c) discharge this Agreement and apply appropriate zoning pursuant to the Halifax Municipal Planning Strategy and Halifax Peninsula 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 6 years from the date of registration of this Agreement at the Land Registration Office, Council may review this Agreement, in whole or in part, and may:
- (a) retain the Agreement in its present form;
  - (b) discharge this Agreement; or
  - (c) discharge this Agreement and apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use By-law in effect, as may be amended from time to time.

## **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 thirty (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 defence 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: \_\_\_\_\_

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

**HALIFAX REGIONAL MUNICIPALITY**

\_\_\_\_\_  
Witness

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

\_\_\_\_\_  
Witness

Per: \_\_\_\_\_  
MUNICIPAL CLERK

PROVINCE OF NOVA SCOTIA  
COUNTY OF HALIFAX

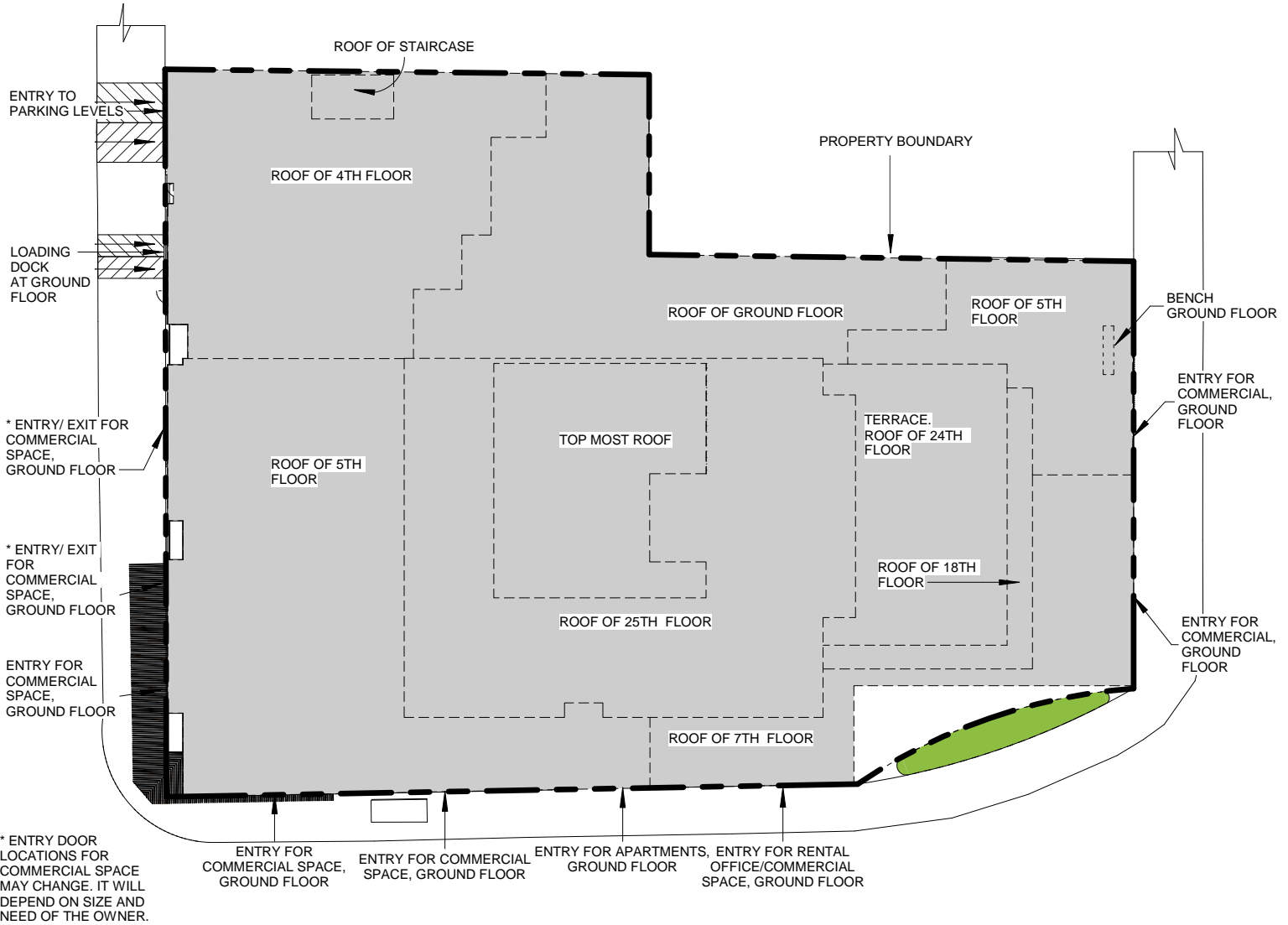
On this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_, before me, the subscriber personally came and appeared \_\_\_\_\_ a subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that \_\_\_\_\_, \_\_\_\_\_ of the parties thereto, signed, sealed and delivered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

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

PROVINCE OF NOVA SCOTIA  
COUNTY OF HALIFAX

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

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

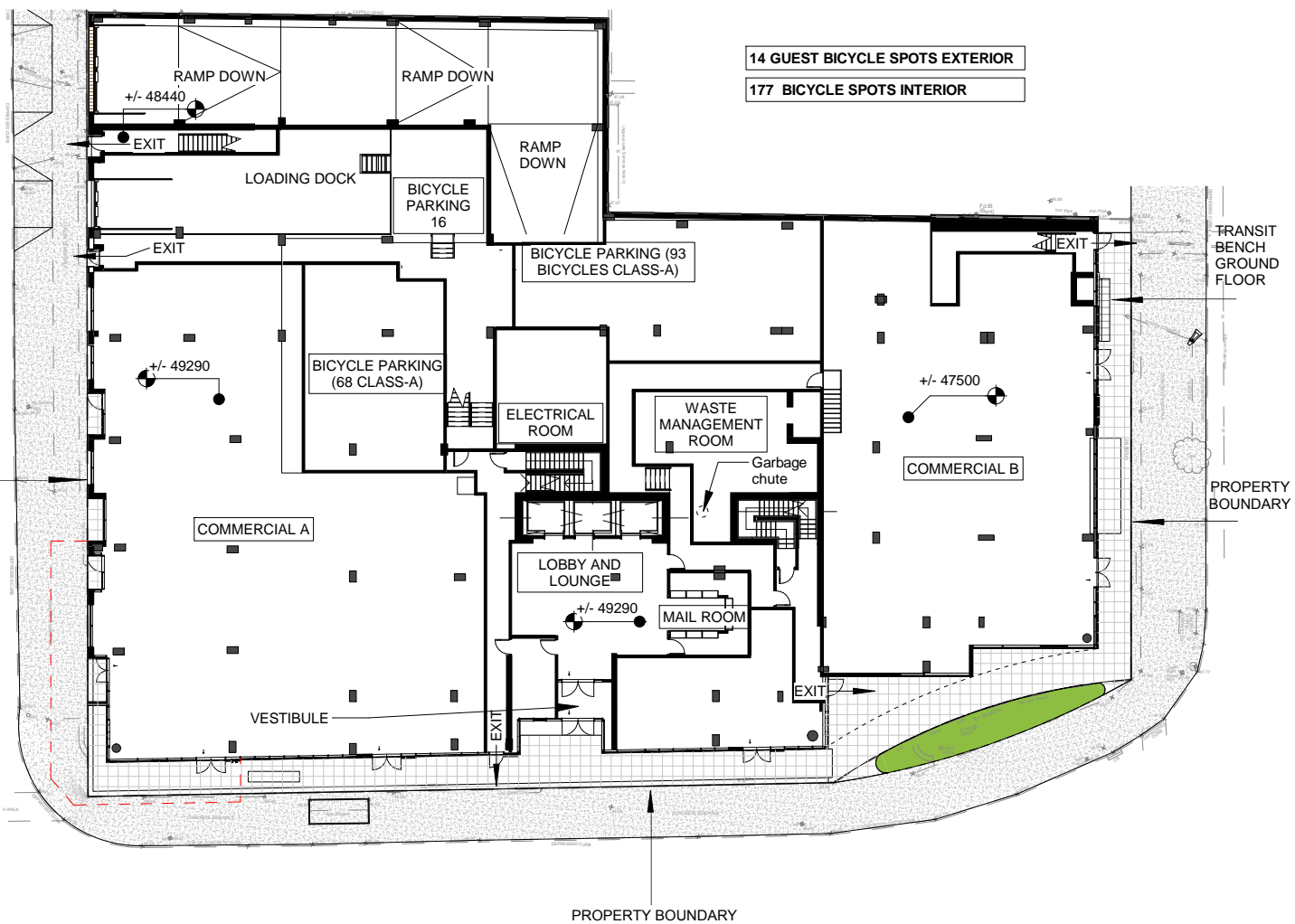


Schedule B - Site Plan

**WILLOW  
TREE  
TOWER**  
6009 QUINPOOL ROAD, HALIFAX

**GeigerHuot**  
architectes

Scale	1:400	Design/Drawing by:OP/FB	Sheet	
DIMENSIONS IN MILIMETERS			<b>AZ-001</b>	
Date :	Sept. 30, 2019	Approved by :		E.H.
File number :	18031			

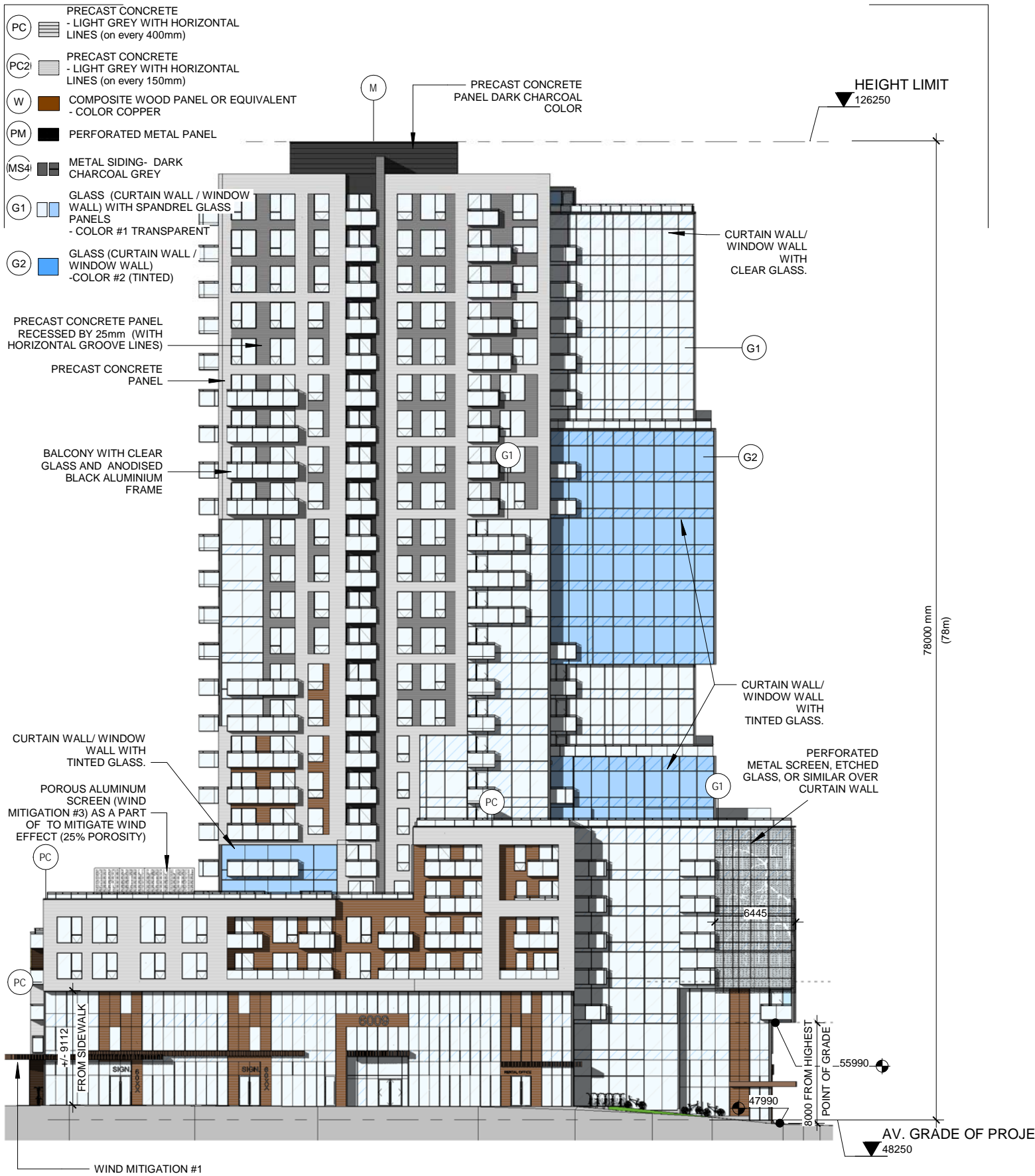


Schedule C - Ground Floor Plan

**WILLOW TREE TOWER**  
6009 QUINPOOL ROAD, HALIFAX

**GeigerHuot**  
architectes

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Date :	Sept. 30, 2019	Approved by :		E.H.
File number :	18031			



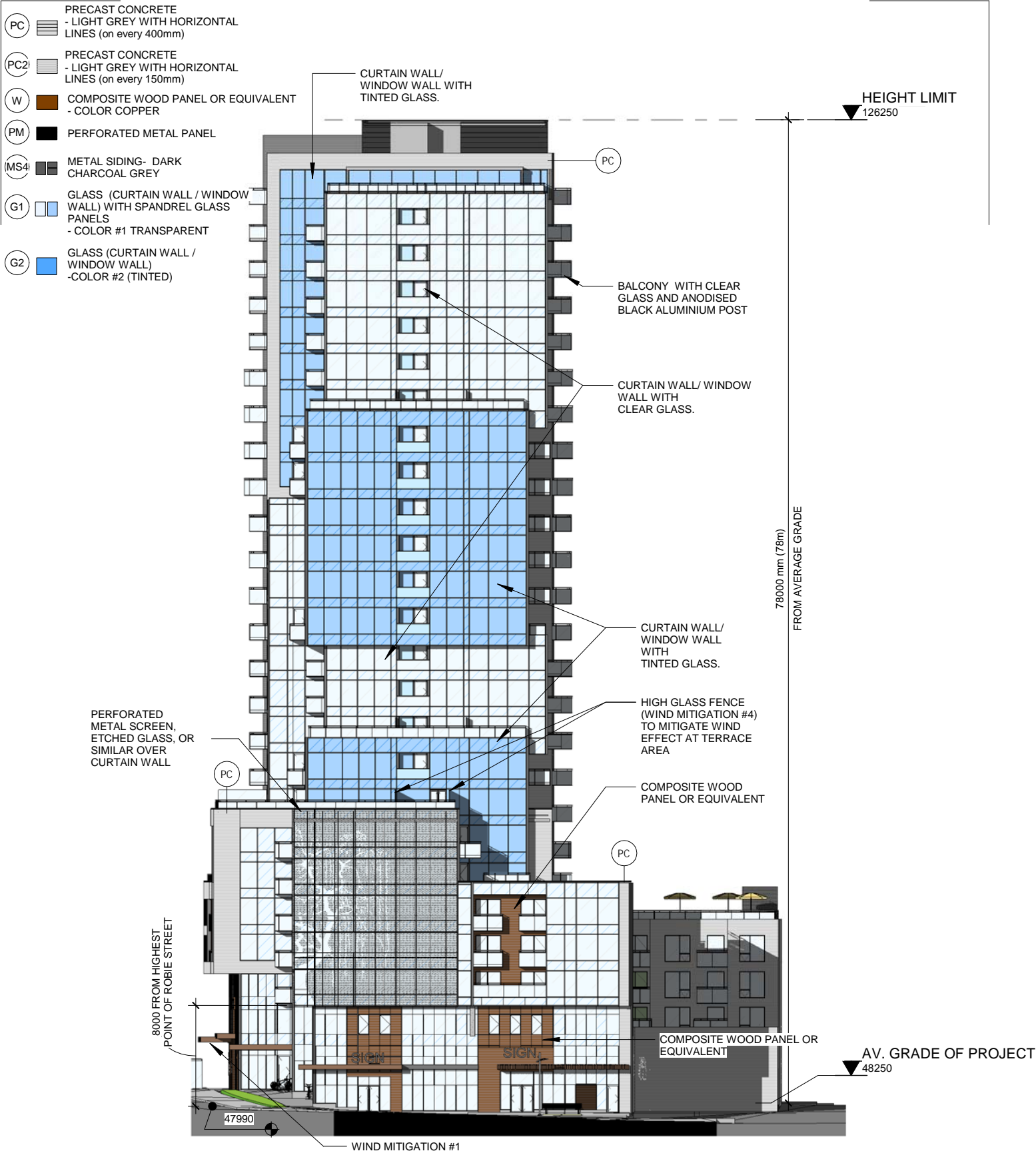
Schedule D - Quinpool Road Elevation

**WILLOW TREE TOWER**  
6009 QUINPOOL ROAD, HALIFAX

**GeigerHuot**  
architectes

Scale	1:400	Design/Drawing by:OP/FB	Sheet	
DIMENSIONS IN MILIMETERS			<b>AZ-201</b>	
Date :	Sept. 30, 2019	Approved by :		E.H.
File number :	18031			





Schedule E - Robie Street Elevation

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Date :	Sept. 30, 2019	Approved by :		E.H.
File number :	18031			



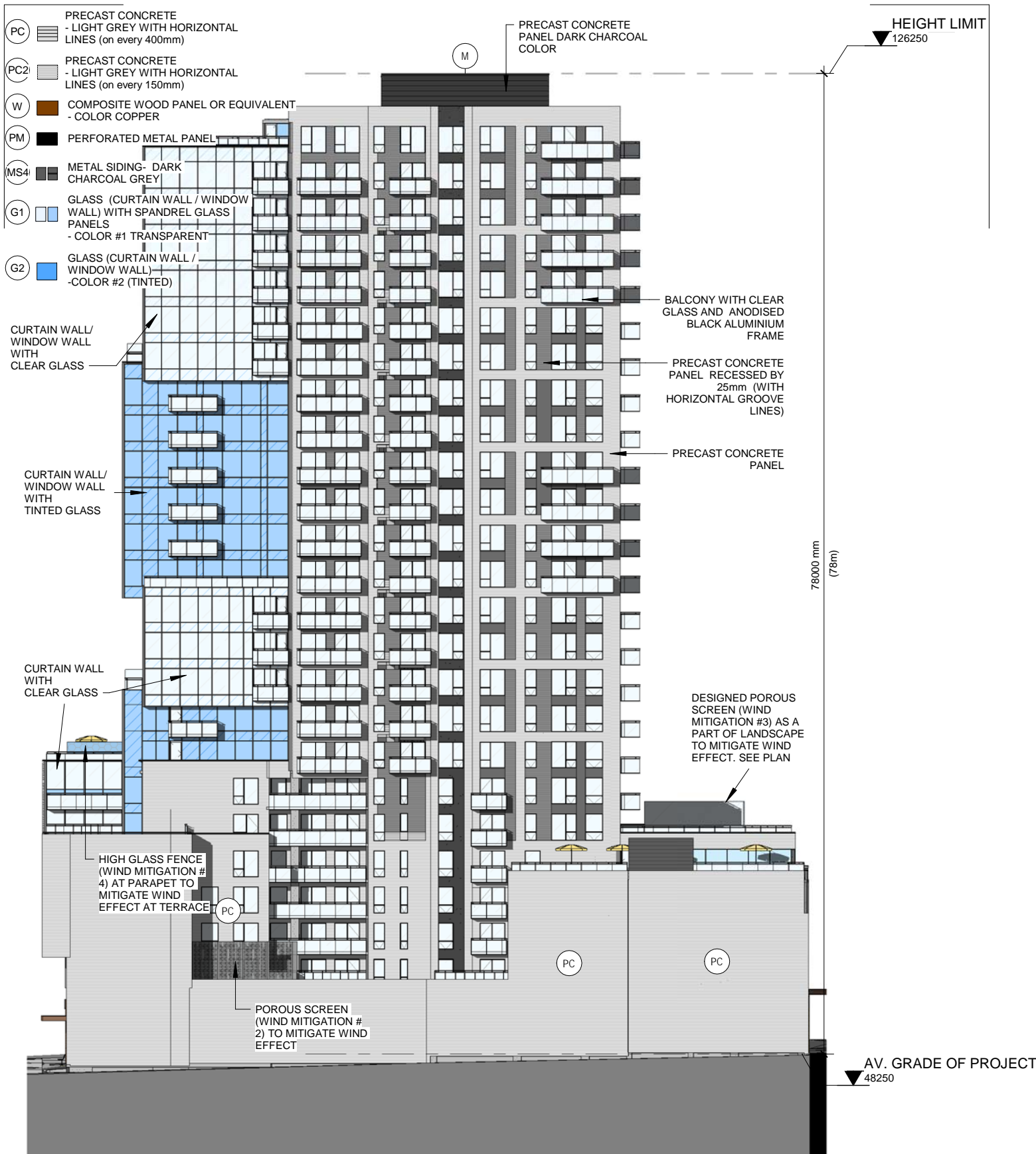
Schedule F - Parker Street Elevation

**WILLOW TREE TOWER**  
6009 QUINPOOL ROAD, HALIFAX



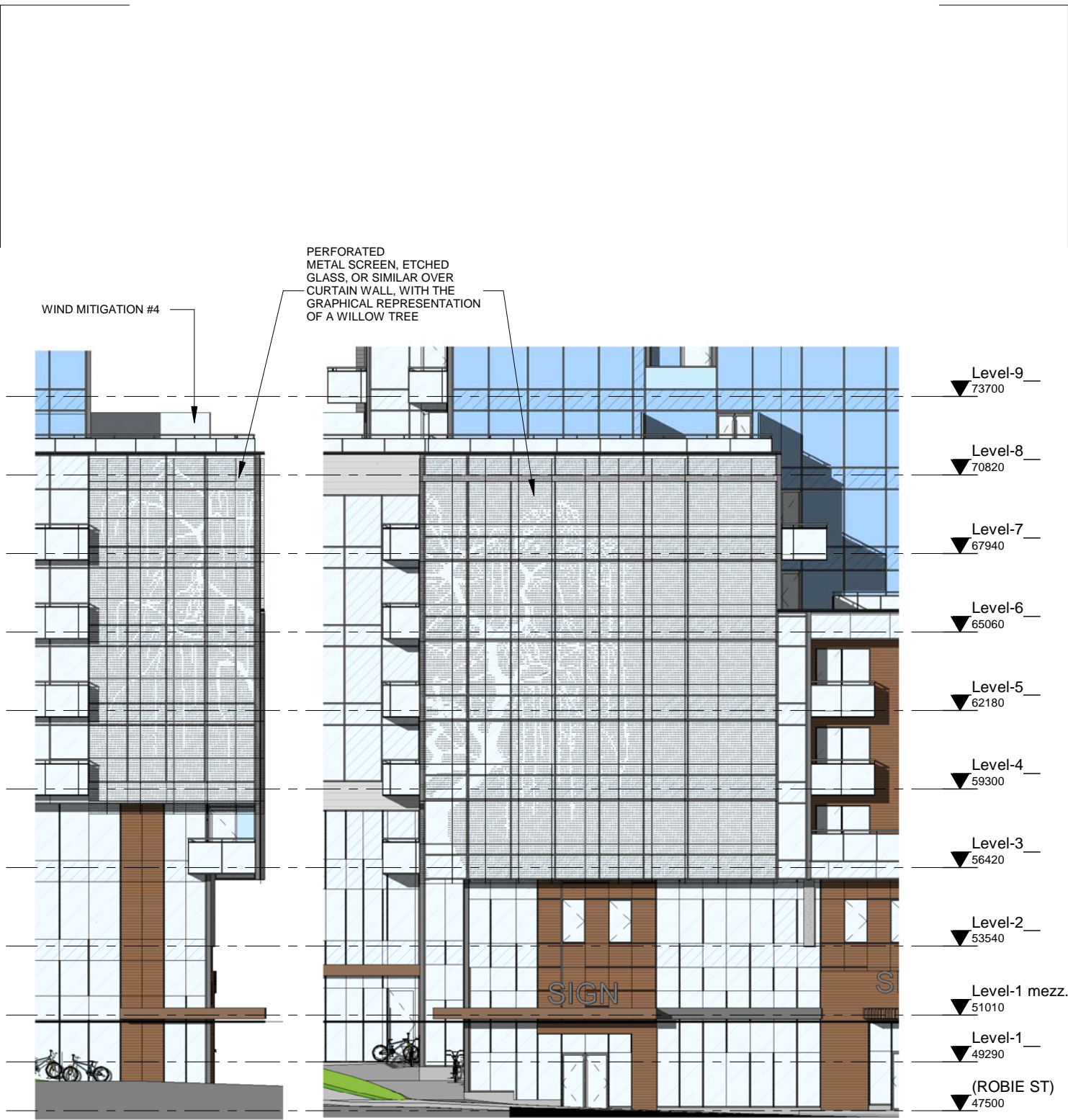
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DIMENSIONS IN MILIMETERS		
Date :	Sept. 30, 2019	Approved by : E.H.
File number :	18031	

Sheet  
**AZ-203**



Schedule G - Interior Lot Line Elevation

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DIMENSIONS IN MILLIMETERS			<b>AZ-204</b>	
Date :	Sept. 30, 2019	Approved by :		E.H.
File number :	18031			



QUINPOOL ELEVATION

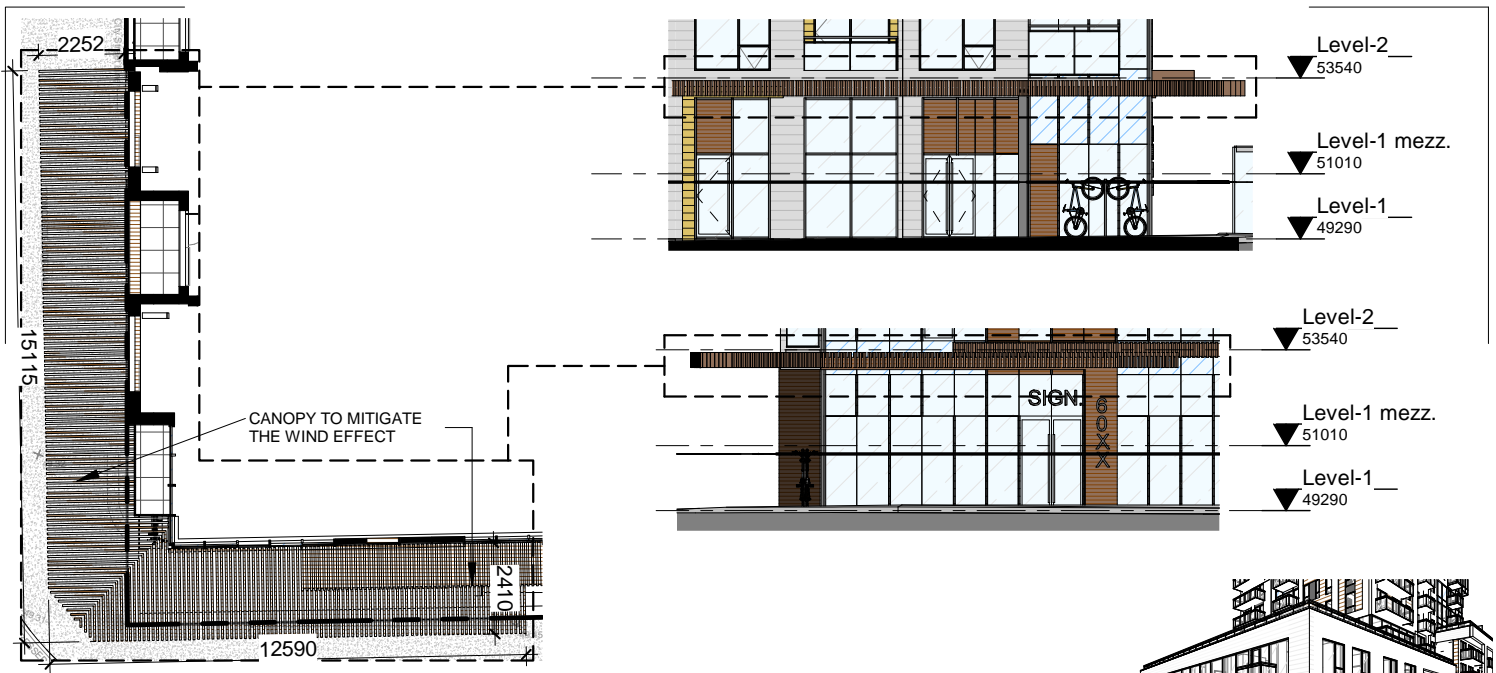
ROBIE ELEVATION

Schedule H - Decorative Element

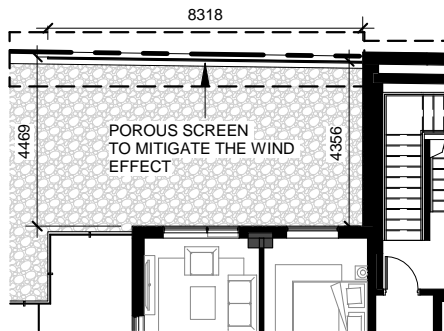
**WILLOW  
TREE  
TOWER**  
6009 QUINPOOL ROAD, HALIFAX

**GeigerHuot**  
architectes

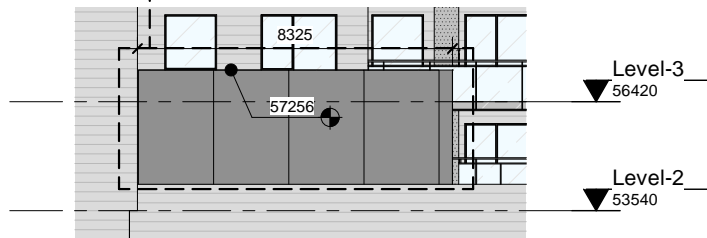
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Date :	Sept. 30, 2019	Approved by : E.H.	
File number :	18031		



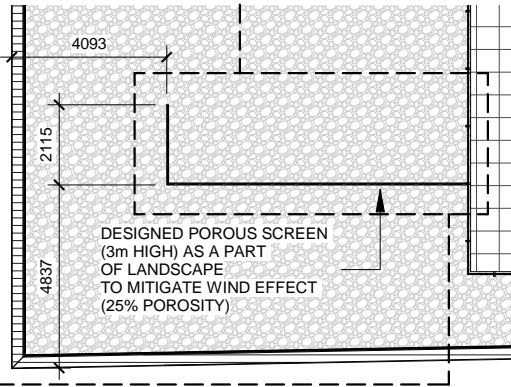
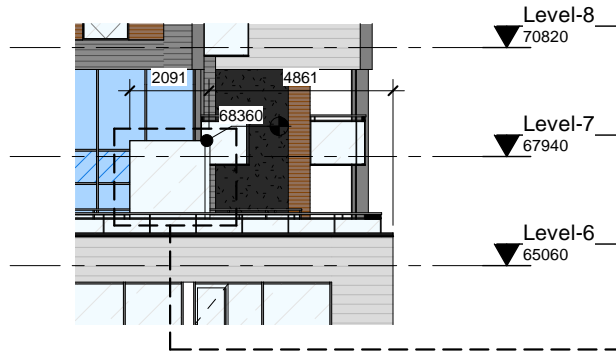
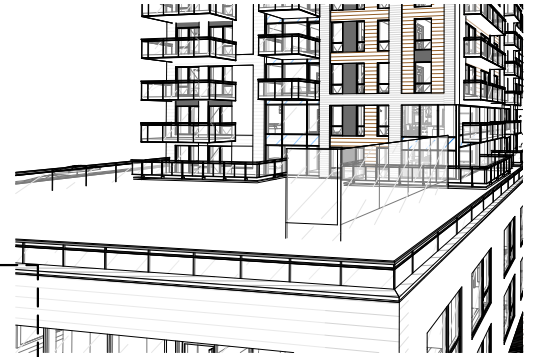
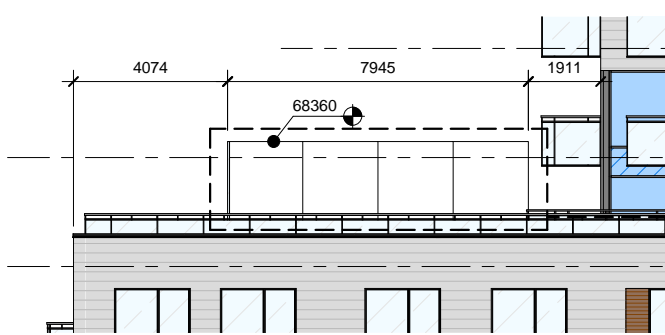
WIND MITIGATION #1 - CANOPY ON LEVEL 2 ON CORNER OF PARKER AND QUINPOOL



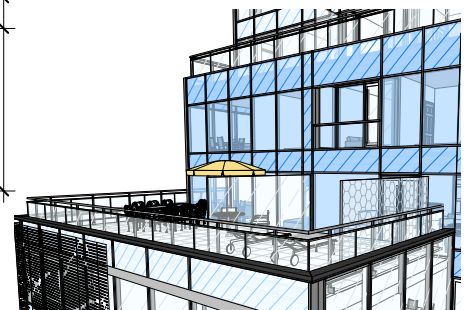
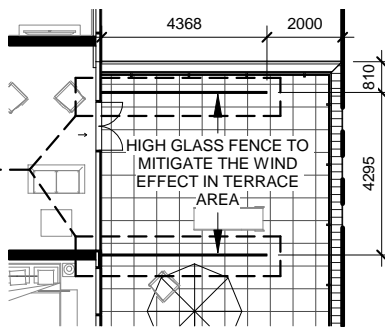
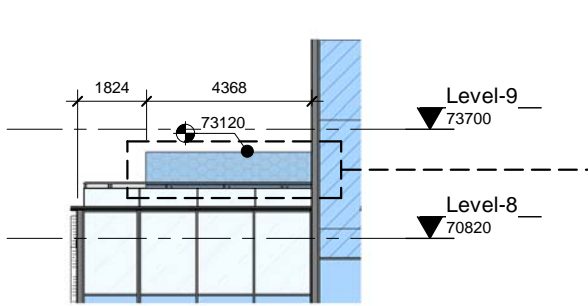
WIND MITIGATION #2 - POROUS SCREEN ON LEVEL 2 FACING CRUIKSHANK'S FUNERAL HOME



Schedule I - Wind Control Measures 1



WIND MITIGATION #3 - POROUS SCREEN ON LEVEL 6 TERRACE ALONG QUINPOOL



WIND MITIGATION #4 - GLASS FENCE ON LEVEL 8 TERRACE ALONG ROBIE STREET

Schedule I - Wind Control Measures 2

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DIMENSIONS IN MILLIMETERS			<b>AZ-303</b>	
Date :	Sept. 30, 2019	Approved by :		E.H.
File number :	18031			

## Attachment B: Review of Relevant Halifax MPS Policies

### Section II – City Wide Objectives and Policies

<b>2. Residential Environments</b>	
<b>Objective:</b> The provision and maintenance of diverse and high quality housing in adequate amounts, in safe residential environments, at prices which residents can afford.	
<b>Policy</b>	<b>Comment</b>
<p>2.1.1 On the Peninsula, residential development should be encouraged through retention, rehabilitation, and infill compatible with existing neighbourhoods; and the City shall develop the means to do this through the detailed area planning process.</p>	<p>The proposed development is considered an infill development utilizing existing services and infrastructure.</p> <p>The built form requirements found in the enabling MPS policies in the secondary plan are forwarded through into the proposed development agreement to ensure the building design corresponds to and is compatible with the differing character of surrounding streets and neighborhoods.</p>
<p>2.4 Because the differences between residential areas contribute to the richness of Halifax as a city, and because different neighbourhoods exhibit different characteristics through such things as their location, scale, and housing age and type, and in order to promote neighbourhood stability and to ensure different types of residential areas and a variety of choices for its citizens, the City encourages the retention of the existing residential character of predominantly stable neighbourhoods, and will seek to ensure that any change it can control will be compatible with these neighbourhoods.</p>	<p>The proposed development acknowledges the important intersection of Robie Street and Quinpool Road through massing and design, while the height of 4 storeys at the northwest corner of the site along Parker Street is intended to acknowledge the smaller single unit residential nature of the northern half of Parker Street and the 35 foot height limit that regulates its development. Above the podium level, the tower itself has also been located in the far southeast corner of the site to maximize the distance between it and the low-density residential uses to the northwest along Parker Street.</p>
<p>2.7 The City should permit the redevelopment of portions of existing neighbourhoods only at a scale compatible with those neighbourhoods. The City should attempt to preclude massive redevelopment of neighbourhood housing stock and dislocations of residents by encouraging infill housing and rehabilitation. The City should prevent large and socially unjustifiable neighbourhood dislocations and should ensure change processes that are manageable and acceptable to the residents. The intent of this policy, including the manageability and acceptability of change processes, shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</p>	<p>The proposed development will utilize existing services and infrastructure. Specific built form requirements are found in the enabling MPS policies and these have been forwarded through into the proposed development agreement to ensure the building design corresponds to and is compatible with the differing character of surrounding streets and neighborhoods.</p> <p>The existing 10 storey commercial building and parkade on the site will not dislocate residents in this area, but rather introduce more residential units, including two bedroom units and the possibility of affordable housing units, into this neighbourhood.</p> <p>Policy 3.1 – Repealed Policy 3.2 – N/A</p>
<p>2.8 The City shall foster the provision of housing for people with different income levels in all neighbourhoods, in ways which are compatible with these neighbourhoods. In so doing, the City will pay particular attention to those groups which have special needs (for example, those groups which require subsidized housing, senior citizens, and the handicapped).</p>	<p>The proposed agreement requires that prior to a development permit being issued for a 78-metre building, the property owner must satisfy the requirements of the Halifax Peninsula LUB regarding the bonus zoning options, which includes providing affordable housing units.</p>

## Section XII – Quinpool Road Commercial Area Plan Objectives and Policies

<b>2. Commercial Facilities</b>	
<b>Objective:</b> The development and promotion of Quinpool Road as a general retail, office, personal service and business service area including mixed residential/commercial uses within the presently established commercial area.	
<b>Policy</b>	<b>Comment</b>
<p><b>2.10</b> The intersection of Robie Street and Quinpool Road serves as an important node for Peninsula Halifax and the Regional Centre as a whole. It serves as the eastern gateway to the commercial high street of Quinpool Road as well as framing the southwestern edge of the Halifax Commons which serves as a major area for recreation, open space and institutional uses. Further, it is recognized that the intersection is of local cultural and historic significance known colloquially as the Willow Street intersection. It is important to note, that this area is nearby to stable low density neighbourhoods that spread to Chebucto Road running north and Coburg Road running south. The development of larger scale buildings at the Quinpool and Robie node should not be seen as an indication that the adjacent established neighbourhoods will be redeveloped in a manner greatly exceeding their existing scale. As such, the property at the northwest corner of Quinpool Road and Robie Street municipally known as 6009-6017 Quinpool Road (PID's 00140020 and 00140012) shall be considered by Development Agreement in accordance with the Halifax Regional Municipality Charter for a single tower mixed used development no greater than 78 metres in height, providing all the terms of the land use by-law are satisfied.</p>	<p>The site is located at the northwest corner of Quinpool Road and Robie Street municipally known as 6009-6017 Quinpool Road (PID's 00140020 and 00140012) and is proposing a single tower mixed used development no greater than 78 metres in height, with the intention of providing a density bonusing option.</p>
<p><b>2.10.1</b> Any development permitted pursuant to Policy 2.10 shall satisfy all the following requirements:</p> <p>(a) any building at the street level shall be setback 2 metres on Robie Street and 2 metres on Quinpool Road measured from the edge of the property boundary on which the development will be situated and the property of the Municipality, to a minimum height of 8 metres;</p> <p>(b) the setback space established by clause (a) shall be designed to be used as amenity space by the public; and</p> <p>(c) all other provisions of the land use by-law unless otherwise provided for in this policy.</p>	<p>(a) The proposed agreement requires the building along Quinpool Road and Robie Street is setback 2m from the streetline with a minimum height of 8m.</p> <p>(b) the proposed agreement requires this space to be designed as public space.</p> <p>(c) the proposed agreement requires the building to meet the provisions of the LUB.</p>
<p><b>2.10.2</b> The maximum achievable building height of 78</p>	<p>The proposed agreement requires that prior to a development permit being issued for a 78-meter</p>



<p>metres may only be achieved through incentive or bonus zoning as set out in the land use bylaw. The maximum pre-bonus height is 62 metres. Subject to the provisions of the land use by-law, a bonus in height of no greater than 16 metres may be provided in exchange a contribution of community amenities. Any development over 62 metres shall only be considered if:</p> <p>(a) the property owner provides a contribution in the form of:</p> <ul style="list-style-type: none"> <li>(i) ten affordable housing and all electric and utility wires adjacent to the development be buried underground along Quinpool Road and Robie Street; or</li> <li>(ii) twenty affordable housing units; or</li> <li>(iii) Council accepts money in lieu of the contribution of an equivalent value for affordable housing units; and</li> </ul> <p>(b) an incentive or bonus zoning agreement is entered into, as set out in the land use by-law.</p>	<p>building the property owner must satisfy the requirements of the LUB regarding the bonus zoning options and has entered into a bonusing zoning agreement or, has been granted approval to provide money-in-lieu by Regional Council and the municipality has received the full amount of the money-in-lieu.</p>
<p>2.10.3 The land use by-law may set conditions, including performance standards, that shall be met before a development permit may be issued.</p>	<p>The proposed agreement requires the development to satisfy the requirements of the LUB.</p>
<p>2.10.4 Any development permitted pursuant to Policy 2.10 shall be achieved by attention to a variety of factors for which conditions may be set out in the Development Agreement, and such conditions shall include that:</p> <p>(a) the proposal is a comprehensive plan for the development of the lands in their entirety and does not include phasing;</p> <p>(b) Policies 2.10.1 and 2.10.2 are satisfied;</p> <p>(c) the tower portion of the development shall comply with the following massing and height requirements:</p> <ul style="list-style-type: none"> <li>(i) the tower shall not exceed: <ul style="list-style-type: none"> <li>(A) an overall height of 78 metres, inclusive of all mechanical spaces, penthouses, and other structures,</li> <li>(B) a width of 39.6 metres in the elevation parallel to Quinpool Road,</li> <li>(C) a width of 17.7 metres in the easternmost third of the building facing the Halifax North Common, and</li> <li>(D) a width of 22.6 metres in its western elevation; and</li> </ul> </li> <li>(ii) the tower shall be located on the site to maximize distance between it and the</li> </ul>	<ul style="list-style-type: none"> <li>(a) No phasing proposed, and the agreement does not permit phasing.</li> <li>(b) Requirements of policy 2.10.1 are required in the agreement by both the text and schedules. No deviation is permitted. Requirements of policy 2.10.2 must be satisfied before a permit for a 78-meter building is issued.</li> <li>(c) The proposed agreement requires the massing and height requirements through text and the schedules. No deviation is permitted.</li> <li>(d) The proposed agreement requires the massing and height requirements through text and the schedules. No deviation is permitted.</li> <li>(e) A shadow study completed by the applicant, and confirmed by staff, shows the building cast a long but fast-moving shadow, meaning that any given adjacent location is not under continuous shadow for extended periods of time.</li> <li>(f) The proposed agreement requires ground floor commercial uses. Uses permitted are those found in the C-2C zone of the Peninsula LUB. Residential uses are permitted on the remaining floors.</li> </ul>

<p>adjacent low density residential uses on Parker Street;</p> <p>(d) the podium portion of the development shall comply with the following massing, height, and design requirements:</p> <p>(i) the podium shall transition in height from no greater than:</p> <p>(A) 5 storeys at the northeast corner of the site,  (B) 7 storeys addressing the intersection of Quinpool Road and Robie Street,  (C) 5 storeys at the southwest corner of the site, and  (D) 4 storeys at the northwest corner of the site,</p> <p>(ii) the podium portion of the development shall:</p> <p>(A) be visually permeable and conducive to uses that will encourage an active streetscape at grade,  (B) include a decorative or artistic element as a part of the building architecture which reflects the local cultural and historic significance of the Quinpool Road and Robie Street intersection, and  (C) implement high quality materials in such a pattern than mitigates the horizontal massing of the development;</p> <p>(e) the development above the podium level is oriented and dimensioned in a manner which minimizes shadow impact on the Halifax North Common, with this impact being tested through shadow study and any resulting design alterations paying specific attention to limiting shadow on active recreation facilities in the area;</p> <p>(f) the development is comprised of a mixture of residential and compatible commercial uses;</p> <p>(g) the ground floor land uses facing Quinpool Road and Robie Street shall be primarily commercial in nature to maximize the activity at street level;</p> <p>(h) the location of parking access ramps is limited to the northwest corner of the development site along Parker Street and shall be further subject to review of Municipal engineers;</p> <p>(i) the development is tested for the impact it would have on wind both within shared amenity spaces on the development site itself, as well as within nearby public spaces, with mitigating architectural techniques implemented to ensure the development does not worsen the existing wind conditions within the public realm;</p>	<p>(g) The proposed agreement requires ground floor commercial with frequent entries on Parker Street, Quinpool Road, and Robie Street which allows for a variety of commercial spaces and supports the opportunity for vibrant street life.</p> <p>(h) The location of vehicular access/egress is to be located as per the schedules in the agreement, which is in the northwest corner of the site. In addition, right-of-way infrastructure changes and/or upgrades to ensure safe ingress and egress to this access point will be assessed at the time of Development Permit.</p> <p>(i) The proposed development has incorporated several design features to reduce wind effects, including a large, low podium, tower setbacks at several levels, screen walls on the podium, and canopies at grade. As a result, the predicted wind conditions are expected to be similar to those that currently exist in the area and are considered to be appropriate for the intended pedestrian uses.</p> <p>(j) The podium has been designed to be highly articulated with a variety of colors and materials. Variations in the façade and mass exists in the podium and extends upward through the tower portion of the site through the joggling of the volume which provides visual interest.</p> <p>(k) The proposed agreement requires the garage and utility entrances be designed to blend into the façade and that all mechanical equipment is concealed.</p> <p>(l) The proposed agreement requires that at least 50% of the residential units are two bedroom and a minimum of 69.68 sq. m in size.</p> <p>(m) The proposed agreement requires a vehicular parking ratio of 0.3 spaces per unit, which is considered sufficient given the site's location, as addressed by the Regional Parking Strategy Functional Plan that was approved by Regional Council in 2009. In addition, given the site's location and proximity to transit, commercial uses, and community facilities, building residents will rely less heavily on the private automobile and more on walking, cycling, and transit.</p> <p>(n) The proposed agreement requires that private and common indoor and outdoor amenity space be provided. This space includes 310 sq. m of indoor space and 375 sq. m of outdoor space. These spaces, along with the several parks,</p>
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<p>(j) the architectural design of the building, including a high quality design using durable exterior building materials, variations in the façade and mass of the building shall provide visual interest;</p> <p>(k) the size and visual impact of utility features such as garage doors, service entries, and storage areas are minimized and that mechanical equipment are concealed;</p> <p>(l) a minimum of 50% of the dwelling units are at least two bedrooms, have a minimum area of 69.68 sq. m., and are located throughout the development;</p> <p>(m) there is an adequate supply of motor vehicular parking and bicycle parking;</p> <p>(n) useable on-site amenity space and recreational amenity space is provided of a size and type adequate for the resident population;</p> <p>(o) there are suitable onsite solid waste facilities; and</p> <p>(p) the capacity of sewer and water servicing for the site is adequate.</p>	<p>including the Halifax Common, with varied recreational opportunities within walking distance of the site ensures opportunities exist for building residents to socialize, relax, and enjoy outdoor and indoor opportunities as weather permits and dictates.</p> <p>(o) The proposed agreement requires that all on-site solid waste facilities be located within the building and be a designated space for five stream commercial waste containers.</p> <p>(p) No concerns were identified regarding the capacity of sewer or water. The proposed agreement requires that all water and wastewater design shall reference the latest version of the Halifax Water's Design and Construction Specifications and detailed servicing plans shall be provided with the building permit application.</p>
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**HALIFAX REGIONAL MUNICIPALITY Public  
Information Meeting  
Case 22029**

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

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**Thursday, June 6, 2019  
7:00 p.m.  
Halifax Forum (Maritime Hall)**

**STAFF IN**

**ATTENDANCE:** Dean MacDougall, Planner, HRM Planning and Development  
Carl Purvis, Planning Applications Program Manager, HRM Planning  
and Development  
Holly Kent, Planning Technician, HRM Planning and Development  
Cara McFarlane, Planning Controller, HRM Planning and Development

**ALSO IN**

**ATTENDANCE:** Councillor Lindell Smith, District 8  
Marc Ouellet, APL Properties Limited

**PUBLIC IN**

**ATTENDANCE:** Approximately 11

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The meeting commenced at approximately 7:05 p.m.

**1. Call to order, purpose of meeting – Dean MacDougall**

**D. MacDougall** is the Planner and Facilitator for the application and introduced the area Councillor, the applicant and staff members.

Case 22029 - APL Properties Ltd. is applying to enter into a Development Agreement at 6009 – 6017 Quinpool Road, Halifax to allow a 25-storey mixed-use building and to amend the Halifax Peninsula Land Use By-law to reflect Housing Nova Scotia's process regarding possible affordable housing units.

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

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

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

**2. Presentation of Proposal – Dean MacDougall**

**D. MacDougall** gave a brief presentation of the proposal for the property located at 6009 – 6017 Quinpool Road, Halifax outlining the status of the application, the Applicant's request for a development agreement and a land use by-law amendment, site context of the subject land, some history on the Municipal Planning Strategy (MPS) Policy (approved by Regional Council in June

2018), the proposal/site plan, and the land designation (Quinpool Road Commercial) and enabling Planning Policies (2.10 to 2.10.4) within the Halifax MPS and the Bonus Zoning Agreement within the Halifax Peninsula Land Use By-law (LUB).

### **Presentation of Proposal – Marc Ouellet**

**M. Ouellet** presented their proposal for the subject properties outlining the site context/site plan, design rationale, evaluation of the architectural form and design, perspectives, building elevations and data table for the project.

A resident asked from what street parking will be accessed. **M. Ouellet** – Parker Street.

### **3. Questions and Comments**

**Pete Lavell, Belle Aire Terrace** asked for clarification for the increased number of units from the original proposal (209 to 288). **M. Ouellet** – The increase is possible by reconfiguring within the existing massing of the building. The Policy allows for flexibility for the unit ratio. **P. Lavell** is surprised residential balcony areas can be included as part of the public amenity as they would be considered private space. **D. MacDougall** explained that the balconies are included as the building's resident amenity not for public benefit that allows for the increase in height. **P. Lavell** – An environmental crisis has been declared but yet developments don't seem to be consistent with the direction Halifax is going. Ten affordable units is much too low. It's time for all levels of government to step up and start debating the issue of affordable housing. This is a bargaining situation for which there is no reciprocal figure provided by the people who are doing the bargaining. Lately, there seems to be requests for enormous decrease in parking spaces which creates an imposition on neighbours. Enough parking should be provided for the number of residents in a building. The buildings are part of an architectural sprawl and not a solution to the crisis or densification. Long-term residents won't move in. As far as public engagement, there is a decrease in attendance as most residents are discouraged because their comments and concerns are ignored by city staff and council.

**Jennifer Fox, Clifton Street** asked for clarification on the unit mix. Is it possible for the numbers/ratio to change after tonight's meeting? What size are the affordable housing units? **M. Ouellet** – There are mostly one- and two-bedroom units proposed and currently no bachelor units. **D. MacDougall** – The proposal can change as a result of public feedback. Nothing is finalized at this stage. Referring to the Halifax Peninsula LUB, the requirement for affordable housing units is that it must contain two or more bedrooms and a living room area of a minimum of 70 square metres. **J. Fox** asked if the applicant has a construction mitigation plan (noise, taking over sections of the sidewalks and streets, etc.) and if it will go above what HRM requires. **D. MacDougall** – Those types of plans would be submitted at the construction permit stage further in the process. **J. Fox** asked for clarification of the public amenity space. **M. Ouellet** – There are two rooms (possibly a gym and lounge that opens to a large public terrace the residents of the building). **J. Fox** – This is not for the general public. J. Fox echoed the previous speaker regarding an environmental crisis and developers need to build smarter by creating smaller buildings and using wood construction due to the environment damage caused by building with concrete. J. Fox also echoed the comment regarding the issue around the need for affordable housing and the low public attendance due to the lack of regard for residents' concerns and comments.

**Trevor Brumwell, Lawrence Street** – Past and current public engagement have proven to be unsuccessful and frustrating (referred to 800 letters from the Willow Tree Group to HRM opposing the policy changes that were considered by Council as one as opposed to 800 separate submissions). Outlying Councillors are voting for proposals that don't affect their neighbourhoods. What are the differences between the current and previous proposals? The amenity space is private; therefore, is no benefit to the public and should be labelled as such (private indoor space

not amenity). **D. MacDougall** showed a chart outlining the changes in unit count (increase), parking (decrease), bicycle parking (added), amenity space – indoor/outdoor (increase – balconies included) and commercial space (decrease). **T. Bromwell** - Decreased parking in the community will be disastrous. Where will customers for the commercial enterprises park? Where will the construction workers/vehicles park? Also, the exterior designs of the building seem to be constantly changing. T. Bromwell disagrees with the rules at the public engagements as it sanitizes the process. The audience should be permitted to show their support, or opposition. Some people are not comfortable standing in front of a group and speaking into a microphone.

**Carl Purvis** thanked everyone for coming to the meeting. The Policy change has been implemented and staff realizes there is public frustration. Staff does appreciate hearing the residents' concerns and comments and will forward them onto Council, through way of recommendations in the Staff Report, so they are able to make a well-informed decision. **T. Bromwell** would like Council to explain why the concerns of the residents affected the most are not taken into account when making a decision.

#### **4. Closing Comments – Dean MacDougall**

**D. MacDougall** thanked everyone for coming and expressing their comments.

#### **5. Adjournment**

The meeting adjourned at approximately 8:00 p.m.