

**DEVELOPMENT AGREEMENT (REF: HRM CASE #21099)
APPLICATION FOR A SUBSTANTIVE AMENDMENT
MULTI-UNIT RESIDENTIAL BUILDING, FOURTH STREET, BEDFORD**

December 13, 2019

To Whom It May Concern:

The following outlines our request to be considered for a substantive amendment to the executed Development Agreement for a multi-unit residential building located on Fourth Street in Bedford. The amendment is required to facilitate an increase in the number of dwelling units, which is necessary to make the development viable and allow construction to proceed. The increase in units is accommodated internally within the building without altering the building size, location and general appearance.

We have organized our application to describe how the application meets the applicable MPS policy as well as provide specific references to sections within the Development Agreement that are to be amended. For each section, we have described the proposed amendment along with a description and/or rationale. Where applicable, we have included revised Schedules.

REFERENCE: MPS POLICY C-21(A)

- a) The property is zoned Mainstreet Commercial (CMC).
- b) The property does not have frontage along the Bedford Highway.
- c) All provisions of the RMU Zone have been met and remain as per the original DA with the following amendments:
 - a. A minimum lot area is calculated in accordance with the RMU Zone as follows:

| <u>Dwelling Type</u> | <u>Quantity</u> | <u>Lot Area per Dwelling Unit</u> | <u>Total Lot Area</u> |
|----------------------|-----------------|-----------------------------------|-----------------------|
| One Bedroom | 15 | 1,500 sq.ft. | 22,500 sq.ft. |
| Two Bedroom | 12 | 2,000 sq.ft. | 24,000 sq.ft. |
| Total Requirement | | | 46,500 sq.ft. |

As per above, a minimum lot area of 46,500 sq.ft. is required. Accordingly, the attached Schedule B: Site Plan illustrates an amendment to the line of subdivision in order to increase the lot area. As shown, the amended lot area is 46,555 sq.ft. This consequently reduced the area of the adjoining lot located along Bedford Highway, which is under the same ownership.

- b. Regarding Recreation Space requirements, the attached Schedule C: Landscape Plan illustrates the extent of recreation space to be provided. As per the RMU Zone, the required area of recreation space is calculated as follows:

| Dwelling Type | Quantity | Area per Dwelling Unit | Required Recreation Area |
|-------------------|----------|------------------------|--------------------------|
| One Bedroom | 15 | 200 sq.ft. | 3,000 sq.ft. |
| Two Bedroom | 12 | 575 sq.ft. | 6,900 sq.ft. |
| Total Requirement | | | 9,900 sq.ft. |

Schedule C indicates a total Recreational Space of 10,350 square feet, which meets the minimum requirement.

- c. Regarding the General Provision requirements for vehicular parking, a minimum of 1.5 parking spaces are required per dwelling unit. Based on a total of 27 units, this equates to a minimum requirement of 41 parking spaces.

The previous design includes 23 indoor and 5 outdoor spaces for a total of 28 spaces. Accordingly, an additional 13 parking spaces are required, all of which shall be outdoors as the indoor garage cannot absorb additional parking.

The proposed design, as illustrated on the attached Schedule B: Site Plan, provides an additional 20 outdoor parking spaces for a total of 25 outdoor spaces. In combination with the indoor parking garage, this provides a total of 48 spaces, which is 7 more than the minimum requirement.

- d) The appearance of the building remains consistent with the design contained within the Development Agreement and therefore remains compatible with adjacent land uses and buildings.
- e) The site design features remain largely consistent with the design contained within the Development Agreement and therefore will have no impact on adjacent development and will provide for the needs of residents within the development.
- f) Outdoor pedestrian facilities are to be provided as illustrated on Schedule C: Landscape Plan, which remains consistent with the design contained within the Development Agreement. These will include outdoor seating and recreation areas, walkways, planting and lighting.
- g) Traffic circulation will remain the same as that contained within the Development Agreement with regards to the driveway entrance and associated five outdoor parking spaces that leads to the parking garage from Fourth Street. An additional parking area is proposed to accommodate the increase in dwelling units and has separate access from Fourth Street due to the slope of the street. Sightlines and access are in accordance with municipal standards.

In addition to the above, the Traffic Impact Statement has been reviewed in consideration of the proposed changes to the development of both lots. JRL Consulting, who prepared the original TIS have prepared the attached supplemental report, which concludes that the amended development will result in less new traffic than originally proposed.

- h) As illustrated on Schedule C: Landscape Plan, existing healthy trees are to be retained along the southern property line. This remains consistent with the Development Agreement.
- i) The provisions of Policy Z-3 are met and remain consistent with the Development Agreement.

REFERENCE: DEVELOPMENT AGREEMENT

Reference: Section 3.4.1(a)
Existing Section: "The building shall contain a maximum of eighteen (18) dwelling units"
Proposed Amendment: "The building shall contain a maximum of twenty-seven (27) dwelling units"
Description/Rationale: The approved design contained 6 dwelling units per floor. Each unit includes two bedrooms ranging in size between approximately 1,500 and 2,000 square feet. Upon examination, it was determined that each floor could increase from 6 to 9 dwelling units without altering the size, shape and general appearance of the building. It was further determined that a combination of one- and two-bedroom units could be provided that would range in size between approximately 850 and 1,500 square feet. These would be more consistent with the types and sizes of dwelling units within the Bedford area. For information only, please refer to the attached floor plan which illustrates the proposed dwelling unit configurations on each residential floor.

Reference: Section 3.4.1(c)
Existing Section: "Five (5) parking spaces shall be provided within a surface parking lot to be located as shown on Schedule B and may be counted towards the total parking requirement as per Section 3.7.1"
Proposed Amendment: "A maximum of twenty-five (25) parking spaces shall be provided within a surface parking lot to be located as shown on Schedule B and may be counted towards the total parking requirement as per Section 3.7.1"
Description/Rationale: Note: Section 3.7.1 states that "Parking requirements shall be in conformance with the Land Use By-Law for Bedford."
Accordingly, as outlined previously, parking is in compliance with the Land Use By-Law.

Reference: Schedule B: Site Plan
Proposed Amendment: An amended Schedule B is enclosed. For information only, a suggested outline is provided for the adjacent CMC zoned lot, which will be subject to a separate Development Permit application.
Description/Rationale: The site plan is amended to accommodate an increase in dwelling units from 18 to 27. This requires an increase in outdoor parking as well as an increase to the lot area.
The building size, shape, layout and location remain unchanged. As well, the driveway to the parking garage entry and its associated 5 parking spaces and front entry area remain unchanged.
For parking, an additional outdoor parking area is created along the eastern side of the lot between the building and line of subdivision. Due to the slope of the land, separate access is required to this parking area from Fourth Street. From this parking area, a set of steps are provided to allow access to the front entry.

Reference: Schedule C: Landscape Plan
Proposed Amendment: An amended Schedule C is enclosed.
Description/Rationale: The Landscape Plan is amended similarly to Schedule B including associated amendments to grading, retaining walls and planting.
In addition, the Landscape Plan illustrates conformance with Recreation Space

requirements as previously outlined. This provides a total Recreational Space of 10,350 square feet, which is more than required.

| | |
|------------------------|--|
| Reference: | Schedule D: Exterior Elevations (North, South, West & East) |
| Proposed Amendment: | Amended Schedule D drawings are enclosed. |
| Description/Rationale: | As previously noted, the exterior of the building does not change in terms of size, shape and location. As well, exterior materials and balcony locations remain unchanged. Minor amendments are required to reflect changes in unit layouts. These include minor changes to living room and bedroom window locations. |

In summary, the development will remain unchanged from that which was included in the Development Agreement with the exception of that which has been described above. The building will not be noticeably different in appearance and will result in a more modest development on the adjacent lot located along Bedford Highway.

Sincerely,

Original Signed

Eugene Pieczonka, FRAIC, NSAA
Principal
Lydon Lynch Architects Ltd.

December 13, 2019

Geoff MacLean, P.Eng.
Senior Project Engineer
Servant Dunbrack McKenzie & MacDonald
36 Oland Crescent
Halifax, NS

Dear Mr. MacLean,

Re: Bedford Highway & Fourth Traffic Impact Statement Addendum

JRL consulting completed a Traffic Impact Statement in March 2017 for a proposed development at the southwest corner of the Bedford Highway/Fourth Street intersection in Bedford, Nova Scotia.

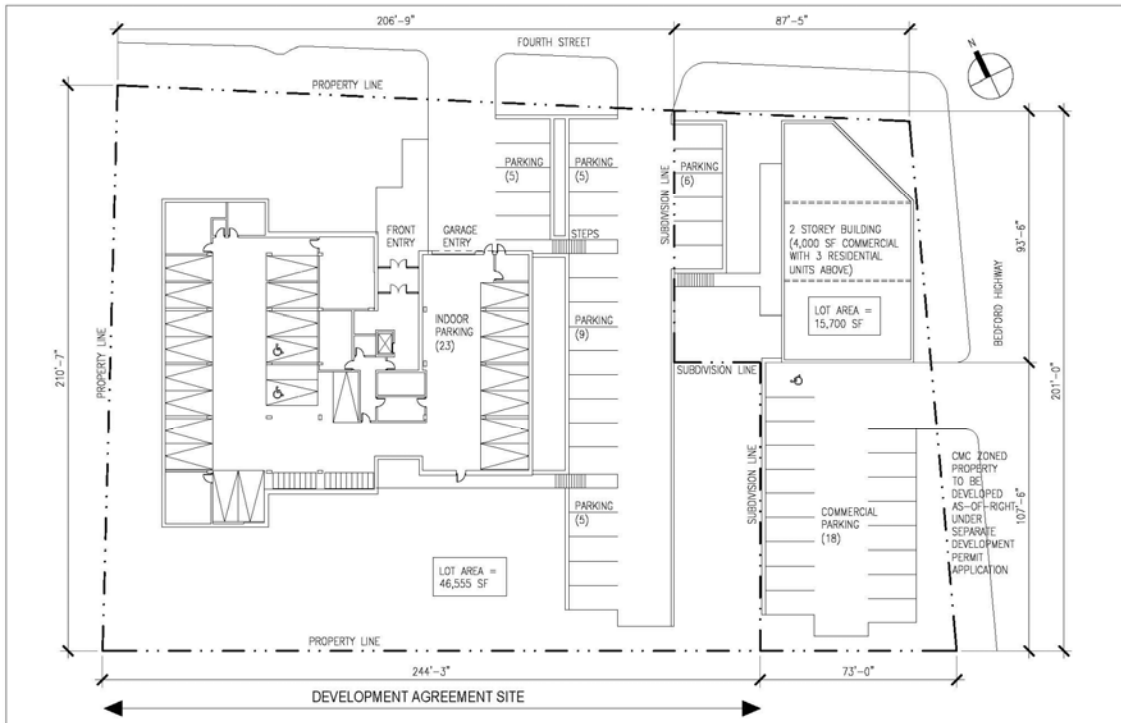
At that time the proposed development was to be completed in two phases. Phase 1 (as of right) would have been completed in accordance with the existing land use bylaw for Mainstreet Commercial (CMC) Zone with 6,990 sqft of Commercial/Retail Space on Ground Level along Bedford Highway with 6 townhouses and 4 apartments above including parking with access from Fourth Street and Bedford Highway.

Phase 2 (proposed development agreement) would have been developed behind Phase 1 with access via one shared and one separate driveway on Fourth Street. It would have contained 11 townhouses and 27 apartment units.

The developer has revised their plans for the site and Phase 1 will now have 4,000 sqft of Commercial/Retail space on the Ground Level accessed from Bedford Highway with 3 apartments behind that will be accessed from Phase 2 once that is completed. Phase 2 will have 27 residential apartments and no townhouses. Refer to Exhibit 1.

The proposed changes will result in less traffic than the original plans as the Commercial/Retail space has been reduced, there are no townhouses and the total apartment count has been reduced by one unit.

Exhibit 1 – Bedford Highway and Fourth Street Site Plan



LYDON LYNCH 401 - 1668 BARRINGTON STREET PROJECT NAME: DATE: 2019.12.10 DRAWING #:
 HALIFAX, NOVA SCOTIA B3J 2A2 FOURTH STREET, BEDFORD NS SITE PLAN SCALE: 1" = 40' A-001
 902-422-1446 LYDONLYNCH.CA MULTI RESIDENTIAL DEVELOPMENT PROJ.#:16042

The original development would have contained a total of 17 townhouses, 31 apartments and 6,990 sqft of commercial/retail space. We had estimated the site generated traffic using equations provided in Institute for Transportation Engineer’s (ITE) Trip Generation Manual as summarized in Exhibit 2.

Exhibit 2 - Bedford Highway at Fourth Street Estimated Site Generated Traffic Volumes (Original)

| LAND USE | QUANTITY | AM PEAK | | | PM PEAK | | |
|--|----------|-----------|-----------|-----------|------------|-----------|-----------|
| | | TOTAL | ENTER | EXIT | TOTAL | ENTER | EXIT |
| Single Family Detached Housing ITE Land Use 210 | 17 | 22 | 25% | 75% | 21 | 63% | 37% |
| | | | 5 | 16 | | 13 | 8 |
| Apartments ITE Land Use 220 | 31 | 19 | 20% | 80% | 35 | 65% | 35% |
| | | | 4 | 15 | | 23 | 12 |
| Shopping Centre ITE Land Use 820 | 6,990 | 32 | 61% | 39% | 108 | 48% | 52% |
| | | | 19 | 12 | | 52 | 56 |
| TOTAL | | 72 | 29 | 44 | 164 | 88 | 76 |

We adjusted these estimated volumes after assessing pass-by trips using ITE guidelines since we expect that the proposed development will attract a significant portion of its trips from the existing traffic passing by the site. These pass-by trips do not add new traffic to the surrounding transportation network; however, they are included in the traffic volumes entering and exiting the site. Essentially, pass-by trips are intermediate stops of a trip that already exists on the transportation network. They are not diverted from another roadway. The proposed retail portion of the development is relatively small and as a result will primarily serve the local area and not attract regional traffic.

The average pass-by trip percentage for a 6,990 sqft shopping center is 84% during the PM peak hour. To determine a more reasonable estimate of net new traffic we reduced PM peak hour traffic for the proposed retail component by the pass-by percentage described above.

Exhibit 3 – Estimated Net Future Traffic Volumes with Pass-By Trip Adjustments (Original)

| LAND USE | QUANTITY | AM PEAK | | | PM PEAK | | |
|--------------|----------|-----------|-----------|-----------|-----------|-----------|-----------|
| | | TOTAL | ENTER | EXIT | TOTAL | ENTER | EXIT |
| TOTAL | | 72 | 29 | 44 | 77 | 47 | 30 |

The new proposed development will have a total of 30 apartments and 4,000 sqft of commercial/retail space. We completed new site generated traffic volume estimates using equations provided in Institute for Transportation Engineer’s (ITE) Trip Generation Manual as summarized in Exhibit 4.

Exhibit 4 - Bedford Highway at Fourth Street Estimated Site Generated Traffic Volumes (Proposed)

| LAND USE | QUANTITY | AM PEAK | | | PM PEAK | | |
|-------------------------------------|----------|-----------|-----------|-----------|------------|-----------|-----------|
| | | TOTAL | ENTER | EXIT | TOTAL | ENTER | EXIT |
| Apartments ITE Land Use 220 | 30 | 18 | 20% | 80% | 34 | 65% | 35% |
| | | | 4 | 15 | | 22 | 12 |
| Shopping Centre ITE Land Use 820 | 4,000 | 23 | 61% | 39% | 75 | 48% | 52% |
| | | | 14 | 9 | | 36 | 39 |
| TOTAL | | 41 | 18 | 24 | 109 | 58 | 51 |

The average pass-by trip percentage for a 4,000 sqft shopping center is 99% during the PM peak hour. To determine a more reasonable estimate of net new traffic we reduced PM peak hour traffic for the proposed retail component by the pass-by percentage described above.

Exhibit 5 – Estimated Net Future Traffic Volumes with Pass-By Trip Adjustments (Proposed)

| LAND USE | QUANTITY | AM PEAK | | | PM PEAK | | |
|--------------|----------|-----------|-----------|-----------|-----------|-----------|-----------|
| | | TOTAL | ENTER | EXIT | TOTAL | ENTER | EXIT |
| TOTAL | | 41 | 18 | 24 | 35 | 22 | 12 |

The new proposed development will generate significantly less new traffic than what was originally proposed for the site (37 less trips in the AM Peak Hour and 42 less trips in the PM Peak Hour).

We estimate that the new proposed development will add a total of **41** new trips on the AM peak hour period and **35** new trips in the PM peak hour period after an adjustment for Pass-By Trips for the retail component.

The close proximity to numerous key transit routes may reduce the estimate traffic generated by the rental apartments as provided in the report based on ITE rates. New site generated traffic will most likely follow existing trip distribution patterns in the area on Bedford Highway during the AM and PM peak hour periods.

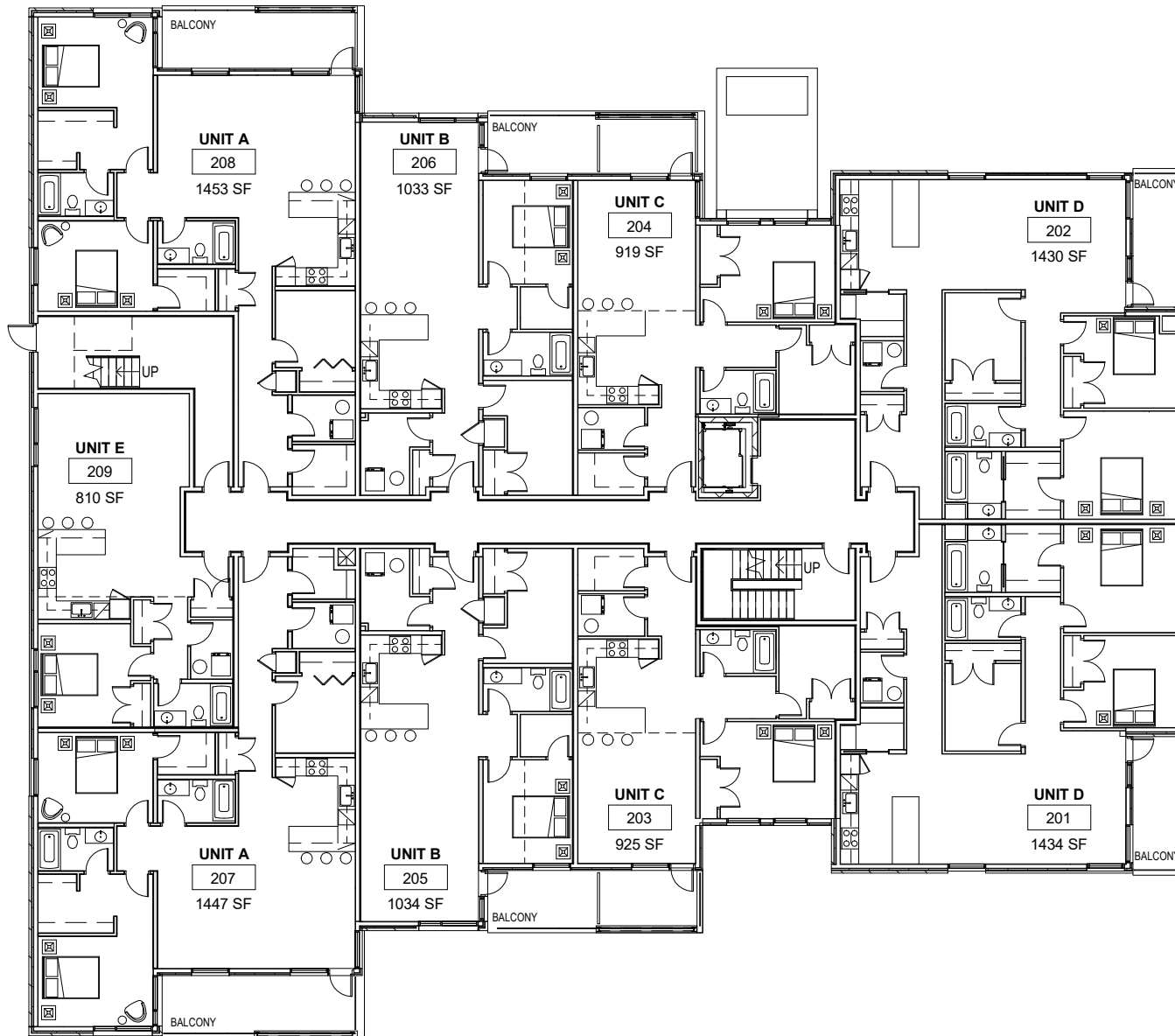
I hope this helps provide the additional context and analysis requested. Please contact me if you have any questions or comments.

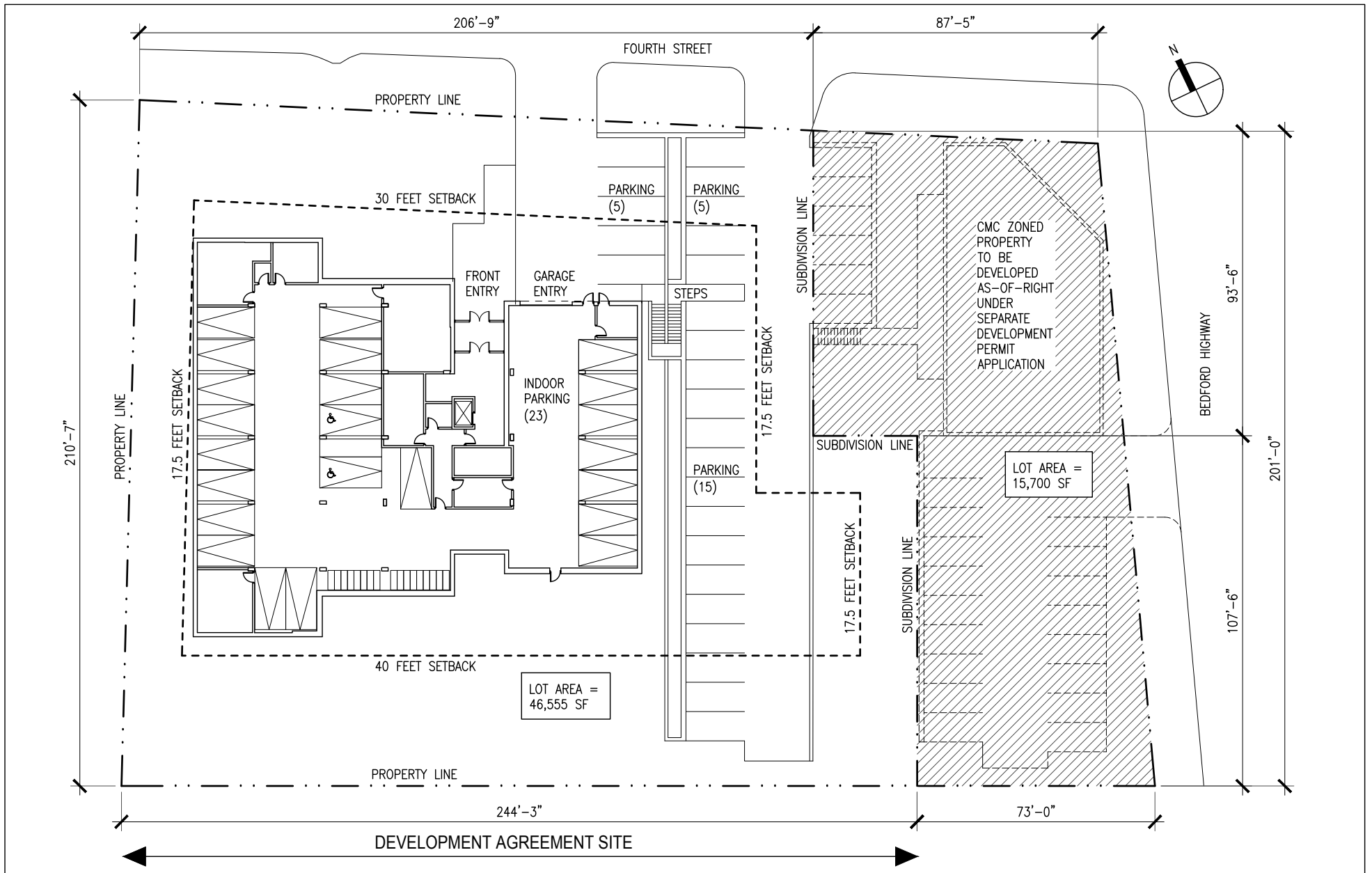
Yours truly,

Original Signed

Jeff R. LeBlanc, P.Eng., PMP







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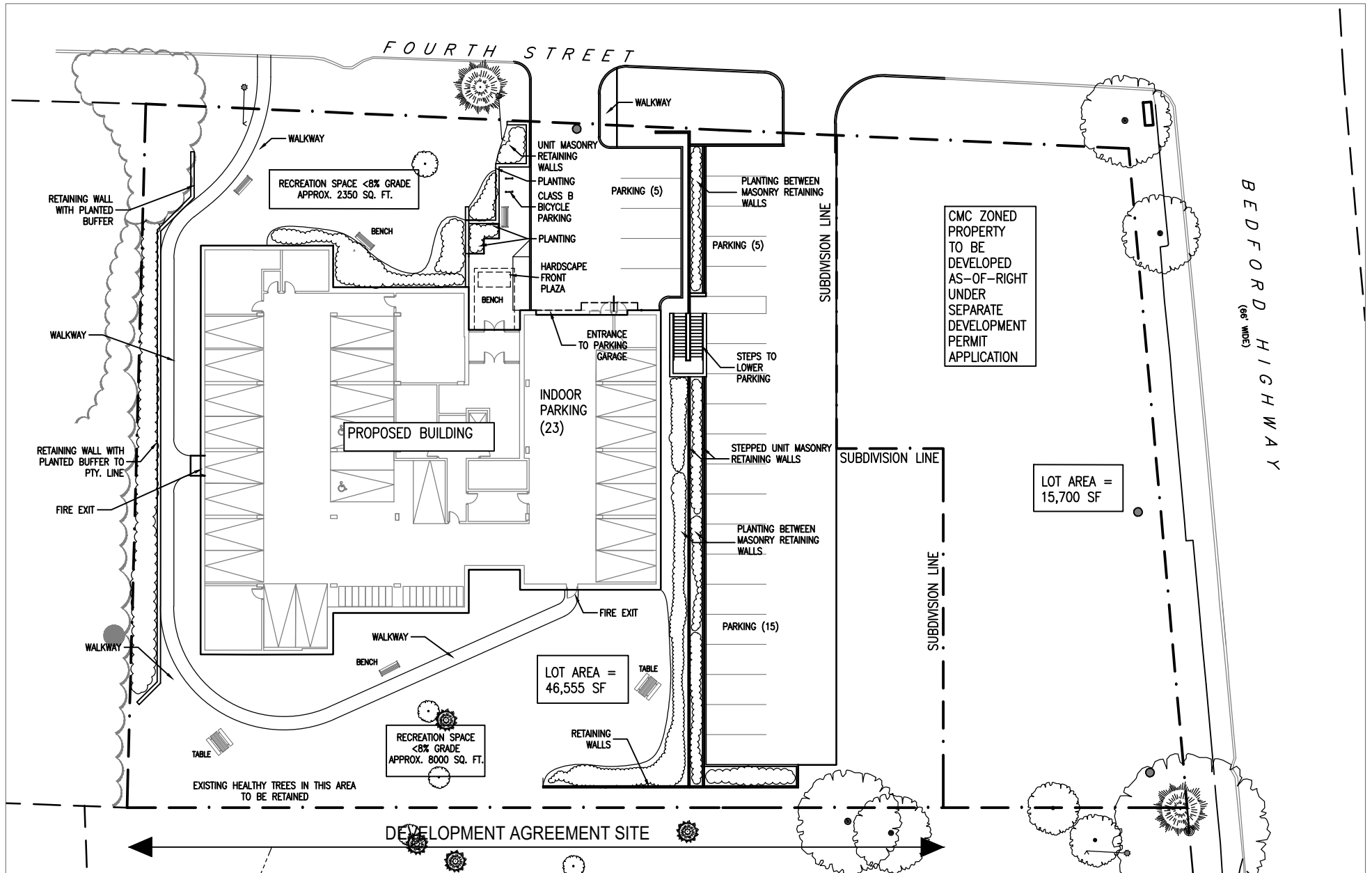
PROJECT NAME:
**FOURTH STREET, BEDFORD NS
 MULTI RESIDENTIAL DEVELOPMENT**

DRAWING TITLE:
**SCHEDULE B:
 SITE PLAN**

DATE: 2019.12.10
 SCALE: 1" = 40'
 PROJ.#: 16042

DRAWING #:

A-001



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PROJECT NAME:

FOURTH STREET, BEDFORD NS
 MULTI RESIDENTIAL DEVELOPMENT

DRAWING TITLE:

SCHEDULE C:
 LANDSCAPE PLAN

DATE: 2019.12.10 DRAWING #:

SCALE: 1" = 40'

PROJ.#: 16042

L-001



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PROJECT NAME:
 FOURTH STREET, BEDFORD NS
 MULTI RESIDENTIAL DEVELOPMENT

DRAWING TITLE:
 SCHEDULE D:
 NORTH ELEVATION

DATE: 2019.12.12
 SCALE: 1/16" = 1'-0"
 PROJ#: 16042

DRAWING #

A-200R

