



P.O. Box 1749
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Item No. 10.1.1
Harbour East – Marine Drive Community Council
Special Meeting
June 30, 2020

TO: Chair and Members of Harbour East Marine Drive Community Council

-Original Signed-

SUBMITTED BY: _____
Kelly Denty, Director of Planning and Development

DATE: January 7, 2020

SUBJECT: **Case 21880: Rezoning and Development Agreement for 358-364 Portland Street and PIDs 40356081 and 00221952, Dartmouth**

ORIGIN

Application by T.A. Scott Architecture + Design Limited.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), SNS 2008, c. 39, Part VIII, Planning & Development.

RECOMMENDATION

It is recommended that Harbour East - Marine Drive Community Council:

1. Give First Reading to consider approval of the proposed amendment to the Land Use By-law for Dartmouth, as set out in Attachment A, to rezone property with PID 00221952 from R-2 (Two Family Residential) to R-3 (Multiple Family Residential) and schedule a public hearing;
2. Give notice of motion to consider the proposed development agreement for lands at 358 – 364 Portland Street and properties with PIDs 40356081 and 00221952 to enable two six-storey mixed-use buildings and a four-storey multi-unit dwelling, as set out in Attachment B, and schedule a public hearing for the development agreement that shall be held concurrently with that indicated in Recommendation 1; and
3. Adopt the amendment to Schedule 1, Zoning Map, of the Land Use By-law for Dartmouth, as set out in Attachment A.

Contingent upon the amendment to the Dartmouth Land Use By-law being approved by Harbour East – Marine Drive Community Council and becoming effective pursuant to the requirements of the *Halifax Regional Municipality Charter*, it is further recommended that Harbour East – Marine Drive Community Council:

1. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment B; and
2. Require that the development agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

T.A. Scott Architecture + Design Limited, on behalf of property owner LMNO Properties Limited, applied to rezone a parcel of land (PID 00221952) from R-2 (Two Family Residential) to R-3 (Multiple Family Residential) under the Dartmouth Land Use By-law. The applicant also applied to enter into a development agreement to permit two 6-storey apartment buildings with ground floor commercial uses at 358-364 Portland Street and property with no civic address at PIDs 40356081, and a four-storey apartment building on property with no civic address at PID 00221952.

Subject Site	358-364 Portland Street and properties with no civic addresses at PIDs 40356081 and 00221952
Location	South side of Portland Street east of Rodney Road, Dartmouth
Regional Plan Designation	US (Urban Settlement)
Community Plan Designation (Map 1)	358-364 Portland Street and PID 40356081: C (Commercial) PID 00221952: R (Residential) – Dartmouth Municipal Planning Strategy
Zoning (Map 2)	358-364 Portland Street and PID 40356081: C-2 (General Commercial) PID 00221952: R-2 (Two – Family Residential) – Dartmouth Land Use By-law
Size of Site	Five parcels of land combined comprise 4,912 m ² (52,872 ft ²)
Street Frontage	Four parcels of land combined have 50.5 m (166 ft) of frontage
Current Land Use(s)	Vacant
Surrounding Use(s)	One and two-unit dwellings, multi-unit dwellings, commercial (retail and offices), light industrial

Proposal Details

The Applicant's proposal is as follows:

- Three new multi-unit dwellings on the subject site;
- Two six-storey buildings (Buildings A and B) fronting on Portland Street, with a streetwall height of no more than 10.5 metres;
- Two of the buildings (Buildings A and B) include ground floor commercial uses;
- The third building (Building C) is a four-storey residential building located behind Buildings A and B which is accessed via a central, shared driveway from Portland Street; and
- A barrier-free pedestrian access connecting a public sidewalk to Building C.

Adjacent Uses and Development Form

Existing uses adjacent to the subject site include one and two-unit dwellings, multi-unit dwellings, and commercial and light industrial uses along Portland Street. Existing adjacent uses along Rodney Road and Hastings Drive are primarily lower-density residential uses including single unit dwellings, two-unit dwellings and small multi-unit dwellings.

The existing development form along Rodney Road and Hastings Drive is dominated by one and two storey dwellings and one three-storey dwelling at 19 Rodney Road. Rodney Road is at a higher elevation than the subject site.

The existing development form along Portland Street varies from one to four-storey structures. The north side of Portland Street is at a higher elevation than the subject site.

Regional Centre Municipal Planning Strategy Transition

358-364 Portland Street and PID 40356081 are located within the “Package A” area of the Regional Centre MPS and LUB which came into effect on November 30th, 2019. The property with PID 00221952 is within the “Package B” area of the Regional Centre and will remain within the Dartmouth Plan Area until Regional Council adopts “Package B”.

The Regional Centre MPS includes transition policies that enable applications submitted before the advertising of Council’s intent to adopt the new plan to be considered under the policies of the previous MPS. This application was submitted in July of 2018, well in advance of the 2019 Regional Centre Plan public hearing advertisement. Therefore, Council must consider this application under the Dartmouth MPS policies.

Enabling Policy and LUB Context

Dartmouth MPS Policy IP-1 (b) allows the Applicant to apply to rezone property with PID 00221952 from R-2 to R-3 to enable the proposed development agreement. No amendment to the Dartmouth Municipal Planning Strategy is required.

Dartmouth MPS Policy IP-5 requires a development agreement for any new multi-unit dwellings, including those located in the R-3 and C-2 zones.

Criteria that Council must consider for the rezoning and development agreement are provided in Dartmouth MPS Policy IP-1 (c); additional criteria for the development agreement only are found in Dartmouth MPS Policy IP-5.

Uses permitted in the R-3 Zone by-right include:

- R-1, R-2 and TH uses;
- Apartment buildings;
- Accessory uses;
- Lodging houses; and
- A group home for not more than 12 residents in some locations.

Approval Process

The approval process for this application involves two steps:

- i) First, Harbour East Community Council must consider and, if deemed appropriate, approve the rezoning of property with no civic address and PID 00221952 from R-2 (Two Family Residential) to R-3 (Multiple Family Residential); and
- ii) Second, Harbour East-Marine Drive Community Council must consider and, if deemed appropriate, approve the proposed development agreement once the rezoning is in effect.

Notwithstanding the two-stage approval process, a single public hearing can be held by Community Council to consider both the proposed rezoning and the development agreement. However, subsequent to the completion of the hearing process, the proposed rezoning must be approved by Community Council and in effect prior to a decision on the on the development agreement. Both decisions are subject to appeal to the N.S. Utility and Review Board.

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 February 21, 2019. Attachment D contains a copy of a summary from the meeting. The public comments received included the following topics:

- Concern over compatibility with existing residential uses on Rodney Road;
- Concern over traffic generation for Portland Street;
- Concern over perceived lack of conformance with Centre Plan;
- Support for improving walkability and density within Regional Centre;
- Concern over maintenance of informal pathway that crosses the subject site;
- Concern that it could be difficult for emergency vehicles to access Building C;
- Concern about public safety re: vehicle traffic along central driveway; and
- Concern that there is insufficient parking proposed.

A public hearing must be held by Harbour East-Marine Drive Community Council before it can consider approval of the proposed rezoning and development agreement. Should Harbour East-Marine Drive Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, staff will notify property owners within the notification area shown on Map 2 of the hearing by mail.

The proposal will potentially impact residents, businesses and property owners in the surrounding area.

DISCUSSION

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

Rezoning

Property at PID 00221952 (Building C) is currently zoned R-2 and must be rezoned to R-3 to be eligible for a development agreement enabling a multi-unit building. The remainder of the subject site is zoned C-2 and does not require rezoning to be eligible for a development agreement for a multi-unit dwelling.

If PID 00221952 is rezoned to R-3, R-1 and R-2 uses would continue to be permitted by-right, and any new multi-unit dwelling could only be permitted by development agreement. Staff are satisfied that the proposed rezoning is reasonably consistent with the intent of Dartmouth MPS Policy IP-1(c), and that any concerns are resolved by the required development agreement.

Proposed Development Agreement

Attachment B contains the proposed Agreement for the subject site and the conditions under which the development could occur. The proposed Agreement addresses the following matters:

- Permits two 6-storey multi-unit dwellings with ground floor commercial uses along Portland Street (Buildings A and B) and one 4-storey multi-unit dwelling (Building C);
- At least 30% of dwelling units in each building must be 2 or more bedrooms;
- Requires common or private amenity space of 5 m² (54 ft²) per dwelling unit;
- Requires a barrier-free walkway from a public sidewalk to Building C;
- Permits one main building per lot;

- Requires underground parking for at least 60 vehicles to be shared between the three proposed buildings;
- Non-substantive amendments include changes to the following:
 - Changes to Hours of Operations;
 - Changes to location of Solid Waste Facilities;
 - Changes to Landscaping requirements;
 - The granting of an extension to the date of commencement of construction;
 - Changes to the length of time for the completion of the development;
 - Changes to architectural requirements that do not impact the massing of the building; and
 - Changes to sign requirements.

Of the matters addressed by the proposed development agreement to satisfy the MPS criteria as shown in Attachment C, the following have been identified for detailed discussion:

Traffic Generation

The applicant has provided a traffic impact statement that has been reviewed and accepted by HRM Traffic Management. Trip generation from the proposed development is expected to be relatively low. The subject site is located within the Regional Centre and is well served by Halifax Transit. Portland Street is a Major Collector in this area with concrete sidewalks on both sides of Portland Street.

Internal Circulation

Pedestrian

The proposal incorporates a central, shared vehicle driveway with walkways on both sides between Buildings A and B. The driveway would provide a corridor for services to Building C, vehicular access to Building C, access to the underground parking facilities for both Buildings A and B, and access to surface parking facilities proposed behind Buildings A and B. The walkways terminate immediately before garage door access to the underground parking, for both Buildings A and B. This configuration could compromise safety by requiring pedestrians to walk in front of vehicles accessing or egressing from the underground parking with very little maneuverability and visibility.

These walkways are included in the plans at the discretion of the developer and are not required by HRM as they include stairs and are not barrier-free. The proposed Agreement permits but does not require these walkways.

Barrier free access is provided from the public sidewalk to Building C to the west of Building A. The proposed Agreement allows flexibility for where the barrier-free access will be located.

Firetruck Access

The proposed central, shared driveway provides a single point of vehicle access and egress to and from Building C. Adequate firetruck access would require this central, shared driveway to be maintained free of obstruction at all times. The proposed Agreement would make the property owner responsible for ensuring that the central, shared driveway is kept clear.

Wheel tracking diagrams prepared by the Applicant show that it would be possible for firetrucks to turn around in the space between Buildings A and B and Building C. However, a space in the west side yard of Building C must be maintained free of obstruction to allow sufficient space for firetrucks to turn around, and surface parking must be designed to accommodate firetruck turning radii. The specific layout of surface parking spaces will be assessed at permitting to ensure adequate space for firetruck turning. HRM Fire Services has confirmed that this proposal is acceptable.

The proposed Agreement permits but does not require surface parking.

Informal Trail

Feedback received at the Public Information Meeting included questions and comments about an informal walking trail that connects the west end of Rodney Road to Hastings Drive, across several private properties

including the subject site. This trail generally follows a Halifax Water easement. Members of the public were concerned that the proposed development would close this connection.

The proposed Agreement does not require the property owner to restrict public access to the informal trail, and the only permanent construction the proposed Agreement permits in the Halifax Water easement are surface parking lots. The property owner could choose to allow access.

If members of the public believe that they have a right-of-way along this informal trail, across the subject site, staff understand this to be a civil matter that should be resolved independent of this planning process.

Side Yards

Balconies on Buildings A and B are proposed for all residential floors. This could place balconies within 6 metres of each other across the shared driveway and within 1.5 metres of external side property lines. The proximity of these balconies to property lines and to the shared driveway could impact privacy for residents of the subject site and abutting properties. Current policies allow consideration of screening and buffering to mitigate these impacts [IP-1(c)(3)]. However, installation of effective screening in this instance is not practically achievable nor would it be effective in mitigating potential privacy issues.

Access and Egress – PID 00221952 (Building C)

MPS Policies IP-1 (c) (6) (iii) and IP-5 (b) (ii) require Council to consider whether there would be adequate access to and egress from the subject site.

PID 00221952 is a large property with no existing road frontage located to the rear of 358-364 Portland Street. The proposed Agreement does not require the boundaries of PID 00221952 to be altered by subdivision to provide frontage and it could remain landlocked. However, the boundary lines of all properties being proposed for development could be altered by subdivision to provide frontage on Portland Street if the property owner chooses that approach. Conversely, if frontage is not provided through the subdivision process, options to guarantee perpetual lawful access to Building C are available and would be required.

If the property owner chooses to subdivide this lot, the Dartmouth LUB and the Regional Centre Land Use By-law (“Centre Plan LUB”) would regulate the subdivision. To provide frontage on Portland Street for PID 00221952, the new lot configuration would include lands regulated by the Centre Plan LUB and the Regional Subdivision By-law which require a minimum of 12.2 metres of frontage on a public street. However, based on the current proposal, the proposed central, shared driveway would only provide 6 metres of frontage. Notwithstanding this frontage deficiency, Section 41(1) of the Regional Subdivision By-law states:

“... the Development Officer may approve a plan of subdivision altering the boundaries of two or more areas of land where no additional lots are created and where:

(a) each lot meets the minimum dimensions for lot frontage of this by-law, or where a land use by-law is in effect, the land use by-law, or

(b) will not have its frontage, if any, reduced;”

Subdivision of PID 00221952 would not create any new lots and would not reduce its existing frontage. Therefore, the boundary alterations by subdivision to create frontage for this currently landlocked parcel could be approved in this manner.

Section 3.6.11 of the proposed Agreement requires that the Developer protect vehicular and pedestrian right of way to Building C, so this would be addressed regardless of whether subdivision occurred. Staff are satisfied that there are legal devices available that will protect access to and egress from PID 00221952, and that the requirements of MPS Policy IP-1 (c)(6)(iii) are met.

Centre Plan Compliance

The subject properties are not subject to the recently adopted Centre Plan. The application before Council was already in process at the time of the adoption of the Centre Plan. Transition policies in that plan specifically allow for the conclusion of this application pursuant to the planning policies in place at the time the application was submitted.

Notwithstanding that the properties are not subject to the Centre Plan, questions about the compatibility of the proposal with the Centre Plan have been raised through the public engagement program associated with this file.

While the buildings are slightly larger than what is permitted in the Centre Plan, the design of the buildings is generally compatible with intent of the Centre Plan. Streetwalls are present along Portland Street although they are slightly higher than what would be required under the Centre Plan and the required step back to the tower portions of Buildings A and B appear to be slightly less than required. The minimum tower separation between Buildings A and B (including balconies) is also less than required under Centre Plan.

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 buildings would be the tallest buildings in the neighbourhood, but are still of moderate height, and would be compatible and consistent with the existing development form while also adding infill residential density in an area where the Regional Municipal Planning Strategy calls for increasing density. Staff recommend that Community Council approve the proposed rezoning and 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 LUB amendments and development agreement are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

ALTERNATIVES

1. Harbour East – Marine Drive Community Council may choose to approve the proposed amendment to the Dartmouth LUB and 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 LUB Amendment

or development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

2. Harbour East – Marine Drive Community Council may choose to refuse the proposed amendment to the Dartmouth LUB and proposed development agreement, and in doing so, must provide reasons why either or both do not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed LUB amendment or development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

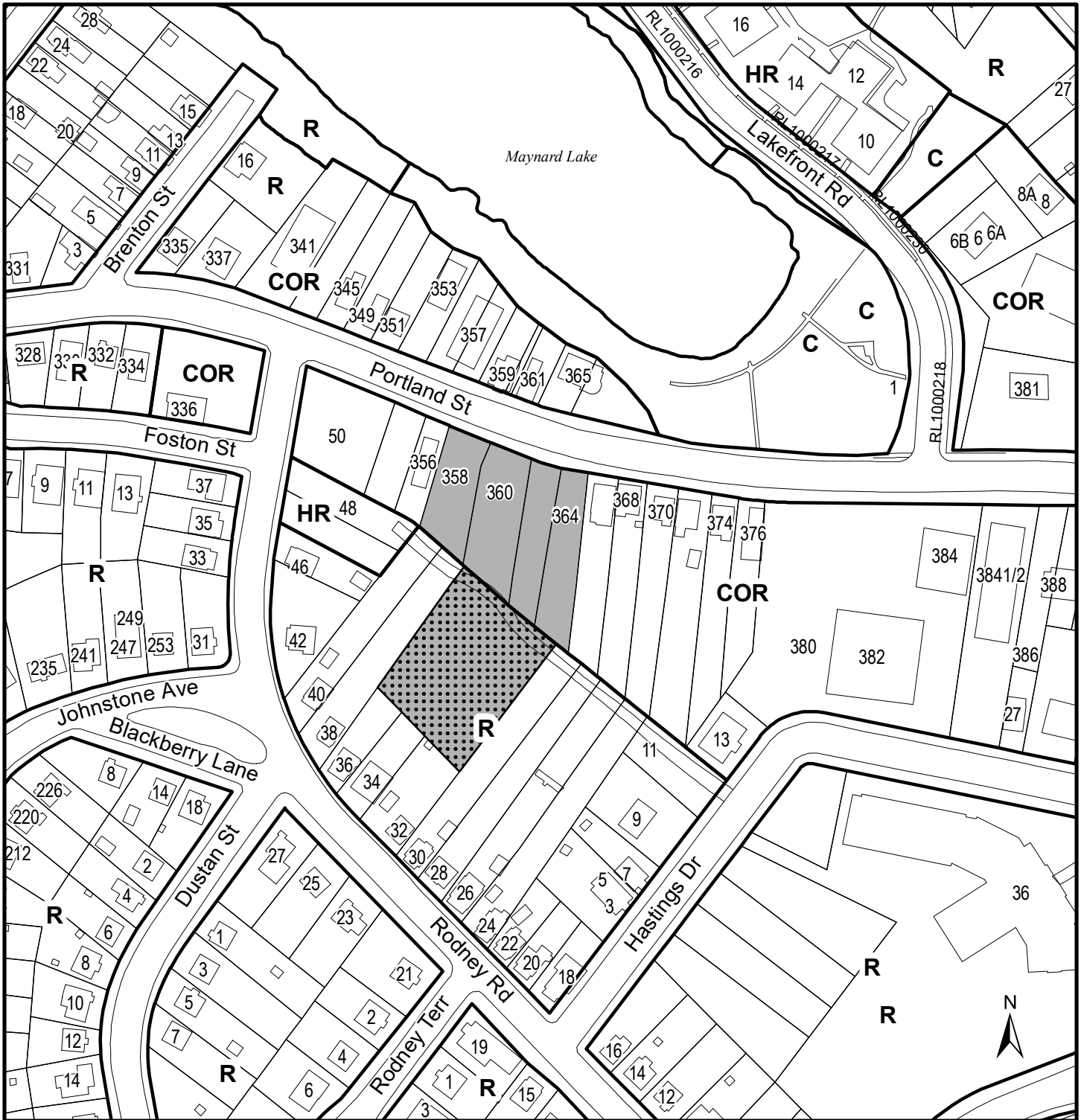
Map 1: Generalized Future Land Use
Map 2: Zoning and Notification Area

Attachment A: Proposed Amendment for the Land Use By-law for Dartmouth
Attachment B: Proposed Development Agreement
Attachment C: Review of Relevant MPS Policies
Attachment D: Public Information Meeting Summary

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



Report Prepared by: Jamy-Ellen Klenavic, Planner II, 902.490.2665

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



Map 1 - Generalized Future Land Use

358-364 Portland Street & PID 00221952,
Dartmouth

-  Area of Proposed Development Agreement
-  Portion to be Re-zoned from R-2 to R-3

Designation

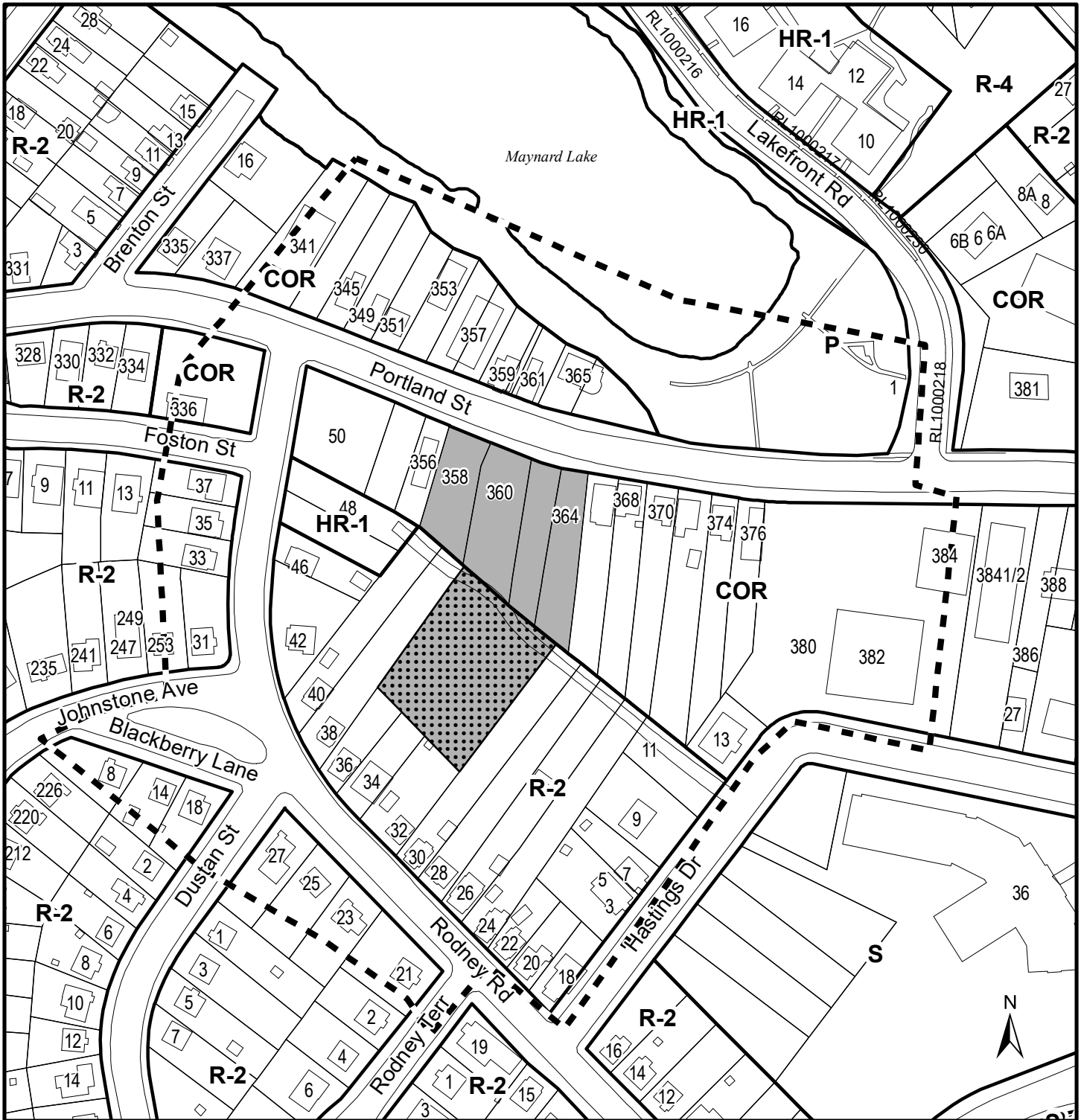
- R Residential
- C Commercial



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.

Dartmouth Plan Area



Map 2 - Zoning and Notification

358-364 Portland Street & PID 00221952,
Dartmouth



- Area of Proposed Development Agreement
- Portion to be Re-zoned from R-2 to R-3 (Multiple Family Residential (Medium Density))
- Area of Notification

Zone	
R-2	Two Family Residential
R-4	Multiple Family Residential (High Density)
C-2	General Business
S	Institutional



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

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

Dartmouth Plan Area

ATTACHMENT A

Proposed Amendment to the Land Use By-law for Dartmouth

BE IT ENACTED by the Harbour East Marine Drive Community Council of the Halifax Regional Municipality that the Land Use By-law for Dartmouth is hereby further amended as follows:

1. Amend Schedule 1, the Zoning Map, of the Land Use By-law for Dartmouth by rezoning the property identified as PID 00221952 from the R-2 (Two-Family Residential) Zone to the R-3 (Multiple Family Residential) Zone, as shown on the attached Schedule A.

I, Sherryll Murphy, Acting Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Harbour East Marine Drive Community Council held on _____, 20xx.


Sherryll Murphy
Acting Municipal Clerk



Schedule A

HALIFAX

PID 00221952


 Area to be Re-zoned from
 R-2 to R-3 (Multiple Family
 Residential (Medium Density))

Zone

- R-2 Two Family Residential
- R-4 Multiple Family Residential (High Density)
- C-2 General Business
- S Institutional



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

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

Dartmouth Plan Area

Attachment B: Proposed Development Agreement

THIS AGREEMENT made this day of , 2020,

BETWEEN:

LMNO PROPERTIES LIMITED, 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 358 Portland Street, 360 Portland Street, 364 Portland Street, and properties with PIDs 00221952 and 40356081, Dartmouth, 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 two (2) multi-unit dwellings with ground floor commercial uses and one (1) multi-unit dwelling on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter*, SNS 2008, c. 39, Part VIII and pursuant to Policies IP-1 (c) and IP-5 of the Dartmouth Municipal Planning Strategy and Sections 39 (1) and 34 (1) of the Dartmouth Land Use By-law;

AND WHEREAS the Harbour East–Marine Drive Community Council for the Municipality approved this request at a meeting held on [Insert - Date], referenced as Municipal Case Number 21880;

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

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

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

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

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

1.2.2 Variances to the requirements of the Land Use By-law shall not be permitted except as written herein.

1.3 Applicability of Other By-laws, Statutes and Regulations

1.3.1 Further to Section 1.2, nothing in this Agreement shall exempt or be taken to exempt the Developer, lot owner or any other person from complying with the requirements of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement), or any statute or regulation of the Provincial/Federal Government and the Developer or Lot Owner agree(s) to observe and comply with all such laws, by-laws and regulations, as may be amended from time to time, in connection with the development and use of the Lands.

1.3.2 The Developer shall be responsible for securing all applicable approvals associated with the on-site and off-site servicing systems required to accommodate the development, including but not limited to sanitary sewer system, water supply system, stormwater sewer and drainage system, and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of the Municipality and other approval agencies. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer. All design drawings and information shall be certified by a Professional Engineer or appropriate professional as required by this Agreement or other approval agencies.

1.4 Conflict

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

1.4.2 Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.

1.5 Costs, Expenses, Liabilities and Obligations

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

1.6 Provisions Severable

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

1.7 Lands

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

PART 2: DEFINITIONS

2.1 Words Not Defined under this Agreement

2.1.1 All words unless otherwise specifically defined herein shall be as defined in the Land Use By-law and Regional Subdivision By-law, if not defined in these documents their customary meaning shall apply.

2.2 Definitions Specific to this Agreement

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

- (a) ***Amenity Space*** means indoor or outdoor above grade space designed for private or shared use by a building's residents such as enhanced bicycle parking, planters and plots for gardening, barbeque areas, fitness rooms, sport courts, playgrounds, theatre rooms, art or music studios, children's playrooms, co-working facilities, outdoor landscaped areas, and uses that are similar in the opinion of the Development Officer.
- (b) ***Drinking Establishment Use*** means premises whose primary purpose is serving liquor to the public, and which is licensed under the Nova Scotia *Liquor Control Act*, as amended from time to time.

- (c) **Enhanced Bicycle Parking** means any of the following: bicycle parking in excess of the minimums required by the Land Use By-law in terms of quantity or class; the provision of showers at the rate of one for every six bicycle spaces; clothes lockers at the rate of one for every bicycle space; and the provision of bicycle parking that accommodates and secures bicycle trailers and cargo bikes.
- (d) **Landscape Architect** means a professional full member in good standing with the Atlantic Provinces Association of Landscape Architects.
- (e) **Streetline Grade** means the elevation of a streetline at a midpoint of a streetwall. Separate streetline grades are determined for the midpoint of each streetwall segment that is greater than 8.0 metres wide, or a part thereof.
- (f) **Streetwall Height** means the vertical distance between the streetline grade and the highest point of the streetwall.
- (g) **Yard** means an open space at grade between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a permanent structure from the ground upward except as otherwise provided in this Agreement.

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 21880:

- Schedule A Legal Description of the Lands
- Schedule B Site Plan
- Schedule C Elevations for Building A
- Schedule D Elevations for Building B
- Schedule E Elevations for Building C
- Schedule F Landscape Plan
- Schedule G Refuse Storage

3.2 Requirements Prior to Approval

- 3.2.1 Prior to any site work or the issuance of any Grade Alteration or Lot Grading Permit, the Developer shall provide the following to the Development Officer, unless otherwise permitted by the Development Officer:

- (a) A detailed Erosion and Sedimentation Control Plan in accordance with Section 5.2 of this Agreement;
- (b) A detailed Site Grading and Stormwater Management Plan in accordance with Section 5.2 of this Agreement; and
- (c) A detailed Site Disturbance Plan in accordance with Section 5.2 of this Agreement.

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

- (a) A detailed Landscape Plan in accordance with Section 3.9 and Schedule F of this Agreement;
- (b) A detailed Lighting Plan in accordance with Section 3.7 of this Agreement; and
- (c) A Wayfinding Signage Plan in accordance with Section 3.10 of this Agreement.

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

- (a) Written confirmation from a qualified professional of compliance with the detailed Landscape Plan required pursuant to Section 3.9 of this Agreement, or the posting of Security in accordance with Section 3.9 of this Agreement; and
- (b) Written confirmation from the HRM Development Engineer indicating compliance with Section 4.2 of this Agreement.

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

3.3 General Description of Land Use

3.3.1 The uses of the Lands permitted by this Agreement are the following:

- (a) Two six-storey mixed use buildings with ground floor commercial uses excluding adult entertainment uses, adult cabarets, adult theatres, billboards, cannabis production facilities, and uses that would cause a nuisance or a hazard to the public;
- (b) One four-storey multi-unit dwelling;

- (c) At least 30% of dwelling units in each building on the Lands shall contain two or more bedrooms;
- (d) Underground and surface parking; and
- (e) Accessory uses in accordance with the Land Use By-law;

3.3.2 One main building per lot shall be permitted on the Lands.

3.4 Building Siting, Massing and Scale

3.4.1 The building's siting, height, exterior design, materials and massing shall be in general conformance with Schedules B through E, subject to Section 3.4 of this Agreement.

3.4.2 Minimum yards shall be required as follows:

- (a) Building A:
 - (i) West Side Yard: 2.9 metres
 - (ii) East Side Yard: 1.2 metres
- (b) Building B:
 - (i) West Side Yard: 1.2 metres
 - (ii) East Side Yard: 2.9 metres
- (c) Building C:
 - (i) East and West Side Yards: 7.8 metres
 - (ii) Rear Yard: 3.7 metres

3.4.3 Streetwall Height of buildings on the Lands shall not be permitted to exceed 10.5 metres.

3.4.4 Balconies shall be permitted and shall not encroach into minimum side and rear yards more than 1.4 metres. Balconies shall not be permitted to encroach into the central, shared driveway.

3.4.5 The Development Officer may permit a barrier-free walkway to be located within any required front, side, or rear yard.

3.4.6 No permanent structures except surface parking facilities shall be permitted within Halifax Water Easement D-654 shown on Schedule B.

3.4.7 Any excavation, construction or landscaping shall be carried out in a safe manner, with the appropriate measures put into place to ensure the protection and preservation of the adjacent properties.

3.5 Architectural Requirements

3.5.1 Main entrances to buildings 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. Commercial entrances shall front on Portland Street and are to be located as generally shown on the Schedules with a minimum of six commercial entrances on the Lands. Service entrances shall be integrated into the design of the building and shall not be a predominant feature.

- 3.5.2 The façades facing Portland Street shall be designed and detailed as shown on Schedule C. Architectural treatment shall be continued around all sides of the building.
- 3.5.3 Blank or unadorned walls in excess of 18 square metres shall not be permitted. The scale of large walls shall be tempered by the introduction of artwork, such as murals, textural plantings and trellises, and architectural detail to create shadow lines (implied windows, cornice lines, or offsets in the vertical plane) as identified on the Schedules.
- 3.5.4 Any exposed foundation in excess of 0.75 metres in height and 2 square metres in total area shall be architecturally detailed, veneered with stone or brick or treated in an equivalent manner acceptable to the Development Officer.
- 3.5.5 Exterior building materials shall not include plywood, unpainted/stained wood, or vinyl siding.
- 3.5.6 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.
- 3.5.7 Buildings shall be designed such that the mechanical systems (HVAC, exhaust fans, etc.) are not visible from Portland Street, Rodney Road or abutting residential properties. Furthermore, no mechanical equipment or exhaust fans shall be located between any building and abutting properties unless screened as an integral part of the building design and noise reduction measures are implemented. This shall exclude individual residential mechanical systems.
- 3.5.8 Propane tanks and electrical transformers shall be located on the Lands in such a way to ensure minimal visual impact from Portland Street and Rodney Road, and from adjacent residential uses. These facilities shall be secured in accordance with the requirements of the applicable approval agencies and screened by means of opaque fencing or masonry walls with suitable landscaping.
- 3.5.9 The first floor front façade of buildings with ground floor commercial uses must be at least 50% windows, doors or other treatment sufficiently transparent to provide views to the interior of the building. Windows shall be vertically proportioned, where

possible. Windows should be framed with painted or stained wood, prefinished metal or vinyl.

- 3.5.10 Fixed or retractable awnings are permitted at ground floor levels provided the awnings are designed as an integral part of the building façade.
- 3.5.11 All roof mounted mechanical or telecommunication equipment shall be visually integrated into the roof design or screened from public view.
- 3.5.12 Multiple storefronts shall be visually unified through the use of complementary architectural forms, similar materials and colours. Covered walkways, arcades, awnings, open colonnades and similar devices shall be permitted along facades to provide shelter and encourage pedestrian movement.

3.6 Circulation, Access and Parking

- 3.6.1 A total of at least 60 vehicle parking spaces shall be provided within underground parking levels on the Lands.
- 3.6.2 Surface parking shall not be required but shall be permitted on the Lands in accordance with the following:
 - (a) Surface parking lots shall be located a minimum of 1.2 metres from any property line;
 - (b) Surface parking lots shall be located a minimum of 2 metres from any residential or commercial doorway;
 - (c) Limits of surface parking lots shall be defined by fencing or landscaping or curb;
 - (d) No surface parking lots shall be permitted within the front yard of Building A or Building B; and
 - (e) No surface parking lots shall be permitted within the west side yard of Building C.
- 3.6.3 All driving lanes, walkways, and surface parking facilities on the Lands shall have a hard-finished surface such as asphalt, concrete, or interlocking precast concrete paver stones. Permeable hard surfaces are acceptable and shall be adequately maintained.
- 3.6.4 All driving lanes on the Lands shall be a minimum of 3 metres wide for one direction traffic and 6 metres wide for two direction traffic.
- 3.6.5 Bicycle parking shall be required in accordance with the Land Use By-law.
- 3.6.6 A barrier-free connection shall be provided connecting a public sidewalk with Building C. The barrier-free connection shall be accessible to all residents and the general public and may be indoors or outdoors. If outdoors, the barrier-free

connection shall be uniformly lighted along its entire length and be maintained free of snow, ice and other obstructions over its entire length and width at all times.

- 3.6.7 The shared driveway layout and entrance to the parking levels internal to the buildings on the Lands shall be as generally illustrated on Schedule B.
- 3.6.8 The Developer shall maintain the shared driveway access free from all obstructions including but not limited to parked vehicles, vehicles stopped for loading or unloading, snow, and vehicles collecting refuse, at all times.
- 3.6.9 The limits of the shared driveway shall be delineated by curbing, and such curbing shall not be asphalt.
- 3.6.10 Signage shall be provided on the Lands to facilitate wayfinding to and from all walkways to Building C, vehicle and bicycle parking, and residential and commercial entrances, to the satisfaction of the Development Officer.
- 3.6.11 The Developer shall ensure vehicle and pedestrian right-of-way to the shared driveway for servicing and internal site circulation to Portland Street, and to surface and underground parking.

3.7 Outdoor Lighting

- 3.7.1 A Lighting Plan shall be prepared by a qualified professional and provided to the Development Officer demonstrating compliance with this section of this Agreement.
- 3.7.2 Lighting shall be directed to driveways, parking areas, loading areas, building entrances and walkways sufficient to promote safety and security and shall be arranged so as to divert light away from streets, adjacent lots and buildings.
- 3.7.3 Buildings may be illuminated for visual effect provided such illumination is directed away from streets, adjacent lots and buildings, and does not flash, move or vary in intensity such that it creates a nuisance or hazard to public safety.
- 3.7.4 All pedestrian pathways on the Lands shall be uniformly lighted along the entire length of the pathway.

3.8 Amenity Space

- 3.8.1 Within each building on the Lands, amenity space shall be provided at a rate of 5.0 square metres per dwelling unit.
- 3.8.2 Except for amenity space associated with an individual dwelling unit, all amenity space required by Subsection 3.8.1 of this Agreement shall be:

- (a) provided in increments of at least 30 contiguous square metres; and
- (b) barrier-free and accessible to all building residents.

3.9 Landscaping

- 3.9.1 Prior to the issuance of a Development Permit, the Developer shall provide the Development Officer with a detailed Landscape Plan, which complies with the provisions of this Section and generally conforms with the Preliminary Landscape Plan attached as Schedule C. The Landscape Plan shall be prepared by a full member, in good standing, of the Canadian Society of Landscape Architects.
- 3.9.2 Planting details for at-grade and on-slab planting situations for each type of plant proposed shall be provided in the detailed Landscape Plan, including a species list with quantities, sizes, and common and botanical names (species and variety).
- 3.9.3 The minimum acceptable sizes for plant material shall be as follows:
 - (a) Deciduous trees at grade – 60 mm caliper;
 - (b) Deciduous trees on slab – 45 mm caliper;
 - (c) Coniferous trees – 1.5 m in height; and
 - (d) Shrubs – 0.6 m in height or spread.
- 3.9.4 All plant material shall conform to the Canadian Nursery Landscape Association's Nursery Stock Standard, and all landscape construction on the site shall conform to the Canadian Landscape Standard.
- 3.9.5 Prior to issuance of the first Occupancy Permit the Developer shall submit to the Development Officer a letter prepared by a member in good standing of the Canadian Society of Landscape Architects certifying that all landscaping has been completed according to the terms of this Development Agreement.
- 3.9.6 Notwithstanding Section 3.9.5, where the weather and time of year do not allow the completion of the outstanding landscape works prior to the issuance of the Occupancy Permit, the Developer may supply a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping. The cost estimate is to be prepared by a member in good standing of the Canadian Society of Landscape Architects. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the work as described herein and illustrated on the Schedules, and as approved by the Development Officer. Should the Developer not complete the landscaping within twelve months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping as set out in this section of the Agreement. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion

of the security deposit shall be returned to the Developer upon completion of the work and its certification.

3.9.7 Planting materials on rooftops above structures shall be selected for their ability to survive in rooftop environments. Rooftop trees shall be located in planting beds or containers. It is the responsibility of the Developer to ensure that the underground parking structures or other structures are capable of supporting loads from all landscaping, as well as the anticipated mature weight of the plant material on any rooftop or podium.

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, 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.

3.10.2 All disturbed areas of the Lands shall be reinstated to original condition or better, in the opinion of the Development Officer.

3.11 Signs

3.11.1 Sign requirements shall be in accordance with the Land Use By-law and HRM By-law S-801, *A By-law Respecting Licensing Temporary Signs* except as otherwise provided herein.

3.11.2 The following signs shall not be permitted on the Lands:

- (a) Signs which incorporate in any manner any flashing or moving illumination which varies in intensity or colour;
- (b) Changeable copy signs;
- (c) Window signs covering more than 40% of the window in which they are placed;
- (d) Signs depicting the name or corporate logo of the Developer unless a sales office is located on the Lands; and
- (e) Internally illuminated signs.

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 Hours of Operation

3.13.1 Restaurant uses and Drinking Establishment Uses shall only be permitted to operate between the hours of 5:00 am and midnight.

3.13.2 The hours specified under this section shall apply seven (7) days a week.

3.13.3 Hours of operation shall conform with all relevant Municipal and Provincial legislation and regulations, as may be amended from time to time.

PART 4: MUNICIPAL SERVICES

4.1 General Provisions

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

4.2 Off-Site Disturbance

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

4.3 Undergrounding Services

4.3.1 All secondary or primary (as applicable) electrical, telephone and cable service to all buildings on the Lands shall be underground installation.

4.4 Site Preparation

4.4.1 The Developer shall not commence clearing, excavation or blasting activities required for the installation of primary or secondary services prior to receiving final approval of the site design, unless otherwise permitted by the Development Officer.

4.5 Solid Waste Facilities

4.5.1 Each 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. These designated spaces for five (5) waste containers shall be contained within a building in accordance with Schedule G and approved by the Development Officer and Building Inspector in consultation with HRM Solid Waste Resources.

- 4.5.2 Refuse containers and waste compactors shall be confined to the loading areas of each building and shall be screened from public view where necessary by means of opaque fencing or masonry walls with suitable landscaping.
- 4.5.3 All refuse and recycling materials shall be contained within a building, or within suitable containers which are fully screened from view from any street or sidewalk. Further, consideration shall be given to locating of all refuse and recycling material to ensure minimal effect on abutting property owners by means of opaque fencing or masonry walls with suitable landscaping.

PART 5: ENVIRONMENTAL PROTECTION MEASURES

5.1 Private Storm Water Facilities

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

5.2 Stormwater Management Plans and Erosion and Sedimentation Control Plan

- 5.2.1 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 and 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.

5.3 Archaeological Monitoring and Protection

5.3.1 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.

5.4 Sulphide Bearing Materials

5.4.1 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 non-substantive and may be amended by resolution of Council:

- (a) Changes to Hours of Operations required by Section 3.13 of this Agreement;
- (b) Changes to location of Solid Waste Facilities as shown on Schedule G of this Agreement;
- (c) Changes to landscaping requirements;
- (d) The granting of an extension to the date of commencement of construction as identified in Section 7.3 of this Agreement;
- (e) Changes to the length of time for the completion of the development as identified in Section 7.4 of this Agreement;
- (f) Changes to architectural requirements that do not impact the massing of the building; and
- (g) Changes to sign requirements.

6.2 Substantive Amendments

6.2.1 Amendments to any matters not identified under Section 6.1 are substantive and may only be amended in accordance with the approval requirements of the *Halifax Regional Municipality Charter*, SNS 2008, c. 39.

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 Registration 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 three (3) years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office, as indicated herein, the Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law.

7.3.2 For the purpose of this section, commencement of development shall mean installation of the footings and foundation for any one of the proposed buildings.

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 of this Agreement.

7.4 Completion of Development

7.4.1 Upon the completion of the whole development or complete phases of the development, Council may review this Agreement, in whole or in part, and may:

- (a) Retain the Agreement in its present form;
- (b) Negotiate a new Agreement;
- (c) Discharge this Agreement; or
- (d) For those portions of the development which are completed, discharge this Agreement and apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use By-law as amended from time to time.

7.5 Discharge of Agreement

7.5.1 If the Developer fails to complete the development after six (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) Negotiate a new Agreement;
- (c) Discharge this Agreement; or
- (d) For those portions of the development which are completed, discharge this Agreement and apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use By-law, 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) calendar 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:

Witness

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

Witness

Witness

LMNO PROPERTIES LIMITED

Per: _____

HALIFAX REGIONAL MUNICIPALITY

Per: _____
MAYOR

Per: _____
MUNICIPAL CLERK

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

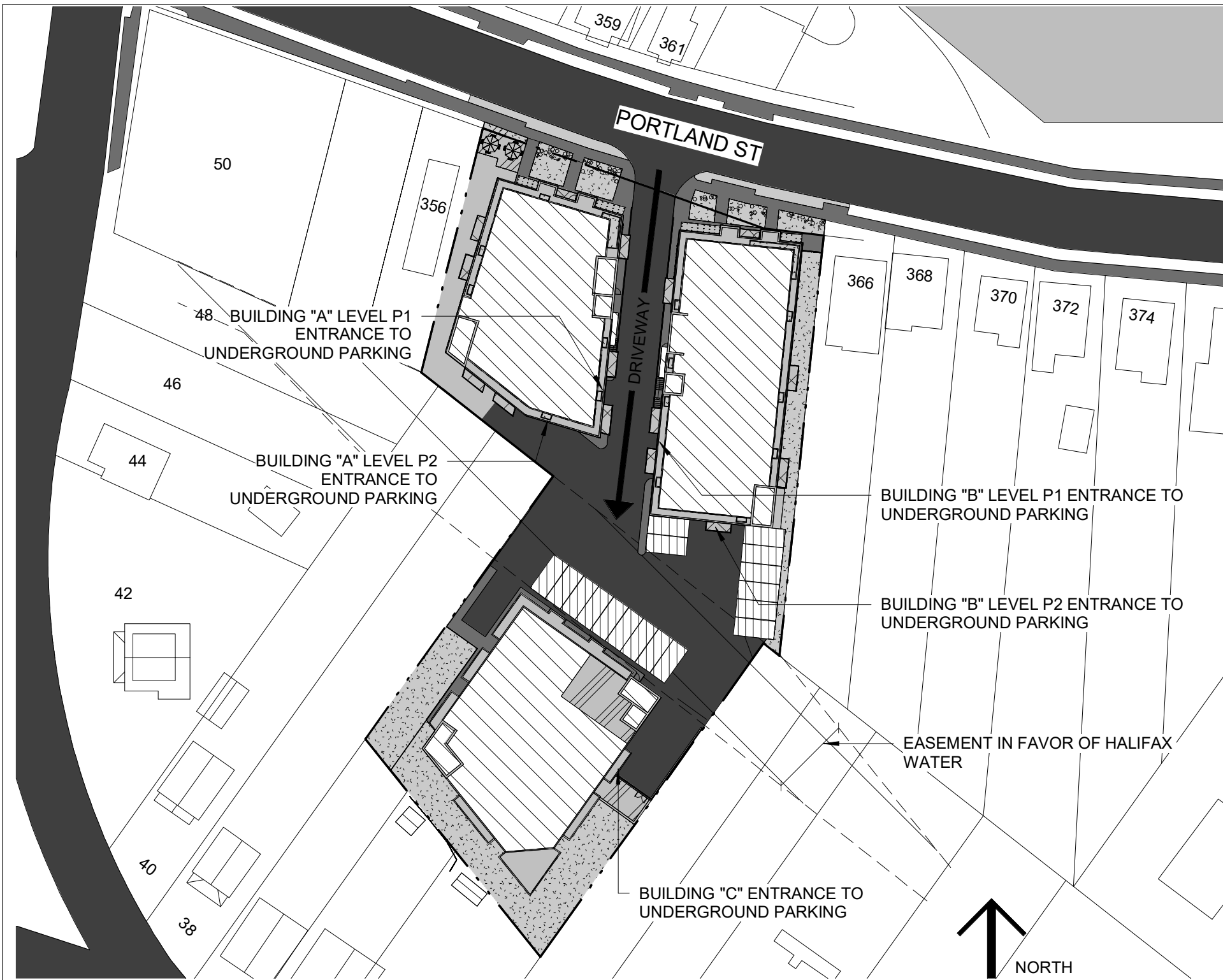
On this _____ day of _____, A.D. 20____, before me, the subscriber personally came and appeared _____ a subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that _____, _____ of the parties thereto, signed, sealed and delivered the same in his/her presence.

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 Sherrill Murphy, Acting Clerk of the Halifax Regional Municipality, signed the same and affixed the seal of the said Municipality thereto in his/her presence.

A Commissioner of the Supreme Court
of Nova Scotia



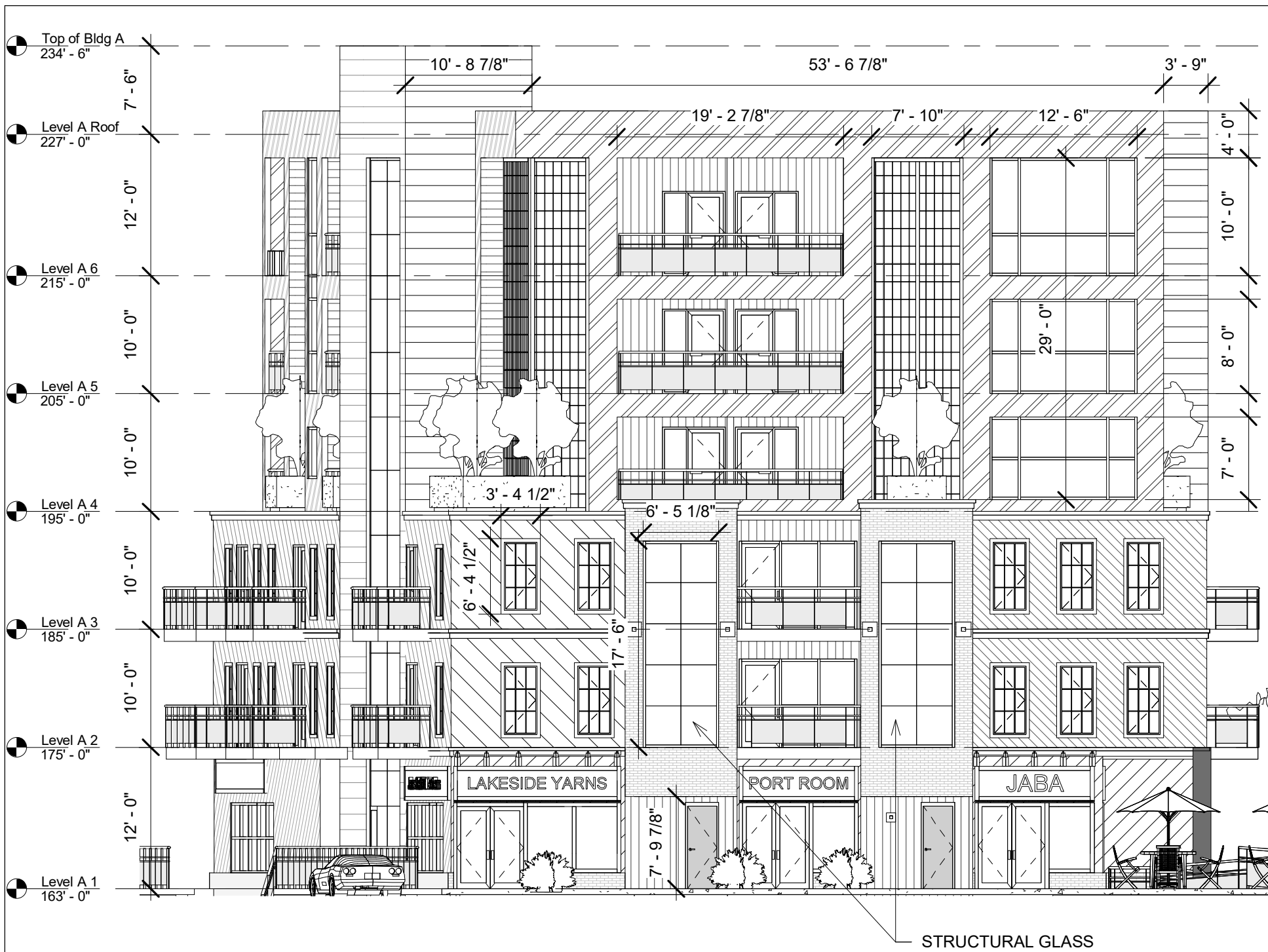
1 Site Plan
1" = 60'-0"



DA Case No. 21880
PORTLAND ST - CHANDLER

Schedule B - Site Plan

Project Number	17-073
Date	2019.07.25
Scale	As Indicated
Sheet	1



EXTERIOR FINISHES

[Pattern]	GREY BRICK
[Pattern]	BLACK CORRUGATED METAL
[Pattern]	INSUL. METAL PANEL AGWAY - BONE WHITE
[Pattern]	INSUL. METAL PANEL AGWAY - REGRENT GREY
[Pattern]	INSUL. METAL PANEL AGWAY - SLATE BLUE
[Pattern]	INSUL. METAL PANEL AGWAY - CHARCOAL FUSAIN
[Pattern]	INSUL. METAL PANEL LUX - WOOD GRAINS / SADDLE
[Pattern]	MIX OF INSUL. METAL PANEL LUX - DRIFTWOOD & WHITE OAK
[Pattern]	INSUL. METAL PANEL PRODEMA - ICE GREY
[Pattern]	KALWALL TRANSLUCENT PANEL - WHITE
[Pattern]	GLASS
[Pattern]	GLASS RAILING / PACIFICA GLASS - TINTED BLUE
[Pattern]	GLASS SPANDREL PANEL
[Pattern]	LIME GREEN PAINTED DOORS

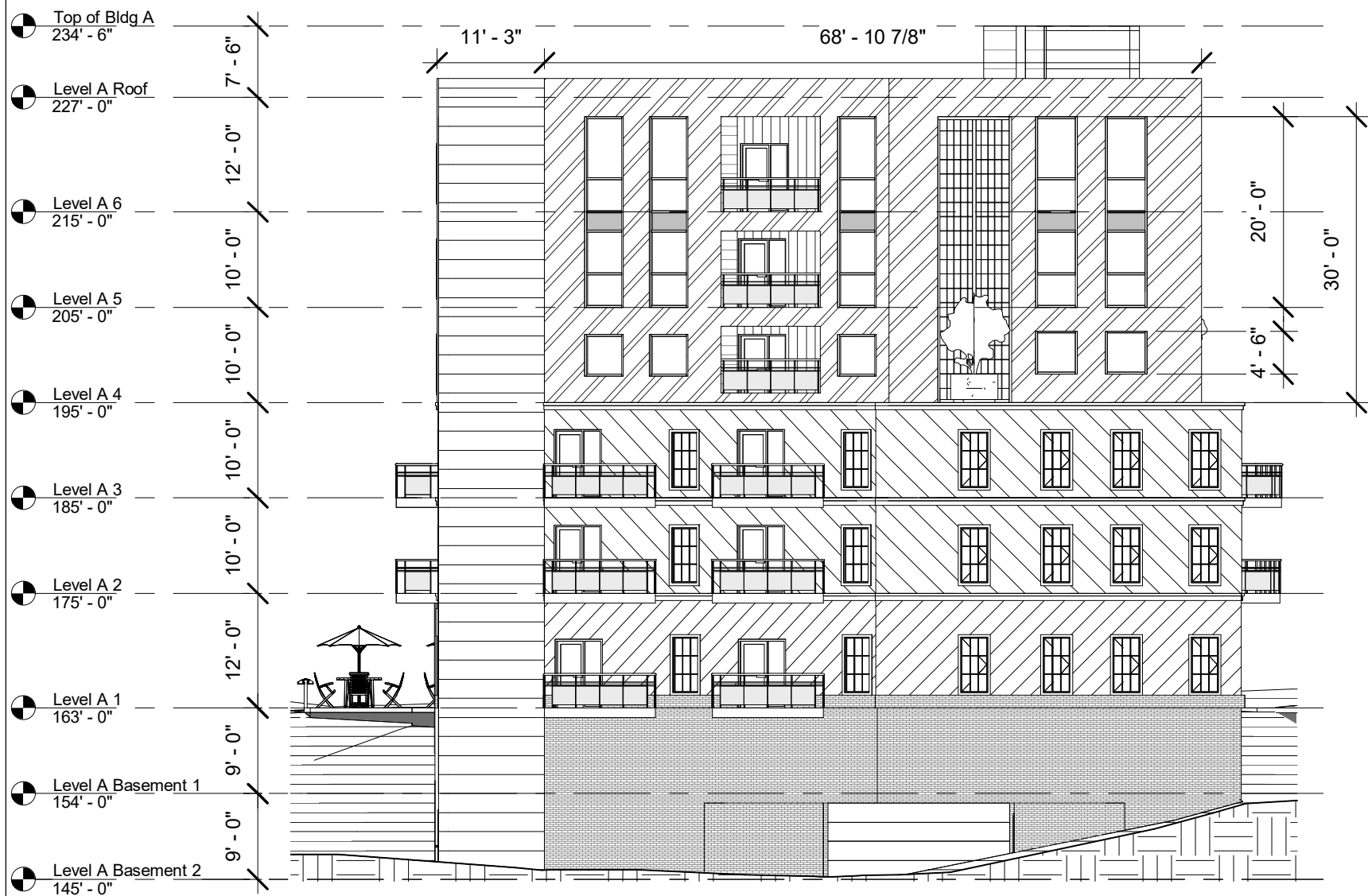


DA Case No. 21880
 PORTLAND ST - CHANDLER

Schedule C - Elevations for Building A
NORTH ELEVATION

Project Number	17-073
Date	2019.07.25
Scale	As Indicated
Sheet	2

1 Elevation A North
 3/32" = 1'-0"



EXTERIOR FINISHES

	GREY BRICK
	BLACK CORRUGATED METAL
	INSUL. METAL PANEL AGWAY - BONE WHITE
	INSUL. METAL PANEL AGWAY - REGRENT GREY
	INSUL. METAL PANEL AGWAY - SLATE BLUE
	INSUL. METAL PANEL AGWAY - CHARCOAL FUSAIN
	INSUL. METAL PANEL LUX - WOOD GRAINS / SADDLE
	MIX OF INSUL. METAL PANEL LUX - DRIFTWOOD & WHITE OAK
	INSUL. METAL PANEL PRODEMA - ICE GREY
	KALWALL TRANSLUCENT PANEL - WHITE
	GLASS
	GLASS RAILING / PACIFICA GLASS - TINTED BLUE
	GLASS SPANDEL PANEL
	LIME GREEN PAINTED DOORS

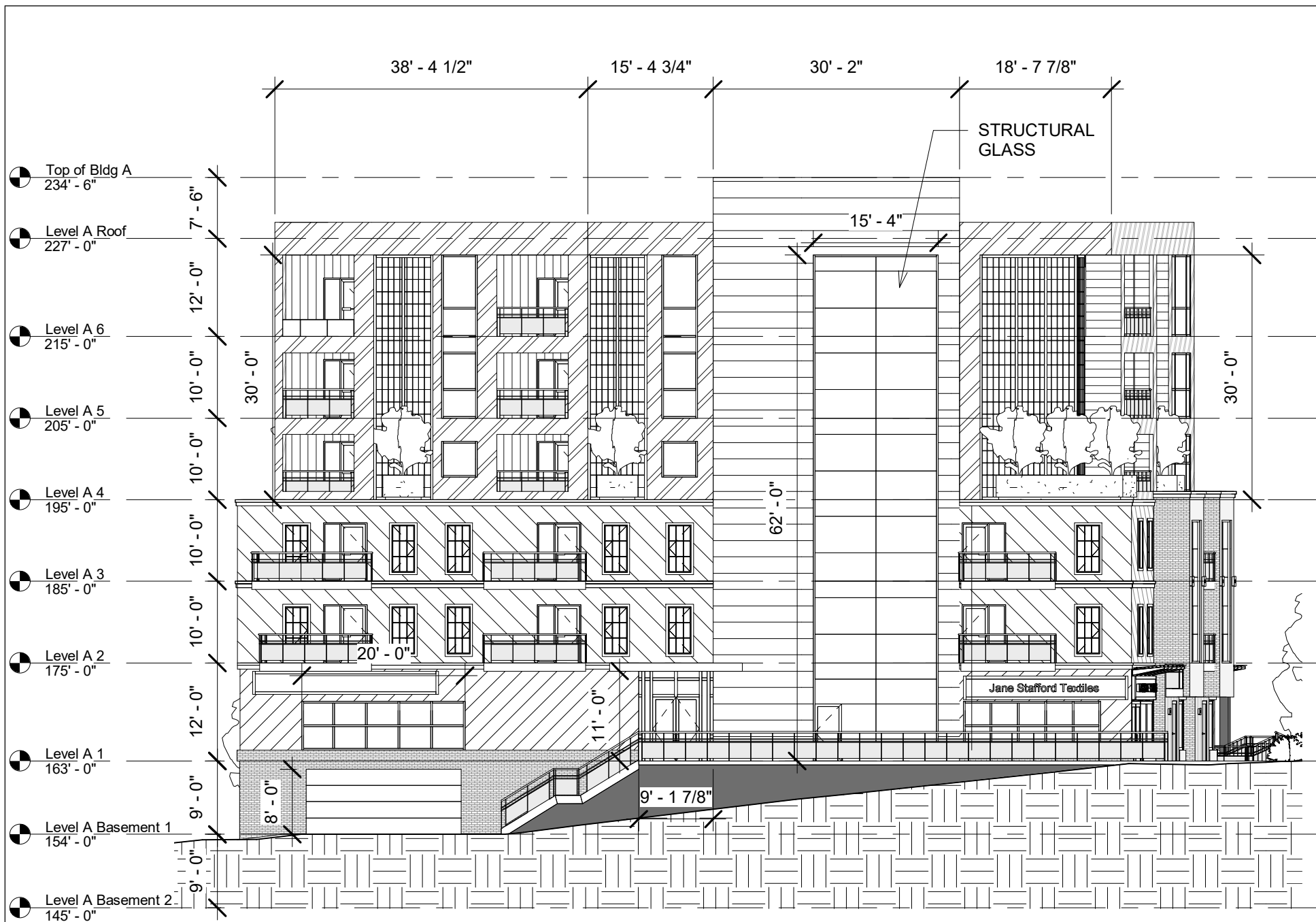


DA Case No. 21880
 PORTLAND ST - CHANDLER

Schedule C - Elevations for Building A
SOUTH ELEVATION

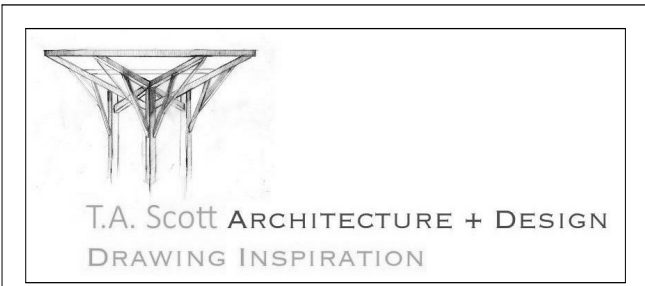
Project Number	17-073
Date	2019.07.25
Scale	As Indicated
Sheet	3

① Elevation A South
 1/16" = 1'-0"



EXTERIOR FINISHES

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[Hatching Pattern]	BLACK CORRUGATED METAL
[Hatching Pattern]	INSUL. METAL PANEL AGWAY - BONE WHITE
[Hatching Pattern]	INSUL. METAL PANEL AGWAY - REGRENT GREY
[Hatching Pattern]	INSUL. METAL PANEL AGWAY - SLATE BLUE
[Hatching Pattern]	INSUL. METAL PANEL AGWAY - CHARCOAL FUSAIN
[Hatching Pattern]	INSUL. METAL PANEL LUX - WOOD GRAINS / SADDLE
[Hatching Pattern]	MIX OF INSUL. METAL PANEL LUX - DRIFTWOOD & WHITE OAK
[Hatching Pattern]	INSUL. METAL PANEL PRODEMA - ICE GREY
[Hatching Pattern]	KALWALL TRANSLUCENT PANEL - WHITE
[Hatching Pattern]	GLASS
[Hatching Pattern]	GLASS RAILING / PACIFICA GLASS - TINTED BLUE
[Hatching Pattern]	GLASS SPANDREL PANEL
[Hatching Pattern]	LIME GREEN PAINTED DOORS

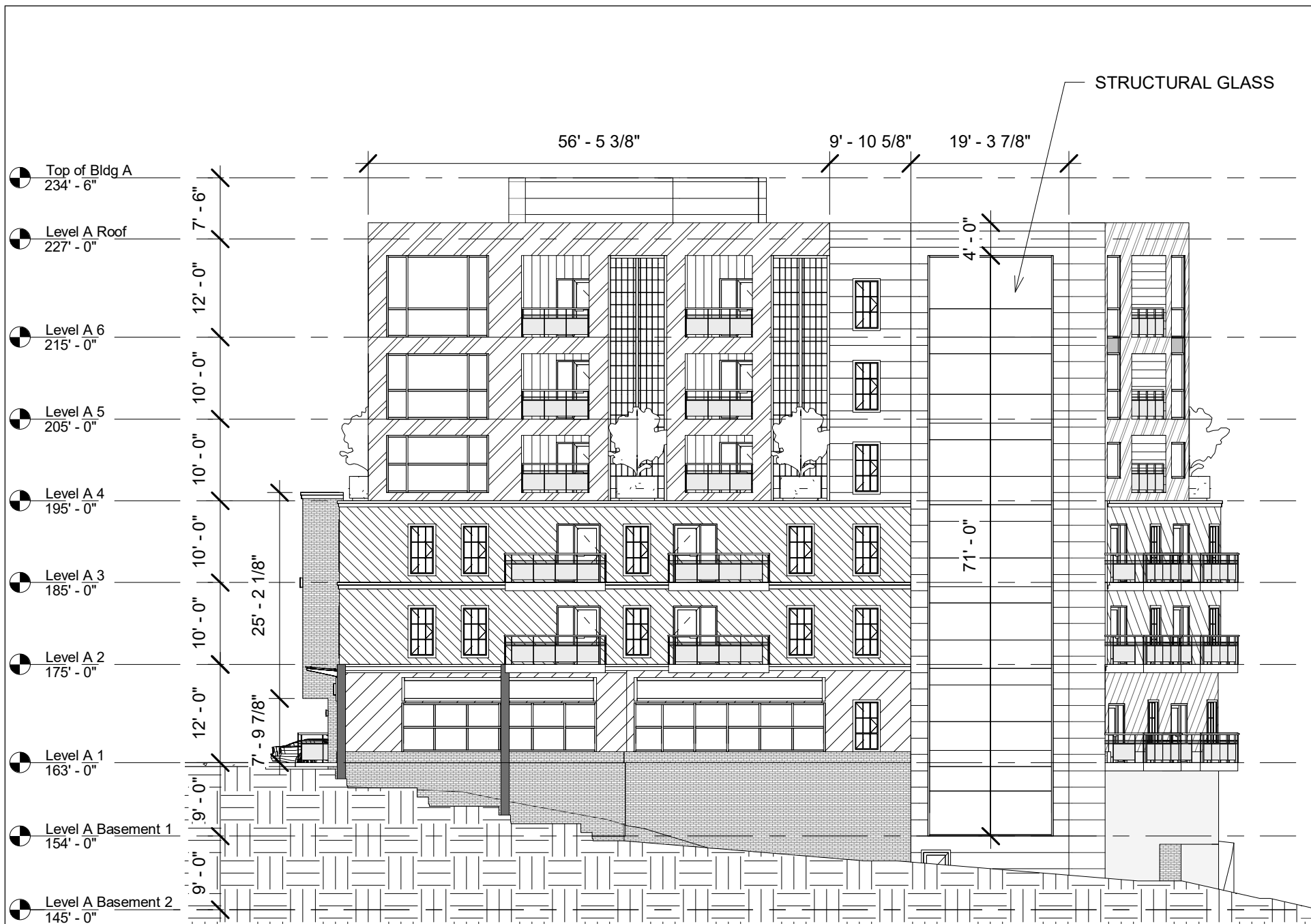


DA Case No. 21880
 PORTLAND ST - CHANDLER

**Schedule C - Elevations for Building A
 EAST ELEVATION**

Project Number	17-073
Date	2019.07.25
Scale	As Indicated
Sheet	4

1 Elevation A East
 1/16" = 1'-0"



STRUCTURAL GLASS

EXTERIOR FINISHES	
	GREY BRICK
	BLACK CORRUGATED METAL
	INSUL. METAL PANEL AGWAY - BONE WHITE
	INSUL. METAL PANEL AGWAY - REGRENT GREY
	INSUL. METAL PANEL AGWAY - SLATE BLUE
	INSUL. METAL PANEL AGWAY - CHARCOAL FUSAIN
	INSUL. METAL PANEL LUX - WOOD GRAINS / SADDLE
	MIX OF INSUL. METAL PANEL LUX - DRIFTWOOD & WHITE OAK
	INSUL. METAL PANEL PRODEMA - ICE GREY
	KALWALL TRANSLUCENT PANEL - WHITE
	GLASS
	GLASS RAILING / PACIFICA GLASS - TINTED BLUE
	GLASS SPANDEL PANEL
	LIME GREEN PAINTED DOORS



DA Case No. 21880
 PORTLAND ST - CHANDLER

**Schedule C - Elevations for Building A
 WEST ELEVATION**

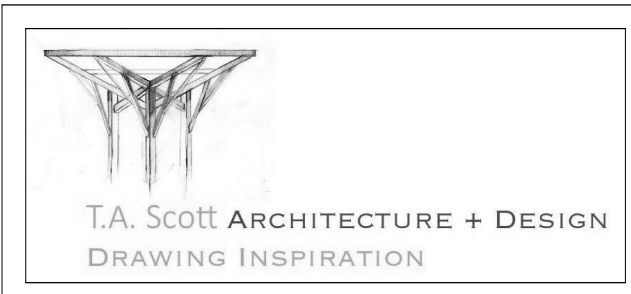
Project Number	17-073
Date	2019.07.25
Scale	As Indicated
Sheet	5

① Elevation A West
 1/16" = 1'-0"



EXTERIOR FINISHES

	GREY BRICK
	BLACK CORRUGATED METAL
	INSUL. METAL PANEL AGWAY - BONE WHITE
	INSUL. METAL PANEL AGWAY - REGRENT GREY
	INSUL. METAL PANEL AGWAY - SLATE BLUE
	INSUL. METAL PANEL AGWAY - CHARCOAL FUSAIN
	INSUL. METAL PANEL LUX - WOOD GRAINS / SADDLE
	MIX OF INSUL. METAL PANEL LUX - DRIFTWOOD & WHITE OAK
	INSUL. METAL PANEL PRODEMA - ICE GREY
	KALWALL TRANSLUCENT PANEL - WHITE
	GLASS
	GLASS RAILING / PACIFICA GLASS - TINTED BLUE
	GLASS SPANDEL PANEL
	LIME GREEN PAINTED DOORS

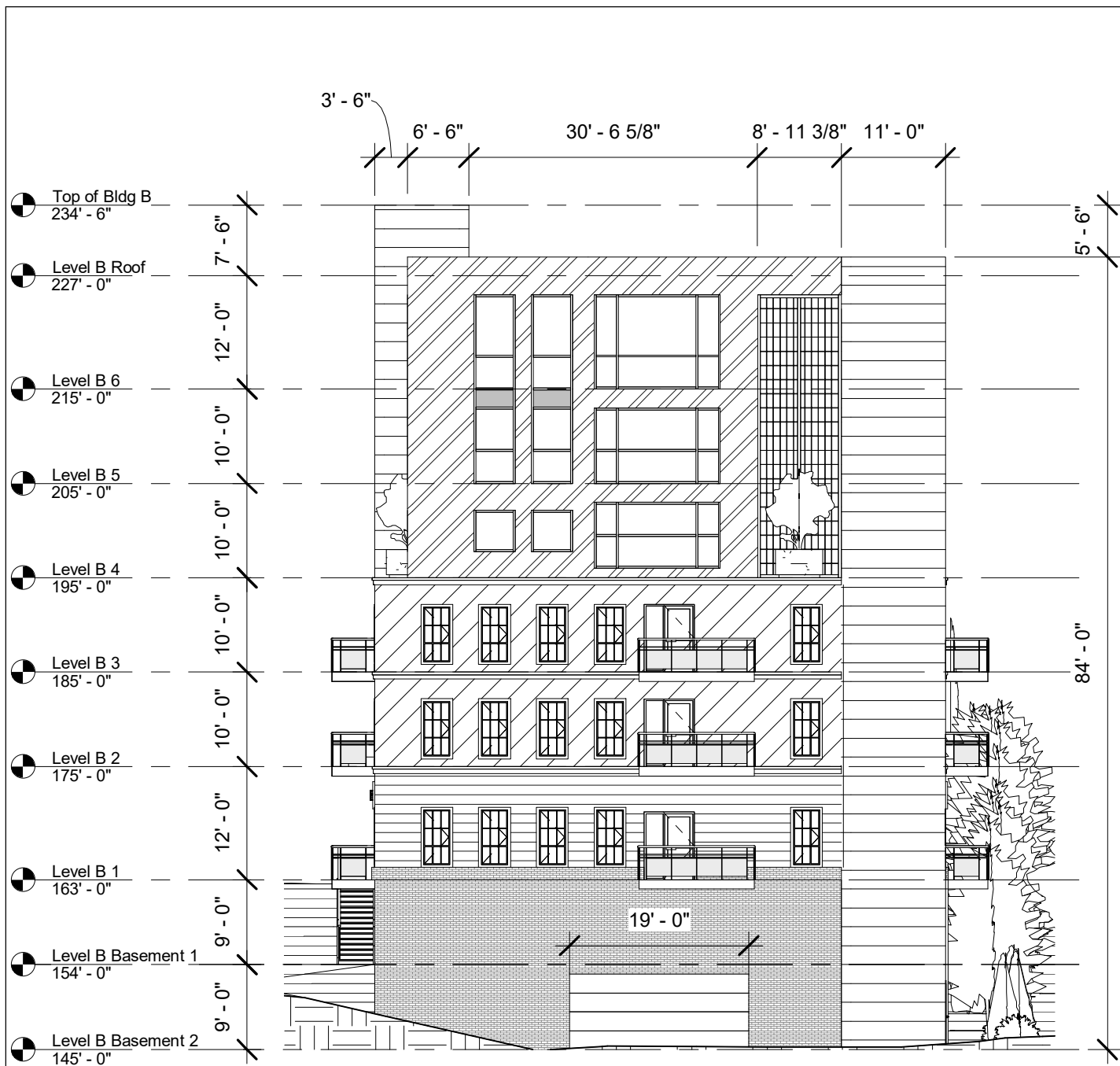


DA Case No. 21880
PORTLAND ST - CHANDLER

**Schedule D - Elevations for Building B
NORTH ELEVATION**

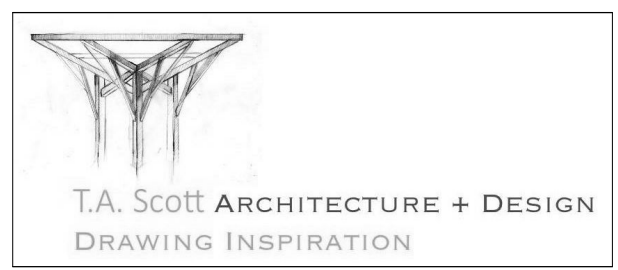
Project Number	17-073
Date	2019.07.25
Scale	As Indicated
Sheet	6

1 Elevation B North
3/32" = 1'-0"



EXTERIOR FINISHES

[Pattern]	GREY BRICK
[Pattern]	BLACK CORRUGATED METAL
[Pattern]	INSUL. METAL PANEL AGWAY - BONE WHITE
[Pattern]	INSUL. METAL PANEL AGWAY - REGRENT GREY
[Pattern]	INSUL. METAL PANEL AGWAY - SLATE BLUE
[Pattern]	INSUL. METAL PANEL AGWAY - CHARCOAL FUSAIN
[Pattern]	INSUL. METAL PANEL LUX - WOOD GRAINS / SADDLE
[Pattern]	MIX OF INSUL. METAL PANEL LUX - DRIFTWOOD & WHITE OAK
[Pattern]	INSUL. METAL PANEL PRODEMA - ICE GREY
[Pattern]	KALWALL TRANSLUCENT PANEL - WHITE
[Pattern]	GLASS
[Pattern]	GLASS RAILING / PACIFICA GLASS - TINTED BLUE
[Pattern]	GLASS SPANDREL PANEL
[Pattern]	LIME GREEN PAINTED DOORS

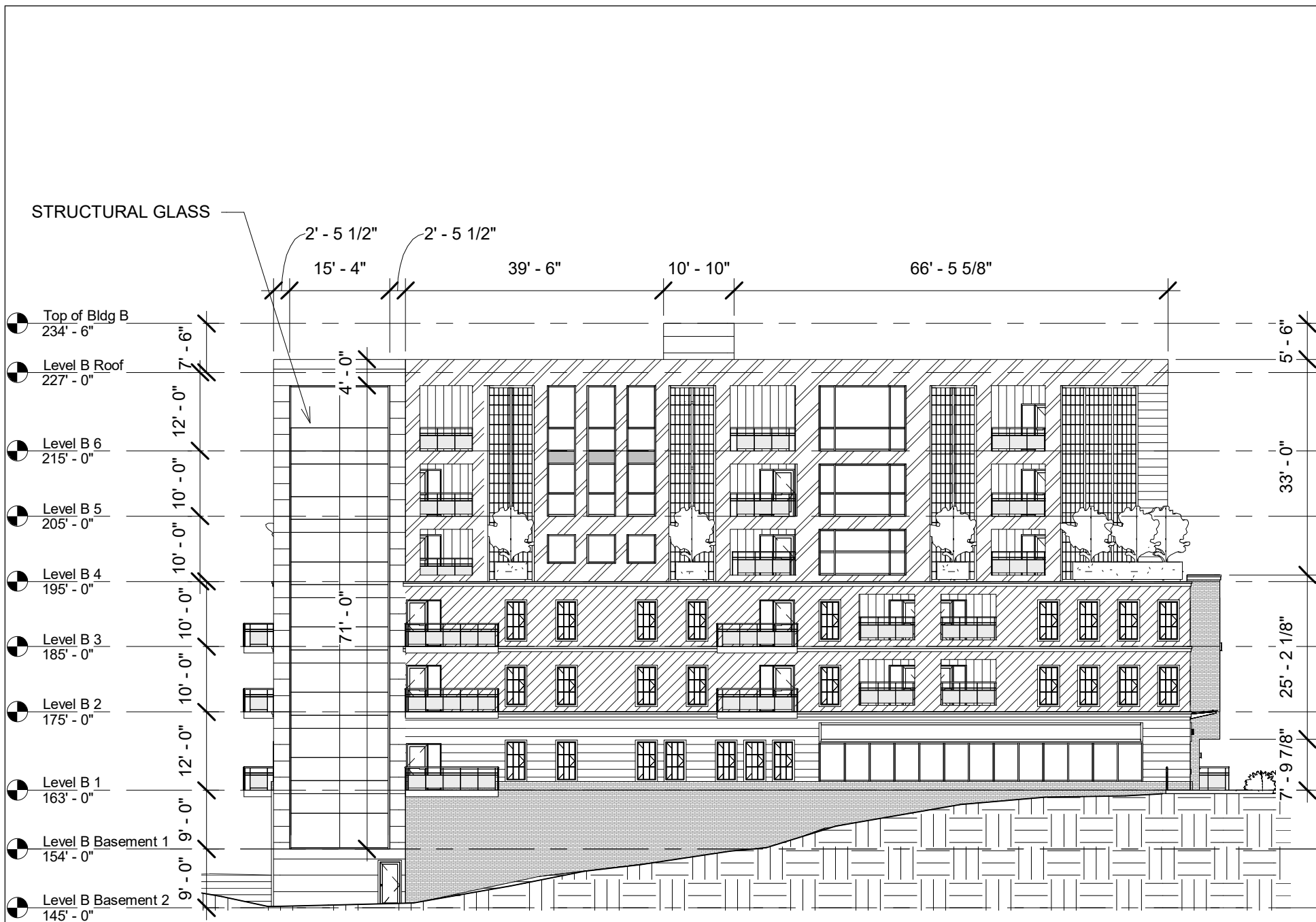


DA Case No. 21880
 PORTLAND ST - CHANDLER

**Schedule D - Elevations for Building B
 SOUTH ELEVATION**

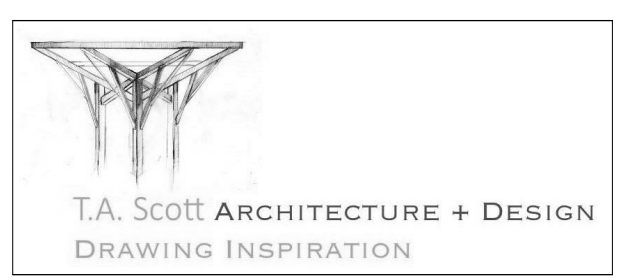
Project Number	17-073
Date	2019.07.25
Scale	As Indicated
Sheet	7

① Elevation B South
 1/16" = 1'-0"



EXTERIOR FINISHES

	GREY BRICK
	BLACK CORRUGATED METAL
	INSUL. METAL PANEL AGWAY - BONE WHITE
	INSUL. METAL PANEL AGWAY - REGRENT GREY
	INSUL. METAL PANEL AGWAY - SLATE BLUE
	INSUL. METAL PANEL AGWAY - CHARCOAL FUSAIN
	INSUL. METAL PANEL LUX - WOOD GRAINS / SADDLE
	MIX OF INSUL. METAL PANEL LUX - DRIFTWOOD & WHITE OAK
	INSUL. METAL PANEL PRODEMA - ICE GREY
	KALWALL TRANSLUCENT PANEL - WHITE
	GLASS
	GLASS RAILING / PACIFICA GLASS - TINTED BLUE
	GLASS SPANDEL PANEL
	LIME GREEN PAINTED DOORS

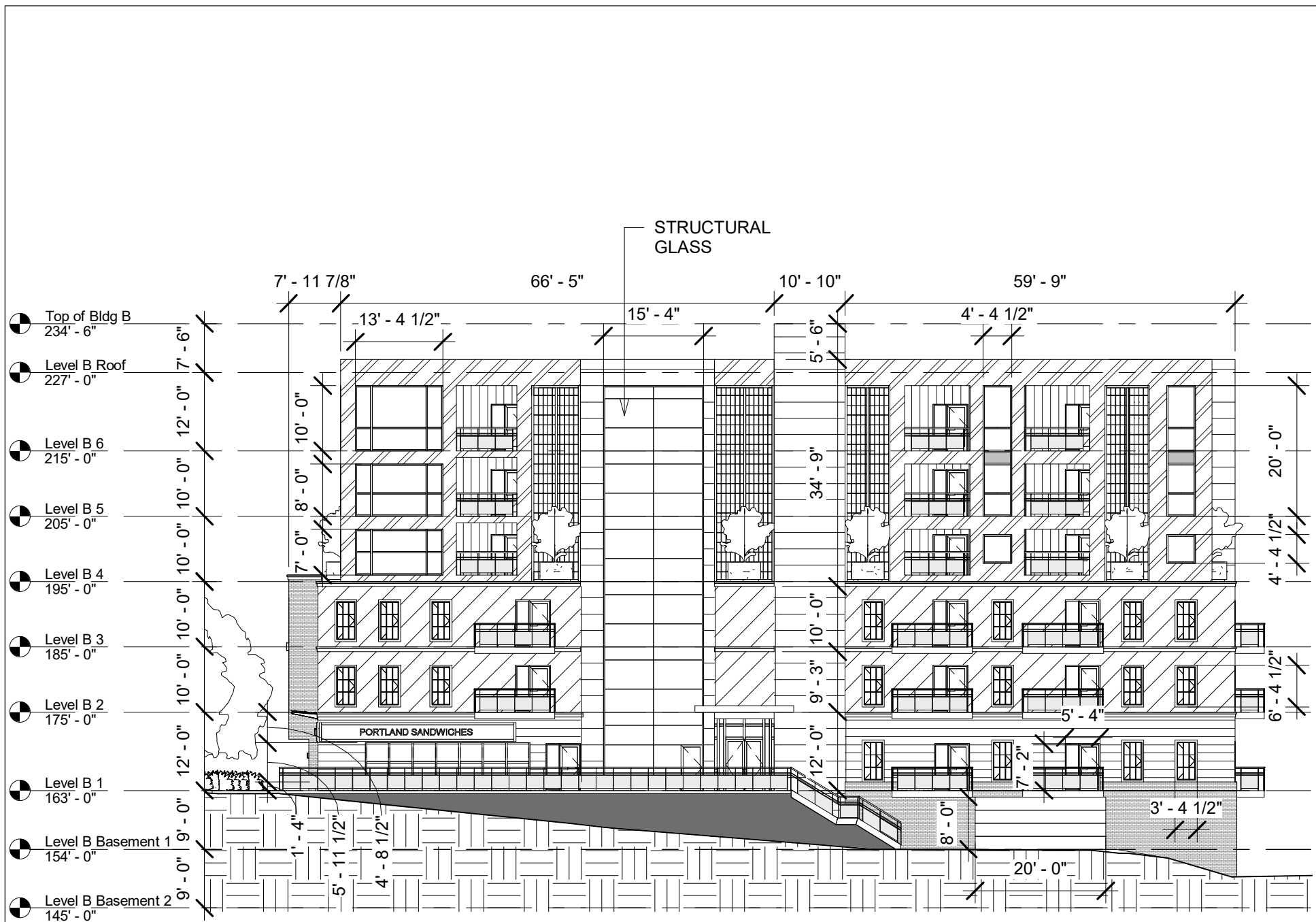


DA Case No. 21880
 PORTLAND ST - CHANDLER

**Schedule D - Elevations for Building B
 EAST ELEVATION**

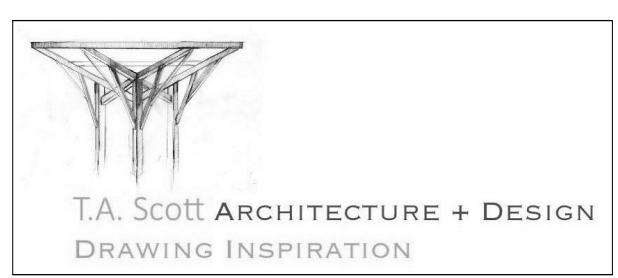
Project Number	17-073
Date	2019.07.25
Scale	As Indicated
Sheet	8

① Elevation B East
 1" = 20'-0"



EXTERIOR FINISHES

	GREY BRICK
	BLACK CORRUGATED METAL
	INSUL. METAL PANEL AGWAY - BONE WHITE
	INSUL. METAL PANEL AGWAY - REGRENT GREY
	INSUL. METAL PANEL AGWAY - SLATE BLUE
	INSUL. METAL PANEL AGWAY - CHARCOAL FUSAIN
	INSUL. METAL PANEL LUX - WOOD GRAINS / SADDLE
	MIX OF INSUL. METAL PANEL LUX - DRIFTWOOD & WHITE OAK
	INSUL. METAL PANEL PRODEMA - ICE GREY
	KALLWALL TRANSLUCENT PANEL - WHITE
	GLASS
	GLASS RAILING / PACIFICA GLASS - TINTED BLUE
	GLASS SPANDREL PANEL
	LIME GREEN PAINTED DOORS

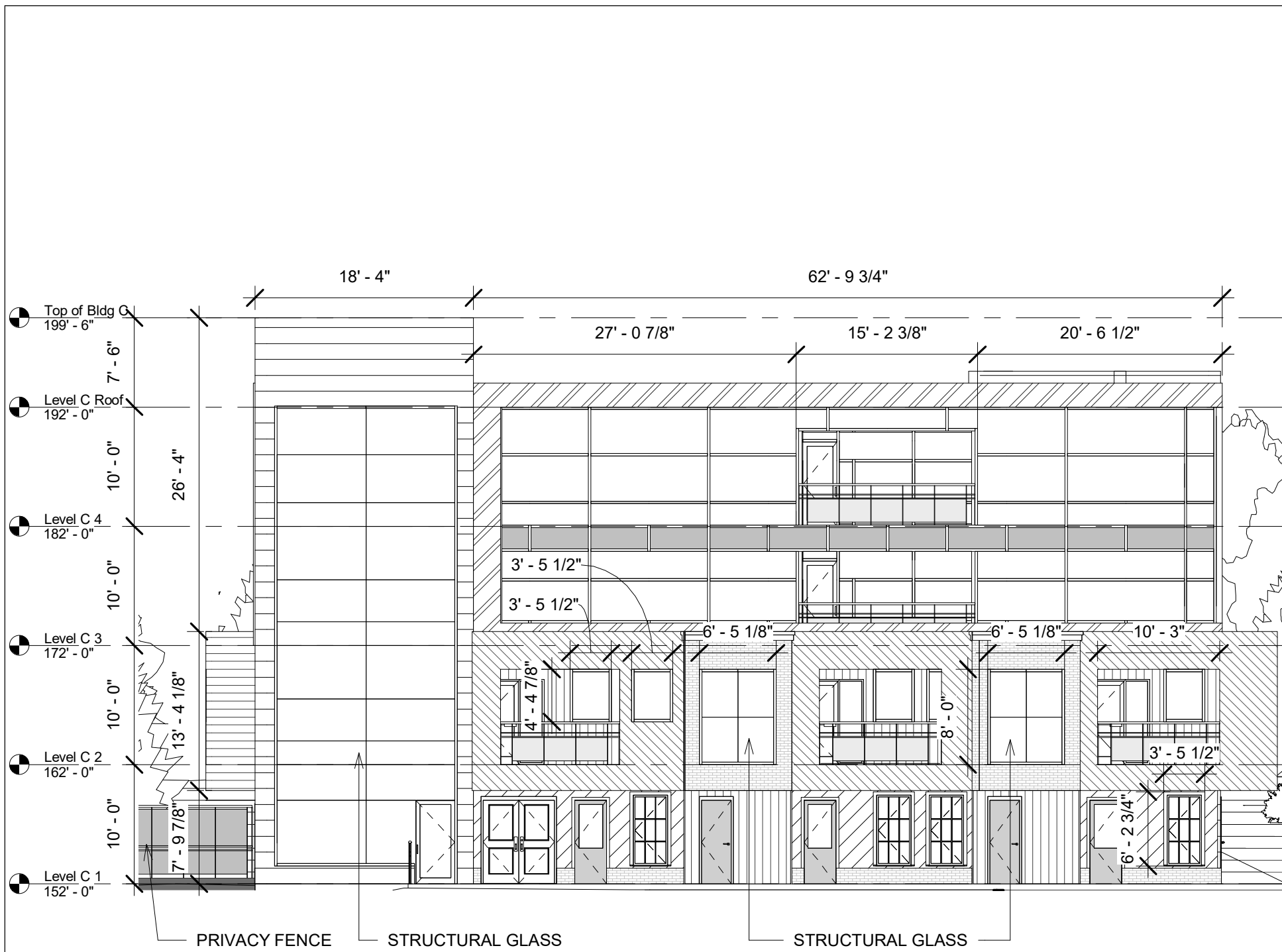


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 PORTLAND ST - CHANDLER

**Schedule D - Elevations for Building B
 WEST ELEVATION**

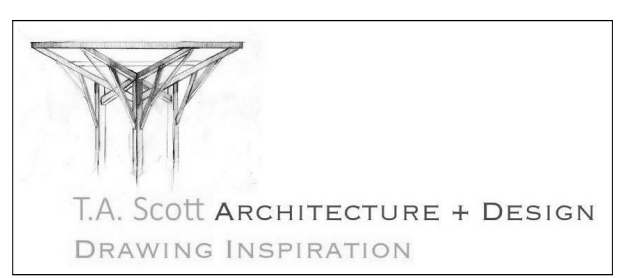
Project Number	17-073
Date	2019.07.25
Scale	As Indicated
Sheet	9

① Elevation B West
 1" = 20'-0"



EXTERIOR FINISHES

	GREY BRICK
	BLACK CORRUGATED METAL
	INSUL. METAL PANEL AGWAY - BONE WHITE
	INSUL. METAL PANEL AGWAY - REGRENT GREY
	INSUL. METAL PANEL AGWAY - SLATE BLUE
	INSUL. METAL PANEL AGWAY - CHARCOAL FUSAIN
	INSUL. METAL PANEL LUX - WOOD GRAINS / SADDLE
	MIX OF INSUL. METAL PANEL LUX - DRIFTWOOD & WHITE OAK
	INSUL. METAL PANEL PRODEMA - ICE GREY
	KALLWALL TRANSLUCENT PANEL - WHITE
	GLASS
	GLASS RAILING / PACIFICA GLASS - TINTED BLUE
	GLASS SPANDEL PANEL
	LIME GREEN PAINTED DOORS



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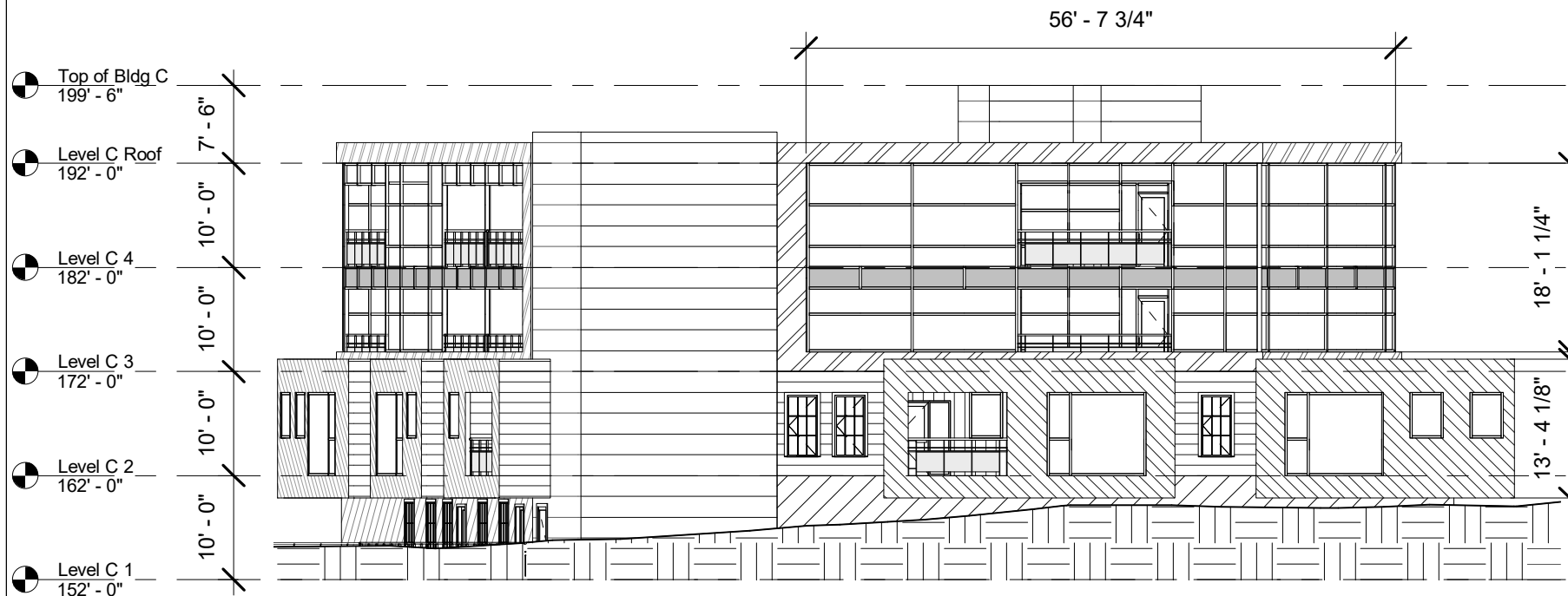
**Schedule E - Elevations for Building C
 NORTH ELEVATION**

Project Number	17-073
Date	2019.07.25
Scale	As Indicated
Sheet	10

① Elevation C North
 3/32" = 1'-0"

EXTERIOR FINISHES

-  GREY BRICK
-  BLACK CORRUGATED METAL
-  INSUL. METAL PANEL AGWAY - BONE WHITE
-  INSUL. METAL PANEL AGWAY - REGRENT GREY
-  INSUL. METAL PANEL AGWAY - SLATE BLUE
-  INSUL. METAL PANEL AGWAY - CHARCOAL FUSAIN
-  INSUL. METAL PANEL LUX - WOOD GRAINS / SADDLE
-  MIX OF INSUL. METAL PANEL LUX - DRIFTWOOD & WHITE OAK
-  INSUL. METAL PANEL PRODEMA - ICE GREY
-  KALWALL TRANSLUCENT PANEL - WHITE
-  GLASS
-  GLASS RAILING / PACIFICA GLASS - TINTED BLUE
-  GLASS SPANDEL PANEL
-  LIME GREEN PAINTED DOORS



① Elevation C South
1/16" = 1'-0"

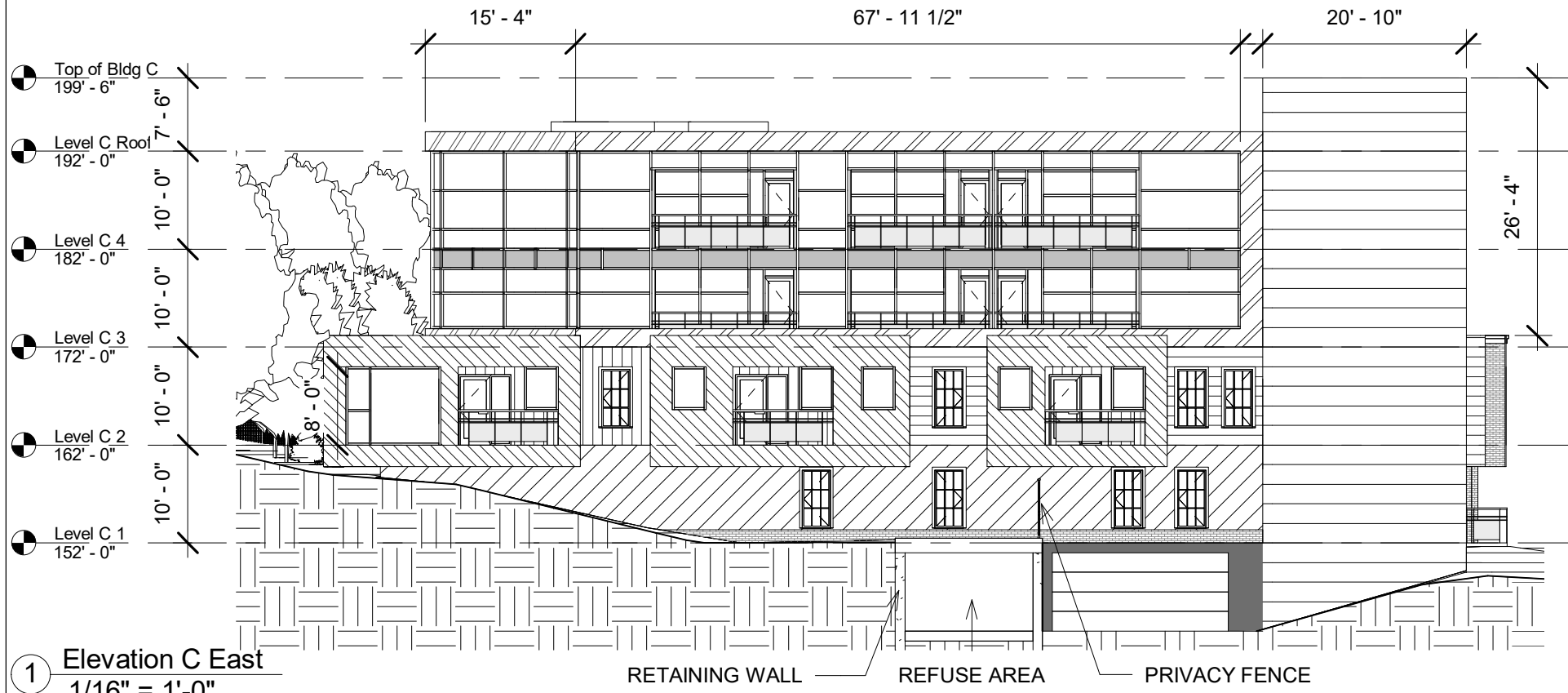


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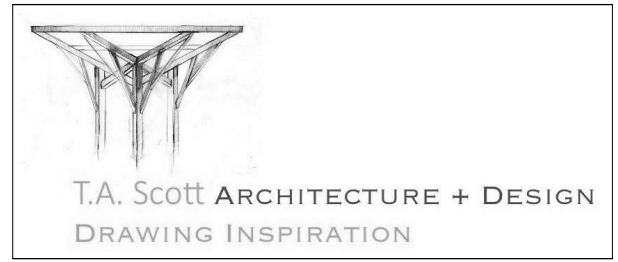
Schedule E - Elevations for Building C
SOUTH ELEVATION

Project Number	17-073
Date	2019.07.25
Scale	As Indicated
Sheet	11

EXTERIOR FINISHES	
	GREY BRICK
	BLACK CORRUGATED METAL
	INSUL. METAL PANEL AGWAY - BONE WHITE
	INSUL. METAL PANEL AGWAY - REGRENT GREY
	INSUL. METAL PANEL AGWAY - SLATE BLUE
	INSUL. METAL PANEL AGWAY - CHARCOAL FUSAIN
	INSUL. METAL PANEL LUX - WOOD GRAINS / SADDLE
	MIX OF INSUL. METAL PANEL LUX - DRIFTWOOD & WHITE OAK
	INSUL. METAL PANEL PRODEMA - ICE GREY
	KALWALL TRANSLUCENT PANEL - WHITE
	GLASS
	GLASS RAILING / PACIFICA GLASS - TINTED BLUE
	GLASS SPANDEL PANEL
	LIME GREEN PAINTED DOORS



1 Elevation C East
1/16" = 1'-0"

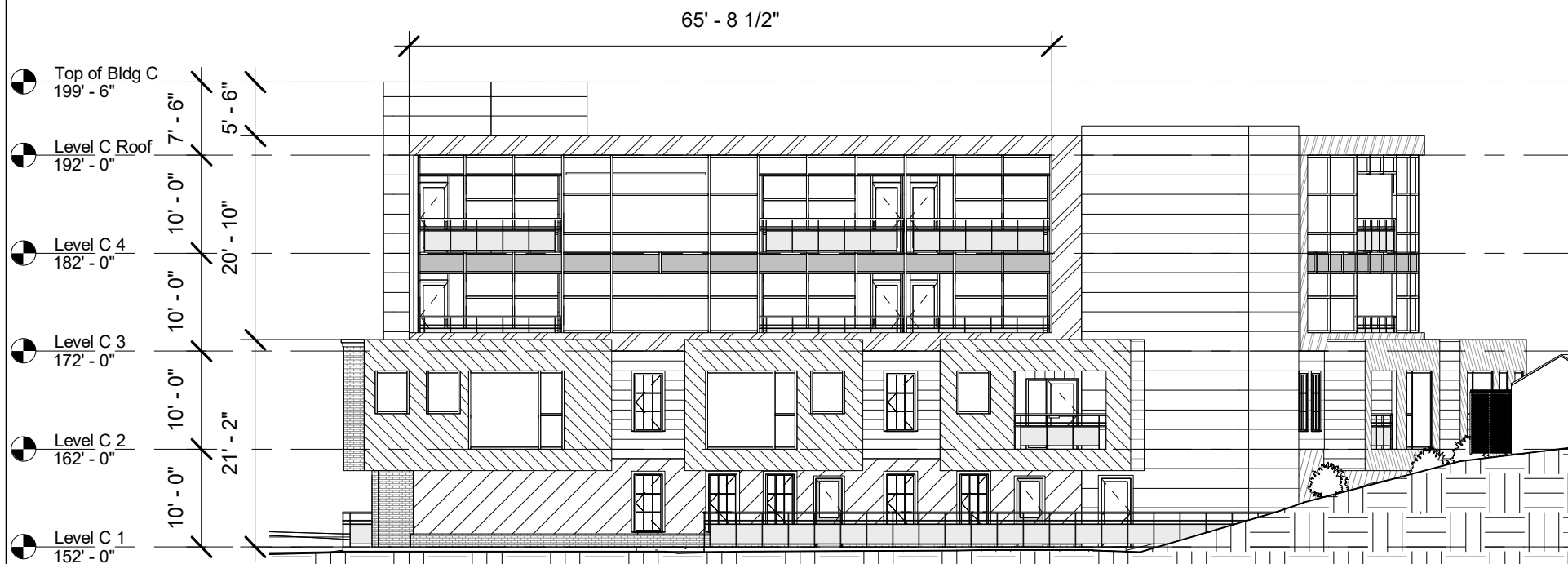


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**Schedule E - Elevations for Building C
EAST ELEVATION**

Project Number	17-073
Date	2019.07.25
Scale	As Indicated
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EXTERIOR FINISHES	
	GREY BRICK
	BLACK CORRUGATED METAL
	INSUL. METAL PANEL AGWAY - BONE WHITE
	INSUL. METAL PANEL AGWAY - REGRENT GREY
	INSUL. METAL PANEL AGWAY - SLATE BLUE
	INSUL. METAL PANEL AGWAY - CHARCOAL FUSAIN
	INSUL. METAL PANEL LUX - WOOD GRAINS / SADDLE
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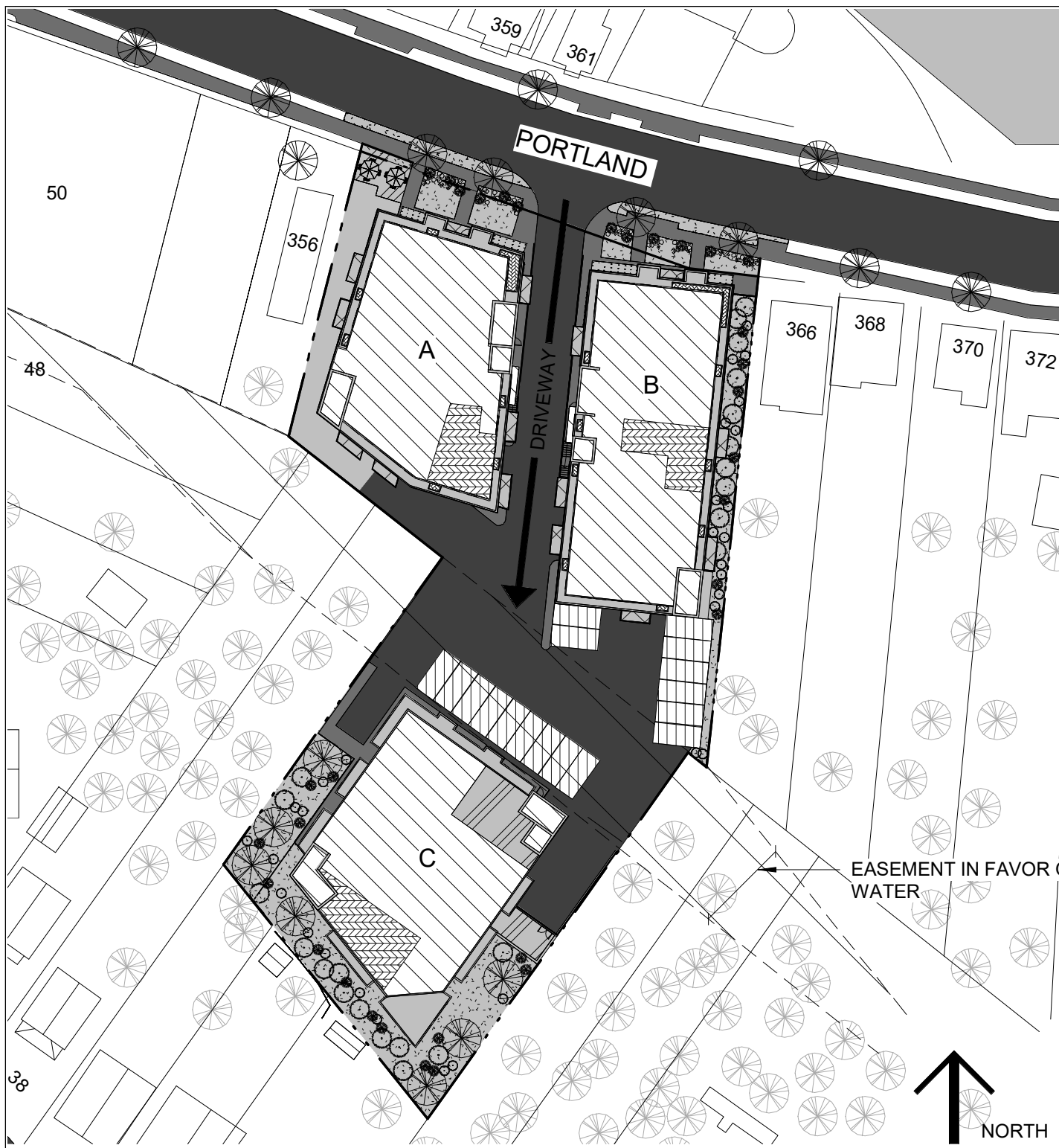
① Elevation C West
1/16" = 1'-0"



DA Case No. 21880
 PORTLAND ST - CHANDLER

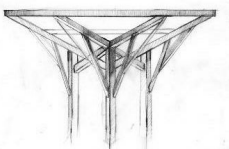
**Schedule E - Elevations for Building C
 WEST ELEVATION**

Project Number	17-073
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LANDSCAPE

- LANDSCAPING
- PLANTING BED ON BUILDING
- BUILDING
- BUILDING PATIO
- BUILDING TERRACE
- BUILDING BALCONY
- CONCRETE
- DRIVEWAY
- PARKING
- AMENITY SPACE
- CONIFER TREE
- SHRUB PLANTING
- PROPERTY LINE



T.A. Scott ARCHITECTURE + DESIGN
DRAWING INSPIRATION

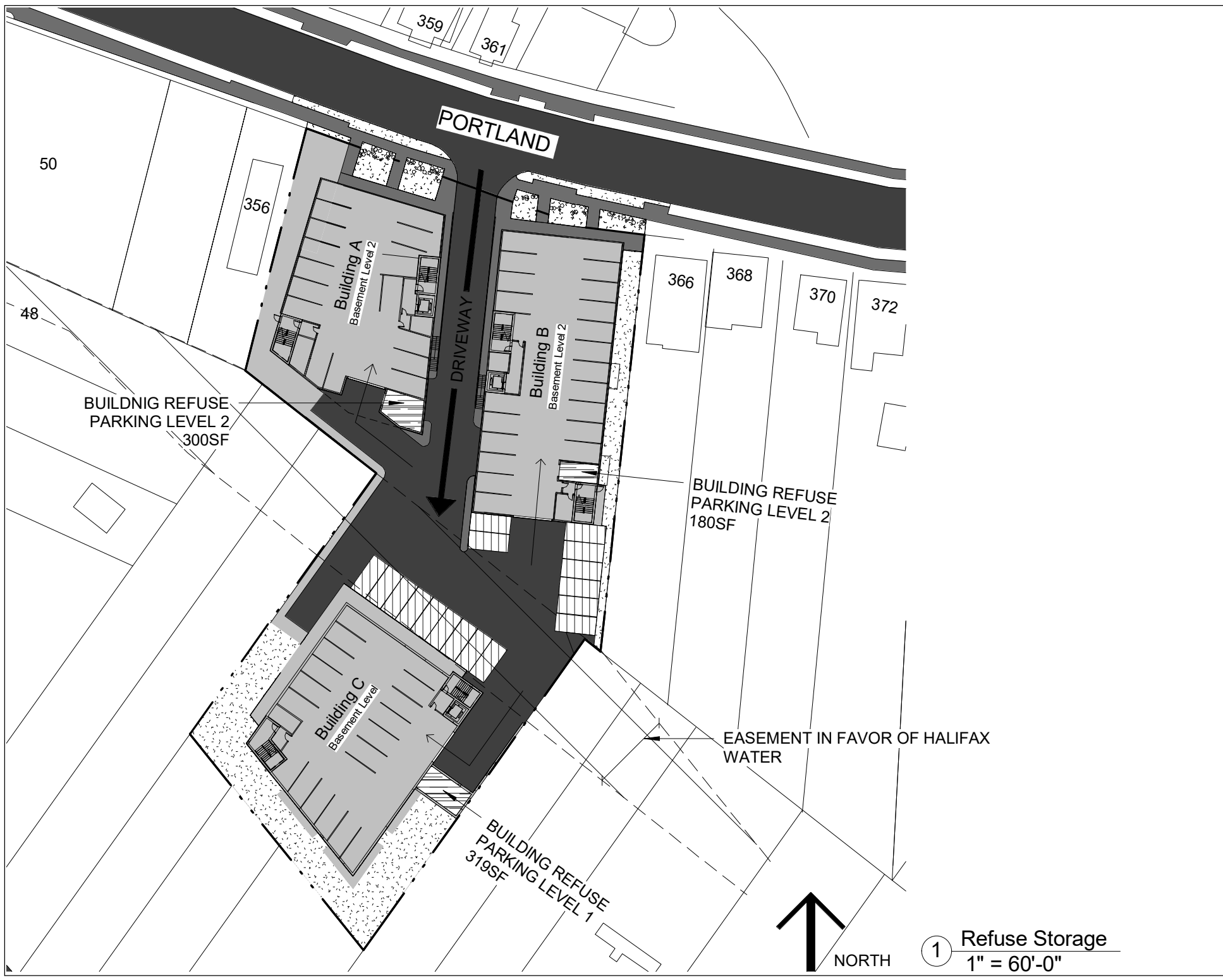
DA Case No. 21880
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Schedule F - Landscape Plan







Project Number	17-073
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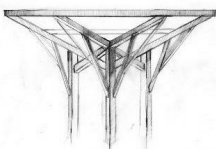


1 Preliminary Landscape Plan
1" = 60'-0"



LEGEND

-  LANDSCAPING
-  DRIVEWAY
-  PARKING
-  CONCRETE
-  REFUSE AREA
-  PROPERTY LINE

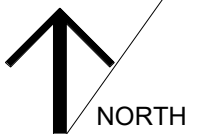


T.A. Scott ARCHITECTURE + DESIGN
DRAWING INSPIRATION

DA Case No. 21880
PORTLAND ST - CHANDLER

Schedule G - Refuse Storage

Project Number	17-073
Date	2019.07.25
Scale	As Indicated
Sheet	16



① Refuse Storage
1" = 60'-0"

Attachment C: Review of Relevant MPS Policies

Regional Municipal Planning Strategy	
Implementation Policies	
<p>Policy G-15 In considering development agreement applications pursuant to the provisions of this Plan, in addition to all other criteria as set out in various policies of this Plan, HRM shall consider the following:</p>	
<p>(d) if applicable, the requirements of policies E-10, T-3, T-9. EC-14, CH-14 and CH-16.</p>	<p>Polices EC-14, CH-14 and CH-16 are not relevant.</p>
<p>Policy E-10 The recommendations of the Urban Forest Master Plan, adopted in principle by HRM in September 2012, shall be considered in planning, programming and regulatory activities related to managing and enhancing the urban forest cover in HRM.</p>	<p>Applicant submissions provide no discussion of compliance or non-compliance with Urban Forest Master Plan.</p> <p>Proposal does not commit to maintaining existing trees on the subject site.</p> <p>Subject site is not in a Priority Urban Forest Neighbourhood under the <i>Urban Forest Master Plan</i>.</p>
<p>Policy T-3 When preparing secondary planning strategies or negotiating development agreements, HRM shall consider: (a) protecting greenways from development that would disrupt the continuity of planned greenways; (b) requiring planned greenways to be built by developers to HRM standards when the land abutting them is developed; and (c) requiring new development be connected to, and provide access to, existing and planned greenways.</p>	<p>Informal path across subject site is not a recognized or protected greenway.</p> <p>RMPS Map 3 – no greenways (planned or built) on or abutting the subject site.</p> <p>RMPS Map 4 – no parks or natural corridors on or abutting subject site.</p>
<p>Policy T-9 HRM shall require mixed use residential and commercial areas designed to maximize access to public transit (Transit Oriented Development) within the Urban Transit Service Boundary through secondary planning strategies, and shall strive to achieve the intent</p>	<p>The development agreement would allow mixed use in the C-2-zoned portion of the site.</p>

<p>of this policy through land use by-law amendments, development agreements and capital investments.</p>	
<p>Dartmouth Municipal Planning Strategy</p>	
<p>Implementation Policies</p>	
<p>Policy</p>	<p>Staff Comment</p>
<p>Policy IP-1 (b) ... Zoning amendments may be considered for any permitted use within each generalized land use category without a plan amendment provided they do not conflict with the policies of this plan.</p> <p>An area immediately adjacent a given generalized land use designation maybe considered for a zoning amendment to a use permitted within the adjacent designation without requiring a plan amendment, provided that the policies of this plan are not violated.</p>	<p>Rezoning of Lot C to zone within residential designation – requesting R-3 from R-2. No MPS amendment required.</p> <p>No rezoning required or requested for lots A and B.</p>
<p>Policy IP-1 (c) In considering zoning amendments and contract zoning, Council shall have regard to the following:</p>	
<p>(1) that the proposal is in conformance with the policies and intent of the Municipal Development Plan;</p>	<p>The proposed development would be infill development along an active transit route.</p> <p>The subject site is serviced with central water and sanitary services.</p> <p>The subject site is within the Regional Centre.</p>
<p>(2) that the proposal is compatible and consistent with adjacent uses and the existing development form in the area in terms of the use, bulk, and scale of the proposal;</p>	<p>Portland Street in this area is a commercial and medium density residential street, characterized by a variety of uses and built forms.</p> <p>Existing development form along Portland Street is varied and includes one to four-storey multi-unit dwellings, one and two-unit dwellings, and two-storey mixed use buildings with commercial uses at grade.</p>

A single storey light industrial recycling facility is located across Portland Street from the subject site.

Rodney Road is an established residential street.

Existing development form along Rodney Road and Hastings Drive is predominately one and two storey dwellings. There is one three-storey dwelling at 19 Rodney Road.

The built form in the area surrounding the subject site transitions from higher density residential and commercial uses along Portland Street to low-rise residential uses and no commercial uses on Rodney Road. Development proposed for the subject site must be compatible and consistent with this existing transition and with both built environments.

The buildings proposed to front Portland Street are six storeys with a maximum 10.5 metre streetwall permitted by the proposed Agreement. These buildings would be taller than the existing built form on Portland Street in this area. Portland Street is a high-traffic commercial and residential street in this area and therefore suitable for incremental increases in building height.

A suitable transition to the low-rise residential form on Rodney Road is accomplished with a four-story building with residential uses only on Lot C. Dwellings adjacent to Lot C and fronting on Rodney Road are one and two storeys. Rodney Road has a higher grade than Lot C, and the proposed Building C would read as two storeys from Rodney Road.

Policy IP-1 (c) (2) does not require exact similarity between new and existing development form but allows neighbourhoods to change over time if the changes maintain consistency and compatibility with the existing development

	form in the area. Staff advise that the proposed development successfully achieves this.
(3) provisions for buffering, landscaping, screening, and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries;	<p>There is limited buffering within side yards, particularly those of Buildings A and B.</p> <p>Buildings A and B are set close to side property lines and have balconies that could aggravate negative effects on privacy and development opportunities on neighbouring properties, including abutting properties within the subject site.</p> <p>The narrow central driveway with adjacent balconies could impact privacy and access to sunlight for those internal units.</p> <p>The proposed agreement requires a detailed landscaping plan prior to permitting.</p>
(4) that the proposal is not premature or inappropriate by reason of:	
(i) the financial capability of the City is to absorb any costs relating to the development;	Staff do not anticipate any financial implications from the application.
(ii) the adequacy of sewer and water services and public utilities;	<p>Comments received from Halifax Water and Development Engineering do not indicate any concerns.</p> <p>Sewer lateral easement (to the benefit of Halifax Water) runs through Lot C. The proposed agreement restricts development within the easement to surface parking facilities.</p>
(iii) the adequacy and proximity of schools, recreation and other public facilities	<p>Subject site is within boundaries to existing schools.</p> <p>HRM recreation facilities close to the subject site include:</p> <ul style="list-style-type: none"> • Dartmouth Sportsplex • Southdale/North Woodside Elementary School Park

	<ul style="list-style-type: none"> • Maynard Lake Park • Dartmouth South Academy Park • Findlay Community Centre and Park • Sullivans Pond • Henry Findlay Park • Linden Lea Frog Pond Park • Clement Street Park • Newcastle Street Park
<p>(iv) the adequacy of transportation networks in adjacent to or leading to the development;</p>	<p>Access to the subject site, both pedestrian and vehicular, would be only from Portland Street.</p> <p>Portland Street is a Major Collector Street in this area, and the proposed development is not anticipated to have a negative impact on level of service.</p> <p>Portland Street is an active transit corridor.</p> <p>There are concrete sidewalks along both sides of Portland Street in this area. There is no dedicated cycling infrastructure.</p> <p>HRM staff have accepted the Traffic Impact Statement as reasonable.</p>
<p>(v) existing or potential dangers for the contamination of water bodies or courses or the creation of erosion or sedimentation of such areas;</p>	<p>No watercourses have been identified either on or close to the subject site.</p>
<p>(vii) the presence of natural, historical features, buildings or sites;</p>	<p>The subject site is vacant, with no known historic sites or features.</p>
<p>(viii) create a scattered development pattern requiring extensions to truck facilities and public services while other such facilities remain under utilized;</p>	<p>The subject site is an infill site already serviced with water and sewer, and accessible by existing roads and sidewalks.</p> <p>The proposed development would not contribute to a scattered development pattern.</p>
<p>(ix) the detrimental economic or social effect that it may have on other areas of the City.</p>	<p>No concern – the subject site is located within the Regional Centre, an area described in the Regional Plan as</p>

	generally being a focus for future growth (Objective 3.1).
(5) that the proposal is not an obnoxious use;	No concerns – proposed residential and commercial uses are not expected to be obnoxious.
(6) that controls by way of agreements or other legal devices are placed on proposed developments to ensure compliance with approved plans and coordination between adjacent or near by land uses and public facilities. Such controls may relate to, but are not limited to, the following:	
(i) type of use, density, and phasing;	<p>The proposed agreement controls uses permitted on the subject site and indirectly controls density by defining a building envelop with maximum number of storeys and minimum yards.</p> <p>The density permitted in the proposed Agreement is not expected to have negative effects on central services or traffic.</p> <p>The proposed density would be expected to improve sustainability of existing services, including but not limited to electricity, water, sanitary, recreation and active transportation amenity and transit, by adding ratepayers and potential users.</p>
(ii) emissions including air, water, noise;	<p>Residential and commercial uses are not anticipated to produce contaminants to air or water or create significant noise.</p> <p>Any blasting must conform to the HRM Blasting By-law.</p>
(iii) traffic generation, access to and egress from the site, and parking;	<p>Portland Street is a Major Collector in this area and can absorb any additional traffic generated from the proposed development.</p> <p>Central driveway to be kept clear of parked vehicles to maintain firetruck access. The proposed agreement does not permit</p>

	<p>parking in the west side-yard of Building C, to facilitate firetruck maneuvering.</p> <p>No impacts on traffic Level of Service are expected.</p> <p>PID 00221952 (Building C) may be subdivided to provide frontage on Portland Street. If no frontage is provided, proposed Agreement requires property owner to ensure residents of Building C have right of way across the central, shared driveway.</p> <p>Development permitted by proposed Agreement could proceed regardless of whether PID 00221952 is subdivided.</p>
(iv) open storage and landscaping;	<p>The proposed agreement requires that detailed landscaping plans be provided prior to permitting.</p>
(v) provisions for pedestrian movement and safety;	<p>Some concerns remain regarding pedestrian movement and safety within the site, particularly barrier-free pedestrian access to surface parking and Building C.</p> <p>Proposed walkways lining the central driveway are interrupted by stairways and access to underground parking facilities. Access to underground parking facilities would be two-way traffic with limited visibility onto walkways. Walkways proposed for both sides of the central driveway are not barrier-free.</p> <p>The proposed agreement requires a barrier-free connection from Portland Street to Building C. The proposal is for this connection to be in the west side yard of Building A.</p>
(vi) management of open space, parks, walkways;	<p>Proposed agreement requires that the central driveway and barrier-free walkway be maintained free of obstruction, including but not limited to parked or stopped vehicles and snow.</p>

	<p>The proposed agreement requires that the barrier-free walkway be lighted along its entire length.</p> <p>The proposed agreement requires the property owner to install and maintain wayfinding signage directing pedestrians to the barrier-free walkway.</p> <p>Any development on the Lands will be subject to all by-laws, including Building Code, notwithstanding the proposed agreement.</p>
(vii) drainage both natural and sub-surface and soil-stability;	<p>The proposed agreement requires that a Stormwater Management Plan be submitted to the Development Officer prior to permitting.</p>
(viii) performance bonds.	<p>The proposed agreement requires a detailed Landscaping Plan prior to permitting.</p> <p>Performance bonds may be required to ensure completion of landscaping.</p>
(7) suitability of the proposed site in terms of steepness of slope, soil conditions, rock outcroppings, location of watercourses, marshes, swamps, bogs, areas subject to flooding, proximity to major highways, ramps, railroads, or other nuisance factors.	<p>No concerns.</p>
<p>Policy IP-5 Policy IP-5 It shall be the intention of City Council to require Development Agreements for apartment building development in R-3, R-4, C-2, MF-1 and GC Zones. Council shall require a site plan, building elevations and perspective drawings for the apartment development indicating such things as the size of the building(s), access & egress to the site, landscaping, amenity space, parking and location of site features such as refuse containers and fuel storage tanks for the building. In considering the approval of such Agreements, Council shall consider the following criteria:</p>	

(a) adequacy of the exterior design, height, bulk and scale of the new apartment development with respect to its compatibility with the existing neighbourhood;	See discussion of IP-1 (c)(2), above.
(b) adequacy of controls placed on the proposed development to reduce conflict with any adjacent or nearby land uses by reason of:	
(i) the height, size, bulk, density, lot coverage, lot size and lot frontage of any proposed building;	<p>Step-backs after third floor of Buildings A and B provide some extra space to neighbouring properties.</p> <p>Lot C has no frontage on a public street. Frontage could be created through subdivision, but this is not required by the proposed agreement.</p>
(ii) traffic generation, access to and egress from the site; and	<p>Vehicle ingress and egress would occur from a single central driveway. Proposed Agreement requires that the central driveway be maintain free of obstruction to permit firetruck and other vehicle access.</p> <p>Comments from HRM transportation engineers did not indicate any concerns about traffic generation or volume, or the location of the proposed connection between the access and Portland Street.</p> <p>Proposed Agreement requires property owner to ensure that residents of Building C (PID 00221952) have right to access and egress across the central, shared driveway.</p>
(iii) parking;	The proposed agreement requires less parking than would be required by the Land Use By-law. The subject site located on active transit route, some residents will not own vehicles.
(c) adequacy or proximity of schools, recreation areas and other community facilities;	No concerns – infill development close to existing schools.

	Circulated to Halifax Regional Centre for Education for review, did not receive comment.
(d) adequacy of transportation networks in, adjacent to, and leading to the development;	Portland Street in this area is a Major Collector and is also an active transit route. There are concrete sidewalks on both sides of Portland Street. There is no dedicated cycling infrastructure. No impacts on traffic Level of Service are expected.
(e) adequacy of useable amenity space and attractive landscaping such that the needs of a variety of household types are addressed and the development is aesthetically pleasing;	Proposed agreement requires a detailed Landscaping Plan before permitting.
(f) that mature trees and other natural site features are preserved where possible;	Application does not discuss maintaining existing trees.
(g) adequacy of buffering from abutting land uses;	Buffering could be insufficient, especially in side yards for buildings A and B, which are narrow.
(h) the impacts of altering land levels as it relates to drainage, aesthetics and soil stability and slope treatment; and	Proposed Agreement would require an Erosion and Sedimentation Control Plan prior to development permit issuance.
(i) the Land Use By-law amendment criteria as set out in Policy IP-1(c).	See above.

Regional Centre Secondary Municipal Planning Strategy (Centre Plan – Package A)

Transition Policies

Policy	Staff Comment
Policy 10.25 In addition to Policy 10.27, complete applications for development agreements on file with the Municipality on or before the date of the first publication of the notice of the intention of Council to adopt this Plan shall be considered	The subject site is located within the Regional Centre. Lots A and B fall within the Centre Plan Package A; Lot C falls under the Centre Plan Package B. Under Regional Centre (Centre Plan) Land Use By-law (Package A), Lots A and B

<p>under the policies in effect on the date of that notice. Where any such application is withdrawn, significantly altered, or refused by Council, any new development applications shall be subject to all applicable requirements of this Plan and the Land Use By-law. Applications that have not proceeded to public hearing within 24 months of the adoption of this Plan shall be subject to all applicable requirements of this Plan and the Land Use By-Law.</p>	<p>would be zoned COR, with maximum permitted height of 20 m (65.6 ft or roughly 6 storeys).</p> <p>Application deemed complete: <u>November 14, 2018</u></p> <p>Date of notice (Package A): <u>August 24, 2019</u></p> <p>Effective date of Plan (Package A only):</p>
<p>Policy 10.26</p> <p>Applications approved pursuant to Policy 10.25 shall include project commencement dates not exceeding three years, and project completion dates not exceeding:</p> <p>(a) for the King's Wharf Special Area as identified on Schedule 4 of the Land Use By-law, twenty years from the date the agreement is filed at the Land Registry Office; and</p> <p>(b) for all other areas of this Plan, six years from the date the agreement is filed at the Land Registry Office.</p>	<p>Section 7.3 of the proposed agreement sets the required date of commencement as within 3 years of the registration of the agreement.</p> <p>Section 7.5 of the proposed agreement sets the required date of completion as 6 years from the registration of the agreement.</p>
<p>Policy 10.27</p> <p>Applications for non-substantive amendments to existing development agreements shall be considered under the policies in effect at the time the agreement was approved.</p> <p>In addition to those items listed as non-substantive in an existing development agreement, the following amendments to those existing development agreements may be considered under the policies in effect at the time the agreement was approved:</p> <p>(a) changes to architectural requirements that do not impact the massing of the building;</p> <p>(b) changes to landscaping requirements;</p>	<p>Section 6.1.1 of the proposed agreement lists the following items as non-substantive:</p> <ul style="list-style-type: none"> • Changes to the Preliminary Landscaping Plan • Changes to Hours of Operations • Changes to location of Solid Waste Facilities <p>In addition to the items enumerated in the proposed agreement, it will be possible for the property owner to request amendments to the items listed in Policy 10.27.</p> <p>Requests for these amendments will be considered under the Policy in effect at the</p>

<p>(c) changes to sign requirements;</p> <p>(d) reduction in motor vehicle parking requirements; and</p> <p>(e) changes to building lighting and illumination.</p>	<p>time the proposed agreement was approved.</p>
<p>Policy 10.28</p> <p>Applications for amendments to existing development agreements to extend the project commencement and completion dates shall only consider project commencement dates not exceeding one year and project completion dates not exceeding two years, and only one application per development agreement shall be considered.</p>	<p>Section 6.1.1 of the proposed agreement lists changes to the required dates of commencement and completion as non-substantive items.</p> <p>However, to the dates of commencement and completion would be limited in accordance with Regional Centre Secondary Municipal Planning Strategy Transition Policy 10.28.</p>

HALIFAX REGIONAL MUNICIPALITY
Public Information Meeting
Case 21880

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

Thursday, February 21, 2019
7:00 p.m.

South End Baptist Church Hall - 60 Hastings Drive, Dartmouth, Nova Scotia

STAFF IN

ATTENDANCE: Jamy-Ellen Klenavic, Planner, Planner II, HRM Planning
Cameron Robertson, Planner, Planner II, HRM Planning
Holly Kent, Planning Technician, HRM Planning
Tara Couvrette, Planning Controller, HRM Planning

ALSO IN

ATTENDANCE: Councillor, Sam Austin, District 5
Troy Scott – Applicant
Chandler Haliburton - Developer

PUBLIC IN

ATTENDANCE: Approximately: 76

The meeting commenced at approximately 7:00 p.m.

Call to order, purpose of meeting – Jamy-Ellen Klenavic

Ms. Klenavic introduced herself as the Planner and Facilitator for the application. They also introduced; Councillor Sam Austin, Cameron Robertson – Planner, Tara Couvrette – Planning Controller, Holly Kent - Planning Technician, Troy Scott – Applicant, and Chandler Haliburton - Developer.

Case 21880 - Application by T.A. Scott Architecture and Design Limited requesting to enter into a development agreement for two six-storey mixed-use buildings at 358-364 Portland Street, Dartmouth, and to rezone lands and enter into a development agreement for one four-storey residential building at PID (00221952), Dartmouth.

Ms. Klenavic explained; the purpose of the Public Information Meeting (PIM) is: a) to identify that HRM has received a proposal for the site; b) to provide information on the project; c) to explain the Planning Policies and the stages of the Planning Process; d) an opportunity for Staff to receive public feedback regarding the proposal. No decisions are made at this PIM.

1a) Presentation of Proposal – Ms. Klenavic

Ms. Klenavic provided a brief introduction to the application and then made a presentation to the public outlining the purpose of the meeting, status of the application and the applicants request. Ms. Klenavic outlined the context of the subject lands and the relevant planning policies.

1b) Presentation by Chandler Haliburton, Developer & Troy Scott, Applicant

Mr. Haliburton and Mr. Scott explained what they were looking to do on the site and why.

2. Questions and Comments

Heather Yule, Rodney Rd – stated most of the applicants presentation was around the Centre Plan and that isn't in affect at this moment and in the Dartmouth Municipal Planning Strategy it is very clear that lot C is in the R-2 zone and it is not included in the commercial zones along Portland St. currently it does not fit. If you look ahead at the Centre Plan it also does not fit because lot C is clearly excluded from the corridor area, it is part of the residential area. Strongly supports maintaining it as a residential area because there has been a lot of consolation and effort put into keeping that R-2 as most of the neighbourhood is built R-2. Is concerned about creep of commercial into the Southdale neighbourhood.

Thinks it is great to see vibrancy happening and proposed along Portland St. Thinks a three storey would be better suited for the area. Lot C provides the transition space between the commercial zone and the residential zone. With regards to drainage and soil, with the switch from a lot of green space to impermeable surfaces such as pavement and concrete, would like to know how this will impact he drainage and runoff from that space. Is it required to have a water impact statement? **Ms. Klenavic** explained when a stormwater management plan/sediment erosion and control plan would be required. **Mr. Haliburton** also spoke to the 50-foot easement that is there, which belongs to Halifax Water. **Ms. Yule** was also wondering what the capacity of the aging infrastructure. Feels that the drawing does not give a clear indication of the height of the buildings from Rodney Rd. Would like to better understand what that looks like. It seems like they will be much more imposing than they appear to be in the drawings.

Rowen Wells - showed up tonight to show support for this project. Feels this is a good-looking set of buildings that is being proposed and would really contribute to the community. Likes the walkability, having the commercial up front and the potential use for it.

Rita Grentz, Rodney Rd. – concerned about the wooded area currently zoned R-2, those trees provide the residents of Rodney Rd. with a buffer zone from the hussle and bussle of Portland St. and also a degree of privacy for the residents. Also, one of the main reason bird populations decline is because of loss of habitat. Ms. Grentz went through a list of birds she has observed in that wooded area behind Rodney Rd. it takes a long time for trees to grow to such heights and they have watched these trees grow for over 50 years. Trees are important for so many reasons, they absorb pollutants, they hold back water and soil and make neighbourhoods more pleasant places to live.

Larry Graham – Never realized the path was private property. Asked to clarify where the 50-foot easement was. Stated the river (50-foot easement) that flows underground between Fenwick St. and Hastings Dr. under Southdale school parking lot. Will it be looked after? It is referred to as storm runoff but it never stops flowing from the berm that they put in behind the houses on Plymouth St. (59:55). **Ms. Klenavic** – stated that would have to be addressed in the stormwater management plan. **Mr. Graham** also wanted to know how many cars this would put on Portland St. **Ms. Klenavic** stated it would add 200 vehicles a day.

Helen Zeboda, Clement St. - active member of the community and total supports this development.

Connie Mack, Rodney Rd. – is concerned about emergency vehicles, enough to deal with an emergency, being able to get in and out of this development. **Mr. Troy** explained that they made sure there was enough space for the biggest of emergency vehicles to get in and out of the space. **Ms. Mac** in concerned that if there was a large fire there would not be enough space for more than one emergency vehicle to get in there. **Ms. Klenavic** stated one of the review agency's that this was circulated to was the fire department and they had the opportunity to review this proposal and make comments on it. It was determined that this development was ok and could accommodate the emergency vehicles. **Mr. Troy** stated fire was also addressed in the design of the building and the materials that would be used. **Ms. Mack** has concerns about pedestrian crossings. There used to be one on Rodney Rd. but it was removed and would like to see another pedestrian crossing on Rodney Rd.

Genevieve Orton, Rodney Rd. – would like to know how the people from building C would get to Portland St. **Ms. Klenavic** explained that there is a walk-way/sidewalk beside each of the two front buildings (building A/B) going up the internal driveway and in front of the underground parking up to Portland St. **Mr. Scott** also explained the walkway/sidewalk as well.

Mike, Southdale – said nobody is holding onto property to sell later. Thinks this is a beautiful project and will be nothing but great for business on Portland St. but has concern with the flow of traffic coming out onto Portland St. and is concerned for public safety. Especially for the children in the area because of the schools and the fact that there is a park right there. Will there be traffic lights put out front and crosswalks installed? **Ms. Klenavic** stated part of the review process is that the traffic management professionals have gone through the traffic impact study that the applicant provided and they have determined that what is there is sufficient to handle the additional traffic.

Ruth Partridge, Portland St. – feels that it is unusual that there was not an independent traffic study done and that the applicant is the one that does the traffic study. Would like to know if there will be an independent 3 party traffic study done? **Ms. Klenavic** explained how the traffic studies are completed.

Ruth stated there are 4/5 developable lots in the immediate area and once those are developed there are really going to be some traffic issues to discuss. Stated that although they learned that the path is people trespassing on private property, it has been used as a pathway for over 35 years and didn't want it misunderstood that this is just a casual path, it is a well used path. The natural buffer doesn't seem adequate for building, building C. Stated they have observed Osprey nesting in that area and they are protected. Would like to know if an environmental assessment has been or will be done. **Ms. Klenavic** stated an environmental assessment would be done at the provincial level not municipal and is triggered by a site that is larger than this site. **Ruth** stated that if this is going through private financing, and a conventional lender, one of the requirements, and to do due diligence, would be to require a phase one assessment at a minimum. Can we have the developer's assurance that there will be an environmental assessment done prior to moving ahead with any plans for proposal C. Lot C is smack in an R-2 zone and isn't considering any of the things that created the R-2 zone. The original subdivision plan created a buffer between the commercial and the busy activity on Portland St. and the R-2 zone and the single-family zones that exist in the rest of the subdivision. They would urge staff to remember that the existing bylaws and zoning reflects the community's desire and was planned that way for a reason. Doesn't want a multiunit building built in there back yard. The height of the building is not congruent with the grade of the land. Also, would like planning staff to consider the dangerous precedent that this would be setting. Is 100% behind this project if it is done without the third building (building C) respect the existing zoning.

June Trenholm, Johnstone – Would like to know what the GFAR is for both building A and B. **Troy Scott** – wasn't sure off the top of his head. Stated everything they have done with this would hit every mark of the Centre Plan. **Ms. Trenholm and Mr. Scott** discussed heights.

Bill Zeboda, Clement St. - the area is not drained well right now, likes Chandler's idea of approaching Halifax Water to see if they would coordinate upgrading the system. The issue with the height of the buildings on Portland St., there was a meeting held by Halifax Planning staff in which it was advised to the public that along corridors the height would be 4-6 storeys set back in a cake layer sort of system. Building C – the driveway that runs between the two places on Rodney St. (36/38) is something that they are not going to use. Feels that a bunch of the trees are dead and the rest are small trees and doesn't feel there are any trees that would be damaged for the Portland St. development. Saw no sign of the trees that are in question of an Osprey nest. 30 trees going missing in a lot this size will not damage the population of birds at all.

Nick Grady, Rodney Rd.- Would like planning to please respect the current zoning that is there and understand that when you step back a building at six storeys that is really eight at the back that is really going to impose on my property.

Curtis, Portland St. – would like to know the total count of underground parks vs surface parking and is there environmental merit for underground parking that should be considered. **Mr. Scott** stated the parking for the project has a significant amount of underground parking. There are six spaces at the back of building B and about 20 above ground spaces for building C. There are 2 levels of underground parking for building A/B and one level in building C. The amount of parking per unit is almost 1:1. **Curtis** sees value in minimizing surface parking anyway you can.

Ruth Partridge, Portland St. - would like to know how many units it would be as proposed. **Troy Scott** – 110. Ruth wanted to know how many spots for parking as proposed. **Mr. Scott** – believes it is about 106. **Ruth** – a spot per unit and 6 extra for visiting etc. where is the parking for the commercial space? **Mr. Scott** – stated the intent would be the surface parking around the back. **Chandler** – stated he owns where Neighbours Pub was and beside that he owns the two vacant lots. Those can never be built on so they will provide surplus parking for this development (the two vacant lots). **Ruth** – are you willing to have that added to the development agreement. **Chandler** – 100%, yes and an environmental assessment. **Ms. Klenavic** – currently those properties are not part of the application and would require an amendment to the application.

Mark Perry, Rodney Rd. – provided his remarks/documents to planning as well as the councillors. The apartments on Portland St. may be considered appropriate development and an improvement to the area. Building C is not in the same category, in fact it is in a category of its own. The current lot on which building C is proposed is designated as R-2, residential and it appears to have been cut out of the Rodney Rd. Lots. That building would be imbedded into and in between 5 properties with minimal transition space between the edge of their properties and the proposed building. The decision can't be

made just on the financial objectives. The decision requires the consideration of many other factors including; the desires of the neighbourhood residents, the effect on the community, weather or not the proposal and each of its parts make sense from a community planning perspective, and weather the proposal is consistent with what the city wants to develop. Parts of the proposal are good, building A/B, but other parts aren't so good, building C. Respectfully asks that the rezoning application for building C be denied on the basis that it is not an appropriate change for that particular piece of land.

Brad Wells, Blackberry Lane – Thinks it is awesome that the investor is part of the community and not just passing through. Would like to know what type of people they were wanting to attract to these buildings, students? **Ms. Klenavic** – stated that was not something that could be considered in this application. **Mr. Wells** wanted to know about greenspace, it is currently in pretty ruff shape.

Bob Branton / Ryan Vessey – Rodney Rd. – Thinks it is important that the planners and developer consider the existing path/trail way that is there now. Would like to see some plan between the developer and the city to see if there is a commitment to bring it up to something that is a healthier greenspace. Also by updating this path it was make it easier for residents to get to Portland St. **Chandler** – because it is all privately owned they aren't sure that would be possible. They stated they will be maintain their section of that path. **Bob Branton / Ryan Vessey** – Dartmouth is a wonderful place for walking trails etc. Is concerned about invasive species and the trail has invasive species like the Multiflora Rose and the Japanese knotweed. Believes the city needs to act on this.

Kareem – is in support of the project. Thinks it is unique that the developer is part of the community and will to come out and be that voice. The region will benefit from this type of development. Also spoke to privacy and that it is two ways. In most cases people don't really care what the other person is doing.

3. Closing Comments

Ms. Klenavic thanked everyone for coming and expressing their comments.

4. Adjournment

The meeting adjourned at approximately 9:05 p.m.