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Item No. 13.1.2
Halifax and West Community Council
June 22, 2021

TO: Chair and Members of Halifax and West Community Council

SUBMITTED BY: *Original Signed*

Kelly Denty, Executive Director of Planning and Development

Original Signed

Jacques Dubé, Chief Administrative Officer

DATE: May 4, 2021

SUBJECT: **Case 20520: Development Agreement for 6330 and 6324 Quinpool Road, between Oxford Street and Preston Street**

ORIGIN

- Application by Dixel Developments Ltd.
- January 16, 2018¹, Regional Council direction to continue processing this request for site-specific Municipal Planning Strategy amendments, subject to the proposal:
 - a) Generally aligning with the June 2017 Centre Plan document relative to Urban Structure, Height and Floor Area Ratio; and
 - b) Addressing the planning principles of transition, pedestrian-orientation, human-scale, building design, and context-sensitive as noted in Attachment D of the staff report presented to Regional Council on January 16, 2018 as Item 14.1.4.
- July 16, 2019², Regional Council adopted MPS and LUB amendments to enable consideration of an 8-storey (plus penthouse) mixed-use development at 6324 & 6330 Quinpool Road with a 3-storey section facing Pepperell Street, by development agreement. These amendments came into effect on July 20, 2019.

RECOMMENDATIONS ON PAGE 2

¹ Regional Council Report: [Site-specific Secondary Municipal Planning Strategy amendment requests within the Regional Centre Boundary](#), January 16, 2018.

² Regional Council Report: Case 20520: [Amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law for 6330 and 6324 Quinpool Road, between Oxford Street and Preston Street](#), July 16, 2019.

- September 18, 2019, Regional Council approved the Regional Centre MPS and LUB (Centre Plan). The Regional Centre MPS and LUB came into effect on November 30, 2019.

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that Halifax and West Community Council:

1. Give notice of motion to consider the proposed development agreement, as set out in Attachment A, to enable an 8-storey (plus penthouse) mixed-use development at 6324 & 6330 Quinpool Road with a 3-storey section facing Pepperell Street and schedule a public hearing;
2. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A; and
3. Require the agreement be signed by the property owner within 150 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

Dexel Developments Ltd is applying to enter into a development agreement, for an 8-storey (plus penthouse) mixed-use development at 6324 and 6330 Quinpool Road with a 3-storey section facing Pepperell Street.

Subject Property	6324 and 6330 Quinpool Road (PID 00165878)
Location	A through lot from Quinpool Road to Pepperell Street, on the block between Oxford Street and Preston Street
Regional Plan Designation	Urban Settlement
Community Plan Designation (Map 1)	Centre under the Regional Centre MPS
Zoning (Map 2)	CEN-2 (Centre 2) Zone and CEN-1 (Centre 1) Zone
Size of Property	3,340 square metres (35,954 square feet)
Street Frontage	72 metres (236 feet) on Quinpool Road and 38 metres (125 feet) on Pepperell Street
Current Land Use(s)	Low-rise commercial buildings and a parking lot
Surrounding Use(s)	Low-rise commercial buildings on Quinpool Road, houses on Pepperell Street, and a synagogue on the corner of Pepperell and Oxford Streets

Proposal Details

The applicant is proposing an eight-storey building on a lot between Pepperell Street and Quinpool Road. The major aspects of the proposal are as follows:

- 8 floors (plus a penthouse) on the part of the lot next to Quinpool Road;
- 3-storey streetwall next to Quinpool Road, with ground floor commercial;

- 3 floors next to Pepperell Street;
- About 160 dwelling units; and
- About 160 parking spaces, in an underground garage accessed from Pepperell Street.

History

Policies for this development agreement for established in the lead-up to the Regional Centre MPS and LUB adoption (Centre Plan). The policies are site-specific, for a project the applicant submitted to HRM in 2016.

Council directed staff to proceed with this application on January 16, 2018, subject to conditions, including that the proposal had to generally align with the urban structure proposed in the draft Centre Plan. Council approved an MPS and LUB amendment for this property on July 16, 2019. On September 18, 2019, Council approved the Centre Plan. The Centre Plan includes transition policy for ongoing projects, which apply to this development agreement application.

Enabling Policy and LUB Context

This project predates Council's adoption of the Centre Plan MPS and LUB. Under Policy 10.25 of the Centre Plan, the development agreement application can continue, because HRM received it before Centre Plan's adoption.

Under Policy 10.25, Community Council can consider this application under the policy in place when Centre Plan was adopted. Section 16 of the Halifax MPS was the policy in place for this site at that time. This policy provides general direction for site specific MPS amendments adopted in the lead up to Centre Plan. It also provides specific direction for this site, under sub-section 16.10 (Attachment B).

Section 16, Policy 10.2.1 is the policy regulating development agreements on this site. It has direction on building form and land use. Below is a summary of the requirements for a development agreement:

- To permit a multi-unit, mixed-use building, up to 8 storeys in height on part of the property near Quinpool Road, and to restrict the streetwall height facing Quinpool Road to 3 storeys;
- To minimize the massing of the 8 storey portion of the building and to permit a penthouse structure above the 8th floor;
- To permit up to 3 storeys in height on the part of the site closer to Pepperell Street, and to require building setbacks from side property lines above the second floor for this part of the building;
- To permit a range of uses that serve both a local and regional population, including: residential, office, retail, service, restaurants, institutional, cultural and entertainment uses, and establishments licensed to serve alcohol;
- To limit the commercial uses that are permitted to front on Pepperell Street;
- To require the façade facing Pepperell Street to have units with ground level entrances that connect to the sidewalk;
- To require a mix of residential unit types;
- To prohibit surface parking; and
- To require indoor and outdoor amenity space for residents.

Under policy 10.2.1 the development agreement must also regulate:

- Signage;
- External building materials;
- Landscaping, fencing, outdoor storage, and the planting or retention of trees and vegetation; and
- Location, size and appearance of driveways.

Finally, Council shall have regard for these matters when considering the development agreement:

- The planning principles of transition, pedestrian-oriented, human-scale, building design and context sensitive;

- Changes in building size and massing, to create appropriate transitions to surrounding built form;
- The design of at-grade residential units that balance residents' privacy with the desire for attractive and transparent streetwalls;
- That the design facing Quinpool Road complements a commercial streetscape; and
- That the design of driveways and garage entrances minimizes their impact on pedestrians and on the streetscape, by minimizing their size, by setting garage doors back from the street and by using screening or architectural finishes as appropriate.

Centre Plan

The property is zoned CEN-2 and CEN-1 under the Centre Plan LUB. The Centre Plan identifies Quinpool Road as a pedestrian oriented commercial street and requires commercial frontages on the ground floor facing Quinpool Road. Under this zoning, the site could be developed to a maximum floor area ratio (FAR) of 3.5 next to Quinpool Road. The maximum FAR next to Pepperell is 2.25. On both Pepperell Street and Quinpool Road, the LUB requires front setbacks between 1.5 metres and 3 metres.

The Centre Plan would allow a similar style building to what is proposed. The proposed building has a floor area ratio of about 5.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation. Staff achieved this by:

- providing information and seeking comments through the HRM website;
- requiring the applicant to post signage on the subject site;
- mailing letters to property owners within the notification area; and
- hosting a public information meeting on October 18, 2018.

Attachment C contains a summary of comments from the meeting. Comments included:

- Some residents were concerned about increased traffic;
- Some residents were concerned about parking overflow onto Pepperell Street;
- One resident was concerned about sewer capacity;
- One resident was concerned about new developments walling in smaller residential buildings on Pepperell Street; and
- Some business owners supported development and hoped it would bring more customers.

Halifax and West Community Council must hold a public hearing before approving the proposed development agreement. If Community Council proceeds with a virtual public hearing, then property owners in the notification area (Map 2) will be mailed an invitation. In addition, ads will be published in a local newspaper.

The proposal will potentially impact residents, business owners and property owners.

Halifax Peninsula Planning Advisory Committee

On December 10, 2018 the Halifax Peninsula Planning Advisory Committee (PAC) recommended that Regional Council approve the MPS amendment for this application (Attachment D). Some of PAC's recommendations on building design are not addressed by the development agreement:

- Placing the main driveway and underground parking entrance on Quinpool Road. This would not meet the HRM Streets By-law.³

³ HRM By-law Number S-300. [By-law Respecting Streets](#).

- Reducing the Quinpool Road streetwall to 2 storeys to be more consistent with other developments in the area and improve pedestrian experience. The development agreement permits a 3 storey streetwall, which staff recommend is appropriate for the pedestrian experience and consistent with the policy approved by Regional Council;
- Including bicycle parking on the main level of parking to aid access and storage. The development agreement does not regulate the location of bicycle parking;
- Including lighting along the walkway corridor on Pepperell Street. The development agreement does not control lighting specifically for this walkway.

A report from PAC to HWCC will be provided under separate cover.

DISCUSSION

Staff have reviewed the proposal against the applicable policies, a detailed evaluation of which is provided in Attachment B. Staff advise that the proposed development agreement is reasonably consistent with the intent of the MPS.

Proposed Development Agreement

Attachment A contains the proposed development agreement for the subject site. The development agreement sets out the conditions under which the development may occur. It will permit a mixed use commercial and residential building. The proposed development agreement regulates the following:

- Building height, up to 8 storeys (plus penthouse) next to Quinpool Road and 3 storeys next to Pepperell Street;
- Streetwall height, up to 3 storeys next to Quinpool Road;
- Ground floor commercial design facing Quinpool Road;
- At-ground residential unit design facing Pepperell Street;
- Building setbacks and step-backs;
- Permitted land uses, including a mix of residential, commercial, cultural and institutional uses;
- Permitted uses facing Pepperell Street, which do not include: restaurants and licensed alcohol establishments; micro brewery or micro distillery; banks and office uses; retail uses and pharmacies; and commercial recreation uses;
- Prohibited cladding materials;
- Indoor and outdoor amenity space; and
- The percentage of units that must be two bedrooms or more (at least 30%).

At-grade parking option (Quinpool Road)

The proposed development agreement contains an option for enclosed, at-grade parking accessible from Quinpool Road. This parking area would be screened to complement the commercial store fronts. The driveway would line up opposite Harvey Street, subject to final approval from Engineering staff. Staff recommends that this option is reasonably consistent with the MPS policy, specifically Policy 10.2.1 (2e), which states that driveways should minimize their impact on pedestrians and streetscapes.

This at-grade parking is separate from the main driveway and underground parking entrance, which is off Pepperell Street. Throughout the public engagement program, the main driveway and underground garage entrance was shown near this location on Quinpool Road. A driveway and underground garage entrance facing Quinpool Road was also shown to Halifax Peninsula PAC. Later, the applicant moved the main driveway and underground garage entrance to Pepperell Street to comply with the HRM Streets By-law.

Conclusion

Staff have reviewed the proposal against the MPS policy and advise that it is reasonably consistent with the intent of the MPS. The development agreement permits an eight-storey building, consistent with the MPS policy, including building massing, ground floor design and permitted uses. Therefore, staff recommend that Halifax and West Community Council approve the proposed development agreement.

FINANCIAL IMPLICATIONS

There are no budget implications. The applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this proposed development agreement. The administration of the proposed development agreement can be carried out within the approved 2021-2022 operating budget for C320 Regional Policy Program.

RISK CONSIDERATION

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

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified.

ALTERNATIVES

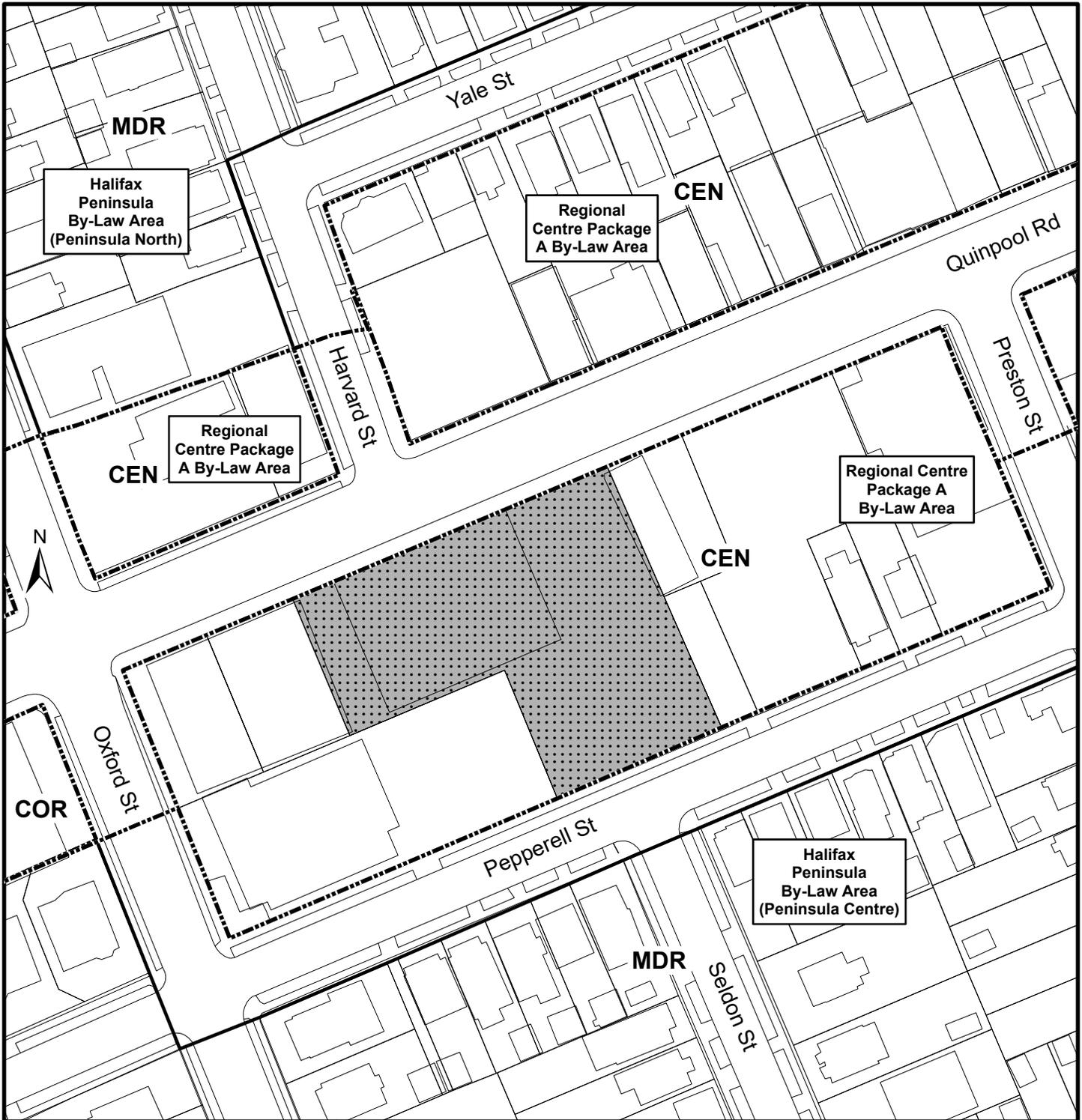
1. Halifax and West Community Council may choose to approve the proposed development agreement subject to modifications. Modifications may require further negotiation with the applicant. Modifications may require a supplementary report or another public hearing. A decision of Council to approve this development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Halifax and West Community Council may choose to refuse the proposed development agreement. In doing so, Community Council must provide reasons why the proposed agreement does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

Map 1:	Generalized Future Land Use
Map 2:	Zoning and Notification Area
Attachment A:	Proposed Development Agreement
Attachment B:	Review of MPS Policies
Attachment C:	Public Information Meeting Minutes
Attachment D:	Halifax Peninsula PAC Meeting Minutes

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: Sean Gillis, Planner 2, 902-237-3424



Map 1 - Generalized Future Land Use

Quinpool Road
Halifax

 Subject Properties

Regional Centre Package A By-Law Area

CEN Centre
COR Corridor

Peninsula Centre Area Designation

MDR Medium Density Residential

Peninsula North Secondary Designation

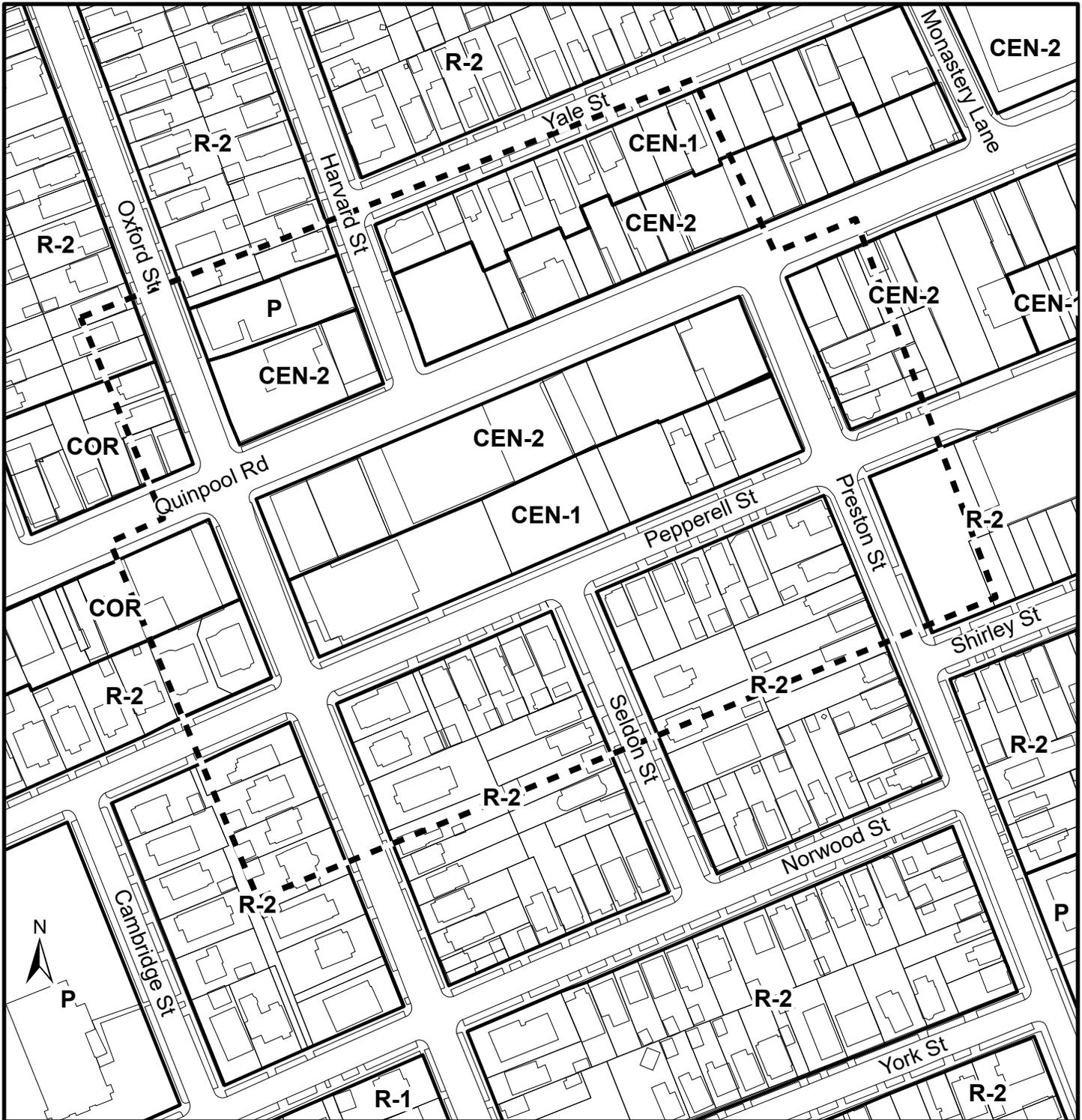
MDR Medium Density Residential



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

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

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



Map 2 - Zoning and Notification

Quinpool Road
Halifax

 Subject Properties

 Area of Notification

Halifax Peninsula
Land Use By-Law Area

Halifax Peninsula Zone

- R-1 Single Family Dwelling
- R-2 General Residential
- P Park and Institutional

Regional Centre Zone

- CEN-1 Centre 1
- CEN-2 Centre 2
- COR Corridor

0 10 20 30 40 50 60 70 m



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

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

ATTACHMENT A:

Proposed Development Agreement

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

BETWEEN:

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

OF THE FIRST PART

- and -

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

OF THE SECOND PART

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

AND WHEREAS the Developer has requested that the Municipality enter into a Development Agreement to allow for mixed-use, high density residential development on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter*, pursuant to Policy 10.25 and 10.26 of the Regional Centre Secondary Municipal Planning Strategy, and pursuant to Section XVI, Policy 10.2.1 of the Municipal Planning Strategy for Halifax and Subsection 95(11) of the Land Use By-law for Halifax Peninsula in effect on July 20, 2019;

AND WHEREAS the Halifax and West Community Council for the Municipality approved this request at a meeting held on **[Insert - Date]**, referenced as Municipal Case Number 20520;

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 Subject to Subsection 1.1.2, 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.
- 1.1.2 The Lands may be developed and used in accordance with and subject to the requirements of the applicable Land Use By-law and the Regional Subdivision By-law, as may be amended from time to time.

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

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

1.3 Applicability of Other By-laws, Statutes and Regulations

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

1.4 Conflict

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

1.5 Costs, Expenses, Liabilities and Obligations

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

1.6 Provisions Severable

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

1.7 Lands

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

PART 2: DEFINITIONS

2.1 Words Not Defined under this Agreement

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

2.2 Definitions Specific to this Agreement

- 2.2.1 The following words used in this Agreement shall be defined as follows:
- a) "Amenity Space" means indoor or outdoor spaces designed for leisure or recreational activities by the occupants of a building;
 - b) "Commercial Parking" means a parking structure, or any portion thereof, where parking spaces can be leased by the public;
 - c) "Height" as pertaining to any building, means, the vertical distance of the highest point of the roof above the mean grade of the finished ground adjoining the building;
 - d) "Micro Brewery" means a craft brewery primarily engaged in the production and packaging of less than 15,000 hectolitres per year of specialty or craft beer, ale, or other malt beverages. The facility may include accessory uses such as retail sale, wholesale, tours and events, or hospitality rooms where beverages produced at the facility can be sampled;
 - e) "Micro Distillery" means a craft distillery primarily engaged in the production and packaging of less than 75,000 litres per year of liquor and spirits, other than wine and beer. The facility may include accessory uses such as retail sale, wholesale, tours and events, or hospitality rooms where beverages produced at the facility can be sampled;
 - f) "Streetwall" means the wall of a building or portion of a wall facing a streetline that is below the height of a specified setback or angular plane, excluding minor recesses for elements such as doorways or intrusions such as bay windows;
 - g) "Streetwall Height" means the vertical distance between the top of the streetwall and the streetline grade, extending across the width of the streetwall;
 - h) "Streetwall setback" means the distance between the streetwall and the streetline;
 - i) "Streeline" means the lot line between the street and an abutting lot;
 - j) "Streetline Grade" means the elevation of a streetline at a point that is perpendicular to the horizontal midpoint of the streetwall. Separate streetline grades shall be determined for each streetwall segment that is greater than 20 metres in width or part thereof; and
 - k) "Work-live Unit" means buildings or spaces within buildings that are designed for both commercial and residential purposes.

PART 3: USE OF LANDS AND DEVELOPMENT PROVISIONS

3.1 Schedules

- 3.1.1 Unless otherwise provided for in the text of this Agreement, the Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, generally conforms with the following

Schedules, which form a part of this Agreement and are attached to this Agreement and filed in the Halifax Regional Municipality as Case Number 20520:

Schedule A	Legal Description of the Lands(s)
Schedule B	Site Plan and Setback Framework
Schedule C	Site Plan and Setback Framework, with Parking
Schedule D	Building Elevations
Schedule E	Building Elevations, Quinpool Road Parking

3.2 Requirements Prior to Approval

- 3.2.1 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) Have been issued a Grade Alteration Permit in accordance with By-law G-200, the *Grade Alteration By-law*, as amended from time to time.
- 3.2.2 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 the Municipality has indicated that the building or portions of the building are safe for habitation.
- 3.2.3 No final Occupancy Permit shall be issued by the Municipality unless and until the Developer has complied with all applicable provisions of this Agreement and the Land Use By-law (except to the extent that the provisions of the Land Use By-law are varied by this Agreement) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.

3.3 General Description of Land Use

- 3.3.1 Subject to Subsection 3.3.2, the use(s) of the Lands permitted by this Agreement are the following:
- a) residential uses;
 - b) restaurants and licensed alcohol establishments, excluding cabarets and lounges;
 - c) micro brewery or micro distillery;
 - d) banks and office uses, up to 4,000 square metres;
 - e) retail uses;
 - f) commercial recreation uses;
 - g) personal and professional services;
 - h) daycares;
 - i) institutional uses;
 - j) medical clinics and medical offices;
 - k) cultural uses;
 - l) work-live units;
 - m) commercial parking;
 - n) any other use permitted by the Land Use By-law, as amended from time to time; and
 - o) any use accessory to any of the foregoing uses.
- 3.3.2 The following uses are not permitted to front on Pepperell Street:
- a) restaurants and licensed alcohol establishments;

- b) micro brewery or micro distillery;
- c) banks and office uses;
- d) retail uses and pharmacies; and
- e) commercial recreation uses.

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

3.4 Siting, Massing, Height and Other Architectural Requirements

3.4.1 The building's siting, massing, and height shall be in accordance with Schedule B and Schedule D, unless the Developer opts to provide a parking entrance from Quinpool Road, in which case the building's siting, massing, and height shall be in accordance with Schedule C and Schedule E.

3.4.2 Subject to Subsection 3.4.3, no building will be constructed or altered so that it exceeds a maximum height of 27 metres.

3.4.3 A penthouse containing mechanical equipment, elevator overruns, common amenity space and up to 2 dwelling units is permitted to exceed the maximum building height, subject to the following conditions:

- a) the height of the penthouse shall be limited to 6 metres (19.5 feet) above the maximum roof height;
- b) the penthouse shall be limited to a maximum of 30 percent of the roof area; and
- c) the penthouse shall be located as shown on Schedule B, Site Plan and Setback Framework.

3.4.4 The building's exterior design shall be generally in accordance with Schedule D, or if the Developer opts to provide a parking entrance from Quinpool Road, the building's exterior design shall be generally in accordance with Schedule E of this Agreement. The Development Officer may permit changes to the following elements as shown on Schedule D or Schedule E, provided the height and size of the building do not increase:

- a) the number of windows and doors and their placement and size;
- b) the number of balconies and their placement and size;
- c) the number of at-grade commercial units and their size, and
- d) the number of signs and their placement and size.

Maximum Streetwall Height

3.4.5 Subject to Subsections 3.4.7 and 3.4.8, the maximum streetwall height facing Pepperell Street shall be 3 storeys.

3.4.6 Subject to Subsections 3.4.7 and 3.4.8, the maximum streetwall height facing Quinpool Road shall be 3 storeys.

3.4.7 Up to 20 percent of the streetwall may exceed the maximum streetwall height.

3.4.8 The maximum streetwall height may be exceeded by a glass guard and railing system to allow for the safe use of podiums and rooftops.

Setbacks and Stepbacks

3.4.9 The building's minimum streetwall setbacks shall be as shown on Schedule B.

- 3.4.10 The building's minimum setbacks from side and rear property lines shall be as shown on Schedule B.
- 3.4.11 The minimum building setbacks shall be as shown on Schedule B.
- 3.4.12 Upper floors of the building shall setback as shown on Schedule B.
- 3.4.13 Subject to Subsection 3.4.14, building setbacks above the streetwall must be open and unobstructed except for railings, bay windows, eaves, gutters, downspouts, cornices or balconies.
- 3.4.14 Balconies and bay windows may project into the setbacks above the streetwall, provided that:
- a) the total horizontal width of the balconies and bay windows on any one storey is not more than 40 percent of the width of the building wall; and
 - b) balcony depth does not project more than 2 metres past the building face.

Streetwall Design

- 3.4.15 The ground floor facing Quinpool Road shall have a minimum floor to ceiling height of 3.5 metres.
- 3.4.16 If the building's streetwall width exceeds 18 meters, the ground floor of the streetwall must incorporate distinct changes in articulation, in increments of no more than 18 metres, measured horizontally. Changes in articulation may include:
- a) changes to front setbacks, or the use of recesses or projections;
 - b) use of columns or contrasting façade materials or treatments; and
 - c) building entrances.
- 3.4.17 At least half of the horizontal length of the ground floor streetwall facing Quinpool Road shall be composed of commercial units generally as shown on Schedule D, or Schedule E if the Developer opts to provide a parking entrance off Quinpool Road. The balance of the streetwall may be composed of residential lobbies, building entrances or units with at-grade entrances, which shall be designed to meet the requirements of Subsection 3.4.18 a) to c).
- 3.4.18 The ground floor facing Pepperell Street shall include units with at-grade entrances, as generally shown on Schedule D. At-grade dwelling units that have exterior entrances fronting on a public street shall be designed as follows:
- a) the ground floor will be set above the sidewalk grade;
 - b) the entrance will open directly onto an individual porch, patio or stoop, which is connected directly to the sidewalk by a stairway or ramp; and
 - c) a wall, planter or fence of up to 1.25 metres in height may be placed between the sidewalk and the porch, stoop or patio. Above 1.25 metres, a glass railing may be used if needed.

External Building Appearance

- 3.4.19 All cladding materials shall be durable and have an architectural finish.
- 3.4.20 The following cladding materials are prohibited:
- a) vinyl siding;
 - b) plywood;
 - c) unfinished concrete block or cinder block;
 - d) exterior insulation and finish systems where stucco is applied to

- rigid insulation; and
- e) darkly tinted or mirrored glass (not including spandrel panels or balcony railings).

3.4.21 Utility connections, fill pipes, exhaust vents, and ventilators shall be screened from view.

3.4.22 Mechanical and electrical systems (HVAC, exhaust fans, generators etc.) shall be screened from view.

3.5 General Requirements

Permitted Encroachments into Yards

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

- a) Wheelchair ramps, uncovered patios, walkways, lifting devices, and steps;
- b) Eaves, gutters, downspouts, cornices, solar collectors and other similar features may project up to 0.9 metres from the building face;
- c) Window bays may project up to 2 metres from the building face; and
- d) Mechanical and electrical systems may project up to 0.9 metres from the building face, subject to Subsection 3.4.22.

Waste Management

3.5.2 All refuse and recycling materials shall be contained within a building.

3.5.3 The building shall include designated space for five stream commercial waste containers (1. Garbage, 2. Blue Bag Recyclables, 3. Paper, 4. Corrugated Cardboard, and 5. Organics) to accommodate source separation program in accordance with By-law S-600 as amended from time to time. This designated space for five (5) waste containers shall be shown on the building plans and approved by the Development Officer.

Parking, Driveways and Garage Entrances

3.5.4 Surface parking lots are prohibited. A maximum of 12 at grade parking spaces and a driveway opening onto Quinpool Road may be permitted, subject to the following:

- a) the parking spaces are internal to the building's structure, as shown on Schedule C, Site Plan and Setback Framework, with Parking;
- b) the driveway is located opposite of Harvard Street, as shown on Schedule C, and is deemed acceptable by the Development Engineer;
- c) the parking spaces are screened from Quinpool Road as shown on Schedule E, Building Elevations, Quinpool Road Parking.

3.5.5 Commercial parking is permitted.

3.5.6 Driveway and loading access shall be off Pepperell Street. Garage entrances may face Pepperell Street. Any garage entrances shall be setback from the streetwall facing Pepperell, and shall be generally designed as shown in Schedule B.

Bicycle Parking

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

Landscaping

- 3.5.8 Subject to Subsection 3.5.12, all yards shall be landscaped as follows:
- a) landscaped areas shall include soft landscaping materials, which may include grass, planting beds, shrubs and trees; and
 - b) landscaped areas to be used for outdoor amenity space or walkways may include hard landscaping materials such as pavers, tile, concrete, stone or wood.
- 3.5.9 Areas required for vehicle access do not need to be landscaped.
- 3.5.10 Prior to the issuance of a Construction Permit, the Developer agrees to provide a Landscape Plan which complies with the landscaping provisions of this Agreement. The Landscape Plan shall be prepared by an Architect or a Landscape Architect and shall comply with all provisions of this section.
- 3.5.11 Prior to issuance of the final Occupancy Permit, the Developer shall submit to the Development Officer photos showing completed landscaping and a letter prepared by an Architect or a Landscape Architect certifying that all landscaping has been completed according to the terms of this Agreement.
- 3.5.12 Notwithstanding Subsection 3.5.8, where the weather and time of year do not allow the completion of the outstanding landscape works prior to the issuance of the final 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 final Occupancy Permit, the Municipality may use the deposit to complete the landscaping as set out in this section of the Agreement. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.

Amenity Space

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

Signs

- 3.5.14 Any persons carrying on a use permitted in this Agreement may place upon the front of the building signage that complies with the following:
- a) where signs are illuminated, they shall be illuminated in such a manner not to cause a glare or hazard to motorists, pedestrians or neighbouring premises;
 - b) projecting signs shall not exceed 1 square metre in area, per sign;
 - c) fascia signs shall not extend beyond the extremities of a wall on which they are affixed;
 - d) maximum combined size of fascia signs on the wall of a building shall be no greater than 10 percent of the total area of said wall;

- e) aggregate area of all window signs shall not exceed 25 percent of the window, or glass area of a door, to which they are affixed;
- f) signs on awnings shall not cover more than 25 percent of the area of the awning, and the length of the text shall not exceed 80 percent of the length of the front valance; and
- g) no signs shall be permitted on the roof of a building.

3.6 Additional Requirements

- 3.6.1 Lighting shall use full cut-off light fixtures and shall only be directed to driveways, parking areas, loading areas, building entrances and walkways. Accent lighting of building elements is permitted.
- 3.6.2 The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the exterior of the buildings, fencing, walkways, recreational amenities, parking areas and driveways, and the maintenance of all landscaping including the replacement of damaged or dead plant stock, trimming and litter control, garbage removal and snow and ice control, salting of walkways and driveways.
- 3.6.3 Temporary construction buildings shall be permitted on the Lands for housing equipment, materials and office related matters relating to the construction and sale of the development in accordance with this Agreement. The construction buildings shall be removed from the Lands prior to the issuance of the Occupancy Permit.

PART 4: STREETS AND MUNICIPAL SERVICES

4.1 General Provisions

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

4.2 Off Site Disturbance

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

PART 5: ENVIRONMENTAL PROTECTION MEASURES

5.1 Stormwater Management Plans and Erosion and Sedimentation Control Plan

- 5.1.1 Prior to the commencement of any site work on the Lands, including earth movement or tree removal other than that required for preliminary survey purposes, or associated off-site works, the Developer shall have been issued a Grade Alteration Permit in accordance with By-law G-200 Respecting Grade Alteration and Stormwater Management Associated with Land Development, as amended from time to time.
- 5.2 All private storm water facilities shall be maintained in good order in order to maintain full storage capacity by the owner of the lot on which they are situated.

PART 6: AMENDMENTS

6.1 Non-Substantive Amendments

- 6.1.1 The following items are considered by both parties to be not substantive and may be amended by resolution of Council:
- (a) Changes to architectural requirements that do not impact the massing of the building or reduce the building setbacks;
 - (b) Changes to building lighting and illumination;
 - (c) Changes to landscaping and sign requirements;
 - (d) The granting of an extension to the date of commencement of construction as identified in Section 7.3 of this Agreement;
 - (e) The length of time for the completion of the development as identified in Section 7.4 of this Agreement;
- 6.1.2 Amendments may only be amended in accordance with the approval requirements of the *Halifax Regional Municipality Charter* and the Regional Centre Secondary Municipal Planning Strategy.

6.2 Substantive Amendments

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

PART 7: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

7.1 Registration

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

7.2 Subsequent Owners

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

7.3 Commencement of Development

- 7.3.1 In the event that development on the Lands has not commenced within 3 years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law.

7.3.2 For the purpose of this section, commencement of development shall mean the issuance of a Construction Permit.

7.4 Completion of Development

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

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

7.4.2 In the event that development on the Lands has not been completed within 6 years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Lands shall conform with the provisions of the Land Use By-law.

7.4.3 For the purpose of this section, completion of development shall mean completion of the exterior structure of the building.

7.5 Discharge of Agreement

7.5.1 If the Developer fails to complete the development after 6 years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office Council may review this Agreement, in whole or in part, and may:

- (a) retain the Agreement in its present form;
- (b) negotiate a new Agreement; or
- (c) discharge this Agreement.

PART 8: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

8.1 Enforcement

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

8.2 Failure to Comply

8.2.1 If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer 30 days written notice of the failure or default, then in each such case:

- (a) The Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defense based upon the allegation that damages would be an adequate remedy;
- (b) The Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach

of the Agreement, whereupon all reasonable expenses whether arising out of the entry onto the Lands or from the performance of the covenants or remedial action, shall be a first lien on the Lands and be shown on any tax certificate issued under the *Assessment Act*;

- (c) The Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; or
- (d) In addition to the above remedies, the Municipality reserves the right to pursue any other remedy under the *Halifax Regional Municipality Charter* or Common Law in order to ensure compliance with this Agreement.

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

SIGNED, SEALED AND DELIVERED in the presence of:

(Insert Registered Owner Name)

Witness

Per: _____

HALIFAX REGIONAL MUNICIPALITY

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

Witness

Per: _____

MAYOR

Witness

Per: _____

MUNICIPAL CLERK

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this _____ day of _____, 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.

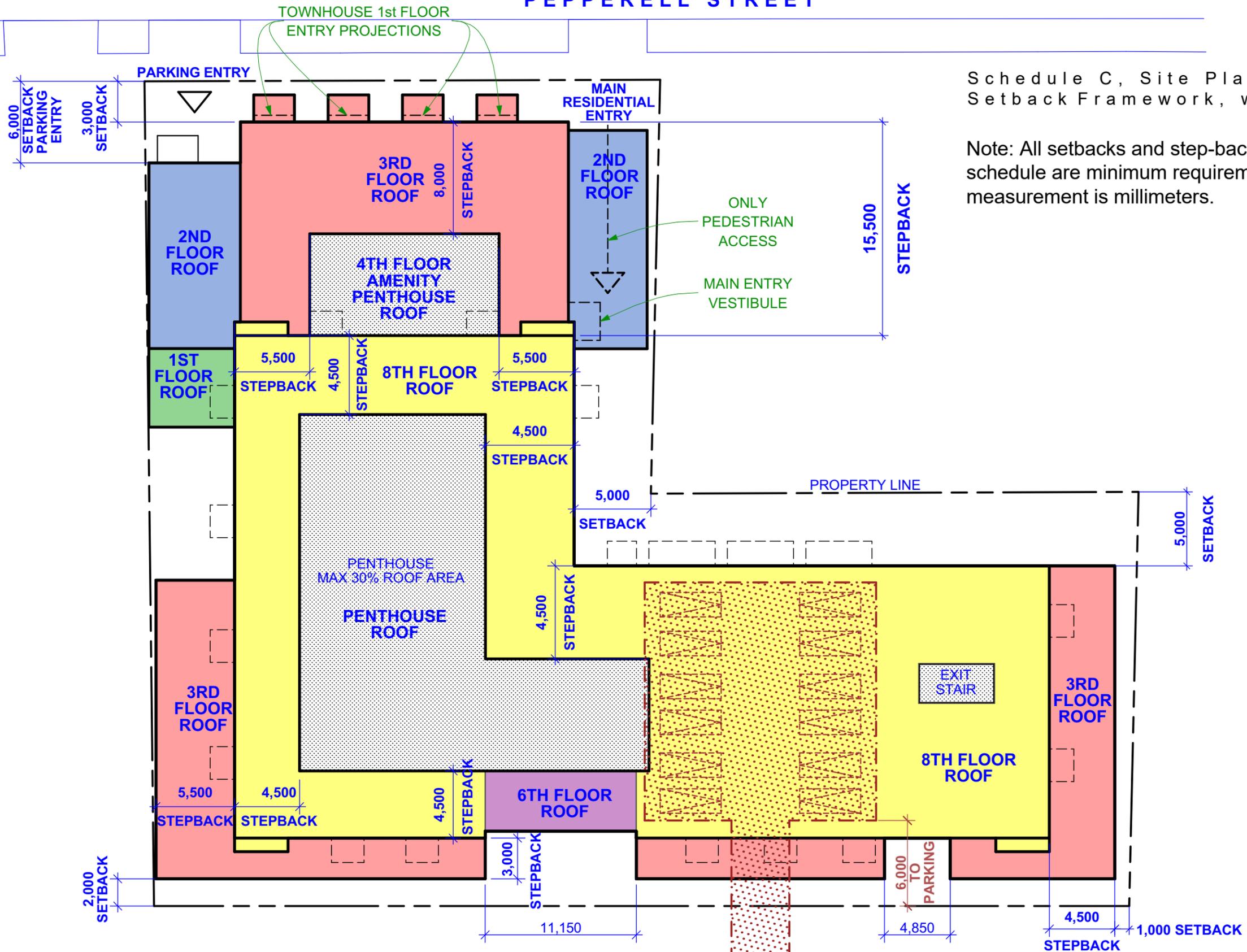
A Commissioner of the Supreme Court
of Nova Scotia

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 Iain MacLean, 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

PEPPERELL STREET



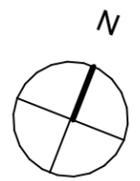
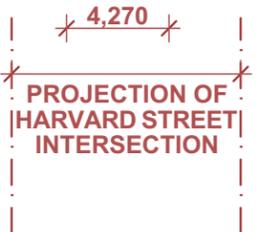
Schedule C, Site Plan and Setback Framework, with Parking

Note: All setbacks and step-backs shown on this schedule are minimum requirements. The unit of measurement is millimeters.

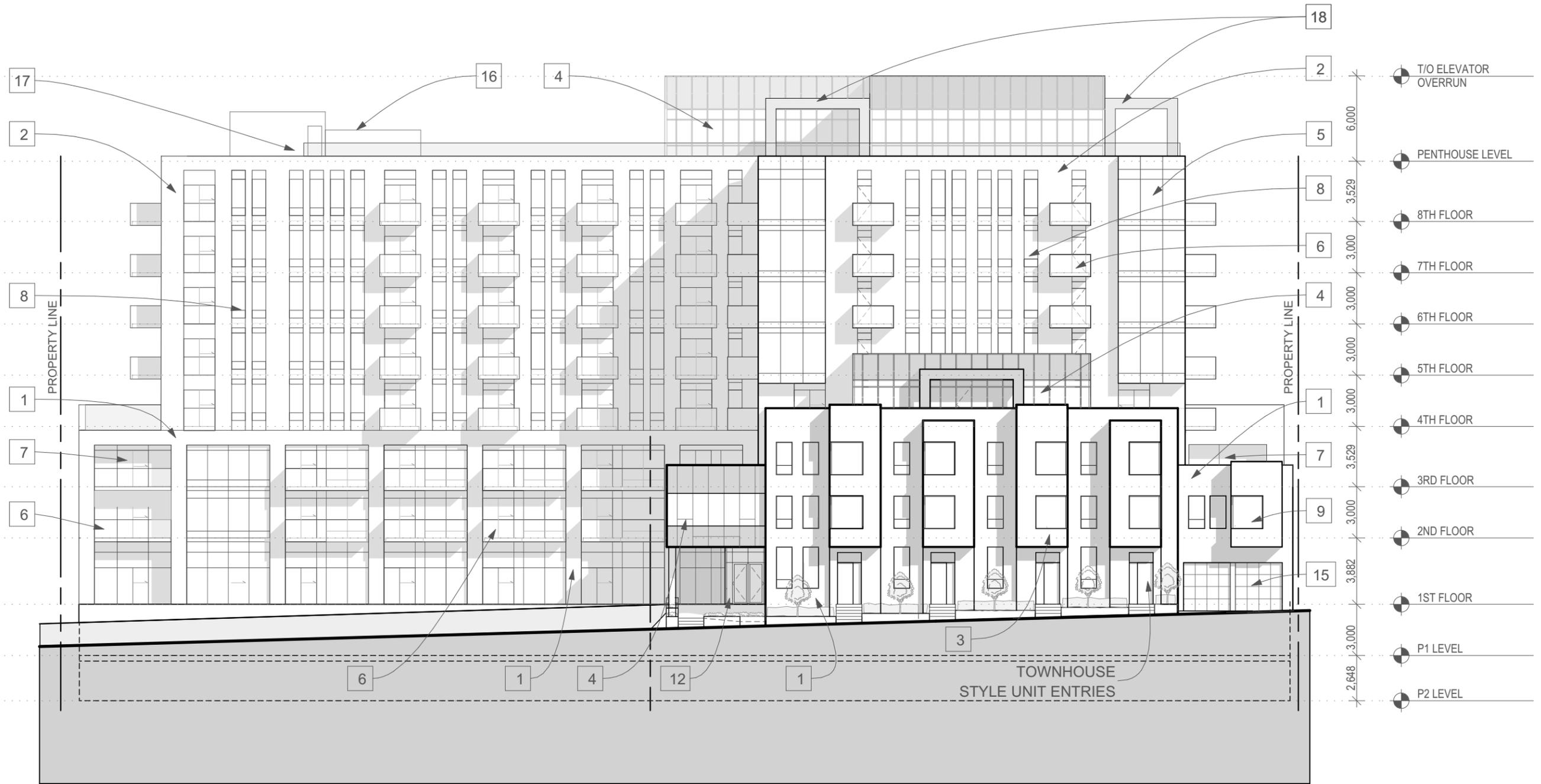
LEGEND

- BALCONY
- BAY WINDOW
- SCREEN PARKING OPTION WITH DRIVEWAY CUT (PENDING HRM APPROVAL)

QUINPOOL ROAD

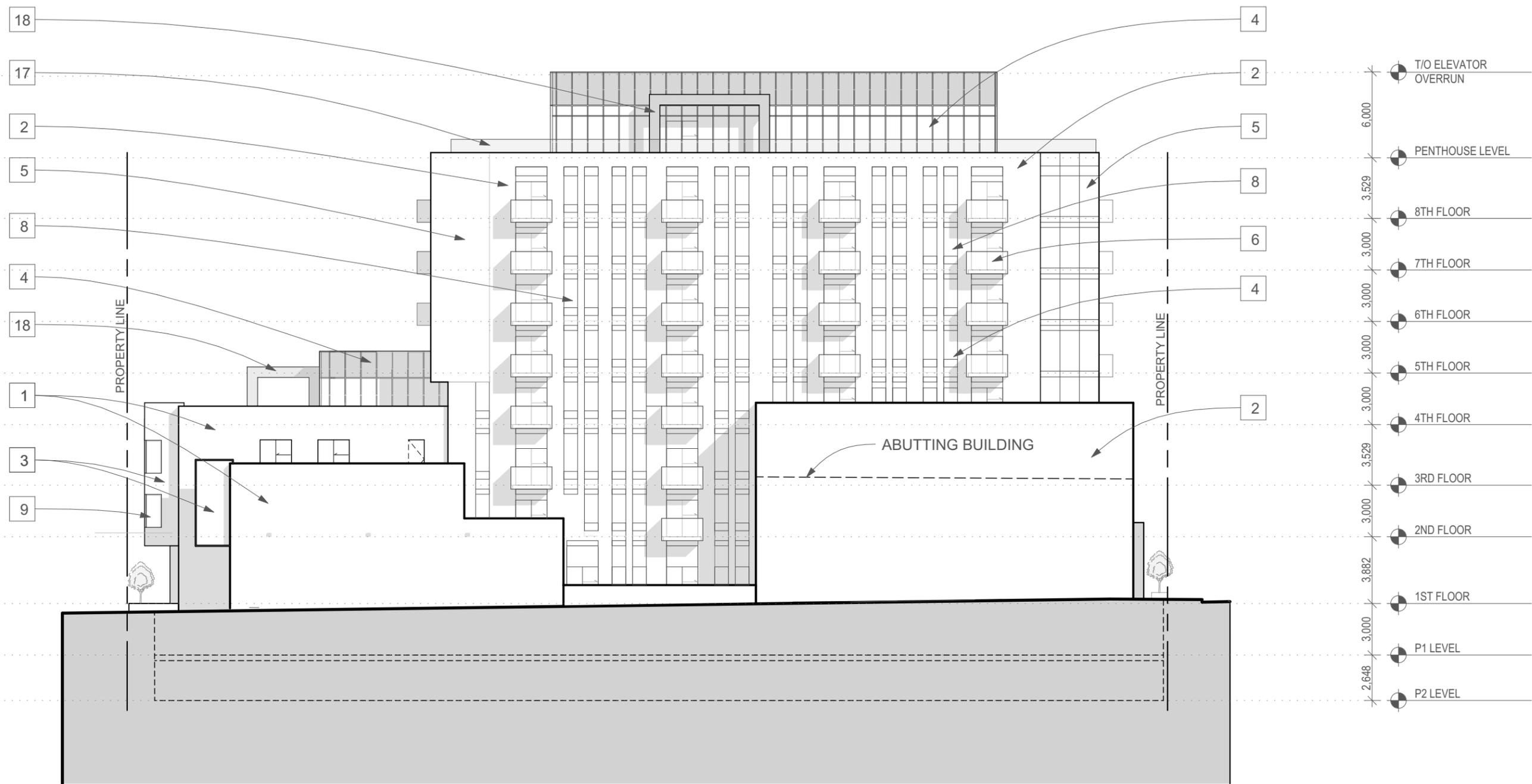


Schedule D, Building Elevations



PEPPERELL (SOUTH) ELEVATION

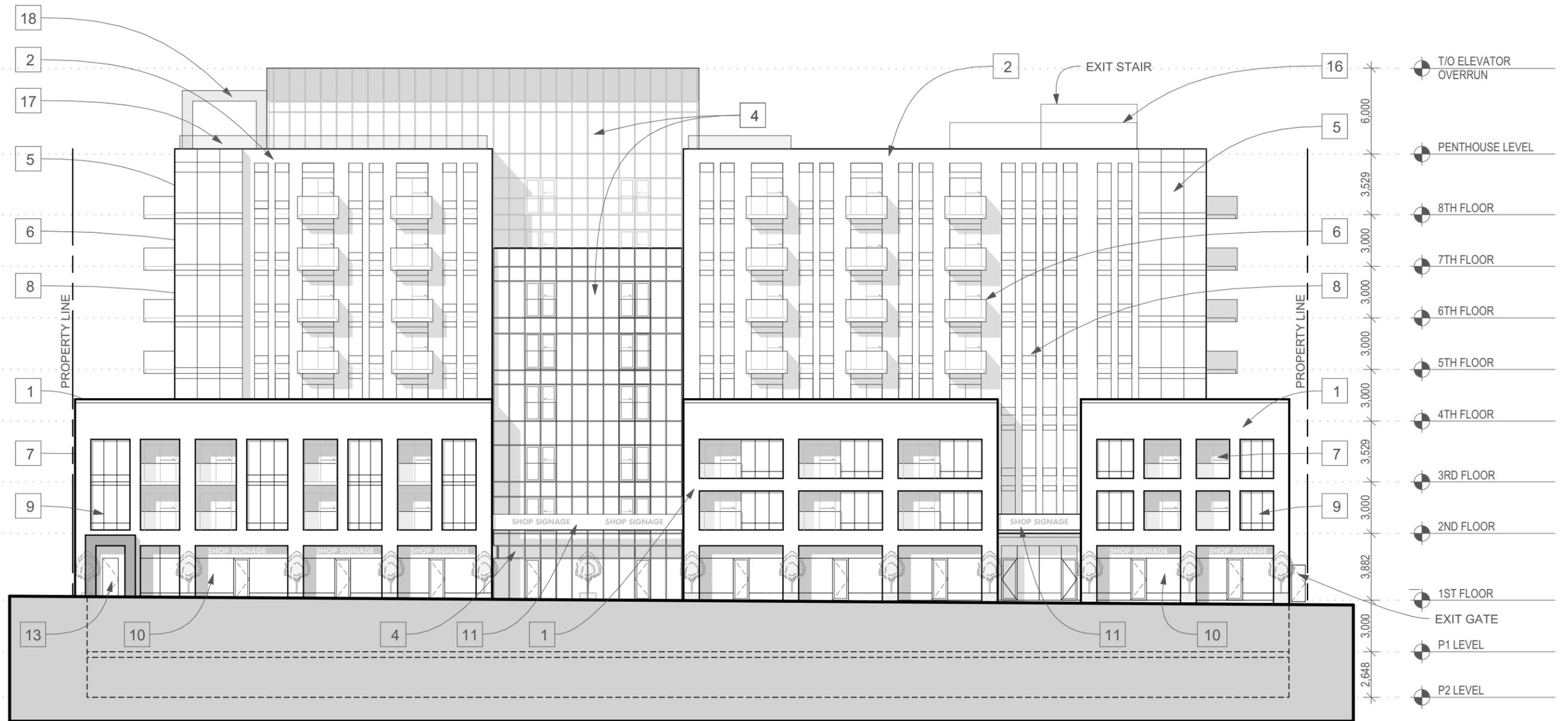
LEGEND OF EXTERIOR MATERIALS & NOTES			
1	MASONRY	10	RETAIL SHOP FRONT
2	NON-COMBUSTIBLE METAL-LOOK CLADDING	11	SIGNAGE BAND
3	NON-COMBUSTIBLE WOOD-LOOK CLADDING	12	MAIN RESIDENTIAL ENTRY / EXIT
4	GLAZING SYSTEM	13	RESIDENTIAL CONVENIENCE DOOR
5	GLAZED BAY WINDOWS	14	EXIT DOOR
6	GLAZED BY-PASS BALCONY RAILINGS	15	UNDERGROUND PARKING ENTRY / EXIT
7	RECESSED BALCONIES	16	ALUMINUM LOUVRED HVAC SCREEN
8	VERTICAL RIBBON WINDOWS	17	GLASS RAILINGS
9	PUNCHED WINDOWS	18	CANOPY / TRELLIS



EAST ELEVATION

LEGEND OF EXTERIOR MATERIALS & NOTES

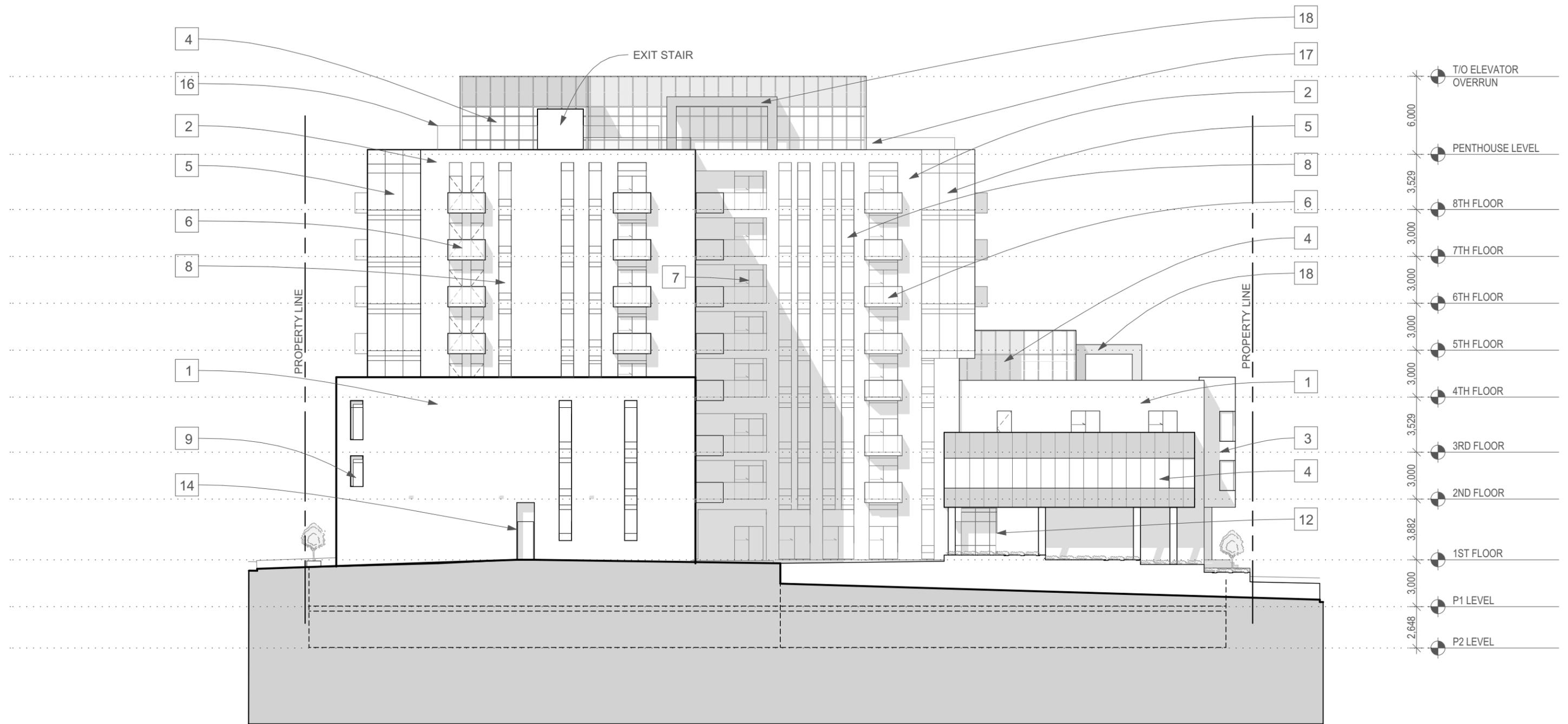
1	MASONRY	10	RETAIL SHOP FRONT
2	NON-COMBUSTIBLE METAL-LOOK CLADDING	11	SIGNAGE BAND
3	NON-COMBUSTIBLE WOOD-LOOK CLADDING	12	MAIN RESIDENTIAL ENTRY / EXIT
4	GLAZING SYSTEM	13	RESIDENTIAL CONVENIENCE DOOR
5	GLAZED BAY WINDOWS	14	EXIT DOOR
6	GLAZED BY-PASS BALCONY RAILINGS	15	UNDERGROUND PARKING ENTRY / EXIT
7	RECESSED BALCONIES	16	ALUMINUM LOUVRED HVAC SCREEN
8	VERTICAL RIBBON WINDOWS	17	GLASS RAILINGS
9	PUNCHED WINDOWS	18	CANOPY / TRELLIS



QUINPOOL (NORTH) ELEVATION

LEGEND OF EXTERIOR MATERIALS & NOTES

1	MASONRY	10	RETAIL SHOP FRONT
2	NON-COMBUSTIBLE METAL-LOOK CLADDING	11	SIGNAGE BAND
3	NON-COMBUSTIBLE WOOD-LOOK CLADDING	12	MAIN RESIDENTIAL ENTRY / EXIT
4	GLAZING SYSTEM	13	RESIDENTIAL CONVENIENCE DOOR
5	GLAZED BAY WINDOWS	14	EXIT DOOR
6	GLAZED BY-PASS BALCONY RAILINGS	15	UNDERGROUND PARKING ENTRY / EXIT
7	RECESSED BALCONIES	16	ALUMINUM LOUVRED HVAC SCREEN
8	VERTICAL RIBBON WINDOWS	17	GLASS RAILINGS
9	PUNCHED WINDOWS	18	CANOPY / TRELLIS

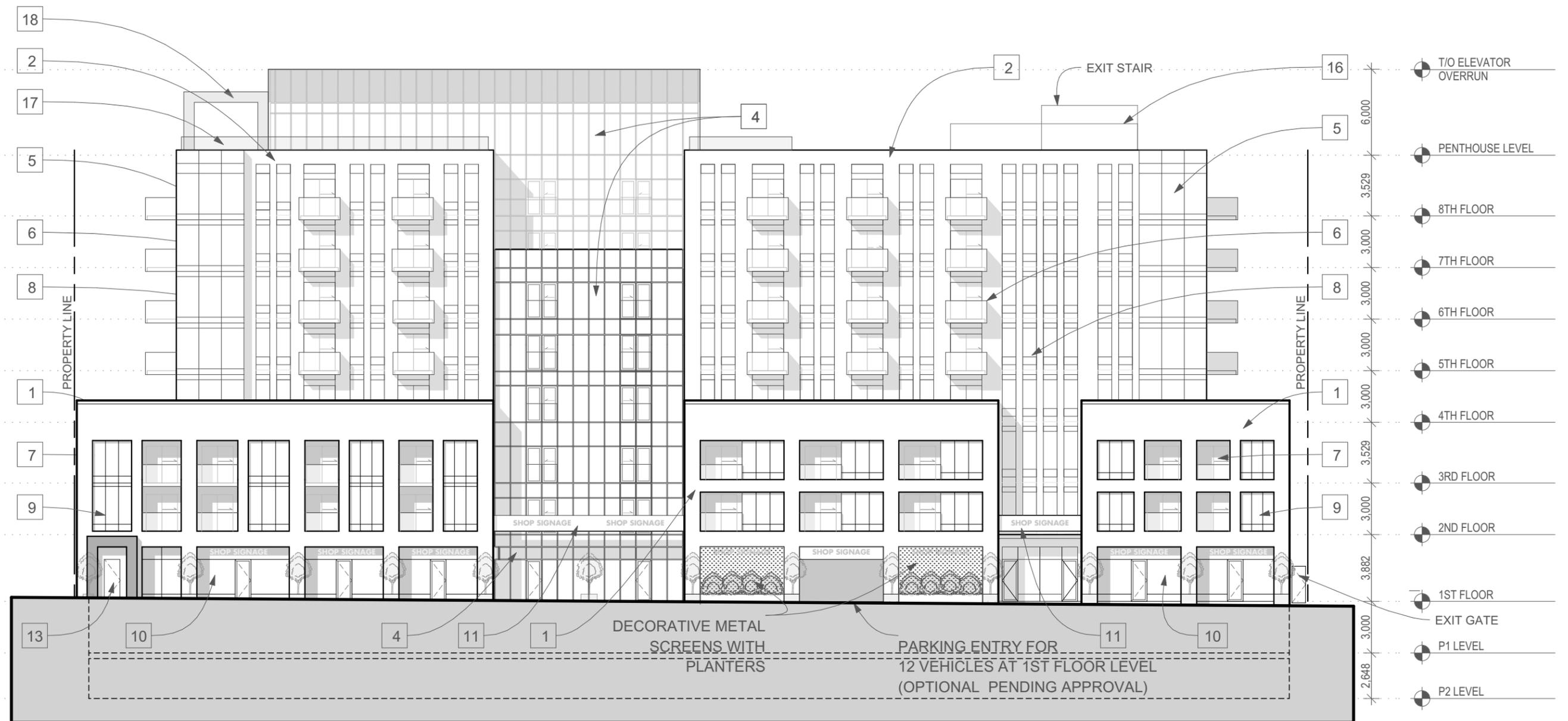


WEST ELEVATION

LEGEND OF EXTERIOR MATERIALS & NOTES

1	MASONRY	10	RETAIL SHOP FRONT
2	NON-COMBUSTIBLE METAL-LOOK CLADDING	11	SIGNAGE BAND
3	NON-COMBUSTIBLE WOOD-LOOK CLADDING	12	MAIN RESIDENTIAL ENTRY / EXIT
4	GLAZING SYSTEM	13	RESIDENTIAL CONVENIENCE DOOR
5	GLAZED BAY WINDOWS	14	EXIT DOOR
6	GLAZED BY-PASS BALCONY RAILINGS	15	UNDERGROUND PARKING ENTRY / EXIT
7	RECESSED BALCONIES	16	ALUMINUM LOUVRED HVAC SCREEN
8	VERTICAL RIBBON WINDOWS	17	GLASS RAILINGS
9	PUNCHED WINDOWS	18	CANOPY / TRELLIS

Schedule E, Building Elevations, Quinpool Road Parking



**QUINPOOL (NORTH) ELEVATION
WITH OPTIONAL SCREEN PARKING**

LEGEND OF EXTERIOR MATERIALS & NOTES			
1	MASONRY	10	RETAIL SHOP FRONT
2	NON-COMBUSTIBLE METAL-LOOK CLADDING	11	SIGNAGE BAND
3	NON-COMBUSTIBLE WOOD-LOOK CLADDING	12	MAIN RESIDENTIAL ENTRY / EXIT
4	GLAZING SYSTEM	13	RESIDENTIAL CONVENIENCE DOOR
5	GLAZED BAY WINDOWS	14	EXIT DOOR
6	GLAZED BY-PASS BALCONY RAILINGS	15	UNDERGROUND PARKING ENTRY / EXIT
7	RECESSED BALCONIES	16	ALUMINUM LOUVRED HVAC SCREEN
8	VERTICAL RIBBON WINDOWS	17	GLASS RAILINGS
9	PUNCHED WINDOWS	18	CANOPY / TRELLIS

Attachment B: Review of MPS Policies

MPS Policy	Comments on DA
Section XVI: SITE-SPECIFIC POLICIES IN KEEPING WITH THE JUNE 2017 CENTRE PLAN DOCUMENT	
<p><u>10.2 Regulating Development</u> An 8-storey mixed-use building, with a three storey section facing Pepperell Street, shall be permitted by development agreement. This height generally aligns with the height framework proposed by the June 2017 Centre Plan. The building size and design is appropriate for the Quinpool Centre, an area identified for redevelopment and high densities. The three storey section transitions to the low-rise context of Pepperell Street.</p>	<p>The DA permits an 8-storey building, with a 3-storey section that faces Pepperell Street. The building massing is consistent with the overall policy intent.</p>
<p><u>10.2.1 Development Agreement Provisions</u> (1) Notwithstanding other policies of this Municipal Planning Strategy except 10.2.1(2), a development agreement for the property located at 6324 and 6330 Quinpool Road shall:</p>	
<p>a) permit a multi-unit, mixed-use building, up to 8 storeys in height on part of the property near Quinpool Road, and up to 3 storeys in height on the part of the site closer to Pepperell Street;</p>	<p>The DA permits an 8-storey building, with a 3-storey section that faces Pepperell Street. The 8-storey section of the building is set back 18.5 metres from Pepperell Street. Schedule D of the DA shows this on building elevations.</p>
<p>b) permit a range of uses that serve both a local and regional population, including: residential, office, retail, service, restaurants, institutional, cultural and entertainment uses, and establishments licensed to serve alcohol;</p>	<p>The DA permits: residential uses; restaurants and licensed alcohol establishments (excluding cabarets and lounges); micro brewery or micro distillery; banks and office uses (up to 4,000 square metres); retail uses; commercial recreation uses; personal and professional services; daycares; institutional uses; medical clinics and medical offices; cultural uses; work-live units; commercial parking</p>
<p>c) limit the commercial uses that are permitted to front on Pepperell Street;</p>	<p>The following uses are not permitted to front on Pepperell Street: restaurants and licensed alcohol establishments; micro brewery or micro distillery; banks and office uses; retail uses and pharmacies; and commercial recreation uses</p>
<p>d) require a mix of residential unit types;</p>	<p>The DA requires that at least 30% of all units have two or more bedrooms.</p>
<p>e) require the façade facing Pepperell Street to have units with ground level entrances that connect to the sidewalk;</p>	<p>The façade facing Pepperell Street has four units with ground level entrances, as shown on Schedule D of the DA.</p>

Attachment B: Review of MPS Policies

<p>f) restrict the streetwall height facing Quinpool Road to 3 storeys, and require a setback above the streetwall;</p>	<p>The DA requires a 3 storey streetwall, as shown in the elevations that form Schedule D. The setback plan (Schedule B) shows a 3 metre horizontal setback above the streetwall.</p>
<p>g) permit a penthouse structure above the 8th floor, containing mechanical equipment, elevator overruns, common amenity space and up to 2 residential units, which shall be setback from the edge of the roof and shall not cover more than 30% of the building's roof;</p>	<p>The penthouse is setback at least 4.5 metres from roof edges and covers 30 percent of the building's roof.</p>
<p>h) permit a penthouse structure above the 3rd floor mid-block portion of the building, containing common amenity space, which shall be setback from the roof edges;</p>	<p>There is a setback above the 3rd floor that contains common amenity space. It is setback from the roof edges as shown on Schedule B of the DA.</p>
<p>i) minimize the massing of the 8 storey portion of the building by providing generous setbacks from interior property lines above the streetwall height and by stepping back a central portion of the front façade on the 7th and 8th storeys;</p>	<p>The side setbacks above the streetwall heights are 4.5 metres and 5.5 metres. The central portion of the 7th and 8th storeys are stepped back, consistent with this policy.</p>
<p>j) for the 3 storey portion of the building, require building setbacks from side property lines above the second floor, to allow for appropriate transition to neighbouring properties;</p>	<p>For the 3-storey section, there are building setbacks above the 2nd floor, as shown on Schedule B.</p>
<p>k) require indoor and outdoor amenity space for on-site residents;</p>	<p>The DA requires buildings to provide amenity space at a rate of 5 square metres per residential unit. Amenity space must include interior amenity space</p>
<p>l) regulate signage and the external building materials;</p>	<p>The DA regulates signage and prohibits certain cladding materials.</p>
<p>m) regulate landscaping, fencing, outdoor storage, and the planting or retention of trees and vegetation; and</p>	<p>The height of fences or walls next to at-grade residential units is regulated. Soft landscaping (like trees, shrubs and flower beds) are required in landscaped areas.</p>
<p>n) regulate the appearance, location and size of driveways and prohibit surface parking lots.</p>	<p>Exterior surface parking lots are prohibited. Multiple DA clauses regulate driveways, and the driveway location is shown on several Schedules.</p>
<p>(2) In addition to meeting the requirements of Policy 10.2.1 a) to o) inclusive, Council shall also have regard for the following when considering a development agreement for the property located at 6324 and 6330 Quinpool Road:</p>	

Attachment B: Review of MPS Policies

<p>a) the planning principles of transition, pedestrian-oriented, human-scale, building design and context sensitive, as described in Section 2; [see below]</p>	<p>The building's 3-storey streetwall and commercial façade on Quinpool Road are consistent with the pedestrian-oriented, human scale goals for Quinpool Road. The building is 3-storeys next to Pepperell Street, making a transition to the low-rise context.</p>
<p>b) the provision of appropriate changes in building size and massing, to create appropriate transitions to surrounding built forms;</p>	<p>The building's size changes from 8 storeys next to Quinpool to 3 storeys next to Pepperell, which has low rise buildings.</p>
<p>c) the design of at-grade residential units that balance residents' privacy with the desire for attractive and transparent streetwalls;</p>	<p>At-grade residential units face Pepperell Street. The doors open onto stoops that are several steps above the sidewalk. The raised units provide some privacy, while the doors and windows provide an active streetwall.</p>
<p>d) that the design facing Quinpool Road complements a commercial streetscape, through the provision of commercial units with large, transparent windows and at-grade entrances opening onto the sidewalk; and</p>	<p>The design is primarily commercial units with large windows and entrances at grade. The proposed development agreement contains an option to do an enclosed, at-grade parking option, accessible from Quinpool Road, as shown on Schedule E.</p>
<p>e) that the design of driveways and garage entrances minimizes their impact on pedestrians and on the streetscape, by minimizing their size, by setting garage doors back from the street and by using screening or architectural finishes as appropriate.</p>	<p>The proposed development contains an option to do an enclosed, at-grade parking option, accessible from Quinpool Road. This parking area would be screened to compliment the commercial store fronts. The driveway would line up opposite Harvey Street, subject to final approval from the Municipal Engineer. Staff recommends this driveway design should minimize impact on pedestrians and streetscapes.</p>

Planning Principles

MPS Policy	Comments on DA
<p>SECTION XVI: 2. Regional Council directed that five planning principles be used to evaluate the following requests for new Municipal Planning Strategy policy: g) Development at Quinpool Road / Pepperell Street, near Oxford Street, as identified in Section 10.</p>	
<p>a) Transition The proposed building design recognizes surrounding development, especially adjacent low-scale residential buildings, through built form and landscape transitions. This can include setting proposed buildings back from property lines and</p>	<p>The building's size changes from 8 storeys next to Quinpool to 3 storeys next to Pepperell, which has low rise buildings. For the 3-storey section, there are building step backs above the 2nd floor. At-grade residential units face Pepperell Street.</p>

Attachment B: Review of MPS Policies

<p>stepping down the height of proposed buildings as they approach low-rise buildings. Landscaping can be used as a buffer between properties and to soften building elements.</p>	
<p>b) Pedestrian-oriented Pedestrian-oriented means that the proposed building and site design prioritizes the needs and comfort of pedestrians. The intent is to create safe, comfortable, and more enjoyable environments for people of all ages and abilities. Pedestrian-oriented design elements include buildings that are oriented to the street, with safe and inviting pedestrian connections through larger sites. Streetwalls should respond to the rhythm and variety of walking speed. Buildings should provide frequent and prominent entrances, transparent windows, weather protection using awnings and recesses, and be designed to mitigate the impact of required parking accesses and utility features.</p>	<p>At-grade residential units face Pepperell Street, creating a pedestrian-oriented façade.</p> <p>The building’s 3-storey streetwall and commercial façade on Quinpool Road are consistent with the pedestrian-oriented, human scale goals for Quinpool Road. The design facing Quinpool is primarily commercial units with large windows and entrances at grade.</p>
<p>c) Human Scale Human-scale means the impression of a building when seen in relation to its surroundings, or the size and proportion of parts of a building or its details in relation to its surroundings, that relates in a positive way to the visual and physical experience of a pedestrian. Moderately sized buildings, as well as taller buildings with lower scale podiums and architectural detailing, work together with narrow streets, plazas and small pocket parks to create an intimate environment and comfortable experience. Human scale design makes urban environments more interesting, encourages exploration and draws more people to local shops and services.</p>	<p>The building’s 3-storey streetwall and commercial façade on Quinpool Road are consistent with the pedestrian-oriented, human scale goals for Quinpool Road. Balconies and building recesses also help to break the building massing into smaller portions.</p> <p>At-grade residential units face Pepperell Street, creating a pedestrian-oriented, human scale façade.</p>
<p>d) Building Design Design means the overall architectural composition of a building and its orientation on the site. Proposed buildings should provide visual interest from all vantage points, and especially from the street. The building’s façade should be articulated vertically and horizontally using a combination of windows, changes to materials and material treatments and other architectural façade elements. Coordinated building elements (like lighting and signage) and site elements (like</p>	<p>As shown on the building elevations, the building’s façade is articulated horizontally and vertically. Elements such as the streetwall, windows and balconies create rhythm and articulation across the front façade.</p>

Attachment B: Review of MPS Policies

<p>landscaping) contribute to the overall quality of the design.</p>	
<p>e) Context Sensitive The proposed building's design respects the character of the surrounding neighbourhood. The scale, form, and materials used respond to the architectural character of the neighbourhood. Next to heritage buildings or streetscapes, the proposed building complements and enhances the heritage features.</p>	<p>The building fits well with the Quinpool Road commercial context, by providing a commercial ground floor and well-articulated façade.</p> <p>The three storey height and the at-grade residential units fit the residential character of Peppereil Street.</p>

Attachment 3



**HALIFAX PENINSULA PLANNING ADVISORY COMMITTEE
PUBLIC INFORMATION MEETING
MINUTES
October 11, 2018**

PRESENT: Jeana Macleod, Vice Chair
Matthew Novak
Houssam Elokda
Ashley Morton
Margo Grant
Councillor Lindell Smith

REGRETS: Sarah MacDonald, Chair
Grant Cooke
Jason Cooke
Deputy Mayor Wayne Mason

STAFF: Tyson Simms, Planner II, Planning & Development
Miles Agar, Planner, Planning & Development
Hannah Forsyth, Legislative Support, Office of the Municipal Clerk

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

The agenda, supporting documents, and information items circulated to the Committee are available online at Halifax.ca

The meeting was called to order at 6:57 p.m. and the Committee adjourned at 8:00 p.m.

1. CALL TO ORDER

The Vice Chair called the meeting to order at 6:57 p.m. at the St. Andrews United Church Upper Hall, 6036 Coburg Road, Halifax NS. The Vice Chair introduced the Committee and outlined the schedule of the evening and the importance of the public feedback.

2. PUBLIC INFORMATION MEETING

Case 20520- Dixel Developments Ltd. is applying to amend the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-Law to enable an 8-storey mixed-use development at 6324 & 6330 Quinpool Road, Halifax.

The Vice Chair invited Tyson Simms, Planner II, to present Case 20520. Simms described the context and outlined the proposal. Simms highlighted that the applicant proposes to develop an 8-storey (plus penthouse) building with a 4-storey portion of the building facing Pepperell Street. The proposal includes ground floor commercial uses facing Quinpool Road and 6 units in stacked townhouses on Pepperell Street. Simms made note of the relevant existing land use by-laws, as well as Council's direction to align with the Centre Plan document principles of transition, pedestrian orientation, human-scale context sensitivity and building design.

The Vice Chair then called on the applicant, Louie Lawen from Dixel developments. The applicant gave an overview of the building, with specific detail on the exterior features, amenity space, sidewalk widths and accessible public parking spaces.

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

Jimmy Elios, Quinpool Rd, stated that they were in favour of the development. As a business owner in the area, Elios felt that the development would bring foot traffic to Quinpool Road and a greatly needed increase in clientele.

Peggy Isseman, Pepperell Street, asked about the adjacent proposal in relation to the proposed development currently being discussed. Isseman warned of increasingly bad traffic and the adverse effects of residential homes possibility being "walled in" by these developments.

Yasim, Halifax, stated the importance of affordable housing in the area. Yasim asked what the average rent would be per units and asked that there be a consideration for renters and students.

Catherine, Chestnut & Shirley Street, asked when the development would begin and if the nearby developments would begin construction at the same time.

Graham Well, Halifax, asked if the sewer system would exceed its capacity with the three new developments in the area. Well expressed concern that without enough parking spaces, there may be an overflow onto nearby street parking. Well also stated that the parking lot entrance is close to the intersection of Quinpool & Oxford and a bus stop.

Joachim Stroink, Halifax, thanked the developer for investing in the city. Stroink stated that the area is in need of the density the development would bring and that with increased density local small businesses would flourish.

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

3. ADJOURNMENT

The meeting adjourned at 8:00 p.m.

Hannah Forsyth
Legislative Support

Attachment D



HALIFAX PENINSULA PLANNING ADVISORY COMMITTEE MINUTES December 10, 2018

PRESENT: Sarah MacDonald, Chair
Jeana Macleod, Vice Chair
Matthew Novak
Councillor Lindell Smith
Margo Grant
Councillor Waye Mason
Chloe Berezowski
Jason Cooke

STAFF: T. Scott Low, Planner II, Planning & Development
Sean Gillis, Planner II, Planning & Development
Miles Agar, Principal Planner
Hannah Forsyth, Legislative Support, Office of the Municipal Clerk

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

The agenda, supporting documents, and information items circulated to the Committee are available online at Halifax.ca

The meeting was called to order at 4:35 p.m. and the Committee adjourned at 6:25 p.m.

1. CALL TO ORDER

The Chair called the meeting to order at 4:35 pm at Halifax Hall, 2nd Floor City Hall 1841 Argyle Street, Halifax NS.

2. COMMUNITY ANNOUNCEMENTS

3. APPROVAL OF MINUTES - NONE

4. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS

MOVED by Jeana Macleod, seconded by Jason Cooke

THAT the agenda be approved as presented

MOTION PUT AND PASSED

5. BUSINESS ARISING OUT OF THE MINUTES - NONE

6. CALL FOR DECLARATION OF CONFLICT OF INTERESTS - NONE

7. CONSIDERATION OF DEFERRED BUSINESS- NONE

8. CORRESPONDENCE, PETITIONS & DELEGATIONS - NONE

9. INFORMATION ITEMS BROUGHT FORWARD – NONE

10. REPORTS/DISCUSSION

10.1 STAFF

10.1.1 Case 22020

Scott Low, Planner II, presented the rationale behind the request that staff prepare a recommendation report outlining potential amendments to the Halifax Peninsula LUB RC-1 Zone that will define grocery and pharmacy use, and limit hours of operation in the RC-1 Zone. Low stated that the Halifax Peninsula LUB does not define grocery or drug stores and concern was raised that the lack of definition led to overly permissive use with negative effects on neighbourhoods from grocery stores operating late night and early morning hours selling food. Other Plan Areas and their By-laws define grocery store or similar. There are 25 properties currently zoned RC-1 in the Halifax Peninsula.

Low noted that the Centre Plan will need to be considered and that staff are currently looking to see if Regional Council would allow for nuisance control in a By-Law. In addition, Low stated there would be a separate recommendation on fumes and licensing, and that public engagement is still necessary.

The Committee asked how existing drugstores would be affected. Staff clarified that drugstores that operate 24/7 for emergency purposes would be treated separately and that in the future the Centre Plan will define what a drugstore is. Staff defined an RC-1 as a neighbourhood commercial zone, that is supposed to be a place for you to walk to in your community. The Committee noted that the nuisance issues are likely related to the hours of operation. The Committee asked for the objective of the report. Staff responded that they are seeking to start the conversation in advance of seeking public input.

MOVED by Councillor Waye Mason, seconded by Margo Grant

THAT the Halifax Peninsula Planning Advisory Committee endorses staff direction in a recommendation report regarding RC-1 zone.

MOVED by Margo Grant, seconded by Jason Cooke

THAT the motion be amended such that the Halifax Peninsula Planning Advisory Committee notes the following:

- **Agrees that issues are associated with nuisance activities, such as noise at late hours**
- **Nuisance activities are not compatible with quiet enjoyment of residential neighborhoods**

MOTION TO AMEND PUT AND PASSED

The question was called on the amended motion as follows:

THAT the Halifax Peninsula Planning Advisory Committee endorses staff direction in a recommendation report regarding RC-1 zone.

The committee also:

- **Agrees that issues are associated with nuisance activities, such as noise at late hours**
- **Nuisance activities are not compatible with quiet enjoyment of residential neighborhoods**

AMENDED MOTION PUT AND PASSED

10.1.2 Case 20520

Sean Gillis, Planner II, described the building proposal and context in detail. The proposal is an 8 storey building with a penthouse and Case 21115 is adjacent. Gillis stated that as per Regional Council direction, the Centre Plan document pillars are to continue to guide direction on these applications. The Committee asked if the building was considered 8 or 9 storeys. This led to a discussion over penthouses and utility spaces and whether utility units qualify as a storey given Nova Scotia building code requirements. Staff clarified that there is no formal planning definition and asked the committee to present their feedback in terms of the impact on the community. The Committee asked further questions of fact on the ground floor area ratio, gross floor area and whether the penthouse was included in those calculations. Staff stated that the calculations exclude mechanical areas and elevators. The Committee asked for the distance between the eighth floor and the roof line, staff stated it was 5 meters.

MOVED by Councillor Waye Mason, seconded by Councillor Lindell Smith.

THAT the Halifax Peninsula Planning Advisory Committee recommends that the Halifax & West Community Council proceed with the approval of Case 20520.

The Committee continued to discuss the design, hourly paid parking, bicycle access, traffic concerns, landscaping potential and multiple bedroom units. The Committee noted the importance of maintaining the street wall height in the area and encouraging small business by creating smaller commercial spaces on the ground floor. Overall, the Committee appreciates the consideration of floor area ratio and volume measures as a priority over overall height of proposed developments in draft Centre Plan Corridors and recommends that planning staff consider any floor that is intended to have residential units be considered as a storey and defined as such; thus, in this case the proposal should be described as a 9 storey building.

MOVED by Jason Cooke, seconded by Jeana Macleod

THAT the motion be amended such that the Halifax Peninsula Planning Advisory Committee notes the following:

- Appreciates street wall height on Pepperell St. as an appropriate transition to the surrounding neighborhood;
- Recommends a reduction in the Quinpool street wall to 2 storeys to be more consistent with other developments in the area and improve pedestrian experience;
- Appreciates the changes in floor plans and site plan from prior submitted documents, including increase in square footage of the units and increased step-backs on Pepperell;
- Encourages inclusion of more 3-bedroom apartments that allow for larger families;
- Encourages further division of commercial space to provide space for small businesses;
- Appreciates applicant's plans to have paid public parking within the building, and encourage developer to restrict number of resident parking spots to equal or less than the number of residential units;
- Recommends inclusion of bicycle parking on main level of parking to aid access and storage;
- Appreciates parking entrance placement on Quinpool Road to reduce traffic impact on Pepperell St.;
- Encourages collaboration between planning staff and applicant to incorporate accessible parking opportunities;
- Appreciates plans to preserve existing tree on Pepperell St., and recommends consideration of additional landscaping along Quinpool;
- Supports additional density on Quinpool corridor;
- Recommends inclusion of lighting along walkway corridor on Pepperell St.;
- Encourages efforts to move utilities and wiring underground during construction.

MOTION TO AMEND PUT AND PASSED

The question was called on the amended motion as follows:

THAT the Halifax Peninsula Planning Advisory Committee recommends that the Halifax & West Community Council proceed with the approval of Case 20520 with the following considerations.

The committee:

- Appreciates street wall height on Pepperell St. as an appropriate transition to the surrounding neighborhood;
- Recommends a reduction in the Quinpool street wall to 2 storeys to be more consistent with other developments in the area and improve pedestrian experience;
- Appreciates the changes in floor plans and site plan from prior submitted documents, including increase in square footage of the units and increased step-backs on Pepperell;
- Encourages inclusion of more 3-bedroom apartments that allow for larger families;
- Encourages further division of commercial space to provide space for small businesses;
- Appreciates applicant's plans to have paid public parking within the building, and encourage developer to restrict number of resident parking spots to equal or less than the number of residential units;
- Recommends inclusion of bicycle parking on main level of parking to aid access and storage;
- Appreciates parking entrance placement on Quinpool Road to reduce traffic impact on Pepperell St.;

- **Encourages collaboration between planning staff and applicant to incorporate accessible parking opportunities;**
- **Appreciates plans to preserve existing tree on Pepperell St., and recommends consideration of additional landscaping along Quinpool;**
- **Supports additional density on Quinpool corridor;**
- **Recommends inclusion of lighting along walkway corridor on Pepperell St;**
- **Encourages efforts to move utilities and wiring underground during construction.**

AMENDED MOTION PUT AND PASSED

10.1.3 Proposed Meeting Schedule for 2019

MOVED by Mathew Novak, seconded by Councillor Lindell Smith

THAT Halifax Peninsula Planning Advisory Committee approve the proposed 2019 meeting schedule as outlined in the report dated November 23, 2018.

The Committee noted a friendly amendment to the schedule and corrected the meeting time from 4pm to 4:30pm.

10.2 COMMITTEE MEMBERS - NONE

11. ADDED ITEMS - NONE

12. DATE OF NEXT REGULAR MEETING – January 28th, 2019

13. ADJOURNMENT

The meeting adjourned at 6:25 p.m.

Hannah Forsyth
Legislative Support