



P.O. Box 1749  
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**Item No. 10.1.1**  
**Harbour East - Marine Drive Community Council**  
**Special Meeting**  
**June 24, 2021**  
**August 5, 2021**

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

***-Original Signed-***

**SUBMITTED BY:** Kelly Denty, Executive Director of Planning and Development

**DATE:** May 18, 2021

**SUBJECT:** Case 22487: Development Agreement for 112 & 114 Wyse Road, Dartmouth

**ORIGIN**

Application by Fathom Studios Inc.

**LEGISLATIVE AUTHORITY**

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

**RECOMMENDATION**

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

1. Give notice of motion to consider the proposed development agreement, as set out in Attachment A, to enable a 20-storey mixed-use multi-unit building at the corner of Wyse Road and Nantucket Avenue in Dartmouth 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 240 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**

Fathom Studios Inc., on behalf of the property owner, is applying to enable the construction of a 20-storey mixed use, multi-unit building on the corner of Wyse Road and Nantucket Avenue in Dartmouth.

<b>Subject Site</b>	112 & 114 Wyse Road, Dartmouth
<b>Location</b>	Northeast corner of Wyse Road and Nantucket Avenue, Dartmouth
<b>Regional Plan Designation</b>	Urban Settlement (US)
<b>Community Plan Designation (Map 1)</b>	Centre (CEN) Designation
<b>Zoning (Map 2)</b>	Centre-2 (CEN-2) Zone
<b>Size of Site</b>	1,091 sq. m (11,750 sq. ft.) & 840 sq. m. (9,133 sq. ft.)
<b>Street Frontage</b>	15.24 m (50 ft.)
<b>Current Land Use(s)</b>	Commercial Building
<b>Surrounding Use(s)</b>	Commercial and Institutional uses (Transit facility and Community Facility)

### **Proposal Details**

The applicant proposes to construct a 20-storey mixed use, multi-unit building. The major aspects of the proposal are as follows:

- A 16-storey residential tower atop a 4-storey podium;
- Permitted uses under the Centre 2 (CEN-2) Zone of the Regional Centre Land Use By-law which includes residential and commercial/office uses;
- Approximately 160 residential units are proposed, 25% of which are required to be at least 2-bedroom units; and
- A total of 1,334 sq. m. of amenity space which equals approx. 8.3 sq. m. (~89 sq. ft.) of amenity space per unit;

### **Enabling Policy and LUB Context**

The Dartmouth MPS and Land Use By-law no longer regulate properties identified in Package A of the Regional Centre Plan area. Instead, these properties are regulated by the Regional Centre Secondary Municipal Planning Strategy and Land Use By-law (Package "A"). However, Policy 10.25 of the Regional Centre SMPS allows for applications which were on file before Council gave notice of its intent to consider the adoption of the Package "A" planning documents (August 24, 2019) to continue to be considered under the existing policies in effect on the date of the notice. Additionally, Policy 10.25 requires that the application must proceed to a public hearing within 24 months of the effective date of the adoption of the RCSMPS (September 17, 2019).

This application meets the criteria of Policy 10.25, and therefore the proposal may be evaluated in accordance with the Dartmouth MPS policies, which requires approval by Community Council before a building can be constructed. This enabling policy requires the proposal to be consistent and compatible with the existing neighbourhood and consideration be given to exterior design, density, massing, landscaping, amenity space and traffic. Additionally, Policy 10.26 requires that applications considered under policy 10.25 include project commencement dates not exceeding three years, and project completion dates not exceeding 6 years.

The subject property is currently zoned Centre-2 (CEN-2) under the Centre Plan. The Centre-2 Zone is one of the highest-intensity zones and permits mixed-use development in mid-rise to high-rise buildings. The Centre zones permit a broad range of uses inclusive of residential, office, retail, commercial, personal service, restaurant, and institutional uses. The Centre zones are located in areas appropriate for increased density and are in proximity to a high concentration of existing services.

## **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation and was achieved through providing information and seeking comments through the HRM website (1,611 unique views), signage posted on the subject site, letters mailed to property owners within the notification area, and an online survey. Attachment B contains a summary report of the feedback received; however public comments received generally include the following topics:

- need to provide affordable housing;
- great location and provides much needed density/apartment units;
- wind concerns were raised by several respondents;
- most respondents believe it fits the neighbourhood and site, acknowledging this is the first building in a transitioning neighbourhood. There were some who disagreed and believe it is too tall and big; and
- traffic/access concerns were raised as both streets receive high volumes of traffic.

A public hearing must be held by Harbour East – Marine Drive Community Council before they can consider approval of the proposed development agreement. Should Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 3 will be notified of the hearing by regular mail.

## **DISCUSSION**

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

### **Proposed Development Agreement**

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

- Height, siting, massing, and exterior design of the building;
- Required unit mix; a minimum of 25% of the units containing two or more bedrooms;
- Required minimum indoor and outdoor amenity space and locations;
- Site access location and requirements for vehicular parking;
- Signage and lighting; and
- Provisions for non-substantive amendments that include:
  - Changes to parking requirements and driveway access;
  - Changes to the Nantucket façade to accommodate any possible street improvements on Nantucket Avenue;
  - Changes to setbacks to accommodate Nova Scotia Power setback requirements;
  - Changes to building design to allow required wind mitigation efforts;
  - Changes to the building materials; and
  - Changes to the commencement and completion dates in accordance with the limitations placed on these within the Regional Centre Municipal Planning Strategy.

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

### Traffic and Access

A traffic impact study concluded that as the building is strategically located on several core transportation routes, and has direct access to robust transit and active transportation networks, it will contribute a very small amount of traffic to the adjacent roadways and is not expected to have any significant impact on the level of performance of the local streets, the adjacent intersections, or the regional street network. The intuitive location for a driveway entrance would be at the rear of the building facing the Halifax Transit Bridge Terminal, however as this land is outside of the proposed agreement and is part of the Dartmouth Commons, legislative restraints found in the *HRM Charter* restrict access at this location. After extensive research it was determined the only location for a driveway entrance is mid-block, off Nantucket Avenue, via right in/right out turns only. This proposed location was reviewed and accepted by HRM Development Engineering.

### Wind Mitigation

A wind impact study was completed that employed a CFD simulation (Computational Fluid Dynamics) to model the wind impacts of the building on the local area at different times of the year. The study found two problematic locations where in extreme wind events potential wind speeds exceed accepted industry standards for pedestrian wind comfort and safety levels (wind speeds over 15 m/s for more than a minute). These locations are at the corner of Wyse Road and Nantucket Avenue, and at the 5th floor terrace. The development agreement requires wind mitigation efforts at these two locations and a certification by a qualified professional that those wind mitigation efforts will achieve accepted industry standards for pedestrian wind comfort and safety for the intended use of these areas.

### Building Design & Amenity Space

The proposed building faces three internal property lines on its north, east, and south elevations. The north elevation adjoins a parcel of land intended for future right-of-way expansion on Nantucket Avenue. The surrounding context offers little in the way of continuity in the form of building size, building height, or use. Surrounding uses include a mix of institutional, office commercial, retail commercial, and residential, while buildings range from 1 storey to 19 storeys in height. This eclectic context offers minimal guidance in applying policy requiring consistency. Designed for the limitations placed on the site, the flat iron treatment and curved facade relieves the perceived bulk of the building and the streetwall is designed to activate both the Nantucket and Wyse street fronts while appropriately addressing internal property lines.

The total amount of proposed amenity space is 1,334 sq. m., of which 844 sq. m. is to be outdoor amenity space. The amenity space consists of a fitness room, a party room, terraces, and a rooftop lounge. The total amenity space equates to 8.3 sq. m. (89 sq. ft.) of amenity space per unit, excluding private balconies.

### **Signing of Agreement**

The COVID-19 pandemic has resulted in difficulties in having legal agreements signed by multiple parties in short periods of time. To recognize this difficulty these unusual circumstances presents, staff are recommending extending the signing period for agreements following a Council approval and completion of the required appeal period. While typically agreements are required to be signed within 120 days, staff recommend doubling this time period to 240 days. This extension would have no impact on the development rights held within the agreement, and the agreement could be executed in a shorter period of time if the situation permits.

### **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 development is compatible and consistent with the surrounding neighborhood in both land use and built form. Therefore, staff recommend that the Harbour East – Marine Drive 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 Planning and Development.

### **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 are identified.

### **ALTERNATIVES**

1. Harbour East – Marine Drive Community Council may choose to approve the proposed development agreement subject to modifications. Such modifications may require further negotiation with the applicant and may require a supplementary report or another public hearing. A decision of Council to approve this 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 development agreement, and in doing so, 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**

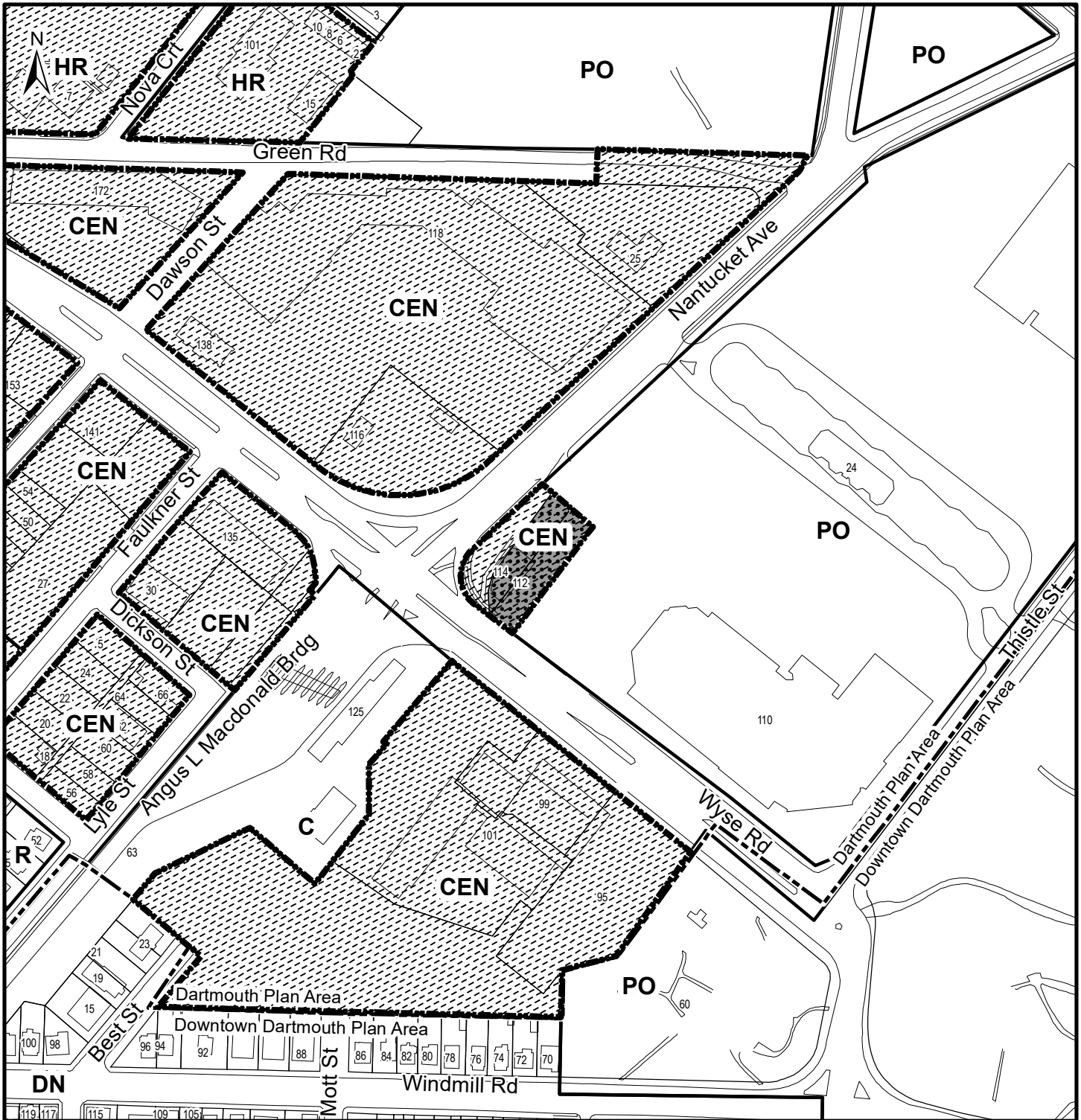
Map 1:	Generalized Future Land Use
Map 2:	Zoning
Map 3:	Notification Area
Attachment A:	Proposed Development Agreement
Attachment B:	Public Engagement Summary Report
Attachment C:	Review of Relevant Regional Centre SMPS and Dartmouth MPS Policies

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

Report Prepared by: Dean MacDougall, Planner II, 902.240.7085


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**Map 1 - Generalized Future Land Use**

112 & 114 Wyse Rd Dartmouth

 Subject Properties

 Regional Centre Package A

Dartmouth Plan Area

**Downtown Dartmouth Designation**

- DN Downtown Neighbourhood
- PO Park and Open Space

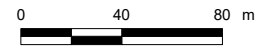
**Dartmouth Designation**

- C Commercial
- PO Park & Open Space
- R Residential

**Regional Centre Designation**

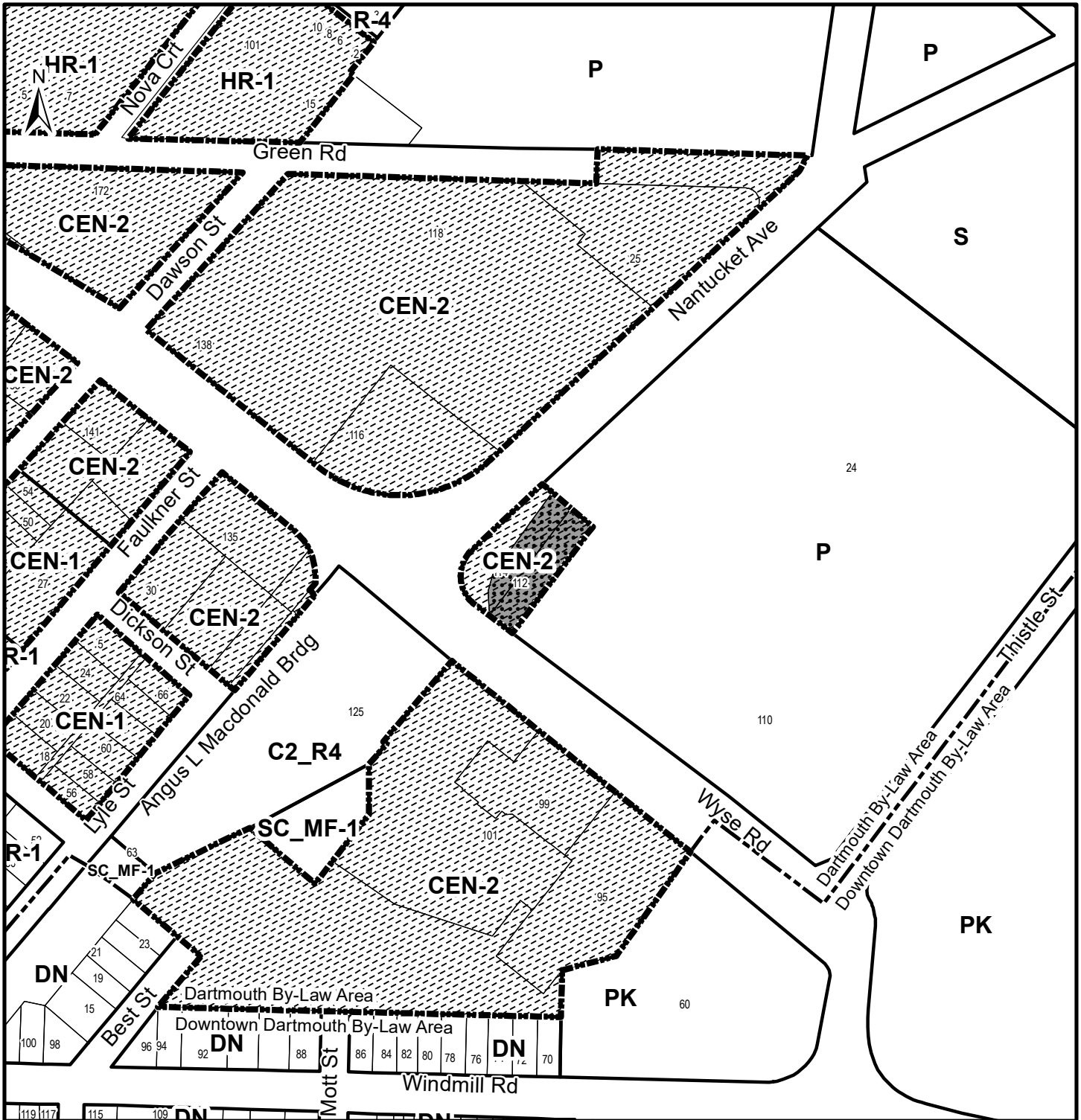
- CEN Centre
- HR Higher-Order Residential

**HALIFAX**



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

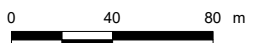
The accuracy of any representation on this plan is not guaranteed.



**Map 2 - Zoning**

112 & 114 Wyse Rd Dartmouth

**HALIFAX**



Subject Properties



Regional Centre Package A

Dartmouth  
Land Use By-Law Area

**Downtown Dartmouth Zone**

- DN Downtown Neighbourhood
- PK Park and Open Space

**Dartmouth Zone**

- C2\_R4 General Business, Multiple Family Residential (High Density)
- P Park
- R-1 Single Family Residential
- R-4 Multiple Family Residential (High Density)
- S Institutional
- SC\_MF-1 Service Commercial, Multiple Family Residential

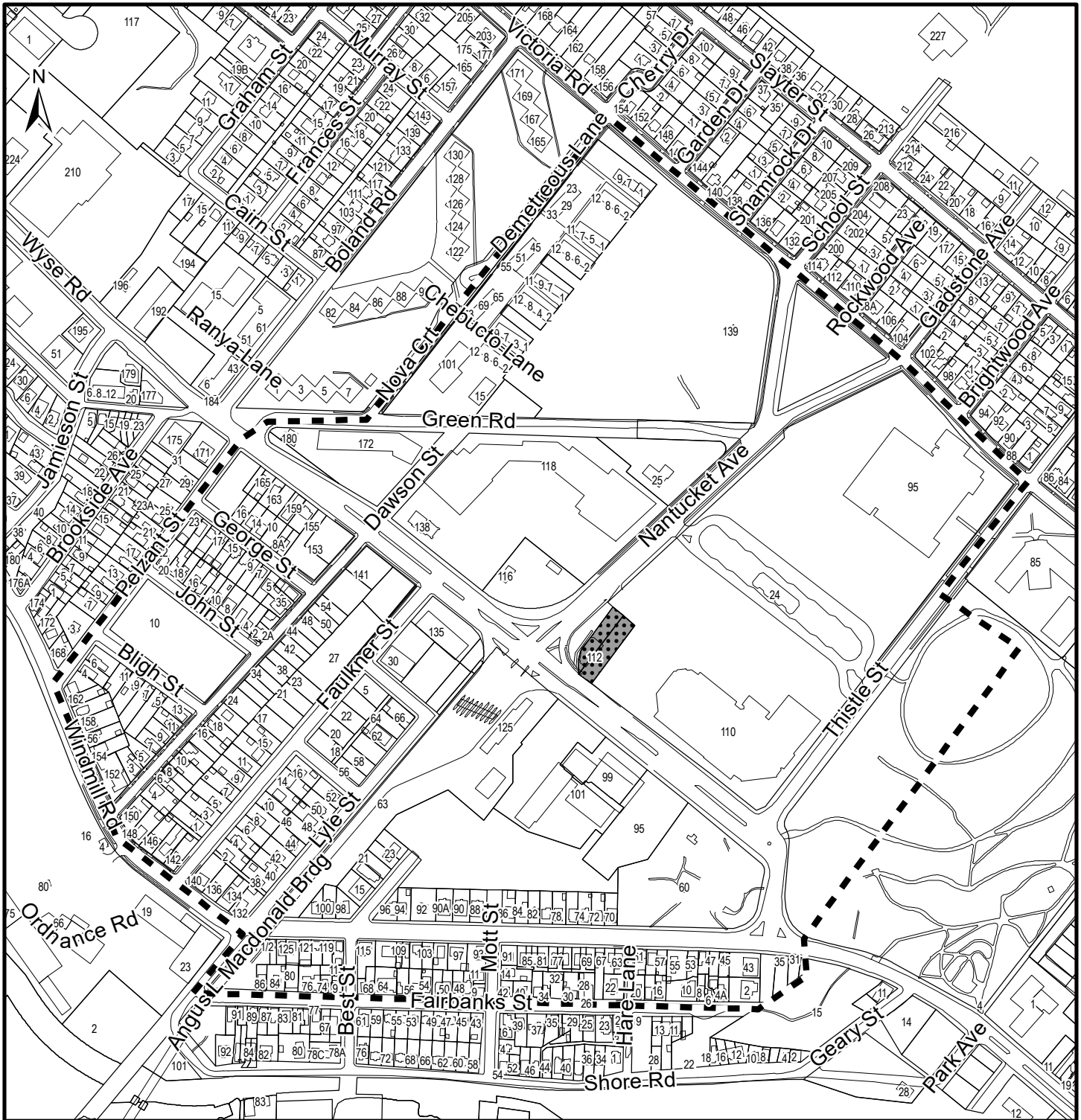
**Regional Centre Zone**

- CEN-1 Centre-1
- CEN-2 Centre-2
- HR-1 Higher-Order Residential-1

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



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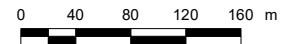


**Map 3 - Area of Notification**

112, 114 Wyse Road  
Dartmouth

-  Subject Property
-  Area of Notification

**HALIFAX**



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 LTD.]**,  
a body corporate, in the Province of Nova Scotia  
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

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

OF THE SECOND PART

**WHEREAS** the Developer is the registered owner of certain lands located at 112/114 Wyse Road, Dartmouth (PID's 00082800 and 00082792) and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

**AND WHEREAS** the Developer has requested that the Municipality enter into a Development Agreement to allow for a 20-storey mixed use, multi-unit building on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policies 10.25 and 10.26 of the Regional Centre Secondary Municipal Planning Strategy, and Policy IP-5 of the Dartmouth Municipal Planning Strategy;

**AND WHEREAS** the Harbour East – Marine Drive Community Council approved this request at a meeting held on **[Insert - Date]**, referenced as Municipal Case Number 22487;

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

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## **PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION**

### **1.1 Applicability of Agreement**

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

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

- 1.2.1 Except as otherwise provided for herein, the development, use and subdivision of the Lands shall comply with the requirements of the Land Use By-law for the Regional Centre and the Regional Subdivision By-law, as may be amended from time to time.
- 1.2.2 Variances to the requirements of the applicable Land Use By-law shall not be permitted.

### **1.3 Applicability of Other By-laws, Statutes and Regulations**

- 1.3.1 Further to Section 1.2, nothing in this Agreement shall exempt or be taken to exempt the Developer, lot owner or any other person from complying with the requirements of any by-law of the Municipality applicable to the Lands (other than the 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 Regional Subdivision By-law, if not defined in these documents their customary meaning shall apply.

## **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, generally conforms with the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case Number 22487:

Schedule A	Legal Description of the Lands
Schedule B	Site Plan
Schedule C	West Elevation
Schedule D	North Elevation
Schedule E	East Elevation
Schedule F	South Elevation
Schedule G	Amenity Space Plan

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

- 3.2.1 Prior to the issuance of any development permit, an approved final plan of subdivision consolidating the Lands must be filed and registered at the Land Registry.
- 3.2.2 Prior to the issuance of a Development Permit, the Developer shall provide the following to the Development Officer, unless otherwise permitted by the Development Officer:
- (a) Written confirmation from a Structural Engineer regarding rooftop landscaped areas as outlined under Section 3.7.4.; and
  - (b) A qualitative wind assessment prepared by a qualified professional as outlined in Section 3.12.2
- 3.2.3 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 use(s) of the Lands permitted by this Agreement are the following:

- (a) Any use permitted within the Centre-2 Zone of the Regional Centre Land Use By-law; and
- (b) A minimum 25% of the residential units shall contain at least two bedrooms.

### **3.4 Building Siting and Architectural Requirements**

- 3.4.1 The building's siting, massing, scale, and exterior design shall generally comply to Schedule B, C, D, E, and F. For greater clarity:
- (a) the maximum height of the building shall not exceed 69 metres (20 storeys), excluding rooftop mechanical and elevator overrun, as shown on the Schedules of this agreement;
  - (b) the building podium shall transition in height with a maximum streetwall height of 4 storeys at the northwest corner facing Wyse Road and 3 storeys at the northeast corner facing Nantucket Avenue;
  - (c) the building shall have a maximum tower footprint of 650 square metres;
  - (d) the building shall have a residential entrance on the southwest corner facing Wyse Road;
  - (e) the building materials shall be as generally shown on the Schedules and shall not include vinyl siding;
  - (f) service entrances, utility features, and garage doors shall be integrated into the design of the building and shall not be a predominate feature; and
  - (g) all roof mounted mechanical systems (HVAC, exhaust fans, etc) or telecommunication equipment shall be visually integrated into the roof design or screened from public view. Furthermore, no mechanical equipment or exhaust fans shall be located between the building and the adjacent residential properties unless screened as an integral part of the building design and noise reduction measures are implemented. This shall exclude individual residential mechanical systems.

### **3.5 Parking, Circulation, and Access**

- 3.5.1 All vehicular parking shall be contained within the building.
- 3.5.2 While the location of vehicular access/egress is to be located as per Schedule B, right-of-way infrastructure changes and or upgrades to ensure safe ingress and egress to this access point will be assessed at the time of Development Permit.
- 3.5.3 Bicycle parking shall be provided as per the requirements of the Regional Centre Land Use By-law.

### **3.6 Outdoor Lighting**

- 3.6.1 Lighting shall be directed to driveways, parking areas, loading area, building entrances and walkways and shall be arranged so as to divert the light away from streets, adjacent lots and buildings.

### **3.7 Amenity Space and Landscaping**

- 3.7.1 A minimum of 1,334 square metres of amenity space shall be provided; of which a minimum 844 square metres is to be provided as outdoor amenity space, as shown on Schedule G.
- 3.7.2 No area dedicated as indoor amenity space shall be less than 50 square meters.
- 3.7.3 All outdoor amenity space shall be designed to have both soft and hard landscaping elements, as defined in the Land Use By-law.
- 3.7.4 All landscape areas designed to be installed upon any portion of the building must be supported by

documentation from a Structural Engineer indicating that the building design is able to support any required drainage or additional weight caused by the landscaped area.

### **3.8 Maintenance**

3.8.1 The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the exterior of the building, fencing, walkways, recreational amenities, parking areas and driveways, and the maintenance of all landscaping including the replacement of damaged or dead plant stock, trimming and litter control, garbage removal and snow and ice control, salting of walkways and driveways.

3.8.2 All disturbed areas of the Lands shall be reinstated to original condition or better.

### **3.9 Signs**

3.9.1 The sign requirements shall be accordance with the Regional Centre Land Use By-law as amended from time to time.

### **3.10 Temporary Construction Building**

3.10.1 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.

### **3.11 Screening**

3.11.1 Utility infrastructure, such as propane tanks and electrical transformers, shall be located on the site in such a way to ensure minimal visual impact from Wyse Road and Nantucket Avenue. These facilities shall be secured in accordance with the applicable approval agencies and screened by means of opaque fencing or masonry walls with suitable landscaping.

### **3.12 Wind Mitigation**

3.12.1 Localized wind mitigation shall be provided at the southwest corner of the building (intersection of Wyse Road and Nantucket Avenue) and the 5th floor rooftop. Wind mitigation options may include a canopy, wind screen, or other permanent installations in combination with landscaping elements. The wind mitigation measures must achieve accepted industry standards for pedestrian wind comfort and safety for the intended use of these areas, as outlined in Appendix 1 of the Regional Centre Land Use By-law.

3.12.2 Prior to issuance of a Development Permit the Developer shall submit to the Development Officer a qualitative wind assessment prepared by a qualified professional certifying that Section 3.12.1 has been satisfied.

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

### **4.1 General Provisions**

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

## **4.2 Off-Site Disturbance**

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

## **4.3 Undergrounding Services**

- 4.3.1 All secondary or primary (as applicable) electrical, telephone and cable service to the building shall be underground installation.

## **4.4 Solid Waste Facilities**

- 4.4.1 The building shall include designated interior 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.
- 4.4.2 Refuse containers and waste compactors shall be confined to the loading areas within the building.

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

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

- 5.1.1 Prior to the commencement of any site work on the Lands, including earth movement or tree removal other than that required for preliminary survey purposes, or associated off-site works, the Developer shall:
- (a) 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 Archaeological Monitoring and Protection**

- 5.2.1 The Lands are near 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 should artefacts be found on the Lands and the Developer shall comply with the requirements set forth by the Province of Nova Scotia in this regard.

### **5.3 Sulphide Bearing Materials**

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

## **PART 6: AMENDMENTS**

### **6.1 Non-Substantive Amendments**

- 6.1.1 The following items are considered by both parties to be not substantive and may be amended by resolution of Council.



- (a) Changes to the parking requirements and location of the driveway access into the building as outlined in Section 3.5;
- (b) Changes to the site plan and ground floor/podium elevation facing Nantucket Road as a result of changes in driveway access and/or potential street improvement plans for Nantucket Road;
- (c) Changes to the site plan and building elevations to allow the building be setback further to meet Nova Scotia Power's required separation distances from overhead power lines;
- (d) Changes to the site plan and building elevations to allow wind mitigation measures required under Section 3.12;
- (e) Changes to the building materials as outlined in Section 3.4.1 (e);
- (f) The granting of an extension to the date of commencement of construction as identified in Section 7.3.1 of this Agreement; and
- (g) The length of time for the completion of the development as identified in Section 7.4.4 and 7.5.1 of this Agreement.

## **6.2 Substantive Amendments**

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

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

### **7.1 Registration**

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

### **7.2 Subsequent Owners**

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

### **7.3 Commencement of Development**

- 7.3.1 In the event that development on the Lands has not commenced within three (3) 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.
- 7.3.2 For the purpose of this section, commencement of development shall mean issuance of a Building Permit.
- 7.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 6.1.

### **7.4 Completion of Development**

- 7.4.1 Upon the completion of the whole development, Council may review this Agreement, in whole or in part, and may:
- (a) retain the Agreement in its present form;
  - (b) negotiate a new Agreement; or
  - (c) discharge this Agreement;
- 7.4.2 For the purpose of this section, completion of development shall mean issuance of an Occupancy Permit.
- 7.4.3 Upon the completion of the whole development or complete phases of the development, or at such time that policies applicable to the lands have been amended, 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;
- 7.4.4 In the event that development on the Lands has not been completed within six (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.

## **7.5 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 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 defence based upon the allegation that damages would be an adequate remedy;
- (b) The Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the Agreement, whereupon all reasonable expenses whether arising out of the entry onto the Lands or from the performance of the covenants or remedial action, shall be a first lien on the Lands and be shown on any tax certificate issued under the *Assessment Act*;
- (c) The Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; or
- (d) In addition to the above remedies, the Municipality reserves the right to pursue any other remedy under the *Halifax Regional Municipality Charter* or Common Law in order to ensure compliance with this Agreement.

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

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

**(Insert Registered Owner Name)**

\_\_\_\_\_  
Witness

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

**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.

---

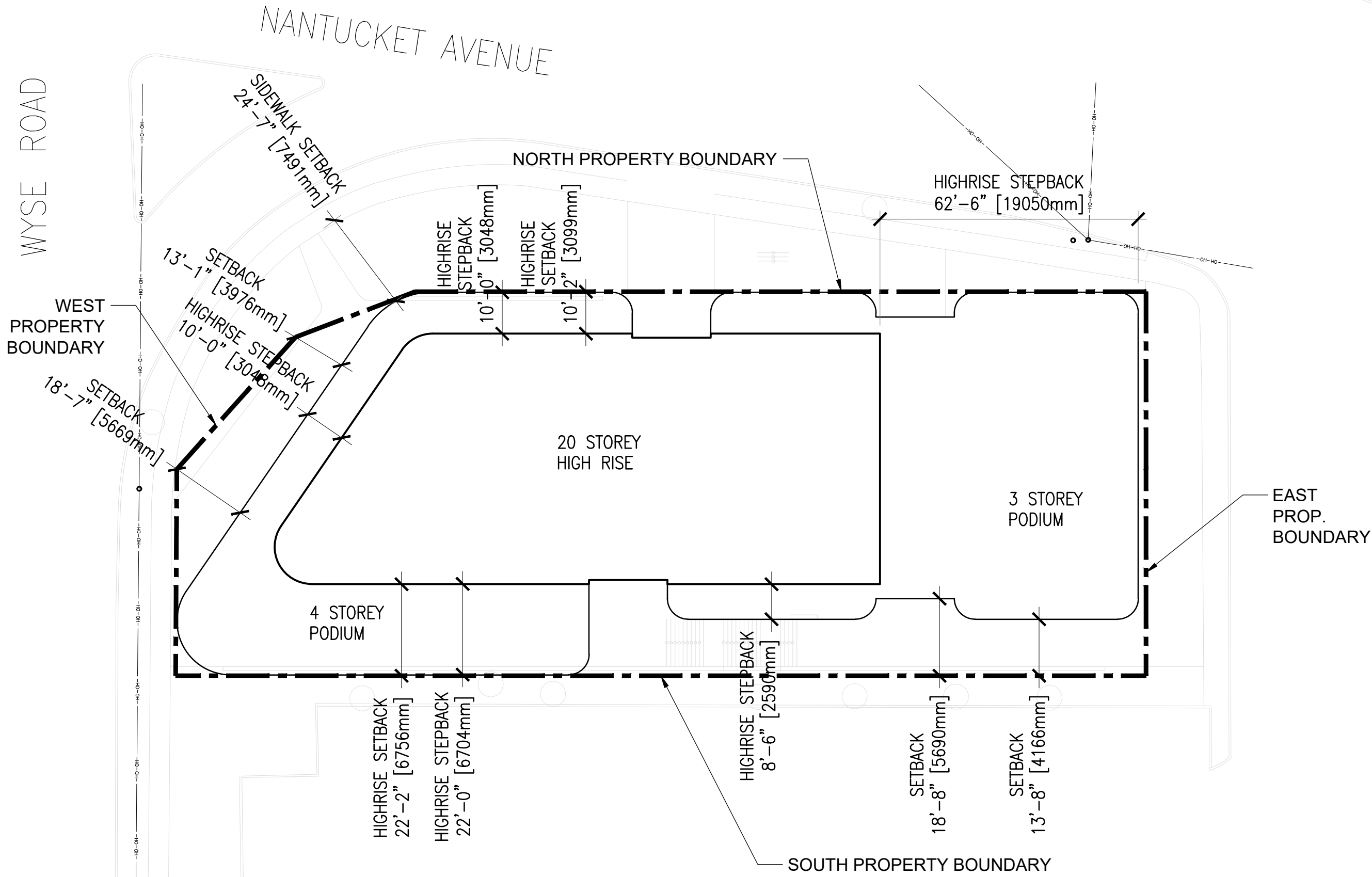
A Commissioner of the Supreme Court  
of Nova Scotia

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.

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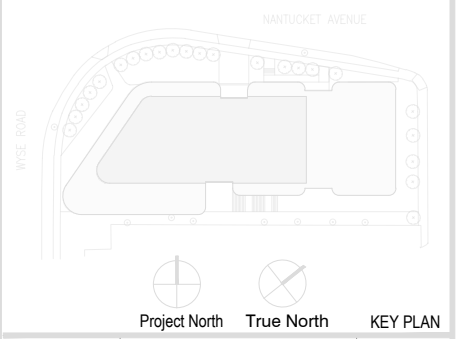
A Commissioner of the Supreme Court  
of Nova Scotia



1/24" = 1'-0" **1** ARCHITECTURAL SITE PLAN  
A-101

LEGEND

- - -** PROPERTY BOUNDARIES
- OUTLINE OF TOWER
- OUTLINE OF PODIUM



REVISIONS	DATE
D	ISSUE FOR DA RE-SUBMISSION 2021.02.12
C	ISSUE FOR DA RE-SUBMISSION 2020.09.30
B	ISSUE FOR DA RE-SUBMISSION 2020.09.22
A	ISSUE FOR DA APPROVAL 2019.07.29

PROJECT  
**WYSE ROAD DEVELOPMENT**

DEVELOPMENT AGREEMENT  
PLANNING RE-SUBMISSION

CLIENT  
ALEX DUNPHY

SCALE 1/24" = 1'-0"	DATE 2021.02.12
DRAWN BY CB	CHECKED REVIEWED

APPROVED

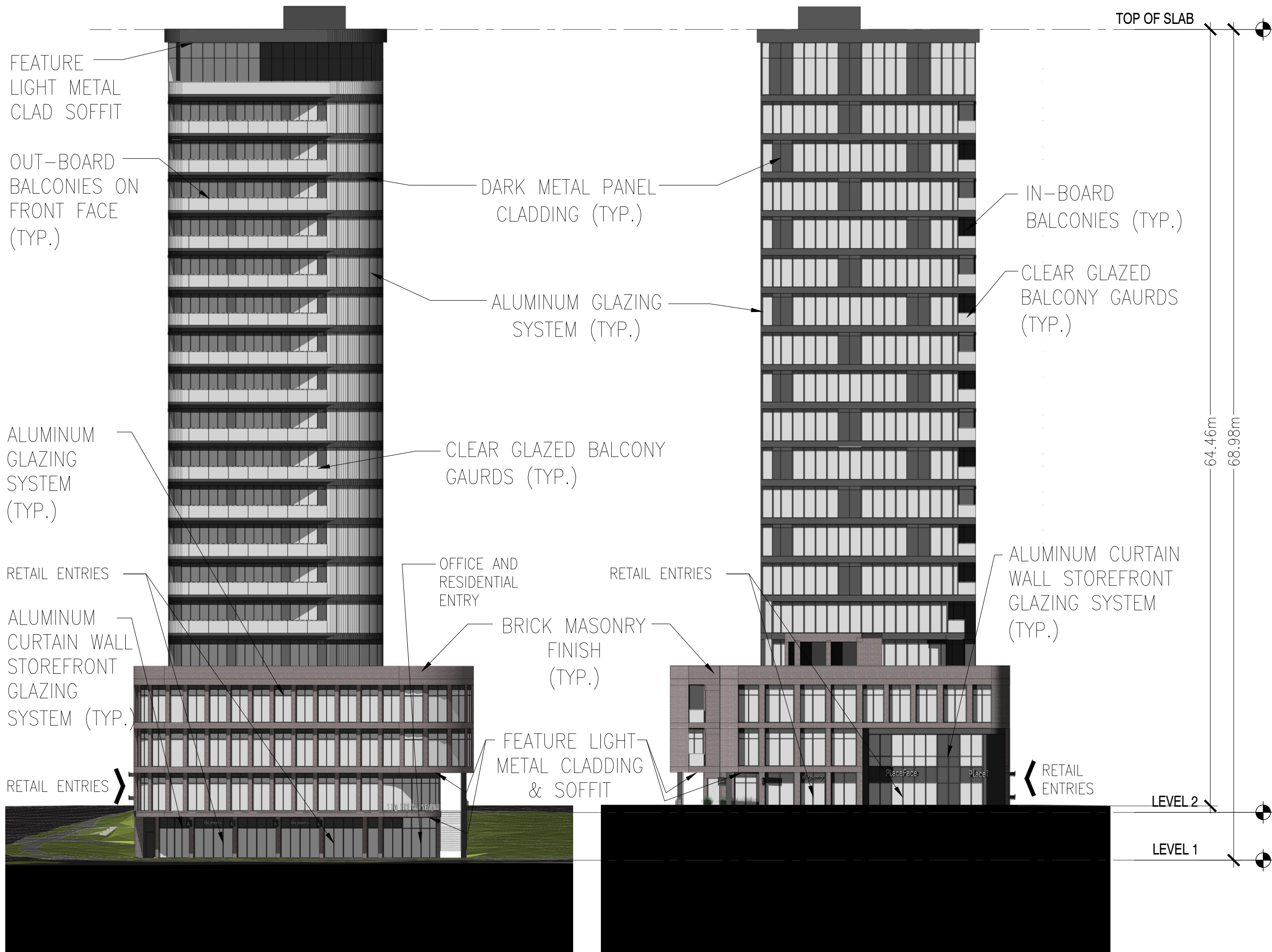
SEAL

**NOT FOR CONSTRUCTION**

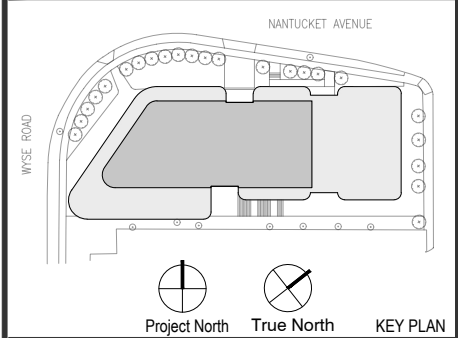
DRAWING  
SITE\_PLAN

DRAWING NO.  
**SCHEDULE B**





**Fathom Studio**  
 fathomstudio.ca  
 1 Starr Lane  
 Dartmouth, NS  
 B2Y 4V7



REVISIONS	DATE
D	ISSUE FOR DA RE-SUBMISSION 2021.02.12
C	ISSUE FOR DA RE-SUBMISSION 2020.09.30
B	ISSUE FOR DA RE-SUBMISSION 2020.09.22
A	ISSUE FOR DA APPROVAL 2019.07.29

PROJECT  
**WYSE ROAD DEVELOPMENT**  
 DEVELOPMENT AGREEMENT  
 PLANNING RE-SUBMISSION

CLIENT  
 ALEX DUNPHY

SCALE 1:300	DATE 2021/02/11
DRAWN BY CB	CHECKED REVIEWED

APPROVED  
 X

SEAL

**NOT FOR CONSTRUCTION**

DRAWING  
 WEST\_&\_EAST\_ELEVATION

DRAWING NO.  
**SCHEDULE C&E**



**Fathom Studio**  
 fathomstudio.ca  
 1 Starr Lane  
 Dartmouth, NS  
 B2Y 4V7

**fathom**

NANTUCKET AVENUE  
 WYSE ROAD

Project North True North KEY PLAN

REVISIONS	DATE
D	ISSUE FOR DA RE-SUBMISSION 2021.02.12
C	ISSUE FOR DA RE-SUBMISSION 2020.09.30
B	ISSUE FOR DA RE-SUBMISSION 2020.09.22
A	ISSUE FOR DA APPROVAL 2019.07.29

PROJECT  
**WYSE ROAD DEVELOPMENT**

DEVELOPMENT AGREEMENT  
 PLANNING RE-SUBMISSION

CLIENT  
 ALEX DUNPHY

SCALE	DATE
1:300	2021/02/11

DRAWN BY	CHECKED	REVIEWED
CB		

APPROVED  
 X

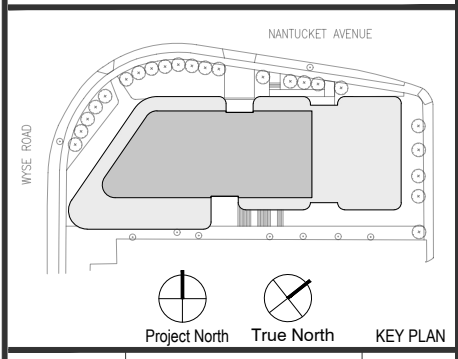
SEAL

**NOT FOR CONSTRUCTION**

DRAWING  
 NORTH\_ELEVATION

DRAWING NO.  
**SCHEDULE D**





REVISIONS	DATE
D	ISSUE FOR DA RE-SUBMISSION 2021.02.12
C	ISSUE FOR DA RE-SUBMISSION 2020.09.30
B	ISSUE FOR DA RE-SUBMISSION 2020.09.22
A	ISSUE FOR DA APPROVAL 2019.07.29

PROJECT  
**WYSE ROAD DEVELOPMENT**

DEVELOPMENT AGREEMENT  
 PLANNING RE-SUBMISSION

CLIENT  
 ALEX DUNPHY

SCALE 1:300	DATE 2021/02/11
DRAWN BY CB	CHECKED REVIEWED

APPROVED  
 X

SEAL

**NOT FOR CONSTRUCTION**

DRAWING  
 SOUTH\_ELEVATION

DRAWING NO.  
**SCHEDULE F**

ROOFTOP TERRACE  
(3273 SQ.FT.)

ROOFTOP LOUNGE  
(1267 SQ.FT.)

PARTY ROOM  
(963 SQ.FT.)

FLATIRON  
TERRACE  
(1387 SQ.FT.)

FITNESS CENTRE  
(3234 SQ.FT.)

OUTDOOR  
KITCHEN  
(4241 SQ.FT.)

LEGEND

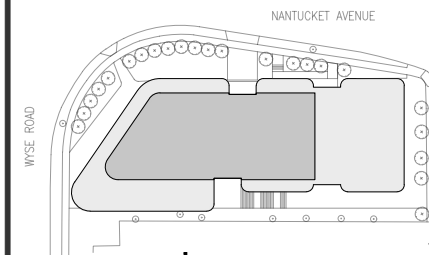
OUTDOOR AMENITY



INDOOR AMENITY



Fathom Studio  
fathomstudio.ca  
1 Starr Lane  
Dartmouth, NS  
B2Y 4V7



KEY PLAN

D	ISSUE FOR DA RE-SUBMISSION	2021.02.12
C	ISSUE FOR DA RE-SUBMISSION	2020.09.30
B	ISSUE FOR DA RE-SUBMISSION	2020.09.22
A	ISSUE FOR DA APPROVAL	2019.07.29

REVISIONS DATE

PROJECT  
WYSE ROAD DEVELOPMENT

DEVELOPMENT AGREEMENT  
PLANNING RE-SUBMISSION

CLIENT  
ALEX DUNPHY

SCALE DATE  
1:300 2021/02/11

DRAWN BY CHECKED REVIEWED  
CB

APPROVED  
X

SEAL

NOT FOR  
CONSTRUCTION

DRAWING  
AMENITY\_DIAGRAM

DRAWING NO.  
SCHEDULE\_G

## WHAT WE HEARD

**Summary of Feedback for Planning Application # 22487:  
APPLICATION BY FATHOM STUDIO, ON BEHALF OF THE PROPERTY OWNER,  
REQUESTING TO ENTER INTO A DEVELOPMENT AGREEMENT ON LANDS AT 112 AND  
114 WYSE ROAD, DARTMOUTH TO ALLOW FOR A 20-STOREY MIXED-USE BUILDING.**

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### Engagement

Public Consultation took place from December 12, 2020 until January 18, 2021. The engagement consisted of a mailout notification to nearby residents which highlighted the proposal, identified how to find out more information, and outlined how to provide comments/feedback. Additionally, a web page was created on Shape Your City that housed a narrated video presentation by staff on the planning process, a presentation by the applicant on their proposal, and survey requesting feedback.

### Questions asked on the survey form

*Are there parts of this proposal that you like?*

*Are there parts of this proposal that concern you?*

*How do you feel the proposed building design fits the site?*

*How do you feel it fits in the neighbourhood?*

*Any other comment / feedback is welcomed.*

### Methodology:

A count of notifications sent, and their response rate is included.

The responses were tabulated into positive, neutral, and negative. Reoccurring comments were grouped into themes and provided below. The survey results and emails are attached for reference.

### Data:

<b>Reponses</b>	
Total Notification Mailouts	514
Surveys Submitted	47
Emails Received	7
Percent	~10.5% response rate of total properties notified

### Summary

The responses were generally positive. There were "themes" that emerged in the comments, and those were:

- need to provide affordable housing;
- great location and supports bus terminal;
- provides much needed density/apartment units;
- most respondents thought it was well designed, however there were some who did not agree;
- wind concerns were raised by several respondents;
- most respondents believe it fits the neighbourhood and site, acknowledging this is the first building in a transitioning neighbourhood. There were some who disagreed and believe it is too tall and big;
- traffic/access concerns were raised as both streets receive high volumes of traffic; and
- some thought there is too much parking provided while some thought there wasn't enough.



# Case 22487 - 112-114 Wyse Road Survey

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## **SURVEY RESPONSE REPORT**

01 July 2013 - 17 January 2021

### **PROJECT NAME:**

Municipal Planning Applications



# SURVEY QUESTIONS

**Q1** | Are there parts of this proposal you like?

I\_perrin

Windows/ doors at sidewalk level, access from rear parking lot close to the

12/09/2020 11:44 AM

bus station

PearsonA

12/10/2020 04:52 PM

yes, the increased density of the area is great as this will increase business viability and transit usage as it is close to a major bus terminal.

mulock

12/15/2020 08:15 PM

It all looks great. Finally more positive development in Dartmouth.

Haligonium

12/17/2020 11:53 AM

It looks like a nice building.

HRM REALTOR

12/17/2020 12:47 PM

Great location

Kirby

12/17/2020 01:17 PM

Height, density, æsthetic

Cessna

12/17/2020 04:08 PM

Great idea as presented.

JCawley

12/17/2020 05:22 PM

Need affordable housing

CamBourne

12/17/2020 10:45 PM

Much needed density. Great design. Great location.

Jeff Smeltzer

12/18/2020 11:12 AM

I like the style, density and location.

Halifaxcitizen

12/18/2020 11:22 AM

Yes, adds housing close to work areas like burnside

GoodCheer

12/18/2020 11:25 AM

Enable people to live near a transit hub, and have less than one parking space per apartment.

p\_mackay

12/18/2020 11:31 AM

All of it

Tugger

12/18/2020 11:36 AM

Brings more people into the downtown area.

Rw1

12/18/2020 11:44 AM

Love the design, love the height, like that there's underground parking

fogarty

No

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12/18/2020 01:05 PM

jra

12/18/2020 01:13 PM

The design looks very modern and will improve the current downtrodden look of the Wyse RD area. I also like that they have underground parking to enable tenants to get their cars off the street to not hamper traffic flow and/or snow removal.

Shannon

12/18/2020 01:41 PM

Yes! It would be great to have something new and built up in this area. Hopefully it would spur more for Wyse Road. I think it would be sweet to live here; right next to the Sportsplex, the bus terminal, and a short trip to the ferry. And will provide very visible commercial space.

Accounting Prof 1

12/18/2020 01:48 PM

General concept of the Flat Iron design is a good one. I like that they are thinking of having 80 bike spaces. Mix of commercial on the lower floors and residential above is fine.

beechboymark

12/18/2020 01:59 PM

Good density at a convenient location, and nice aesthetic design (assuming that's what gets built).

pepaton

12/18/2020 03:58 PM

Interesting look. About time we saw some diversion from basic square boxes.

fallout

12/18/2020 06:27 PM

Buiding makes good use of lot and has an attractive sail-like look. Near public transit.

burk

12/18/2020 10:20 PM

Add residential units to central area, to near transit hub.

ScreenName

12/18/2020 10:23 PM

Additional rental units

63 Sinclair

12/18/2020 11:45 PM

That has lower level commercial space. That it offers urban density. It is located next to a mayor transit hub and close to the ferry

LER

12/19/2020 09:58 AM

I like that this building will animate a prominent corner. The plaza at the MacDonald Bridge does not say 'Welcome to Dartmouth', it is desolate and gray, reinforcing the stereotype that Dartmouth is a second class part of the city. When we first moved to Dartmouth my husband forbid me from visiting the Nantucket shopping mall, because he thought it looked like somewhere you would get shot. It all needs to be updated. The only problem with the proposed building is that all of the other buildings will look like extra garbage once it's built.

Crannogman

12/19/2020 10:00 AM

The architecture is visually attractive.

MTF123?

12/19/2020 12:48 PM

Yes more housing is in need and I here is lots of vacant property in the neighborhood

Stefanie

12/19/2020 04:25 PM

No

Ensign Jensen

12/19/2020 04:57 PM

Looks nice

Spitfire75

12/19/2020 05:10 PM

Density and height

oldsalt49

12/19/2020 05:41 PM

the spot

Rose Street

12/19/2020 05:51 PM

I like the central location

GE1993

12/20/2020 12:32 PM

Underground parking, the combination of retail and residential space within the same building

jhk515

12/21/2020 08:58 AM

Yes

Jane Schlosberg

12/21/2020 12:35 PM

I know that more housing is needed.

MGrant

12/21/2020 10:39 PM

Excellent location for greater density: close to bridge, transit station, shopping, recreation centre. Demolition of existing uninspiring building no great loss.

Richard Fanning Snowdon

12/22/2020 11:07 AM

no

Screenname8272

12/22/2020 03:44 PM

Not really--except for the fact that the lot won't be empty anymore.

Phil

1/01/2021 10:01 AM

Multiple places to live

Aaronferg

1/01/2021 01:34 PM

Overall Beautiful building for this corner and fitting with the surrounding community

adamdcoombs

1/14/2021 09:12 AM

The proposal is well organized and reads well. It is a well thought out plan from the developer and architect; however, one that misses key concerns on a few areas.

abrookside

Commercial space. This area is such a desolate deadzone (and I live very

1/17/2021 05:08 PM

close to here). More residential units close to the core and transit.

**Optional question** (43 response(s), 4 skipped)

**Question type:** Essay Question

## Q2 | Are there parts of this proposal that concern you?

I\_perrin

12/09/2020 11:44 AM

This is an extremely windy corridor and I am concerned that they have not done enough to mitigate wind. There should be greater setbacks and more landscaping to improve conditions on adjacent sidewalks. This area is already very "hard" - mostly asphalt, unwelcoming buildings, and it would be nice to see a building design that would "soften" the corner.

PearsonA

12/10/2020 04:52 PM

the access to parking will be tricky since both streets this fronts are busy and have restricted turns to access, unless it uses part of the sportsplex lot to access it.

mulock

12/15/2020 08:15 PM

No.

Haligonium

12/17/2020 11:53 AM

It's another building that people who are in need of housing, will not be able to afford.

HRM REALTOR

12/17/2020 12:47 PM

Too much commercial space for that location

Kirby

12/17/2020 01:17 PM

Too many parking spots given proximity to Bus terminal

Allan

12/17/2020 03:36 PM

The building must have enough parking for at least one car per unit. There also has to be enough parking for any commercial services provided. There must be space for moving vans, taxi pickup/drop off and other deliveries. If this is not accounted for, the cars associated with this building will spill over onto other spaces creating problems for the neighbourhood.

Cessna

12/17/2020 04:08 PM

no

JCawley

12/17/2020 05:22 PM

No

CamBourne

12/17/2020 10:45 PM

No

Jeff Smeltzer

12/18/2020 11:12 AM

None at all. We need more large building on Wyse, there is an opportunity to transform that area.

Halifaxcitizen 12/18/2020 11:22 AM	Not really
GoodCheer 12/18/2020 11:25 AM	If the possibility of adding daily parking for people to stash their cars and take a bus across the bridge were feasible, that would be very consistent with transit focused development.
p_mackay 12/18/2020 11:31 AM	No!
Tugger 12/18/2020 11:36 AM	Traffic issues.
cat5910 12/18/2020 11:39 AM	how affordable will the 160 residential units be
fogarty 12/18/2020 01:05 PM	Too tall, density will be increased too much and this always brings quality of neighbourhood down
jra 12/18/2020 01:13 PM	Not really
Shannon 12/18/2020 01:41 PM	Seem like it may be hard for a person living in this building to get in and out near this busy intersection, but I assume the driveway will be located somewhere logically.
Accounting Prof 1 12/18/2020 01:48 PM	The scale is too big for the lot and too close to the sidewalk. Depending on the location of the entrance to the underground parking it will either add to the congestion on Wyse Rd. or Nantucket and also be quite dangerous for the significant number of pedestrians who use the two sets of lights that this project would abut.
beechboymark 12/18/2020 01:59 PM	As always, parking and access for commercial spaces. It looks like there will be 9 commercial entrances, meaning 18-20 staff + customers. These enterprises usually require restocking etc. (insert large truck here). Is the adjacent parking lot part of this development so that it could be used?
smhb 12/18/2020 02:42 PM	Size is insane. Stacking people on top of one another is never a good idea. Build smaller buildings provide them green space. Halifax isn't Manhattan and it needn't try to be.
pepaton 12/18/2020 03:58 PM	Insufficient parking. Should be 1 space per bedroom! At a minimum, 1 space per apartment. All new buildings should have percentage of affordable housing built in or the same percentage built at city's selected location. NO BUYING DEVELOPERS WAY OUT OF AFFORDABLE HOUSING LIKE WILLOWTREE PROJECT!!
fallout	Probably not aimed at lower income.

12/18/2020 06:27 PM

ScreenName

12/18/2020 10:23 PM

This building has the potential to be an eyesore. A flatiron design is not intended for this type of neighbourhood. A towering building at that intersection will not feel welcoming to people who don't live in the building at all. It will cause shadows in the morning, line of sight problems for traffic.

63 Sinclair

12/18/2020 11:45 PM

It is single type of housing: high rise apartments tower. Does not offer any green open space directly accessible to the housing units. It makes no effort to blend with the dominant urban landscape of Dartmouth so it will be an eye sore and create a monotonous industrial landscape that does not fit with Dartmouth. It is poor development not conducted to a livable city

LER

12/19/2020 09:58 AM

I love the plants on the roof deck but I bet 1000% they will never be put there or if they do they will only last a season. Greenery is so important to making a building this size feel relatable.

Crannogman

12/19/2020 10:00 AM

There seems to be no lack of rental accommodation. Shouldn't there be consideration for the development of more condominiums?

MTF123?

12/19/2020 12:48 PM

Size seems a bit large for the current neighborhood

Stefanie

12/19/2020 04:25 PM

It seems out of place and very tall - any wind tunnel concerns?

Ensign Jensen

12/19/2020 04:57 PM

Nope

Spitfire75

12/19/2020 05:10 PM

No

oldsalt49

12/19/2020 05:41 PM

Not enough parking spots. If you are going to have 160 units and shopping on the ground floor 100 parking spots will not cut it. Also with units being 2 person units you will need more parking. That does not count for visitors that may sleep over.

Rose Street

12/19/2020 05:51 PM

The overall size and lack of diversity in the offering and design of the project.

PJR

12/19/2020 11:25 PM

Height is too tall; wind and shadow making area inhospitable for pedestrians.

GE1993

12/20/2020 12:32 PM

The lack of large apartments for families. A good portion of families in the area require 2-3 bedrooms and this building only has bachelor, 1, and 2 bedroom apartments and the majority are 1 bedroom apartments

Jane Schlosberg

We need more modestly-priced housing. Also, this building is too high.



12/21/2020 12:35 PM

MGrant

Normally a curvy building is a plus, but this design feels a little clumsy.

12/21/2020 10:39 PM

Richard Fanning Snowdon

the height of the buildings

12/22/2020 11:07 AM

Screenname8272

Yes. I am concerned the building is too high for the surrounding neighbourhood. I am concerned about increased vehicular traffic in the area. I am concerned a building of this height will make the wind even more intense along Wyse Road.

12/22/2020 03:44 PM

Phil

None

1/01/2021 10:01 AM

Aaronferg

None

1/01/2021 01:34 PM

adamdcoombs

Only a qualitative wind impact statement was completed for evaluation. Centre Plan LUBs clearly state the requirement for a quantitative wind tunnel study to be completed by a qualified consultant for developments greater than 40 m in height. Also, the qualitative wind impact statement completed uses non-standard criteria for Halifax, such as wind speeds stated in mph instead of km/h (admittedly minor) and misconstruing the impact of clustered tall buildings on the wind environment. Also, the report uses the Beaufort scale for its comfort criteria, which is not the correct criteria set for the City's requirements. The relatively open nature of the development site should require a quantitative wind tunnel study to properly address pedestrian comfort and more importantly pedestrian safety. Additionally, stating that the develop already mitigates wind impacts "as much as can be expected for a 19-storey structure" is misleading to the public, as no quantitative analysis was completed which could well provide insight into additional mitigation solutions or pedestrian safety concerns. No mention of pedestrian safety or exceedance criteria were stated in the wind report.

1/14/2021 09:12 AM

abrookside

Potentially traffic routing out of here.

1/17/2021 05:08 PM

**Optional question** (44 response(s), 3 skipped)

**Question type:** Essay Question

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**Q3 | How do you feel the proposed building fits the site?**

I\_perrin

It's very bulky. I don't have an issue with the height, in general, but the

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12/09/2020 11:44 AM

massing of the building is very large. It will likely make the wind issue worse.

PearsonA

12/10/2020 04:52 PM

does not fit entirely currently, but when the area gets redeveloped it will fit in nicely

mulock

12/15/2020 08:15 PM

It will improve the address and encourage young professionals to move here. Growing Dartmouth is growing up and becoming more mainstream.

Haligonium

12/17/2020 11:53 AM

The renderings I found don't show other buildings in context with it.

HRM REALTOR

12/17/2020 12:47 PM

Very nice looking building from the street level, but would like to see more "Green" roof designs in the cities, especially here, with its view plane from Brightwood

Kirby

12/17/2020 01:17 PM

It's a bit tall, given the relative low heights of surrounding area, but given the proposed (and super ugly) development going up kitty-corner to this, that would be kinda alleviated... But then its beauty clashes with the other developments... boxiness

Cessna

12/17/2020 04:08 PM

Fits the commercial character of the site.

JCawley

12/17/2020 05:22 PM

Yes

CamBourne

12/17/2020 10:45 PM

The proposed building fits the sight perfectly. Could/should be even taller given it does not obstruct any view planes.

Jeff Smeltzer

12/18/2020 11:12 AM

Yes

Halifaxcitizen

12/18/2020 11:22 AM

It is fine

GoodCheer

12/18/2020 11:25 AM

Well. Commercial, high-rise hotel across the road, not blocking anyone's sun or view.

p\_mackay

12/18/2020 11:31 AM

Love it! That area needs density, and it's beside a transit hub.

Tugger

12/18/2020 11:36 AM

Fine. Good place for a high rise.

cat5910

12/18/2020 11:39 AM

I like the location

Rw1 12/18/2020 11:44 AM	well-suited
fogarty 12/18/2020 01:05 PM	Does not, too tall.
jra 12/18/2020 01:13 PM	It is an excellent location for this type of building
Shannon 12/18/2020 01:41 PM	I do think it will stand out for a while. But hopefully more development will occur in the general area and blend in.
Accounting Prof 1 12/18/2020 01:48 PM	Too big. Fills up too much of the lot. I can never understand why there always seem to be insufficient setbacks from the street for large commercial or residential structures. Pedestrians should not be able to reach out and touch a building when walking on a sidewalk.
beechboymark 12/18/2020 01:59 PM	Right across from the hotel, close to a high-traffic street, and amenities right across the other way, yes. The height is pushing it, and I would not want to see this be a stepping-up point to get even higher ones in the adjacent lots, i.e. this should set the maximum for that area.
smhb 12/18/2020 02:42 PM	Too big. Commercial space is available all over the city . No need to it here.
pepaton 12/18/2020 03:58 PM	Seems to be appropriate fit provided it does not encroach on sportsplex parking.
fallout 12/18/2020 06:27 PM	Good use of area.
burk 12/18/2020 10:20 PM	A bit isolated, but may encourage more dense residential buildings nearby.
ScreenName 12/18/2020 10:23 PM	Does not fit the sight at all! I think it will create driver distraction at a key intersection. The building is not welcoming to look at and does not fit the style of the neighbourhood.
63 Sinclair 12/18/2020 11:45 PM	It does not fit the situ
LER 12/19/2020 09:58 AM	It's fine. There is a tall building across the street. There are no small houses anywhere near. Totally appropriate.
Crannogman 12/19/2020 10:00 AM	Yes

MTF123?

12/19/2020 12:48 PM

Good

Stefanie

12/19/2020 04:25 PM

I dont think it does

Ensign Jensen

12/19/2020 04:57 PM

It's better than what's there

Spitfire75

12/19/2020 05:10 PM

Great

oldsalt49

12/19/2020 05:41 PM

Great but needs more parking

Rose Street

12/19/2020 05:51 PM

I feel its only designed to build as much as possible on every square inch of the site. Its another uninspired development, designed to maximize as much profit as possible for the developer.

PJR

12/19/2020 11:25 PM

Too tall

GE1993

12/20/2020 12:32 PM

There's a possibility that the height and design of the building could affect traffic and visibility for cars as it's on the corner of a major intersection

jhk515

12/21/2020 08:58 AM

It looks nice and will help elevate that part of Dartmouth

MGrant

12/21/2020 10:39 PM

Fits fine. There's still some green space on the south side.

Richard Fanning Snowdon

12/22/2020 11:07 AM

doesn't fit into the surrounding area of low rise buildings and will lead to overdevelopment of the area.

Screenname8272

12/22/2020 03:44 PM

I don't really have a comment about that because I don't like the building.

Fhil

1/01/2021 10:01 AM

Great

Aaronferg

1/01/2021 01:34 PM

Fits site well

adamdcoombs

1/14/2021 09:12 AM

The proposed building fits the theme of newly developed neighboring properties and is a welcome site to the Dartmouth skyline. The development should bring a unique modern look to the site. The wind impact of the as-

proposed building should be reconsidered to align the evaluation documentation with the city's requirements for such a structure.

abrookside

1/17/2021 05:08 PM

Uses the site and location imaginatively.

**Optional question** (45 response(s), 2 skipped)

**Question type:** Essay Question

#### Q4 | How do you feel the proposal fits in the neighbourhood?

I\_perrin

12/09/2020 11:44 AM

I hope the neighbourhood will transition to something that is car-oriented to something that is more walkable, human-scale. I believe this building could set the wrong precedent for this corridor. It doesn't do much to positively contribute to what's currently a pretty terrible place.

mulock

12/15/2020 08:15 PM

Excellent addition. Hopefully one of many to come.

Haligonium

12/17/2020 11:53 AM

Odd question since the city does not care about neighbourhoods.

Kirby

12/17/2020 01:17 PM

Yes and no. Because it's a continuation of DT Dartmouth, it makes sense. And I'm totally here for it But, the area is kinda... um... gritty. And the grit against the polish will cause some... um... 'scratches'. But that's gentrification

Cessna

12/17/2020 04:08 PM

In line with the changing character of the area.

JCawley

12/17/2020 05:22 PM

Well

CamBourne

12/17/2020 10:45 PM

Much needed higher density residential close to downtown.

Jeff Smeltzer

12/18/2020 11:12 AM

Very well. I have a feeling there will be more developments like this on Wyse.

Halifaxcitizen

12/18/2020 11:22 AM

Fine

GoodCheer

12/18/2020 11:25 AM

Well. Commercial, high-rise hotel across the road, not blocking anyone's sun or view.

p\_mackay

12/18/2020 11:31 AM

I think will improve the feel of the area

Tugger

12/18/2020 11:36 AM

Fine. This specific site does not really have a neighborhood type vibe.

cat5910

12/18/2020 11:39 AM

Might spruce up the neighborhood

Rw1

12/18/2020 11:44 AM

No issues

fogarty

12/18/2020 01:05 PM

Does not, crowd density negative

jra

12/18/2020 01:13 PM

Perfectly as it will improve the look of the area as it is currently has rather downtrodden look.

Shannon

12/18/2020 01:41 PM

I do think it will stand out for a while. But hopefully more development will occur in the general area and blend in.

Accounting Prof 1

12/18/2020 01:48 PM

This development would be an very good idea if it was on the other side of Wyse Rd. in the vacant lot between Falkner and Dawson streets. This spot should be part of public lands devoted to a park to go along with the transit terminal and the Sportsplex, etc. Not to mention that it is too big for such a small lot right at the busiest intersection in all of Dartmouth.

beechboymark

12/18/2020 01:59 PM

It is a higher building than others, but there are many rentals in the area opposite. Being on top of the hill will of course accentuate the height, but I expect several such developments in the adjoining blocks over the next few years.

pepaton

12/18/2020 03:58 PM

Looks fine.

fallout

12/18/2020 06:27 PM

Would fit in fine. Mostly a parking lot now.

burk

12/18/2020 10:20 PM

Currently, there is not much of a neighbourhood.

ScreenName

12/18/2020 10:23 PM

I do not think the proposal fits in the neighbourhood well at all. The rent of these units will be far out of reach for locals, further pushing people out of the Downtown.

63 Sinclair

12/18/2020 11:45 PM

It does not fit the neu

LER 12/19/2020 09:58 AM	It doesn't but hopefully it classes up the location and more nice buildings follow.
Crannogman 12/19/2020 10:00 AM	I think so
MTF123? 12/19/2020 12:48 PM	Renewal in the neighborhood is over do it will be a good start as long as it is affordable. It won't displace current residents as well h land is vacant.
Stefanie 12/19/2020 04:25 PM	If doesnt fit the neighbourhood
Ensign Jensen 12/19/2020 04:57 PM	No, but the neighbourhood needs to be improved
Spitfire75 12/19/2020 05:10 PM	Great
oldsalt49 12/19/2020 05:41 PM	same as Question # 3
Rose Street 12/19/2020 05:51 PM	It hardly fits the neighborhood. There seems to be very little thought to how it will mesh with its surroundings. Like many of the developments in this city, there seems to be very little attention paid to how the public will interact with it for the decades to come.
PJR 12/19/2020 11:25 PM	Need more affordable housing not luxury housing.
GE1993 12/20/2020 12:32 PM	I feel that unless they create larger units and low income units this proposal will not fit the area as this is a traditionally low income neighborhood with a lot of low income families. A "luxury apartment" building will not do well in this area
jhk515 12/21/2020 08:58 AM	As above
Jane Schlosberg 12/21/2020 12:35 PM	too high
MGrant 12/21/2020 10:39 PM	Raises the bar for the neighbourhood.
Richard Fanning Snowden 12/22/2020 11:07 AM	lousy

Screenname8272

12/22/2020 03:44 PM

I do not feel the proposed building fits with the character of our neighbourhood. Our community is a wonderful neighbourhood of older homes, and so many nice people have chosen to make this area their home because of the wonderful, peaceful neighbourhood.

Phil

1/01/2021 10:01 AM

Doesn't matter. We need the development

Aaronferg

1/01/2021 01:34 PM

Will bring much needed density to this area

adamdcoombs

1/14/2021 09:12 AM

The proposed building fits the theme of newly developed neighboring properties and is a welcome site to the Dartmouth skyline. The development should bring a unique modern look to the neighborhood and fit well with the modern aesthetic of newly proposed and developed properties close by.

abrookside

1/17/2021 05:08 PM

An improvement.

**Optional question** (43 response(s), 4 skipped)

**Question type:** Essay Question

**Q5** Any other comments you may have are welcome in the space below.

l\_perrin

12/09/2020 11:44 AM

This feels like a missed opportunity for HRM to collaborate with the developer. The parking lot between the Sportsplex and this site should be used as developable space - half could be used for building, and half for additional green space. Replace the surface parking lot with an underground lot. And include some affordable housing units within the building! This location in Dartmouth North is ideally located for affordable housing and it's too bad that this development agreement means they will avoid the Centre Plan's density bonus requirements.

PearsonA

12/10/2020 04:52 PM

I think this project represents a new era for this area of Dartmouth and if approved would be great for the city

Haligonium

12/17/2020 11:53 AM

Enough with the condos. When is housing that people can afford going to be built?

Kirby

12/17/2020 01:17 PM

That area of Dartmouth doesn't exactly have the best use of space. Boland/Nova/Demetreous and the lack of density there could be dealt with by securing low income housing in this new bldg to move people out of the lower density area noted above, and redevelop it with higher density, mixed income developments in mind.

Cessna

12/17/2020 04:08 PM

Greater density close to the downtown core helps the environment in a number of ways.



JCawley

12/17/2020 05:22 PM

No

Halifaxcitizen

12/18/2020 11:22 AM

Nope

p\_mackay

12/18/2020 11:31 AM

Love it!

Tugger

12/18/2020 11:36 AM

Would like to see some revitalization and perhaps affordable housing in the neighbourhood off Wyse Road by Brookside and Dawson avenues. This has a neighborhood type feel.

fogarty

12/18/2020 01:05 PM

High rise increases population density always negatively impacts local communities

Shannon

12/18/2020 01:41 PM

Looking forward to having more investment in Dartmouth!

Accounting Prof 1

12/18/2020 01:48 PM

I generally don't have a problem with the height of major projects on main roads, as long as they conform to the City Plan. Having good views of our beautiful harbour is something to be proud of. I do have a problem with buildings that take up too much of the land, however. We need room for greenery and for bike paths, and sidewalks. The City Plan should insist on bigger setbacks for new developments to allow for more green space, more pedestrians and more active transportation. One last comment. Just because a developer overpaid for a lot, doesn't mean that the city has any obligation to approve a proposal to ensure that they can make a profit on the space. If the rules and good, and they say it is an acceptable project, then approve it and get it done. However, I don't have any sympathy for a developer who wants an exception to the rules and complains because it was denied or the approval process takes too long.

beechboymark

12/18/2020 01:59 PM

Pick a height and stick to it for this and other proposals in that strip.

pepaton

12/18/2020 03:58 PM

City needs to stop being short changed by developers!

fallout

12/18/2020 06:27 PM

Need affordable housing....this area is not south end Halifax.

ScreenName

12/18/2020 10:23 PM

I see no mention at all of any affordable housing units. This developer will make a profit off municipal infrastructure such as the bus terminal and Rec centre, meaning they will be able to charge a premium for tiny units. Expected rents will far exceed the average income of the neighbourhood...

- I'm also concerned construction would pose a major traffic issue.
- 63 Sinclair**  
12/18/2020 11:45 PM  
Ask for development proposals With criteria of fitting the neighbourhood,'being diverse, offer density, etc.
- MTF123?**  
12/19/2020 12:48 PM  
Great to see initiatives on housing, huge need and the area is due for renewal.
- Rose Street**  
12/19/2020 05:51 PM  
A considerable portion of the units should be considered to be affordable. I see no mention of that. A development of this size, with only 1 and 2 bedroom units, does very little to building a diverse and sustainable community.
- Richard Fanning Snowden**  
12/22/2020 11:07 AM  
scrap it
- Screenname8272**  
12/22/2020 03:44 PM  
I find it very sad that the plan is to destroy the wonderful feel of our Dartmouth location. It is pathetic that planners want our side of the harbour to become a carbon copy of the Halifax side. This proposed building should not be built as planned and ruin our neighbourhood.
- Phil**  
1/01/2021 10:01 AM  
Stop making this harder and build
- adamdcoombs**  
1/14/2021 09:12 AM  
I would be happy to further discuss my concerns with the City planners, if requested.

**Optional question** (23 response(s), 24 skipped)

**Question type:** Essay Question

#### Email 1

I've lived very near this location for close to 10 years and worked downtown Dartmouth for 15 years. I was excited to see the letter about this development then got to thinking about the shadow it would cast. Could be beneficial or not depending on how far it goes. What's the maximum area its shadow would ever cover, would it extend to the skateboard park? Also, will there be any subsidized units? I think it will certainly boost business at the Zatzman centre and surrounding businesses. Something you may want to start championing for is the crosswalk between that parking lot and the dollar store to be responsive to traffic. It's a terribly long wait even when the street is empty which prompts people to dash across. It's only a matter of time before someone is seriously injured. You may know it's quite a wind tunnel already by the Double Tree tower building and the Zatsman. Your building could make this almost unbearable if not taken into consideration. The force of the wild nearly rips street signs off some days now.

#### Email 2

As a local and a pedestrian, I am 100% against this proposal. It's completely wrong for the area; there is a house right beside it, for God's sake. In usual times, I spend a fair bit of time using public transit (got rid of my car 13 years ago). However, I have not set foot on a bus since mid-March. My whole life revolves around a neighbourhood I can walk in. If I can't get there on foot, I'm not going. I shop at the Sobey's on Wyse, I am at Alderney 3 or so times a week, library / market, etc. I live on Fairbanks so have to pass 99 Wyse all the time. All of these areas have 1 thing in common apart from the fact that they are eyesores - they create their own climate - the wind is insane. They are also dangerous to birds. There are easy fixes but no councillor or HRM staffer I have knowledge of will deal with them. It is a proven fact that high rise buildings with rounded "corners" stop the wind issue. There are also easy fixes to prevent bird strikes. If this building has to go forward, and I hope it does not - these are changes that should be made mandatory. Build here, build this way OR not at all. Why is the city so resistant to change that would benefit the community? Another issue, what about sightlines and access to sun? This will drastically affect both. I hope you see sense and say NO to this project but, if you do not, at least look at some eco-friendly options - the city has enough experts to call upon. Just my thoughts as a concerned resident, who hopes to see improvement in city management. Not everything should be about money.

Thought you were referring to a vacant lot on the opposite side of the street. However, all my objections still stand 100% (except for the house beside it). I will object when the city moves forward on that site too. Now I know the new location (proposed), I have an additional comment. The traffic at that corner and the traffic light situation is an absolute disaster right now and you want to add 20 stories of offices with a minimum of 100 indoor parking spaces (+outdoor) to that mad rush hour mess over the bridge - you need your heads examined. You will rue the day you let that happen, mark my words. You will never hear the end of the driver complaints & the increased congestion and accidents coming your way. Is there anyone there who understands the word 'planning' enough to see past the word 'development', with its \$ flashing in your face?

#### Email 3

I received a letter inviting comments on the proposed development on Wyse Rd in Dartmouth. I am very happy that there will be new development in that area. Our family lives within eyeshot of the proposed area and I own multiple properties around there also. All I have to say is, "it's about time"

#### Email 4

My wife, young child and myself reside (*in the area*) and have for the past 7 years. We also own a rental property (*in the area*) and moved in over 10 years ago. It agonizes me that there has basically been no development in that area in the last 10 years other than a few rental row houses of Ropewalk. With respect to this development I would have to say that as bad as I would like some development in the area this does not fit it. Way too high and can't imagine it fits the center plan? I would be a strong NO. Something 10 stories and under would be more reasonable for our area.

#### Email 5

We recently received a letter asking for comments on the development planned for 112-114 Wyse Road, Dartmouth. I would like to note that the general area has a troubling amount of pavement which makes Wyse Road prone to flooding in heavy rains. I would like to request that the city make it a condition, or take all available action, to ensure that the property has as minimal a footprint possible to allow for maximum greening and planting of trees, particularly as the building will be so tall. In addition, I would be highly in favour of a project that incorporated green roofs on any setback areas, much like you find extensively in Vancouver, and on the Halifax Central Library. As you undoubtedly know this area was once part of the Dartmouth Commons, the City has an opportunity to honour that history by replacing the cement with as much 'green' as possible.

#### Email 6

This is my neighbourhood and where the sun rises at my house most of the year. I had an office across the street in the tower for years and the wind coming up the harbour is fierce on occasion. I'm concerned about the further wind effects on both the building and foot traffic. One cannot stand up in SE winds over 80 KPH – and I'm well-anchored!! Then there is the blasting for the car park and foundation and traffic from the building. This corner is already very busy. Where will the traffic from the building enter and exit? The rock is all iron and magnesium bearing slate with the water table moving through it. How is this going to affect the 100+ year old foundations in the area? The Halifax Explosion was not kind to concrete. This land was originally part of the Dartmouth Common and was not for commercial use - thus the Library, Schools and SportPlex. I strongly object to the commercial use of this property. The bank was at least only 1 storey and inconspicuous. This is a non-starter. What happened to the ratio between the lot size and the floor plan? I've been assured by my elected rep and staff that the Wyse Road corridor, which I support, would not exceed this ratio. Is there a public hearing or Zoom meeting about this? If you don't have the Zoom infrastructure, I do and would be pleased to help get this application thoroughly aired out.

## Email 7

I live in the neighbourhood where this building proposal is located. I don't understand HRM's obsession with enormous buildings? A 20-storey building is massive and I can only assume the developer is making it very attractive for whoever is in charge of approving these monstrosities. I can see a 10-storey building in the area; any larger and it will create an eyesore and undoubtedly another wind tunnel like the ridiculously out of place office building at 99 Wyse Rd or the impossible to walk along stretch at 45 Alderney Dr.

## Attachment C: Review of Relevant Regional Centre SMPS and Dartmouth MPS Policies

<b>Regional Centre Secondary Municipal Planning Strategy</b>	
<b>Policy</b>	<b>Comment</b>
<p><b>Policy 10.25</b>                      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 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 Bylaw. 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>This application was submitted and being reviewed prior to the date of the first publication of the notice of the intention of Council to adopt this Plan and therefore can continue and shall be considered under the policies in effect on the date of the notice, which was the Dartmouth Municipal Planning Strategy.</p>
<b>Policy 10.26 – Regional Centre Secondary Municipal Planning Strategy</b>	
<b>Policy</b>	<b>Comment</b>
<p><b>Policy 10.26</b>                      Applications approved pursuant to Policy 10.25 shall include project commencement dates not exceeding three years, and project completion dates not exceeding:</p> <ul style="list-style-type: none"> <li>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</li> </ul>	<p>Not applicable.</p>
<ul style="list-style-type: none"> <li>b) for all other areas of this Plan, six years from the date the agreement is filed at the Land Registry Office.</li> </ul>	<p>Part 7 of the proposed development agreement stipulates a three year commencement date and six year completion date.</p>
<b>Dartmouth Municipal Planning Strategy</b>	
<p><b>Policy IP-5:</b> 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 &amp; 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>	

Policy	Comment
<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;</p>	<p>The site has frontage on Wyse Road which is a major, primarily commercial, arterial street. The proposed building faces three internal property lines on its north, east, and south elevations. The north elevation adjoins a parcel of land intended for future right-of-way expansion on Nantucket Avenue.</p> <p>The surrounding context offers little in the way of continuity in the form of building size, building height, or use. Surrounding uses include a mix of institutional, office commercial, retail commercial, and residential, while buildings range from 1 storey to 19 storeys in height. This eclectic context offers minimal guidance in applying policy requiring consistency.</p> <p>Designed for the limitations placed on the site, the flat iron treatment and curved facade relieves the perceived bulk of the building and the streetwall is designed to activate both the Nantucket and Wyse street fronts while properly addressing internal property lines.</p>
<p>(b) adequacy of controls placed on the proposed development to reduce conflict with any adjacent or nearby land uses by reason of:</p>	
<p>(i) the height, size, bulk, density, lot coverage, lot size and lot frontage of any proposed building;</p>	<p>The development agreement contains provisions that ensure the development will conform to the approved design, as outlined above. Controls on lot size and frontage are per the requirements of the Land Use Bylaw.</p> <p>A wind impact study was completed that employed a CFD simulation (Computational Fluid Dynamics) to model the wind impacts of the building on the local area at different times of the year. The study found two problematic locations where in extreme wind events potential wind speeds exceed accepted industry standards for pedestrian wind comfort and safety levels. At the corner of Wyse Road and Nantucket Avenue and on the 5<sup>th</sup> floor terrace. The development agreement requires wind mitigation efforts at these two locations and a certification by a qualified professional that those wind mitigation efforts will achieve accepted industry standards for pedestrian wind comfort and safety for the intended use of these areas.</p>

<p>(ii) traffic generation, access to and egress from the site; and</p>	<p>A traffic impact study concluded that as the building is strategically located on several core transportation routes and having direct access to robust transit and active transportation networks it will contribute a very small amount of traffic to the adjacent roadways and is not expected to have any significant impact on the level of performance of the local streets, the adjacent intersections, or the regional street network. After extensive research it was determined the only location for a driveway entrance is mid-block off Nantucket Ave via a right in/right out.</p>
<p>(iii) parking;</p>	<p>Supporting documents suggest a total of 100 underground parking stalls will be provided for this site resulting in a potential parking stall/unit ratio of 0.63:1. This ratio is acceptable given the site's location to the central transit terminal and active transportation network.</p>
<p>(c) adequacy or proximity of schools, recreation areas and other community facilities;</p>	<p>The proposed development is within the Dartmouth High family of schools catchment area with Bicentennial School as the elementary and junior high schools and Dartmouth High as the high school. The HRCE 2019 Outlook has the schools below or reaching capacity within the next 10 years. According to HRCE, the child yield per apartment unit in HRM is 0.16. This low ratio coupled with the HRCE's outlook suggests little impact on the enrollment. Additionally, the Education Act mandates that every person over the age of five years and under the age of 21 years has the right to attend a public school serving the school region in which that person resides. While there may be operational challenges in some cases, the HRCE will work to ensure all students are provided with access.</p> <p>There are several parks, including the Dartmouth Commons, with varied recreational opportunities within walking distance of the site. The Dartmouth Sportsplex is located adjacent to the property.</p>
<p>(d) adequacy of transportation networks in, adjacent to, and leading to the development;</p>	<p>The building is strategically located on several core transportation routes and having direct access to robust transit and active transportation networks.</p>



(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;	A proposed total amenity space of 1334 sq. m., of which 844 sq. m. is to be outdoor amenity space consisting of a fitness room, a party room, terraces, and a rooftop lounge. The total amenity space equates to 8.3 sq. m. (89 sq. ft.) of amenity space per unit. That does not include private balconies.
(f) that mature trees and other natural site features are preserved where possible;	There are no valuable natural features associated with the site.
(g) adequacy of buffering from abutting land uses;	The property is surrounded by asphalt parking for the Halifax Transit Bridge Terminal and Zatzman Sportsplex.
(h) the impacts of altering land levels as it relates to drainage, aesthetics and soil stability and slope treatment; and	The development will require the submission of a site grading plan(s), identification of stormwater management measures, and erosion controls. These plans must conform with HRM and Provincial standards as well as minimize impacts on adjacent properties
(i) the Land Use By-law amendment criteria as set out in Policy IP- 1(c).	See below.

<b>IP-1(c) Zoning By-law - In considering zoning amendments and contract zoning, Council shall have regard to the following:</b>	
<b>Policy</b>	<b>Comment</b>
(1) that the proposal is in conformance with the policies and intent of the Municipal Development Plan	The proposal has been considered in accordance with policies IP-5 and IP-1 (c).
(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	The site has frontage on Wyse Road which is a major, primarily commercial, arterial street. The proposed building faces three internal property lines on its north, east, and south elevations. The north elevation adjoins a parcel of

	<p>land intended for future right-of-way expansion on Nantucket Avenue.</p> <p>The surrounding context offers little in the way of continuity in the form of building size, building height, or use. Surrounding uses include a mix of institutional, office commercial, retail commercial, and residential, while buildings range from 1 storey to 19 storeys in height. This eclectic context offers minimal guidance in applying policy requiring consistency.</p> <p>Designed for the limitations placed on the site, the flat iron treatment and curved facade relieves the perceived bulk of the building and the streetwall is designed to activate both the Nantucket and Wyse street fronts while properly addressing internal property lines.</p>
<p>(3) provisions for buffering, landscaping, screening, and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries</p>	<p>There are no concerns relative to incompatibility between the development and Wyse Road which is an arterial road. See Team Review comments for more information regarding access control. Adjacent land uses addressed under IP-5 (a)</p>
<p>(4) that the proposal is not premature or inappropriate by reason of:</p>	
<p>(i) the financial capability of the City is to absorb any costs relating to the development</p>	<p>No concerns were identified regarding potential financial implications for HRM. Any cost to upgrade municipal infrastructure, in order to accommodate the project, will be the responsibility of the developer.</p>
<p>(ii) the adequacy of sewer and water services and public utilities</p>	<p>No concerns were identified regarding the capacity of sewer or water. Detailed review will be completed at the permitting stage and any required upgrades will be the responsibility of the property owner/developer.</p>
<p>(iii) the adequacy and proximity of schools, recreation and other public facilities</p>	<p>Addressed under IP-5 (c).</p>

<p>(iv) the adequacy of transportation networks in adjacent to or leading to the development</p>	<p>Addressed under IP-5 (d).</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 potential dangers have been identified. Any development must conform with HRM and Provincial standards regarding site grading and stormwater management as well as minimize impacts on adjacent properties. This is confirmed at the building permit stage.</p>
<p>(vi) preventing public access to the shorelines or the waterfront</p>	<p>Waterfront impacts are not relevant to this application.</p>
<p>(vii) the presence of natural, historical features, buildings or sites</p>	<p>There are no valuable natural features associated with the site. The subject site is not a designated heritage property, nor does it contain a designated heritage building or a building worth designating.</p>
<p>(viii) create a scattered development pattern requiring extensions to trunk facilities and public services while other such facilities remain under utilized</p>	<p>This is considered an infill development utilizing existing services and facilities.</p>
<p>(ix) the detrimental economic or social effect that it may have on other areas of the City.</p>	<p>Staff are not aware of any potential detrimental effects that the development may pose.</p>
<p>(5) that the proposal is not an obnoxious use</p>	<p>The proposed use would not have any obnoxious effects.</p>
<p>(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 nearby land uses and public facilities. Such controls may relate to, but are not limited to, the following:</p>	

<p>(i) type of use, density, and phasing</p>	<p>The use and density are controlled by the development agreement. There is no phasing as the development comprises a single building.</p>
<p>(ii) emissions including air, water, noise</p>	<p>The development is not expected to generate emissions that will warrant controls. However, any potential nuisances are controlled by the development agreement.</p>
<p>(iii) traffic generation, access to and egress from the site, and parking</p>	<p>Addressed under IP-5 above. The agreement covers the approved driveway and walkway locations and minimum number of parking spaces.</p>
<p>(iv) open storage and landscaping</p>	<p>The development agreement requires landscaping measures as part of the amenity space and require that they be planned and certified by a Landscape Architect. Open storage is not permitted.</p>
<p>(v) provisions for pedestrian movement and safety</p>	<p>The agreement requires barrier free walkways and corridors are provided.</p>
<p>(vi) management of open space, parks, walkways</p>	<p>The agreement requires the developer to maintain and keep in good repair all portions of the development, including walkways and private open spaces.</p>
<p>(vii) drainage both natural and sub-surface and soil-stability</p>	<p>The agreement includes requirements for site grading, stormwater management and erosion and sedimentation controls in accordance with applicable HRM and Provincial standards.</p>
<p>(viii) performance bonds.</p>	<p>Not applicable.</p>

<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>	<p>No concerns have been identified with regard to these features on the lands. The development will have to comply with all applicable HRM, Provincial and Federal regulations.</p>
<p>(8) that in addition to the public hearing requirements as set out in the Planning Act and City by-laws, all applications for amendments may be aired to the public via the "voluntary" public hearing process established by City Council for the purposes of information exchange between the applicant and residents. This voluntary meeting allows the residents to clearly understand the proposal previous to the formal public hearing before City Council</p>	<p>A public engagement session was held in December 2019 through to January 2020. A public hearing will be held by Community Council prior to any decision on the application.</p>
<p>(9) that in addition to the foregoing, all zoning amendments are prepared in sufficient detail to provide:</p>	
<p>(i) Council with a clear indication of the nature of proposed development, and</p>	<p>Staff is of the opinion that enough detail has been provided to Council to allow it to clearly understand the nature of the proposed development.</p>
<p>(ii) permit staff to assess and determine the impact such development would have on the land and the surrounding community</p>	<p>Staff is of the opinion that it is in possession of enough detail on the proposed development to properly assess and determine the impacts that such a development will have on the land and the surrounding community.</p>

(10) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS.

Not applicable.