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**Item No. 8.1**  
**Harbour East - Marine Drive Community Council**  
**October 14, 2021**  
**November 4, 2021**

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

**-Original Signed-**

**SUBMITTED BY:**

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Kelly Denty, Executive Director of Planning and Development

**DATE:** September 27, 2021

**SUBJECT:** **Case 23374: Development Agreement for 246 Waverley Road and 2 and 4 Montebello Drive, Dartmouth**

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**ORIGIN**

Application by Zzap Architecture and Planning.

**LEGISLATIVE AUTHORITY**

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

**RECOMMENDATION**

It is recommended that Harbour East Marine Drive Community Council refuse the proposed development agreement enabling the development of a six storey multi-unit dwelling at 246 Waverley Road and 2 & 4 Montebello Drive, as set out in Attachment A of this report.

## **BACKGROUND**

Zzap Architecture and Planning on behalf of property owner, Yellowstone Commercial Holdings Ltd., is applying to enter into a development agreement to allow the construction of a six (6) storey apartment building.

<b>Subject Site</b>	246 Waverley Road (PID 00249771) and 2-4 Montebello Drive (PID's 00249789 and 00249797), Dartmouth
<b>Location</b>	The south-east corner of the Waverley Road / Montebello Drive intersection
<b>Regional Plan Designation</b>	Urban Service (US)
<b>Community Plan Designation (Map 1)</b>	Waverley Road designation (WR) and the Mixed-Use sub-designation (MU) in the Dartmouth Municipal Planning Strategy
<b>Zoning (Map 2)</b>	Single Family Residential (R-1)
<b>Size of Site</b>	Approximately 2,733.9m <sup>2</sup> (29,427 sq. ft.)
<b>Street Frontage</b>	Approximately 62.5m on Montebello Drive and 50.2m on Waverley Road
<b>Current Land Use(s)</b>	Single unit dwellings
<b>Surrounding Use(s)</b>	Low rise commercial buildings to the east, south and north. Low density residential dwellings to the west.

### **Proposal Details**

The applicant proposes to construct a six storey apartment building at the intersection of Waverley Road and Montebello Drive. The major aspects of the proposal are as follows:

- A six (6) storey building which includes a penthouse level;
- A total of 42 units, 50% of which would contain two or more bedrooms;
- Internal parking levels including 40 parking spaces;
- Amenity areas on Level 3 and at the penthouse level; and
- Grade related units along Montebello drive and Waverley Road.

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

On September 22, 2020, Regional Council approved planning policy amendments to the Dartmouth Municipal Planning Strategy which redesignated 246 and 2 Montebello Drive from the Neighborhood sub-designation to the Mixed-Use sub-designation within the Waverley Road designation. The portion of the site at 4 Montebello Drive was redesignated from Residential and brought within the Waverley Road designation and also sub-designated Mixed-Use. This Mixed-Use sub-designation allows Council to consider a multi-unit building on the subject site in accordance with Policy C-41, IP-5 and IP-1(c). The report in support of the policy amendments outlines that the proposal was considered to be reasonably consistent with the proposed policy amendments but cautioned that further review was required as part of the development agreement process in terms of density and compatibility with the existing neighbourhood.

The subject site is zoned Single Family Residential (R-1) under the Dartmouth Land Use By-law. This zone permits single unit dwellings, places of worship, a range of institutional uses, public parks, a variety of sports and boating clubs, and home occupations.

## **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, and 496 letters mailed to property owners within the notification area. The application received 949 unique webpage views and the average time on the page was 4:31. In terms of written responses and phone calls, 11 email

comments were received and 4 phone calls. In the interests of continuity with the community, the same notification area was used for this application as was used during the 2020 MPS amendment process.

Due to the large number of community members wishing to participate in a virtual public information meeting, two meetings were held (June 1 and June 2, 2021). Attachment C contains a summary from the meetings. The public comments received generally included the following topics:

- The design has improved since the last public meeting for this project held in 2017;
- Negative impacts of increased traffic that the new development will bring to the area and the validity of the traffic study;
- A concern for the lack of parking proposed with the development;
- Concerns regarding the impacts of construction on traffic and nearby properties;
- The impact of the development on the privacy and views from adjacent properties especially those on Micmac Drive;
- More people living in the area would be supportive of local businesses and help with the short supply of rental units in the area;
- Lack of public transportation and pedestrian infrastructure to support the development;
- The development offers a housing option that is limited in this area especially for seniors looking to downsize;
- A unique building design that adheres to the Centre Plan design principles;
- The right-hand turning lane is necessary and should be included as a part of this development;
- The removal of mature trees from the site is a concern; and
- The development would beautify the Waverley Road / Montebello Drive corner.

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 2 will be notified of the hearing by regular mail.

## **DISCUSSION**

Staff has reviewed the proposal relative to all relevant policies and advise that although its acknowledged that the proposal has made improvements to the design in the interest of improving its contextual sensitivity, it is **not** reasonably consistent with the intent of the Dartmouth MPS. Attachment B provides an evaluation of the proposed development agreement in relation to the relevant MPS policies.

### **Multiple Unit Dwellings**

Policy C-41 allows Council to consider an apartment building on this site by development agreement. During the creation of the Waverley Road policy set in 2009, it was determined that multiple unit dwellings were a desirable building form for the area and would contribute to a walkable, mixed use community. This policy was intended to mitigate the impacts higher density residential uses can have on the existing neighborhood. To that end, one aspect of the policy directs Council to use the density standards of the R-3 Zone as a guide. Staff have reviewed the R-3 Zone and note that the maximum number of units (density) permitted on the site would be 22 one-bedroom units (less units would be permitted if two-unit dwellings were included based on the zone requirements). The proposal of 42 units is almost double that which would be allowed under the zone.

Density can also be measured in the mass and scale of a building. The following table provides a comparison between what the R-3 Zone would require and that of the proposal:

	<b>R-3 Zone Requirement</b>	<b>Proposal</b>
Lot Coverage	25%	70%
Side and Rear Yard Setback	10.4m (34') [4.6m (15') or half the height of the building]	Rear = 0.2m (0.67') Side = 3.3m (10.8')

Front Yard Setback	13.8m (45.3') from Waverley Rd. 7.6m (25') from Montebello Dr.	3m (9.8') from Waverley Rd. (0m after road widening) 3m (9.8) from Montebello Dr.
Amenity Area	817.5m <sup>2</sup> (8,800 sq. ft.)	246 m <sup>2</sup> (2,650 sq. ft.)

As per the comparison outlined in the table above, staff advise that the proposal does not use the standards of the R-3 Zone as a guide for density in terms of building scale and massing. It should be noted that the R-3 Zone is an older zone and may not necessarily exemplify the most current thinking on good urban design practices. This context notwithstanding, both Council and staff are ultimately obligated to assess proposals against the existing policies which apply to a site. Under these existing policies, it has been assessed that the proposal is not reasonably consistent with the policy intent.

### Compatible and Consistent

The Dartmouth MPS and Policy C-41 require Council to have regard for the provisions of Implementation Policy IP-5 when considering development agreements under this sub-designation. Policy IP-5, which also includes consideration of Policy IP-1(c), speaks to developments being compatible and consistent with the surrounding neighborhood. The existing development in the community is as follows:

- To the immediate north across Montebello Drive is a two-storey commercial building and further north is primarily low-density residential uses;
- Across Waverley Road to the east is one and two storey commercial buildings and beyond that are low density residential uses; and
- The nearest apartment building is located 350m away at 11 Garshan Road, which is a three-storey building containing 48 units.

In terms of compatibility, a multiple unit dwelling *use* may be considered compatible with the surrounding neighborhood and this is supported within the Waverley Road policies. However, the proposed massing and scale presents some difficulty. As per Policy IP-5, Council shall consider the following:

*“adequacy of the exterior design, height, bulk and scale of the new apartment development with respect to its compatibility with the existing neighbourhood”.*

In terms of exterior design, the proposal has evolved since the time it was initially submitted as a MPS amendment application in an effort to increase its contextual sensitivity to the existing lower density uses that surround the property. Design elements included within the current proposal which contribute towards achieving this goal included the following:

- Establishing a two-storey streetwall on Waverley Road and Montebello Drive, similar in height to surrounding residential and commercial buildings;
- Providing townhouse-style units on Montebello Drive with front yards and direct at-grade access to units;
- Providing a significant setback above the streetwall and pushing upper storeys to the middle of the site to limit the visual impact on surrounding streets and properties; and
- Integrating the building into the slope so that the building rises to only three storeys at the rear, similar to the maximum height expected for a house.

However, in terms of height, bulk and scale, staff advise that the proposed building fails to meet the technical aspects of the policy, as they relate to the R-3 Zone guidance. While a 6-metre setback in the form of a parkade driveway is present along portions of the rear yard facing the low-density residential homes adjacent, the majority of the common property line with the low density properties along Micmac Drive have minimal or no setback. The building is of a significantly larger height and density than what is present in the existing community. The nearest building of a comparable scale is located within Dartmouth Crossing, some 1,200 metres away, separated by both Shubie Park as well as Highway 118; these buildings contain commercial uses only. In terms of residential uses, the nearest buildings of a comparable scale are located on Horizon Court, approximately 1,600m away and separated by Lake Micmac and the Circumferential Highway. This lack of setback, a vehicular driveway entrance for 42 units, and increased

height abutting these single unit dwellings will have negative effects on those properties in terms of noise, privacy, and visual appeal.

Consistency of use and form is a major concern with this application. Policy IP-1(c) directs Council to consider:

*“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”*

This policy requires that new developments in this area be reflective of the existing community. As per the analysis above and further expanded on in Attachment B, there are no developments of a similar use, bulk or scale within the community. This building is a large urban style apartment building with minimal setbacks from the street or from adjacent low-density dwellings. This area is suburban in nature with primarily low-density uses, minimal service by transit, and sidewalks on only one side of Montebello Drive. Buildings of a similar bulk and scale can be found along Main Street and around the Micmac Mall area. These areas are not within the existing neighborhood of the subject site.

### **Summary of Staff’s Recommendation**

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is not reasonably consistent with the intent of the MPS. As noted by community members, the building design has evolved considerably since the first iteration in 2017. By setting the building into the hillside and providing appropriate setbacks, the applicant has attempted to address many of the concerns that were present during the first public meeting. These improvements notwithstanding, there is explicit policy direction that new developments should reflect what already exists within the community in terms of use, height, bulk and scale. Also, the policy asks that Council use the density standards of the R-3 Zone as a guide. The proposed development is not consistent with what is existing in the area and does not reasonably align with the R-3 Zone as a guide to density. It has been noted that an early review of the proposed building against applicable planning policies was completed at the time Council amended planning policies for this building. The result of a more fulsome review through this development agreement process when detailed building plans were available, and when other staff recommendations using the same planning policies could be considered, has led staff to the conclusions outlined within this report. Therefore, staff recommend that the Harbour East – Marine Drive Community Council refuse the proposed development agreement.

### **Alternative Approach - Proposed Development Agreement**

As Council may choose to take an alternative view to the proposal’s consistency with planning policy and consider approval of the proposal, 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:

- A six (6) storey building with a two (2) storey streetwall and a total height of 3.5 storeys at the rear;
- A maximum of 42 units, 50% of which would contain two or more bedrooms;
- Grade related units with direct access to the street are required along the Waverley Road and Montebello Drive street frontages;
- Indoor amenity space provided within Level 3 in addition to the entire penthouse utilized for common use by building occupants;
- A minimum of 40 parking spaces;
- Bicycle parking requirements as per the Dartmouth Land Use By-law;
- Three identification fascia signs permitted for the development; and
- Non-substantive amendments include changes to the landscaping requirements, changes to architectural requirements that do not impact the building massing, changes to the number of two (2) bedroom units required, changes the number of parking spaces required, and extensions to the construction commencement and completion dates.

### **Traffic Concerns**

HRM Traffic and Development Engineers have reviewed the materials submitted in support of the development and have found the proposal acceptable. However, through public consultation and feedback from the community there is a perceived traffic problem in the area and it is thought that this development will worsen that situation. Further, through the Engineering review of potential future development in the Port Wallace area, it was determined that road widening would be required and a right turn lane from Waverley Road to Montebello Drive would be necessary. To that end, the applicant has set the proposed building back the necessary three (3) meters from Waverley Road. Should a future road widening become necessary, there will be available space on the subject site for that to occur. Through the public consultation, the community has indicated that this right turn lane should be required as a part of this current development due to the perceived traffic issues in the area. Development Engineering has confirmed that this road widening and right turn lane are not required for this development.

### **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 as contained in Attachment A. In selecting this alternative, Council may:
  - a. Give notice of motion to consider the proposed development agreement, as set out in Attachment A, to construct a six (6) storey apartment building at 246 Waverley Road and 2 and 4 Montebello Drive, and schedule a public hearing;
  - b. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A; and
  - c. 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.

A decision of Council to approve or refuse to approve the proposed 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 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*.

## **ATTACHMENTS**

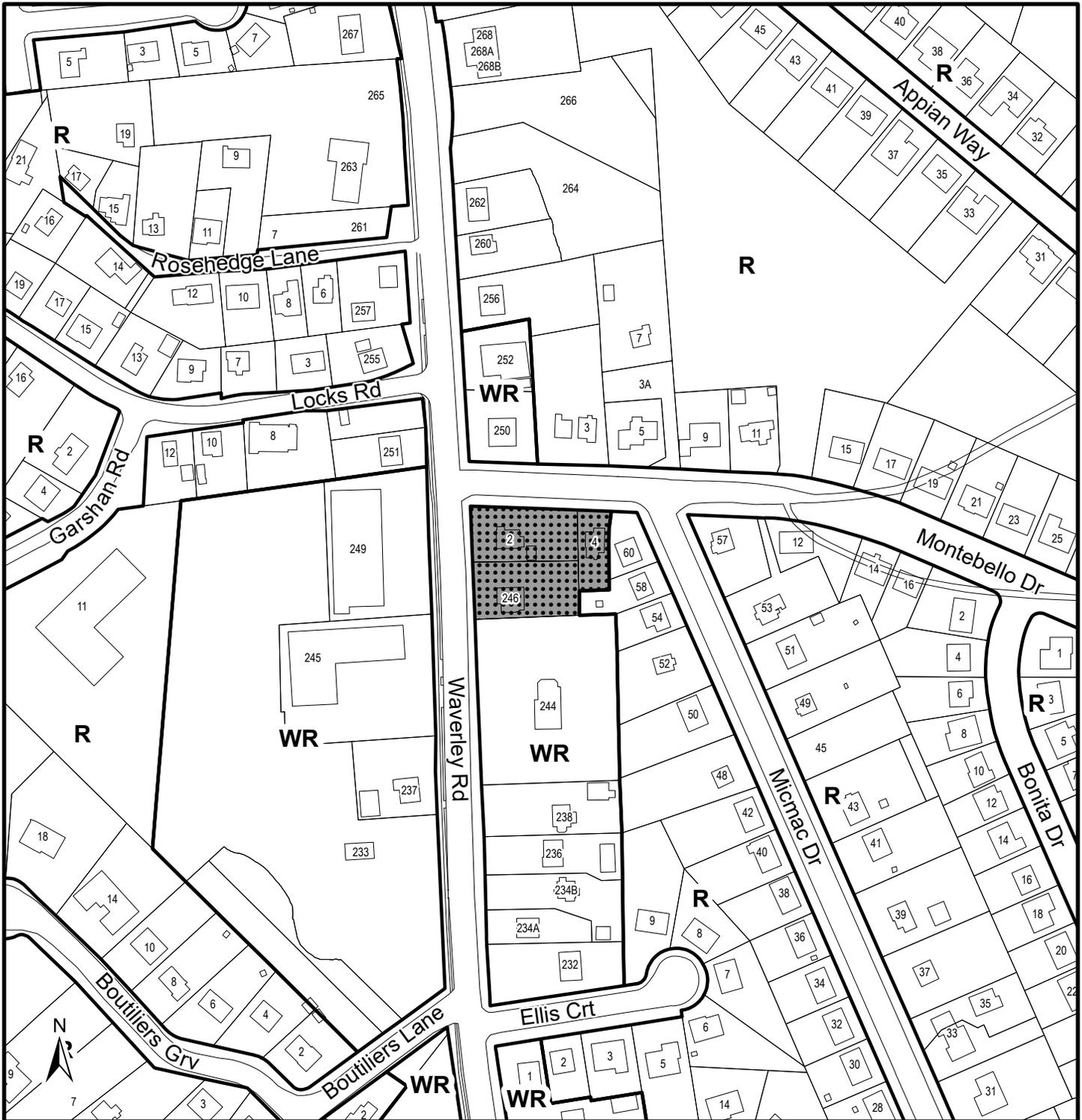
Map 1:	Generalized Future Land Use
Map 2:	Zoning and Notification Area
Attachment A:	Proposed Development Agreement
Attachment B:	Review of Relevant Dartmouth MPS Policies
Attachment C:	Public Meeting Summary

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

Report Prepared by: Melissa Eavis, Planner 3, 902.237.1216

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**Map 1 - Generalized Future Land Use**

246 Waverley Rd,  
 2 & 4 Montebello Dr,  
 Dartmouth



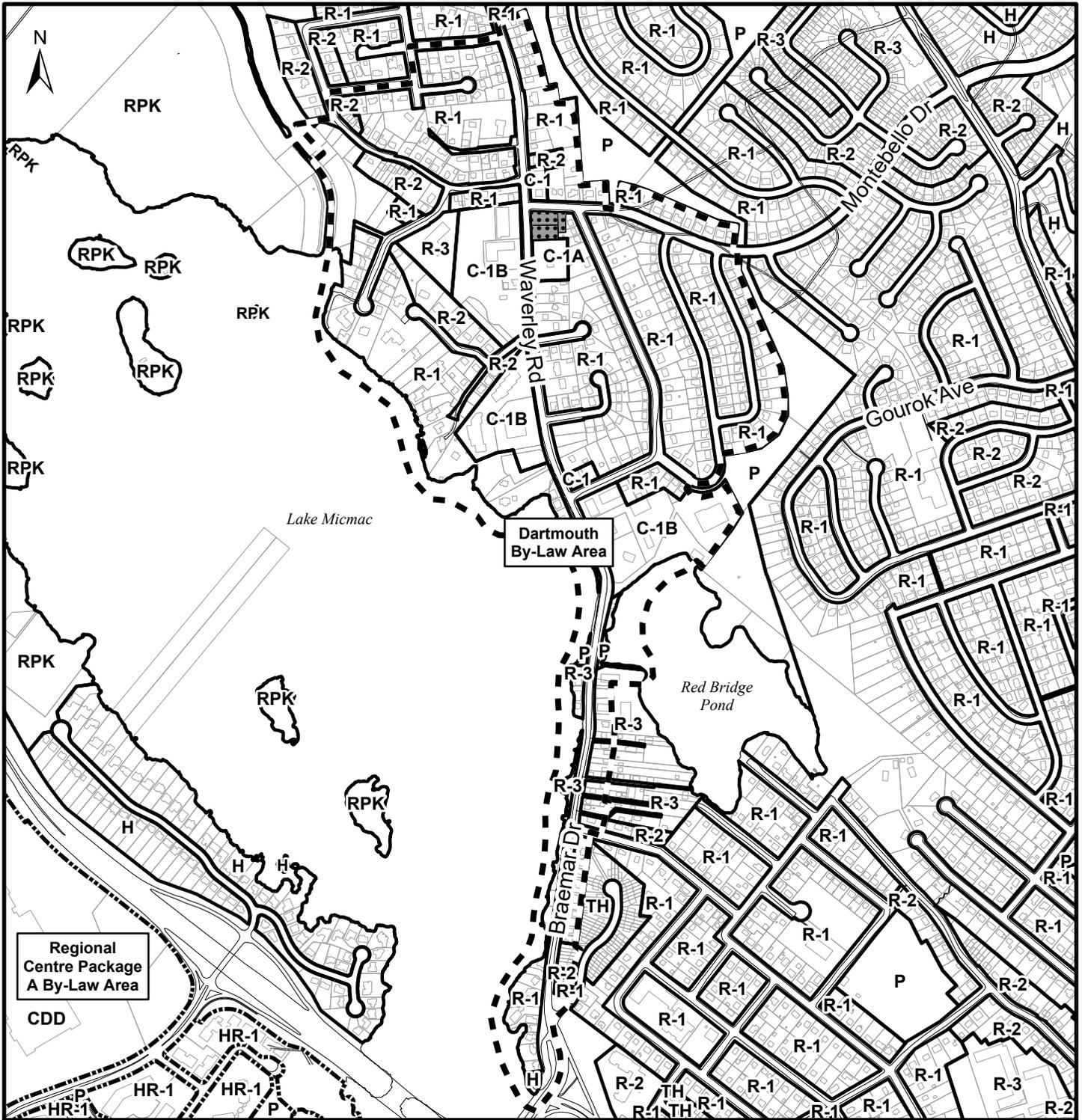
Subject Property

Designation	
Dartmouth R	Residential
WR	Waverley Road

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

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

Dartmouth  
 Plan Area



### Map 2 - Zoning and Notification Area

246 Waverley Rd,  
2 & 4 Montebello Dr,  
Dartmouth

-  Subject Property
-  By-Law Area
-  Area of Notification
- Dartmouth  
Land Use By-Law Area

- Dartmouth Zone**
- C-1 Local Business
  - C-1A Neighbourhood Commercial
  - C-1B Mixed Use Commercial
  - H Holding
  - P Park
  - R-1 Single Family Residential
  - R-2 Two Family Residential
  - R-3 Multiple Family Residential
  - RPK Regional Park
  - TH Town Housing

- Regional Centre Zone**
- CDD Comprehensive Development District
  - HR-1 Higher-Order Residential 1

**HALIFAX**



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

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

**Attachment A: Proposed Development Agreement**

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

BETWEEN:

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

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 246 Waverley Road and 2 & 4 Montebello Drive 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 multiple unit residential building on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policies C-41, IP-5, and IP-1(c) of the Dartmouth Municipal Planning Strategy and Section 18(Ua)(b)(i) of the Dartmouth Land Use By-law;

**AND WHEREAS** the Harbour East – Marine Drive Community Council approved this request at a meeting held on **[Insert - Date]**, referenced as case number **23374**;

**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 applicable Land Use By-law and the Regional Subdivision By-law, as amended from time to time.
- 1.2.2 Variances to the requirements of the Land Use By-law for Dartmouth 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 Subdivision By-law, if not defined in these documents their customary meaning shall apply.

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

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

- (a) **Indoor Amenity Space** means indoor above grade space designed for shared use by a building's residents.
- (b) **Landscape Architect** means a professional full member in good standing with the Atlantic Provinces Association of Landscape Architects.
- (c) **Grade-Related Unit** means a dwelling unit within a multi-unit dwelling use that is accessible by pedestrians from a private entrance that fronts and faces a streetline.
- (d) **Fascia Sign**: means a sign that is affixed directly to or painted on an exterior wall of a building and which does not extend beyond the edges of the wall or above the roof edge.
- (e) **Sign Area**: means the area or portion of a sign, including internal holes or vacant spaces, upon which the advertising message is displayed, including those portions used for outlines or borders. Where letters, logos, or images are mounted or hung without backing, the area shall be determined based on the smallest geometric shape which contains the entire advertising message.

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

### **3.1 Schedules**

3.1.1 The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, conforms with the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as case number 23374:

Schedule A	Legal Description of the Land(s)
Schedule B	Site Plan
Schedule C	North Elevation
Schedule D	West Elevation
Schedule E	South Elevation
Schedule F	East Elevation
Schedule G	Preliminary Landscape Plan

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

3.2.1 Prior to the issuance of any site work on the Lands, the Developer shall provide the following to the Development Officer, unless otherwise permitted by the Development Officer:

- (a) written confirmation and photographs demonstrating that the existing structures on the Lands have been removed;
- (b) a detailed Site Disturbance Plan prepared by a Professional Engineer in accordance with Section 5.2.1(a) of this Agreement;

- (b) a detailed Erosion and Sedimentation Control Plan prepared by a Professional Engineer in accordance with Section 5.2.1(b) of this Agreement; and
  - (c) a detailed Site Grading and Stormwater Management Plan prepared by a Professional Engineer in accordance with Section 5.2.1(c) of this Agreement.
- 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) a detailed Landscape Plan prepared by a Landscape Architect in accordance with Schedule G and Section 3.10 of this Agreement;
  - (b) a detailed Lighting Plan in accordance with Section 3.8 of this Agreement; and
  - (c) written confirmation from a Structural Engineer that all landscape areas designed to be installed on any rooftop level of the building are able to support any additional weight caused by the landscaped area.
  - (d) An approved final plan of subdivision showing the consolidation of the three lots
- 3.2.3 Prior to the issuance of the first Occupancy Permit for the building, the Developer shall provide the following to the Development Officer, unless otherwise permitted by the Development Officer:
- (a) Written confirmation from a qualified professional which the Development Officer may accept as sufficient record of compliance with the Landscape Plan and the Lighting Plan as outlined in Sections 3.10 and 3.8 respectively; and
  - (b) Written confirmation from the HRM Development Engineer indicating compliance with Section 4.2 of this Agreement.
- 3.2.4 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Lands for any of the uses permitted by this Agreement unless an Occupancy Permit has been issued by the Municipality. No Occupancy Permit shall be issued by the Municipality unless and until the Developer has complied with all applicable provisions of this Agreement and the Land Use By-law (except to the extent that the provisions of the Land Use By-law are varied by this Agreement) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.

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

- 3.3.1 The use of the Lands permitted by this Agreement is a multi-unit residential building containing a maximum of 42 residential dwelling units, of which a minimum of 50% of the units shall contain at least two (2) bedrooms.
- 3.3.2 Grade-related units are required along the Waverley Road and Montebello Drive frontages as identified on the Schedules. All grade-related units must have direct access to the street.
- 3.3.3 The Development Officer may permit unenclosed structures attached to a main building such as verandas, decks, porches, steps, and mobility disabled ramps to be located within the required minimum front, side and rear yards. These structures are not permitted within the 3m setback from Waverley Road as identified on Schedule B and Section 3.4.2(a).

### **3.4 Building Siting**

- 3.4.1 The building's siting, height, exterior design, materials and massing shall be in general conformance with Schedules B through F, and subject to Section 3.4 of this Agreement.
- 3.4.2 The building's siting, bulk, and scale shall comply with the following:
- (a) The building shall be setback a minimum of 3 metres from the Waverley Road Streetline to allow for future road expansion;

- (b) Minimum side, rear, and flank yards shall be as shown on Schedules B through F;
- (c) The maximum height of the building shall be as shown on the Schedules inclusive of the penthouse level; and
- (d) Steppbacks and the size and location of the penthouse level shall be as shown on Schedules B through F.

### **3.5 Architectural Requirements**

- 3.5.1 The building facades shall be designed and detailed as generally shown on the Schedules of this Agreement.
- 3.5.2 Notwithstanding subsection 3.5.1, the arrangement of window, balconies and exterior features may be altered to accommodate the interior layout of the building, provided that the arrangement is consistent with the general architectural intent of the Schedules, and under no circumstances shall the arrangement create a condition which results in large blank or unadorned walls.
- 3.5.3 The main entrances to building shall be emphasized by detailing, changes in materials, and other architectural devices. Service entrances shall be integrated into the design of the building and shall not be a predominate feature.
- 3.5.4 The façades facing Waverley Road and Montebello Drive shall be designed and detailed as primary façades. Further, architectural treatment shall be continued around all sides of the building as identified on the Schedules.
- 3.5.5 Blank or unadorned walls in excess of 18 square metres shall not be permitted. The scale of large walls shall be tempered by the introduction of artwork, such as murals, textural plantings and trellises, and architectural detail to create shadow lines (implied windows, cornice lines, or offsets in the vertical plane).
- 3.5.6 Any exposed foundation in excess of 0.75 meters in height and 2 square metres in total area shall be architecturally detailed, veneered with stone or brick.
- 3.5.7 Exterior building materials shall be as shown on the Schedules. For all other exterior building elements, materials shall not include plywood, unpainted or unstained wood, or vinyl siding.
- 3.5.8 All vents, down spouts, flashing, electrical conduits, metres, service connections, and other functional elements shall be treated as integral parts of the design. Where appropriate these elements shall be painted to match the colour of the adjacent surface, except where used expressly as an accent.
- 3.5.9 Buildings shall be designed such that the mechanical systems (HVAC, exhaust fans, etc.) are not visible from Waverley Road, Montebello Drive, or abutting residential properties. 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.
- 3.5.10 Fixed or retractable awnings are permitted at ground floor levels provided the awnings are designed as an integral part of the building façade.
- 3.5.11 All roof mounted mechanical or telecommunication equipment shall be visually integrated into the roof design or screened from public view.

### **3.6 Subdivision of the Lands**

3.6.1 A lot consolidation subdivision applications shall be submitted to the Development Officer in accordance with Schedule B.

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

3.7.1 A minimum of 40 internal parking spaces shall be required.

3.7.2 All driving lanes and walkways on the Lands shall have a hard-finished surface such as asphalt, concrete, or interlocking precast concrete paver stones. Permeable hard surfaces are acceptable and shall be adequately maintained.

3.7.3 All driving lanes on the Lands shall be a minimum of 3 metres wide for one direction traffic and 6 metres wide for two direction traffic.

3.7.4 Bicycle parking shall be required in accordance with the Dartmouth Land Use By-law.

### **3.8 Outdoor Lighting**

3.8.1 A Lighting Plan shall be prepared by a qualified professional and provided to the Development Officer demonstrating compliance with this section of this Agreement.

3.8.2 Lighting shall be directed to driveways, parking areas, loading areas, building entrances and walkways and shall be sufficient to promote safety and security and arranged so as to divert light away from streets, adjacent lots and buildings.

3.8.3 Buildings may be illuminated for visual effect provided such illumination is directed away from streets, adjacent lots and buildings, and does not flash, move or vary in intensity such that it creates a nuisance or hazard to public safety.

3.8.4 All pedestrian walkways on the Lands shall be uniformly lighted along the entire length of the pathway.

### **3.9 Amenity Space**

3.9.1 Indoor amenity space shall be provided:

- (a) at Level 3 measuring a minimum of 700 square feet in area; and
- (b) an amenity penthouse at the sixth level as shown on the Schedules, with a minimum floor area of 1950 square feet excluding areas required for elevator, stairs, and corridors.

3.9.2. Except for amenity space associated with an individual dwelling unit, all amenity space required by subsection 3.9.1 and 3.9.2 of this Agreement shall be:

- a) provided in increments of at least 30 contiguous square metres;
- b) no linear dimension shall be less than 3.0 metres; and
- c) barrier-free and accessible to all building residents

### **3.10 Landscaping**

3.10.1 All plant material shall conform to the Canadian Nursery Landscape Association's Canadian Nursery Stock Standard (ninth edition).

3.10.2 Prior to the issuance of a Development Permit, the Developer agrees to provide a detailed Landscape Plan which comply with the provisions of this section and generally conforms with the overall intentions of the Preliminary Landscape Plan shown on Schedule G. The Landscape Plan shall be prepared by a Landscape Architect (a full member, in good standing with Canadian Society

of Landscape Architects) and comply with all provisions of this section. Existing trees and shrubs may be included within the proposed landscape areas shown on Schedule G.

- 3.10.3 Prior to issuance of the first Occupancy Permit the Developer shall submit to the Development Officer a letter prepared by a member in good standing of the Canadian Society of Landscape Architects certifying that all landscaping has been completed according to the terms of this Development Agreement.
- 3.10.4 Notwithstanding Section 3.10.3, where the weather and time of year do not allow the completion of the outstanding landscape works prior to the issuance of the Occupancy Permit, the Developer may supply a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping. The cost estimate is to be prepared by a member in good standing of the Canadian Society of Landscape Architects. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the work as described herein and illustrated on the Schedules, and as approved by the Development Officer. Should the Developer not complete the landscaping within twelve months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping as set out in this section of the Agreement. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.
- 3.10.5 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.

### **3.11 Maintenance**

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

### **3.12 Signs**

- 3.12.1 The sign requirements shall be accordance with the Dartmouth Land Use By-law, as amended from time to time.
- 3.12.2 Notwithstanding Subsection 3.12.1, a maximum of three fascia signs shall be permitted as generally shown on Schedules C to F. Fascia signs on a building wall shall not exceed a sign area of 10% of the area of the wall that the sign is affixed.
- 3.12.3 Signs depicting the name or corporate logo of the Developer shall be permitted while a sales office is located on the site.
- 3.12.4 Signs shall only be externally illuminated.

### **3.13 Temporary Construction Building**

- 3.13.1 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.

### **3.14 Screening**

- 3.14.1 Refuse containers located outside the building shall be fully screened from adjacent properties and from streets by means of opaque fencing or masonry walls with suitable landscaping.
- 3.14.2 Propane tanks and electrical transformers shall be located on the site in such a way to ensure minimal visual impact from Waverley Road and Montebello Drive and adjacent residential properties. 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.
- 3.14.3 Mechanical equipment shall be permitted on the roof as per the Schedules of this agreement and provided the equipment is screened and not visible from any public street or incorporated into the architectural treatments and roof structure.
- 3.14.4 Any mechanical equipment shall be screened from view from adjacent properties and public streets with opaque fencing, landscaping, or building elements.

### **3.15 Reinstatement**

- 3.15.1 All disturbed areas shall be reinstated to original condition or better.

## **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 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 All refuse and recycling materials shall be contained within a building, or within suitable containers which are fully screened from view from any street or sidewalk. Further, consideration shall be given to locating of all refuse and recycling material to ensure minimal effect on abutting property owners by means of opaque fencing or masonry walls with suitable landscaping.

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

### **5.1 Private Storm Water Facilities**

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

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

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

### **5.3 Archaeological Monitoring and Protection**

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

### **5.4 Sulphide Bearing Materials**

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

## **PART 6: AMENDMENTS**

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

- 6.1.1 The following items are considered by both parties to be not substantive and may be amended by resolution of Council:
- (a) Changes to the landscaping requirements;
  - (b) Changes to the architectural requirements that do not impact the massing of the building;
  - (c) Changes to the number of two (2) bedroom units required as identified in Section 3.3.1;

- (d) Changes to the number of parking spaces required;
- (e) The granting of an extension to the date of commencement of construction as identified in Section 7.3.1 of this Agreement; and
- (f) The length of time for the completion of the development as identified in Section 7.4.3 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 four (4) 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 installation of the footings and foundation for the proposed building.
- 7.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 6.1.1.

### **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 In the event that development on the Lands has not been completed within ten (10) 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 ten (10) 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 60 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.

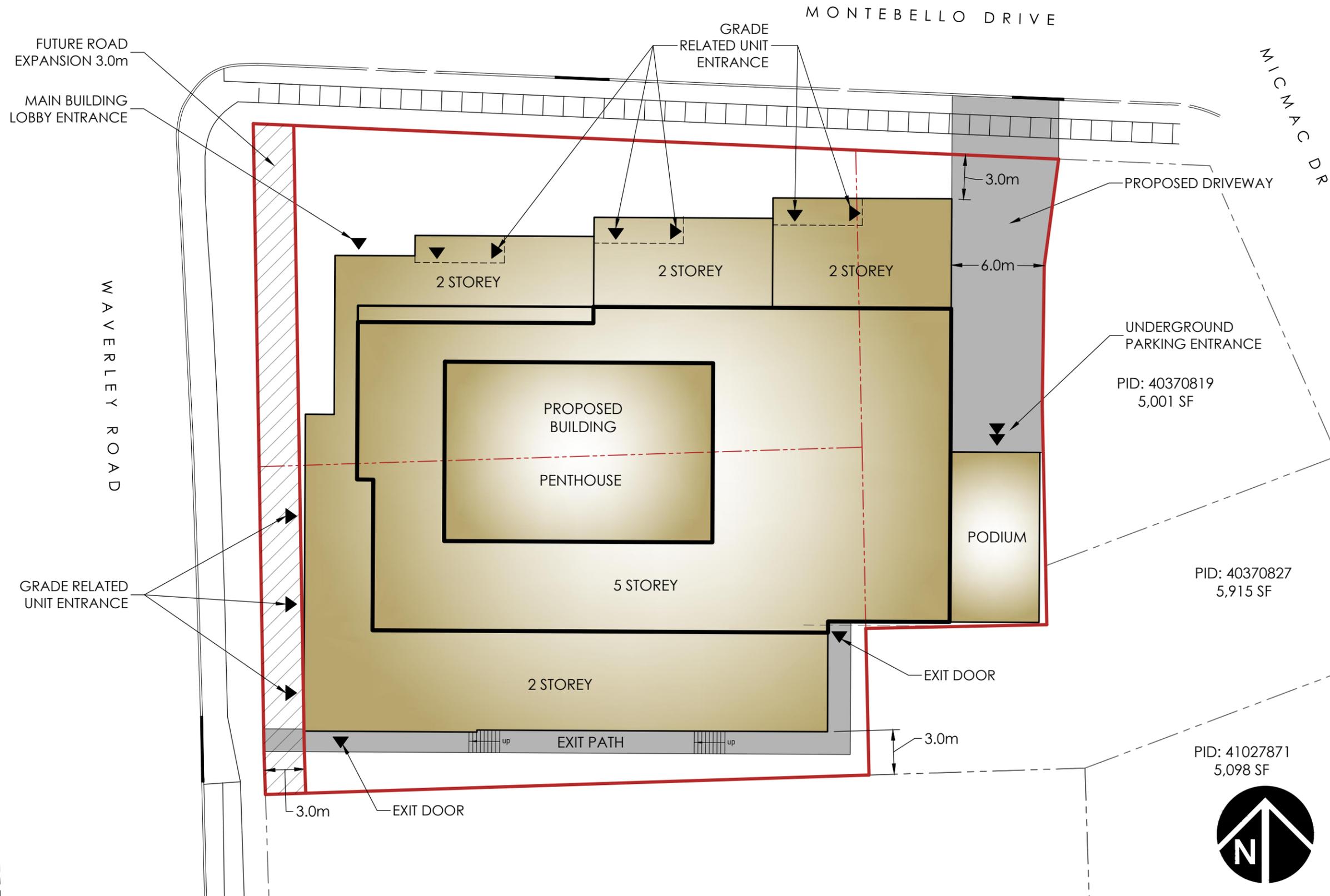
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A Commissioner of the Supreme Court  
of Nova Scotia

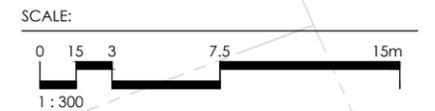
FILE: C:\Users\Ken\Zwickler\Architecture & Planning\Projects - Documents\2019\19-060 Chedrawy - Bello\PLAN - DA\DWG\19-060-BELLO-107.dwg SHEET: Site Plan

**LEGEND**

-  Site Boundary
-  Adjacent Property Boundary
-  Internal Property Boundary
-  Pedestrian Entrance
-  Vehicular Entrance



- SOURCES:**
- Plan based on Alderney Surveys CAD file: ACAD-161893-1(Topo).dwg
  - Adjacent property lines and topographic features are from provincial mapping.



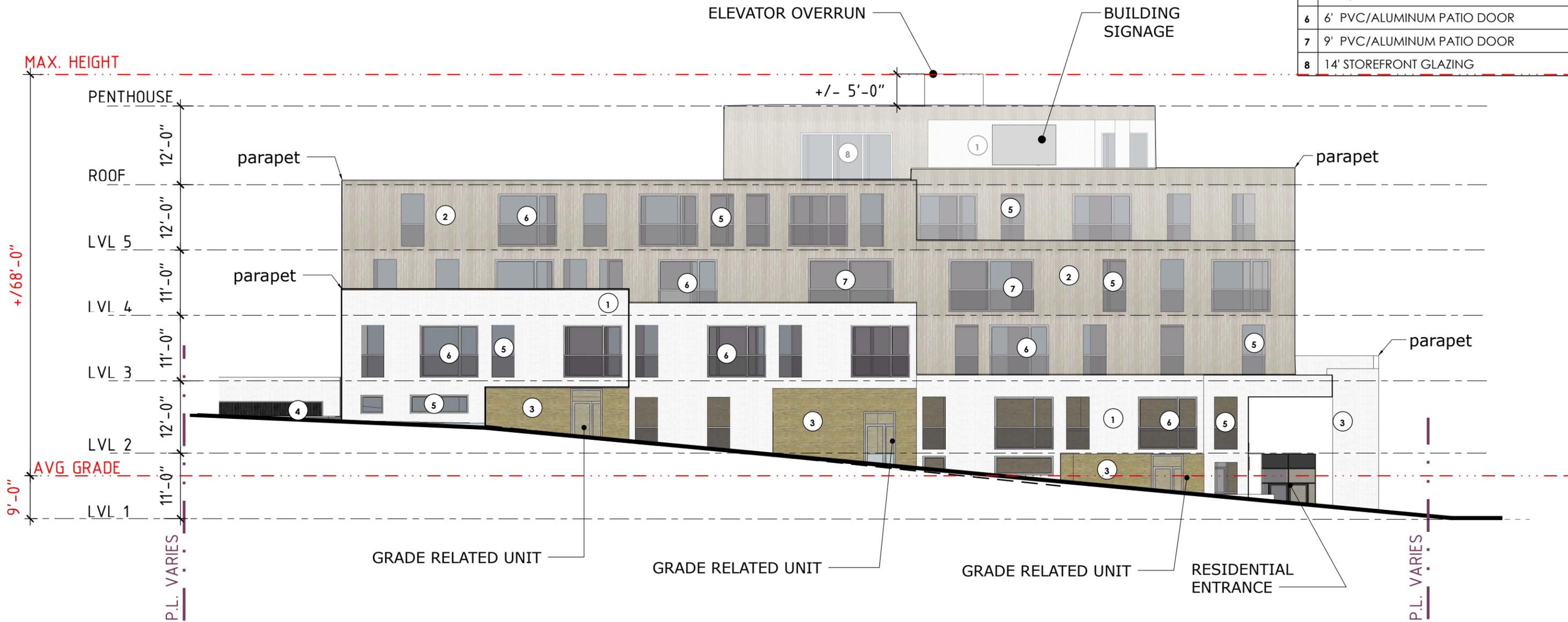
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**YELLOWSTONE  
COMMERCIAL  
HOLDINGS LTD.**

PROJECT  
**CHEDRAWY - BELLO  
WAVERLEY & MONTEBELLO**

DRAWING  
**SCHEDULE B: SITE PLAN**

PROJECT NO. **19-060-01** DRAWING NUMBER  
DRAWN BY: KW  
**107**  
DATE: SEPTEMBER 21, 2021

EXTERIOR MATERIALS LEGEND	
1	MASONRY VENEER
2	PREFINISHED ENGINEERED CLADDING - A
3	PREFINISHED ENGINEERED CLADDING - B
4	GARAGE DOOR
5	PVC/ALUMINUM WINDOW
6	6' PVC/ALUMINUM PATIO DOOR
7	9' PVC/ALUMINUM PATIO DOOR
8	14' STOREFRONT GLAZING



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PROJECT  
**CHEDRAWY - BELLO  
WAVERLEY & MONTEBELLO**

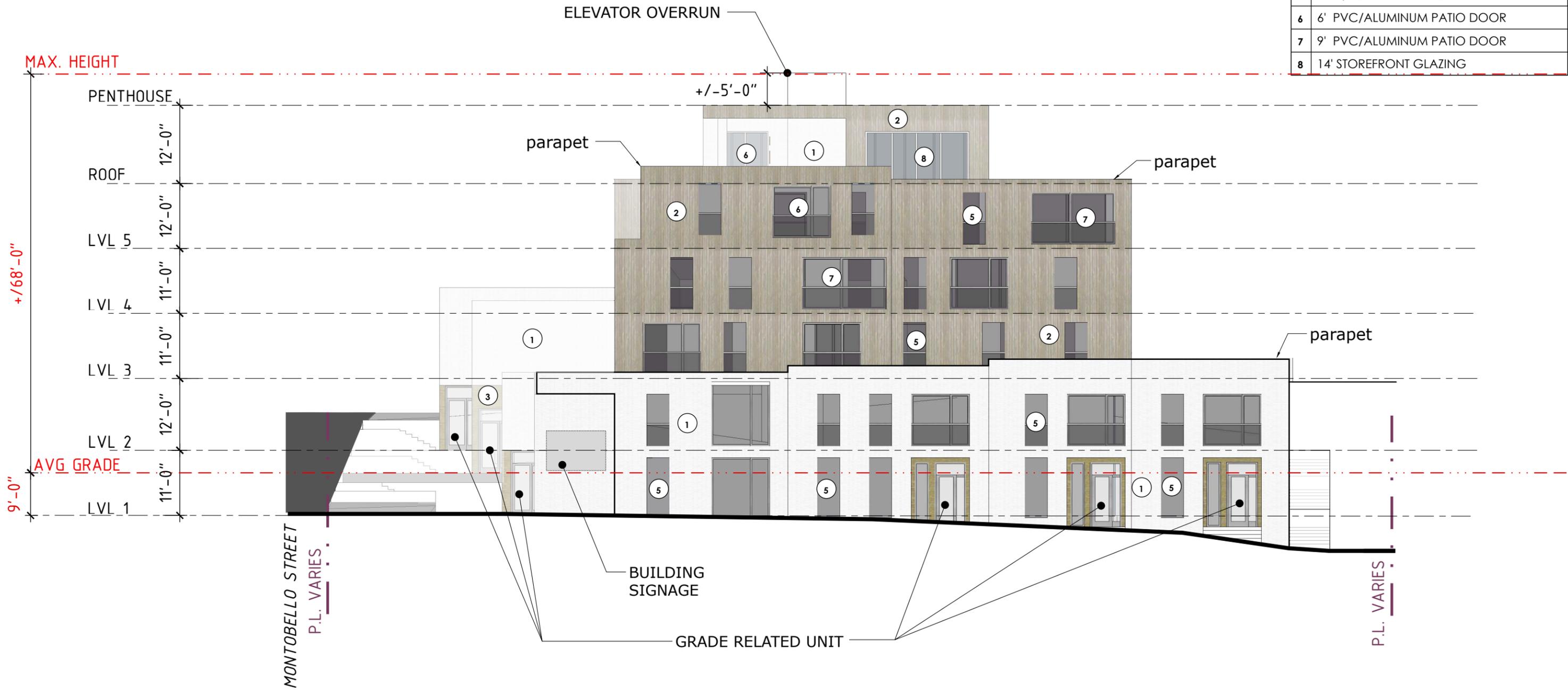
DRAWING  
**SCHEDULE C:  
NORTH ELEVATION**

SCALE: 1"=15'-0"

PROJECT NO. **19-060-01** DRAWING NUMBER  
DRAWN BY: JB/LH/KW  
ISSUED FOR REVIEW  
DATE: Sep 21, 2021

**A03**

EXTERIOR MATERIALS LEGEND	
1	MASONRY VENEER
2	PREFINISHED ENGINEERED CLADDING - A
3	PREFINISHED ENGINEERED CLADDING - B
4	GARAGE DOOR
5	PVC/ALUMINUM WINDOW
6	6' PVC/ALUMINUM PATIO DOOR
7	9' PVC/ALUMINUM PATIO DOOR
8	14' STOREFRONT GLAZING



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PROJECT  
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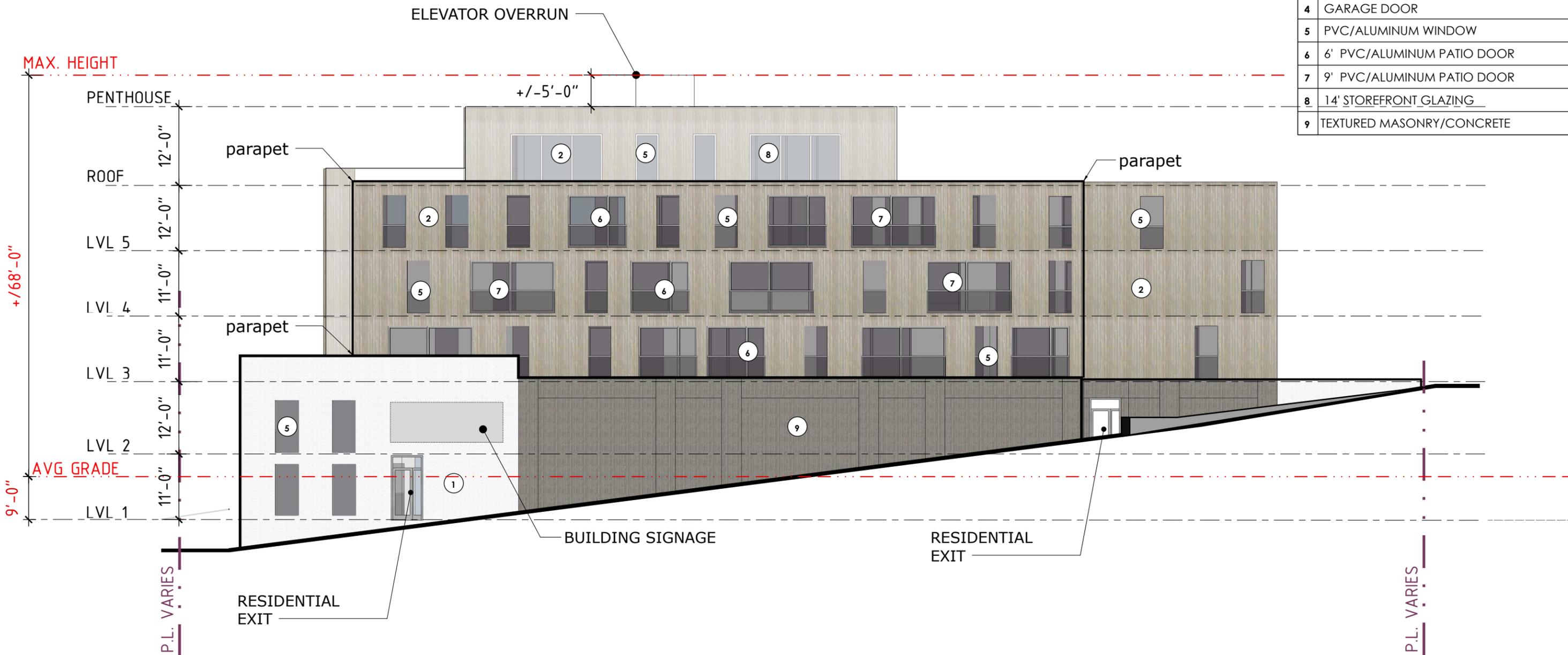
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**SCHEDULE D:  
WEST ELEVATION**

SCALE: 1"=15'-0"

PROJECT NO. **19-060-01** DRAWING NUMBER  
DRAWN BY: JB/LH/KW  
ISSUED FOR REVIEW  
DATE: Sep 21, 2021

**A04**

EXTERIOR MATERIALS LEGEND	
1	MASONRY VENEER
2	PREFINISHED ENGINEERED CLADDING - A
3	PREFINISHED ENGINEERED CLADDING - B
4	GARAGE DOOR
5	PVC/ALUMINUM WINDOW
6	6' PVC/ALUMINUM PATIO DOOR
7	9' PVC/ALUMINUM PATIO DOOR
8	14' STOREFRONT GLAZING
9	TEXTURED MASONRY/CONCRETE



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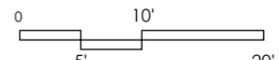
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PROJECT  
**CHEDRAWY - BELLO  
WAVERLEY & MONTEBELLO**

DRAWING  
**SCHEDULE E:  
SOUTH ELEVATION**

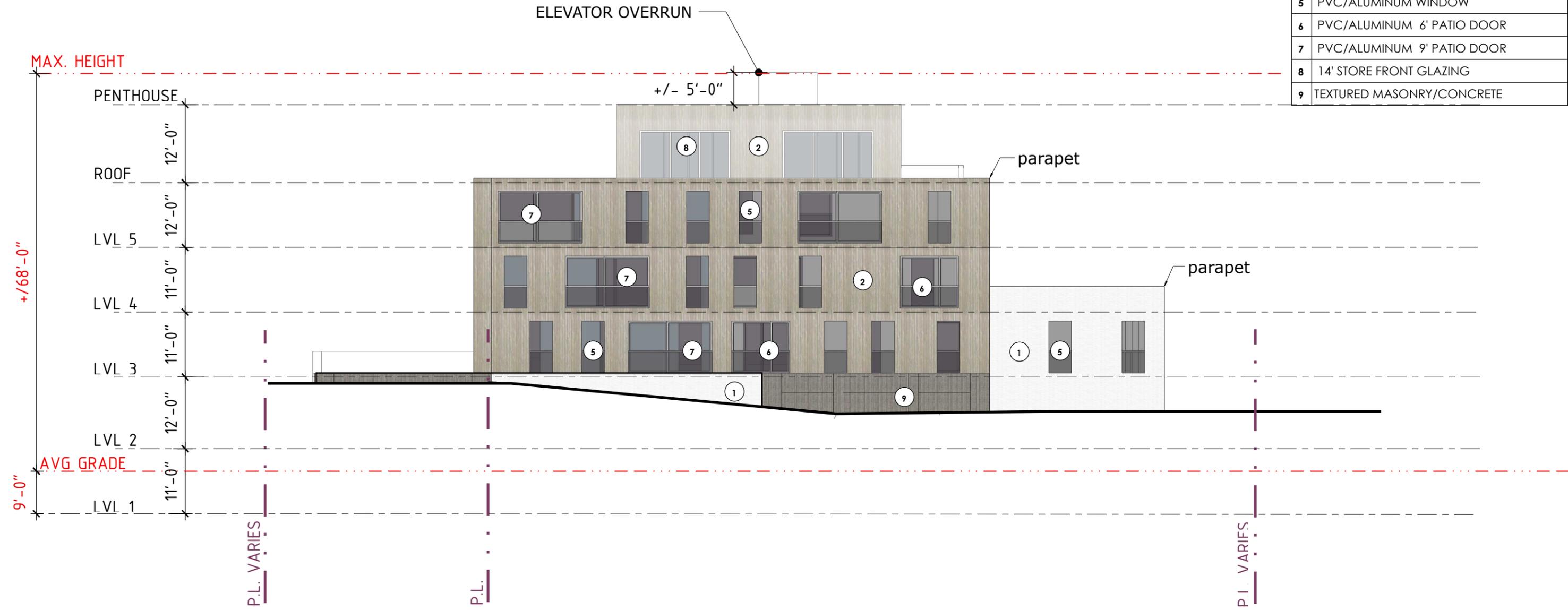
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PROJECT NO. **19-060-01** DRAWING NUMBER  
DRAWN BY: JB/LH/KW  
ISSUED FOR REVIEW  
DATE: Sep 21, 2021

**A05**

EXTERIOR MATERIALS LEGEND	
1	MASONRY VENEER
2	PREFINISHED ENGINEERED CLADDING - A
3	PREFINISHED ENGINEERED CLADDING - B
4	GARAGE DOOR
5	PVC/ALUMINUM WINDOW
6	PVC/ALUMINUM 6' PATIO DOOR
7	PVC/ALUMINUM 9' PATIO DOOR
8	14' STORE FRONT GLAZING
9	TEXTURED MASONRY/CONCRETE



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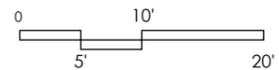
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PROJECT  
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WAVERLEY & MONTEBELLO**

DRAWING  
**SCHEDULE F:  
EAST ELEVATION**

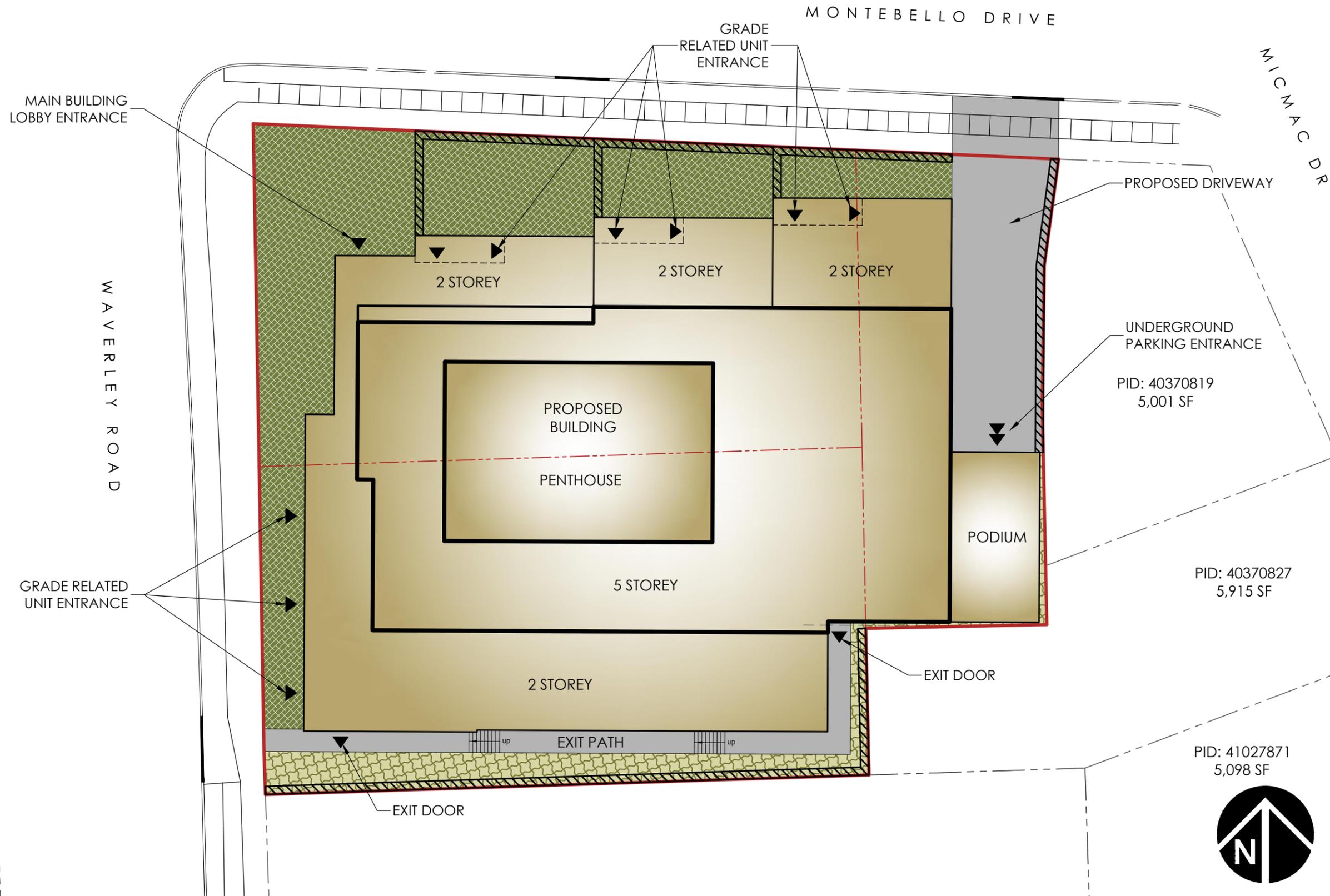
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PROJECT NO. **19-060-01** DRAWING NUMBER  
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DATE: Sep 21, 2021

A06

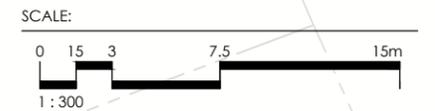
FILE: C:\Users\Ken.Zwicker\Architecture & Planning\Projects - Documents\2019\19-060 Chedrawy - Bello\PLAN - DA\DWG\19-060-BELLO-107.dwg SHEET: Landscaping



**LEGEND**

- Site Boundary
- Adjacent Property Boundary
- Internal Property Boundary
- Hard/Soft Landscaping
- Soft Landscaping
- Walkway
- Potential / Approx. Location of Retaining Walls
- Pedestrian Entrance
- Vehicular Entrance

- SOURCES:**
- Plan based on Alderney Surveys CAD file: ACAD-161893-1(Topo).dwg
  - Adjacent property lines and topographic features are from provincial mapping.



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PROJECT  
**CHEDRAWY - BELLO  
WAVERLEY & MONTEBELLO**

DRAWING  
**SCHEDULE G:  
PRELIMINARY  
LANDSCAPE PLAN**

PROJECT NO. **19-060-01** DRAWING NUMBER  
DRAWN BY: KW  
**107**  
DATE: SEPTEMBER 21, 2021

## Attachment B: Review of Relevant Dartmouth MPS Policies

### Development agreements: Multiple unit dwellings / Long term care facilities

Multiple unit dwellings were recognized during the Waverley Road study as a land use which could contribute to the desired walkable, mixed use community; however, concern was expressed about the impact such uses may have on the existing neighbourhoods. Therefore, multiple unit dwellings shall only be permitted by development agreement to ensure compatibility with the existing neighbourhoods. Also, residents recognized the need for long term care facilities in the community and identified this sub-designation as an appropriate location. Controls on design and reduced impacts on residential neighbours are desired, therefore applications for long term care facilities should only be considered through the development agreement process.

Policy	Staff Comment
<p><b>Policy C-41</b>  <i>Within the WR Mixed Use sub-designation, Council shall consider multiple unit dwellings and long term care facilities by development agreement in accordance with the provisions of the Halifax Regional Municipality Charter. In considering such an agreement, Council shall have regard for the provisions of Policy IP-5, and should use the land use density standards of the R-3 zone as a guide.</i></p>	<p>The R-3 zone would permit a maximum of 22 one-bedroom dwelling units on the subject site. The proposed 42 units is almost double of what the R-3 zone would permit and in no way uses the zone as guide to determine site density.</p> <p>The high number of units is not the only issue in terms of aligning with the R-3 zone. Density is not only measured by number of units but also by scale and massing. The size of the proposed building (height, lot coverage, setbacks etc.) all far exceed that which would be permitted under the R-3 zone. The R-3 zone would require:</p> <ul style="list-style-type: none"> <li>- 25% lot coverage</li> <li>- Minimum 15' side and rear yards with greater setbacks for buildings over 50' in height</li> <li>- Amenity area approximately 8,800 square feet in size (Indoor and outdoor)</li> </ul> <p>See below for review of Policy IP-5.</p>

### Implementation Policies

Policy	Staff Comment
<p><b>Policy IP-5</b>  <i>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</i></p>	<p>Appropriate plans have been included within the development agreement.</p> <p>The development agreement addresses the location of amenity space, parking, and the location of utilities and refuse containers.</p>

<p><i>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.</i></p> <p><i>In considering the approval of such Agreements, Council shall consider the following criteria:</i></p>	
<p><i>(a) adequacy of the exterior design, height, bulk and scale of the new apartment development with respect to its compatibility with the existing neighbourhood;</i></p>	<p>As a use, a multiple unit dwelling is compatible with the existing community. In terms of bulk, height, and scale, the proposed development cannot be considered compatible with the existing neighborhood. The lack of setback from the single family dwellings along Micmac Drive is problematic. This is a significantly more intense use and scale than what exists in the area. Reduced massing and adequate setbacks should be provided to reduce conflict with adjacent single family dwellings.</p> <p>In terms of exterior design, the at grade entrances, landscaped front yards on Montebello Drive, and low streetwall heights contribute to a positive pedestrian experience and help mitigate the negative impacts of a development that is significantly out of scale with the existing community. Although these elements provide some relief, they are not enough to overcome the issues with massing and scale.</p>
<p><i>(b) adequacy of controls placed on the proposed development to reduce conflict with any adjacent or nearby land uses by reason of:</i></p> <p><i>(i) the height, size, bulk, density, lot coverage, lot size and lot frontage of any proposed building;</i>  <i>(ii) traffic generation, access to and egress from the site; and</i>  <i>(iii) parking;</i></p>	<p>(i) The proposed development agreement does not comply with this policy. There is conflict in the size (height and bulk) of the development and the resulting impact on the adjacent R-1 properties. The southeast portion of the property provides very little setback from the adjacent low density dwellings.</p> <p>(ii) Development Engineering has reviewed the proposal and has found it acceptable in terms of</p>

	<p>traffic generation, and access to and from the site.</p> <p>(iii) Proposed parking is to be internally located and does not appear to have impacts on the adjacent properties.</p>
<p><i>(c) adequacy or proximity of schools, recreation areas and other community facilities;</i></p>	<p><u>Schools</u>  The nearest schools are as follows (excluding immersion schools):  Elementary: Michael Wallace Elementary School (750m)  Junior: Caledonia Junior High School (2.6km)  Senior: Prince Andrew High School (3.3km)</p> <p><u>Parks</u>  Shubie Park(~1km)  Craig Blake Memorial Park (~1km)</p>
<p><i>(d) adequacy of transportation networks in, adjacent to, and leading to the development;</i></p>	<p>Development Engineering has determined that the existing transportation network is adequate in supporting the proposed development.</p> <p>The site is also serviced by a Halifax Metro Transit Bus Route #55 (stop on Waverley Road).</p>
<p><i>(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;</i></p>	<p>Due to the nearly full lot coverage of the proposed building footprint, there is very little landscaped open space. Landscaped open space has been provided in front of the grade related units along Montebello Drive. A preliminary landscape plan has been provided and a detailed plan will be required at the building permit stage. Due to the nature of these spaces and their proximity to the travel way, it is unlikely these will be “useable” open spaces for residents and more for aesthetic landscaping purposes.</p> <p>Retaining walls have also been proposed along the Montebello Drive frontage which could potentially negatively impact the aesthetic of the development.</p> <p>A total of 2,650 square feet of amenity space has been proposed in the form of a 700 sq. ft. amenity room at the third level and a 1,950 sq. ft amenity penthouse at the sixth level.</p>

	Private amenity space has been provided in the form of recessed balconies.
<i>(f) that mature trees and other natural site features are preserved where possible;</i>	There are a number of mature trees on site and most cannot be preserved due to the location and lot coverage of the building. It may be possible to preserve a single mature tree on the Montebello Street frontage and this has been allowed for in the DA and will be determined during detailed design.
<i>(g) adequacy of buffering from abutting land uses;</i>	The rear setback is inadequate and will provide very little buffer to the adjacent low density residential uses. Also, little to no buffering provided from the adjacent commercial use (Tim Hortons).
<i>(h) the impacts of altering land levels as it relates to drainage, aesthetics and soil stability and slope treatment; and</i>	<p>There are significant grade changes both north to south and east to west. In terms of aesthetics, the grade change from the Tim Horton property to the subject site is significant and will cause an already too tall building to appear even taller along Waverley Road. The east to west grade change has been addressed by setting the building into the hillside and providing at grade unit entrances along Montebello Drive.</p> <p>A grading plan will need to be submitted in accordance with By-law G-200 at the time of permitting.</p>
<i>(i) the Land Use By-law amendment criteria as set out in Policy IP-1(c).</i>	See review below.
<b>Policy IP-1(c)</b>	
<i>(1) that the proposal is in conformance with the policies and intent of the Municipal Development Plan</i>	The proposal is not in conformance with the policies and intent of the Dartmouth Municipal Planning Strategy due to the bulk, scale, and height.
<i>(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</i>	<p>See Policy IP-5(a) for review of compatibility.</p> <p>The intensity and scale of this development is not consistent or compatible with the adjacent uses and existing development form in the area.</p> <p><b>Use:</b> There are very few multiple unit dwellings in the area and none of this scale. The closest apartment building of any significant size is located at 11 Garshan Road approximately 350 meters from the</p>

	<p>subject site. This building is 3 storeys high and contains 48 units.</p> <p>The next closest apartment building is 800m away and located at 172 Braemar Drive. It is three storeys in height and contains 18 units.</p> <p>The nearest apartment buildings of a similar scale can be found along Mainstreet or in the Micmac Mall area which are not within this community. The lack of a similar scale development within the community makes this proposal not consistent with adjacent uses and existing development within the area.</p> <p><b>Bulk:</b> The adjacent properties are low density dwellings of 1 to 2 storeys or 1 – 2 storey commercial buildings along Waverley Road. These buildings have small lot coverage percentages and large setbacks from surrounding property lines and from the street. This proposal is not consistent with the massing of existing buildings in the community</p> <p><b>Scale:</b> As outlined above, the height and massing of the proposal is considerably more intense than that of the surrounding community. The proposed building occupies the majority of the lot with little space remaining for landscaping or buffering. This scale of building is not found elsewhere in the community so is not consistent with the existing development form.</p>
<p><i>(3) provisions for buffering, landscaping, screening, and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries</i></p>	<p>There is little provision for buffering within the proposal. This is especially true for where the site abuts existing R-1 properties.</p>
<p><i>(4) that the proposal is not premature or inappropriate by reason of:</i></p> <ul style="list-style-type: none"> <li><i>(i) the financial capability of the City is to absorb any costs relating to the development</i></li> <li><i>(ii) the adequacy of sewer and water services and public utilities</i></li> </ul>	<p>The proposal is not premature for any reasons listed here.</p>

<p><i>(iii) the adequacy and proximity of schools, recreation and other public facilities</i></p> <p><i>(iv) the adequacy of transportation networks in adjacent to or leading to the development</i></p> <p><i>(v) existing or potential dangers for the contamination of water bodies or courses or the creation of erosion or sedimentation of such areas</i></p> <p><i>(vi) preventing public access to the shorelines or the waterfront</i></p> <p><i>(vii) the presence of natural, historical features, buildings or sites</i></p> <p><i>(viii) create a scattered development pattern requiring extensions to truck facilities and public services while other such facilities remain under utilized</i></p> <p><i>(ix) the detrimental economic or social effect that it may have on other areas of the City</i></p>	
<p><i>(5) that the proposal is not an obnoxious use</i></p>	<p>The proposed use is not obnoxious.</p>
<p><i>(6) that controls by way of agreements or other legal devices are placed on proposed developments to ensure compliance with approved plans and coordination between adjacent or near by land uses and public facilities. Such controls may relate to, but are not limited to, the following:</i></p> <p><i>(i) type of use, density, and phasing</i></p> <p><i>(ii) emissions including air, water, noise</i></p> <p><i>(iii) traffic generation, access to and egress from the site, and parking</i></p> <p><i>(iv) open storage and landscaping</i></p> <p><i>(v) provisions for pedestrian movement and safety</i></p> <p><i>(vi) management of open space, parks, walkways</i></p> <p><i>(vii) drainage both natural and sub-surface and soil-stability</i></p> <p><i>(viii) performance bonds</i></p>	<p>The development agreement provides regulations on applicable items.</p>
<p><i>(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</i></p>	<p>The site is appropriate for redevelopment.</p>

<p><i>flooding, proximity to major highways, ramps, railroads, or other nuisance factors</i></p>	
<p><i>(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.</i></p>	<p>A public information meeting was held on June 1<sup>st</sup> and June 2<sup>nd</sup>, 2021.</p>
<p><i>(9) that in addition to the foregoing, all zoning amendments are prepared in sufficient detail to provide:</i></p> <ul style="list-style-type: none"> <li><i>(i) Council with a clear indication of the nature of proposed development, and</i></li> <li><i>(ii) permit staff to assess and determine the impact such development would have on the land and the surrounding community</i></li> </ul>	<p>No zoning amendments are proposed.</p>
<p><i>(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.</i></p>	<p>No holding zone has been established here.</p>



**Virtual Public Information Meeting  
Case 23374**

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

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**Tuesday, June 1, 2021  
6 p.m.  
Virtual**

**STAFF IN**

**ATTENDANCE:** Melissa Eavis, Planner, Planner II, HRM Planning  
Carl Purvis, Planning Applications Program Manager  
Tara Couvrette, Planning Controller, HRM Planning

**ALSO IN**

**ATTENDANCE:** Connor Wallace – Applicant, ZZap Inc.  
Greg Zwicker – Applicant, ZZap Inc.  
Tony Chedrawy – Property Owner  
Justine Bowles – Applicant, ZZap Inc.  
Tony Mancini (District 6) - Councillor for Harbourview – Burnside – Dartmouth East

**PUBLIC IN**

**ATTENDANCE:** Approximately: 18

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**1. Call to order and Introductions – Melissa Eavis, Planner**

Case 23374: Application by ZZAP Architecture and Planning for a new mixed-use building containing ground floor commercial spaces and 43 residential units within a 5-storey building at the corner of Waverley Rd and Montebello Dr Dartmouth.

Ms. Eavis introduced herself as the Planner and Facilitator guiding ZZap's application through the planning process. They also introduced other staff members, and the presenter for this application. The area Councillor for District 6, Tony Mancini, was also in attendance online.

**2. Presentations**

2a) Presentation by HRM Staff – Melissa Eavis

Ms. Eavis's presentation included information on the following:

- (a) the purpose of the meeting including to share information and collect public feedback about the proposal - no decisions were made at this meeting;
- (b) the role of HRM staff through the planning process;
- (c) a brief description of the application including application history, application proposal, site context, proposal, planning policies & what a development agreement is;
- (d) and status of the application.

2b) Presentation by Connor Wallace – Applicant

Mr. Wallace presented details about ZZap's proposal including background, community feedback, design changes to address community and staff feedback, renderings, transition, traffic & benefits of the development.

### 3. Questions and Comments

Ms. Eavis welcomed attendees to ask questions to staff and the presenters and provide their feedback, including what they liked and disliked about the proposal. Attendees that were connected via Teams webcast were called upon to provide their comments and questions.

#### (1) Questions from people connected via MS Teams

Mr. Purvis invited the speakers from the public, one at a time, to unmute themselves and provide their comments:

(i) **Brian Oldford:**

The building has improved from what it was back a year or so ago. Has concerns around the right lane on Waverley Rd. that turns onto Montebello Dr., will the city be putting that lane in or will the developer be putting that lane in? With the development and the increased amount of traffic we are certainly going to need a wider Montebello Dr. Would like to know when it will be done. Would also like to know if the developer is giving land to the city to allow that right lane to happen. Will there be parking on Montebello Dr. for people in the building? Is the driveway for deliveries, that is on the back of the building, wide enough for people to come and go? When construction starts will there be rules on traffic and construction? Would like “no parking” signs put out in front of the building.

**Melissa Eavis** – The turning lane, our engineers didn’t identify upgrades to the road as a part of this application. The applicant is being asked to set their building back to allow for future upgrades to the right-of-way. Currently there is no parking on Montebello Dr. and there is no proposed to change to that. There is a construction mitigation bylaw which would be enforced throughout the construction period.

**Connor Wallace** – The driveway is sized to accommodate 2-way traffic. The intent is to have all the parking contained within the building.

(ii) **Wally Fulop, Port Wallace:**

In favor of the development. Believes the righthand lane on Waverley Rd is a great idea.

(iii) **Fred Dundas, Bonita:**

Traffic mitigation – how long are we to endure traffic disruptions in our neighbourhood from construction? When traffic is bad the side streets (Bonita, Rossie and MicMac) become the funnel to move traffic up Waverley Rd. and we have lots of small children in this area. What is the plan to deal with the traffic for the next 2-3 years? You have purposed 46 units with 39 parking spots and a commercial space with no parking space and no quest parking.

**Connor Wallace** – not the intent to close off access, or prohibit access, on Montebello Dr or Waverley Rd. during construction. The Construction timeline is 15-16 months. There are 46 dwelling units proposed and consideration for the option of commercial uses on the bottom level facing Waverley Dr. however, the current intent is for this to be a residential building. There are 39 parking spaces contained within the parking structure of the building. All units are 1- and 2-bedroom units being proposed.

**Carl Purvis** – The municipality requires a construction mitigation plan in place before construction can begin and spoke to what this includes.

**Tony Chedrawy** – Timeline – best case scenario it is 11 months worst case scenario it is 13 months.

(iv) **Anees Obeid, Appian Way:**

Believes this will be a wonderful addition to the community. It would beatify the corner of Waverley Rd. significantly. It would provide seniors with an option to stay in the neighbourhood. Having more people in the area would support our businesses significantly. We should not assume this will affect traffic and that everyone comes and goes at the same time or has more than 1 vehicle.

(v) **Paul Hill, Landcastor Ridge:**

In favor of this development. The compatibility and consistency of this proposal has really struck me. The adherence to the Centre Plans requirements for responsible urban design, this is a wonderful example of that. The entire design is really unique. This is an upscale option for retirees.

(vi) **Jackie Tannous, Appian Way:**

Is looking at this as an option for downsizing/retirement and this is an option that is very feasible. Wants to be in a vibrant location and this fits the bill. Likes this development.

(vii) **Betty Swaffer, Waverley Rd.:**

The people in the community want to stay in the community and there is nowhere to stay, this will give us options. Great for the economy and the community.

(viii) **Dennis Martens, Mic Mac Dr.**

With the vacancy rates in the area so low believes this is needed. Hopefully this will add to lowering the rental rates. 100% supports this build.

(ix) **Mike Maciorowski,**

For and onboard with this development. Concerns regarding traffic on secondary roads; Rossie Dr, Bonita and MicMac and the speed that people drive through these side streets. Concerns about people parking in side streets because there are more units then parking spots. Thinks the building is lovely and widening the roads - great.

**Connor Wallace** – spoke to ratio of units to parking spots and active transportation.

(x) **Robert Jreige, Montobello**

The widening of the intersection is long overdue. The neighbourhood needs a development like this to give residents rental options. The neighbourhood needs an injection of development to support rising housing prices. Supports the development.

(xi) **Larry Farrell,**

In 2017, at the meeting at the school, there were only 2 people in favor and now after what's been done, they are all in favor. They absolutely love the idea of the right lane that will be added. Would love if it could even be a little longer even down past the Tim Horton's. The only real thing that bothers them is the traffic flow, the issues come from Bonita, Rossie and MicMac. Something has got to be done before the construction of this development starts. While construction is on the go there is going to be a lot of congestion on the side streets in the area. Speed bumps need to be put in on some of these side streets; Rossi, Bonita & MicMac.

**Carl Purvis** – Safety issues to be passed on to they engineers

**Council Mancini** – spoke to speeding around that area. The province controls this and will not allow us to control that. We can put in requests to have them investigated.

(xii) **Councillor Mancini** thanked everyone for their participation.

**4. Closing Comments**

Ms. Eavis thanked everyone for their participation in the meeting.

**5. Adjournment**

The meeting adjourned at approximately 7:08 p.m.



**Virtual Public Information Meeting  
Case 23374**

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

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**Wednesday, June 2, 2021  
6 p.m.  
Virtual**

**STAFF IN**

**ATTENDANCE:** Melissa Eavis, Planner, Planner II, HRM Planning  
Carl Purvis, Planning Applications Program Manager  
Tara Couvrette, Planning Controller, HRM Planning

**ALSO IN**

**ATTENDANCE:** Connor Wallace – Applicant, ZZap Consulting Inc.  
Greg Zwicker – Applicant, ZZap Consulting Inc.  
Tony Chedrawy – Property Owner.  
Tony Mancini (District 6) - Councillor for Harbourview – Burnside – Dartmouth East

**PUBLIC IN**

**ATTENDANCE:** Approximately: 15

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**1. Call to order and Introductions – Melissa Eavis, Planner**

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2b) Presentation by Connor Wallace – Applicant

Mr. Wallace presented details about ZZap's proposal including background, community feedback, design changes to address community and staff feedback, renderings, transition, traffic & benefits of the development.

### 3. Questions and Comments

Ms. Eavis welcomed attendees to ask questions to staff and the presenters and provide their feedback, including what they liked and disliked about the proposal. Attendees that were connected via Teams webcast were called upon to provide their comments and questions.

#### (1) Questions from people connected via MS Teams

Mr. Purvis invited the speakers from the public, one at a time, to unmute themselves and provide their comments:

##### (i) **Donna Perry:**

Really interested in learning about the design of inside the building. Thinks the outside looks wonderful. The sq footage of the single units is quite small. How many townhouse units are there going to be, and how hard will they be to get if you want one? DO the units all have their own washer and dryer? Will these units be condominiums or rentals?

**Melissa Eavis** – 7 townhouse units

**Connor Wallace** – Yes, 7 townhouse units proposed. Spoke to size (decided by current market demand), style, amenities in each unit, as well as amity space for all to use. The intent is to be rentals.

##### (ii) **Phil Power - Waverley Rd.:**

Traffic is the number one concern. They are giving up 14 feet of their own space to make the right-hand turning lane, and a number of other things, which is great. The design that you see now is entirely different from what was proposed back in 2017 which is a huge improvement and matches our community. No rental units in this area and this will give people options. A big fan of having this development in the area as both a resident and business owner and fully support it. Concern about the number of units that have parking spots – where can the people park going to the commercial section of this development?

**Connor Wallace** – 46 units proposed and 39 parking spots. Spoke to parking in general for this development (residential & commercial).

##### (iii) **Morgan Shauerte:**

Looked at C-41 and has a number of issues, the view plain, the assessment of traffic, parking, and the adherence to C-41 in general. First issue - There have only been 2 views provided to residents and they are the side view and front view. On slide 21 the amenity floor isn't even shown on the views given to residents for comment. Just the amenity floor could block view for houses all the way up to Rossi. Right now, residents have no idea that would happen and on slide 29 that isn't even shown. Suggests residents, to truly understand, it needs to be more than 2 preferential views and you need to have views from all sides to truly understand what it is going to do. The second issue was the traffic study – it is done using 2013 data and in 2013 the structure and form of these neighbourhoods was much different; the residents are much different, and the volume has increased drastically. More concerning than that you can tell this was a desktop study and not done by somebody that didn't do site recognisance. It completely misses the MicMac Bonita cut thru. They would say between 30-70 percent of all traffic in Waverley and Montebello takes that cut thru on two streets with no sidewalks filled with children. To truly understand the impact residents, need to have up-to-date traffic data, and even better, the number of trips was estimated from a book value that is not localized to the area. The public transportation infrastructure here is not great and to make the assumption that 20 percent of all people are taking public transit is ludicrous for this area. Old data, the main throughfare not counted in the study and, a very generous assessment declared conservative as part of the traffic study. The parking – everyone in this area has a car. They estimated, using more realistic values, in the commercial space there will be between 8-22 cars parked permanently on MicMac and Bonita. That combined with sidewalks is a significant load on the area.

**Tony Mancini** – asked for more clarification

**Connor Wallace** – stated there will be things investigated in more detail after Morgan's

comments.

**Melissa Eavis** – Believes there was some confusion around the difference between view plains and perspective renderings. Ms. Eavis explained what the difference was in more detail. Also spoke to the Traffic Study (TIS) – HRM's engineers review the TIS and provide comments and we can request another look at the TIS.

**Connor Wallace** – Explained the most up-to-date drawings were provided to HRM and are online and include the amenity penthouse.

**Carl Purvis** – Elevation plans (2 dimensional) and renderings (3 dimensional). Also spoke to the TIS and how they are done. The TIS is worthy of a second look.

**Tony Chedrawy** – Said the TIS he referenced was the old TIS and a new one was completed and is online.

(iv) **Chris Fournier:**

Feels the development is long overdue. Strongly supports this development, and this will offer a housing option that is limited and greatly needed in this area. The development is beautiful, and the rendering are beautiful, they would like to know more about what the inside and what it would look like. Would it be pet friendly? The right-hand turning lane is a great addition to the area and will make the trip home so much better.

**Carl Purvis** – Spoke to the right-hand turning lane and will make sure all these comments will get to the right people.

**Connor Wallace** – Spoke to the design of the building and interior. Pets – it is the intent to make this building pet friendly.

(v) **Deborah Cameron - Delmac Park:**

Parking is the main concern – no parking for employees of the commercial section, no visitor parking, and there are not enough parking spaces for the units proposed. Who will be paying for the sidewalk and street changes? Wondering about traffic flow onto Montebello. Will it be right turn only. Will people be able to make left turns at the lights.

**Melissa Eavis** – Spoke to concerns regarding traffic flow, turn moments, parking, and sidewalks.

**Connor Wallace** – Spoke to parking ratios, access driveway – It is a two-way full access driveway.

(vi) **Rocky Sillker – Delmac Park:**

Parking and traffic are their main concerns. The most important aspect is that there is going to be widening of Waverly Rd., a bike lane, sidewalks etc. and yet this is not going to be written into the development agreement. This is a concern because these upgrades to the intersection need to happen and it is like maybe the city will do that later when they get around to it. If that right-hand lane is going to be there that will make all the difference in the world in terms of traffic. This must be built in somehow as part of this agreement. Commercial space – and there is no provision for parking for this commercial space – there is no access to it and egress from it from Waverly Rd. Will it be residential or commercial, that kind of detail needs to be pinned down? It will make a difference if that is commercial or residential. Then you go to residential units and how many there are, some documents say 43 some say 46, that inconsistency is a concern. Traffic and parking – we say there is public transit in this area, but it is very limited – the frequency in which it runs is very infrequent. People for the most part are going to need cars and there is not enough proposed. The access to any parking from this site should be from Waverly Rd. and the egress from it should be to Montebello Dr. and it should be only right-hand turns. Likes 46 residential units as it obviates concerns around traffic. Should be right hand turns only coming and going from the site. Likes the 46 units and forget the commercial space.

**Melissa Eavis** – Timing of when the turning lane will be done – Who pays for the sidewalk – Commercial, if they have any, will be 43 units. If it is all residential it will be 46 units. We put 46 on the application because that is the most they would be asking for.

**Connor Wallace** – access to property in the original application contemplated having access off Waverley Rd. but the development engineers request to have access on Montebello. Units at this time it is the intent to have all residential units (46). Right-of-way on Montebello Dr. The design process moving forward will make accommodations for future Rd. upgrades.

**Carl Purvis** – The intent of HRM is certainly that the developments pays their fare share of the infrastructure.

(vii) **Ronit Evans - Montebello:**

Have concerns about traffic and the lack of sidewalks. The bus does not come frequently enough. Consideration should be given to improve traffic flow and upgrading the infrastructure. Safety concerns with increased traffic. Considerations to improving traffic flow while having active transportation safety. There might be a bit of a conflict with that right-turn lane. Will there also be a dedicated left turning lane from Waverley onto Montebello which is already a challenge there? The building would be a positive improvement to attract seniors to the area. Could there be a consideration for a pedestrian only signal? Dicey at the intersection when turning right and people are trying to cross. Will there be an improvement to public transportation network and traffic flow?

**Melissa Eavis** – Pedestrian upgrades to the road are prosed at a future date/development. Pedestrian signal and a left turn lane are to be discussed with traffic engineers. No sidewalk is a concern for us as well. Transportation network improvements mean.

**Carl Purvis** – Spoke to pedestrian safety and movement throughout the city.

**Councillor Mancini** – Spoke to changes being made this summer with increased time for pedestrians to move across the road. Also spoke to transit changes.

(viii) **Councillor Mancini** thanked everyone for their participation.

**4. Closing Comments**

Ms. Eavis thanked everyone for their participation in the meeting.

**5. Adjournment**

The meeting adjourned at approximately 7:31 p.m.