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Item No. 13.1.1
Halifax and West Community Council
February 22, 2022
January 18, 2022

TO: Chair and Members of Halifax and West Community Council

Original Signed

SUBMITTED BY:

Kelly Denty, Executive Director of Planning and Development

DATE: January 4, 2022

SUBJECT: **Case 22523: Amending Development Agreement for the corner of Gottingen and Bilby Streets (PID 00127522), Halifax**

ORIGIN

Application by Breakhouse Architecture on behalf of the property owner, Urban Capital (Gottingen) Inc.

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that Halifax and West Community Council:

1. Give notice of motion to consider the proposed amending development agreement, as set out in Attachment A, for non-substantive amendments to enable changes to a previously approved eight storey mixed-use building at the corner of Gottingen and Bilby Streets, Halifax.
2. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A; and
3. Require the development agreement be signed by the property owner within 240 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Breakhouse Architecture, on behalf of the property owner, is applying for non-substantive amendments to an existing development agreement on lands at the corner of Gottingen and Bilby Streets (PID 00127522), Halifax to enable changes to the previously approved 8 storey mixed-use building.

Subject Site	Corner of Gottingen and Bilby Streets, Halifax (PID 00127522)
Location	West side of Gottingen Street between Macara Street and Bilby Street, Halifax.
Regional Plan Designation	Urban Settlement
Community Plan Designation (Map 1)	COR (Corridor) and HR (Higher-Order Residential) in the Regional Centre Secondary Municipal Planning Strategy
Zoning (Map 2)	COR (Corridor) and HR-1 (Higher-Order Residential 1) in the Regional Centre Land Use By-Law
Size of Site	Approximately 1,189 sq. m (12,800 sq. ft.) total.
Street Frontage	Approximately 30.48 m (100 ft.) along Gottingen Street and 39.17 m (128.5 ft.) along Bilby Street
Current Land Use(s)	Vacant buildings and accessory building
Surrounding Use(s)	Canadian Forces Base Stadacona across Gottingen Street, low and medium density residential uses, an Ultramar Service Station, and commercial retail.

Development History

On October 28, 2013, Halifax and West Community Council approved an amendment to the Halifax Peninsula Land Use By-law to apply Schedule Q to three properties on the west side of Bilby Street at the intersection of Bilby and Gottingen Streets. This zoning amendment enabled a development agreement process to consider a comprehensive development proposal at this location.

On January 6, 2014, Halifax and West Community Council approved a development agreement (Case 18149) on these three properties to permit a mixed use seven storey building. Since that approval, the developer acquired the abutting property, PID 00127522.

On November 14, 2018, Halifax and West Community Council approved the application of Schedule Q on PID 00127522 and an amending development agreement to allow additional commercial floor space, an additional 24 residential units, an extra storey to the building, and the inclusion of PID 00127522 to the development agreement lands (case 21321). Notwithstanding this approval, to date, construction of the building has not commenced. The original four PIDs which made up the lands (PIDs 00127548, 00127530, 00127555, and 00127522) were consolidated and registered on November 5, 2021. The site is now assigned the PID 00127522.

The property has changed owners, and Breakhouse Architecture, on behalf of the new property owner, is applying for non-substantive amendments to the existing development agreement to enable changes to the previously approved 8 storey mixed-use building.

Proposal Details

The major aspects of the requested non-substantive amendments are as follows:

- Increased building height (interior floor to floor height changes - not additional storeys) – from 85 feet to 90 feet- 3 inches;
- Changes to building setbacks at upper levels due to safety setback requirements from recently installed power lines by Nova Scotia Power;
- Changes to building cladding materials (to include aluminum glazing and railings);
- Changes to articulation of fenestration and balconies;
- Increase in the residential unit count from 63 to 71;
- Inclusion of more units consisting of two or more bedrooms from 28 to 60;

- Increase in the landscaped open space and recreational space to a total of 10,202 square feet combined; and
- An increase of bicycle parking spaces to meet LUB requirements.

Existing Development Agreement

The existing development agreement is made up of the original agreement, approved January 6, 2014, and the first amending agreement, approved November 14, 2018. The existing agreement approved by Halifax and West Community Council enables an eight-storey mixed use building with:

- 63 residential units and the option for two additional units that may be permitted on the ground floor (a minimum of 25 units to consist of two or more bedrooms);
- Ground floor commercial uses limited to those permitted within the C-2A Minor Commercial Zone of the Halifax Peninsula Land Use By-law;
- Minimum of 41 internal vehicular parking spaces;
- Minimum of 2,500 sq. ft. combination of landscaped open space and recreational space, with a minimum of 1,160 sq. ft. to be in the form of landscaped open space on the second level as an outdoor shared patio for residents;
- Maximum building height of 85 feet; and
- Controls on architectural requirements, landscaping, signage, bike parking, vehicle parking, and site lighting.

Enabling Policy and LUB Context

The site was previously designated Major Commercial under the Halifax Municipal Planning Strategy (MPS), and zoned C-2 (General Commercial) under the Halifax Peninsula Land Use By-law (LUB). When the Regional Centre Plan Package A came into effect on November 30th, 2019, the original three properties fronting on Gottingen Street were designated Corridor under the Regional Centre Secondary Municipal Planning Strategy (RCSMPS), and zoned Corridor under the Regional Centre Land Use By-law (RCLUB). The original fourth property on Bilby Street remained under Halifax MPS policy until Centre Plan Package B was approved by Regional Council on October 26, 2021. The original fourth property is now designated High Order Residential under the RCSMPS and zoned HR-1 (High Order Residential 1) under the RCLUB. The entire consolidated site is now within the Regional Centre with development of the lands being regulated by the plan and by-law for the Regional Centre area.

This application was submitted on August 19, 2019 which was before the RCSMPS and RCLUB were brought before Council on September 18, 2019. Transition Section 9.11 of the RCSMPS recognizes that before the RCSMPS was given first reading by Council, there were a number of discretionary development applications in various stages of review and approval in progress. Recognizing that these projects were designed within the parameters of the previous policies, that substantial investment was made in the preparation of such applications, and that they were submitted in advance of the RCSMPS being given first reading by Council, provision was made to allow Council to consider them under the previous policies after the effective date of the RCSMPS.

Policies IM-30 and IM-33 of the RCSMPS permits Council to consider any complete applications for non-substantive development agreement amendments on file with the Municipality on or before the date of the first publication of the notice of the intention of Council to adopt the RCSMPS under the policies in effect on the date of that notice. Therefore, this application has been assessed under the policy in effect at the time of submission, specifically policies 2.3.1 and 2.3.2 of the former Halifax MPS.

Due to one of the original properties being located within the proposed Centre Plan Package B area and under Halifax MPS policy, the application was put on hold for several months until Centre Plan Package B was approved by Council. The approval of Centre Plan Package B allows Community Council to consider the application under Policies IM-30 and IM-33 of the RCSMPS on the entire site. Before the approval of Package B, the site was under Halifax MPS policy which did not have enabling policy for this application. Halifax MPS enabling policies (2.3.1 and 2.3.2; Schedule Q) were repealed from the Halifax MPS on September 18, 2019, which was after the approval of the existing agreement.

The Major Commercial designation, specifically policies 2.3.1 and 2.3.2, under the Halifax MPS, allows Council to identify areas designated Major Commercial for comprehensive site planning through the development agreement process. This is achieved through the application of Schedule “Q” of the Halifax Peninsula Land Use By-law. Schedule “Q” was established to address the challenge of introducing new residential uses into existing commercial and industrial areas by negotiating development agreements on a site-by-site basis. The four properties under the Existing Development Agreement are within Schedule “Q”. Policy 2.3.3 of the Halifax MPS enables agreements for mixed-use developments over four units and within Schedule “Q”, pursuant to policies 2.3.1 and 2.3.2, subject to considerations including the mitigation of impacts on the adjacent properties through effective urban design and landscape treatment, the creation of high quality design at street level, high quality exterior construction materials, and high quality open space and leisure areas for the residents.

The C-2 (General Business) Zone of the Halifax Peninsula LUB permitted commercial buildings and residential uses subject to the requirements of the R-3 (Multiple Dwelling) zone. The application of Schedule “Q” to a property supersedes the requirements of the C-2 zone by requiring projects of greater than four dwelling units to be considered through the development agreement process. This provides flexibility by enabling the modification of standard land use by-law requirements through a development agreement.

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 letters mailed to property owners within the notification area. There were no public comments/concerns received regarding this application beyond those provided by the Planning Advisory Committee, referred to later in this report.

Halifax Peninsula Planning Advisory Committee

On March 9, 2020, the Halifax Peninsula Planning Advisory Committee (PAC) recommended that the application be approved subject to considerations.

HPPAC Concern	How Concern is Addressed
Additional landscaping on the west side to soften the transition to the neighboring property	Applicant response: The existing development agreement for the property dictates full lot coverage on the ground level, to the perimeter of the property line on all sides. Non-substantive amendments listed in the existing agreement do not permit significant changes to the building footprint. As such, it is not possible to landscape this area.
The size of the units and the number of bedrooms per unit	Applicant response: The development proposes unit designs similarly to those in Urban Capital’s two other successful HRM developments – Southport and Gorsebrook Park. These units are carefully designed to maximize access to natural light, provide comfortable balcony sizes, and there are a variety of unit sizes and plans to appeal to as broad an audience as possible. The variety of unit types and sizes were improved from the original development agreement, with the intention of attracting a wider demographic.
Additional privacy measures on the sides of the building abutting residential homes	Applicant response: The development intends to be sensitive to the adjacent properties and there are elements to the building massing and the organization of program that address privacy. There is one multi-unit residential building immediately to the West, and one immediately to the North of the property. On both the West and North sides, the building has a significant setback

	above the first level, such that the spaces abutting the neighboring properties are outdoor spaces that provide a buffer for occupants on both sides. For levels above the second floor, the units have been designed with inset balconies to provide additional privacy. It is also worth noting that the property to the North has a development agreement in place to build a mixed-use building very similar in scale to this one.
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A report from the PAC to Community Council will be provided under separate cover.

DISCUSSION

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

Proposed Amending Development Agreement

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

- Schedule replacements for site plan and building elevations;
- Residential uses limited to a maximum of 71 units with a minimum of 30 of those units containing two or more bedrooms);
- Maximum building height of 27.7 m (91 ft.); and
- Includes aluminum railings and glazing to the list of acceptable cladding materials.

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

Building Height, Design, and Neighbourhood Compatibility

The Halifax MPS requires that Council consider “*the relationship of new development to adjacent properties and uses*” and “*the mitigation of impacts on the amenity, convenience and development potential of adjacent properties through effective urban design and landscape treatment*”. The existing development agreement addresses design and compatibility issues using requirements which the proposed amending agreement remains consistent with. The design of the proposed building includes measures to reduce land use conflict from neighboring properties, including setbacks from the 3rd to 7th storeys and additional setbacks on the 8th. Additionally, the nature of the building’s non-combustible construction materials will assist with noise attenuation, and the proposed street wall height along Gottingen is consistent with the heights of the neighboring buildings along Gottingen. These elements are regulated through the proposed amending agreement. The building height in the proposed amending agreement allows for an additional five (5) feet of height to incorporate requested changes in floor-to-floor height and structural changes. The additional height will not result in an additional storey and remains consistent with that of the surrounding neighborhood and the approved number of storeys in the existing agreement.

The Halifax MPS encourages effective urban design treatments and the use of high-quality exterior building materials. These elements are regulated through the existing development agreement. The two storey streetwall height and signage provisions remain unchanged, and the inclusion of aluminum railings/glazing to acceptable building cladding materials is consistent with the existing exterior building materials.

To minimize potential land use conflicts, commercial uses were limited in the existing agreement to those permitted in the C-2A (Minor Commercial) Zone (with the exception of service stations and billboards). No changes to these limitations are proposed. The design of the proposed building also includes measures to

reduce land use conflict such as larger setbacks from the neighbouring property lines for the upper storeys of the building, and additional setbacks at the top storey.

Building Design in Relation to NS Powerlines

The design of the proposed building includes measures to reduce land use conflict from neighboring properties. This design includes setbacks from the 3rd through 7th storeys and additional setbacks on the 8th. During this application process, Nova Scotia Power installed new powerlines along Bilby Street which impacted setbacks at upper levels of the proposed building. The applicant adjusted the building design to accommodate safety requirements for building clearances from powerlines. In result, floors 3 to 8 are shifted closer to the north property line (which abuts a lot with a development agreement for an 8 storey mixed-use building), and further from the property line along Bilby Street. This results in a setback of approximately 8 feet- 2 inches from the north property line at the 3rd-7th storeys, and 18 feet- 8 inches from the north property line at the 8th storey. These setbacks are regulated by the proposed amending development agreement.

Landscaped Open Space and Amenity Areas

MPS policy calls for on-site open space and leisure areas which are adequate for the building residents. The existing agreement requires a minimum of 232.2 square metres (2,500 square feet) of landscaped open space and recreational space, including a minimum of 107.7 square metres (1,160 square feet) of landscaped open space required to be located on the 2nd level of the development. The proposed amending agreement requires additional square footage minimums that were calculated incrementally, based on the number of additional units. The amending agreement requires a minimum of 253.6 square meters (2,730 square feet) of a combination of landscaped open space and recreational space, and a minimum of 118 square meters (1270 square feet) of the required landscaped open space to be located on level 2. Additionally, the agreement permits more roof top amenity space on the upper levels and requires a detailed landscaping plan prepared by a landscape architect when applying for the development permit. The applicant is proposing a combination of landscaped open space and recreational space that exceeds the minimums required by the amending agreement.

Parking

The development agreement requires a minimum of 41 interior parking spaces which equates to approximately 0.6 parking spaces per unit. Staff consider the need for parking in a building based on it's location in relation to transit connections, opportunities for active transportation and the community desire for less costly housing. This building is well located with regular and frequent bus service on Gottingen and Robie Streets. Atlantic Carshare is also available in this area. Additionally, bicycle parking facilities are required as per the Land Use By-law. Minimizing the required number of parking spaces can reduce construction costs which can contribute to less costly units. Under these circumstances, staff support the proposed parking requirements.

Agreement Signing Timelines

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

Conclusion

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is reasonably consistent with the intent of both the Halifax MPS and the RSCMPS. The proposed non-substantive changes appear to consider the relationship of new development to adjacent properties and mitigate impacts through effective urban design, while also providing adequate amenity areas and landscaped open space for residents. Therefore, staff recommend that the Halifax and West Community Council approve the proposed development agreement.

FINANCIAL IMPLICATIONS

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

RISK CONSIDERATION

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

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

ALTERNATIVES

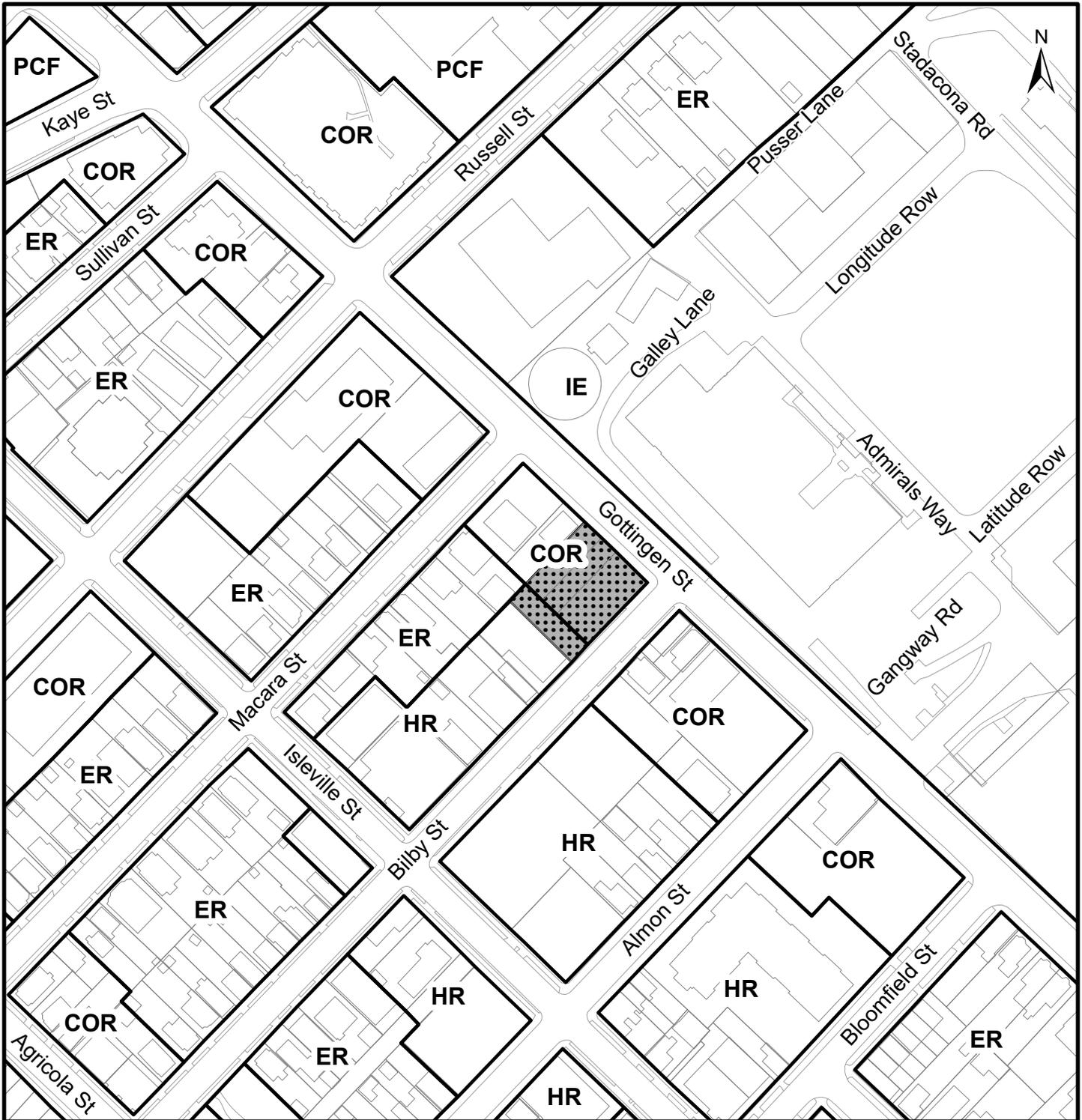
1. Halifax and West Community Council may choose to approve the proposed amending development agreement subject to modifications. Such modifications may require further negotiation with the applicant and may require a supplementary report or another public hearing. A decision of Council to approve this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

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

Report Prepared by: Brittney MacLean, Planner II, 902.223.6154



Map 1 - Generalized Future Land Use

Bilby and Gottingen Streets
Halifax

 Subject Properties

Designation Regional Centre

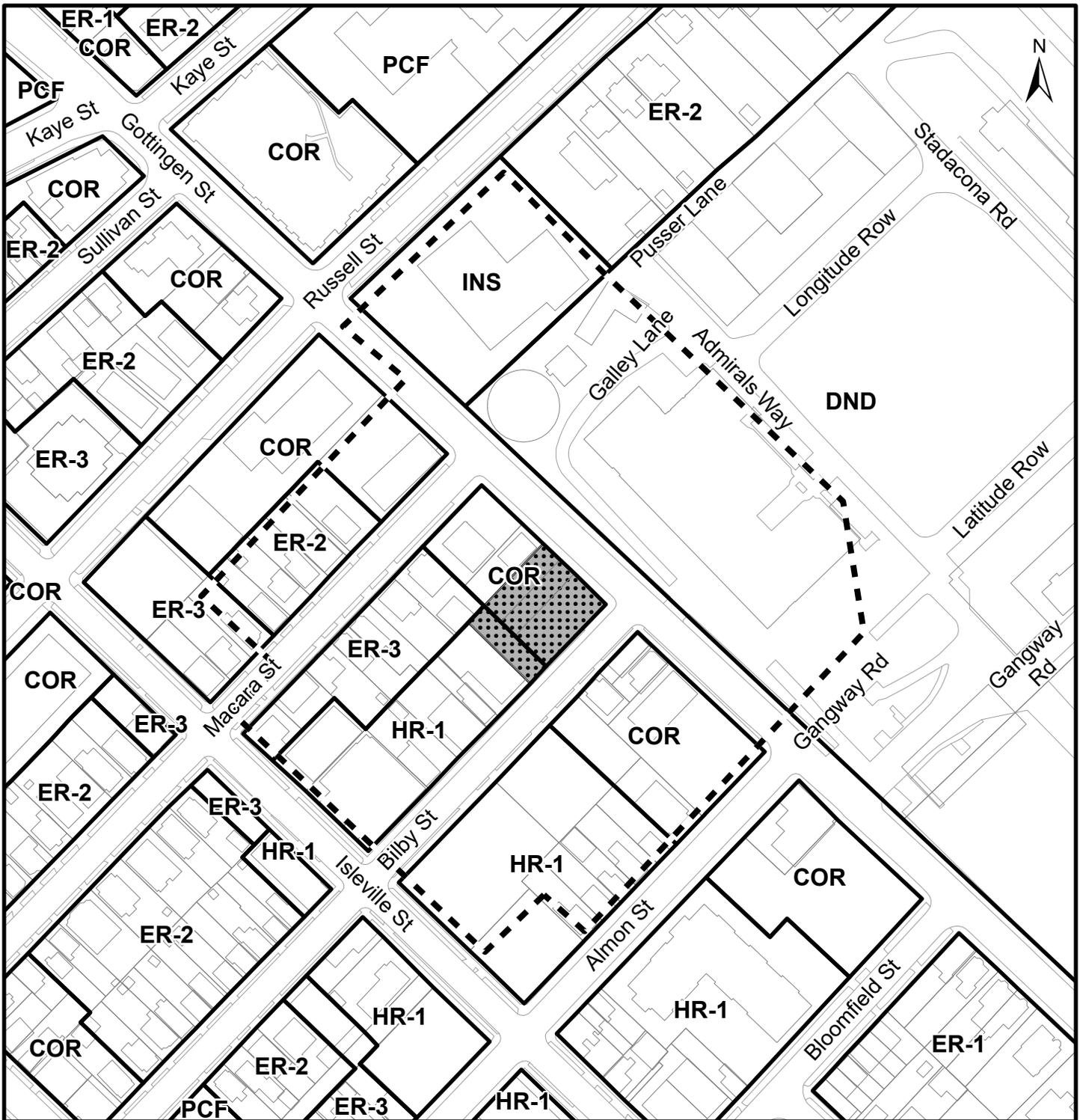
- CEN Centre
- COR Corridor
- ER Established Residential
- HR Higher-Order Residential
- IE Industrial Employment
- PCF Park and Community Facility



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.

Regional Centre Plan Area



Map 2 - Zoning

Bilby and Gottingen Streets
Halifax

-  Subject Properties
-  Area of Notification

Regional Centre Land Use By-Law Area

Zone Regional Centre

- CEN-2 Centre-2
- COR Corridor
- DND Department of National Defense
- ER-1 Established Residential 1
- ER-2 Established Residential 2
- ER-3 Established Residential 3
- HR-1 Higher-Order Residential 1
- INS Institutional
- PCF Parks and Community Facilities



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 Amending Development Agreement

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

BETWEEN:

INSERT

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

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY

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

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located on the north western corner of Gottingen Street and Bilby Street, Halifax, identified as PID 00127522 and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Halifax and West Community Council approved an application to enter into a Development Agreement at a meeting held on January 6, 2014, to allow for a mixed-use development on PID's 00127548, 00127530, and 00127555 (municipal case 18149), pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policies 2.3.1, 2.3.2 and 2.3.3 of Section XI of the Halifax Municipal Planning Strategy and Section 92 of the Halifax Peninsula Land Use By-law, and which said Development Agreement was registered at the Land Registry Office in Halifax on March 14, 2014 as Document Number 104756060 (hereinafter called the "Original Agreement"), and which applies to the Lands;

AND WHEREAS the Developer is the registered owner of certain lands located at 2856 Gottingen Street (PID 00127522).

AND WHEREAS the Halifax and West Community Council approved an application to amend the Original Agreement to include lands at 2856 Gottingen Street (PID 00127522) and allow for an addition to the approved building, an increase in residential units and commercial floorspace, and an additional storey on the Lands (municipal case 21321) and which said Development Agreement was registered at the Land Registry Office in Halifax on May 21, 2109 as Document Number 114484059 (hereinafter called the "First Amending Agreement"), and which applies to the Lands;

AND WHEREAS PID's 00127548, 00127530, 00127555, and 00127522 were consolidated and registered as PID 00127522 at the Land Registry Office in Halifax on November 5, 2021 as Document Number 119588292.

AND WHEREAS the Original Agreement and the First Amending Agreement together comprise the Existing Development Agreement (hereinafter called "the Existing Agreement");

AND WHEREAS the Developer has requested that further amendments to the Existing Agreement to allow for an increase in overall building height, changes to building cladding materials, changes to articulation of fenestration and balconies, increase in residential units, and an increase of interior and exterior amenity space on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policies IM-30 and IM-33 of the Regional Centre Secondary Municipal Planning Strategy, Policies 2.3.1, 2.3.2 and 2.3.3 of Section XI of the Halifax Municipal Planning Strategy, and Section 92 of the Halifax Peninsula Land Use By-law;

AND WHEREAS the Halifax and West Community Council approved this request at a meeting held on [**Insert - Date**], referenced as Municipal Case Number 22523;

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

1. Except where specifically varied by this Second Amending Agreement, all other conditions and provisions of the Existing Agreement as amended shall remain in effect.
2. The Developer agrees that the Lands shall be developed and used only in accordance with and subject to the terms and conditions of this Second Amending Agreement, and the Existing Agreement.
3. Section 3.1 of the Existing Agreement shall be amended by deleting the text shown in ~~strikeout~~ and inserting the text shown in **bold**, as follows:

Schedule A-1	Legal Description of the Lands
Schedule B-1	Subdivision Plan
Schedule C-1	Site Plan
Schedule C-2	Site Plan
Schedule D-1	East (Gottingen Street) Elevation
Schedule D-2	East (Gottingen Street) Elevation
Schedule E-1	South (Bilby Street) Elevation
Schedule E-2	South (Bilby Street) Elevation
Schedule F-1	West Elevation
Schedule F-2	West Elevation
Schedule G-1	North Elevation
Schedule G-2	North Elevation

4. The Existing Agreement shall be amended by deleting the following Schedules:

Schedule C-1	Site Plan
Schedule D-1	East (Gottingen Street) Elevation
Schedule E-1	South (Bilby Street) Elevation
Schedule F-1	West Elevation
Schedule G-1	North Elevation

And inserting the following Schedules:

Schedule C-2	Site Plan (attached)
Schedule D-2	East (Gottingen Street) Elevation (attached)
Schedule E-2	South (Bilby Street) Elevation (attached)
Schedule F-2	West Elevation (attached)
Schedule G-2	North Elevation (attached)

5. The Existing Agreement shall be amended by deleting all text references to Schedule C-1, D-1, E-1, F-1, and G-1, and replacing them with the respective reference to Schedules C-2, D-2, E-2, F-2, and G-2.
6. Subsection 3.4.2 of the Existing Agreement shall be amended by deleting the text shown in strikeout and inserting the text shown in bold, as follows:
 - 3.4.2 A maximum of ~~63~~ **71** residential dwelling units shall be permitted within the multiple-unit residential portion of the building. Notwithstanding Section 3.4.1, two additional residential units may be permitted if located on the ground-floor.
7. Subsection 3.4.3 of the Existing Agreement shall be amended by deleting the text shown in strikeout and inserting the text shown in bold, as follows:
 - 3.4.3 A minimum of ~~25~~ **30** of the residential dwelling units shall consist of 2 or more bedrooms.
8. Subsection 3.5.2 of the Existing Agreement shall be amended by deleting the text shown in strikeout and inserting the text shown in bold as follows:
 - 3.5.2 The building's height, massing, exterior design and materials shall be as shown on the Schedules. The ground floor of the south elevation, as shown on ~~Schedule E~~ **Schedule E-2**, may be altered to accommodate residential uses, commercial uses, **garage entrance/exits**, or amenity area recreational space.
9. Subsection 3.5.3 of the Existing Agreement shall be amended by deleting the text shown in strikeout and inserting the text shown in bold, as follows:
 - 3.5.3 The maximum height of the building shall not exceed ~~25.9~~ **27.7** metres (~~85~~ **91** feet). Height shall be defined as the vertical distance of the highest point of the roof, excluding any mechanical rooftop equipment, ~~and~~ elevator overrun, **and mechanical penthouse**, above the mean grade of the finished ground adjoining the building along the principle street. For the purposes of this section the principle street shall be Gottingen Street.
10. Subsection 3.5.5 of the Existing Agreement shall be amended by inserting the text shown in bold, as follows:
 - 3.5.5 Further to Section 3.5.4, acceptable cladding materials include brick, stone masonry, cement siding, metal panelling, wooden shingles, **metal** railings, **aluminium glazing**, and high quality pre-cast panelling containing fine grained detail to resemble one of the other permitted cladding materials or an acceptable equivalent as determined by the Development Officer of the Municipality.

11. Subsection 3.5.7 of the Existing Agreement shall be amended by deleting the text shown in strikeout and inserting the text shown in bold, as follows:

3.5.7 All balcony guardrails shown on the Schedules shall be made of metal ~~or non-combustible wood material~~ framing with insert glass, **or metal framing with metal picket guardrail**. The ~~aluminium~~ framing **and guardrail** shall be complementary in colour to the surrounding building material.

12. Subsection 3.5.8 of the Existing Agreement shall be amended by deleting the text shown in strikeout and inserting the text shown in bold, as follows:

3.5.8 All guardrails associated with landscaped open space shall be made of ~~non-combustible wood look railing to provide privacy screening from adjacent properties~~. **metal framing with insert glass or metal framing with metal picket guardrail**. The framing and guardrail shall be complementary in colour to the surrounding building material.

13. Subsection 3.6.1 of the Existing Agreement shall be amended by deleting the text shown in strikeout and inserting the text shown in bold, as follows:

3.6.1 A minimum of ~~232.2~~ **256.3** square meters (~~2,500~~ **2,730** square feet) of a combination of landscaped open space and recreational space shall be provided. A minimum of ~~407.7~~ **118** square meters (~~4160~~ **1270** square feet) shall be provided as landscaped open space on level 2. Additional outdoor landscaped open space may be provided on the upper levels of the building.

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

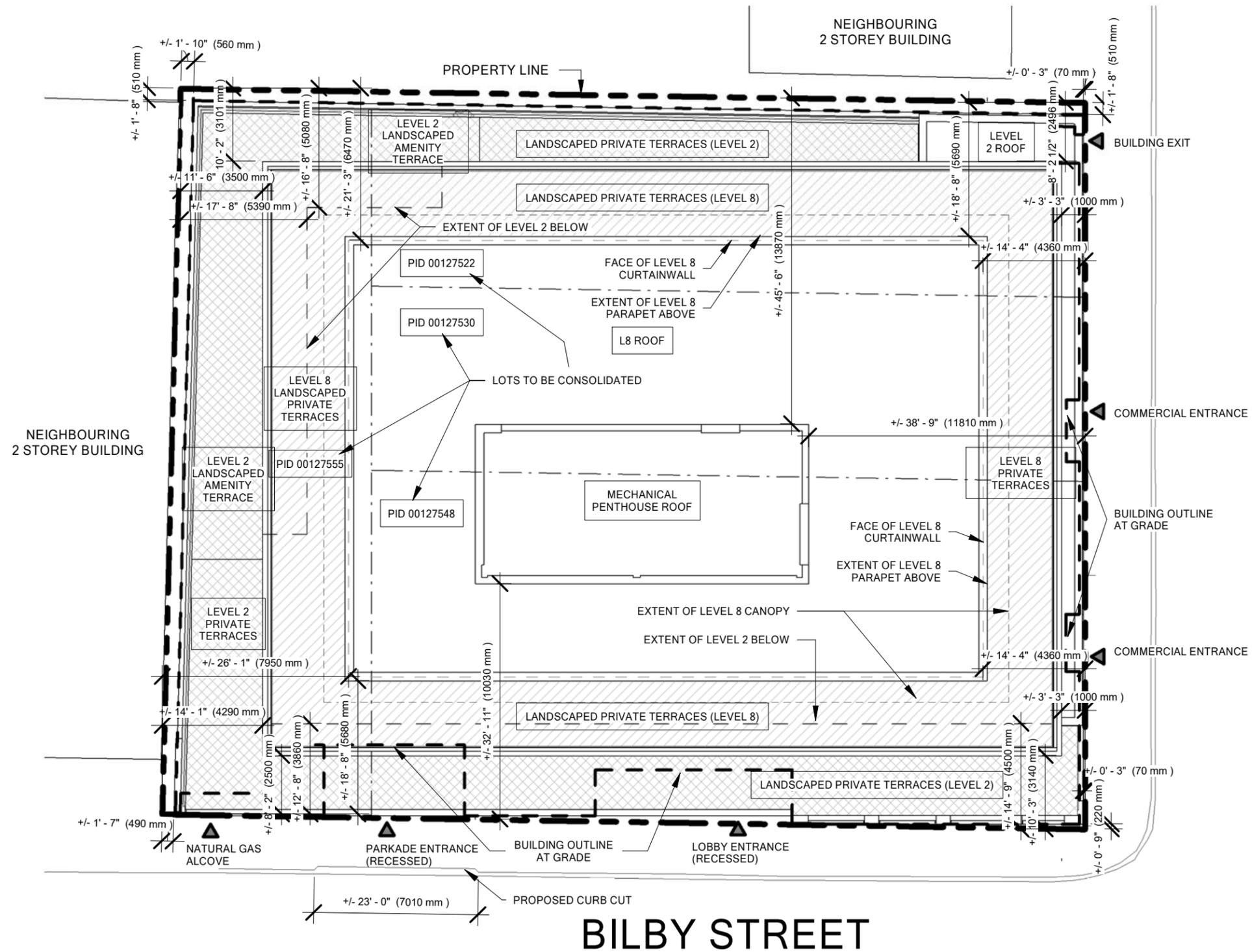
On this ____ day of _____, A.D. 20____, before me, personally came and appeared _____, the subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that _____ of the parties thereto, signed, sealed and delivered the same in his/her presence.

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, personally came and appeared _____, the subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that Mike Savage, Mayor and Sherryl Murphy, Acting Clerk of the Halifax Regional Municipality, signed the same and affixed the seal of the said Municipality thereto in his/her presence.

A Commissioner of the Supreme Court
of Nova Scotia



GOTTINGEN STREET

NRTH Gottingen
GOTTINGEN STREET

SCHEDULE C-2 SITE PLAN

NO.	DESCRIPTION	BY	DATE
1.	REVISED L8 STEPPACKS		2021.08.25

- ALL CONSTRUCTION TO MEET ALL APPLICABLE CODES, STANDARDS, BY-LAWS, ETC.
- DO NOT SCALE THIS DRAWING FOR CONSTRUCTION PURPOSES. USE FIGURED DIMENSIONS AS NOTED.
- ALL DIMENSIONS AND CONDITIONS TO BE VERIFIED ON SITE. ALL DISCREPANCIES ARE TO BE REPORTED TO THE ARCHITECT AND AGREED UPON BEFORE PROCEEDING.



ISSUED FOR:
AMENDMENT
TO
DEVELOPMENT
AGREEMENT

DRAWING:
SITE PLAN
SCALE:
1 : 200

DATE:
08/19/21
DRAWING NO.
A001

PROPERTY LINE @ SOUTH-EAST CORNER

79.45

PARAPET

+/- 20' - 9" (6320 mm)

MECHANICAL PENTHOUSE (METAL PANEL CLADDING SYSTEM)

+/- 18' - 8" (5690 mm)

PROPERTY LINE @ NORTH-EAST CORNER

ROOF 78.94

METAL PANEL CLADDING SYSTEM ALUMINUM GLAZING SYSTEMS TYP.

LEVEL 8 75.41

PICKET GUARDRAIL SYSTEMS TYP.

LEVEL 7 71.98

ALUMINUM GLAZING SYSTEMS TYP.

LEVEL 6 69.01

+/- 10' - 3" (3140 mm)

+/- 8' - 2" (2500 mm)

MASONRY CLADDING SYSTEM

LEVEL 5 66.03

ALUMINUM GLAZING SYSTEMS TYP.

LEVEL 4 63.06

METAL PANEL CLADDING SYSTEM

LEVEL 3 60.09

EXPOSED, ROUND CONCRETE COLUMN

+/- 14' - 9" (4500 mm)

PICKET GUARDRAIL SYSTEMS TYP.

LEVEL 2 56.66

+/- 0' - 9" (220 mm)

+/- 1' - 8" (500 mm)

+/- 17' - 9" (5410 mm) +/- 10' - 9" (3280 mm)

GARAGE ENTRANCE 53.12

LEVEL 1 52.44

GOTTINGEN STREET 51.71

HEIGHT ABOVE GOTTINGEN STREET

ALUMINUM GLAZING SYSTEMS TYP.

MASONRY CLADDING SYSTEM

EMERGENCY EXIT DOOR

NRTH Gottingen
GOTTINGEN STREET

SCHEDULE D-2 EAST (GOTTINGEN STREET) ELEVATION

NO.	DESCRIPTION	BY	DATE

1. ALL CONSTRUCTION TO MEET ALL APPLICABLE CODES, STANDARDS, BY-LAWS, ETC.
2. DO NOT SCALE THIS DRAWING FOR CONSTRUCTION PURPOSES. USE FIGURED DIMENSIONS AS NOTED.
3. ALL DIMENSIONS AND CONDITIONS TO BE VERIFIED ON SITE. ALL DISCREPANCIES ARE TO BE REPORTED TO THE ARCHITECT AND AGREED UPON BEFORE PROCEEDING.

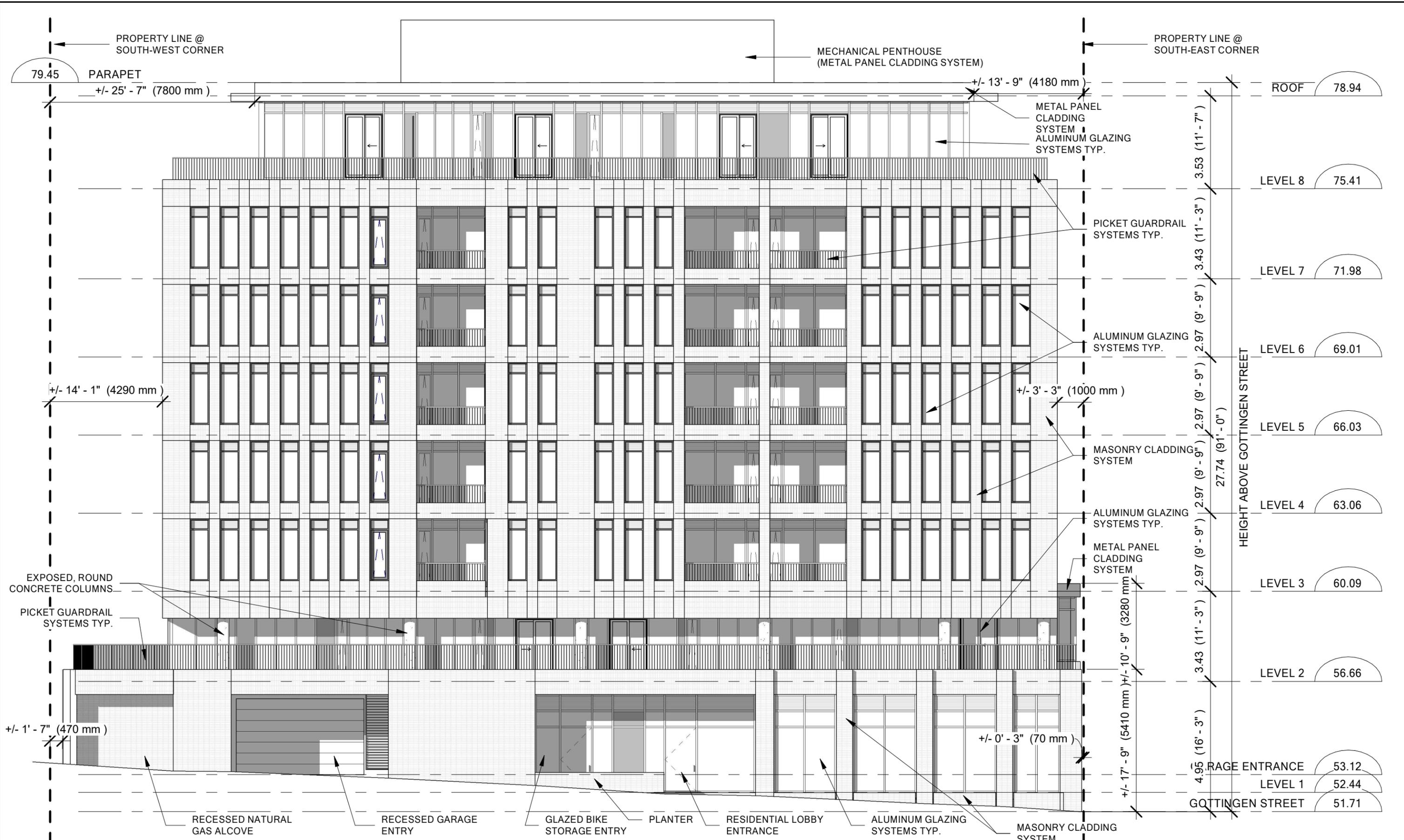
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ISSUED FOR:
AMENDMENT
TO DEVELOPMENT
AGREEMENT

DRAWING:
GOTTINGEN STREET
ELEVATION
SCALE:
1 : 128

DATE:
08/19/21

DRAWING NO.:
A106



NRTH Gottingen
GOTTINGEN STREET

SCHEDULE E-2 SOUTH (BILBY STREET) ELEVATION

NO.	DESCRIPTION	BY	DATE

1. ALL CONSTRUCTION TO MEET ALL APPLICABLE CODES, STANDARDS, BY-LAWS, ETC.
 2. DO NOT SCALE THIS DRAWING FOR CONSTRUCTION PURPOSES. USE FIGURED DIMENSIONS AS NOTED.
 3. ALL DIMENSIONS AND CONDITIONS TO BE VERIFIED ON SITE. ALL DISCREPANCIES ARE TO BE REPORTED TO THE ARCHITECT AND AGREED UPON BEFORE PROCEEDING.



ISSUED FOR:
AMENDMENT
TO
DEVELOPMENT
AGREEMENT

DRAWING:
BILBY STREET
ELEVATION
SCALE:
1 : 128

DATE:
08/19/21
DRAWING NO.:
A107

PROPERTY LINE @ NORTH-WEST CORNER

PROPERTY LINE @ SOUTH-WEST CORNER

79.45

PARAPET

+/- 20' - 8" (6300 mm)

MECHANICAL PENTHOUSE (METAL PANEL CLADDING SYSTEM)

+/- 18' - 8" (5680 mm)

ROOF 78.94

METAL PANEL CLADDING SYSTEM
ALUMINUM GLAZING SYSTEMS TYP.

LEVEL 8 75.41

PICKET GUARDRAIL SYSTEMS TYP.

LEVEL 7 71.98

ALUMINUM GLAZING SYSTEMS TYP.

LEVEL 6 69.01

+/- 10' - 2" (3100 mm)

+/- 8' - 2" (2500 mm)

MASONRY CLADDING SYSTEM

LEVEL 5 66.03

ALUMINUM GLAZING SYSTEMS TYP.

LEVEL 4 63.06

EXPOSED, ROUND CONCRETE COLUMN

EXPOSED, ROUND CONCRETE COLUMN

LEVEL 3 60.09

+/- 16' - 8" (5080 mm)

+/- 12' - 9" (3880 mm)

LEVEL 2 56.66

PICKET GUARDRAIL SYSTEMS TYP.

+/- 0' - 3" (80 mm)

+/- 9' - 10" (3000 mm)

+/- 1' - 8" (500 mm)

+/- 11' - 9" (3580 mm)

GARAGE ENTRANCE 53.12

LEVEL 1 52.44

GOTTINGEN STREET 51.71

STONE/MASONRY CLADDING

MASONRY CLADDING

HEIGHT ABOVE GOTTINGEN STREET

NRTH Gottingen
GOTTINGEN STREET

SCHEDULE F-2 WEST ELEVATION

NO.	DESCRIPTION	BY	DATE

- ALL CONSTRUCTION TO MEET ALL APPLICABLE CODES, STANDARDS, BY-LAWS, ETC.
- DO NOT SCALE THIS DRAWING FOR CONSTRUCTION PURPOSES. USE FIGURED DIMENSIONS AS NOTED.
- ALL DIMENSIONS AND CONDITIONS TO BE VERIFIED ON SITE. ALL DISCREPANCIES ARE TO BE REPORTED TO THE ARCHITECT AND AGREED UPON BEFORE PROCEEDING.

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ISSUED FOR:
AMENDMENT
TO
DEVELOPMENT
AGREEMENT

DRAWING:
WEST ELEVATION
SCALE:
1 : 128

DATE:
08/19/21
DRAWING NO.:
A108

Regional Centre Secondary Municipal Planning Strategy

Section 9.11 Transition to This Plan

During the preparation of this Plan, development has continued in the Regional Centre according to the previous plan policies and land use by-law requirements. At the time of adoption of this Plan, discretionary development applications in various stages of review and approval remained in progress. Recognizing these projects were designed within the parameters of the previous policies, that substantial investment was made in the preparation of such applications and that they were submitted in advance of this Plan being given first reading by Council, it is reasonable that provision be made to allow such applications to be considered under the previous policies in effect at the time the completed application was received by the Municipality. Similarly, amendments to approved development agreements should be enabled under the non-substantive amendment provision of the respective agreements.

It is not, however, appropriate that development that is not in conformity with this Plan be afforded longstanding rights relative to time frames for project approval and completion. Developments that are not constructed and completed within a reasonable time period after Plan adoption will be required to comply with the requirements of this Plan, and the Land Use By-law.

Policy	Staff Comment
<p>Policy IM-30 <i>Complete applications for development agreements on file with the Municipality located in the former Centre Plan Package A area, which were received on or before August 24, 2019, shall continue to be considered under the policies in effect on immediately prior to that date. Where any such application is withdrawn, significantly altered, or refused by Council, any new development applications shall be subject to all applicable requirements of this Plan and the Land Use By-law. Applications that have not proceeded to public hearing within 36 months of September 18, 2019 shall be subject to all applicable requirements of this Plan and the Land Use By-Law.</i></p>	<p>The application was submitted on August 19, 2019 which was before the RCSMPS and RCLUB were brought before Council on the 18th of September 2019.</p>
<p>Policy IM-33 <i>Applications for non-substantive amendments to existing development agreements shall be considered under the policies in effect at the time the agreement was approved.</i></p> <p><i>Applications for substantive amendments to existing development agreements may be considered under the policies in effect at the time the agreement was approved for the following matters:</i></p>	<p>The application is for non-substantive amendments, all of which are listed as non-substantive within the original agreement. The effective policies at the time the agreement was approved include policies 2.3.1 and 2.3.2 of the Halifax MPS.</p>

<p>(a) changes to architectural requirements; (b) changes to landscaping requirements; (c) changes to sign requirements; (d) reduction in motor vehicle parking requirements; and (e) changes to building lighting and illumination.</p>	
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Halifax Municipal Planning Strategy – Section XI Peninsula North Secondary Planning Strategy	
Policy	Staff Comment
<p>Policy 2.3.1 <i>In order to promote investment in commercial and residential redevelopment and to prevent conflict between new and existing uses the city may, through the land use by-law, identify areas that provide an opportunity for and will benefit from comprehensive site planning.</i></p>	<p>The site has already undergone comprehensive site planning, having been classified as Schedule Q lands, which allows for consideration of mixed-use developments via development agreement. Schedule Q is meant to support the introduction of residential uses into existing commercial areas. The site is currently underutilized with 2 surface parking lots, one vacant building and one 2-storey residential house. There is an existing DA for the site that enables an 8-storey mixed use building to be constructed.</p>
<p>Policy 2.3.2 <i>In those areas identified in the land use by-law pursuant to Policy 2.3.1 all residential and mixed residential-commercial development over four units shall be by agreement.</i></p>	<p>An approved development agreement for a residential-commercial mixed use building already exists. This is a request for non-substantive amendments which do not alter the uses.</p>
<p>Policy 2.3.3 <i>In considering agreements pursuant to Policy 2.3.2, Council shall consider the following:</i> (i) <i>the relationship of new development to adjacent properties and uses; and, the mitigation of impacts on the amenity, convenience and development potential of adjacent properties through effective urban design and landscape treatment;</i></p>	<p>The site is in a traditionally commercial area that is transitioning to a more mixed-use neighbourhood. There have been a number of similar mixed-use developments approved in recent years in the area. The existing Development Agreement restricts uses to those uses permitted in the C-2A (Minor Commercial) Zone, with the exception of service stations and bill boards, to lessen the impact of commercial uses on the residential component of the building. C-2 uses not permitted in the C-2A Zone can be considered through a non-substantial amendment in the existing development agreement. This will not change as part of this proposal.</p>

	<p>The design of the proposed building includes measures to reduce land use conflict such as including stepbacks from neighboring property line for the upper stories of the building and through the nature of the building's non-combustible construction materials which will assist with noise attenuation.</p> <p>The proposed street wall height along Gottingen is unchanged and is consistent with the heights of the neighboring buildings along Gottingen.</p> <p>The series of stepbacks ranging throughout the stories of the building are proposed to mitigate impacts on adjacent properties at varying heights. Additionally, for levels above the second floor, the units have been designed with inset balconies to provide additional privacy.</p> <p>The development agreement controls the elevations and these setbacks to what is shown in the attached schedules.</p>
<p><i>(ii) the appropriate integration of the development into the traditional grid street system of the Peninsula;</i></p>	<p>The site is surrounded by two public streets and spans half of the block along Gottingen St., complementing the traditional grid system.</p>
<p><i>(iii) the design and layout of the development should encourage vehicular traffic to use Principal Streets and discourage traffic from infiltrating through existing neighbourhoods;</i></p>	<p>Gottingen Street is identified in the MPS as a principal street. While the driveway is proposed on Bilby Street, vehicles will utilize Gottingen Street, which minimizes infiltration through neighbourhoods.</p> <p>A Traffic Impact Study prepared by the developer's consultant has been reviewed by HRM and no issues were raised.</p> <p>The proposal is located along major transit routes.</p>
<p><i>(iv) the creation of high quality design detail at street level through attention to such matters as landscaping, signs, building entrances, and vehicle layby areas;</i></p>	<p>The existing development agreement controls commercial uses to be located at the ground level along the street. The streetwall at street level is made up of majority glass windows/doors along Gottingen Street which provides a visual connection to the commercial use on the interior. The streetwall along Bilby Street also has windows proposed along the interior commercial use but is appropriately glazed for residential use.</p> <p>The development agreement also has controls on signage. Signs are limited fascia type and are not permitted to be back-lit, with the exception of individual lettering which may be internally illuminated.</p>

	All parking is enclosed.
<i>(v) the provision of high quality open space and leisure areas of a size and type adequate for the resident population;</i>	<p>The existing development agreement requires a minimum of 2,500 square feet of combined indoor and outdoor amenity space, 1,160 square feet of which, to be provided as outdoor amenity space on an outdoor terrace on the second level to be landscaped.</p> <p>The amending agreement requires a minimum of 253.6 square meters (2,730 square feet) of a combination of landscaped open space and recreational space, and a minimum of 118 square meters (1270 square feet) of the required landscaped open space to be located on level 2. Additionally, the agreement permits more roof top amenity space is permitted on the upper levels and requires a detailed landscaping plan prepared by a landscape architect when applying for the development permit. The applicant is proposing combined landscaped open space and recreational space that exceeds the minimums required by the amending agreement.</p> <p>Proposed open space and leisure areas consist of a second floor landscaped terrace accessible to all residents, an indoor gym, and individual balconies/landscaped terraces.</p>
<i>(vi) residential and commercial densities consistent with municipal services;</i>	The application was reviewed by Halifax Water and developments may be required to prove capacity exists in the local wastewater/combined system at the building/development permit stage.
<i>(vii) encouraging high quality exterior construction materials such as masonry; and</i>	Proposed exterior materials are of high quality and include stone masonry, brick, metal panel cladding, aluminum glazing, glass, and metal rails.
<i>(viii) other relevant land use considerations which are based on the policy guidance of this Section.</i>	Staff are of the opinion that the proposed height and mass of the building does not necessitate a wind or shadow study. No other relevant land issues were identified.
<p>Policy 2.6 <i>The development of vacant land, or of land no longer used for industrial or institutional purposes within existing residential neighbourhoods shall be at a scale and for uses compatible with these neighbourhoods, in accordance with this Plan and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</i></p>	The lot at the corner of Bilby and Gottingen Streets has been vacant for some years. 2856 Gottingen was a locksmith but is now vacant. This proposal would be an improved use, bringing commercial space to the Gottingen Street business district and introducing more residential space.

Regional Municipal Planning Strategy	
Policy	Staff Comment
<p>Policy T-9 <i>HRM shall require mixed use residential and commercial areas designed to maximize access to public transit (Transit Oriented Development) within the Urban Transit Service Boundary through secondary planning strategies, and shall strive to achieve the intent of this policy through land use by-law amendments, development agreements and capital investments.</i></p>	<p>The proposal is located within the Urban Transit Service Boundary, along a priority transit route serviced by high-frequency transit bus.</p>
<p>Policy T-11 <i>HRM shall strive to achieve or exceed the 2031 projections for the percentage of trips to work by transit and active transportation set out as follows:</i> <i>(a) Regional Centre 23% Transit, 37% Active Transportation, 40% automobile</i></p>	<p>The development will create a number of bicycle parking spots for residents (DA states it shall be as per the bicycle requirements of the Halifax Peninsula LUB). It offers fewer car parking spots than units, with the expectation that not all residents will purchase automobiles and instead use public transit and AT. This supports the modal share target for the Regional Centre.</p>