



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 10.1.2
Harbour East - Marine Drive Community Council
January 11, 2024
March 7, 2024

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

SUBMITTED BY: - Original Signed -
Jacqueline Hamilton, Executive Director of Planning and Development

DATE: November 20, 2023

SUBJECT: **PLANAPP 2023-00453: Development Agreement for 42 Canal Street,
Dartmouth**

ORIGIN

Application by WM Fares Architects, on behalf of the property owner.

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

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

1. Give notice of motion to consider the proposed development agreement, as set out in Attachment A, to construct a mixed-use, multi-unit building and schedule a public hearing;
2. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A; and
3. Require the development agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

WM Fares Architects has applied, on behalf of the property owner, for a development agreement at 42 Canal Street, Dartmouth.

| | |
|-------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Subject Site | 42 Canal Street, Dartmouth |
| Location | Between Canal Street, Maitland Street (to be renamed Skokomul Street), and the Patuo'qn Street Extension Transportation Reserve (formally Dundas Street) |
| Regional Plan Designation | Harbour Designation (HARB) |
| Community Plan Designation (Map 1) | Future Growth Node (FGN) |
| Zoning (Map 2) | Comprehensive Development District 2 (CDD-2) |
| Size of Site | 9874.33 sq. m (2.44 acres) |
| Street Frontage | ~138 m (452 ft.) exiting along Canal Street & Maitland Street (to be renamed Skokomul Street) |
| Current Land Use(s) | Commercial/Office building |
| Surrounding Use(s) | Community Recreation, Industrial, Commercial, Residential, and Offices |

Proposal Details

The applicant proposes to redevelop the lands in accordance with the requirements of the Regional Centre Land Use By-law, with several exemptions as outlined further in this report. The major aspects of the proposal are as follows:

- Develop the lands under the Centre 2 (CEN-2) Zone of the Regional Centre Land Use By-law, which would allow two mixed-use buildings: one high-rise (26 metres or taller) and one tall mid-rise (maximum 38 metres).
- Identifying Canal Street as a Pedestrian-oriented commercial street and requiring wide setbacks to support commercial and pedestrian activity; and
- A pedestrian throughfare and landscaped open space, on private land, from Canal Street to Maitland Street.

Enabling Policy and LUB Context

The subject property is designated as a Future Growth Node (FGN) and zoned Comprehensive Development District 2 (CDD-2) under the Regional Centre Secondary Municipal Planning Strategy (SMPS) and Regional Center Land Use By-law (LUB). Future Growth Nodes are lands which are identified as having potential to accommodate significant growth due to the site size, location, and proximity to municipal services.

These parcels of land are intended to be comprehensively planned to ensure they meet the objectives of the SMPS. Policies F-1, F-3, F-5, F-6, F-7, F-11 and IM-7 of the SMPS and section 490 of the LUB enable the comprehensive development of Dartmouth Cove and allow Council to consider permitting the development of the lands through the development agreement process.

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 (639 unique pageviews with average time on page of 4 minutes & 30 seconds), signage posted on the subject site, 363 letters mailed to property owners and residents within the notification area, and an information video on HRM's Shape Your City webpage (215

views). Staff received feedback from 4 individuals. The public comments received include the following topics:

- Too much density for the area;
- Need for public parking;
- Desire to see these units as long-term rentals/tenants;
- Not enough green space provided;
- Concerns around increased traffic; and
- Desire to see primary infrastructure underground.

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

Proposed Development Agreement

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

- Requires the building to meet the regulations of the LUB, with limited variations as identified in this report;
- Requires a density bonusing contribution as per the policies of the SMPS and the requirements of the LUB;
- Provides a pedestrian thoroughfare from Canal Street to Maitland Street and abutting landscaped open space on private land;
- Requires the building to be designed to meet future grades of the Patuo'qn Street (formally Dundas Street) extension, Canal Street, and Maitland Street; and
- Non-substantive amendments permitted to the development agreement including:
 - Changes to the grade requirements along the streets and transportation reserve;
 - Changes required to address land acquisition along the transportation reserve; and
 - Extension to the dates of commencement and completion of development.

The attached proposed development agreement will permit two residential towers on a shared podium with commercial uses at street grades, subject to the controls identified above. Of the matters addressed by the proposed development agreement to satisfy the SMPS criteria as shown in Attachment B, the following have been identified for detailed discussion.

Proposed Zoning and Variation to the Land Use By-law

The site is zoned CDD-2 (Comprehensive Development District 2) however the enabling policies of the Regional Centre SMPS direct that the uses and building form be regulated by pre-existing zones in the LUB. With guidance from the SMPS Map 13: Future Growth Node Land Use Concept – Dartmouth Cove (Attachment C), staff have determined that the most appropriate zone for the site is the Centre 2 (CEN-2) zone.

Policy further acknowledges that limited site-specific adjustments to meet the applicable site-specific Dartmouth Cove Future Growth Node (FGN) requirements and objectives may also be required within a development agreement. Several variations of the LUB requirements have been requested to achieve the objectives of the Dartmouth Cove FGN while also ensuring the permitted density is achieved. The applicant

has requested that the maximum height of a tall mid-rise building be increased from 26 metres to 38 metres (a difference of approximately 3-4 storeys), the maximum building dimensions be increased from 27 metres by 27 metres to 35 metres by 35 metres, and the maximum tower floor area be increased from 750 square metres to 1175 square metres. These variations are requested for the tall mid-rise building only. The high-rise building does not require and will not receive any variations. These variations are required to ensure the permitted density, as outlined in Map 13 of the Regional Centre SMPS, is achieved while also providing a significant portion of the site as landscaped open space to accompany the pedestrian throughfare. Staff believe the variations are relatively minor and result in the development achieving the intent and objectives of the Dartmouth Cove Future Growth Node by providing open space that otherwise would not exist.

Public Benefit

The Regional Centre SMPS requires that any development agreement for a Future Growth Node include provisions for incentive or bonus zoning. According to the Regional Centre LUB, the public benefit value for each Future Growth Node that is covered by a CDD-2 or CDD-1 zone shall be determined based on the appraised market value of the site, and then multiplied by a coefficient of 0.12. The proposed development agreement requires the public benefit contribution to be paid as per the requirements of the LUB. At least 60% of the contribution must be dedicated to affordable housing, as per the requirements of the LUB.

The LUB requires the municipality to use money dedicated for affordable housing towards the rehabilitation of existing affordable units, acquisition of new buildings, units or properties for affordable housing, the creation of new units by a not-for-profit organization or registered charitable organization, or in accordance with a housing agreement as set out in the *HRM Charter*. The remaining 40% of the public benefit is able to be additional dedication to affordable housing, or as money-in-lieu for affordable community or cultural indoor space, conservation of a registered heritage building, public art, municipal park improvements, or public art on the site.

Patuo'qn Street (formally Dundas Street) Extension

In 2019, the Dartmouth Cove area was included in the Regional Centre Secondary Municipal Planning Strategy (SMPS) as a Future Growth Node (FGN). The guiding policies of the Dartmouth Cove FGN are based on the 2012 Dartmouth Cove Comprehensive Plan. They seek to establish a new and appealing mixed-use neighbourhood with strong relationships to the waterfront, open spaces, trails, downtown Dartmouth, and adjacent neighbourhoods. The vision also includes extending Dundas Street across Alderney Drive to Maitland Street. This extension will be called Patuo'qn Street and will include a crossing over the Shubenacadie Canal. A transportation reserve for the Patuo'qn Street extension (formally Dundas Street extension) has been incorporated into the SMPS.

In 2020 and 2021, the required property, designated as a transportation reserve, was acquired for the Patuo'qn Street extension between Alderney Drive and Canal Street. Construction of this portion of the extension is anticipated for 2024/2025. Property acquisition is ongoing for the required property from Canal Street to Maitland Street, as well as temporary and permanent easements.

Conclusion

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is reasonably consistent with the intent of the SMPS. The proposal meets the intent and objectives of the Dartmouth Cove Future Growth Node policies. Therefore, staff recommend that the Harbour East - Marine Drive Community Council approve the attached proposed development agreement.

FINANCIAL 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 2023-2024 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 SMPS policies. Community Council has the discretion to make decisions that are consistent with the SMPS, 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 additional concerns were identified beyond those raised in this report. The development will be required to adhere to the Environmental Requirements (Part III, Chapter 4) of the Regional Centre LUB, which includes coastal area elevation requirements.

ALTERNATIVES

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

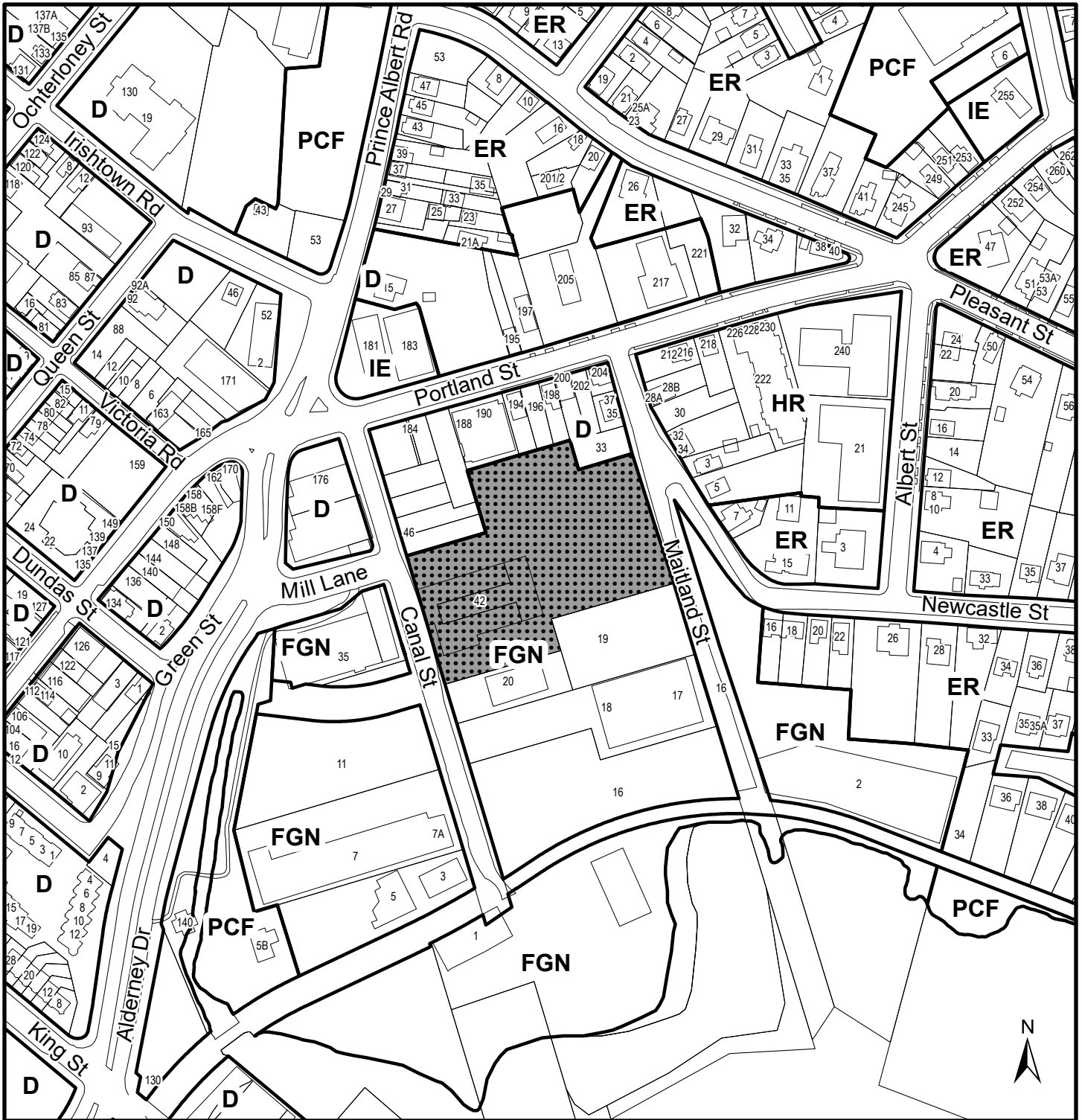
ATTACHMENTS

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

Attachment A: Proposed Development Agreement
Attachment B: Review of Relevant Policies
Attachment C: Regional Centre SMPS Map 13: Future Growth Node Land Use Concept – Dartmouth Cove


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: Dean MacDougall - Planner III - 902.240.7085



Map 1 - Generalized Future Land Use

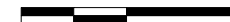
42 Canal St,
Dartmouth

 Subject Property

Designation

- D Downtown
- ER Established Residential
- FGN Future Growth Node
- HR Higher-Order Residential
- IE Institutional Employment
- PCF Park and Community Facility

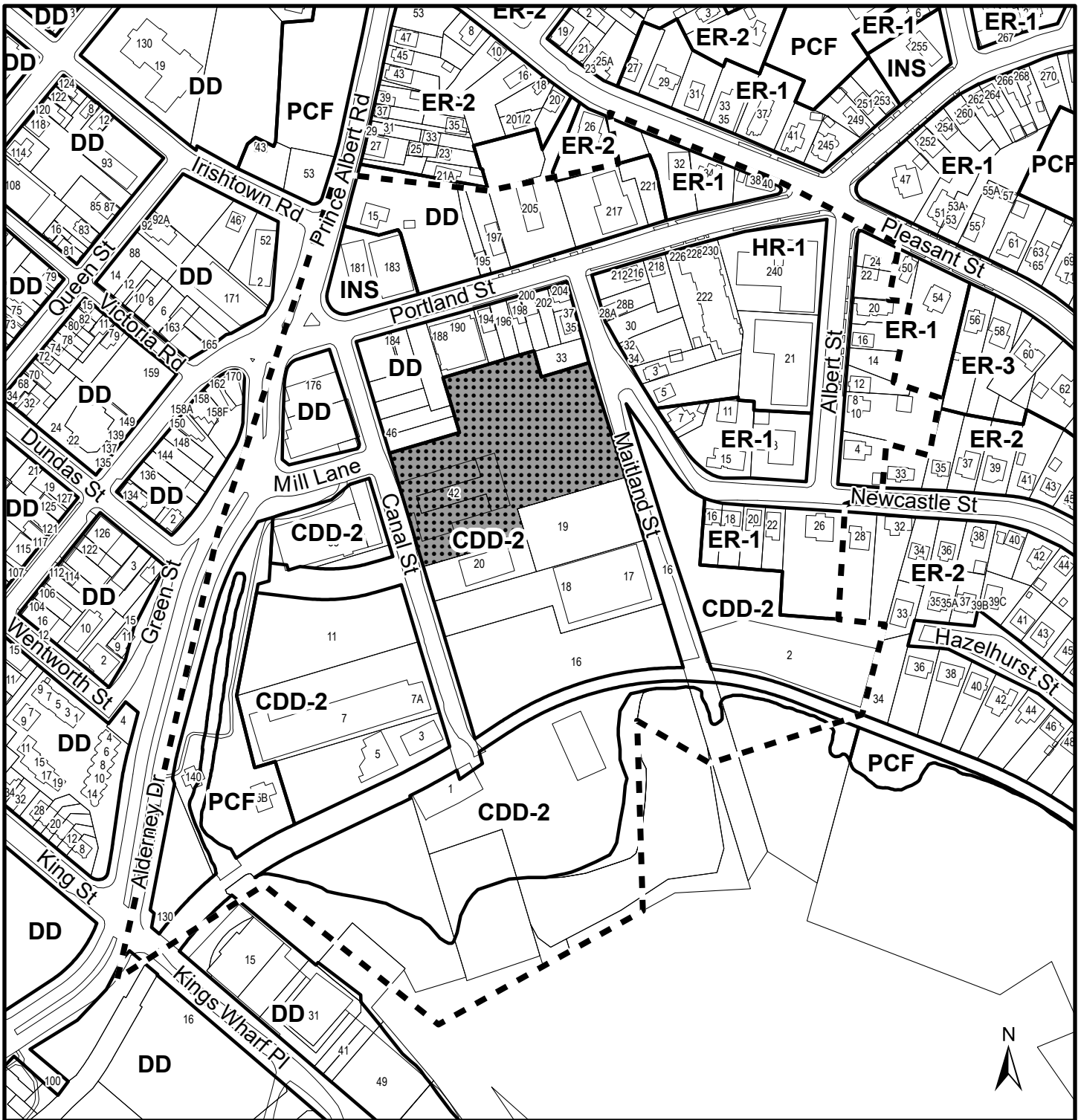
0 40 80 m



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
Land Use By-Law Area



Map 2 - Zoning and Notification Area

42 Canal St,
Dartmouth

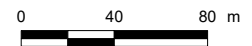
-  Subject Property
-  Area of Notification

Regional Centre
Land Use By-Law Area

Zone

- DD Downtown Dartmouth
- CDD-2 Comprehensive Development District 2
- INS Institutional
- HR-1 Higher-Order Residential 1
- ER-1 Established Residential 1
- ER-2 Established Residential 2
- ER-3 Established Residential 3
- PCF Parks and Community Facilities

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")

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 identified as 42 Canal Street, Dartmouth and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developers have requested that the Municipality enter into a Development Agreement to allow a mixed-use multi-unit building on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policies F-1, F-3, F-5, F-6, F-7, F-11 and IM-7 of the Regional Centre Municipal Planning Strategy and 490 of the Regional Centre Land Use By-law;

AND WHEREAS the Harbour East and Marine Drive Community Council approved this request at a meeting held on **[Insert - Date]**, referenced as PLANAPP 2023-00453;

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

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

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

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

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

1.3 Applicability of Other By-laws, Statutes and Regulations

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

1.4 Conflict

- 1.4.1 Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Lands (other than the Regional Centre 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:

Tall Mid-Rise Building means a main building that is greater than 20.0 metres in height, but not higher than 38.0 metres in height.

Tall Mid-Rise Typology means a portion of a main building, above the height of a streetwall, that:

- (i) has an overall height from average finished grade to top of the roof that is greater than 20.0 metres, but not higher than 38.0 metres, and
- (ii) that is not connected above the height of the streetwall to any other portion of the building that would exceed a height of 26.0 metres from average finished grade.

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 PLANAPP 2023-00453:

| | |
|------------|-----------------------------------------------|
| Schedule A | Legal Description of the Lands – PID 00114330 |
| Schedule B | Site Plan |
| Schedule C | Pedestrian Oriented Commercial Streets |
| Schedule D | Maximum Building Height |
| Schedule E | Floor Area Ratio |
| Schedule F | Minimum Front/Flanking Yards |
| Schedule G | Maximum Front/Flanking Yards |

3.2 Requirements Prior to Approval

3.2.1 Prior to the issuance of a building permit, or streets and services permit associated with a new development, whichever occurs first, the Developer shall provide:

- (a) payment in accordance with By-law D-600, Development Charge By-law to Fund Dundas Street Extension, as amended from time to time; and
- (b) a Traffic Impact Study to evaluate the impacts of the development and confirm that vehicle trips associated with the redevelopment can be accommodated on the transportation network and adjacent intersections. The Study should also identify and consider potential impacts of underground parking entrances on the pedestrian throughfare, identified in Schedule B, and the future closures and transition of Canal Street and Mill Lane to park plazas.

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 in accordance with the Land Use By-law:

- (a) Payment for any outstanding appraisal costs accrued by the Municipality in accordance with Section 3.10 of this Agreement and Section 476 of the Regional Centre Land Use By-law;
- (b) Density bonusing payment in accordance with Section 3.10 of this Agreement; and
- (c) Written confirmation from a Structural Engineer that all landscape areas designed to be installed upon any portion on any rooftop level of the building is able to support any required drainage or additional weight caused by the landscaped area.

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

3.3 General Description of Land Use

3.3.1 The development and the use of the Lands, including building form and design, permitted by this Agreement shall conform to the applicable requirements of the Regional Centre Land Use By-law, except as varied by this agreement and the Schedules of this Agreement.

3.3.2 For all intents and purposes, the Lands under this Agreement shall be considered zoned Centre-2 (CEN-2) Zone of the Regional Centre Land Use By-law. Except where specifically varied by the terms of this Agreement, the Lands shall meet the requirements of the Centre-2 Zone.

3.3.3 The Lands shall meet the following requirements:

- (a) pedestrian throughfare and plaza shall be provided connecting Canal Street and Maitland Street (Skokomul Street), as generally shown on Schedule B. For greater clarification:
 - i. This space shall generally align with the Mill Lane right-of-way.
 - ii. This space shall not be considered amenity space for the purposes of Section 67 of the Regional Centre Land Use By-law.
 - iii. This space shall be illustrated on the landscape plan required under Section 10(m) of the Regional Centre Land Use By-law and consist of a mix of hard and soft landscaping with an unobstructed 3 metre wide walkway connecting Canal Street to Maitland Street (Skokomul Street).
 - iv. Lands to the north of the pedestrian throughfare shall be landscaped open space and shall be required to meet Part XII of the Regional Centre Land Use By-law.

3.4 Exceptions to the Land Use By-law

3.4.1 Notwithstanding Schedules 7, 15, 17, 18, and 19 of the Regional Centre Land Use By-law, where the Regional Centre Land Use By-law references Schedules 7, 15, 17,18, and 19 the following schedules of this Agreement shall apply:

| <u>Regional Centre Land Use By-law Schedule</u> | <u>Replacement Schedule</u> |
|-----------------------------------------------------|-----------------------------|
| Pedestrian-Oriented Commercial Streets (Schedule 7) | Schedule C |
| Maximum Building Height Precincts (Schedule 15) | Schedule D |
| Maximum Floor Area Ratio Precincts (Schedule 17) | Schedule E |
| Minimum Front and Flanking Yards (Schedule 18) | Schedule F |
| Maximum Front and Flanking Yards (Schedule 19) | Schedule G |

3.4.2 Notwithstanding Section 174(2) of the Regional Centre Land Use By-Law, the tower portion of any tall mid-rise building that abuts Maitland Street (Skokomul Street) shall not exceed the following maximum building dimension requirements of:

- (a) a building depth of 35.0 metres;
- (b) a building width of 35.0 metres; and
- (c) a floor area of 1175 square metres per storey.

3.4.3 Subject to Sections 103 and 104, and Part X, of the Regional Centre LUB, any main building shall not exceed the maximum required building height specified on Schedule D.

3.4.4 For greater clarity, should PID 40180127 (Civic 19 Maitland Street (Skokomul Street) be fragmented due to the land acquisition for the Patuo'qn Street (formerly Dundas Street) Street Extension, the property boundary between the Lands and the remainder of PID 40180127 to the north of the Street Extension shall be considered a streetline for the purposes of this development.

3.5 Building Design

3.5.1 The building must be designed so that driveways, and entrances can effectively meet the future grades of the Patuo'qn Street (formerly Dundas Street), Canal Street, and Maitland Street (Skokomul Street) as determined by the Engineer.

3.5.2 Retaining walls will not be permitted along public streets and transportation reserves.

3.6 Maintenance

3.6.1 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.

3.7 Signs

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

3.8 Temporary Construction Building

3.8.1 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.

3.9 Reinstatement

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

3.10 Incentive or Bonus Zoning

3.10.1 Incentive or Bonus Zoning shall apply to the development, as per Section 476 of the Regional Centre Land Use By-law.

3.10.2 Public benefit values shall be updated using a new appraisal every five (5) years from the date of signing this agreement. The appraisal shall be done in accordance with Section 476 of the Regional

Centre Land Use By-law. No development permit may be issued for the development if it has not been appraised within the last five (5) years.

- 3.10.3 The public benefit shall be completed as per Section 474 of the Regional Centre Land Use By-law.
- 3.10.4 Incentive or Bonus Zoning allocations shall be subject to Section 479-484 of the Regional Centre Land Use By-law.
- 3.10.5 Notwithstanding Section 472(5) of the Regional Centre Land Use By-law, an Incentive or Bonus Zoning agreement shall not be required when the public benefit is provided in the form of money in lieu.

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.
- 4.1.2 Street trees shall be planted on Maitland Street (Skokomul Street) and shall satisfy the latest iterations of HRM Municipal Design Guidelines.

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 all buildings shall be underground installation.

PART 5: ENVIRONMENTAL PROTECTION MEASURES

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 have been issued a Grade Alteration Permit in accordance with By-law G-200 Respecting Grade Alteration and Stormwater Management Associated with Land Development, as amended from time to time.

5.3 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 in accordance with the approval requirements of the *Halifax Regional Municipality Charter*:
- (a) Changes to the requirements of Section 3.5.1 in consultation with the Development Engineer;
 - (b) Changes to the agreement, including the Schedules, to address any land acquisition along the Patuo'qn Street (formally Dundas Street) Transportation Reserve;
 - (c) The granting of an extension to the date of commencement of construction as identified in Section 7.3.1 of this Agreement; and
 - (d) The length of time for the completion of the development as identified in Section 7.4.4 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 the Chief Administrative Officer of the Municipality.
- 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 eight (8) years from the date of signing of this Agreement, the Lands shall conform with the provisions of the Regional Centre 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 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, the Municipality 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 the issuance of an Occupancy Permit for the development.

7.4.3 Upon the completion of the whole development or complete phases of the development, or at such time that policies applicable to the lands have been amended, the CAO or Council, as directed by the *HRM Charter*, may review this Agreement, in whole or in part, and may:

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

7.4.4 In the event that development on the Lands has not been completed within ten (10) years from the date of signing of this Agreement, any portion of the Lands that are undeveloped shall conform with the provisions of the Regional Centre 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 signing of this Agreement the Municipality may review this Agreement, in whole or in part, and may:

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

PART 8: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

8.1 Enforcement

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

8.2 Failure to Comply

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

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

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

SIGNED, SEALED AND DELIVERED in the presence of:

(Insert Registered Owner Name)

Witness

Per: _____

Print Name: _____

Print Position: _____

Date Signed: _____

=====

=====

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

HALIFAX REGIONAL MUNICIPALITY

Witness

Per: _____
MAYOR

Date signed: _____

Witness

Per: _____
MUNICIPAL CLERK

Date signed: _____

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

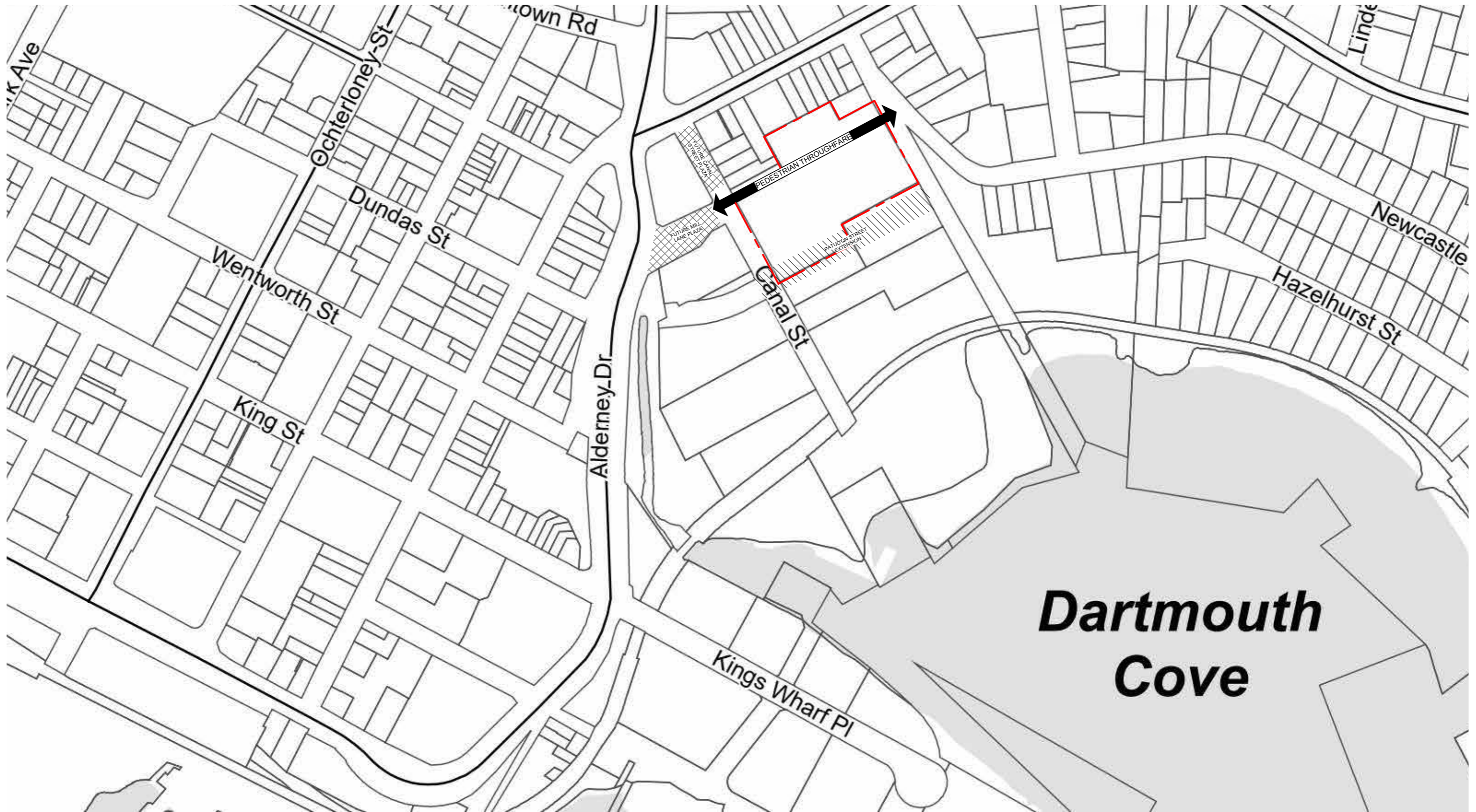
On this _____ day of _____, A.D. 20____, before me, the subscriber personally came and appeared _____ a subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that _____, _____ of the parties thereto, signed, sealed and delivered the same in his/her presence.

A Commissioner of the Supreme Court
of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this _____ day of _____, A.D. 20____, before me, the subscriber personally came and appeared _____ the subscribing witness to the foregoing indenture who being by me sworn, made oath, and said that Mike Savage, Mayor and Iain MacLean, Clerk of the Halifax Regional Municipality, signed the same and affixed the seal of the said Municipality thereto in his/her presence.

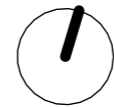
A Commissioner of the Supreme Court
of Nova Scotia



CANAL EAST
42 CANAL STREET, DARTMOUTH NS

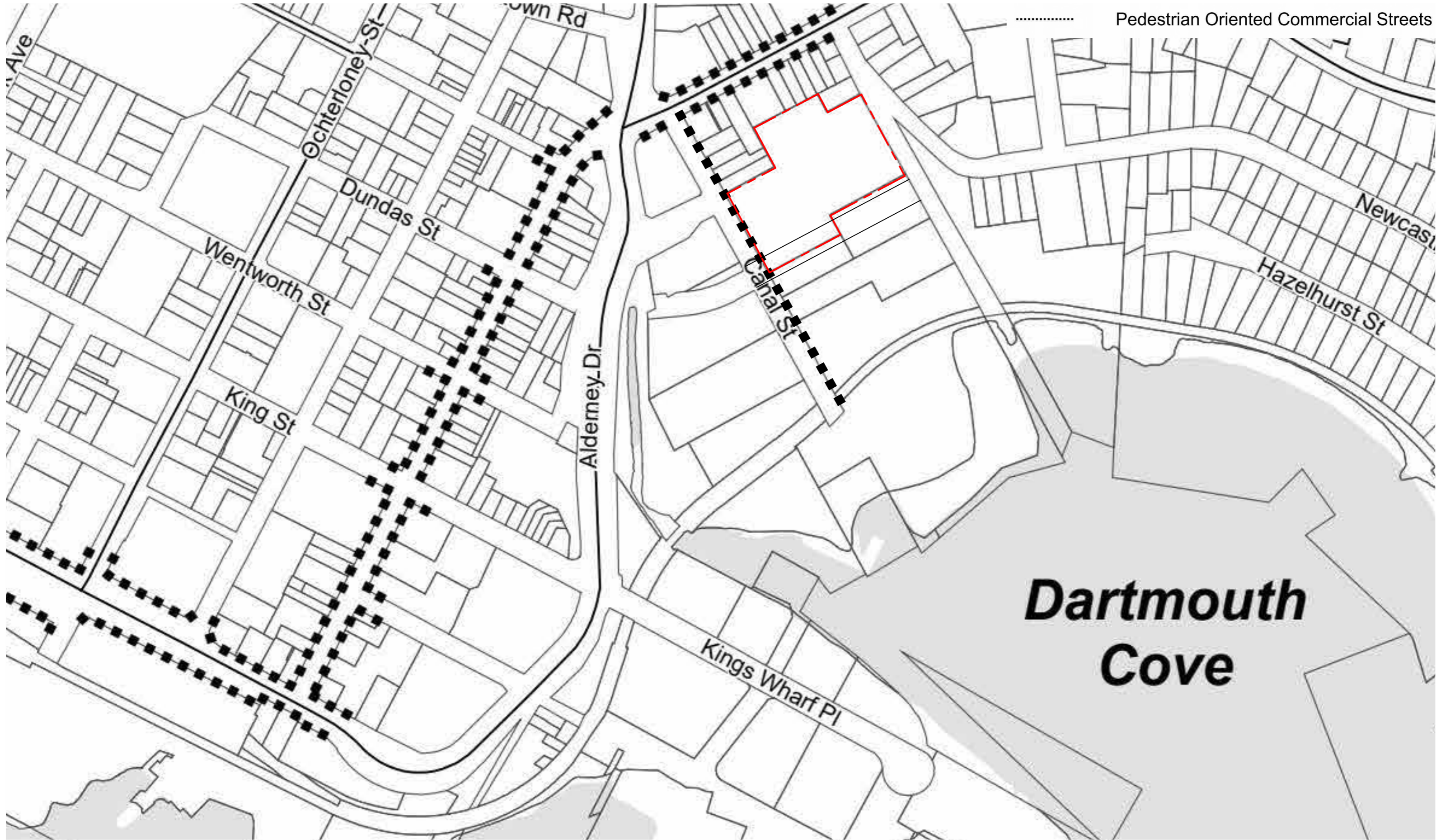
SITE PLAN

Project No: 2022-17
Scale: 1/2" = 1'-0"
Date: 2023-09-25 3:44:05 PM



WM FARES
ARCHITECTS
3480 Joseph Howe Dr. Suite 500 Halifax, NS B3L 4H7 902.457.6676

SCH B



..... Pedestrian Oriented Commercial Streets

CANAL EAST
42 CANAL STREET, DARTMOUTH NS

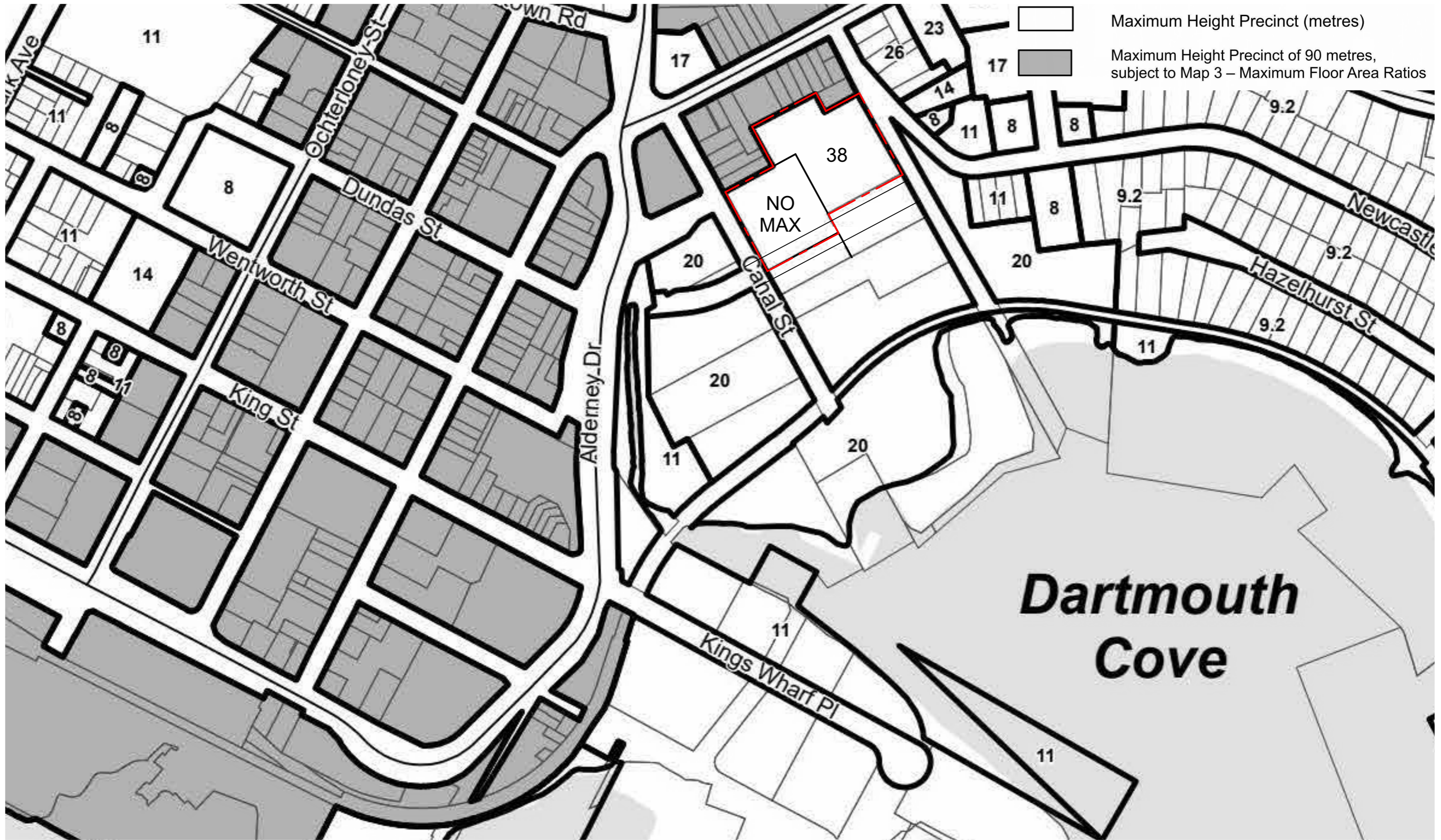
PEDESTRIAN ORIENTED COMMERCIAL
STREETS

Project No: 2022-17
Scale: 1/2" = 1'-0"
Date: 2023-09-25
3:44:05 PM



WM FARES
ARCHITECTS
3480 Joseph Howe Dr. Suite 500 Halifax, NS B3L 4H7 902.457.6676

SCH C



CANAL EAST
 42 CANAL STREET, DARTMOUTH NS

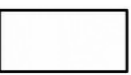
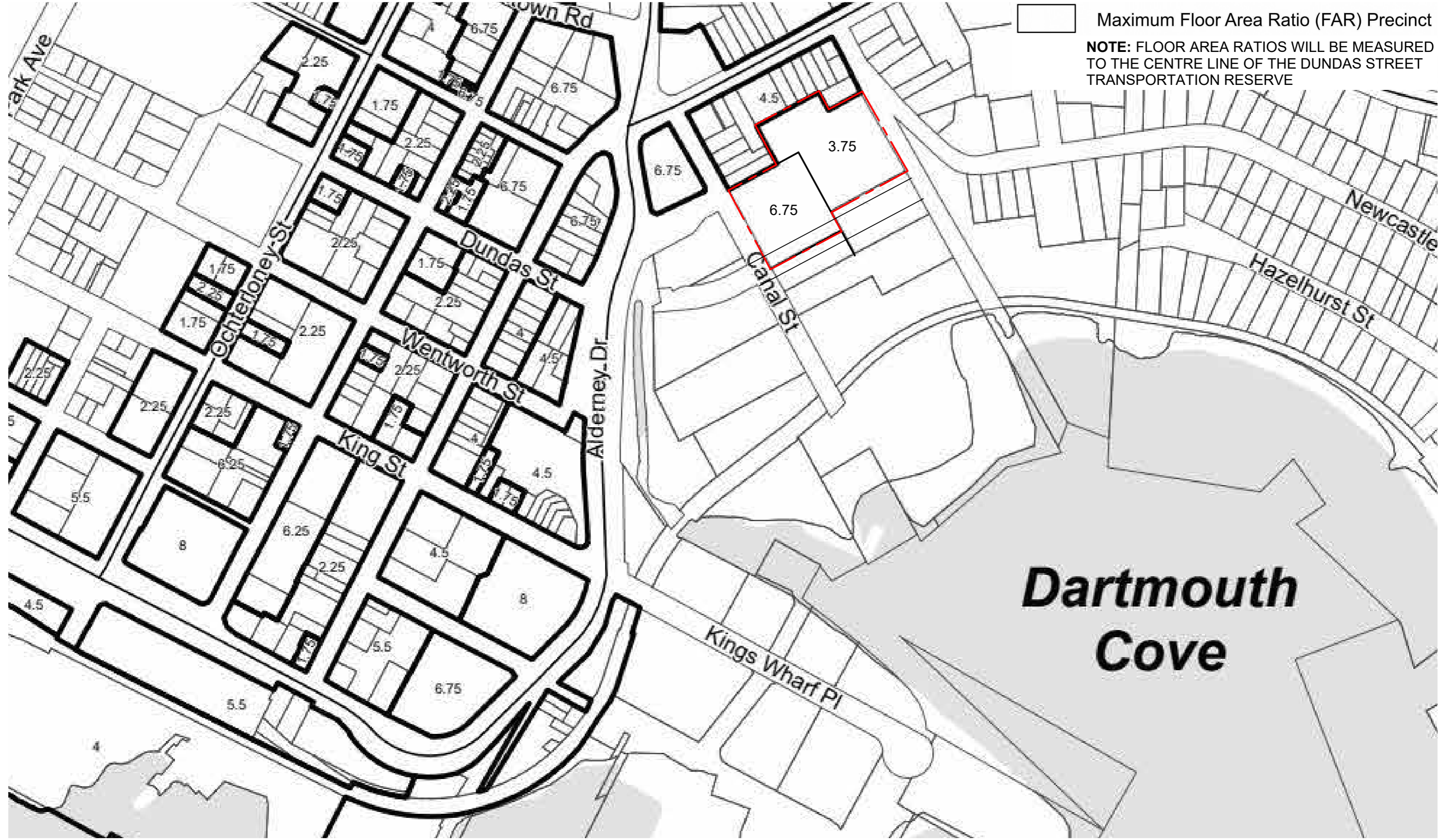
MAXIMUM BUILDING HEIGHT

Project No: 2022-17
 Scale: 1/2" = 1'-0"
 Date: 2023-09-25 3:44:06 PM



WM FARES
 ARCHITECTS
3480 Joseph Howe Dr. Suite 500 Halifax, NS B3L 4H7 902.457.6676

SCH D



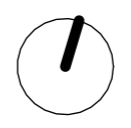
Maximum Floor Area Ratio (FAR) Precinct

NOTE: FLOOR AREA RATIOS WILL BE MEASURED TO THE CENTRE LINE OF THE DUNDAS STREET TRANSPORTATION RESERVE

CANAL EAST
42 CANAL STREET, DARTMOUTH NS

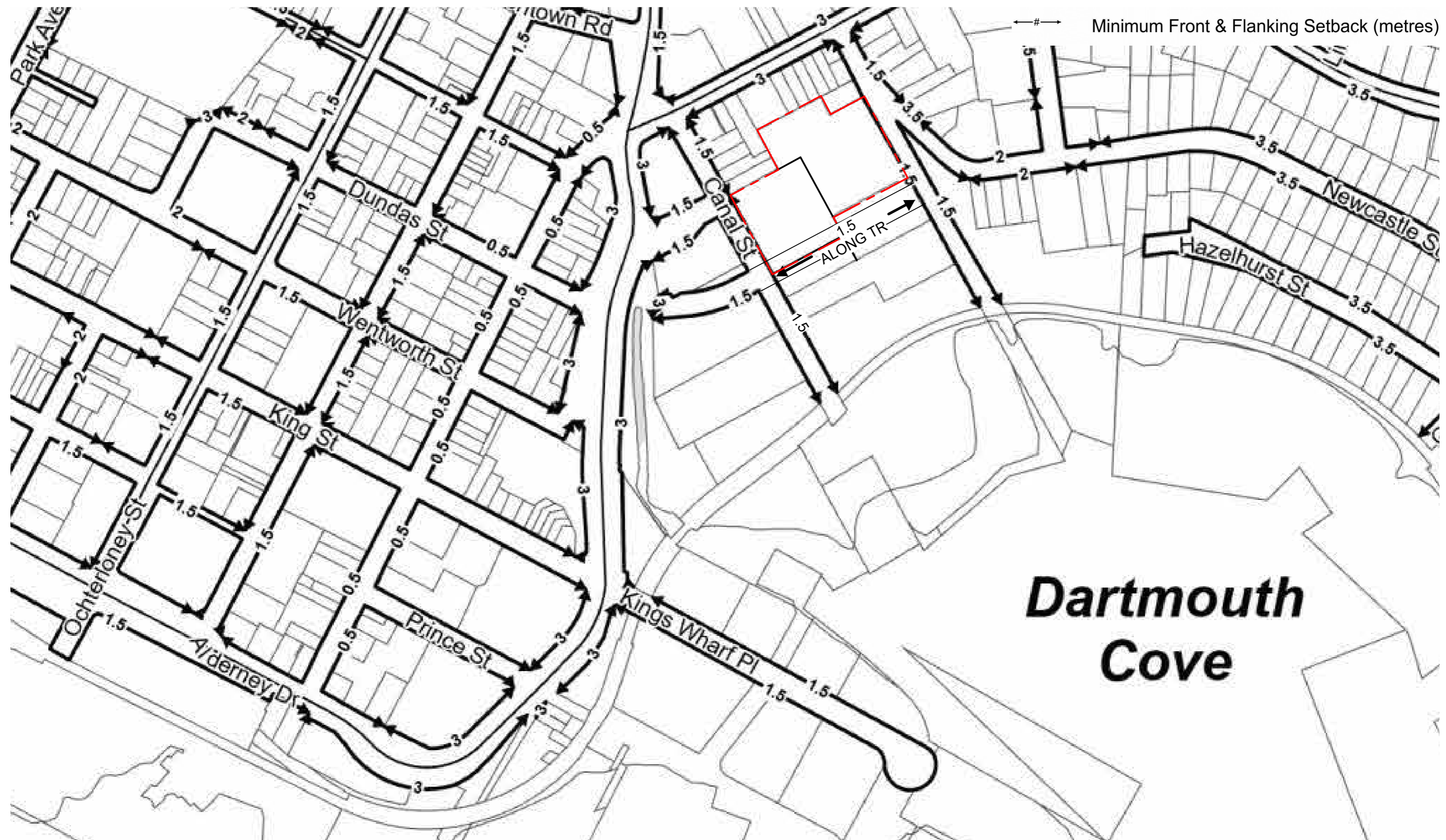
FLOOR AREA RATIO

Project No: 2022-17
Scale: 1/2" = 1'-0"
Date: 2023-09-25 3:44:06 PM



WM FARES
ARCHITECTS
3480 Joseph Howe Dr. Suite 500 Halifax, NS B3L 4H7 902.457.6676

SCH E



← # → Minimum Front & Flanking Setback (metres)

Dartmouth Cove

CANAL EAST
42 CANAL STREET, DARTMOUTH NS

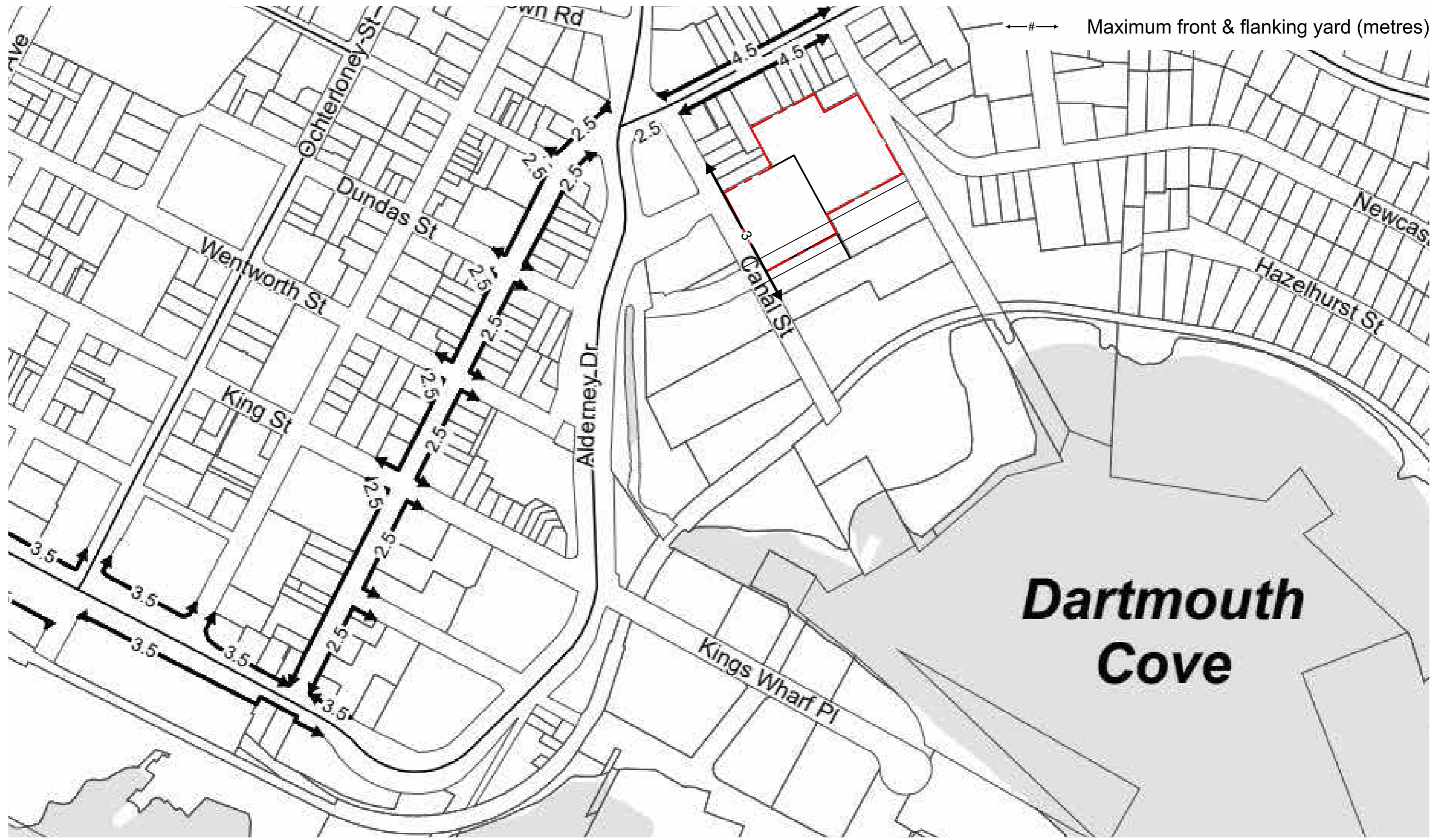
MINIMUM FRONT/FLANKING YARDS

Project No: 2022-17
Scale: 1/2" = 1'-0"
Date: 2023-09-25 3:44:06 PM



WM FARES
ARCHITECTS
3480 Joseph Howe Dr. Suite 500 Halifax, NS B3L 4H7 902.457.6676

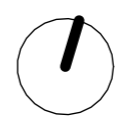




CANAL EAST
 42 CANAL STREET, DARTMOUTH NS

MAXIMUM FRONT/FLANKING YARDS

Project No: 2022-17
 Scale: 1/2" = 1'-0"
 Date: 2023-09-25 3:44:06 PM



WM FARES
 ARCHITECTS
3480 Joseph Howe Dr. Suite 500 Halifax, NS B3L 4J7 902.457.6676



Attachment B – Review of Relevant MPS Policies

| Regional Centre Secondary Municipal Planning Strategy | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Part 2.9 FUTURE GROWTH NODE DESIGNATION | |
| Policy | Staff Comments |
| <p>Policy F-1 <i>The Land Use By-law shall establish two zones that permit new large-scale developments only by development agreement, in accordance Policy F-6. The zones shall permit limited land uses and development opportunities without a development agreement and through the as-of-right process, as follows:</i></p> | |
| <p><i>a) The Comprehensive Development District 2 (CDD-2) Zone shall be applied to sites that are intended to be developed into large-scale mixed-use communities. In this zone, the only developments permitted without a development agreement shall be limited to commercial uses permitted in the CEN-2 Zone, and any new building or an addition to an existing building shall be:</i></p> <p><i>i) limited to a maximum floor area of 1,000 square metres and a maximum building height, as shown on Map 4, and</i></p> <p><i>ii) located on a lot in existence at the time of the adoption of this Plan; and</i></p> <p><i>b) The Comprehensive Development District 1 (CDD-1) Zone shall be applied to sites intended to accommodate limited amount of residential development. In this zone, the only developments permitted without the requirement of a development agreement shall be limited to existing uses and land uses permitted in the ER-1 Zone, and any new building or an addition to an existing building shall be: i) limited to a maximum floor area of 1,000 square metres and a building height, as shown on Map 4, and ii) located on a lot in existence at the time of the adoption of this Plan.</i></p> | <p>The subject site is designated as Future Growth Node and zoned CDD-2. A development agreement application is the subject of this review and therefore development permitted under this agreement is not regulated by existing LUB regulations outlined in a)(i) and instead in accordance with Policy F-6 and F-11.</p> |
| <p>Policy F-3 <i>The Municipality may establish a master neighbourhood planning program to prepare Site-Specific CDD Development Agreement Requirements for each Future Growth Node, that</i></p> | |

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><i>have not already been completed and are part of this Plan. When considering initiating these master neighbourhood planning exercises, Council may consider the following:</i></p> | |
| <p><i>a) opportunities to coordinate master neighbourhood planning with transportation network investments;</i> <i>b) the need to enable additional development opportunities in the local area containing the specific Future Growth Node, and in the Regional Centre generally; and</i> <i>c) the readiness of private land owners to proceed with development.</i></p> | <p>A master neighbourhood planning exercise has been completed. Site specific CDD Development Agreement requirements for this FGN can be found in section 2.9.1.4 of this Plan.</p> |
| <p>Policy F-5 <i>Council may only consider development agreement applications for the development of a Future Growth Node when Site-Specific CDD policies have been adopted in this Plan.</i></p> | <p>Site specific CDD Design Requirements have been adopted as Policy F-11 of the Regional Centre SMPS.</p> |
| <p>Policy F-6 <i>Subject to Policy F-5, in considering a development agreement for any lands zoned CDD-2 and CDD-1, Council shall consider the following:</i></p> | |
| <p><i>a) the applicable Site-Specific CDD Requirements set out in Section 2.9.1 of this Plan;</i></p> | <p>a) See site specific review under Policy F-11.</p> |
| <p><i>b) all applicable policies of the Regional Plan and of this Plan;</i></p> | <p>b) The proposal adheres the intent of the Regional Plan and RCSMPS.</p> |
| <p><i>c) the subdivision of land;</i></p> | <p>c) Subdivision could proceed under the requirements of the LUB and RSBL.</p> |
| <p><i>d) the phasing of development;</i></p> | <p>d) No phasing proposed.</p> |
| <p><i>e) the proposed development's road and walkway network, and the location of transit facilities;</i></p> | <p>e) This proposal is a single site development and as such no new roads or transit facilities are proposed with this application. The site is within the Dartmouth Cove Development Charge Area as established through By-Law D-600, which is a Development Charge By-law to fund the Patuo'qn Street (formally Dundas Street) Extension. The subject property is required to contribute to the cost sharing, as per the formula in the By-law.</p> |
| <p><i>f) the adequacy of public parks, open spaces and community facilities that meet the objectives of this Plan and the requirements of the Regional Subdivision By-law;</i></p> | <p>f) This is a single site development so no new municipal park space is being provided or is required. However, the development will include a pedestrian pathway connecting Canal to Maitland. Provisions are included within the DA that require and set design minimums for this pathway.</p> |

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><i>g) the built form and land use requirements applied to the site through references to appropriate zones and sections of the Land Use By-law, including site plan approval provisions, with limited site specific adjustments to meet the applicable Site-Specific CDD Requirements set out in Section 2.9.1 of this Plan;</i></p> | <p>g) The development agreement requires that the proposal adhere to the RCLUB, specifically, the CEN-2 zone. Densities permitted by Map 13 are carried forward through the regulations found in the agreement. Exceptions can be considered provided they are limited in nature and are necessary to meet site specific policy requirements. The applicant has requested variations to the requirements of the tall mid-rise building. These requests are that the maximum height be increased to 38m and that maximum building dimensions and tower floor area be increased to 35m x 35m and 1175 sq.m., respectively. These variations are required to ensure the permitted density is achievable (established under Policies F-11(d) and F-11(l), and Map 13) while providing a significant portion of the site as open landscaped space along the pedestrian throughfare (as encouraged by Policy F-11(e)). Staff believe these exemptions are acceptable and aid the site in achieving the intent and objectives of the Dartmouth Cover Future Growth Node.</p> |
| <p><i>h) the identification of any Pedestrian-Oriented Commercial Street, Waterfront View Corridor, and View Terminus Site;</i></p> | <p>h) Policy F-11 outlines the requirements for Pedestrian-Oriented Commercial Streets within the Dartmouth Cove FGN. The development agreement requires Canal Street to function as Pedestrian-Oriented Commercial Street. Waterfront View Corridors and View Terminus Sites are identified in the LUB and none are applicable to the site.</p> |
| <p><i>i) provisions to comply with the Pedestrian Wind Impact Assessment Protocol and Performance Standards, and the Shadow Impact Assessment Protocol and Performance Standards of the Land Use By-law;</i></p> | <p>i) The development agreement contains provisions that the development of the site comply with the appropriate standards of the Regional Centre Land Use By-law.</p> |
| <p><i>j) provisions for incentive or bonus zoning, consistent with Part 9 of this Plan and the method for calculating bonus zoning values set out in the Land Use By-law;</i></p> | <p>j) The development agreement requires a public benefit contribution, as per the requirements of the LUB. The public benefit will be calculated as per the Regional Centre LUB.</p> <p>At least 60% of the contribution must be dedicated to affordable housing. The Land Use By-law requires the municipality to use money dedicated for affordable housing towards the rehabilitation of existing affordable units, acquisition of new buildings,</p> |

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | units or properties for affordable housing, the creation of new units by a not-for-profit organization or registered charitable organization, or in accordance with a housing agreement as set out in the HRM Charter. The remaining 40% of the public benefit may be dedicated to affordable housing, or as money-in-lieu for affordable community or cultural indoor space, conservation of a registered heritage building, public art, or municipal park improvements, or public art on the site. |
| <i>k) impacts to Municipal infrastructure and the need, if any, to concurrently approve by-laws to pay for growth related municipal infrastructure;</i> | k) On August 23, 2022 Regional Council approved By-Law D-600, which is a Development Charge By-law to fund the Patuo'qn Street (formally Dundas Street) Extension. The subject property is required to contribute to the cost sharing, as per the formula in the By-law. |
| <i>l) the distribution of overall densities intended for the Node, and between different development blocks, phases and land owners;</i> | l) This has been addressed under site specific policy F-11. |
| <i>m) provisions to enable discharging the agreement when all terms and obligations are fulfilled; and</i> | m) The development agreement contains provisions that allow the municipality to discharge the agreement. |
| <i>n) the general development agreement criteria set out in Policy IM-7 in Part 9 of this Plan.</i> | n) See the review for Policy IM-7 below. |
| Policy F-7 <i>Upon the completion of subdivision and other terms of a CDD development agreement, Council may discharge the development agreement and amend this Plan and Land Use-Bylaw to continue to regulate land use and built-form in the Node over the long term. These Plan and Land Use Bylaw amendments are intended to apply land use designations, floor area ratio or maximum building height requirements, zoning, and built form controls that are consistent with the approved Site Specific CDD development agreement policies.</i> | The development agreement references the CEN-2 zone of the Regional Centre Land Use By-law. Upon fulfillment of the development agreement, it may be discharged, and the CEN-2 zone may be applied to the lands. The CEN-2 zone, and the proposed variations to the zone, meet the Dartmouth Cove CDD development agreement policies. |
| Part 2.9.1.4 DARTMOUTH COVE LANDS | |
| Policy F-11 When considering a development agreement for the Dartmouth Cove Future Growth Node, Council shall consider Policy F-6, and the following: | |

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><i>a) The proposed layout of streets, precincts, pedestrian paths, view corridors, and open spaces is generally consistent with Map 13;</i></p> | <p>a) The existing lot street layout, precincts, pedestrian paths, view corridors and open spaces are generally consistent with Map 13. Map 13 identifies a pedestrian path along the rear of the property from Canal to Maitland. The development agreement includes provisions to ensure this pathway is provided for.</p> <p>As per Map 15 of the RCSMPS, this site does not fall within any of the Dartmouth View Planes.</p> <p>Map 9 of the RCSMPS identifies 2 view corridors within Dartmouth Cove, one along Canal Street and one along Maitland Street. The proposed development does not impact these corridors.</p> |
| <p><i>b) The transportation network prioritizes walking, the easy use of mobility devices, cycling, and transit use by creating a street and pedestrian pathway network through the development of new public roads, public pathways and private amenity space, as generally shown on Map 13;</i></p> | <p>b) There are no new public streets within this proposal. In 2020 and 2021, the required property, designated as a transportation reserve, was acquired for the Patuo'qn Street (formally Dundas) extension between Alderney Drive and Canal Street. Property acquisition for the required property from Canal Street to Maitland Street, as well as temporary and permanent easements, is ongoing. The agreement requires a pedestrian pathway and plaza through the subject site which will provide a mid-block connection of Canal and Maitland Street. This pathway will be on private land.</p> |
| <p><i>c) Buildings and public infrastructure area located to mitigate potential sea level rise and storm surge risks in vulnerable areas by:</i></p> <p><i>i) designing and locating roads, public parks and other public infrastructure to minimize risks of damage caused by future sea level rise and storm surges,</i></p> <p><i>ii) improving geotechnical conditions, providing development sites, and raising the elevation of developments in response to sea level rise,</i></p> <p><i>iii) providing gentle slopes wherever possible, and</i></p> | <p>i) Part of the redevelopment of the Dartmouth Cove FGN includes creating a new street grid and extending Dundas Street (Patuo'qn) across Alderney Drive. This work also includes raising the elevations of existing and new streets to meet the elevations established in the LUB regarding future sea level rise. This work will be completed outside of this development agreement.</p> <p>ii) The development agreement requires the project to meet the coastal elevation requirements of the LUB and the agreement requires the building be designed to meet the future grades of the Patuo'qn Street (formally Dundas Street) extension and Canal and Maitland Street.</p> |

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><i>iv) minimizing the use of retaining walls and the view of retaining walls from public parks and streets.</i></p> | <p>iii) Steep slopes are not anticipated given the existing and potential future grades of the site and abutting street network.</p> <p>iv) The development agreement does not permit retaining walls along the street at any time in the development. The agreement requires the building be designed to meet the future grades of the Patuo'qn Street (formally Dundas Street) extension and Canal and Maitland Street, but also that this façade meet the design requirements of the LUB.</p> |
| <p><i>d) Site and building design support a compact, mixed-use neighbourhood, generally consistent with built forms illustrated on Map 13, and by:</i></p> <p><i>i) generally meeting the built form regulations as set out in the Land Use By-law,</i></p> <p><i>ii) Repealed (RC-Jul 12/22;E-Aug 22/22)</i></p> <p><i>iii) preserving or creating views of St. James's Church View Terminus Site and of the Harbour, and any waterfront view corridors identified in this Plan</i></p> <p><i>iv) providing appropriate setbacks from Martin's Park, and building and open space designs that provide active edges to the park</i></p> <p><i>v) providing wider setbacks along the length of Maitland Street to preserve or create views of the Harbour, and</i></p> <p><i>vi) considering risks, impacts and opportunities associated with the active rail line and Harbour-related businesses.</i></p> | <p>i) The development agreement requires the development meet the requirements of the RCLUB and the CEN-2 Zone, apart from several variations. Densities permitted by Map 13 are carried forward through the regulations found in the agreement. The applicant has requested variations to the requirements of the tall mid-rise building. These requests are that the maximum height be increased to 38m and that maximum building dimensions and tower floor area be increased to 35m x 35m and 1175 sq.m., respectively. These variations are required to ensure the permitted density is achievable while leaving a significant portion of the site as open landscaped space along the pedestrian throughfare.</p> <p>ii) Repealed.</p> <p>iii) View terminus sites on Schedule 25 of the RCLUB are not impacted by this proposal. The Canal Street and Maitland Street View Corridors as identified on Map 16 of the RCSMPS are also not impacted.</p> <p>iv) Not applicable as property does not abut Martin's Park.</p> <p>v) The development agreement requires wider setbacks along Maitland Street.</p> <p>vi) Not applicable as property's proximity to these uses is not a concern.</p> |
| <p><i>e) New or improved public parks and open spaces provide:</i></p> <p><i>i) a focal point for the community,</i></p> | <p>This is a single site development so no new municipal park space is being provided or is required. However, the development will include a pedestrian pathway and plaza connecting Canal to Maitland and additional landscaped open space to compliment this</p> |

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><i>ii) space for a diverse range of activities, and</i></p> <p><i>iii) connections to existing active transportation networks;</i></p> | <p>pedestrian pathway. The agreement requires that these spaces be designed to be a focal point and provide a range of activities.</p> |
| <p><i>f) Green stormwater infrastructure is incorporated in site design by:</i></p> <p><i>i) providing porous paving, roof gardens and street level rain gardens; and</i></p> <p><i>ii) landscaping and tree planting to achieve Urban Forest Master Plan tree canopy objectives;</i></p> | <p>The land use by-law requires all flat roofs to be landscaped and encourages green infrastructure design. Additionally, the development agreement requires enhanced landscaping within the pedestrian pathway and plaza.</p> |
| <p><i>g) For Precinct 1, the development:</i></p> <p><i>i) supports continuous pedestrian-oriented commercial uses such as retail and restaurants with patios along the ground floors facing Canal Street to animate the greenway and stimulate pedestrian movement between the waterfront and Portland Street;</i></p> <p><i>ii) identifies opportunities for public art sites,</i></p> <p><i>iii) protects space for a potential transit shelter where Canal Street intersects with the rail line,</i></p> <p><i>iv) locates mid-rise, tall mid-rise and high-rise buildings to provide a sense of enclosure and to encourage optimal use of the greenway, and</i></p> <p><i>v) steps building heights down to the waterfront and to Portland Street.</i></p> | <p>i) the development agreement requires Canal Street to house pedestrian-oriented commercial uses on the ground floor.</p> <p>ii) Opportunities for public art can be found within the pedestrian pathway and plaza. Public art will only be required if chosen as a form of public benefit, as per the density bonusing requirements.</p> <p>iii) Not applicable.</p> <p>iv) The development agreement requires mid-rise and high-rise portions of the building to be located as per Map 13.</p> <p>v) Permitted building typologies and FAR are established through Map 13, which are carried forward in the development agreement. This development does not abut the water and steps down in height and creates significant separation from the tall mid-rise building to the low-rise residential buildings on Portland Street.</p> |
| <p><i>For Precinct 2</i></p> | <p>Not applicable as this site is not within Precinct 2.</p> |
| <p><i>For Precinct 3, the development:</i></p> <p><i>i) provides trees, to reinforce the view corridor and to provide a safe and appealing path to the waterfront,</i></p> <p><i>ii) retains the landscaped hillside to the east of Maitland Street,</i></p> <p><i>iii) provides a pier and waterfront park at the end of Maitland Street that may include a boat launch, beach, open green, and interpretive signage,</i></p> | <p>i) The development agreement requires street trees along Maitland.</p> <p>ii) the hillside east of Maitland Street is outside the scope of this proposal as those lands are under different ownership.</p> <p>iii) not applicable as subject lands are not at the end of Maitland Street.</p> |

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><i>iv) creates a pedestrian pathway along the precinct border, as shown on Map 13</i></p> <p><i>v) permits mixed-use mid-rise and tall mid-rise buildings, but steps down in building height towards the water and adjacent low-rise residential neighbourhoods, and</i></p> <p><i>vi) permits low-rise to mid-rise buildings in the part of the precinct east of Maitland Street</i></p> | <p>iv) the development agreement requires a pedestrian pathway and plaza through the site, as shown on Map 13.</p> <p>v) Permitted building typologies and FAR are established through Map 13, which are carried forward in the development agreement. This development does not abut the water and adjacent low-rise residential buildings to the east. The development steps down in height and creates significant separation from the tall mid-rise building to the low-rise residential buildings on Portland Street.</p> <p>vi) Not applicable as the site is not east of Maitland Street.</p> |
| <p><i>j) For Precinct 4...</i></p> | <p>Not applicable as this site is not within Precinct 4.</p> |
| <p><i>k) Within Precincts 1, 2 and 3, light industrial and research and development uses may be permitted provided potential conflicts with residential uses are managed through controls related to the size, nature, building design, and hours of operation of the proposed light industrial uses; and</i></p> | <p>Permitted uses are those of the Centre 2 zone (CEN-2), which includes research and development uses, subject to the controls of the zone and LUB.</p> |
| <p><i>l) The permitted density for each precinct Precincts 1, 2 and 3 shall be reasonably consistent with the maximum floor area ratios contained on Map 13;</i></p> | <p>The density outlined on Map 13 has been carry forward through the development agreement.</p> |
| <p><i>m) The development permitted density within Precinct 4 shall be reasonably consistent with the maximum building height and other built form provisions; and</i></p> | <p>Not applicable.</p> |
| <p><i>n) Development on any infilled lands in the Halifax Harbour abutting the Dartmouth Cove area shall be considered under this policy.</i></p> | <p>Not applicable.</p> |

**Part 9.5
DISCRETIONARY APPROVALS**

Policy IM-7
In considering proposals to amend the Land Use By-law, amend the zoning boundaries, or enter into development agreements, Council shall consider that:

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><i>a) the proposal is consistent with the Vision, Core Concepts, Urban Design Goals, and all applicable objectives and policies set out in the Regional Plan and this Plan;</i></p> | <p>The proposal meets the objectives of the Dartmouth Cove Future Growth Node policies and is consistent with the intent of both the Regional Plan and this SMPS.</p> |
| <p><i>b) the proposal is appropriate and not premature by reason of:</i></p> | <p>i) On August 23, 2022 Regional Council approved By-Law D-600, which is a Development Charge By-law to fund the</p> |

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>i) <i>the financial capacity of the Municipality to absorb any costs relating to the development,</i></p> <p>ii) <i>the adequacy of municipal wastewater facilities, stormwater systems or water distribution systems,</i></p> <p>iii) <i>the proximity of the proposed development to schools, parks, and community facilities, and the capability of these services to absorb any additional demands,</i></p> <p>iv) <i>the adequacy of transportation infrastructure for pedestrians, cyclists, public transit and vehicles for travel to and within the development, and</i></p> <p>v) <i>the impact on registered heritage buildings, heritage streetscapes, and heritage conservation districts;</i></p> | <p>Patuo'qn Street (formally Dundas Street) Extension. The subject property is required to contribute to the cost sharing, as per the formula in the By-law.</p> <p>ii) No concerns were identified regarding the capacity of sewer or water. A detailed review will be completed at the permitting stage and any required upgrades will be the responsibility of the property owner/developer.</p> <p>iii) The site is within the Dartmouth High Family of Schools which, according to the HRCE 2022 Outlook, have capacity. The site is centrally located within greater Downtown Dartmouth with access to recreation facilities, parks, and community facilities.</p> <p>iv) the site is well serviced and in proximity to active transportation, transit, and collector roads/infrastructure.</p> <p>v) There are no heritage resources in proximity to this development.</p> |
| <p>c) <i>the subject lands are suitable for development in terms of the steepness of grades, soil and geological conditions, locations of watercourses, wetlands, and susceptibility to flooding;</i></p> | <p>No concerns identified. The property will be subject to the coastal elevation, sea level rise, and storm surge provisions of the RCLUB.</p> |
| <p>d) <i>that development regulations in the proposed rezoning or development agreement will adequately mitigate potential conflict between the proposed development and nearby land uses, by reason of:</i></p> <p>i) <i>type of use(s),</i></p> <p>ii) <i>built form of the proposed building(s),</i></p> <p>iii) <i>impacts on adjacent uses, including compatibility with adjacent residential neighbourhoods, parks, community facilities, and railway operations,</i></p> <p>iv) <i>traffic generation, safe access to and egress from the site, and parking,</i></p> <p>v) <i>open storage and signage, and</i></p> <p>vi) <i>impacts of lighting, noise, fumes and other emissions.</i></p> | <p>i) Use is regulated by the development agreement, which requires the property adhere to the requirements of the Centre-2 Zone of the RCLUB.</p> <p>ii) the development agreement requires the built form to adhere to the requirements of the Centre-2 Zone, with the exception of the variations already outlined.</p> <p>iii) the proposal meets the intent and objectives of the Dartmouth Cover Future Growth Node and the redevelopment policies.</p> <p>iv) no concerns identified. Parking will be required to meet the regulations of the LUB.</p> <p>v) regulated and controlled under the provisions of the LUB</p> <p>vi) regulated and controlled under the LUB and standard HRM by-laws including for noise.</p> |

Halifax Regional Municipal Planning Strategy (Regional Plan)

CHAPTER 9: GOVERNANCE AND IMPLEMENTATION

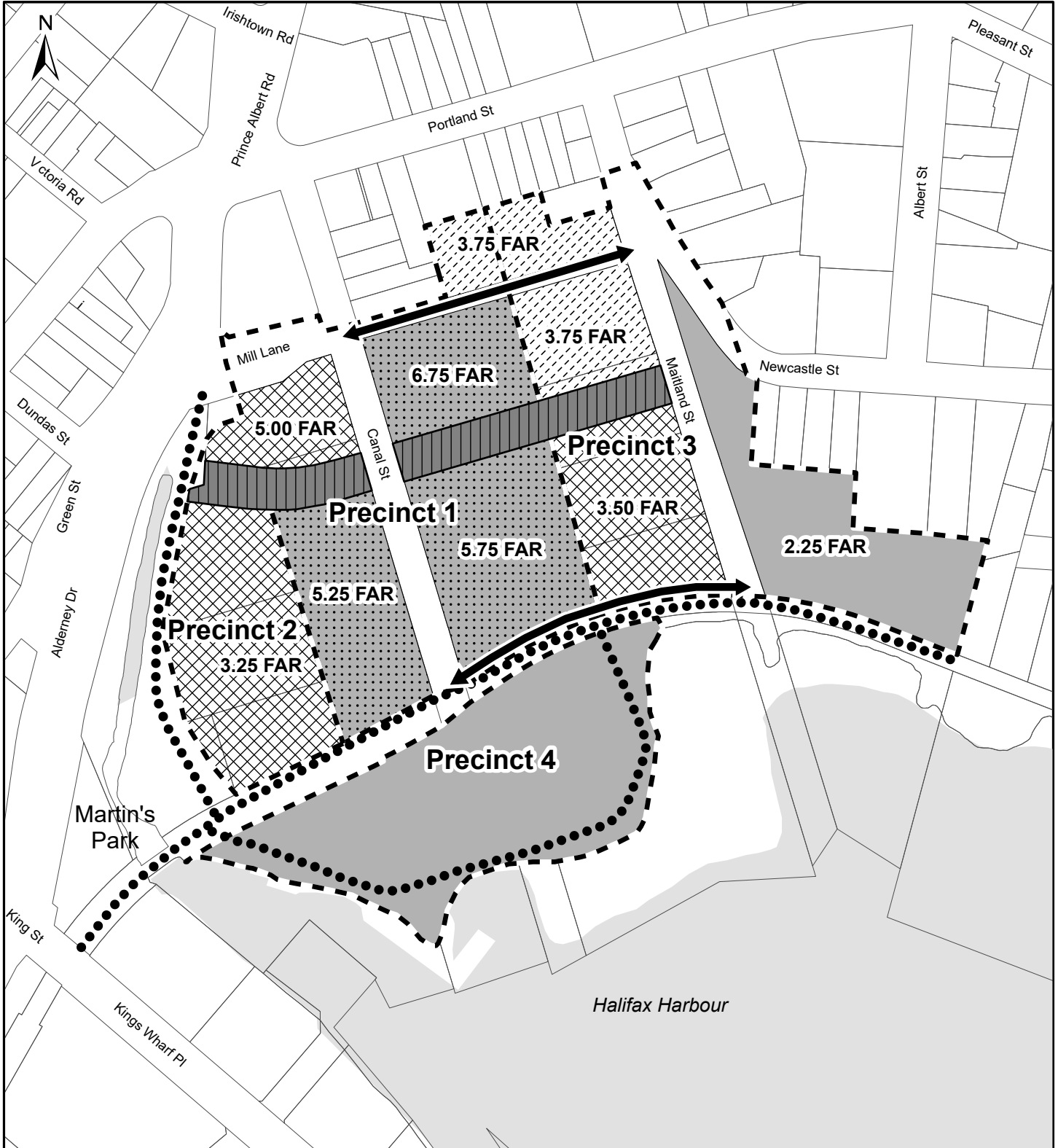
Policy G-14A

In considering development agreements or amendments to development agreements, or any proposed amendments to the Regional Plan, secondary planning strategies, or land use by-laws, in addition to the policies of this Plan, HRM shall consider the objectives, policies and actions of the priorities plans approved by Regional Council since 2014, including:




(a) The Integrated Mobility Plan; (b) Halifax Green Network Plan; (c) HalifACT; (d) Halifax's Inclusive Economic Strategy 2022-2027; and (e) any other priority plan approved by Regional Council while this policy is in effect.






The Regional Centre SMPS was written and adopted after many of these priority plans were approved. As such, the objectives and policies of the SMPS align with the objectives, policies, and actions of the various priority plans. Such as, the promotion of transit and active transportation (IMP), storm surge and sea level rise (HalifACT), and multi-use trails and green spaces (Halifax Green Network Plan). Staff see no conflict between the objectives of the priority plans and this proposed development.

Attachment C: Regional Centre SMPS Map 13: Future Growth Node Land Use Concept – Dartmouth Cove



**Map 13: Future Growth Node
Land Use Concept - Dartmouth Cove**

-  Precincts
-  Multi-Use Trail
-  Public Roads, Public Pathways or Private Amenity Space

-  Mixed-Use High-Rise
-  Mixed-Use Tall-Mid-Rise
-  Mixed-Use Mid-Rise
-  Low-Rise to Mid-Rise Commercial/Industrial
-  Dundas Street Transportation Reserve

HALIFAX

Regional Centre
Secondary Municipal
Planning Strategy



Effective: 27 November 2021

HRM does not guarantee the accuracy of any base map representation on this plan.