



## **BACKGROUND**

Stephen Adams Consulting Services Inc., on behalf of the property owner, is applying to enter into a development agreement to build a 5-storey multiple unit residential building with ground floor commercial on lands with frontage on Pleasant Street, Everett Street, and Mackenzie Street in Dartmouth.

<b>Subject Site</b>	541 Pleasant Street, Dartmouth (PID 00227496)
<b>Location</b>	The corner of Pleasant, Everett, and Mackenzie Streets
<b>Regional Plan Designation</b>	Urban Settlement
<b>Community Plan Designation (Map 1)</b>	Commercial
<b>Zoning (Map 2)</b>	C-2 (General Business) Zone
<b>Size of Site</b>	~3,357 square metres (~36,134 square feet)
<b>Street Frontage</b>	~209 metres (~685 feet)
<b>Current Land Use(s)</b>	Vacant
<b>Surrounding Use(s)</b>	Residential, Commercial, Industrial, and Institutional Uses

### **Proposal Details**

The applicant proposes to construct a mixed-use multiple unit building on lands located on Pleasant Street, Everett Street, and Mackenzie Street in Dartmouth. The major aspects of the proposal are as follows:

- Ground floor commercial uses facing Pleasant Street;
- Potential for 74 residential units, based on the permitted massing and height, with grade-related townhouse units facing Mackenzie Street;
- A minimum of 20% of the residential units are required to have 2 or more bedrooms;
- Maximum height of 5 storeys (17.6 metres);
- A minimum of 50 underground parking spaces; and
- A minimum of 500 square metres of amenity space for the residents of the building.

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

The subject property is designated commercial and zoned C-2 (General Business) under the Dartmouth Municipal Planning Strategy (MPS) and Land Use By-law (LUB), respectively. The intent of the commercial designation is to encourage the development of business and commercial uses to serve both local residents and the region as a whole while ensuring commercial uses are located and designed to minimize impacts on existing residential neighbourhoods. The lands are zoned C-2 which allows for a variety of land uses including medium density residential, provided they are in keeping with intent of the MPS (Policies IP-1(c) and IP-5). Policy IP-5 allows Council to consider apartment building development in the C-2 zone by development agreement, and policy IP-1(c) is a general implementation policy which provides guidance for Council when considering both land use by-law amendments and development agreements.

The property is within the Woodside Regional Growth Centre on the Regional Plan, which encourages medium density development with transit service connections and enhanced pedestrian links.

## **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy and the Public Participation Administrative Order (2023-002-ADM). The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM active planning applications website (859 unique webpage views with an average time on page of 3 minutes 35 seconds), signage posted on the subject site, 725 letters mailed to property owners within the notification area, an online survey (16 responses) and a public open house held on December 5, 2022 (~13 attendees). A summary of the engagement is included within Attachment B. The public comments received include the following topics:

- Traffic/access concerns were raised as both streets receive high volumes of traffic;
- Concerns around the potential rents and that the units need to be affordable;
- The proposal provides much needed apartment units;
- The proposal needs more outdoor recreation/amenity space; and
- Most respondents believe it fits the neighbourhood and site, while some felt it is too big.

A public hearing must be held by Harbour East- Marine Drive Community Council before they can consider approval of the proposed development agreement. Should Harbour East- Marine Drive Community Council decide to proceed with a public hearing on this application, in addition to the advertisement on the HRM webpage, 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 MPS. Attachment C provides an evaluation of the proposed development agreement in relation to the relevant MPS policies.

### **Proposed Development Agreement**

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

- Allows a five storey, mixed-use, multiple-unit building;
- Height, siting, massing, and exterior design controls of the building;
- Permitted uses within the building, including residential and ground floor commercial;
- Commercial uses as permitted within the C-2 (General Business) Zone of the Dartmouth LUB;
- Required residential unit mix with a minimum of 20% of the units containing two or more bedrooms;
- Required indoor and outdoor amenity space;
- Controls on site access location and requirements for vehicular parking;
- Landscape and lighting controls;
- Requirement for lot grading and erosion and sedimentation control plans; and
- Non-substantive amendments permitted within the agreement including:
  - Changes to the parking requirements;
  - Changes to the architectural requirements, such as building materials, but not massing and height; and
  - Extension to the dates of commencement and completion of development.

The attached proposed development agreement will permit a multi-unit residential building with ground floor commercial uses, subject to the controls identified above. Of the matters addressed by the proposed development agreement to satisfy the MPS criteria as shown in Attachment C, the below items have been identified for detailed discussion.

### **Land Use**

The proposal includes constructing five storey, mixed-use multiple-unit building with ground floor commercial uses that front Pleasant Street. The criteria within the MPS requires that the proposal is compatible and consistent with adjacent uses and the existing development form in the area, in terms of the use, bulk, and scale of the proposal. In regard to land use, the proposal is both consistent and compatible with other surrounding uses in the area as both residential and commercial uses surround the site. A residential community exists uphill behind the subject site and residential uses abut the subject site on Everette Street and Mackenzie Street. Commercial uses are found directly abutting the site as well as along Pleasant Street. From a use and form perspective, the proposal is in keeping with multi-unit residential buildings located to the north on Novawood Drive and High Street. Multi-unit residential

developments are also compatible with low-density residential, from a use perspective, when they are located on the edges of low-density residential areas and especially when they help to transition from a high-traffic commercial street as is the case with this portion of Pleasant Street.

#### Height and Massing

Regarding the proposal's compatibility and consistency with the existing development form in the area, the building being proposed will be one storey taller than the tallest building in the general area when compared to what currently exists (a 4-storey building is located 2 blocks away on Novawood Drive). Staff advise the impact of the proposed building on adjacent uses and the existing development form in the area will be minimized by how the bulk is distributed on the site, which can be summarized as follows:

- The bulk of the building is situated closer to Pleasant Street and farther from the low-density development on Mackenzie Street; and
- The building transitions down in height towards the low-density residential properties on Mackenzie Street (from five to three storeys). This decrease in height at the rear of the building increases the setback of the five-storey portion of the building to approximately 10 metres from the Mackenzie Street property boundary. This design intervention increases the separation distance and will assist in reducing the bulk and scale of the building facing the low-density properties.

#### Traffic Generation

A Traffic Impact Statement (TIS) was prepared by the applicant and submitted as part of the application. The findings of the TIS concluded that the traffic volumes generated by the development are considered within the volume guidelines for the residential street network. Furthermore, the traffic dispersion from the site satisfies the requirements of HRM By-law S-300, which requires traffic be directed to a street that carries a lesser amount of daily traffic, which in this case is Mackenzie Street. HRM Traffic Management and HRM Engineering have reviewed the analysis and accepted its findings.

#### Amenity Space/Circulation

The development agreement requires a mix of indoor and outdoor amenity space, to be provided at a rate of approximately 6.75 square metres per unit, excluding private balconies. The agreement also requires walkways be provided along Mackenzie and Everett Streets. The additional walkway on the subject site along Everett Street will supplement the existing public sidewalk on Pleasant Street by making it wider and reducing conflict between commuting pedestrians and those entering/exiting the site. This will enhance the pedestrian experience and safety as this route is frequently used by school children. In addition, the Mackenzie Street walkway will provide safe pedestrian access off the street, something that does not currently exist.

#### Priorities Plans

In accordance with Policy G-14A of the Halifax Regional Plan, this planning application was assessed against the objectives, policies and actions of the priorities plans, inclusive of the Integrated Mobility Plan, the Halifax Green Network Plan, HalifACT, and Halifax's Inclusive Economic Strategy 2022-2027. While these plans often contain policies which were originally intended to apply at a regional level and inform the development of Municipal Planning Strategy policies, there are still components of each plan which can and should be considered on a site by site basis. Where conflict between MPS policy and priority plan policy exists, staff must weigh the specificity, age, and intent of each policy, and consider how they would be applied to a specific geographic context. In this case, the following policies were identified to be most relevant to this application, and as such were used to inform the recommendation within this report:

- integrating climate change considerations into land use planning policies and process by reducing sprawl and efficiently using transportation systems (Action 23 HalifACT); and
- increasing housing stock to accommodate the growing population in Halifax (Strategic Objective 1.6 Halifax's Inclusive Economic Strategy 2022-2027).

## **Conclusion**

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is reasonably consistent with the intent of the MPS. The site and building design, including the distribution of the building's mass, results in a development that can be considered compatible and consistent with the existing development form in the area while also adding infill residential density in an area where the Regional Municipal Planning Strategy calls for increasing density. The C-2 zone allows for a variety of land uses including medium density residential provided they are in keeping with intent of the area plan. Therefore, staff recommend that the Harbour East- Marine Drive Community Council approve the 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 MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed development agreement are contained within the Discussion section of this report.

## **ENVIRONMENTAL IMPLICATIONS**

No additional concerns were identified beyond those raised in this report.

## **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 the proposed development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Harbour East-Marine Drive Community Council may choose to refuse the proposed development agreement, and in doing so, must provide reasons why either or both do 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**

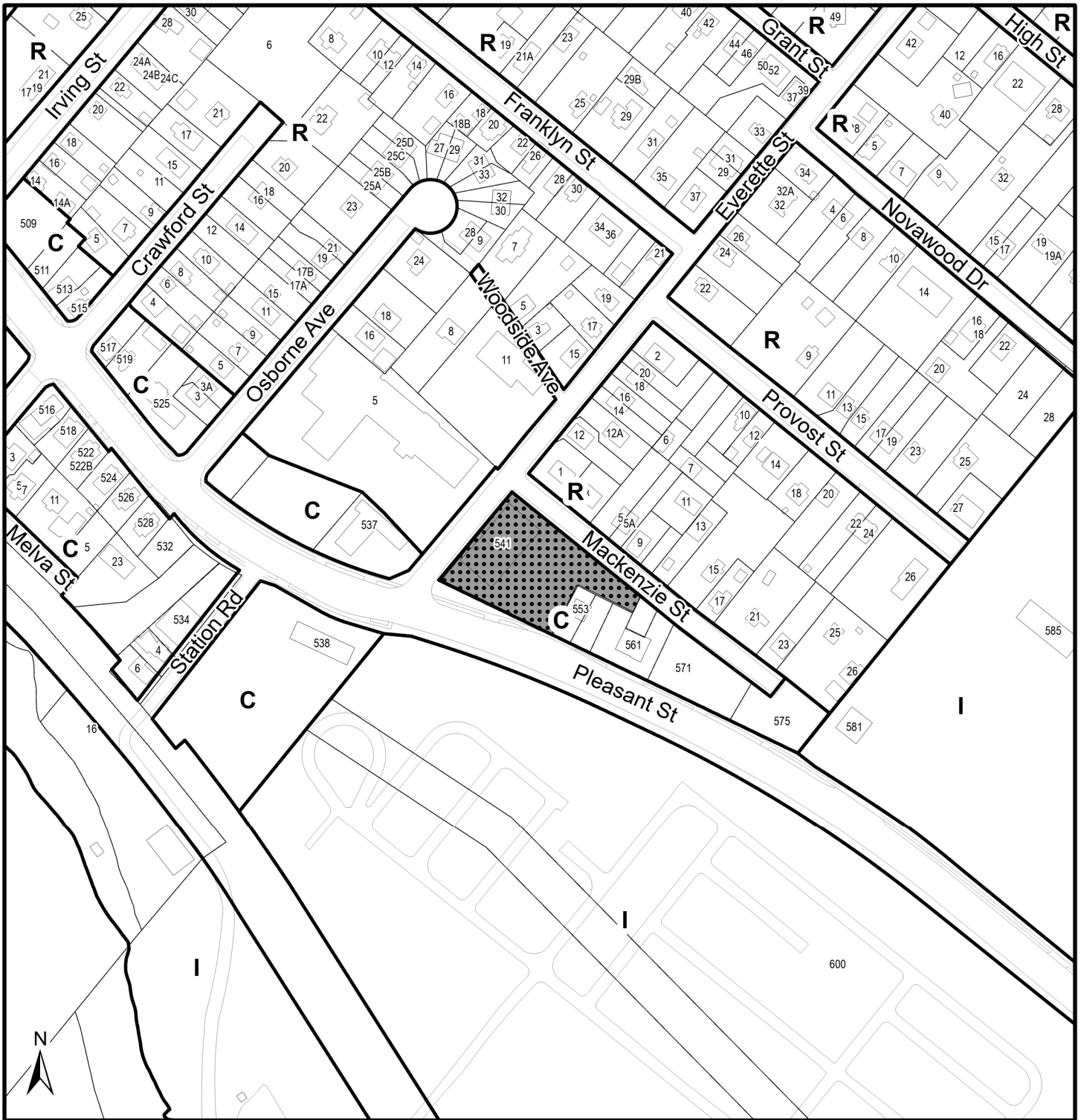
Map 1:	Generalized Future Land Use
Map 2:	Zoning and Notification Area
Attachment A	Proposed Development Agreement
Attachment B:	Engagement Summary
Attachment C:	Review of Relevant Regional and Dartmouth MPS Policies

---

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


Report Prepared by: Dean MacDougall – Planner III - 902.240.7085

---

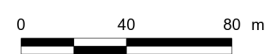


**Map 1 - Generalized Future Land Use**

541 Pleasant St,  
Dartmouth

 Subject Property

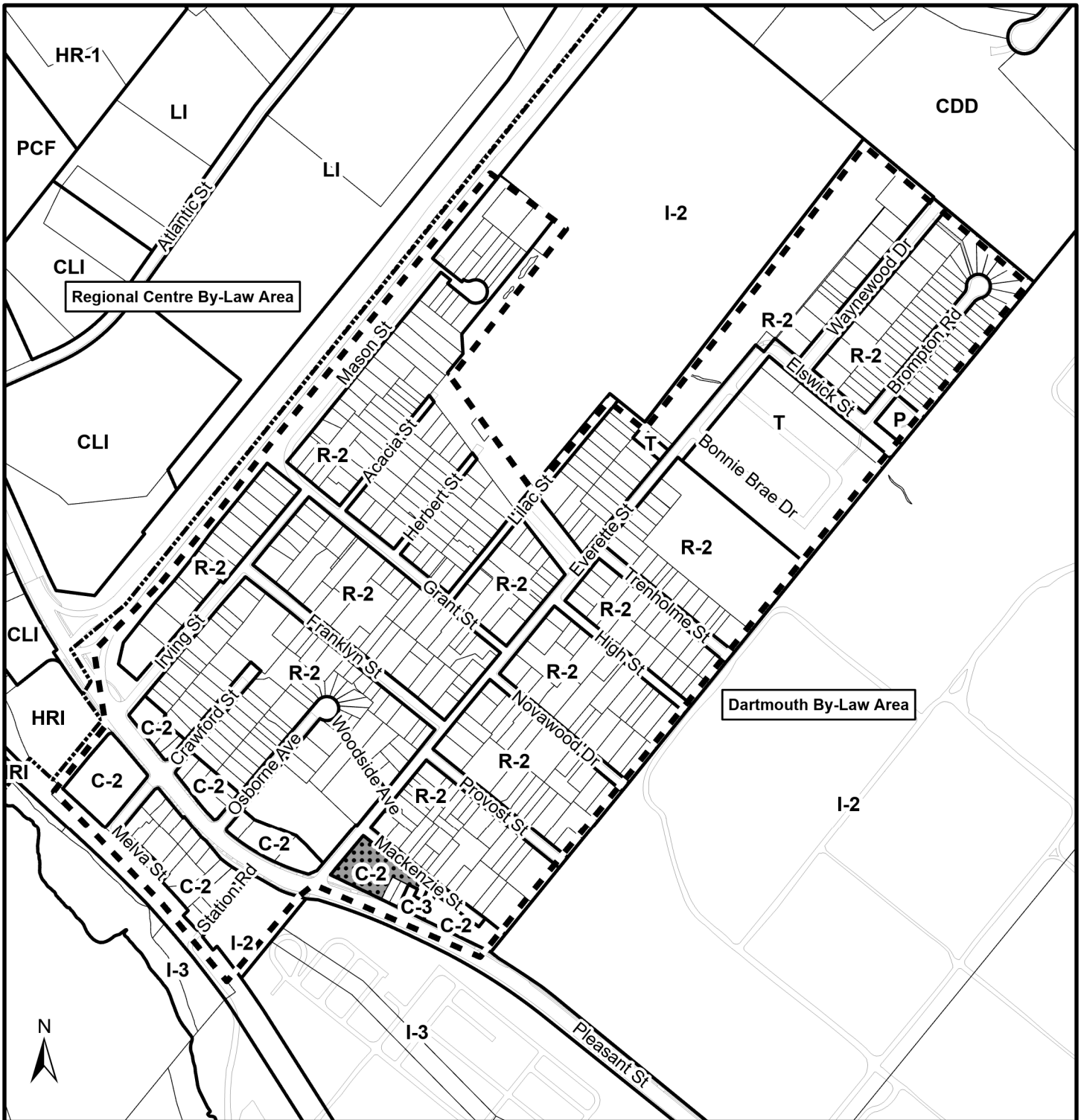
**Designation**  
 R Residential  
 C Commercial  
 I Industrial



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

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



Dartmouth  
Municipal Planning Strategy Area



### Map 2 - Zoning and Notification Area

**HALIFAX**

541 Pleasant St,  
Dartmouth

-  Subject Property
-  Area of Notification

#### Regional Centre

- CLI Commercial Light Industrial
- LI Light Industrial
- PCF Parks and Community Facilities
- HR-1 Higher-Order Residential 1

#### Dartmouth

- R-2 Two Family Residential
- C-2 General Business
- C-3 General Business
- I-2 General Industrial
- I-3 Harbour-Oriented Industrial
- T Mobile Home Park
- CDD Comprehensive Development District

Regional Centre &  
Dartmouth By-Law Areas

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.

0 40 80 120 160 200 m





**ATTACHMENT A  
PROPOSED DEVELOPMENT AGREEMENT**

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

BETWEEN:

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

OF THE FIRST PART

- and -

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

OF THE SECOND PART

**WHEREAS** the Developer is the registered owner of certain lands located at 541 Pleasant Street, Dartmouth and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

**AND WHEREAS** the Developer has requested that the Municipality enter into a Development Agreement to allow for mixed-use multi-unit building on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to policies IP-5 and IP-1(c) of the Dartmouth Municipal Planning Strategy and Section 18B of the Dartmouth Land Use By-law;

**AND WHEREAS** the Harbour East Marine Drive Community Council approved this request at a meeting held on **[Insert - Date]**, referenced as PLANAPP 2023-00377(former Case 23958);

**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 Land Use By-law for Dartmouth and the Regional Subdivision By-law, as may be amended from time to time.
- 1.2.2 Variances to the requirements of the Land Use By-law for Dartmouth shall not be permitted.

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

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

### **1.4 Conflict**

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

### **1.5 Costs, Expenses, Liabilities and Obligations**

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

### **1.6 Provisions Severable**

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

## 1.7 Lands

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

## PART 2: DEFINITIONS

### 2.1 Words Not Defined under this Agreement

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

### 2.2 Words Defined under this Agreement

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

**Grade-Related Dwelling Units** means a dwelling unit within a multi-unit dwelling that is accessible by pedestrians from a private entrance that fronts and faces a street.

**Hard Landscaping** means an outdoor surface covered by solid or impermeable material, such as outdoor furniture, water fountains, planters, decorative concrete, stonework, bricks, gravel, tiles, pavers, boardwalks, wood decking, trees in soil cells, and trees in planters, but excludes parking areas and driving aisles.

**Height** means the vertical distance between the ground floor and the roof slab, and shall exclude roof top features like parapets, hand railings, rooftop landscaping, mechanical penthouses, elevator and stair enclosures, heating, ventilation, and air conditioning equipment and enclosures.

**Indoor Amenity** means common amenity spaces for residents of the development located within the building, including but not limited to, exercise facilities and multi-purpose rooms with associated kitchen facilities.

**Outdoor Amenity** means common amenity spaces for residents of the development located outside or on the building, including but not limited to rooftop landscaping, a shared courtyard and resident garden and seating area, but not individual unit balconies.

**Soft Landscaping** means covered by water-permeable material or vegetation, such as trees, hedges, shrubs, flowers, grass, mulch, fruit and vegetable plants, sod, planter boxes, or another vegetative groundcover. A water feature, excluding a swimming pool, hot tub, or a water fountain, and a permeable vegetated grid system are considered soft landscaping.

**Underground Parking** means a parking garage located below finished grade, excluding access.

## 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 PLANPP 2023-00377:

Schedule A      Legal Description of the Lands

Schedule B	Site Plan
Schedule C	North and South Elevation
Schedule D	East and West Elevation

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

3.2.1 Prior to the issuance of a Development Permit, the Developer shall provide the following to the Development Officer, unless otherwise permitted by the Development Officer:

- (a) A detailed Landscape Plan in accordance with this Development Agreement;
- (b) A detailed Lighting Plan in accordance with this Development Agreement;
- (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.

3.2.2 Prior to the issuance of the first the Occupancy Permit for the building, the Developer shall provide the following to the Development Officer, unless otherwise permitted by the Development Officer:

- (a) A letter prepared by a member in good standing of the Canadian Society of Landscape Architects certifying that all landscaping has been completed according to the terms of this Development Agreement; and
- (b) Written confirmation from a qualified professional which the Development Officer may accept as sufficient record of compliance with the Lighting Plan as required by Section 3.8 of this Development Agreement.

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

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

3.3.1 The use(s) of the Lands permitted by this Agreement are the following:

- (a) One five-storey mixed use residential and commercial building, of which:
  - (i) Any use permitted within the C-2 (General Business) Zone shall only be permitted on the ground floor facing Pleasant Street, subject to the provisions contained within the Land Use By law for Dartmouth;
  - (ii) Grade-related dwelling units shall be permitted along MacKenzie Street; and
  - (iii) At least 20% of dwelling units shall contain two or more bedrooms.

### **3.4 Building Siting**

3.4.1 The building's siting, massing, and scale shall generally comply with the Schedules of this Agreement, however for greater clarity the following shall apply:

- (a) lot coverage shall not exceed 42%;
- (b) all portions of the building above grade shall be a minimum of 3.1 metres from the Pleasant Street, 2.6 metres from Everette Street, 2.6 metres from MacKenzie Street, and 3.6 metres from internal property lines;
- (c) the maximum height of the building shall not exceed 18 metres, excluding rooftop mechanical and elevator overrun; and

- (d) the building shall transition down from five storeys to three stories facing MacKenzie Street and the five-story portion of the building shall be setback a minimum of 10.5 metres from MacKenzie Street.

### **3.5 Architectural Requirements**

- 3.5.1 Notwithstanding the Schedules, the main residential entrance to building shall face Everett Street and be emphasized by detailing, changes in materials, and other architectural devices such as but not limited to lintels, pediments, pilasters, columns, porticos, overhangs, corner boards, fascia boards or an acceptable equivalent approved by the Development Officer. Service entrances shall be integrated into the design of the building and shall not be a predominate feature.
- 3.5.2 The façades facing Pleasant Street, Everett Street, and MacKenzie Street shall be designed and detailed as a primary façade. The ground floor building material shall be a masonry type material. Further, architectural treatment shall be continued around all sides of the building as identified on the Schedules of this Agreement.
- 3.5.3 The building shall have a 3-colour scheme as generally shown on the Schedules of this Agreement.
- 3.5.4 Exterior building materials shall not include:
  - (a) vinyl siding;
  - (b) plastic;
  - (c) plywood;
  - (d) unfinished concrete;
  - (e) cinder block; and
  - (f) exterior insulation and finish systems where stucco is applied to rigid insulation.
- 3.5.5 All vents, down spouts, flashing, electrical conduits, metres, service connections, and other functional elements shall be treated as integral parts of the design. Where appropriate these elements shall be painted to match the colour of the adjacent surface, except where used expressly as an accent.
- 3.5.6 Buildings shall be designed such that the mechanical systems (HVAC, exhaust fans, etc.) are not visible from Pleasant Street or abutting residential properties. Furthermore, no mechanical equipment or exhaust fans shall be located between the building and the adjacent residential properties unless screened as an integral part of the building design and noise reduction measures are implemented. This shall exclude individual residential mechanical systems.
- 3.5.7 All roof mounted mechanical or telecommunication equipment shall be visually integrated into the roof design or screened from public view.
- 3.5.8 The ground floor façade facing Pleasant Street must be between 40 – 60 % windows, doors or other treatment sufficiently transparent to provide view of the interior of the building. All windows shall be vertical in orientation, or square. If shutters are used, they must be sized to fit the opening and must be provided for all windows. Windows shall be vertically proportioned, where possible. Windows should be framed with painted or stained wood, prefinished metal or vinyl.
- 3.5.9 Fixed or retractable awnings are permitted at ground floor levels provided the awnings are designed as an integral part of the building façade.

### **3.6 Amenity Space**

- 3.6.1 A minimum of 500 square metres of amenity space shall be provided; of which a minimum 390 square metres is to be provided as outdoor amenity space.

- 3.6.2 No area dedicated as indoor amenity space shall be less than 3 metres in width and 55.75 square meters total. .
- 3.6.3 All outdoor amenity space shall be designed to have both soft and hard landscaping elements.
- 3.6.4 All landscape areas designed to be installed upon any portion of the building must be supported by documentation from a Structural Engineer indicating that the building design is able to support any required drainage or additional weight caused by the landscaped area.

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

- 3.7.1 The open-air surface parking area shall be sited as shown on Schedule B and shall be hard surfaced with the limits of the parking defined by curb.
- 3.7.2 The underground parking area shall provide a minimum of 50 parking spaces.
- 3.7.3 A pedestrian pathway shall be developed along the length of Everette Street and MacKenzie Street and shall be hard surfaced (excluding gravel) and a minimum of 1.5 metres in width.
- 3.7.4 Bicycle parking shall be provided in accordance with the land use bylaw.

### **3.8 Outdoor Lighting**

- 3.8.1 A Lighting Plan shall be required that satisfies this section.
- 3.8.2 Lighting shall be directed to driveways, parking areas, loading area, building entrances and walkways, and shall be arranged so as to divert the light away from streets, adjacent lots, and buildings.
- 3.8.3 The building may be illuminated for visual effect provided such illumination is directed away from streets, adjacent lots and buildings and does not flash, move or vary in intensity such that it creates a hazard to public safety.

### **3.9 Landscaping and Circulation**

- 3.9.1 A Landscape Plan shall be required that satisfies this section.
- 3.9.2 A one (1) metre landscaped area is required along the yard area abutting Mackenzie Street, except where driveway or pedestrian access points are required. Landscaping shall consist of ground cover and a minimum of one shrub for each five (5) square metres of required landscaped area.
- 3.9.3 Soft landscaping shall be provided along all internal property lines and around the surface parking area abutting MacKenzie Street.
- 3.9.4 All plant material shall conform to the Canadian Nursery Landscape Association's Canadian Nursery Stock Standard (ninth edition).
- 3.9.5 Notwithstanding Section 3.2.2, where the weather and time of year do not allow the completion of the outstanding landscape works prior to the issuance of the Occupancy Permit, the Developer may supply a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping. The cost estimate is to be prepared by a member in good standing of the Canadian Society of Landscape Architects. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the work

as described herein and illustrated on the Schedules, and as approved by the Development Officer. Should the Developer not complete the landscaping within twelve months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping as set out in this section of the Agreement. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.

### **3.10 Maintenance**

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

### **3.11 Signs**

- 3.11.1 The sign requirements shall be accordance with the Land Use By-law for Dartmouth as amended from time to time.
- 3.11.2 Signs depicting the name or corporate logo of the Developer shall be permitted while a sales office is located on the site.

### **3.12 Temporary Construction Building**

- 3.12.1 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.

### **3.13 Screening**

- 3.13.1 Refuse containers located outside the building shall be fully screened from adjacent properties and from streets by means of opaque fencing or masonry walls with suitable landscaping.
- 3.13.2 Propane tanks and electrical transformers shall be located on the site in such a way to ensure minimal visual impact from the public streets and residential properties. These facilities shall be secured in accordance with the applicable approval agencies and screened by means of opaque fencing or masonry walls with suitable landscaping.

### **3.14 Reinstatement**

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

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

### **4.1 General Provisions**

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

### **4.2 Off-Site Disturbance**

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

#### **4.3 Undergrounding Services**

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

#### **4.4 Solid Waste Facilities**

- 4.4.1 The building shall include designated space for five (5) stream commercial waste containers to accommodate source separation program in accordance with By-law S-600, as amended from time to time. This designated space for five (5) waste containers shall be shown on the building plans and approved by the Development Officer and Building Inspector in consultation with HRM Solid Waste Resources.
- 4.4.2 Refuse containers and waste compactors shall be confined to the loading areas of each building and shall be screened from public view where necessary by means of opaque fencing or masonry walls with suitable landscaping.
- 4.4.3 All refuse and recycling materials shall be contained within a building, or within suitable containers which are fully screened from view from any street or sidewalk. Further, consideration shall be given to locating of all refuse and recycling material to ensure minimal effect on abutting property owners by means of opaque fencing or masonry walls with suitable landscaping.

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

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

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

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

- 5.2.1 Prior to the commencement of any site work on the Lands, including earth movement or tree removal other than that required for preliminary survey purposes, or associated off-site works, the Developer shall:
- (a) 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 a matter consistent with the *Halifax Regional Municipality Charter*:
- (a) Changes to the parking requirements as detailed in Section 3.7 or which, in the opinion of the Development Officer, do not conform with Schedule B;
  - (b) Changes to the architectural requirements as detailed in Section 3.5 or which, in the opinion of the Development Officer, do not conform with Schedule C and D;
  - (c) The granting of an extension to the date of commencement of construction as identified in Section 7.3 of this Agreement; and
  - (d) The granting of an extension to the length of time for the completion of the development as identified in Section 7.4 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 for 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 five (5) years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Lands shall conform with the provisions of the Land Use By-law.
- 7.3.2 For the purpose of this section, commencement of development shall mean issuance of a Building Permit.

7.3.3 For the purpose of this section, the Municipality may consider granting an extension of the commencement of development time period through a resolution under Section 6.1.

#### **7.4 Completion of Development**

7.4.1 Upon the completion of the whole development, 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;
- (c) discharge this Agreement; or
- (d) discharge this Agreement and apply appropriate zoning pursuant to the applicable Municipal Planning Strategy and Land Use By law, as may be amended from time to time.

7.4.2 For the purpose of this section, completion of development shall mean issuance of an Occupancy Permit.

7.4.3 In the event that development on the Lands has not been completed within seven (7) years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Lands shall conform with the provisions of the Land Use By-law.

#### **7.5 Discharge of Agreement**

7.5.1 If the Developer fails to complete the development after 10 years from the date of execution 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:* \_\_\_\_\_

*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

--- OUTLINE OF BUILDING ABOVE

■ OUTDOOR AMENITY AREA



1 : 300 SCALE 541 PLEASANT ST.

GROUND LEVEL & SITE  
Schedule B Site Plan

2023\_12\_13

Primary external buildings materials will be a mix of siding of various dimensions, direction and colour above the first level and a robust masonry type at the ground floor. Exact colours, texture and ratios of all elements shown are for inspiration only and may vary depending on availability and cost at the time of permitting. The overall building height may decrease following a possible reduction of floor-to-floor heights.



PLEASANT ST ELEVATION



MACKENZIE ST ELEVATION

541 PLEASANT ST.

BUILDING ELEVATIONS

Schedule C North and South Elevation

Primary external buildings materials will be a mix of siding of various dimensions, direction and colour above the first level and a robust masonry type at the ground floor. Exact colours, texture and ratios of all elements shown are for inspiration only and may vary depending on availability and cost at the time of permitting. The overall building height may decrease following a possible reduction of floor-to-floor heights.



EVERETTE ST ELEVATION



N/E ELEVATION

541 PLEASANT ST.

BUILDING ELEVATIONS

Schedule D East and West Elevation

2023\_08\_10



**Attachment B: Engagement Summary**

**WHAT WE HEARD**  
Summary of Feedback

**23958: STEPHEN ADAMS CONSULTING SERVICES INC., ON BEHALF OF THE PROPERTY OWNER, IS REQUESTING TO ENTER INTO A DEVELOPMENT AGREEMENT TO PERMIT A MIXED-USE MULTI-UNIT BUILDING ON LANDS LOCATED AT 541 PLEASANT STREET, DARTMOUTH (PID 00227496).**

---

**Engagement**

Public Consultation took place from December 1, 2022, until December 30, 2022. The engagement consisted of:

- a mailout notification to nearby residents which highlighted the proposal, identified how to find out more information, and outlined how to provide comments/feedback.
- a public open house held on the evening of December 5, 2022, at the South Woodside Community Centre.
- a web page was created on Shape Your City that housed a video presentation by staff on the planning process and a survey requesting feedback.

**Methodology:**

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

Reoccurring comments were grouped into themes and provided below. The survey results are attached for reference.

**Data:**

<b>Reponses</b>	
Total Notification Mailouts	725
Open House Attendees	13
Surveys Submitted	16
Emails/Phone Calls Received	3
Percent	~4.5% response rate of total properties notified

## Summary

The responses were mixed, with most leaning towards the positive. There were "themes" that emerged in the comments, and those were:

- Traffic/access concerns were raised as both streets receive high volumes of traffic.
- Concerns around the potential rents and that they need to be affordable.
- The proposal provides much needed apartment units.
- The proposal needs more outdoor recreation/amenity space.
- Most respondents believe it fits the neighbourhood and site. There were some who disagreed and believe it is too big.

## Survey Responses

### **Question 1: What do you like about this proposal?**

Responses (16 responses, 0 skipped):

1. I am for increasing housing in the HRM and realize that the way to maximize people within HRM is to have multi residential buildings
2. I'm glad that more housing will be available, as well as business space.
3. I'm all for more housing if it's actually affordable
4. I think it will add to the community ... provide housing and hopefully bring a few small businesses to the retail spaces.
5. Love what it brings to the community
6. I like the mix of bachelor and multi bedroom units and town houses.
7. Unnecessary will cause more traffic much strain on sewer and water not fair to Steele company and the residents on the side street will probably be unaffordable and what business are going there
8. Not too big
9. I like that it's on an already developed site that doesn't require the destruction of any currently undeveloped land. The proximity to the Woodside ferry terminal is also positive. The prospective opening of a No Frills next to Value Village makes grocery shopping easier for people without cars in this area as well.
10. I like that it's multi-story. I like that it's a mix of residential and commercial. I like that every unit has a balcony. I like that it's an opportunity to model the best future development of South Woodside.
11. I don't foresee anything positive for me as the construction will be a disruption for my active, bus and vehicle transport,
12. Nothing positive. Pleasant Street is already over crowded with traffic and a (5) storey building isn't going to do any justice. What about residents who own homes and lived here for years? (Bad decision)

13. Not at all happy about this as it would take away a view of the Halifax Harbour from residents closest to the proposed site.
14. I think it is well done. A lot of thought has gone into it. I have nothing against it.
15. Nothing
16. This site on Pleasant St. would provide needed apartments and easy access to Hwy 111.

**Question 2: Is there anything that concerns you about this proposal?**

Responses (16 responses, 0 skipped):

1. The biggest concern is traffic impact. The initial observation was done in 2019, and now in 2022 it seems traffic is much heavier than what was observed a few years ago to/from Eastern Passage. Many mornings I am sitting at the light at the end of the hill to turn onto pleasant Street for several minutes because the traffic is constant. I work night shift as well and trying to turn up the hill at 730am can take several minutes until a break in traffic. The light at the end of Everette doesn't accommodate traffic to this hill as it is and would need to be adjusted to be more time sensitive to cars turning right, as well as a left turn signal when going from pleasant Street up Everette.
2. It's certainly frustrating to see more 1- and 2-bedroom apartments going up when there is so much need for family housing. I would imagine in theory the apartments will be "affordable" but in practice, it's hard to tell.
3. That it will be more housing for rich people and the people who need housing will not be able to afford it.
4. No
5. None
6. The corner or Everett and pleasant can already be a very difficult intersection. Many close calls for accidents due to school and high volume of traffic on pleasant. Adding that many units will only add further congestion to the area. How does this plan to be addressed?
7. Traffic infrastructure pollution strain on sewer power grid water to expensive
8. Traffic
9. Traffic, transit and parking. The Pleasant Street-111 intersection is already congested during peak times. Transit needs to be improved to accommodate the extra residents (this is an HRM wide issue already-the addition of more potential transit users will just make it worse). There should be at a minimum a 1 to 1 (based on the number of units) requirement for residential parking spaces. Six parking spaces for the commercial areas seems insufficient as well. The majority of the units are 1-bedroom apartments-I would like to see a few family-sized 3-bedroom apartments included, with a percentage of all the units locked into below-market rental prices, and designated for low-income families and individuals.
10. 1. Traffic: while some residents have concerns about traffic on MacKenzie St. (which are valid), the traffic leaving the building onto Pleasant St. should also concern the planner and the developer. During the morning rush hour, it can take 3 minutes or longer to make a right turn onto Pleasant St. This fact will likely creates traffic line ups exiting the building as well as increase the risk of collision on Pleasant St. I strongly suggest the city to implement a synchronized traffic light (to the existing traffic control on Everette & Pleasant) for entering and exiting the building. 2. Recreation space. The application letter suggest that recreation is to be found at the South Woodside Elementary school (to quote): "South

Woodside Elementary School (with a playground) is located directly across Everette Street, ensuring access to education and some recreation" Who can imagine adult residents with no children finding recreation on an Elementary School playground? The neighborhood lacks recreation spaces already. Almost all available is primarily for child use. Thus the development must provide it's own recreation space. The outside park space currently allocated is insufficient, lacks structure and is bisected by traffic entering and leaving the building. A practical solution to this challenge is to build a green roof, which is in accordance with standard planning practice in Halifax.

11. The current traffic signal only allows for 4-5 cars to turn onto Pleasant Street from Everette Street on a green light. The lights are on a 2 minute timer unless a pedestrian requests a walk light. The volume and variable speeds of the vehicle traffic on Pleasant Street make it dangerous to turn left to access Everette Street. A left hand turning signal is required. Traffic speed on Pleasant Street needs to be reduced/policed. The traffic lights at the refinery gate don't often change to red so vehicle traffic speeds are in excess of 70 km/hour. Several times a week, I witness cars unable to stop at the Everette Street intersection and proceed through the red light. When school begins and end each day, vehicles are parked on both sides of Everette Street, reducing access to one lane. There is signage, the school has been informed and traffic control has been called numerous times. Vehicles and school buses block the crosswalk. If construction begins, will I have access to Pleasant Street via Everette Street and what is the impact on the Metro Transit bus stop on the construction site? There have been several disruptions to traffic recently due to the Irving Street project, paving and lane closures on Pleasant Street which have caused challenges accessing side walks, bus stops and traffic slow downs.
12. Yes, a lot. Too much traffic coming and going in different directions will cause accidents, noise, and unhappy residents.
13. The fact that it would be across from the elementary school. Which is a high traffic area to begin with, and it would interfere with the bus stop shelter.
14. Traffic on Pleasant Street is my only concern. Traffic is heavy all day and added to it is a corner for residents living on Osbourne Avenue and Crawford Street because their streets are cul-de-sac and the traffic light at Everette and Pleasant does nothing to slow traffic. More traffic will come from the ready-mix facility that will be built across the street.
15. Yes, dead end street, more mailboxes, crosswalk, school, parking on the side that has no parking, using driveway for a turn around.
16. The added traffic and presence of people and business will generate added noise and danger to the school students. Already at approx.. 9am and 3pm the congestion is terrible in this area.

### Question 3: What do you think of the overall design of the building for this site?

Responses (16 responses, 0 skipped):

1. The design is modern and simple, anything too fancy or extravagant in design would look very out of place within the community especially when you look at the neighboring buildings
2. It's another normal apartment building
3. It's ugly and looks like every other boring new beige grey building in town

4. I think it is attractive and can blend into the surrounding areas
5. Lovely to area
6. I like the overall design
7. Don't like it
8. Looks good
9. I'm not sure what the benefit of having the commercial ground floor is, especially since parking seems to be insufficient to actually handle the additional parking requirements. I am also concerned that the infrastructure won't actually be able to accommodate the increase in residents.
10. The presence of balconies for every unit creates a high-end feel. Overall, however, in the current state the design is rather bland and does not improve the overall aesthetic appeal of the neighborhood. This is easy and cheap to rectify with a combination of bold landscaping, small ground-level green walls and garden boxes installed on the balconies.
11. It's too large and bulky. Why do we need another coffee shop in the area?
12. I don't think it is acceptable. Belongs in Halifax not in our space of peace and quiet and an added of 74 more people. Too many for such a small space and 64 parking spaces.
13. It looks nice enough but that's about it.
14. It fits nicely, not too high.
15. I don't
16. The design is too huge for this area it will look like a huge block of concrete, imposing and out of place. We do not need more coffee shops or high traffic business in this local, adjacent to elementary school.

**Question 4: Do you think the proposed building fits in the neighbourhood? Why or why not?**

Responses (16 responses, 0 skipped):

1. I feel that the only way the building will fit in the neighborhood is if the building charges a reasonable rent. This area is low income, the last stats says average income falls between 40-60K/year pre-tax. As well majority of residents are 2-3 person households and it seems the building focuses on many 1 BR. If rents are high, then we attract people with higher incomes and create classism and division within the community. I also question having commercial tenants in the building, many family owned businesses have died out in this area because people don't have the money to spend on takeout and such. I worry that this would continue the pattern and there would be vacant commercial spaces majority of the time, wasting what could have been residential.
2. It fits fine
3. Sure
4. Yes .. it is something modern and I think will help to add to the attractiveness of the community
5. I like the design
6. Yes we have a mix of senior and small families so having a mix of different units is a good approach
7. No it should be smaller it will probably be to expense will obstruct views
8. I am hoping that families will be moving in to support south Woodside school

9. 5 stories seems a little high for this area-I would prefer to see height restrictions of 4 stories.
10. In its current state, the building does NOT fit the neighborhood. The key factor is that in its current state the building does not facilitate community. South Woodside is an old community and still maintains social cohesion. Thus this development must also contribute to social cohesion, and in fact ideally improve social cohesion in the neighborhood. This is practical to achieve by designating ground level green space for the use of the community through organized practices such as community gardens, drama and theater, little free library and board-game tables (eg. chess)
11. I'm concerned that it's a huge residential property on a main road with mostly industrial properties. It will look out of place. Has there been any thought of the impact on the school such as the age and size of the school. Metro Transit removed the 63 route due to low ridership. Will that decision be reversed to accommodate this complex?
12. As above (question 3), and most will agree with me. We are seniors of plenty who raised out children here and like out peace and quiet.
13. No, I do not think this is a good fit for our area, as mentioned above in previous questions.
14. It fits nicely. Not too high.
15. No, put it somewhere else that's what you should if using Russel Lake for low income. Not buildings that you can't afford to live in.
16. The building on this proposal seems attractive but in the wrong location. This is a highly residential area and smaller, less height would work. Too immense for there.

**Question 5: Please share any other comments you have. All feedback is welcome.**

Responses (11 responses, 5 skipped):

1. I think the greatest fear with building new infrastructure is that it takes away from the small community we have. This community is basically just a hill with its side street branch offs and it feels secluded from the busy surrounding Dartmouth areas. We have very little traffic within the community because the hill is a dead end, so only residents travel up Everette. It is low density in population and housing units, but that's part of the appeal in living here. The fear is that if we build one large building, another developer will look into buying out more land or a house on a larger lot and start building up more and it becomes very populated and busy.
2. Hoping that there is enough local grocers in accessible distance.
3. Housing is a human right
4. We have a quiet family-oriented community the building should be smaller.
5. A number of years ago the green arrow at the lights on the bottom of Everette Street was taken away. With the amount of extra traffic because of this building, I hope the green arrow will be brought back
6. This is the first multi-story building in the neighborhood. It is an opportunity to learn from the mistakes of bigger cities and not repeat them. This development can and must become a model of sustainable (socially and environmentally and thus economically) future for the neighborhood. It is our responsibility to make sure that the development is successful: there are more and more people moving to Halifax. We must provide living spaces for them (not concrete boxes). Living spaces require integration with the community and the

environment and create economic prosperity. The current design makes considerations for some of these factors, and can, in a very practical manner address other factors to create a leading example of sustainable development.

7. Take a closer look at the speed, traffic light and school parking before proceeding. It's already a dangerous traffic/pedestrian area so fix the problem before adding to it.
8. I am afraid that this proposal is not a good one and will cause regrets for most. Also only the wealthy can afford to live there.
9. Should have provided a return envelope. Postage paid.
10. Using my driveway as a turn around. More traffic on the dead end street. Don't need more traffic turning in my driveway.
11. I have lived here for 75 years, there have been multiple attempts to slow down the cars racing down Everette St. with no avail. The elementary school across the street, children running around and parents vehicles packed up and down that part of Everette St. will make "accidents waiting to happen"

**Attachment C – Review of Relevant Regional and Dartmouth MPS Policies**

<b>Dartmouth Municipal Planning Strategy</b>	
<b>IMPLEMENTATION</b>	
<b>Policy</b>	<b>Staff Comments</b>
<p><b>Policy IP-1 (c):</b>  <i>In considering zoning amendments and contract zoning, Council shall have regard to the following:</i></p>	
<p><i>(1) that the proposal is in conformance with the policies and intent of the Municipal Development Plan;</i></p>	<p>The Dartmouth MPS has designated the land at PID 00227496 as Commercial.</p> <p>The intent of the commercial designation is to encourage the development of business and commercial uses to serve both local residents and the region as a whole while ensuring commercial uses are located and designed to minimize impacts on existing residential neighbourhoods.</p> <p>The lands are zoned C-2 which allows for a variety of land uses including medium density residential provided they are in keeping with intent of the area plan (Policy IP-1(c) and IP-5).</p> <p>It is the position of staff that the proposal is generally in conformance with the policies and intent of this Plan for the reasons outlined in this report.</p>
<p><i>(2) that the proposal is compatible and consistent with adjacent uses and the existing development form in the area in terms of the use, bulk, and scale of the proposal;</i></p>	<p>The development proposes a 5 storey multi-use building. The proposed uses within the development are residential and commercial.</p> <p>In terms of uses, the proposal is compatible and consistent with other surrounding uses in the area as both residential and commercial uses surround the site. Residential uses are found abutting on Mackenzie Street with commercial uses abutting the property along Pleasant Street.</p> <p>The proposal is also in keeping, from a use and form perspective, with multi-unit residential buildings located to the north on Bruce Street and east on Novawood Drive and High Street. Multi-unit residential developments are also compatible with low-density residential, from a use perspective, when they are located on the edges of low-density residential areas and especially when they help to transition from a high-traffic commercial street as is the case with this portion of Pleasant Street.</p>



	<p>In terms of bulk and scale, the building being proposed will be approximately 2 storeys taller than the tallest buildings in the general area when compared to what currently exists (two 3.5 storey buildings located to the north).</p> <p>Staff advise the impact of the proposed building on adjacent uses and the existing development form in the area will be minimized by how the bulk is distributed on the site, which can be summarized in the following points:</p> <p>(1) The bulk of the building is situated against Pleasant Street, away from the low-density development on Mackenzie Street.</p> <p>(2) The building transitions down in height towards the low-density residential properties on Mackenzie Street (from 5 to 3 storeys). This decrease in height at the rear of the building increases the setback of the 5-storey portion of the building to ~10.5 metres from the Mackenzie Street property boundary. This design intervention increases the separation distance and will assist in reducing the bulk and scale of the building facing the low-density properties.</p>
<p><i>(3) provisions for buffering, landscaping, screening, and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries;</i></p>	<p>The applicant is proposing to transition the building down in height towards the properties on Mackenze Street from 5 to 3 storeys. This decrease in height at the rear of the building increases the setback of the 5-storey portion of the building to ~10.5 metres from the Mackenzie Street property boundary. This design intervention increases the separation distance and will assist in reducing the bulk and scale of the building facing the low-density properties.</p> <p>Section 3.9 of the proposed development agreement requires that landscaping be provided around the proposed building.</p> <p>Section 3.13 of the proposed development agreement requires the screening of mechanical equipment, propane tanks, electrical transformers and standby power generators.</p> <p>Section 4.4 of the proposed development agreement requires that solid waste receptacles be located within the building.</p> <p>No open storage is enabled under the proposed development agreement.</p>

	<p>Two site accesses are proposed. A commercial access of Everette Street for 6 parking spaces and a driveway off Mackenzie Street. The findings of the TIS suggest the traffic volumes generated by the development are considered within the volume guidelines for the residential street network. The traffic dispersion from the site is line with the requirements of HRM By-law S-300, which requires traffic be directed to a street that carries a lesser amount of daily traffic (Mackenzie Street). Section 3.7 of the proposed development agreement specifies controls in regard to traffic generation, access to and egress from the site. These items are not anticipated to conflict with adjacent or nearby uses.</p>
<p><i>(4) that the proposal is not premature or inappropriate by reason of:</i></p>	
<p><i>(i) the financial capability of the City is to absorb any costs relating to the development;</i></p>	<p>The Municipality will not be financially responsible for costs associated with this development. The subject site is well served by existing municipal infrastructure. Any cost to upgrade municipal infrastructure, to accommodate the project, will be the responsibility of the developer.</p>
<p><i>(ii) the adequacy of sewer and water services and public utilities;</i></p>	<p>There is sufficient capacity in the stormwater and water distribution systems to service the proposed development. Halifax Water did not identify any significant issues. The developer will be required to provide evidence at the building permit stage that sufficient capacity exists in the local wastewater system. Any necessary upgrades to the wastewater system will be the responsibility of the developer.</p>
<p><i>(iii) the adequacy and proximity of schools, recreation and other public facilities</i></p>	<p>The site is within walking distance to several park facilities in the neighbourhood such as Feetham Park, a corner park at Everette and High St., and Brompton Road Park. Adjacent to the site is the South Woodside Elementary School, Park, and Community Centre. The site is within the Dartmouth High family of schools and according to Halifax Regional Centre for Education (HRCE) all schools in the Dartmouth High family applicable to this site are within capacity.</p>
<p><i>(iv) the adequacy of transportation networks in adjacent to or leading to the development;</i></p>	<p>The site is in an established area of Dartmouth with an existing transportation network. The site is situated directly on Pleasant Street in proximity to Highway 101.</p> <p>The findings of the TIS suggest the traffic volumes generated by the development are considered within the volume guidelines for Pleasant Street and the site-generated trips are expected to have a marginal impact on the operations during peak travel periods.</p>

	<p>The site is serviced by public transit with an accessible transit stop immediately in front on Pleasant Street, which includes Routes 6 B and 6C. The site is also within the Woodside ferry walkshed.</p> <p>Connection to active transportation routes are limited in this area but the property is located along the planned Woodside-Shearwater connection.</p>
<i>(v) existing or potential dangers for the contamination of water bodies or courses or the creation of erosion or sedimentation of such areas;</i>	No watercourses are identified on the site. The development agreement requires a stormwater management plan, erosion and sediment control plan, and a site disturbance plan to be submitted prior to commencement of any site work to ensure all municipal and provincial standards are met at permitting, including the adherence to the watercourse buffer requirements of the Regional Plan.
<i>(vii) the presence of natural, historical features, buildings or sites;</i>	According to the Regional Plan, Map 9, the lands may be within an area of elevated archeological interest. An archaeological monitoring and protection clause is included in the agreement requiring the developer to contact the Coordinator of Special Places of the Nova Scotia Department of Communities, Culture and Heritage should artefacts be found.
<i>(viii) create a scattered development pattern requiring extensions to truck facilities and public services while other such facilities remain under utilized;</i>	This would be considered an infill development utilizing existing infrastructure and services.
<i>(ix) the detrimental economic or social effect that it may have on other areas of the City.</i>	This development should have limited impact on other areas of the Municipality.
<i>(5) that the proposal is not an obnoxious use;</i>	The proposal is not an obnoxious use, the area is comprised of primarily residential and commercial properties and uses, the development has similar uses to that found within the area, at a different density.
<i>(6) that controls by way of agreements or other legal devices are placed on proposed developments to ensure compliance with approved plans and coordination between adjacent or near by land uses and public facilities. Such controls may relate to, but are not limited to, the following:</i>	
<i>(i) type of use, density, and phasing;</i>	Sections 3.3 of the proposed development agreement include controls over use. No controls over phasing were incorporated within the proposed development agreement as the proposed building is intended to

	proceed under a single construction phase. Density is controlled through unit mix requirement and controls on massing, found through Section 3.3, 3.4 and 3.5.
<i>(ii) emissions including air, water, noise;</i>	No emissions are expected to be created by this development. Staff does not anticipate any noise emissions beyond what could be expected from such a use. Specific controls were therefore not included in the proposed development agreement.
<i>(iii) traffic generation, access to and egress from the site, and parking;</i>	Section 3.7 of the proposed development agreement specifies controls in regard to traffic generation, access to and egress from the site, as well as parking. These items are not anticipated to conflict with adjacent or nearby land uses.
<i>(iv) open storage and landscaping;</i>	Section 4.4 of the proposed development agreement requires that solid waste receptacles be located within the building. No open storage is enabled under the proposed development agreement. Section 3.9 of the proposed development agreement requires the provision of landscaping.
<i>(v) provisions for pedestrian movement and safety;</i>	This refers to on-site pedestrian movement which is regulated through Section 3.7 of the development agreement and through the schedules.
<i>(vi) management of open space, parks, walkways;</i>	This refers to the private open space and walkways of the development, which is regulated through the agreement by Section 3.6 and 3.9 and the schedules, which outlines the provision of landscaping and amenity areas.
<i>(vii) drainage both natural and sub-surface and soil-stability;</i>	Staff is not aware of any soil-stability issues on the subject site and therefore did not include controls within the proposed development agreement on this matter. During the permit stage, HRM Development Engineering will review the grading and stormwater management plans for the subject site. As per By-law G-200, the site will be required to balance, or improve, pre-development and post-development stormwater flows.
<i>(viii) performance bonds.</i>	A development agreement will enable this proposal, which negates the need to make use of performance bonds for the design and siting of the building. The sole performance bond for landscaping is regulated by the DA.
<i>(7) suitability of the proposed site in terms of steepness of slope, soil conditions, rock out-croppings, location of watercourses, marshes, swamps, bogs, areas subject to flooding, proximity to major highways, ramps, railroads, or other nuisance factors.</i>	The proposed site is suitable in terms of the steepness of slope. The subject site is not impacted by any watercourse, marsh, swamp, or bog. Staff is not aware of any soil or geological conditions on the subject site that would negatively impact the proposed development or abutting properties. The subject site is not located next to a major highway, ramp, railroad, or other nuisance factors.

<p><i>(8) that in addition to the public hearing requirements as set out in the Planning Act and City by-laws, all applications for amendments may be aired to the public via the “voluntary” public hearing process established by City Council for the purposes of information exchange between the applicant and residents. This voluntary meeting allows the residents to clearly understand the proposal previous to the formal public hearing before City Council</i></p>	<p>Staff conducted an online survey (16 responses) and a public open house held on December 5, 2022 (~13 attendees).</p>
<p><i>(9) that in addition to the foregoing, all zoning amendments are prepared in sufficient detail to provide:</i></p>	
<p><i>(i) Council with a clear indication of the nature of proposed development, and</i></p>	<p>Staff is of the opinion that enough detail has been provided to Council to allow it to clearly understand the nature of the proposed development.</p>
<p><i>(ii) permit staff to assess and determine the impact such development would have on the land and the surrounding community</i></p>	<p>Staff is of the opinion that it is in possession of enough detail on the proposed development to properly assess and determine the impacts that such a development will have on the land and the surrounding community.</p>
<p><i>(10) Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy IC-6”, Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the “Infrastructure Charges” Policies of this MPS. (RC-Jul 2/02;E-Aug 17/02)</i></p>	<p>Not applicable as site is not within a Holding Zone.</p>
<p><b>Policy IP-5</b>  <i>It shall be the intention of City Council to require Development Agreements for apartment building development in R-3, R-4, C-2, MF-1 and GC Zones or shared housing uses at a larger scale than permitted in the underlying zone in R-3, R-4, C-2, MF-1 and GC Zones (RC-Aug 9/22;E-Sep 15/22). Council shall require a site plan, building elevations and perspective drawings for the apartment development indicating such things as the size of the building(s), access &amp; egress to the site, landscaping, amenity space, parking and location of site features such as refuse containers and fuel storage tanks for the building. In considering the approval of such Agreements, Council shall consider the following criteria:</i></p>	
<p><i>(a) adequacy of the exterior design, height, bulk and scale of the new apartment development with respect to its compatibility with the existing neighbourhood;</i></p>	<p>Refer to earlier policy analysis provided regarding Policy IP-1 and to the Discussion section of the Staff Report.</p>

<p><i>(b) adequacy of controls placed on the proposed development to reduce conflict with any adjacent or nearby land uses by reason of:</i></p>	
<p><i>(i) the height, size, bulk, density, lot coverage, lot size and lot frontage of any proposed building;</i></p>	<p>Controls for these elements are contained throughout the proposed development agreement, as follow:</p> <ul style="list-style-type: none"> <li>•Height (Sections 3.4, Schedule C to D)</li> <li>•Size and bulk (Sections 3.4, 3.5, Schedule B to D)</li> <li>•Density (Section 3.3, 3.4, Schedule B to D)</li> <li>•Lot coverage (Sections 3.4, 3.5, and Schedule B)</li> <li>•Lot size and frontage (Schedules B)</li> </ul> <p>Staff believes there are adequate controls to reduce conflict with adjacent or nearby uses.</p>
<p><i>(ii) traffic generation, access to and egress from the site; and</i></p>	<p>Section 3.7 and Schedule B of the proposed development agreement specifies controls regarding traffic generation, access to and egress from the site. These items are not anticipated to conflict with adjacent or nearby uses.</p>
<p><i>(iii) parking;</i></p>	<p>Section 3.7 of the proposed development agreement specifies controls regarding parking. Vehicular parking will be provided via internal parking levels containing a minimum 50 spaces. Surface parking is required as per the Schedules of the agreement.</p>
<p><i>(c) adequacy or proximity of schools, recreation areas and other community facilities;</i></p>	<p>The site is within walking distance to several park facilities in the neighbourhood such as Feetham Park, a corner park at Everette and High St., and Brompton Road Park. Adjacent to the site is the South Woodside Elementary School, Park, and Community Centre. The site is within the Dartmouth High family of schools and according to Halifax Regional Centre for Education (HRCE) all schools in the Dartmouth High family applicable to this site are within capacity.</p>
<p><i>(d) adequacy of transportation networks in, adjacent to, and leading to the development;</i></p>	<p>The site is in an established area of Dartmouth with an existing transportation network. The site is situated directly on Pleasant Street in proximity to Highway 101.</p>

	<p>The findings of the TIS suggest the traffic volumes generated by the development are considered within the volume guidelines for Pleasant Street and the site-generated trips are expected to have a marginal impact on the operations during peak travel periods.</p> <p>The site is serviced by public transit with an accessible transit stop immediately in front on Pleasant Street, which includes Routes 6 B and 6C. The site is also within the Woodside ferry walkshed.</p> <p>Connection to active transportation routes are limited in this area but the property is located along the planned Woodside-Shearwater connection.</p>
<p><i>(e) adequacy of useable amenity space and attractive landscaping such that the needs of a variety of household types are addressed and the development is aesthetically pleasing;</i></p>	<p>The agreement requires amenity space be provided at a rate of ~6.75 sq. m per unit, excluding private balconies. This amenity space is to be a mix of indoor and outdoor amenity space (Section 3.6 of the agreement).</p> <p>The agreement also requires walkways be provided along Mackenzie and Everette Streets. The additional walkway along Everette Street will supplement the existing sidewalk and enhance the pedestrian experience and safety as this route is frequently used by school children. In addition, the Mackenzie Street walkway will provide safe pedestrian access off the street, something that does not currently exist. Additionally, the landscaping (Section 3.9) will add needed vegetation to the along the street and general area.</p>
<p><i>(f) that mature trees and other natural site features are preserved where possible;</i></p>	<p>Entire site is asphalt and an existing building.</p>
<p><i>(g) adequacy of buffering from abutting land uses;</i></p>	<p>The applicant is proposing to transition the building down in height towards these rear properties from 5 to 3 storeys. This decrease in height at the rear of the building increases the setback of the 5-storey portion of the building to ~10.5 metres from the Mackenzie Street property boundary. This design intervention increases the separation distance and will assist in reducing the bulk and scale of the building facing the low-density properties.</p> <p>Section 3.9 of the proposed development agreement requires that landscaping be provided around the proposed building.</p>

	Section 3.13 of the proposed development agreement requires the screening of mechanical equipment, propane tanks, electrical transformers and standby power generators. Section 4.4 of the proposed development agreement requires that solid waste receptacles be located within the building.
<i>(h) the impacts of altering land levels as it relates to drainage, aesthetics and soil stability and slope treatment; and</i>	The developer will need to abide with Part 5 of the proposed development agreement, which deals with Erosion and Sedimentation and Grading Plans. Grading and stormwater management plans will be reviewed by HRM Development Engineering at the permit stage.
<i>(i) the Land Use By-law amendment criteria as set out in Policy IP-1(c).</i>	See above.

**Halifax Regional Municipal Planning Strategy (Regional Plan)**

**CHAPTER 3: SETTLEMENT AND HOUSING**  
3.2 Land Use Designations

<p><b>3.3 PLANNING AND DESIGN FOR GROWTH CENTRES</b> <i>Tables 3-1 and 3-2 outline the types of centres intended for the Urban Settlement and Rural Commuter Designations respectively and the associated design characteristics which are to be supported when preparing secondary planning strategies. Table 3-3 lists other Rural Centres which are no longer targeted for growth, but will continue to be recognized for their role in the rural settlement pattern. Directives for preparing a secondary planning strategy for the Regional Centre are found under Chapter 6.</i></p> <p><b>Table 3-1: Future Characteristics of Urban Settlement Growth Centres</b></p> <p><b>Map 1: Settlement and Transportation</b> <i>This property falls within the Woodside Regional Local Growth Centre identified on Map 1. Table 3-1 of the Regional Plan lists intended future characteristics of Regional Local Growth Centres. Characteristics intended for the Woodside centre which are applicable to this request include:</i></p>	<p>Staff advise that this request is supported and reasonably consistent with the Regional Centre Growth Centre intentions. The built form is of medium density and is supported by the location of site on the edge of an established community. The building design is human-scale and features façade differentiation. Enhanced pedestrian links are being provided on site along Everett and Mackenzie Streets. The property is within the ferry walkshed and is located along the planned Woodside-Shearwater connection.</p>
---	--



<ul style="list-style-type: none"> <li>• <i>Mix of medium to high density residential, commercial, institutional, and recreation uses.</i></li> <li>• <i>In established residential neighbourhoods, low to medium density residential uses</i></li> <li>• <i>Pedestrian oriented facades</i></li> <li>• <i>Transit service to connect to other centres and Regional Centre</i></li> <li>• <i>Enhanced pedestrian linkages</i></li> <li>• <i>Street or shared side or rear yard parking, or parking structures</i></li> <li>• <i>Access to AT routes</i></li> <li>• <i>Short interconnected blocks for ease of walkability</i></li> <li>• <i>Streetscaping featuring landscaped pocket parks and tree-lined streets</i></li> </ul>	
---	--

**CHAPTER 4: TRANSPORTATION AND MOBILITY**

<p><i>Policy T-3</i>  <i>When preparing secondary planning strategies or negotiating development agreements, HRM shall consider:</i>  <i>(a) protecting greenways from development that would disrupt the continuity of planned greenways;</i>  <i>(b) requiring planned greenways to be built by developers to HRM standards when the land abutting them is developed; and</i>  <i>(c) requiring new development be connected to, and provide access to, existing and planned greenways.</i></p>	<p>RMPS Map 3 – a planned greenway is proposed across the street from the property, known as the Woodside-Shearwater connection. Access to this connection would be provided at the intersection immediately abutting this site.</p> <p>RMPS Map 4 – no parks or natural corridors on or abutting subject site.</p>
---	---

<p><i>Policy T-9</i>  <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 subject site is within the Urban Transit Service Boundary (RMPS Map 7). The proposed building is mixed-use and provides additional density on lands within the Woodside ferry walkshed and along a street that has transit service.</p>
--	--

**CHAPTER 5: ECONOMY AND FINANCE**

<p><i>EC-14</i> <i>When considering an amendment to secondary planning strategies, land use by-laws or development agreements to permit new residential development in proximity to</i></p>	<p>A variety of harbour industrial uses are located near the proposed development but do not directly abut the proposed development. Adjacent properties that allow industrial uses</p>
---	---

<p><i>harbour related industrial uses, consideration shall be given to the potential for nuisances and compatibility issues and the importance to HRM in protecting the viability of the marine related industrial uses.</i></p>	<p>are properties zoned for lower intensity industrial uses which enhances the protection of harbour related industrial uses by protecting, as a buffer of sorts, from compatibility issues with residential uses.</p>
<p><b>CHAPTER 9: GOVERNANCE AND IMPLEMENTATION</b></p>	
<p><b>Policy G-14A</b>  <i>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:</i></p>	
<p><i>(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.</i></p>	<p>The proposed development aligns with the various priority plans as per the following:</p> <ul style="list-style-type: none"> <li>• The Integrated Mobility Plan (IMP) guides investment in active transportation, transit, transportation demand management, goods movement, and the roadway network in Halifax. One of the actions identified in the IMP is to designate and zone for transit-oriented communities around existing ferry terminals wherever there is potential for redevelopment. Figure 10 of the IMP identifies the subject lands as near an existing terminal/transfer node and is within the Woodside Ferry walkshed.</li> <li>• Integrating climate change considerations into land use planning policies and process by reducing sprawl and efficiently using transportation systems (Action 23 HalifACT)</li> <li>• Increasing housing stock to accommodate the growing population in Halifax (Strategic Objective 1.6 Halifax's Inclusive Economic Strategy 2022-2027).</li> </ul>