



P.O. Box 1749
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Item No. 15.1.6
Halifax Regional Council
May 9, 2023

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed

SUBMITTED BY: _____
Cathie O'Toole, Chief Administrative Officer

DATE: April 27, 2023

SUBJECT: **Case 2023-00455 (previously referenced as Case 24559): Municipal Planning Strategy and Land Use By-law amendments for 205 Bedford Highway, Halifax**

ORIGIN

Application by KWR Approvals, on behalf of Rockingham Station Limited.

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that Regional Council direct the Chief Administrative Officer to:

1. Initiate a process to consider site-specific amendments to the Halifax Municipal Planning Strategy and Halifax Mainland Land Use By-law to change the incentive or bonus zoning requirements for an approved development at 205 Bedford Highway, Halifax.
2. Follow the public participation program outlined in the Community Engagement section of this report.

BACKGROUND

KWR Approvals, on behalf of Rockingham Station Limited, is applying to change the incentive or bonus zoning requirements for 205 Bedford Highway, Halifax to align with the recently approved Interim Incentive or Bonus Zoning (IBZ) Program. This Program cannot be applied to the property under existing MPS policies and, therefore, the applicant is seeking amendments to the Halifax Municipal Planning Strategy (MPS) and Halifax Mainland Land Use By-law (LUB) to enable this change.

Subject Site	205 Bedford Highway, Halifax
Location	Directly opposite the intersection of Flamingo Dr. and the Bedford Highway
Regional Plan Designation (Map 3)	Halifax Harbour (HARB)
Community Plan Designation (Map 1)	Minor Commercial (MNC)
Zoning (Map 2)	C-2A (Minor Commercial) Zone
Size of Site	1431 square metres (15402 square feet, or 0.32 acres)
Street Frontage	38 metres (125 feet)
Current Land Use(s)	Under construction (mixed-use building)
Surrounding Use(s)	Primarily one or two storey commercial buildings with some three and four storey residential buildings.

Proposal Details

The property owner is currently constructing an 8-storey mixed use building. Permit #181717 was issued on January 25, 2021 in accordance with the approved development agreement for the lands. The development agreement was approved by Halifax and West Community Council on August 11, 2020 following corresponding MPS and LUB amendments, which were approved by Regional Council on January 14, 2020 ([Case 21730](#)).

Part of the amendments approved by Regional Council in January 2020 included incentive or density bonusing provisions which require 18 affordable housing units in exchange for an additional 11.25 metres in height (equal to approximately 3 storeys). The applicant wishes to change the existing site-specific incentive or bonus zoning requirements to align with the recently approved Interim Incentive or Bonus Zoning Program.

Existing Development Agreement

In August 2020, Halifax and West Community Council approved a development agreement for the subject site. The development agreement permits:

- a building with 55 dwelling units, up to 26.5 metres tall (excluding elevator shafts);
- building setbacks between 1.5 metres and 3.5 metres from property lines;
- a driveway at the signalized intersection of Bedford Highway and Flamingo Drive, or, if necessary, a different driveway location approved by a non-substantive amendment; and
- ground floor institutional uses and commercial uses, such as retail, personal service, office, restaurants and banks, as permitted in the existing C-2A Zone Minor Commercial Zone.

MPS and LUB Context

The subject property is designated Minor Commercial, under the Bedford Highway Secondary Planning Strategy (SPS), which is part of the MPS for Halifax. This designation's purpose is to provide appropriate areas for commercial uses serving adjacent neighbourhoods. Policy states that Minor Commercial areas "shall be regarded as medium-scale commercial areas within walking or easy vehicular distance of several neighbourhoods, offering a variety of retail goods, services, and activities to the surrounding communities." SPS policy permits a range of commercial uses, as well as institutional, community and residential uses.

The subject property is zoned C-2A (Minor Commercial), under the Halifax Mainland LUB. This zone is applied throughout the Halifax Mainland area. The C-2A Zone permits a range of commercial, institutional and residential uses. Multi-unit residential buildings are permitted, subject to the requirements of the R-3 (General Residential and Low-Rise Apartment) Zone. In the C-2A Zone, building height is limited to 35-feet (11 metres). An exception is for C-2A properties in the Bedford Highway SPS, where buildings with commercial use on the entire ground floor can be built to a height of 50 feet (15 metres). This additional height is an incentive for multi-unit buildings to provide commercial space, in keeping with the policy intent of the Minor Commercial designation.

In January of 2020, Regional Council approved site-specific MPS policy to permit an eight-storey building at 205 Bedford Highway by development agreement. The policy allows Council to enter into a development agreement for a building that is taller and denser than allowed by the C-2A Zone, through a density bonus provision. Under the MPS policy, 18 affordable housing units are required in exchange for the density bonus.

DISCUSSION

The MPS is a strategic policy document that sets out the goals, objectives and direction for long term growth and development in Municipality. While the MPS provides broad direction, Regional Council may consider MPS amendment requests to enable proposed development that is inconsistent with its policies. Amendments to an MPS are significant undertakings and Council is under no obligation to consider such requests. Amendments should be only considered within the broader planning context and when there is reason to believe that there has been a change to the circumstances since the MPS was adopted, or last reviewed.

Applicant Rationale

The applicant has provided the following rationale in support of the proposed amendments:

- The concept, design, and financial modelling of the proposed multiple use residential building was created prior to the COVID-19 pandemic and current economic downturn. It is currently economically unfeasible and financially unviable to build and operate 18 affordable dwelling units offering an approximate 30% monthly rent discount for 15 years at 205 Bedford Highway;
- Providing the extra 24 apartment units over the ~31 units permitted as-of-right is critically important to the local neighbourhood and community rental housing inventory;
- Exchanging the 18 affordable units to a cash-in-lieu contribution towards the Halifax Regional Municipality (HRM) Affordable Housing Fund ensures there are an additional 24 apartment units within the neighbourhood and a cash-in-lieu contribution that HRM can utilize for affordable housing initiatives and projects through its Affordable Housing Grant Program (AHGP);
- Offering an incentive or bonus zoning contribution in lieu of 18 affordable housing units is consistent with the overall intent of the Regional Plan.

Attachment A contains the applicant's application letter.

Review

Staff have reviewed the submitted rationale in the context of site circumstances and surrounding land uses. Staff advise that there is merit to the request to ensure some aspect of affordability is provided for the additional density and development rights afforded to the site. As the applicant has stated, due to economic conditions there is a possibility that the development could proceed as a five storey 31-unit building, as of right under the current zoning, with no affordable housing contribution being provided.

At the time of the decision on Case 21730 HRM lacked a comprehensive policy framework for the provision of affordable housing outside the Regional Centre. Since that time Regional Council has established an Interim Incentive or Bonus Zoning (IBZ) program outside of the Regional Centre. This program is modeled on the Centre Plan approach and is intended to be refined through the Community Planning / Plan and By-

law Simplification program. Staff advise that if incentive or bonus density is to be applied then it should follow the recently approved [Interim Incentive or Bonusing Zoning \(IBZ\) program](#). However, feedback through the community engagement program proposed in this report would also be incorporated into the amendment process.

Under the IBZ program, the subject property would be subject to the following calculation and the developer required to pay the following estimated public benefit:

*Halifax Mainland Area: \$213 per square metre of floor area
55 units/ground floor commercial (6,099.08 sq m total floor area)*

(6,099.08-2,000) X 0.2 X 213 = \$174,620.81 or approximately \$3,175 per unit

Conclusion

Staff have reviewed the proposed MPS amendment application and advise that there is merit to the request to employ the recently approved IBZ Program. Accordingly, staff recommend that Regional Council initiate the MPS amendment application process.

COMMUNITY ENGAGEMENT

Should Regional Council choose to initiate the MPS amendment process, the *HRM Charter* requires that Regional Council approve a public participation program. Rather than follow the February 1997 Public Participation Program resolution, given the localized nature and minimal impact of the proposed amendment, staff propose that the level of community engagement be achieved through the HRM website, signage on the subject lot, and letters mailed out to property owners within the notification area.

The proposed level of community engagement is consultation and will be achieved through comment on the HRM website and direct discussions between planning staff and involved members of the community. During the comment period on the website which submissions and input from the public can be made, and the comment period shall be for at least fourteen (14) calendar days in duration, including both the day of posting and the day the comment period ends. The community will have further opportunity to engage with Regional Council at the public hearing required before Council can consider approval of any amendments.

FINANCIAL IMPLICATIONS

There are no financial implications. The HRM costs associated with processing this planning application can be accommodated within the 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 involves proposed MPS amendments. Such amendments are at the discretion of Regional Council and are not subject to appeal to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed amendments are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified at this time.

ALTERNATIVES

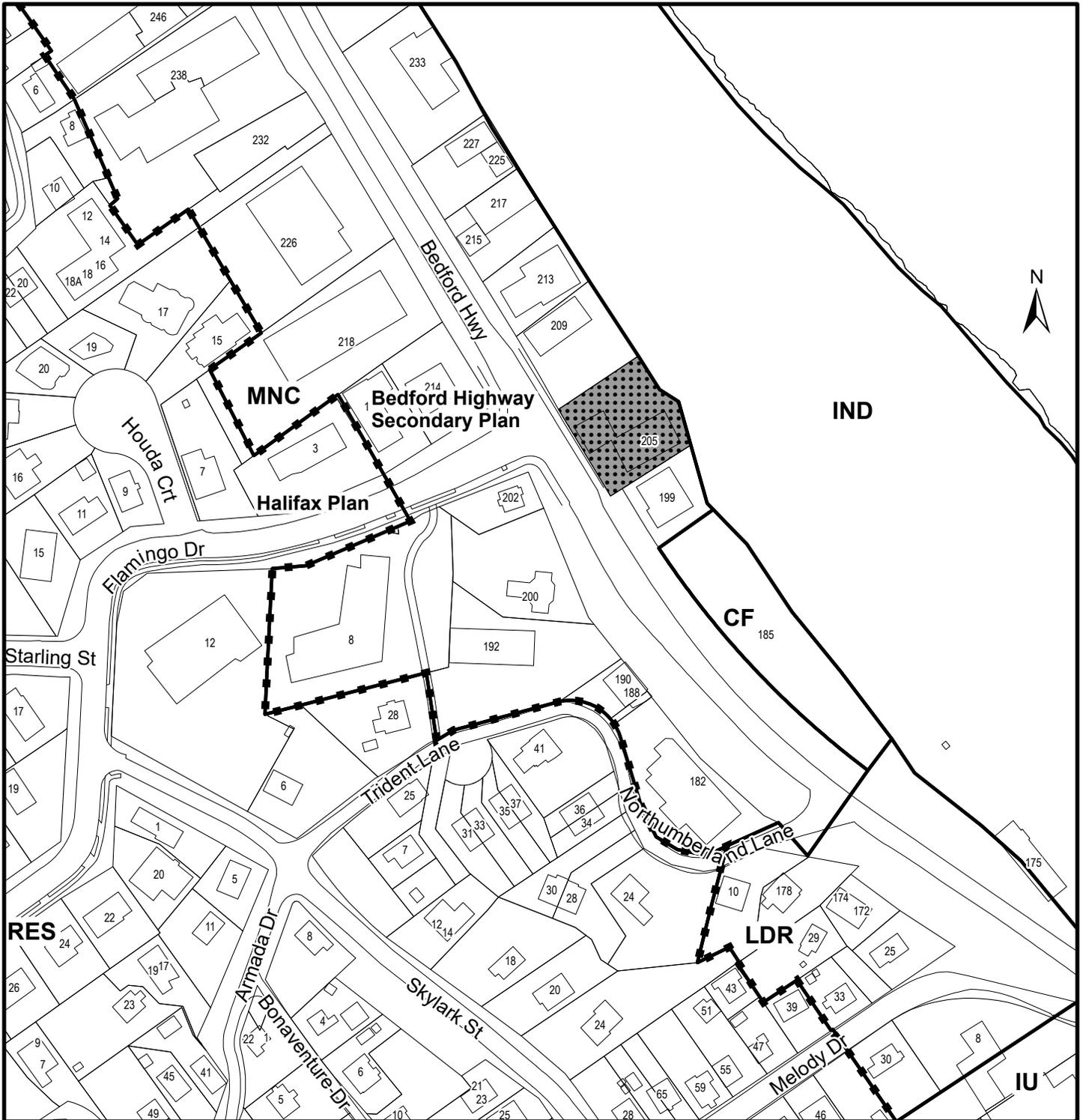
1. Regional Council may choose to initiate the consideration of potential policy that would differ from those outlined in this report. This may require a supplementary report from staff.
2. Regional Council may choose not to initiate the MPS amendment process. A decision of Council not to initiate a process to consider amending the Halifax Municipal Planning Strategy and the Halifax Mainland Land Use By-law is not appealable to the NS Utility and Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

Map 1:	Generalized Future Land Use
Map 2:	Zoning and Notification Area
Map 3:	Regional Plan Generalized Future Land Use
Attachment A:	Application Letter

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

HALIFAX

205 Bedford Highway,
Halifax

Designation

-  Area of Proposed Policy Amendment
-  Secondary Plan Area Boundary

Bedford Highway
Secondary Plan

- CF Community Facilities
- LDR Low Density Residential
- MNC Minor Commercial
- IND Industrial
- IU Institutional-University

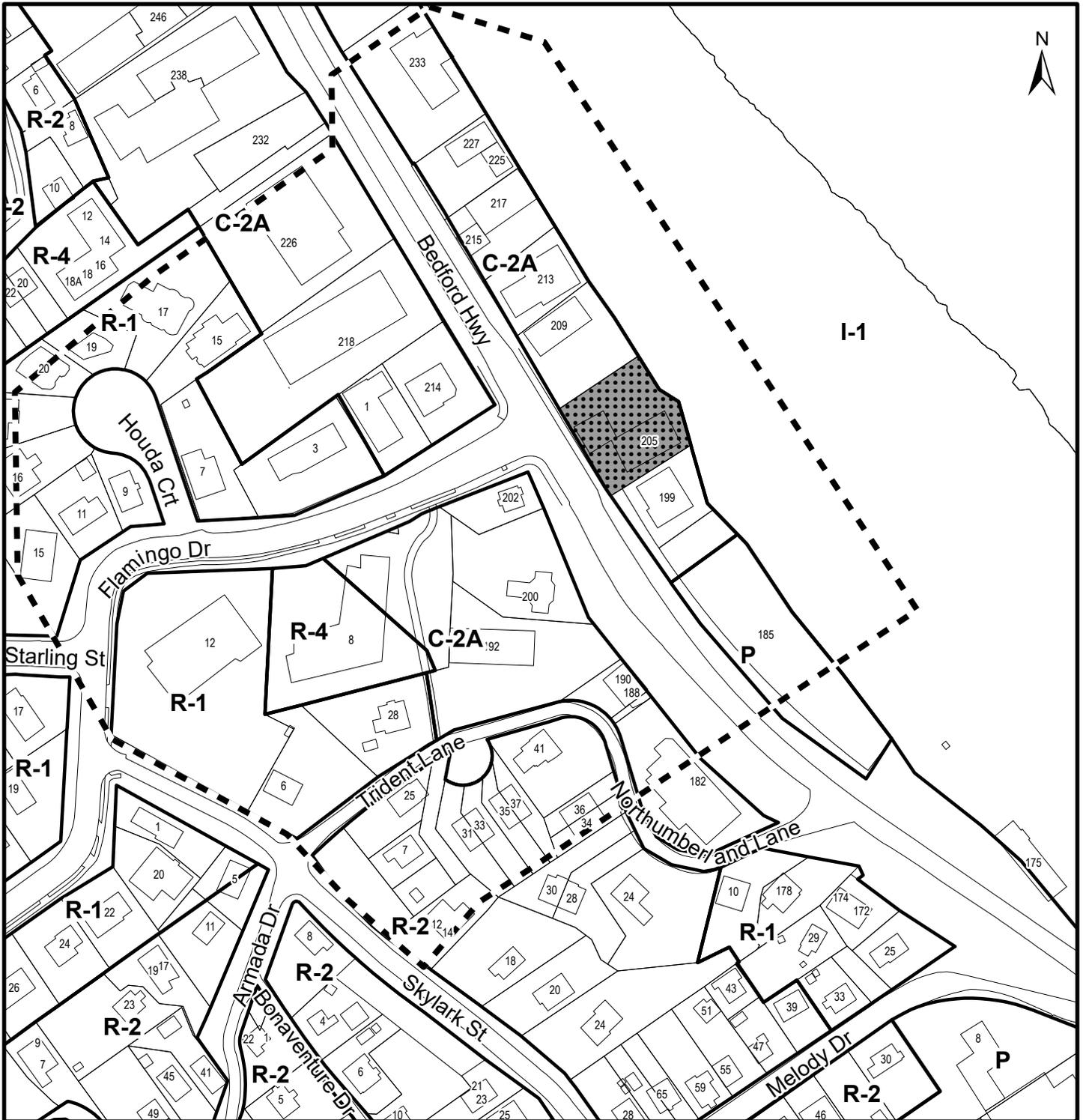


Halifax Plan Area
Bedford Highway Secondary Plan Area

Halifax Plan RES Residential Environments

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

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



Map 2 - Zoning

205 Bedford Highway,
Halifax

HALIFAX

 Area of Proposed Policy Amendment

 Area of Notification

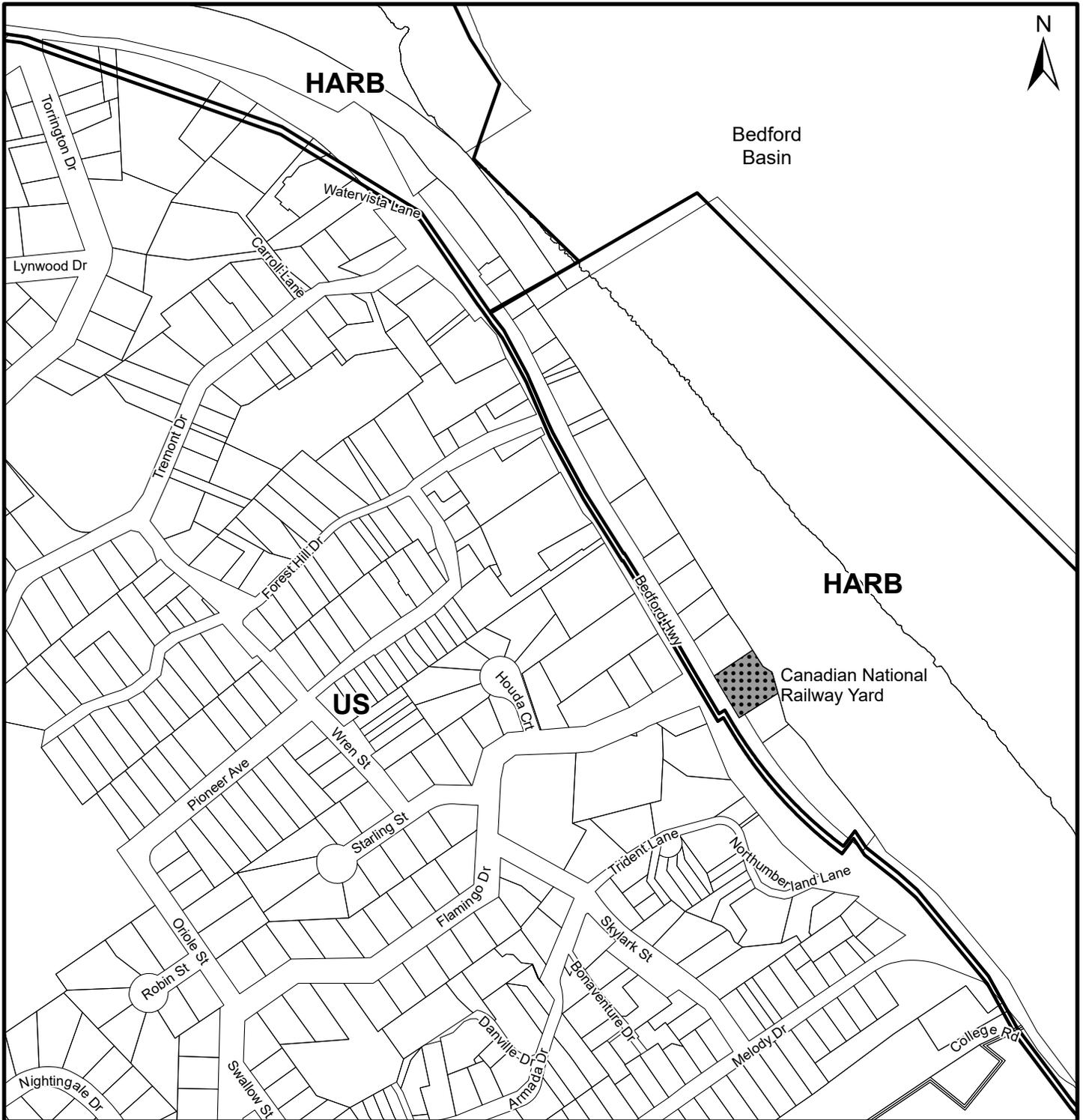
Halifax Mainland
Land Use By-Law Area

- Zone**
- R-1 Single Family Dwelling
 - R-2 Two Family Dwelling
 - R-4 Multiple Dwelling
 - C-2A Minor Commercial
 - I-1 General Industrial
 - P Park and Institutional



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.



Map 3 - Regional Plan Generalized Future Land Use

205 Bedford Highway,
Halifax

HALIFAX

 Subject Property

Designations

HARB Halifax Harbour
US Urban Settlement



Halifax Plan Area
Bedford Highway Secondary Plan Area

This map is an unofficial reproduction of a portion of the Regional Plan Generalized Future Land Use Map.

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



Rockingham Station

205 Bedford Highway, HRM

Planning application to Amend
MPS, LUB and Approved Development Agreement

Original Submission:
Supplemental Submission:
Supplemental Submission No. 2:

February 21, 2023
March 15, 2023
March 31, 2023

Prepared By
KWR Approvals Inc.



March 31, 2023

Dean MacDougall, Planner III
Planning & Development,
Halifax Regional Municipality macdoude@halifax.ca

Re: CASE No. 24559 Site Specific Plan Amendment (SSPA) and Substantive Amendment to Existing Development Agreement for 205 Bedford Highway (PID No. 00291641) HRM, Nova Scotia, Appendix A – SUPPLEMENTAL Submission.

Dear Dean:

On behalf of our client **Rockingham Station Limited** regarding their property known as 205 Bedford Highway, please find enclosed the Supplemental Planning Application Submission to follow up our original February 21st, 2023 planning application that involves site specific plan amendments to the MPS, LUB along with substantive amendments to the existing/approved 2020 development agreement (Case No. 21730). KWR Approvals Inc. is representing the client and acting as the applicant. The purpose of this Supplemental Submission is to address recent Regional Council approved amendments (March 2023) to the Regional Plan, as well as 11 LUB's that include the Urban Service Area to provide for interim bonus requirements for plan amendment applications in the Urban Service Area. Based on Regional Plan Policy G-16A of Regional Plan, this Supplemental Submission is consistent with the new policies.

The approved (2020) signed and registered Development Agreement (Appendix B) for this 15,402 sq. ft property is for an eight storey (97,600 gross floor area including three levels of underground parking) fifty-five unit multiple-residential apartment building with small ground floor commercial. The as-of-right C2A zoning prior to the development agreement and MPS/LUB amendments being approved by Council allowed five stories (50 ft) maximum in height and thirty-one (31) dwelling units. The approvals permitted an increase to eight stories and fifty five units (+24) subject to eighteen of the units being rented as affordable for a minimum of fifteen (15) years. Regional Council and Halifax & West Community Council collectively approved at public hearing amendments to the MPS/LUB and development agreement to create at the time a groundbreaking suburban affordable housing model considering the property is outside the Regional Centres/Urban Downtown cores of HRM. The business model for 205 Bedford Highway Development and its 18 affordable housing units known as **Rockingham Station** currently under construction was created in 2016-2019 prior to COVID 19 Pandemic (March 2020 – 2022) and a significant economic downturn (2022- present). It is these unforeseen historic events that have resulted in building and operating eighteen affordable housing units for fifteen years economically unfeasible/financial unviable.

Therefore the planning application is to amend the applicable MPS, LUB, Development Agreement to exchange the eighteen (18) affordable units to a cash-in-lieu donation towards the HRM Affordable Housing Fund. The proposed approach of cash in lieu is consistent with the new Regional Council approved amendments to the Regional Plan to provide interim bonus requirements for plan amendment applications within the Service Area. By approving the proposed amendments to 205 Bedford Highway, this would ensure there are an additional 24 apartment units at **Rockingham Station** and a significant cash-in-lieu donation in lieu of the eighteen affordable housing apartments that HRM can utilize towards other affordable housing Council/staff deem appropriate and best interest of the Community/Municipality. Considering the historically low 1% apartment vacancy rate in HRM, every additional apartment unit is needed. **Rockingham Station** and our clients Nick Stappas, Jim Kanellakos & Johnny Kanellakos of **Rockingham Station Limited** by adding 55 apartment units to the local community and municipal inventory and a cash-in-lieu affordable housing donation, **ensure there is a dual public amenity of maximum apartment units on site and \$174,620.81 cash for HRM's Affordable Housing Fund.**

KWRA, our TEAM, Clients and I look forward to the opportunity to work with you and your Team. If you have any questions, please do not hesitate to contact me. Thank you again.

Warmest Regards.

Original Signed

Kevin W. Riles, President & CEO

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Appendices

- A. LRIS Property Mapping
- B. HRM Application Form – **PID 00291641**
- C. Approved Development Agreement (signed)
- D. Table 4 Centre Plan and Suburban/Rural Proposed Bonus Zoning Rates (Case No. 24603, February 21st, 2023 HRM Planning & Development Staff report to Regional Council).
- E. Proposed Area of Application for Interim Bonus Zoning (LUB Boundaries) and Policy G-16A (Case No. 24063), February 10, 2023 Staff report to Regional Council.

1. Executive Summary

The current development agreement for 205 Bedford Highway (PID No. 00291641) was approved by HRM in August 2020 and corresponding MPS/LUB amendments by Regional Council January 2020, Case No. 21730. The development agreement was registered at Deed Office on January 4, 2021. KWR Approvals Inc. (KWRA) managed the previous development agreement/MPS/LUB application for the Developer/Owner.

A building permit to construct an eight storey building (26.5 metres) with fifty-five (55) apartment units of which eighteen (18) are classified as affordable was approved by HRM on January 26th, 2021 (File No. 181717). The total building size is 97,600 sq. ft in gross floor area with three levels of underground parking. There are two affordable housing units on all floors 1-7 with the exception of floors two/three which have four affordable housing units. There are eight apartment units per floor with the exception of the penthouse. The average square footage of all units with the exception of the penthouse is 857 sq. ft. The average sq. footage of the affordable housing units is 694 sq. ft. Commercial ground floor consists of 1,750.00 sq. ft. with a total of 40 underground parking spaces. The dwelling units consist of 12 one bedroom, 39 two bedrooms, 1 two bedroom penthouse unit and 3 three bedroom penthouses units for a total of 55 apartment units.

The concept, design, financial modelling of the proposed multiple use residential building was created from 2016-2019 and prior to the COVID 19 pandemic and 2022-2023 economic downturn. From the time the development agreement was approved in 2020 to a building permit issued on January 4, 2021 to the present; inflation has risen from 2.2 to 6.3 - 8.3% over the past two; interest rates increased from less than 2% to nearly 5%, construction costs up by 30%, significant labour/supply chain shortages and the 2% Provincial rent cap. It is currently economically unfeasible and financially unviable to build and operate 18 affordable dwelling units offering an approximate 30% monthly rent discount for 15 years at 205 Bedford Highway. However, as proposed in this planning application, providing the extra 24 apartment units over what is as-of-right to a total of 55 units, is critically important to the local neighbourhood and community rental housing inventory.

Our client **Rockingham Station Limited** is proposing a cash in lieu donation of **\$174,620.81** towards the HRM affordable housing fund in exchange for not having the 18 affordable housing units at **Rockingham Station** proposed development. If the amendment to the development agreement was discharged and the current C2A zoning applied, then only a five storey 31 unit apartment building could be constructed as of right. The proposed amendments for suburban incentive bonus zoning for Halifax Mainland (205 Bedford Highway Rockingham) is **\$174,620.81**.

The proposed approach to this Site Specific Plan Amendment (SSPA) and amendments to the existing development agreement consider specific MPS Policies/LUB requirements that were created with the original August 2020 approvals of Regional Council. Further, this application addresses the current Regional Council approved Interim Incentive or Bonus Zoning Program outside of the Regional Centre (Case No. 24063). The February 10, 2023 HRM Planning & Development Staff report to Regional Council on this interim incentive/bonus zoning program outside Regional Centre can be found at <https://cdn.halifax.ca/sites/default/files/documents/city-hall/regional-council/230221rc1512.pdf>. The new amendments were approved by Regional Council on March 21, 2023. Based on the new policies of the Regional Plan and specifically Policy G-16A, our application is now subject to the aforementioned program. This application submission reflects and addresses Policy 16-A.

2. Project Introduction

Located at the intersection of Bedford Highway and Flamingo Drive, the 15,402ft² (0.35 acre) subject property is owned by Rockingham Station Limited. KWR Approvals Inc. (KWRA) has been retained to manage the planning application process. Planning application is outlined in Appendix B.

To approve the original development agreement in 2020 (Appendix C) and go beyond the established C2A zone and its five storey height limit, required amendments to the MPS, LUB and an accompanying development agreement that contained a 'Bonus Zoning Agreement' in addition to an 'Affordable Housing Agreement.' This collection of amendments to various HRM Planning application documents was required to exceed 5 stories (50 feet), thirty-one dwelling units in density and to implement a fifteen year affordable housing agreement between HRM and the Developer. The implementation tool for this was the creation and approval of the development agreement. To approve a cash in lieu donation to the HRM Affordable Housing Fund in exchange for constructing 18 affordable housing units will require equally plan amendments to the MPS, LUB amendments and substantive amendments to the approved development agreement (DA) as outlined in Section 6.2.1 of the (DA). Further, our application addresses the current new policies of Regional Council for an Interim Incentive or Bonus Zoning Program outside of the Regional Centre (Case No. 24063) and specifically Policy 16-A.

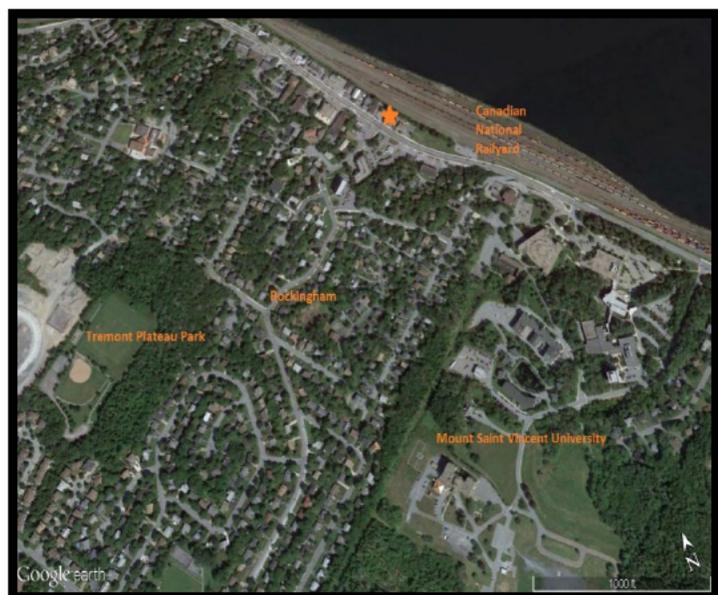
3. Site Background

Rockingham Station is located on a 15,402ft² (0.35 acre) property (PID: 00291641) at the intersection of Bedford Highway and Flamingo Drive in the Rockingham neighbourhood of Halifax, Nova Scotia. The property features frontage of approximately 39 metres onto Bedford Highway, classified as a major collector road, and is one of the most heavily trafficked thoroughfares within the Municipality. On the opposite side of the subject property are active railway lines that are owned and operated by Canadian National Railways.

Flamingo Drive is considered a minor collector. The intersection of Bedford Highway and Flamingo Drive is a signalized intersection with a dedicated left-turning lane in the northbound direction of Bedford Highway and a dedicated right-turning lane from Flamingo Drive onto Bedford Highway. There is no dedicated turning lane on the Southbound approach of Bedford Highway.

There are a number of Halifax Transit routes that run along Bedford Highway and/or Flamingo Drive, including:

- Route 16 (Parkland)
- Route 80 (Sackville)
- Route 82 (Millwood)
- Route 18 (Universities)
- Route 81 (Hemlock Ravine)
- Route 90 (Larry Uteck)



4. Planning Rationale for Proposed Amendments

A Detailed Analysis of the Changes in the Circumstances Demonstrating why the Existing MPS Policies, LUB Amendments and Current Development Agreement are no Longer Appropriate

The concept, design, financial modelling of the proposed multiple use residential building was created from 2016-2019 and prior to the COVID 19 pandemic and 2022-2023 economic downturn. From the time the development agreement was approved in 2019; to a building permit being issued on January 4, 2021 to the present, inflation has **risen from 2.2 to 6.3-8.3%**; interest rates increased from less than 2% to **nearly 5%**, construction costs **up by 30%**, significant labour/supply chain **shortages** and the **2% Provincial rent cap**.

It is currently economically unfeasible and financially unviable to build/operate 18 affordable dwelling units offering an approximate 30% monthly rent discount for 15 years at 205 Bedford Highway. However, as proposed in this planning application, providing the extra 24 apartment units over what is as-of-right to 55 units, is critically important to the local neighbourhood/community rental housing inventory.

The Developers equity requirement from the time the original development agreement was approved in 2020 to the present has **increased by \$5,055,000** due to high interest rates and the impact that has on debt servicing. This increase of just over \$5,000,000 to provide these 18 affordable housing units for 15 years is a 500% increase. It is simply not economically feasible or financially viable.

Factoring the above economic constraints, below is a table showing the impact on the developer's equity requirement and on the value of the building.

Assumed interest rate	4.50%
Annual Rent	\$ 1,208,000
Construction budget	\$ 21,542,000
Potential loan amount	\$ 15,662,000
Equity requirement	\$ 5,880,000
Estimated building value	\$ 19,094,000
Value to cost	-\$ 2,448,000

The Developer weighed the option of requesting to discharge the development agreement and convert back to the 5 storey 31 unit multiple-family apartment building. This would result in a loss of 24 apartment dwellings at a time HRM is going through an historic housing crisis and unprecedented national leading 1% vacancy rate.

We are of the opinion that offering a cash in lieu exchange to replace the 18 affordable housing units aligns with the newly created Interim Bonus Zoning MPS Policy outside of the Regional Centre and its Housing/Affordable Housing policies (Case No. 24063). Aligned by ensuring the 55 apartment units can be added to the HRM apartment housing stock for the community of Rockingham while having **\$174,620.81** to spend on affordable housing initiatives wherever Council believes the money can be best used. This approach allows for local and regional housing supply and affordable housing supply to be maintained and addressed.

Assessment of the Impact of the Requested Amendments on the Local Community and Broader Region

The proposed amendments do not alter the height, design, density, unit breakdown or size of any of the proposed 55 apartment units. The original development agreement and MPS/LUB amendments allowed an extra three floors to eight stories and 24 apartment units from 31 to 55. To achieve the extra 24 apartment units 18 were required to be affordable offering rents approximately 30% below market value for 15 years. The concern is any Developer/Builder cannot build a project, development or phase thereof that is not economically feasible and or financially viable. Therefore, it would be more financially sustainable for **Rockingham Station Limited** to build a five storey 31 unit building than 8 storey 55 unit, when considering the financial unsustainability of operating 18 affordable housing unit for 15 years.

We contend the importance to the local community is to ensure these 24 additional apartment units remain at comparable market rents when considering there is only 1% vacancy rate. We appreciate the loss of affordability of 18 of the apartment units had an impact, therefore the reason for **Rockingham Station Limited** to offer bonus incentive zoning amount of **\$174,620.81** following the methodology of HRM's new policies (Appendix D) as contained in proposed Regional MPS/LUB amendments and as approved by Regional Council on March 21st, 2023 public hearing. This cash in lieu of **\$174,620.81** provides HRM and its Council the opportunity to allocate monies for affordable housing initiatives and projects through its Affordable Housing Grant Program (AHGP). For now these funds are allocated to projects located within the Regional Centre.

Urgency of the Request and why its Consideration cannot await the next HRM initiated comprehensive planning review for the Area.

Building permit was obtained in 2021 with construction beginning with site work in September 2021. Building loans, construction crews and other financing were in place pre-COVID but subject to changing interest rates, trades price increase, supply chain challenges and inflation. As may be appreciated stopping a construction project halfway through provides significant risk and escalates cost. When it became apparent to Rockingham Station Limited that their multi-residential building at 205 Bedford Highway could not be financially sustain 18 affordable housing units, they approached HRM staff in late fall of 2022. KWR Approvals Inc. was retained near year end 2022 to prepare the planning application to exchange the 18 units for cash in lieu following the Municipality's incentive/bonus zoning model for new structures over 2,000 square metres.

The urgency of the planning application is prior to the 55 unit apartment building being completed and occupancy of tenants living in the residential building in Q1 2024 (one year from now) is to have Regional and Community Council approve the request. The alternative for the Developer/Owners is to only build a 31 units apartment building and take 24 additional units off the market at a time of historic housing crisis with a nationwide leading low of 1% vacancy rate.

How the Requested Amendments Aligns with the Regional Municipal Planning Strategy (MPS)

Section 3.6 of the 2014 Regional MPS outlines HRM's important role in supporting housing affordability and social inclusion through policies and regulations. Policy S-30 (f) outlines Council's intention to introduce incentive or bonus zoning in the Regional Centre. The newly adopted framework and Rationale for Interim Incentive or Bonus Zoning Program is outlined in page 6 of 151 (Appendix D) of the HRM Planning & Development Department February 21, 2023 report to Regional Council (Case No. 24063). Table 4 Centre Plan and Suburban/Rural Proposed Bonus Zoning Rates formula and methodology is highlighted in Appendix D.

Policy G-16A (Appendix E)

Council shall require incentive or bonus zoning public benefits or money-in-lieu of a contribution in those areas identified in the land use by-law when considering site specific amendments to this Plan or to a Secondary Plan after [Date of First Notice] outside the Regional Centre in the Urban Service Boundary or Future Serviced Communities to permit:

- a) new multi-unit residential, commercial, or mixed-use development; or
- b) to permit additional density.

The proposed 205 Bedford Highway application and amendments to the MPS/LUB are consistent with the newly adopted Interim Bonus Zoning Outside of the Regional Centre (Case No. 24063) policies, Policy G-16A and supports the Themes and Direction report of the 2021/2022 Regional Plan Review to balance the need of all housing in areas designated for density with the need to invest in affordable housing and other amenities that are necessary to support growth. The proposed plan and LUB amendments to the 205 Bedford Highway development of offering an incentive bonus density payment in lieu of 18 affordable housing units **is consistent with the overall intent of the HRM Regional Plan/MPS and LUB.**

Methodology for Cash-in-Lieu instead of Affordable Housing Units at 205 Bedford Highway

The proposed 205 Bedford Highway affordable housing contribution follows Table 4 Centre Plan and Suburban/Rural Proposed Bonus Zoning Rates (Appendix D).

205 Bedford Highway Formula for Incentive/Bonus Zoning using Reginal Centre Policy (Appendix G)

55 unit Mixed Use Residential Apartment Building

Halifax Mainland Plan Area: \$213.00 per square metre of floor area.
Bonus/Incentive Zoning Payment Required. **\$174,620.81**

6,099.08 sq. metres	Total square metres footage of 205 Bedford Highway not including three levels of underground parking.
4,099.08	(subtract) 2,000 sq. metres to achieve net applicable total square footage
0.20	Multiple factor
<u>\$213.00</u>	<u>Value per square metre (based on average or most likely values x 60%).</u>

205 Bedford Highway: **4,099.08 x 0.2 x 213 = \$174,620.81 or \$3,174.92 per unit**

PROPOSED SUBSTANTIVE AMENDMENTS To Development Agreement

The existing development agreement was approved by Halifax & West Community Council on August 11, 2020. The signed development agreement is attached as Appendix C. The development agreement was registered at the Deed Office on January 4, 2021. The proposed amendments to the development agreement to provide a cash in lieu amount in exchange for the 18 affordable housing units approved under the existing development agreement (D.A) requires a Substantive Amendment as per Section 6.2.1 of the D.A.

Three sets of agreements. The first is the overall Development Agreement. The second is a density bonus agreement which traded extra height for a public benefit. In the case of the 205 Bedford Highway the public benefit was 18 affordable housing units. The third agreement is a housing agreement between the Developer and an affordable not for profit organization. At the time this was the first such type of affordable housing agreement done outside of the Regional Centre.

The following Sections of the Development Agreement will need to be amended as follows:

Section 3.2.2. Amend to delete Section (b)

Rationale: The cash-in-lieu in exchange for the 18 affordable housing units at 205 Bedford Highway eliminates the need for (b) and an affordable housing agreement between the Developer and an Affordable Housing Provider. A new incentive or bonus zoning agreement between HRM and Rockingham Station can be included as schedule to the development agreement requiring developer to pay **\$174,620.81** towards the Municipality's Affordable Housing Fund.

Section 3.2.3 Delete (a)

Rationale: Similar to 3.2.2. the cash in lieu versus constructing affordable housing units as per incentive/bonus zoning no longer requires an agreement between the Developer and an affordable housing provider.

PROPOSED MPS & LUB AMENDMENTS

The HRM Planning & Development Staff final report to Regional Council on January 14, 2020 (public hearing) outlined the amendments to the MPS/LUB necessary for Regional Council to consider permitting increased height and density at 205 Bedford Highway in exchange for affordable housing units. These MPS/LUB amendments are highlighted in Appendix E.

We are of the opinion the most logical approach is to keep the amendments within the MPS/LUB that would provide for a revised incentive/bonus zoning and agreement at 205 Bedford Highway and eliminate references to 18 affordable housing units and having an Affordable Housing Agreement with a recognized affordable housing provider. The intention as per the proposed planning application is to have an Incentive/Bonus zoning agreement between HRM and Rockingham Station Limited but for a cash in lieu donation towards the Municipality's affordable housing grant program and not 18 affordable housing units within the actual building.

Therefore ...

Amendments to Municipal Planning Strategy of Halifax

Section 2.3.6 ©

Revise to read: Require the property owner to enter into an incentive or bonus zoning agreement pursuant to Section 245A of the Halifax Regional Municipality Charter to provide a public benefit in the form of money in lieu towards affordable housing.

Rationale: Replaces the requirement to have affordable housing units within the apartment building vs. providing a cash-in-lieu payment towards the Municipality Affordable Housing Grant Program.

Section 2.3.6.1 (a) Delete

Rationale: An affordable housing agreement is no longer required with cash in lieu payment.

Section 2.3.6.2

Delete (a) to (f)

Rationale: Eliminates the requirement to have affordable housing units within the apartment building vs. providing a cash in lieu payment towards the Municipality's Affordable Housing Grant Program.

Section 2.3.6.4.

(f) (ii) Delete

Rationale: Replaces the requirement to have affordable housing agreement with an appropriate affordable housing provider.

Amendments to the Land Use By-law for Halifax Mainland

Section 71 (11)

Preamble ... to provide ~~affordable housing dwelling units~~ money in lieu payment, provided the following are satisfied.

Section 71 (11) ©, (d), [e], (f) (g), (h) (i). Delete

Rationale. Affordable housing units no longer within 205 Bedford Highway apartment building.

5. Conclusion

The proposed amendments to the existing 205 Bedford Highway development agreement and Halifax MPS/LUB would be consistent with the current Interim Bonus Zoning Outside of the Regional Centre amendments recently adopted by Regional Council (March 2023).

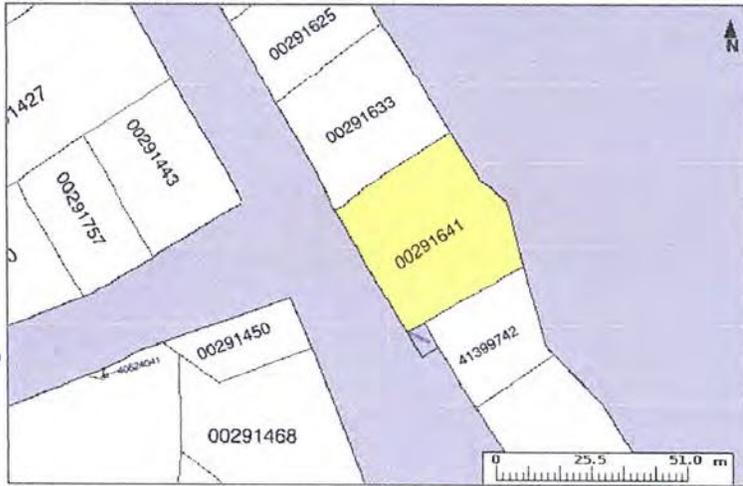
Appendix A

[Back to Search Results](#)

- [Point Select](#)
- [Pan](#)
- [Zoom In](#)
- [Zoom Out](#)
- [Zoom Box](#)
- [Monument Select](#)
- [Clear Selection](#)
- [Center Selection](#)

- [Properties](#)
- [LR Parcel Shading](#)
- [Topo](#)
- [Monuments](#)
- [Place Names](#)
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Lat: 44-40-31N Long: 63-38-48W Scale: 1245 Zoom: 2

The Provincial mapping is a graphical representation of property boundaries which approximate the size, configuration and location of parcels. Care has been taken to ensure the best possible quality, however, this map is not a land survey and is not intended to be used for legal descriptions or to calculate exact dimensions or area. The Provincial mapping is not conclusive as to the location, boundaries or extent of a parcel [Land Registration Act subsection 21(2)]. THIS IS NOT AN OFFICIAL RECORD.

Location:

PID: 00291641 [Details](#)
AAN: 02192551
Value: \$2,968,000 (2023 RESIDENTIAL TAXABLE)
Address: 205 BEDFORD HIGHWAY
 HALIFAX
 LOT B&B-1
County: HALIFAX COUNTY
Owner: ROCKINGHAM STATION LIMITED
LR: LAND REGISTRATION

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 Compression: Off

Property Search Results

1 Property found

PID: 00291641	Owner: ROCKINGHAM STATION LIMITED	Civic Address: 205 BEDFORD HIGHWAY HALIFAX LOT B&B-1	AAN: 02192551	Details
Type: STANDARD PARCEL	Mailing Address: 1625 GRAFTON STREET SUITE 1500 HALIFAX NS CA B3J 0E8		Value: \$2,968,000 (2023 RESIDENTIAL TAXABLE)	Map
Status: ACTIVE		County: HALIFAX COUNTY		
LR Status: LAND REGISTRATION		Area: 15402.0 SQUARE FEET		

1 Property found

Ownership and all information in this report pertaining to Non-Land Registration Parcels is believed to be an accurate reflection of registered documents affecting the lot, parcel or area of land to which it relates, however, it is not intended to be relied upon by the reader as advice on the current state of any title to land. A search of the records at the appropriate Registry of Deeds office may be required to determine the current owner(s) of the lot, parcel or area of land under consideration. THIS IS NOT AN OFFICIAL RECORD.

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Appendix B

SECONDARY MUNICIPAL PLANNING STRATEGY AMENDMENT INITIATION APPLICATION FORM

- Part 1: Applicant Information
- Part 2: Application Details
- Part 3: Supporting Information Requirements
- Part 4: Fees

PART 1: APPLICANT INFORMATION

Registered Property Owner(s): ROCKINGHAM STATION LIMITED		
Mailing Address: 1625 GRAFTON STREET, SUITE 1500, HALIFAX, NS, B3J0E8		
E- [REDACTED]		
Phone: 902 836 0234	Cell: [REDACTED]	Fax: N/A
Applicant?* <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

Consultant: KWR APPRAISALS INC		
Mailing Address: KEVIN G KWRAPPRAISALS.COM		
E-mail Address: P.O. Box 44153 BEDFORD, NS B4A 3Z8		
Phone: 902-431-1700	Cell: 902 903 7847	Fax: 902 444 7528
Applicant?* <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

*indicates who the applicant of record is and who the contact is for the municipality

I certify that I am submitting this application, including all of the required supporting information, for approval with the consent of the owner(s) of the subject property(s). The owner(s) has/have seen the proposal and have authorized me to act as the applicant for this planning application. * My identification as the applicant means that I am the primary contact with HRM in all matters pertaining to this application.

I understand that all studies or reports submitted in support of this application are public. Once it has been determined that these documents are complete in both the comprehensiveness of the data used and that the analysis methodology is in keeping with HRM standards, they will be available for release to the public for inspection. Upon request by HRM, I agree to provide additional copies of such reports or studies or any additional information as may be deemed necessary.

I understand that my planning application will be processed in an expeditious manner by the Municipality, and that the process will require my timely response to feedback provided. It is understood that my failure to respond in a timely manner to requests for additional information, studies, revisions, or questions of clarification provided by the Municipality may result in the closure portion of submitted fees.

Original Signed

Applicant Signature

February 17, 2023
Application Date

All applications must include the written consent of all registered owners of the subject lands, contain complete and accurate information, and include the appropriate fees. **Incomplete applications will not be processed - applications cannot be processed unless all required information has been provided.**

PART 2: APPLICATION DETAILS

PROJECT INFORMATION

See APPLICATION FOR CITIZEN DETAIL

Attach detailed written description/letter of proposed use/development			
Existing Land Use(s)	APPROVED D.A. 8 STOREY 55 UNITS - 10 AFFORDABLE		
Existing Residential Units	UNDER CONSTRUCTION	Existing Commercial Floor Area	N/A
Proposed Land Use(s)	MULTI-RESIDENTIAL BUILDING		
Proposed Number of Residential Units	55	Proposed Gross Commercial Floor Area	
Gross Floor Area of Other Land Uses (ie. industrial, institutional)	BUILDING IS 97,600 GFA - 3 LEVELS OF UNDERGROUND PARKING		
Number of Residential Units by Type	Studio: 4 UNITS PENTHOUSE 4 UNITS	1-bedroom: 12 UNITS	2+ bedrooms: 39 UNITS
Proposed Maximum Height (in floors and metres)	8 FLOOR - 24 METERS	Number of Buildings Proposed	1
Sanitary Service Type	MUNICIPAL	Water Service Type	MUNICIPAL
Total # of Proposed Parking Spaces:	Vehicle Spaces Indoor: 40 SPACES	Vehicle Spaces Outdoor:	

PROPERTY INFORMATION & ENCUMBRANCES

PID	Civic Address	Owner(s) Name
00291641	205 BEDFORD HIGHWAY	Rockingham Street Limited

Are there any easements, restrictive covenants or other encumbrances affecting the subject land(s)?
 Yes No

If Yes, attach details (ie deeds, instruments etc)

HERITAGE

Is this a registered Heritage Property? <input type="checkbox"/> Municipal <input type="checkbox"/> Provincial <input type="checkbox"/> Federal <input checked="" type="checkbox"/> No	Does this property abut a registered Heritage Property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are you aware if the site contains any of the following cultural/heritage resources? <input type="checkbox"/> archaeological sites or resources <input type="checkbox"/> buildings, structures, and landscape features of historical significance or value <input type="checkbox"/> cemeteries or known burials	
} NO	
If yes to any of the above, please provide details of any cultural or heritage resources in the written project description as required under 'Project Information' above	

Part 3: SUPPORTING INFORMATION REQUIREMENTS

Information Required for ALL APPLICATIONS.

- 1 copy of a detailed written rationale prepared by a Professional Planner* who is a full member of the Canadian Institute of Planning that explains:
 - the particulars of the amendment being requested;
 - how the requested amendment aligns with the Regional Municipal Planning Strategy;
 - a detailed analysis of the changes in circumstance demonstrating why the existing Secondary Municipal Planning Strategy policy no longer appropriate, such as societal changes, changing development patterns or changing business practices;
 - assessment of the impact of the requested amendment on the local community and broader region; and
 - the urgency of the request and why its consideration cannot await the next HRM initiated comprehensive planning review for the area.

*Note: This requirement may be waived in certain circumstances. Please consult with Planning staff to determine whether this requirement applies to your application.

- 1 copy – conceptual development plan
- electronic versions of all information consolidated in PDF, MS Word or other specified file format

Other Required Information

Planning staff will advise which items from the following list are necessary and required as part of the application, depending on the application nature and scale. The need for additional information or printed copies beyond the material listed here will be identified as the application progresses through the initiation and review process.

- studies concerning the impact of the proposal on local and regional land use patterns and long-term goals
- colour perspective drawings, showing proposed development and existing development from pedestrian perspectives
- electronic Sketchup model of the proposal
- any other information as deemed to be required by HRM
- Electronic versions of required materials consolidated in PDF, MS Word or other specified file format

DRAWING STANDARDS

Plans must be prepared by the appropriate qualified professionals (i.e., planner, engineer, architect, landscape architect, surveyor, etc.) who are members in good standing with their professional associations, and are to be based on the best available and most current mapping or aerial photos. All plans are to include a north arrow, scale, legend, and drawing/ revision dates. The type of plan (e.g. "Site Plan") must appear in a title block in the lower right portion of the drawing.

PART 4: FEES

Fee Description	Application Fee	Advertising Deposit*	Total Application Cost Submission
Municipal Planning Strategy Amendment	\$5,000	\$2,500	\$7,500
Municipal Planning Strategy Amendment along with a Development Agreement	\$5,000	\$2,500	\$7,500
Municipal Planning Strategy Amendment along with a Land Use By-law Amendment	\$5,000	\$2,500	\$7,500

*Where advertising costs differ from the deposit, the balance will be charged or refunded to the applicant.

All fees are to be made payable to Halifax Regional Municipality.

Please submit your application by mail or courier as follows:

By Mail:	Planning Applications HRM Planning & Development Alderney Gate Office PO Box 1749 Halifax, NS B3J 3A5
By Courier:	Planning Applications HRM Planning & Development Alderney Gate Office 40 Alderney Drive, 1 st Floor Dartmouth, NS tel: (902) 490-4472

Appendix C

Form 26

*Purpose: to record an interest in a parcel; or
to record a power of attorney in the power of attorney roll*

Registration district: Halifax
 Submitter's user number: 20896
 Submitter's name: Alicia Wilbert

For Office Use

HALIFAX COUNTY LAND REGISTRATION OFFICE
 certify that this document was registered or recorded
 as shown here.
 Kim MacKay, Registrar

117745597 LRI ROD
 Document #

01 04 2021 15:05
 MM DD YYYY Time
Cam

In the matter of Parcel Identification Number (PID)

PID	00291641
PID	

(Expand box for additional PIDs, maximum 9 PIDs per form.)

Power of attorney *(Note: completion of this section is mandatory)*

- The attached document is signed by attorney for a person under a power of attorney, and the power of attorney is:
- recorded in the attorney roll
 - recorded in the parcel register
 - incorporated in the document

OR

- No power of attorney applies to this document

This form is submitted to record the attached document *(select applicable box):*

- in the parcel register as a recorded interest
- in the power of attorney roll
- in the power of attorney roll as a duplication of a power of attorney registered under the *Registry Act*

The following information relates to the interest being recorded:

Instrument type	Agreement
Expiry date (if applicable)	N/A
Interest holder and type to be added (if applicable) <i>Note: include qualifier (e.g., estate of, executor, trustee, personal representative) if applicable</i>	Halifax Regional Municipality – Party to Agreement
Mailing address of interest holder to be added (for power of attorney, provide mailing address for donee)	PO Box 1749, Halifax, NS B3J 3A5
Name and mailing address power of attorney donor to be added (if applicable)	N/A

Name and mailing address power of attorney donee to be added <i>(if applicable)</i>	N/A
Reference to related instrument in names-based roll/parcel register <i>(if applicable) (for power of attorney to be duplicated, insert document/instrument number/year; include book/page if applicable)</i>	

The textual qualifications in the above-noted parcel register(s) are to be changed as follows:

Textual qualification on title to be removed <i>(insert any existing textual description being changed, added to or altered in any way)</i>	
Textual qualification on title to be added <i>(insert replacement textual qualification)</i>	

Certificate of Legal Effect:

I certify that, in my professional opinion, it is appropriate to make the changes to the parcel register(s) as instructed on this form.

Dated at Halifax, Province of Nova Scotia, this ___ day of December, 2020.

Original Signed

<i>Signature of authorized lawyer</i>	
<i>Name:</i>	Alicia Wilbert
<i>Address:</i>	1100-1959 Upper Water Street, Halifax, NS B3J 3N2
<i>Phone:</i>	19024216262
<i>E-mail:</i>	awilbert@coxandpalmer.com
<i>Fax:</i>	19024213130

- This document also affects non-land registration parcels. The original will be registered under the *Registry Act* and a certified true copy for recording under the *Land Registration Act* is attached.

THIS AGREEMENT made this ^{4th} ~~9th~~ day of ~~December~~ ^{January} 2021.

BETWEEN:

PATHOS PROPERTIES INC., 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")

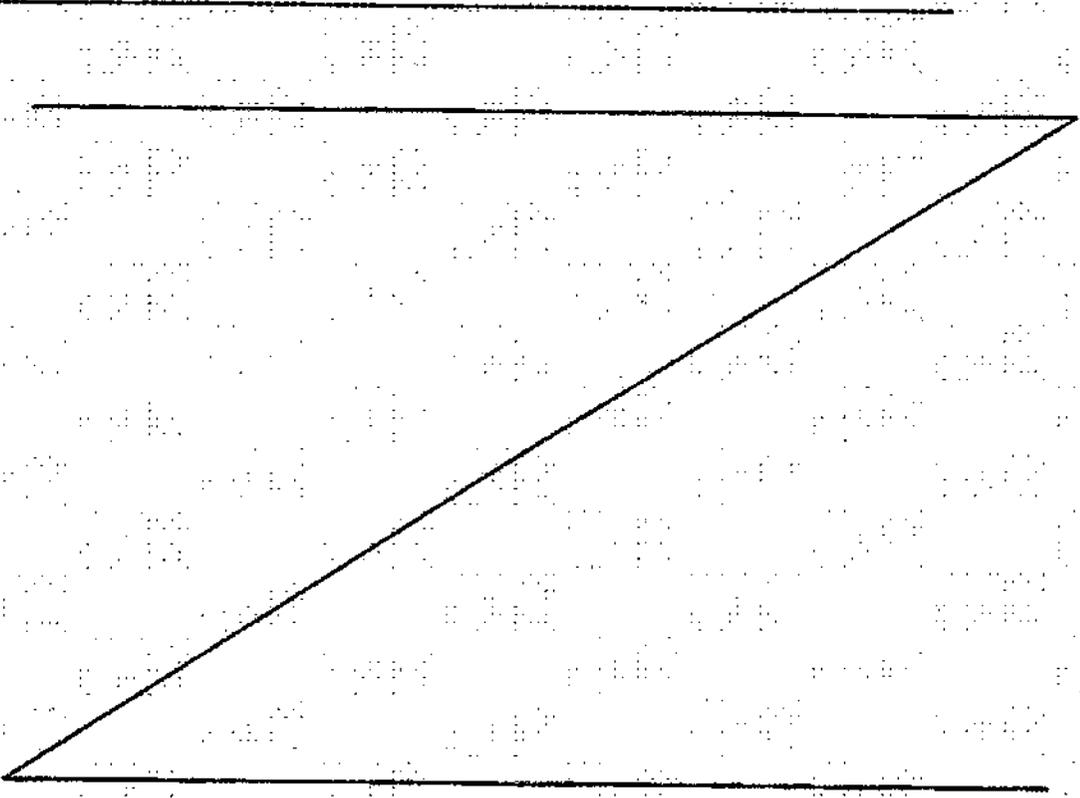
OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at 205 Bedford Highway, Halifax 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 an eight-storey, mixed-use development on the Lands pursuant to the provisions of the Halifax Regional Municipality Charter and pursuant to Policies 2.3.6 - 2.3.6.4 of the Bedford Highway Secondary Planning Strategy of the Halifax Municipal Planning Strategy and 71(11) - 71(13) of the Land Use By-law for Halifax Mainland;

AND WHEREAS the Halifax and West Community Council for the Municipality approved this request at a meeting held on August 11, 2020, referenced as Municipal Case Number 21730;

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 applicable Land Use By-law and the Regional Subdivision By-law, as may be amended from time to time.

1.2.2 Variances to the requirements of this agreement shall not be permitted.

1.3 Applicability of Other By-laws, Statutes and Regulations

1.3.1 Further to Section 1.2, nothing in this Agreement shall exempt or be taken to exempt the Developer, lot owner or any other person from complying with the requirements of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement), or any statute or regulation of the Provincial/Federal Government and the Developer or lot owner agree(s) to observe and comply with all such laws, by-laws and regulations, as may be amended from time to time, in connection with the development and use of the Lands.

1.3.2 The Developer shall be responsible for securing all applicable approvals associated with the on-site and off-site servicing systems required to accommodate the development, including but not limited to sanitary sewer system, water supply system, stormwater sewer and drainage system, and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of the Municipality and other approval agencies. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer. All design drawings and information shall be certified by a Professional Engineer or appropriate professional as required by this Agreement or other approval agencies.

1.4 Conflict

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

1.4.2 Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.

1.5 Costs, Expenses, Liabilities and Obligations

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

1.6 Provisions Severable

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

1.7 Lands

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

PART 2: DEFINITIONS

2.1 Words Not Defined under this Agreement

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

2.2 Definitions Specific to this Agreement

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

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

Outdoor Amenity Space means common amenity areas for residents of the development located outside the building, including but not limited to communal terraces for the residents of the building, and individual unit balconies.

PART 3: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS

3.1 Schedules

3.1.1 The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, conforms with the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case Number 21730:

Schedule A	Legal Description of the Lands
Schedule B	Site Plan
Schedule C	Building Elevations

3.2 Requirements Prior to Approval

3.2.1 Prior to the commencement of any site work on the Lands, the Developer shall provide the following to the Development Officer:

- (a) A detailed Site Disturbance Plan prepared by a Professional Engineer in accordance with Section 5.1 of this agreement;
- (b) A detailed Erosion and Sedimentation Control Plan prepared by a Professional Engineer in accordance with Section 5.1 of this agreement; and
- (c) A detailed Site Grading and Stormwater Management Plan prepared by a Professional Engineer in accordance with Section 5.1 of this agreement.

3.2.2 The maximum achievable building height of 26.5 metres may only be obtained through incentive or bonus zoning, as set out in Subsection 71(11) of the Land Use By-law for Halifax Mainland. The maximum pre-bonus height is 15.25 metres. No development permit shall be issued for a development exceeding 15.25 metres in height unless:

- (a) a copy of the incentive or bonus zoning agreement required by clause 71(11) d) of the Land Use By-law for Halifax Mainland that has been signed by the property owner and the Municipality, filed in the Provincial Land Registration Office and provided to the Development Officer; and
- (b) a copy of the affordable housing agreement that is required by clause 71(11)(h) of the Land Use By-law for Halifax Mainland, which describes how the affordable housing dwelling units will be administered, has been signed by the property owner and an affordable housing provider, and is satisfactory to the Development Officer;

3.2.3 Prior to the issuance of a Development Permit, the Developer shall provide the following to the Development Officer:

- (a) An affordable housing agreement between the property owner and an appropriate affordable housing provider, pursuant to clause 71(11)(h) of the Land Use By-law for Halifax Mainland;
- (b) An incentive or bonus zoning agreement between the property owner and the Municipality, pursuant to clause 71(11)(d) of the Land Use By-law for Halifax Mainland; and
- (c) A site servicing plan prepared by a Professional Engineer and acceptable to the Development Engineer.

3.2.4 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Lands for any of the uses permitted by this Agreement unless an Occupancy Permit has been issued by the Municipality. No Occupancy Permit shall be issued by the Municipality until the Developer has complied with all applicable provisions of this Agreement and the applicable 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) A mixed-use building containing:
 - i. No more than 55 residential dwelling units;
 - ii. Commercial uses on a portion or portions of the ground floor facing the Bedford Highway; and
 - iii. Commercial, cultural, institutional, or residential uses on portions of the ground floor.
- (b) Ground floor uses required as per Section 3.3.1(a)(ii) shall be limited to uses permitted by the applicable Land Use By-law; and
- (c) Any land use permitted by the applicable land use by-law, as amended from time to time.

3.4 Phasing

3.4.1 No phasing of the development is required.

3.5 Building Siting and Massing

3.5.1 The building's siting shall be as generally shown on Schedule B and the bulk and scale of the building shall comply with all the following:

- (a) The maximum height of the building shall not exceed 15.25 metres, inclusive of all mechanical spaces, penthouses, and other structures unless Section 3.2.2 is satisfied. If Section 3.2.2 is satisfied, then the maximum height of the building shall not exceed 26.5 metres, excluding elevator shafts and mechanical equipment;
- (b) The building shall be setback at least 2.5 metres from the street line;
- (c) The building shall be setback at least 3.5 metres from side property lines. Ramps and driveways for underground parking are permitted to be 0 metres from side property lines.
- (d) The building shall be setback at least 1.5 metres from the rear property line.

3.5.2 The building's massing, exterior design, and materials shall meet the provisions of this section and be as generally shown on Schedule C.

3.5.3 The building shall not be constructed below the elevation specified in the coastal elevation requirements section of the applicable Land Use By-law.

3.6 Architectural Requirements

3.6.1 The primary residential entrance to the building shall face the Bedford Highway. All entrances shall be emphasized by detailing, changes in materials, and other architectural devices such as but not limited to lintels, pediments, pilasters, columns, porticos, overhangs, cornerboards, fascia boards or an acceptable equivalent approved by the Development Officer.

3.6.2 The architectural design of the building, including a high-quality design using durable exterior building materials, shall provide visual interest as identified on the Schedules.

3.6.3 Service entrances, utility features, and garage doors shall be integrated into the design of the building and shall not be a dominant feature.

3.6.4 Exterior building materials shall not include vinyl siding.

3.6.5 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.

3.6.6 Buildings shall be designed such that the mechanical systems (HVAC, exhaust fans, etc.) and telecommunications equipment create a minimal visual impact from the Bedford Highway.

3.6.7 Fixed or retractable awnings are permitted at ground floor levels provided the awnings are designed as an integral part of the building façade.

3.7 Parking, Circulation, and Access

- 3.7.1** Vehicular access/egress to the development may be as shown on Schedule B.
- 3.7.2** The precise location and design of vehicular access/egress, and right-of-way infrastructure changes or upgrades to ensure safe ingress and egress to this access point must be reviewed and approved by the Development Engineer at the time of Development Permit.
- 3.7.3** Vehicular parking shall be provided at a minimum ratio of 0.3 spaces per residential unit.
- 3.7.4** The development shall comply with the bicycle parking provisions of the applicable Land Use By-law, as amended from time to time.

3.7.5 Surface parking lots are prohibited.

3.8 Outdoor Lighting

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

3.9 Amenity Space

3.9.1 A minimum of 45 square metres of Indoor Amenity Space shall be provided within the building. Any Indoor Amenity Space shall be a minimum of 45 square metres in size.

3.9.2 A minimum of 45 square meters of Outdoor Amenity Space shall be provided as communal terraces for the residents of the building.

3.10 General Requirements

3.10.1 The following structures are permitted encroachments into any required yard:

- a) Wheelchair ramps, uncovered patios, walkways, lifting devices, and steps;
- b) Eaves, gutters, downspouts, cornices, retractable awnings and other similar features may project up to 0.9 metres from the building face; and
- c) Balconies, porches, verandas, and sundecks may project up to 2 metres from the building face,

3.11 Maintenance

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

3.12 Signs

3.12.1 The sign requirements shall be in accordance with the applicable Land Use By-law, as amended from time to time.

3.12.2 Signs depicting the name or corporate logo of the Developer shall be permitted while a sales office is located on the site.

3.12.3 Signs shall only be externally illuminated.

3.12.4 Temporary signs shall be regulated under HRM By-law S-801.

3.13 Temporary Construction Building

3.13.1 A building shall be permitted on the Lands for the purpose of housing equipment, materials and office related matters relating to the construction and sale of the development in accordance with this Agreement. The construction building shall be removed from the Lands prior to the issuance of the last Occupancy Permit.

3.14 Screening

3.14.1 Propane tanks and electrical transformers shall be located on the site in such a way as to ensure minimal visual impact from the Bedford Highway. These facilities shall be screened by means of opaque fencing or masonry walls with view obstructing landscaping.

3.15 Landscaping

3.15.1 As shown on Schedule B, landscaped podiums shall be provided, which shall be finished with a mixture of hard and soft landscaping.

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 electrical, telephone, and cable service from the utility pole to the building shall be underground installation.

4.4 Solid Waste Facilities

4.4.1 The building shall include designated space for five stream commercial waste containers (1. Garbage, 2. Blue Bag Recyclables, 3. Paper, 4. Corrugated Cardboard, and 5. Organics) to accommodate source separation program in accordance with By-law S-600 as amended from time to time. 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 interior of the building and screened from public view.

PART 5: ENVIRONMENTAL PROTECTION MEASURES

5.1 Stormwater Management Plans and Erosion and Sedimentation Control Plan

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

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

5.2 Archaeological Monitoring and Protection

- 5.2.1 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.

5.3 Sulphide Bearing Materials

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

PART 6: AMENDMENTS

6.1 Non-Substantive Amendments

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

- (a) Changes to the amenity space requirements as detailed in Section 3.9;
- (b) Changes to the parking requirements as detailed in Section 3.7;

- (c) Changes to the schedules to reduce the overall height of the building;
- (d) The placement and design of driveways and vehicular access/egress, as described in Section 3.7 of this Agreement, and changes to Schedules or text of this Agreement necessitated by the placement and design of driveways and vehicular access/egress;
- (e) The granting of an extension to the date of commencement of construction, as identified in Section 7.3 of this Agreement; and
- (f) The length of time for the completion of the development as identified in Section 7.5 of this Agreement.

6.2 Substantive Amendments

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

PART 7: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

7.1 Registration

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

7.2 Subsequent Owners

- 7.2.1 This Agreement shall be binding upon the parties hereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the Lands which are the subject of this Agreement until this Agreement is discharged by Council.

- 7.2.2 Upon the transfer of title to any lot(s), the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot(s).

7.3 Commencement of Development

- 7.3.1 In the event that development on the Lands has not commenced within 5 years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the 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.

- 7.3.2 For the purpose of this section, commencement of development shall mean the issuance of a development permit.

- 7.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 6.1.1 (d), if the Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the commencement of development time period.

7.4 Completion of Development

7.4.1 Upon the completion of the whole development, Council may review this Agreement, in whole or in part, and may:

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

7.5 Discharge of Agreement

7.5.1 If the Developer fails to complete the development after 8 years from the date of registration of this Agreement at the Land Registration Office, Council may review this Agreement, in whole or in part, and may:

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

PART 8: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

8.1 Enforcement

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

8.2 Failure to Comply

8.2.1 If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer 60 days written notice of the failure or default, then in each such case:

- (a) The Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defence based upon the allegation that damages would be an adequate remedy;
- (b) The Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the Agreement, whereupon all reasonable expenses whether arising out of the entry

onto the Lands or from the performance of the covenants or remedial action, shall be a first lien on the Lands and be shown on any tax certificate issued under the *Assessment Act*;

- (c) The Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; or
- (d) In addition to the above remedies, the Municipality reserves the right to pursue any other remedy under the *Halifax Regional Municipality Charter* or Common Law in order to ensure compliance with this Agreement.

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

SIGNED, SEALED AND DELIVERED in the presence of:

Original Signed

Witness

ALICIA WILBERT
A Barrister of the Supreme
Court of Nova Scotia

PATHOS PROPERTIES INC

Original Signed

Print Name: NECTARIOS (NICK) STAPPAS

Print Position: PRESIDENT

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

Original Signed

Witness

Original Signed

Witness

Original Signed

Per:

Mayor MIRE SAVAGE

Original Signed

Pe

Acting Municipal Clerk

PROBIE RAJ

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 4th day of January A.D. 2021, before me, the subscriber personally came and appeared Leslie Neate & April Stewart the subscribing witness to the foregoing indenture who being by me sworn, made oath, and said that Mike Savage, Mayor and Sheryl Murphy, Acting Clerk of the Halifax Regional Municipality, signed the same and affixed the seal of the said Municipality thereto in his/her presence.

Original Signed

A Commissioner of the Supreme Court
of Nova Scotia

ANDREA LOVASI-WOOD
A Commissioner of the
Supreme Court of Nova Scotia

PROVINCE OF NOVA SCOTIA

I certify that on this 9th day of December, 2020, **PATHOS PROPERTIES INC.**, one of the parties hereto, caused this indenture to be duly executed in its name on its behalf by the hands of **NECTARIOS STAPPAS**, its duly authorized President, and I have signed as a witness to such execution.

Original Signed

Alicia Wilbert
A Barrister of the Supreme Court of Nova Scotia

PROVINCE OF NOVA SCOTIA

Affidavit of Corporate Status

I, Nectarios Stappas, of Halifax, in the Province of Nova Scotia, make oath and swear that:

1. I am the President, of Pathos Properties Inc. (the "Company") and have personal knowledge of the facts herein deposed to.
2. I acknowledge that I have executed the foregoing instrument on the date of this affidavit.
3. I am an authorized signing officer of the Company and am authorized to execute the foregoing instrument on behalf of the Company and thereby bind the Company.
4. When the signing officer of the Company executed the attached instrument, the ownership of a share or an interest in a share of the Company did not entitle the owner thereof to the occupation of the dwelling owned by the Company pursuant to the Matrimonial Property Act.
5. The property described in Schedule "A" attached is not and has not been occupied by a person owning a share or an interest in a share of the said Company.
6. This acknowledgment is made pursuant to s.31(a) of the *Registry Act*, R.S.N.S. 1989, c.392 or s. 79(1)(a) of the *Land Registration Act* as the case may be, for the purpose of registering the instrument.

SWORN TO in Halifax, the Province of Nova Scotia, this 9th day of December, 2020, before me:

Original Signed

Alicia Wilbert
A Barrister of the Supreme Court of Nova Scotia

Original Signed

Nectarios Stappas

ALICIA WILBERT
A Barrister of the Supreme
Court of Nova Scotia

SCHEDULE A

PID 00291641

ALL that certain lot, piece or parcel of land situate, lying and being on the eastern side of Bedford Highway, Halifax, County of Halifax, Province of Nova Scotia, shown as Lot B and Lot B-1 on a plan of subdivision of lands of Saul Garson, Civic Nos. 205 - 209 Bedford Highway, prepared by Kenneth V. Reardon, P.L.S., dated the 20th day of April, 1965, revised to the 30th day of June, 1965, approved by Halifax County Planning Board on the 5th day of July, 1965 (said plan being recorded at the Registry of Deeds for Halifax County in Drawer 116 as Plan 7374), and being more particularly described as follows:

BEGINNING at the intersection of the eastern boundary of Bedford Highway with the southern boundary of Lot A;

THENCE along the southern boundary of Lot A on a bearing of north 78 degrees, 54 minutes, 50 seconds east for a distance of 118.42 feet to the western boundary of lands of Canadian National Railways;

THENCE along the western boundary of lands of Canadian National Railways on a bearing of south 09 degrees, 34 minutes east for a distance of 127.03 feet to northeastern corner of lands of Municipality of the County of Halifax;

THENCE along the northern boundary of lands of Municipality of the County of Halifax on a bearing of south 80 degrees, 08 minutes, 19 seconds west for a distance of 120.82 feet to the eastern boundary of Bedford Highway;

THENCE along the eastern boundary of Bedford Highway on a bearing of north 08 degrees, 27 minutes, 05 seconds west for a distance of 124.50 feet to the point of beginning.

The parcel originates with an approved plan of subdivision that has been filed under the Registry Act or registered under the Land Registration Act at the Land Registration Office for the registration district of Halifax County in Drawer 116 as Plan or Document Number 7374.

Appendix D

DISCUSSION

In developing an interim bonus zoning program, staff considered several policy objectives including Regional Plan, Priority Plans, and the objectives of the Affordable Housing Workplan as the interim bonus zoning program needs to function within a larger planning framework and public benefits need to be viewed within a larger planning context. Another consideration was not impacting current development rights, limiting additional costs to developments, supporting non-profit housing developers, and developing a consistent approach for requiring public benefits in MPS amendment applications. The proposed framework therefore focuses on site specific MPS amendment applications where the greatest number of these types of applications occur – in the Urban Service boundary outside of the Regional Centre, and in Future Serviced Communities.

Proposed Framework for Interim Incentive or Bonus Zoning Program

MPS amendment applications can include both small and large sites, address a variety of property types, and policy issues in a large, proposed geography. Given this complexity, the intent of an interim approach is to introduce a framework that meets the following criteria:

- sites where a Regional MPS or Community MPS amendment is required to:
 - enable new multi-unit residential, commercial or mixed-use developments that would not have been previously permitted (e.g. designation change, extension of service boundary); and
 - lift existing density limits or increase permitted density;
- include Future Serviced Communities identified in Regional Plan Policy S-1 (remaining lands include Morris-Russell Lake Secondary Plan, Sandy Lake, and the Highway 102 west corridor adjacent to Blue Mountain - Birch Cove Lakes Park);
- applied to suburban and some rural areas of the municipality which are in the Urban Service Boundary, which include the following community plan areas:
 - Halifax Mainland
 - Dartmouth
 - Bedford
 - Sackville
 - Sackville Drive
 - Cole Harbour
 - Eastern Passage, Cow Bay
 - Beaver Bank, Hammonds Plains, Upper Sackville
 - North Preston, Lake Major, Lake Loon, Cherry Brook, East Preston
 - Planning District 5 (Chebucto)
 - Timberlea/Lakeside/Beechville;
- use similar standardized methodology as applied through Centre Plan for the valuation of public benefit for multi-unit residential or mixed-use sites, including a 2,000 square metre pre-bonus density based on a broad land values assessment study;
- use a site-specific assessment methodology for the valuation of public benefits for Future Serviced Areas and sites that are larger than 10 hectares in size developed by development agreement;
- use the same options for public benefit as provided under the Centre Plan; and
- provide exemption to developments by non-profit or charitable organizations that have a mandate to provide affordable housing where the development includes a minimum of 60% of housing.

Table 3: Proposed Public Benefit Valuation Method for Interim Bonus Zoning

Type of Plan Amendment Development	Valuation Method	Payment Due / Public Benefits Due
Site Specific Multi-Unit Residential or Mixed-use Sites 10 hectares or less	<ul style="list-style-type: none"> average land value stated in the local Land Use By-law 20% of total floor area over 2,000 square metres subject to \$/square metre calculation 	<ul style="list-style-type: none"> On-site public benefits delivered as specified in the Bonus Zoning Agreement, or Money-in-lieu payable when a development permit is issued
Future Serviced Communities and sites 10 hectares or more	<ul style="list-style-type: none"> 12% of assessed value at the time of plan amendment or associated development agreement approval, whichever comes later 	<ul style="list-style-type: none"> Payment due at the development permit stage, or provided for in any development agreement

Valuation of Required Public Benefits

As summarized in Table 1, the calculation for required public benefits is laid out in the Regional Centre Land Use By-law to include site specific developments as well as Future Growth Nodes, which are larger subdivisions. To streamline the administrative framework for the interim bonus zoning program, a broad land valuation study was completed for the proposed area of application. The study provided low, average (most likely) and high average values within each of the current plan areas. The land values per square metre included in Table 4 below for each applicable Land Use By-law Area are based on the average (most likely) values and multiplied by 60%. This provides a discounted value to reduce opportunities for errors. Current land value ranges for Centre Plan Bonus Zoning Districts are also provided for reference.

Table 4 Centre Plan and Suburban / Rural Proposed Bonus Zoning Rates

Plan Area	Value per sm (based on Average or Most Likely Values X 60%)
Halifax Mainland	\$213
Dartmouth	\$162
Bedford	\$195
Sackville	\$135
Sackville Drive	\$162
Cole Harbour	\$150
Eastern Passage, Cow Bay	\$135
Beaver Bank, Hammonds Plains, Upper Sackville	\$156
North Preston, Lake Major, Lake Loon, Cherry Brook, East Preston	\$66
Planning District 5 (Chebucto)	\$48
Timberlea/Lakeside/Beechville	\$48
Centre Plan Bonus Zoning Values (2022)	\$72.99 (Woodside) \$285.34 (South End Halifax)

Appendix E

Attachment A: Regional Municipal Planning Strategy Amendments

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Regional Municipal Planning Strategy is hereby amended as follows:

1. Amend the Table of contents by adding the following words as shown in **bold** and page numbers immediately after the words "9.7 Discretionary Approvals" and before the words "9.8 Effectiveness" as follows:

9.7 DISCRETIONAY APPROVALS

9.7A INTERIM BONUS ZONING

9.8 EFFECTIVENESS

2. Immediately following section "9.8 Effectiveness", inserting a new section titled "9.9 Interim Bonus Zoning" by inserting text shown in **bold** as follows.

9.7A Interim Bonus Zoning

Incentive or bonus zoning is a planning tool enabled under the HRM Charter that allows the Municipality to require a development to provide public benefits in exchange for additional development rights or relaxing certain requirements. The intent of this tool is to supplement other municipal investments so that new density is accompanied by the amenities and public benefits that can contribute to complete and inclusive communities. Mixed-use developments in the Regional Centre are already required to provide bonus zoning public benefits.

To support growth and development in the suburban communities before a comprehensive plan review is completed, incentive or bonus zoning shall be required where applications are approved by Council to amend this Plan or a Secondary Municipal Planning Strategy to enable new or increased density of residential, commercial, or mixed land use in the Urban Service Area outside of the Regional Centre, including future serviced communities identified in Policy S-1. Public benefits will be required in addition to any other requirements.

Public benefits shall include a mandatory contribution to affordable housing, and may include other public benefits as set out in the applicable Land Use By-law. Where the proposed development includes public benefits in the form of affordable housing provided by a not-for-profit or registered Canadian charitable organization, or a government organization, the public benefit requirements may be waived at the development permit stage.

- G-16A Council shall require incentive or bonus zoning public benefits or money-in-lieu of a contribution in those areas identified in the land use by-law when considering site specific amendments to this Plan or to a Secondary Plan after [DATE OF FIRST NOTICE] outside of the Regional Centre in the Urban Service Boundary or Future Serviced Communities to permit:**

- a) new multi-unit residential, commercial, or mixed-use development; or
- b) to permit additional density.

G-16B The applicable Land Use By-laws shall require incentive or bonus zoning agreements or money-in-lieu of a contribution for any developments resulting from a plan amendment process considered after [DATE OF FIRST NOTICE] and shall provide for a method of tracking such developments in the land use by-law. Affordable housing developments developed by a registered Canadian charitable organization, or not-for-profit organization, or where such organizations have a housing agreement with a government organization for the site, shall not be required to provide bonus zoning public benefits.

G-16C The applicable Land Use By-laws shall provide a method for determining the value of incentive or bonus zoning public benefits for any developments resulting from a plan amendment process as outlined in Policy G-16A and may prescribe different rates of public benefits for multi-unit sites developed through a zone and for larger sites developed by a development agreement.

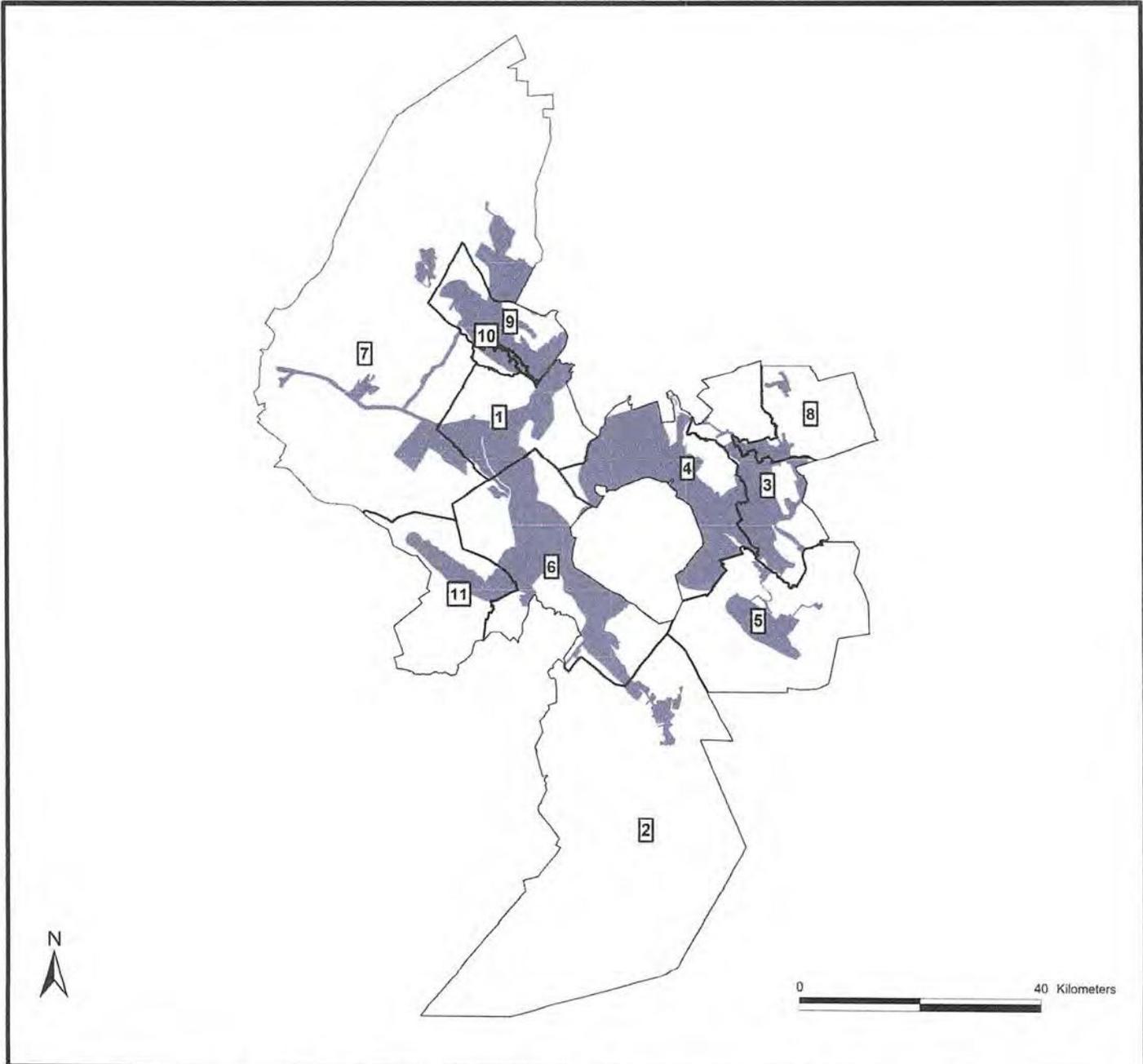
G-16D The applicable Land Use By-laws shall identify:

- a) the sites or areas subject to incentive or bonus zoning requirements, consistent with Policy G-16A, including a method of tracking any future plan amendments;
- b) the matters that the Development Officer may consider before approving an incentive or bonus zoning agreement;
- c) the method to be used to determine the contribution for incentive or bonus zoning;
- d) the density bonus rates and districts based on average market land values in specified areas multiplied by a coefficient of 0.6 for multi-unit sites;
- e) a method to determine the value of public benefits for sites larger than 10 hectares and developed by development agreement;
- f) the method used to annually update local area incentive or bonus zoning rates;
- g) the method to determine, evaluate and accept the value of the public benefits; and
- h) the means of administering an incentive or bonus zoning agreement.

G-16E Subject to Policy G-16A where a development is enabled by a development agreement, the development agreement may provide for a method of when the public benefit value is paid.

G-16F The applicable Land Use By-laws shall set out the public benefits that are eligible for incentive or bonus zoning, including when money-in-lieu of a contribution shall be accepted. The majority of the calculated value of the public benefit shall be dedicated toward affordable housing, except for registered heritage properties and properties located within a Heritage Conservation District. In addition to affordable housing, the public benefit may be in the form of:

- a) conservation of a registered heritage property or a property located within a Heritage Conservation District;
- b) improvements to and acquisition of lands for municipal parks;



Map 1: Proposed Area of Application for Interim Bonus Zoning (LUB Boundaries)

- 1 Bedford
- 2 Planning District 5
- 3 Cole Harbour/Westphal
- 4 Dartmouth
- 5 Eastern Passage/Cow Bay
- 6 Halifax
- 7 Beaver Bank, Hammonds Plains and Upper Sackville
- 8 North Preston, Lake Major, Lake Loon, Cherry Brook and East Preston
- 9 Sackville
- 10 Sackville Drive
- 11 Timberlea/Lakeside/Beechville
- Service Boundary

HALIFAX

The accuracy of any representation on this map is not guaranteed