



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

**Item No. 13.1.1 (i)**  
**North West Community Council**  
**December 10, 2018**

**TO:** Chair and Members of North West Community Council

Original Signed

**SUBMITTED BY:**

\_\_\_\_\_  
Kelly Denty, Director of Planning and Development

Original Signed

\_\_\_\_\_  
Jacques Dubé, Chief Administrative Officer

**DATE:** October 24, 2018

**SUBJECT:** Case 19110 - Development Agreement for 592 Bedford Highway, Halifax

**SUPPLEMENTARY REPORT**

**ORIGIN**

- Application by KWR Approvals Inc.
- June 12, 2017 Public Hearing of North West Community Council
- Resolution of North West Community Council at their June 12, 2017 meeting that North West Community Council defer consideration of Case 19110 pending a supplementary staff report which will provide additional information on the massing, density and height of the residential multi-unit dwelling proposed for the subject property.
- Submission of revised proposal by Lydon Lynch

**LEGISLATIVE AUTHORITY**

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

**RECOMMENDATION**

It is recommended that North West Community Council:

1. Give notice of motion to consider approval of the proposed development agreement, as set out in Attachment A of this staff report, to develop a residential multi-unit building at 592 Bedford Highway, Halifax and schedule a public hearing;
2. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A, of this staff report; and
3. Require that the proposed development agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final

approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

## **BACKGROUND**

On June 12, 2017 North West Community Council held a public hearing to consider the proposed development agreement for a 50-unit residential multiple unit dwelling at 592 Bedford Highway, Halifax. Following the public hearing, North West Community Council deferred the consideration of Case 19110 pending a supplementary staff report which would provide additional information on the massing, density and height of the residential multiple unit dwelling proposed for the subject property.

For more information, please see the staff report at the following link.

<https://www.halifax.ca/sites/default/files/documents/city-hall/community-councils/170612nwcc1013.pdf>

Subsequent to the public hearing and motion by North West Community Council, the property owner retained new consulting staff, Lydon Lynch Architects, and has submitted a revised proposal for the site which reduces the height, mass and density of the proposed building. The applicant has taken the additional step of withdrawing the previous proposal from consideration. Under Administrative Order One, a motion that is deferred and not considered by the Council for six (6) months shall be deemed to have been withdrawn. As a result, Council has does not have any active motions for the proposal and Council is free to consider the proposal through the typical notice of motion and hearing process.

Lydon Lynch, on behalf of the land owner 3247003 Nova Scotia Limited, is applying to enable the development of a seven-storey residential multiple unit dwelling with a maximum of 35 residential units at 592 Bedford Highway, Halifax (Maps 1 and 2). As the proposal cannot be accommodated by the requirements of the Halifax Mainland Land Use Bylaw because it exceeds the permitted maximum height of 10.67 m (35 feet), the applicant has requested that the proposed multi-unit dwelling be considered by development agreement.

<b>Subject Property</b>	592 Bedford Highway
<b>Location</b>	South of the intersection of Larry Uteck Boulevard and the Bedford Highway
<b>Regional Plan Designation</b>	Urban Settlement (US)
<b>Community Plan Designation (Map 1)</b>	Highway Commercial (HDR) under the Bedford Highway Secondary Plan of the Halifax Municipal Planning Strategy
<b>Zoning (Map 2)</b>	C-2B (Highway Commercial Zone), and Schedule R under the Halifax Mainland Land Use By-law
<b>Size of Property</b>	2,226.5 sq.m. (23,967 sq. ft.)
<b>Street Frontage</b>	Approximately 39.6 m (130 feet) along the Bedford Highway
<b>Site Conditions</b>	Slopes upward as much as 13 metres (43 feet) from the Bedford Highway
<b>Current Land Use(s)</b>	Commercial building
<b>Surrounding Land Use(s)</b>	North – Commercial (Manorhouse Furniture) and a small mixed-use building at 596 Bedford Highway South and West – Residential (Ocean Brook Apartments) East – Bedford Highway /Commercial (Fisherman's Market)

## **Proposal Details**

The applicant wishes to demolish the existing commercial building and construct a residential multiple unit dwelling in the form of a single, seven storey building. The major aspects of the proposal are as follows:

- seven storeys facing the Bedford Highway;
- a maximum of 35 residential dwelling units;

- exterior landscaping and indoor and outdoor amenity space;
- a combination of underground and surface parking; and
- a single driveway access to the site; both from the Bedford Highway.

### **Enabling Policy and Zoning Context**

In 2011, Regional Council approved amendments to the Bedford Highway Secondary Plan and applied Schedule R in order to increase the level of land use control along Bedford Highway in the vicinity of Larry Uteck Boulevard (Map 3). The C-2B Zone that is applied within this area permits a mix of commercial and residential uses, including multi-unit dwellings, while limiting the maximum height of development to 10.67 metres (35 feet). Policy 1.8 of the Bedford Highway Secondary Plan allows for the consideration of taller development through the development agreement process.

### **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, letters mailed to property owners within the notification area and a public information meeting held on April 16, 2014. Attachment D contains a summary of comments from the meeting. The public comments received include the following topics:

- appropriate building heights for the local area;
- existing and future traffic on the Bedford Highway; and
- the need for sidewalks along the Bedford Highway.

A public hearing was held by North West Community Council prior to their consideration of the original proposed development agreement. Given that the public hearing for this previous application was closed but no decision of Council was made pending the provision of this supplementary report, staff was not in a position to re-engage the public on any amended development proposal. Should Community Council decide to proceed with the revised proposal, a new notice of motion and public hearing for this application will be required. In addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail.

The proposed development agreement will potentially impact local residents and property owners, community or neighbourhood organizations, and business and professional associations.

### **DISCUSSION**

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

### **Proposed Development Agreement**

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

- building height (7 storeys) and maximum number of units (35 units);
- amenity space (internal and extensive external landscaped roof tops);
- underground parking;
- fine-grained modernist architecture; and
- non-substantive amendments including:
  - minor changes to the placement and architectural design of the building including changes in cladding material;

- the granting of an extension to the date of commencement of construction; and
- the length of time for the completion of the development.

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

### **Building Height and Massing**

The proposed building contains five storeys of residential units, and two partially exposed storeys of underground parking with limited surface parking. The existing site slopes significantly up from the Bedford Highway to the rear property line with an approximate rise of 13 m (43 feet). The building is integrated into the slope of the site so that only five storeys are exposed at the rear of the building. The building has been reduced considerably in mass compared to the previous version and contains 35 percent fewer dwelling units. The design of the building is more boxy than the previous version but this was a trade off to ensure increased setbacks from properties to the rear of the building and to ensure that the mass was reduced. The redesigned building is approximately 2.43 m (8 ft) lower than the previous proposal. Three dimensional renderings of the building are contained in Attachment F.

There are no protected viewplanes in the area. However, policy requires the consideration of views from public spaces and active transportation corridors. Staff have reviewed the impact on views from the parkland corridor that passes through the Bedros Lane condominium and apartment site located to the north. The proposed seven storey building is not anticipated to have a significant impact on views from the corridor. Staff has determined that the proposed building will not be visible along most of the corridor. Further, where there are views from the corridor between existing buildings, small portions of the building may be visible in the distance. In general, the impact on views can be described as minor to insignificant in nature.

Renderings of views of the site were not produced by the applicant as the building has been reduced in height and views of the previous taller building from various angles were found to have limited impacts

### **Fine Grained Architecture**

Policy requires that the proposed building has a fine grain design. This is interpreted to mean that the building may use a variety of lines, colours materials, or articulations so that elevations that can be seen from the public realm are interesting and engaging, regardless of their length. The development agreement requires a mix of building materials to break up the massing of the building and carry out the intent of the policy. The building is designed in a modernist architectural aesthetic. Treatment of the facades of the building with a corrugated texture and the treatment of exposed concrete foundations of the parking garage with stone or brick or equivalent manner achieve a fine grain design for a modernist building.

The front elevation (east side) of the building facing Bedford Highway contains architectural details including:

- horizontal composite panels with wood grains;
- fine grained stone/brick detailing on much of the exposed parking levels;
- changes in colour and materials; and
- articulation of the front façade in horizontal and vertical directions.

These features break up the façade into finer grain individual parts. Further, most of these fine grained features are continued around most of the building (Attachment F). Staff advise that the proposal meets the requirement for this building to use architectural techniques to create a building that is fine grained.

The northern facade on the previous building design was problematic because of the mass, height and architectural design of the building. The height and length of this façade has been decreased with the new proposal. Further, the addition of a new design, without the previous pixelated panel design, and with full



size windows and balconies, creates a more traditional façade. The revised design of the wall eliminates previous concerns with this façade.

### **Relationship to Surrounding Uses**

With the revised building design, siting of the building in relation to surrounding properties has significantly improved. The reduction in the footprint has increased the setbacks from property lines and adjacent buildings.

The setback from the adjacent residential building to the west at Oceanbrook Apartments has increased from 10.6 metres (35 feet) to approximately 30 metres (100 feet). The setbacks above the underground parking to the north have increased from approximately 3 metres (10 feet) at the rear and 0 metres (0 feet) near the Bedford Highway to between 3.84 metres (12.6 feet) at the rear and 6.76 metres (22.2 feet) near the Bedford highway. This setback improves the relationship with Civic 600 Bedford Highway specifically.

The proximity of the proposed building potentially impacts two adjacent properties the most; the Lands of Manorhouse Furniture and 3285414 NS Limited. The relationship with the Manorhouse property is less significant because of grade changes along this property line. The Manorhouse property is situated at a higher elevation than the 3285414 NS Limited parcel and the proposed building is limited to five storeys where adjacent to this property. Future redevelopment of the Manorhouse lands is not expected to be significantly impacted by the proposed building.

The property of 3285414 NS Limited may be affected to a greater extent by the proposed building. The setback of the building has been increased which improves the relationship, however the proposed building (5 storeys plus underground parking) may have a greater presence over the adjacent two storey building on 3285414 NS Limited because of the difference in building size. Winter shadowing (Attachment E) of the 3285414 NS Limited lands could be expected. With this said, because of the size of the building on 3285414 NS Limited lands, any increase in building height, even at a scale permitted by the Land Use By-law (35 feet maximum) would likely cause shadow impacts on the 3285414 NS Limited lands. It is not expected that the proximity of the proposed building will significantly affect the ability of the 3285414 NS Limited lands to redevelop.

Lot coverage for this proposal is identified by the applicant as 49.4 percent and is regulated to a maximum of 50 percent by the proposed agreement. This is consistent with a typical lot coverage for suburban multi-unit dwellings which varies between 35 and 50 percent. This lot coverage is a reduction over the previous proposal which was approximately 64 percent. The impact of the proposed building is now more consistent with suburban development than the previous proposal which was more typical of an urban building design.

### **Parking**

The proposed site has 38 parking spaces of which 35 are underground. This total includes 3 visitor spaces. This exceeds the required parking standard of 35 spaces under the Halifax Mainland Land Use By-law for multi-unit dwellings in the Bedford Highway area and is sufficient for the project.

### **Landscaping / Amenity Space**

Due to the reduced number of proposed dwelling units on the site and a reduced lot coverage with the new proposal, a reduction of amenity space has been negotiated. A combined total of a minimum of 9,000 sq. ft. amenity space is proposed. The total includes:

- Balconies: 6,400 sq. ft.
- Landscaping: 2,000 sq. ft.
- Outdoor Terrace: 100 sq. ft.
- Community Room: 500 sq. ft.

In addition to the above noted amenity space, additional site improvements to the rear of the building will be provided to make the existing treed area useable to residents. The proposed extent of landscaping and open space is appropriate for a building of this scale.

### **Pedestrian Linkages**

No public sidewalks exist on the Bedford Highway. The developer has offered to construct a public sidewalk along the Bedford Highway frontage leading to Charlotte Lane and the nearby transit stop and the development agreement contains a provision to this effect. Additional off-site sidewalks would require coordination, design and municipal budget allocation as well as requiring significant alteration to off-site driveways and grades within the Bedford Highway right-of-way. These upgrades are beyond the responsibility of the developer and outside of the scope of this application.

On-site walkways connecting both the front door and a secondary door to the proposed public sidewalk on the Bedford Highway are required by the proposed agreement. Because of the proposed building and site design, additional walkways are not required.

### **Traffic /Access**

The proposed development will have one access point on the Bedford Highway. Development Engineering staff have reviewed the access location and have advised that it meets municipal standards. A revised Traffic Impact Statement (TIS) was provided for this application and accepted by Development Engineering staff. The study determined no upgrades were required to the road network to accommodate the proposed development.

As a result of public concerns with the TIS (due to the date of data collected), engineering staff conducted further data collection and determined the previous and revised TIS sufficiently represented the existing and future local demands on the road network.

The development of this site will require the closing of a shared driveway with 600 Bedford Highway. The closure will require the land owner of 600 Bedford Highway to relocate their driveway further to the north. Development Engineering staff have indicated that a driveway appears technically possible to the north. The applicant executed an agreement with the previous land owner of 600 Bedford Highway for the closure of this driveway.

### **Density**

Density in a planning context is one measure of the intensity of development and is typically expressed as population or number of dwelling units in an area. It can be measured on a variety of scales ranging from single to multiple sites or from neighbourhoods to communities and beyond. In the case of this proposal, density is based on units per acre and population per acre to provide comparison with other developments.

Density can be used as a control in planning documents or development agreements to achieve a specific population goal or establish a maximum limit within a given area. Most commonly, limits on density are linked to the capacity of service systems such as sewer, water or road networks.

While density is an indicator of the intensity of a development, it is only a single measurement. It illustrates very little about a development itself in terms of form, typology, and can be deceptive when used to compare seemingly similar developments. For example, if a large building contains many large 4 and 5 bedroom units, the calculation of units/acre would be low. If that same building were to be re-configured internally to include a number of smaller 1 bedroom units, the 'density' would increase despite the size of the building remaining the same. Similarly, measuring units per acre on a lot by lot basis is less telling about the true size of a development because this can be manipulated by placing the building on a differently sized lot. A small lot, as in this case, pushes the units per acre up while a larger lot forces this number down. This means that a building on a small lot can look on paper to be inappropriate when compared against others, although when seen in the physical context it may be appropriate.

Policy 1.8 of the Bedford Highway Secondary Plan enables the consideration of buildings taller than 35 feet by development agreement. The policy does not establish maximum limits for density, building size or height. The lack of guidance on these matters is common in planning policies as they are intended to allow for innovation and creativity in design based on the unique attributes of each site.

Attachment C provides a comparison of densities for all other sites in the immediate area of the proposal under consideration. Based on a “units per acre” measure, existing and approved developments in the area range from 11 units per acre to 45 units per acre while the proposed development is 64 units per acre. Based on a “person per acre” measure, the proposed density is approximately 143 (based on an average of 2.25 persons per unit). This is approximately 41 percent greater than other multi-unit developments in the area.

The applicable MPS policies establish several criteria that must be assessed for this proposal which indirectly relate to the matter of density. If the proposal satisfies all the other criteria, then density alone should not be a matter of concern. The related issues raised by the policy criteria include:

- does the density indicated cause any specific problems?
- is there adequate parking?
- are the adjacent roads capable of supporting the development?
- are sewer and water services capable of supporting the development?
- is the bulk, mass and height of the building appropriate?
- does the proposed building overshadow its neighbours?
- are the site and building well designed?

There are no servicing or traffic concerns relative to the proposed development, and the greater building envelope required to accommodate this project fits into the surrounding building context of the area due to the topography of the site. Under these circumstances, staff advise the proposed development and its density are suitable for the site.

### **Conclusion**

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is reasonably consistent with the intent of the MPS.

The proposed building form, mass, and relationships with surrounding buildings is typical of its suburban location. SPS policy does not specifically specify maximum densities and the issue of density is less relevant than form and character. Ultimately, policy requires the building fit in with the context of the surrounding development. In the case of the proposed building, staff advise that the building’s form and mass and architectural characteristics are appropriate.

Based on the above, and a complete review of relevant SPS policy, the proposed building is reasonably consistent with the intent of the SPS policy. Therefore, staff recommended that North West Community Council approve the proposed development agreement (Attachment A).

### **FINANCIAL IMPLICATIONS**

There are no budget implications. The applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this proposed development agreement. The administration of the proposed development agreement can be carried out within the approved 2018-2019 budget and with existing resources.

## **RISK CONSIDERATION**

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

## **ENVIRONMENTAL IMPLICATIONS**

No additional concerns were identified beyond those raised in the March 10, 2017 staff report, referenced in the background/discussion section above.

## **ALTERNATIVES**

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

## **ATTACHMENTS**

Map 1	Generalized Future Land Use
Map 2	Zoning and Notification Area
Map 3	Schedule R
Attachment A	Proposed Development Agreement
Attachment B	Review of Relevant Policies of the Halifax MPS
Attachment C	Comparison of Local Densities by Site
Attachment D	Public Information Meeting Summary
Attachment E	Solar Study
Attachment F	3D Renderings

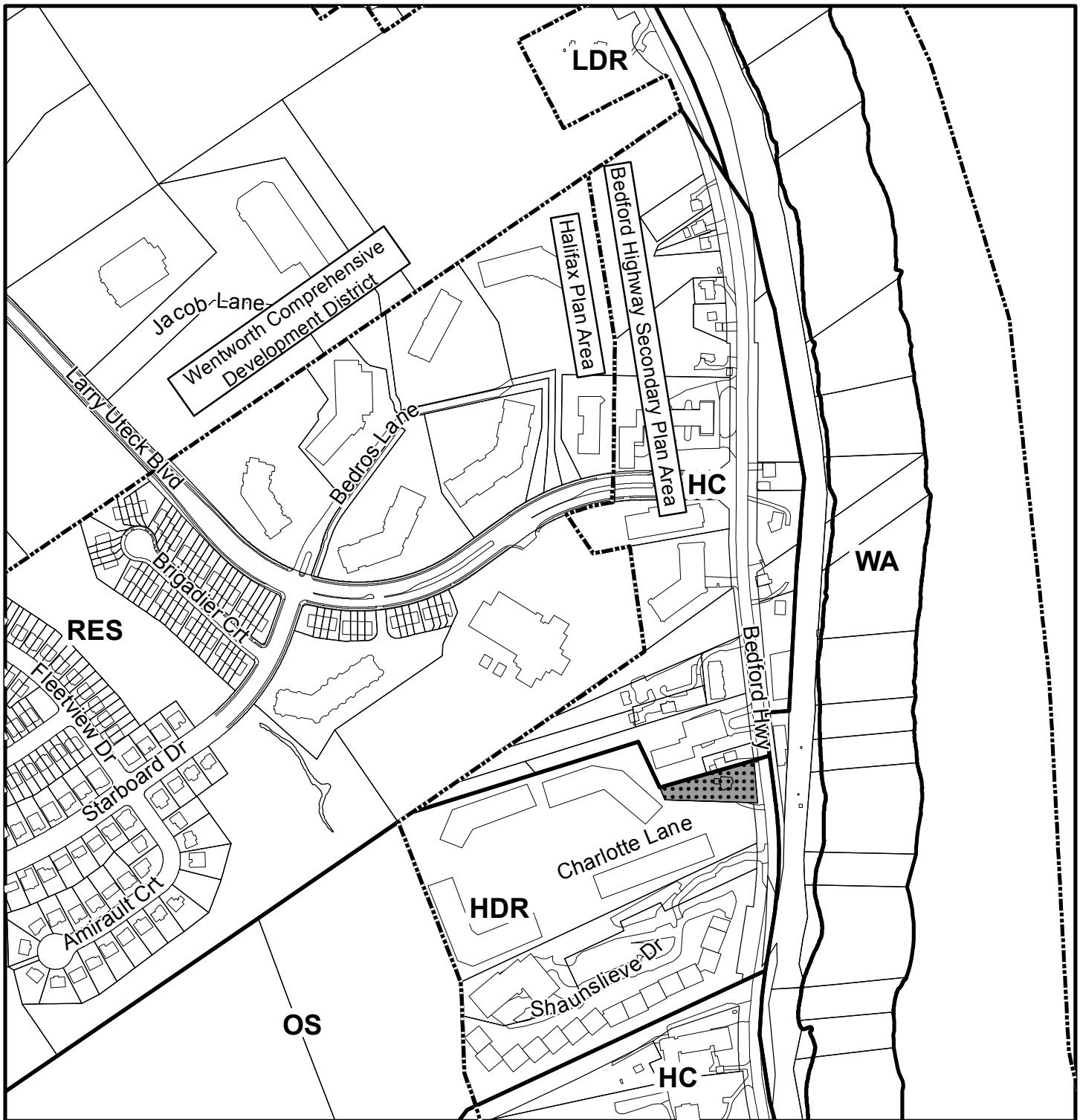
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A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Andrew Bone, MCIP, LPP, Planner III, 902.490.6743


Report Approved by: Steve Higgins, Manager, Current Planning, 902.490.4382

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## Map 1 - Generalized Future Land Use

592 Bedford Highway  
Halifax

 Area of proposed development agreement

Halifax Plan Area  
Bedford Highway Secondary Plan Area

### Designation - Bedford Highway

LDR Low-Rise Apartment  
HDR High Density Residential  
HC Highway Commercial  
WA Water Access

### Designation - Halifax

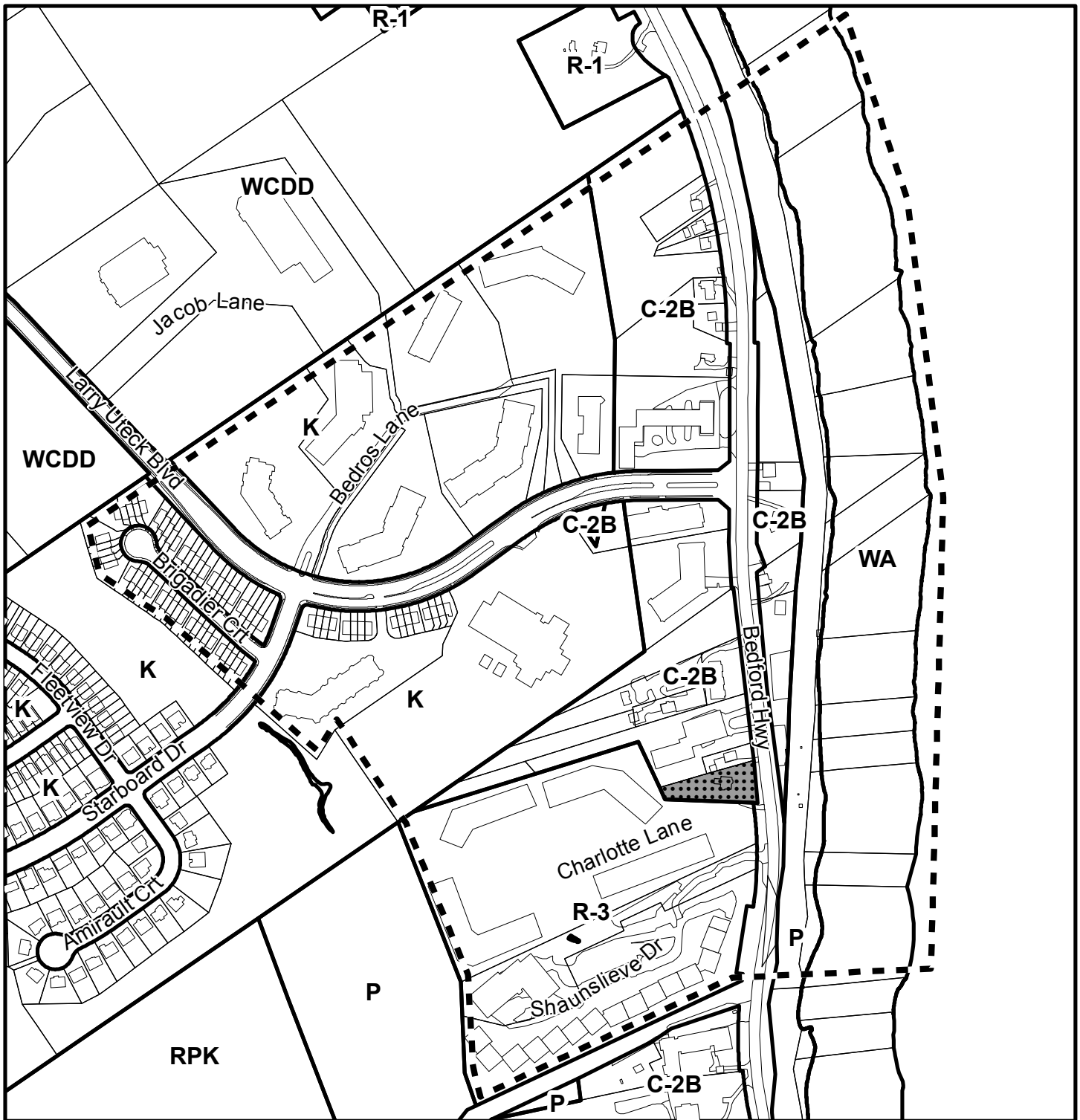
RES Residential Environments  
OS Major Community Open Spaces

**HALIFAX**

0 40 80 120 160 m


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


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



## Map 2 - Zoning and Notification

592 Bedford Highway  
Halifax

 Area of proposed development agreement

 Area of notification

Halifax Mainland  
Land Use By-Law Area

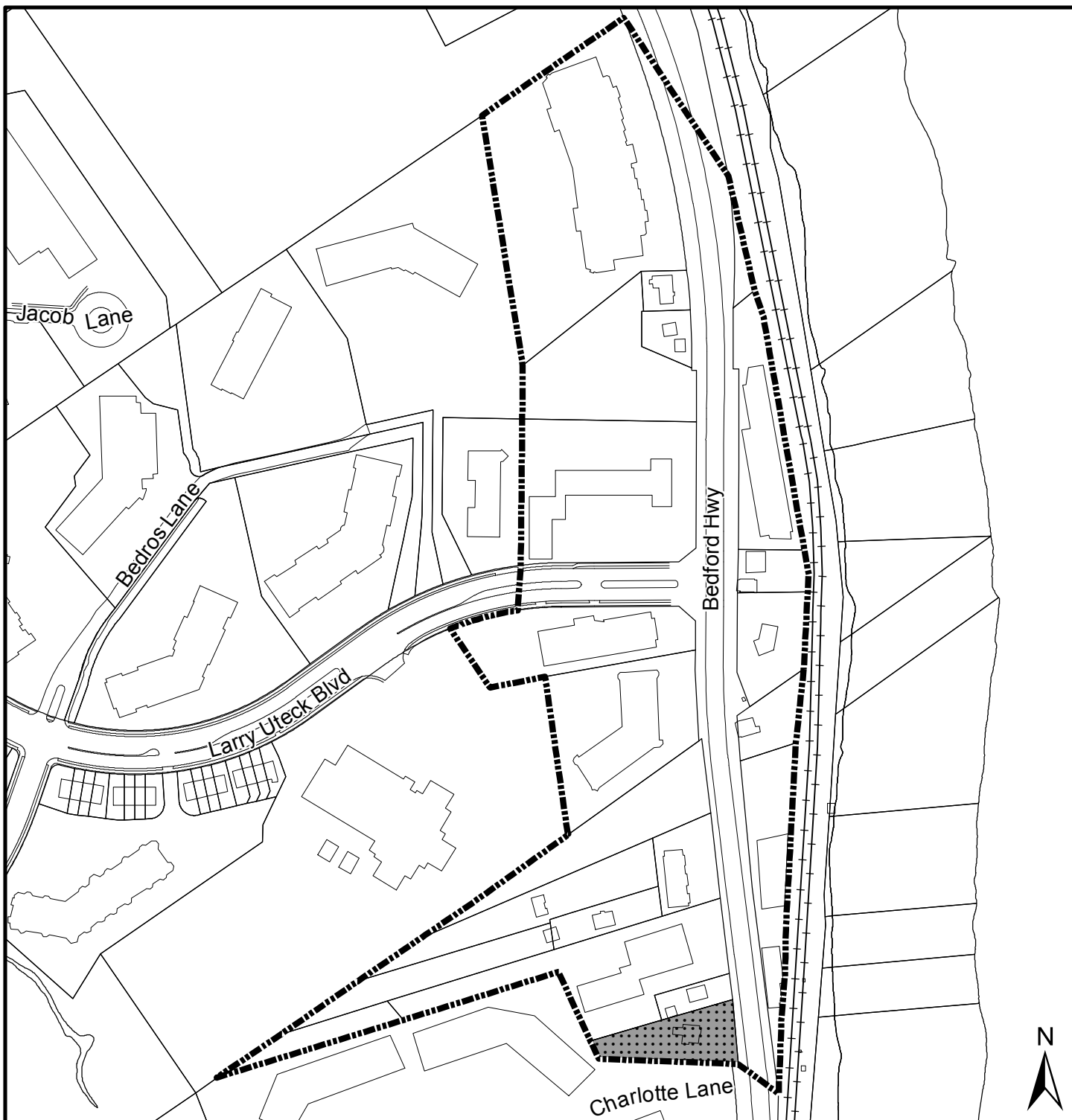
### Zone

R-1	Single Family Dwelling
R-3	Low-Rise Apartment
C-2B	Highway Commercial
P	Park and Institutional
RPK	Regional Park
WA	Water Access
WCDD	Wentworth Comprehensive Development District
K	Schedule K

0 40 80 120 160 m


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 - Schedule R

592 Bedford Highway  
Halifax

 Area of proposed development agreement

 Area of Schedule R

Halifax Mainland  
Land Use By-Law Area

**HALIFAX**

0 20 40 60 80 100 m

This map is an unofficial reproduction of a portion of the Schedules and Secondary Plan Areas Map for the plan area indicated.

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

**Attachment A: Proposed Development Agreement**

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

BETWEEN:

**3247003 NOVA SCOTIA LIMITED**

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 592 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 for a multiple unit residential building on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policy 1.8 of the of the Bedford Highway Secondary Plan of the Halifax Municipal Planning Strategy and Section 74 of the Halifax Mainland Land Use By-law;

**AND WHEREAS** the North West Community Council for the Municipality approved these requests at a meeting held on **[Insert - Date]**, referenced as Municipal Case Number 19110;

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

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## **PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION**

### **1.1 Applicability of Agreement**

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

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

- 1.2.1 Except as otherwise provided for herein, the development, use and subdivision of the Lands shall comply with the requirements of the Land Use By-law for Halifax Mainland and the Regional Subdivision By-law, as amended from time to time.
- 1.2.2 Variances to the requirements the Halifax Mainland Land Use By-law shall be permitted in accordance with the *Halifax Regional Municipality Charter* on the Lands.

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

- 1.3.1 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 for Halifax Mainland to the extent varied by this Agreement), or any statute or regulation of the Provincial or Federal Government. The Developer agrees 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 other qualified 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 for Halifax Mainland 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 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 shall be as defined in the applicable Land Use By-law for Halifax Mainland and the Regional Subdivision By-law. If not defined in these documents their customary meaning shall apply.

## **PART 3: USE OF LANDS 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 to the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case Number 19110:

Schedule A	Legal Description of the Lands
Schedule B	Site Plan
Schedule C	Site Plan-Yards
Schedule D	North Elevation
Schedule E	South Elevation
Schedule F	East and West Elevations

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

- 3.2.1 Prior to the issuance of any municipal Permits, the Developer shall complete the Multi-unit/Industrial/Commercial/Institutional/Commercial (MICI) permit application review process.
- 3.2.2 Prior to commencement of any site work on the Lands, the Developer shall provide to the Development Officer:
- a) Site Disturbance Plan in accordance with Section 5.2.1 (a) of this Agreement;
  - b) Erosion and Sedimentation Control Plan in accordance with Section 5.2.1 (b) of this Agreement; and
  - c) Site Grading Plan in accordance with Section 5.2.1 (c) of this Agreement.
- 3.2.3 Prior to issuance of a Development Permit, the Developer shall provide the Development Officer:
- a) Lighting plan in accordance with Section 3.10 of this Agreement;
  - b) Landscape Plan in accordance with Section 3.12 of this Agreement;
  - c) Detailed design for the sidewalk adjacent to the Bedford Highway in accordance with Section 3.9 of this Agreement;
  - d) Detailed design for solid waste facilities in accordance with Section 4.3 of this Agreement; and
  - e) Detailed design for the Bedford Highway improvements required by Section 4.4 of this Agreement.

- 3.2.4 Prior to issuance of any Occupancy Permit, the Developer shall submit to the Development Officer:
- a) a letter prepared by a member in good standing of the Canadian Society of Landscape Architects certifying that all landscaping has been completed according to the terms of this Agreement;
  - b) a letter prepared by a qualified person that the installation of lighting meets the requirements of the lighting plan according to section 3.10 of this agreement; and
  - c) a letter prepared by a Professional Engineer that the installation of highway improvements meets the requirements of sections 3.9 and 4.4 of this agreement.
- 3.2.5 Notwithstanding Section 3.2.4, where the weather and time of year do not allow the completion of the outstanding landscape works prior to the issuance of an Occupancy Permit, the Developer may supply a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping. The cost estimate is to be prepared by a member in good standing of the Canadian Society of Landscape Architects or another qualified person. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the work as described herein and illustrated on the Schedules, and as approved by the Development Officer. Should the Developer not complete the landscaping within twelve months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping as set out in this section of the Agreement. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.
- 3.2.6 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Lands for any of the uses permitted by this Agreement unless an Occupancy Permit has been issued by the Municipality. No Occupancy Permit shall be issued by the Municipality unless and until the Developer has complied with all applicable provisions of this Agreement and the Land Use By-law for Halifax Mainland (except to the extent that the provisions of the Land Use By-law for Halifax Mainland 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 uses of the Lands permitted by this Agreement are the following:
- a) Those uses permitted in the underlying zone by the Land Use By-law for Halifax Mainland, as amended from time to time; or
  - b) A multiple unit residential building containing a maximum of thirty-five (35) residential dwelling units, subject to the terms and conditions of this Agreement.
- 3.3.2 The Development Officer may permit unenclosed structures attached to the building, such as verandas, decks, porches, steps and mobility disabled ramps, to be located within the front, side and rear yards required by section 3.4 of this Agreement, in conformance with the provisions of the Land Use By-law for Halifax Mainland, as amended from time to time.

### **3.4 Building Siting**

- 3.4.1 The building's siting, bulk and scale shall be located as shown on Schedules B and C, and shall comply with the following:
- a) Lot coverage shall not exceed 50%;
  - b) The building shall be setback at least 6.1 metres (20 feet) from the front property line; and

- c) Above grade, the building shall be at least:
  - (i) 3.4 metres (11 feet 1 inch) from the north property line; and
  - (ii) 0.9 metres (3 feet) from the south property line.

3.4.2 Any excavation, construction or landscaping shall be carried out in a safe manner with regard to both personal safety and the protection and preservation of adjacent properties.

### 3.5 Architectural Requirements

3.5.1 The Lands shall be developed as illustrated on the Schedules.

3.5.2 The main entrances to the building 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. At least one main door shall face the Bedford Highway. Service entrances shall be integrated into the design of the building and shall not be a predominant feature.

3.5.3 Notwithstanding section 3.5.1, the Development Officer may permit:

- a) ~~Minor variation~~Changes to the building shape, size and placement, provided:
  - (i) The footprint of the building does not increase beyond two percent; and
  - (ii) Setbacks from the north and south property lines as shown on Schedules B and C and as described in section 3.4.1 of this Agreement are not decreased.
- b) ~~Variations~~Changes in the design and placement of architectural elements shown on the Schedules, provided a similar exterior texture and design are maintained.

3.5.4 Exterior building materials shall not include vinyl siding.

3.5.5 The east elevation of the building shall not exceed 15.2 metres (50 feet) in height, not including:

- a) Underground parking facilities with the following floor elevations:
  - (i) P1 (Bedford Highway Level): 9.86 - 10.01 metres (30.7 -34.1 feet) above the Ordinary High Water Mark; and
  - (ii) P2 (Second Level): 12.90 – 13.0 metres (40.7 – 44.1 feet) above the Ordinary High Water Mark.
- b) Rooftop elevator and mechanical structures not exceeding 4.57 metres (15 feet) in height. Rooftop mechanical structures shall not occupy more than 30% of the area of the roof of the building and shall be set back at least 3 metres (9.8 feet) from the edge of the roof.

3.5.6 All roof mounted mechanical or telecommunication equipment shall be visually integrated into the roof design or screened from public view.

3.5.7 The building shall be designed such that the mechanical systems (HVAC, exhaust fans, etc.) are not visible from the Bedford Highway or abutting residential properties. Furthermore, no mechanical equipment or exhaust fans shall be located between the building and the adjacent residential properties unless screened as an integral part of the building design and noise reduction measures are implemented. This shall exclude individual residential mechanical systems.

- 3.5.8 All vents, down spouts, flashing, electrical conduits, metres, service connections and other functional elements of the building shall be treated as integral parts of the design. Where appropriate these elements shall be painted to match the colour of the adjacent surface, except where used expressly as an accent.
- 3.5.9 Large blank walls or unadorned walls shall not be permitted. The scale of large walls shall be tempered by the introduction of artwork, such as murals, textural plantings and trellises, and architectural detail to create shadow lines (implied windows, cornice lines, or offsets in the vertical plane) as identified on the Schedules.
- 3.5.10 Exposed building foundations:
- (i) Facing the Bedford Highway, any exposed foundation in excess of 0.3 metres (1 foot) in height shall be architecturally detailed or veneered with stone or brick or treated in an equivalent manner acceptable to the Development Officer.
  - (ii) Any other facade with an exposed foundation in excess of 1 metre (3.28 feet) in height shall be architecturally detailed or veneered with stone or brick or treated in an equivalent manner acceptable to the Development Officer. For the purposes of this section stamped concrete shall not be permitted as an equivalent architectural treatment.
- 3.5.11 A balcony shall be provided for each unit in the building. Balcony guardrails shall be constructed of glass, with or without metal framing.

### **3.6 Dwelling Unit Mix**

- 3.6.1 At least 50 percent of the dwelling units in the building shall have two or more bedrooms.

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

- 3.7.1 The following vehicle parking facilities are required:
- (a) At least one vehicle parking space per dwelling unit; and
  - (b) Three visitor parking spaces. All visitor parking spaces shall be clearly identified.
- 3.7.2 A combination of underground and surface parking facilities are permitted.
- 3.7.3 Surface parking facilities shall maintain setbacks from the property lines as shown on Schedule B.
- 3.7.4 Surface parking facilities shall have a permanent hard surface, and the limits of the surface parking facilities shall be defined by fencing, landscaping or curb.
- 3.7.5 Vehicle parking stalls shall be at least 5.5 metres (18 feet) by 2.7 metres (9 feet) in size.

### **3.8 Bicycle Parking**

- 3.8.1 Bicycle parking shall be provided in accordance with the requirements of the Land Use By-law for Halifax Mainland, as amended from time to time.

### **3.9 Pedestrian Circulation**

- 3.9.1 A pedestrian walkway network shall be provided as shown on Schedule B, and shall include:
- a) A sidewalk within the Bedford Highway right-of-way. The sidewalk shall extend along the Bedford Highway from the northern boundary of the Lands to Charlotte Lane. The

- sidewalk and associated works shall meet the design and construction standards of the Municipality as required by the Development Engineer; and
- b) Walkways to the sidewalk adjacent to the Bedford Highway from all entrances to the building.

3.9.2 All walkways on the Lands shall:

- a) Be constructed with a permanent hard surface;
- b) Be a minimum of 1.5 metres (4.9 feet) wide; and
- c) Have a grade of no more than 5%.

3.9.3 If a grade of no more than 5% is not possible, the Developer may request that the Development Engineer for the Municipality approve a steeper grade.

3.9.4 Additional walkways not shown on Schedule B are permitted and shall conform to the requirements of Subsection 3.9.2 of this Agreement.

3.9.5 All costs for the construction of the sidewalk and associated works shall be the responsibility of the Developer.

### **3.10 Outdoor Lighting**

3.10.1 Lighting on the Lands shall be sufficient to promote the safety and security of all users.

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

3.10.3 Freestanding security lighting shall not exceed 5.5 metres (18 feet) in height.

3.10.4 All exterior lighting shall be directed downward, with luminaries shielded to prevent unnecessary glare.

3.10.5 The Developer shall engage a qualified person to prepare an exterior Lighting Plan for the Lands. The Lighting Plan shall include:

- a) The locations and types of all illuminating and accessory devices on the Lands;
- b) Demonstration that the outdoor lighting has been designed in accordance with Crime Prevention Through Environmental Design (CPTED) principles ensuring adequate lighting for all areas of the site;
- c) Certification from a qualified person that the Lighting Plan meets the requirements of this Agreement; and
- d) Any additional information required by the Development Officer.

### **3.11 Amenity Space**

3.11.1 In addition to private residential balconies, amenity space on the Lands shall be provided as shown on the Schedules and as follows:

- a) At least 185 square metres (2,000 square feet) of landscaped open space between the building and the Bedford Highway;
- b) An interior community room of at least 47 square metres (500 square feet); and
- c) An outdoor terrace of at least 10 square metres (108 square feet).

### **3.12 Landscaping**

- 3.12.1 The Developer shall engage a Landscape Architect who is a full member in good standing of the Canadian Society of Landscape Architects to prepare a Landscape Plan that complies with all requirements of this Agreement.
- 3.12.2 The Landscape Plan shall include:
- a) Trees or shrubs and planters in proximity to the main entrance;
  - b) Street trees between the Bedford Highway sidewalk and the building. All street trees shall meet the requirements of the Municipality as determined by the Development Officer;
  - c) Sodding of all disturbed areas;
  - d) Screening as required by Sections 3.15 and 3.5 of this Agreement;
  - e) Improvements to the exterior existing landscaped area shown on Schedule B, including but not limited to:
    - (i) Ground level patios, raised decks and permanent patio furnishings;
    - (ii) Fencing or screening; and
    - (iii) Additional landscaped areas as shown on Schedule B; and
  - f) Any information required by the Development Officer.
- 3.12.3 All plant material shall conform to the Canadian Nursery Trades Association Metric Guide Specifications and Standards and sodded areas to the Canadian Nursery Sod Growers' Specifications.

### **3.13 Maintenance**

- 3.13.1 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.
- 3.13.2 All disturbed areas shall be reinstated to original condition or better, as determined by the Development Officer.

### **3.14 Temporary Construction Building**

- 3.14.1 A construction building is 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.

### **3.15 Screening**

- 3.15.1 Propane tanks, heat pumps and electrical transformers shall be located on the Lands in such a way to ensure minimal visual impact from neighbouring properties and the Bedford Highway, as determined by the Development Officer.

These facilities shall be secured in accordance with the requirements of the applicable approval agencies and screened by means of opaque fencing or masonry walls, with view-obstructing landscaping.

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

### **4.1 General Provisions**

- 4.1.1 The 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 prior written approval from the Development Engineer.

### **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 Solid Waste Facilities**

- 4.3.1 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.
- 4.3.2 Refuse containers and waste compactors shall be confined to the loading areas of each building, and shall be screened from public view where necessary by means of opaque fencing or masonry walls with suitable landscaping.
- 4.3.3 All refuse and recycling materials shall be contained within a building, or within suitable containers which are fully screened from view from any street or sidewalk. Further, consideration shall be given to locating of all refuse and recycling material to ensure minimal effect on abutting property owners by means of opaque fencing or masonry walls with suitable landscaping.

### **4.4 Bedford Highway Improvements**

- 4.4.1 The Developer shall undertake improvements to the Bedford Highway, including:
- a) Sidewalk as required by Section 3.9 of this Agreement;
  - b) Curb and gutter along Bedford Highway from the northern boundary of the Lands to Charlotte Lane;
  - c) Street trees as required by the Development Officer; and
  - d) Any other improvements required by the Development Officer.
- 4.4.2 Improvements to the Bedford Highway required by this Agreement shall be completed prior to the issuance of any Occupancy Permit.
- 4.4.3 Detailed design for improvements to the Bedford Highway shall be submitted to the Municipality with the application for a Development Permit.
- 4.4.4 The design and construction of the Bedford Highway improvements shall meet the requirements of the Municipality and all other relevant agencies or utilities.



- 4.4.5 The Developer shall be responsible for all costs related to improvements to the Bedford Highway required by this Agreement, and any associated works.

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

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

- 5.1.1 The developer shall ensure that all private storm water facilities on the Lands are maintained in sufficient order to maintain full storage capacity.

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

- 5.2.1 Prior to the commencement of any site work on the Lands or construction of streets and services, including grade alteration 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, stamped and certified by a Professional Engineer indicating the sequence and phasing of construction and the areas to be disturbed and undisturbed;
  - b) Submit to the Development Officer a detailed Erosion and Sedimentation Control Plan prepared, stamped and certified 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, a detailed description of all proposed 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 Plan prepared, stamped and certified by a Professional Engineer, which shall include an appropriate stormwater management system. The Site Grading Plan shall identify structural and vegetative stormwater management measures, which may include infiltration, retention, and detention controls, wetlands, vegetative swales, filter strips and buffers that will minimize adverse impacts on receiving watercourses during and after construction.

### **5.3 Stormwater Management System**

- 5.3.1 The Developer agrees to construct, at its own expense, the stormwater management system designed pursuant to section 5.2 of this Agreement. The Developer shall provide to the Development Officer certification from a Professional Engineer that the system, and any phase thereof as required by the Development Officer, has been constructed in accordance with the approved design.

### **5.4 Archaeological Monitoring and Protection**

- 5.4.1 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 shall comply with the requirements set forth by the Province of Nova Scotia in this regard.

### **5.5 Sulphide Bearing Materials**

- 5.5.1 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 any sulphide bearing materials found on the Lands.

## **5.6 Failure to Conform to Plans**

- 5.6.1 If the Developer fails at any time during any site work or construction to fully conform to the approved plans as required under this Agreement, the Municipality shall require that all site and construction works cease, except for works which may be approved by the Development Engineer to ensure environmental protection.

## **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 placement and architectural design of the building as outlined in Section 3.4 and 3.5 of this Agreement that are beyond the authority of the Development Officer under Section 3.5 of this Agreement;
  - b) The granting of an extension to the date of commencement of construction as identified in Section 7.3 of this Agreement; and
  - c) 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 Nova Scotia Land Registration Office, and the Developer shall incur all costs for 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 lots, the subsequent owners thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lots.

### **7.3 Commencement of Development**

- 7.3.1 In the event that development on the Lands has not commenced within three (3) years from the date of registration of this Agreement, 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 for Halifax Mainland, as amended from time to time.

- 7.3.2 For the purpose of this section, commencement of development shall mean the issuance of a Construction 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, 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 or complete phases of the 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 developments which are completed, discharge this Agreement and apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use By-law for Halifax Mainland, as may be amended from time to time.

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

- 7.5.1 If the Developer fails to complete the development, or phases of this development, within five (5) years of the date of registration of this Agreement, 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 Halifax Municipal Planning Strategy and Land Use By-law for Halifax Mainland, 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 fourteen (14) 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 for Halifax Mainland; 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:

**3247003 NOVA SCOTIA LIMITED**

\_\_\_\_\_  
Witness

Per:\_\_\_\_\_

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

**HALIFAX REGIONAL MUNICIPALITY**

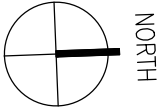
\_\_\_\_\_  
Witness

Per:\_\_\_\_\_  
MAYOR

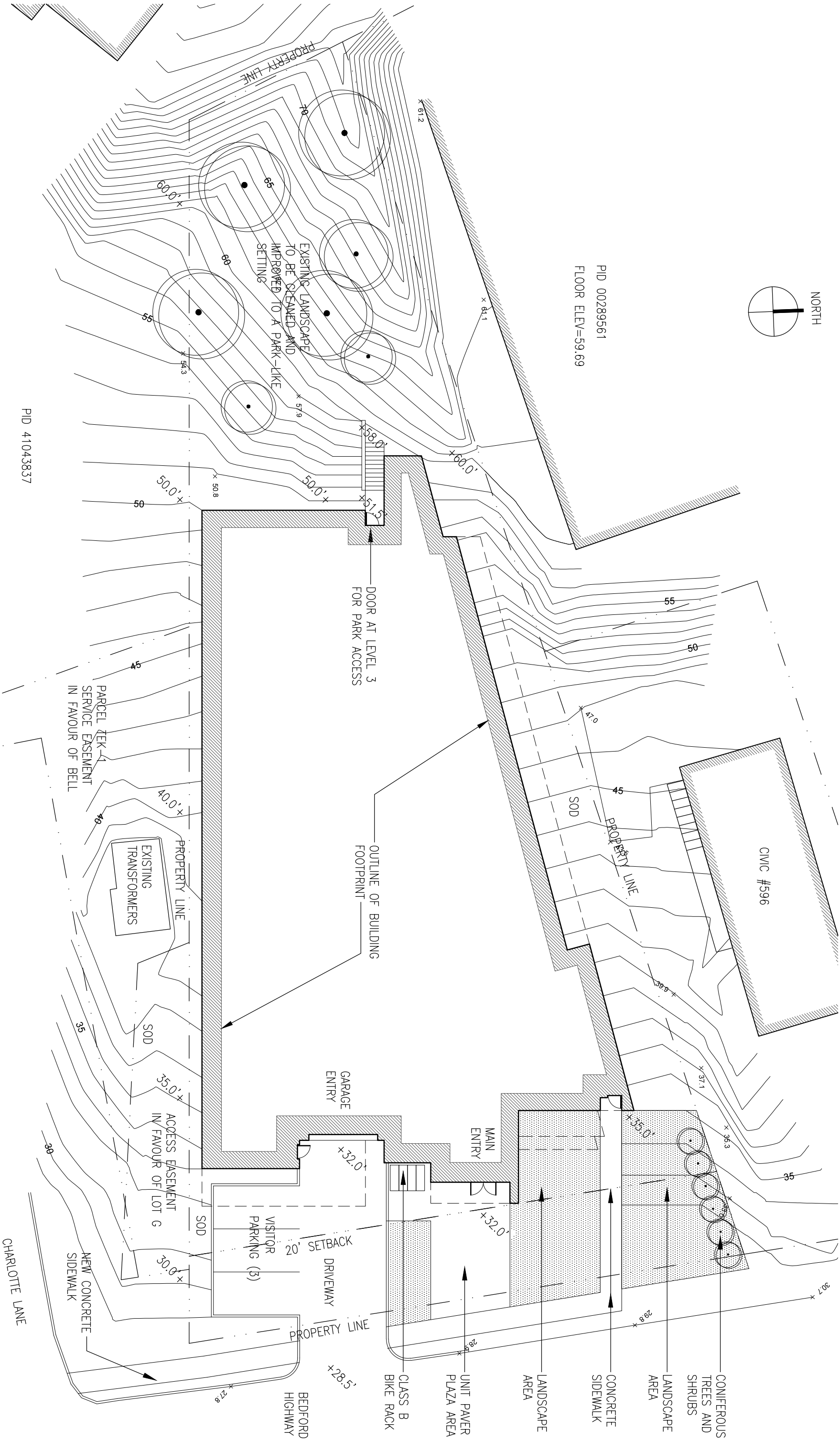
\_\_\_\_\_  
Witness

Per:\_\_\_\_\_  
MUNICIPAL CLERK

Attachment B - Site Plan



PID 00289561  
FLOOR ELEV=59.69



LYDON LYNCH

401 - 1668 BARRINGTON STREET  
HALIFAX, NOVA SCOTIA B3J 2A2  
902-422-1446 LYDONLYNCH.CA

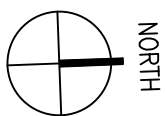
PROJECT NAME:  
592 BEDFORD HIGHWAY, BEDFORD NS  
MULTI RESIDENTIAL DEVELOPMENT

DRAWING TITLE:  
SITE PLAN

DATE: 2017.10.03  
SCALE: 3/64" = 1'-0"  
PROJ #: 16042

DRAWING #:  
A-001

## Attachment C - Site Plan-Yards



PID 00289561  
FLOOR ELEV=59.69

CIVIC #596

BEDFORD  
HIGHWAY

PROPERTY LINE

-OUTLINE OF BUILDING  
FOOTPRINT  
AT LEVEL 1

PROPERTY LINE

PROPERTY LINE

“6-9”

CHARLOTTE LANE

**LYDON LYNCH**

401 - 1668 BARRINGTON STREET  
HALIFAX, NOVA SCOTIA B3J 2A2  
902-422-1446 LYDONLYNCH.CA

PROJECT NAME:

592 BEDFORD HIGHWAY, BEDFORD NS  
MULTI RESIDENTIAL DEVELOPMENT

DRAWING TITLE:

SCHEDULE C  
SITE PLAN - YARDS

DATE: 2018.04.24 DRAWING #:

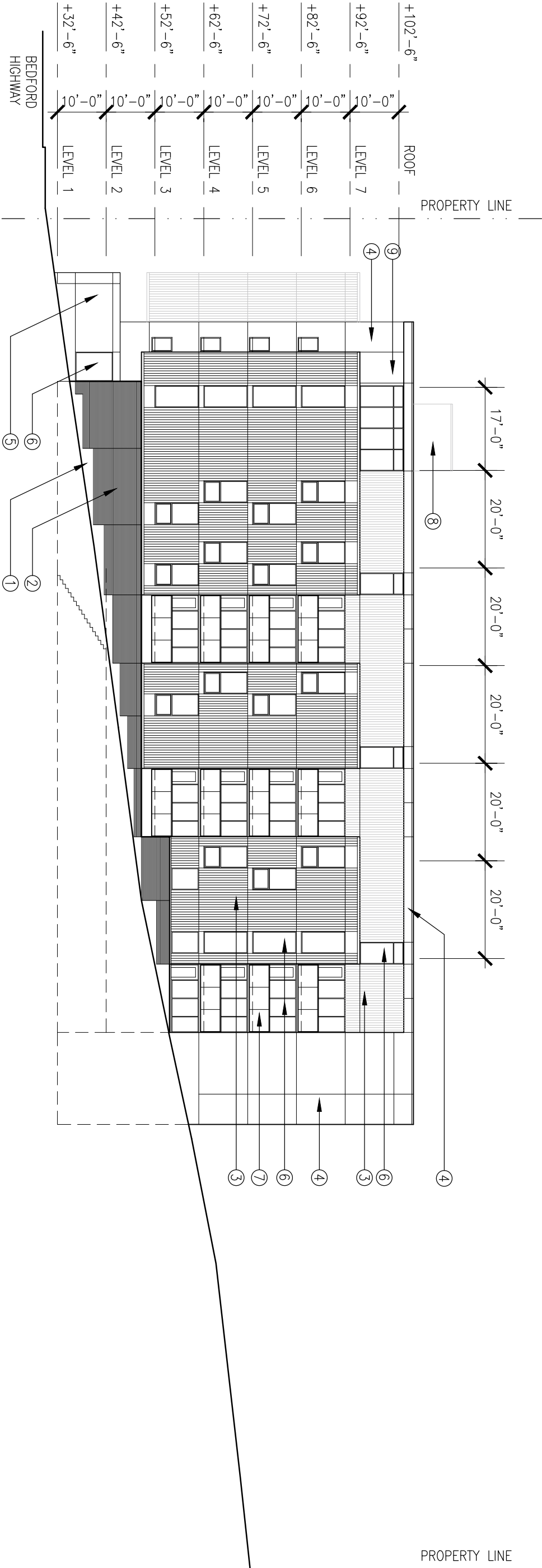
SCALE: 3/64" = 1'-0"

PROJ.#: 16042

DRAWING #:

A-002

Attachment D - North Elevation



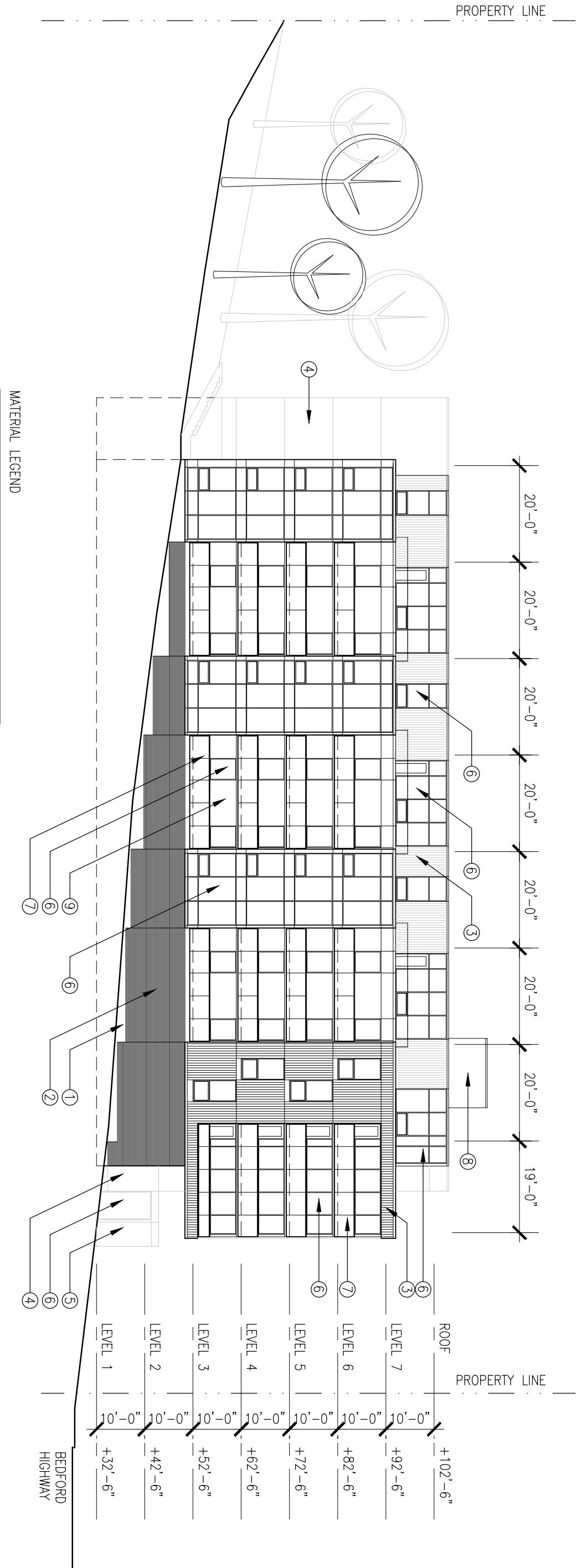
LYDON LYNCH

401 - 1668 BARRINGTON STREET  
HALIFAX, NOVA SCOTIA B3J 2A2  
902-422-1446 LYDONLYNCH.CA

PROJECT NAME: 592 BEDFORD HIGHWAY, BEDFORD NS  
DRAWING TITLE: NORTH ELEVATION  
MULTI RESIDENTIAL DEVELOPMENT

DATE: 2018.04.24  
SCALE: 3/64" = 1'-0"  
PROJ #: 16042  
DRAWING #: A-201

Attachment E- South Elevation



LYDON LYNCH

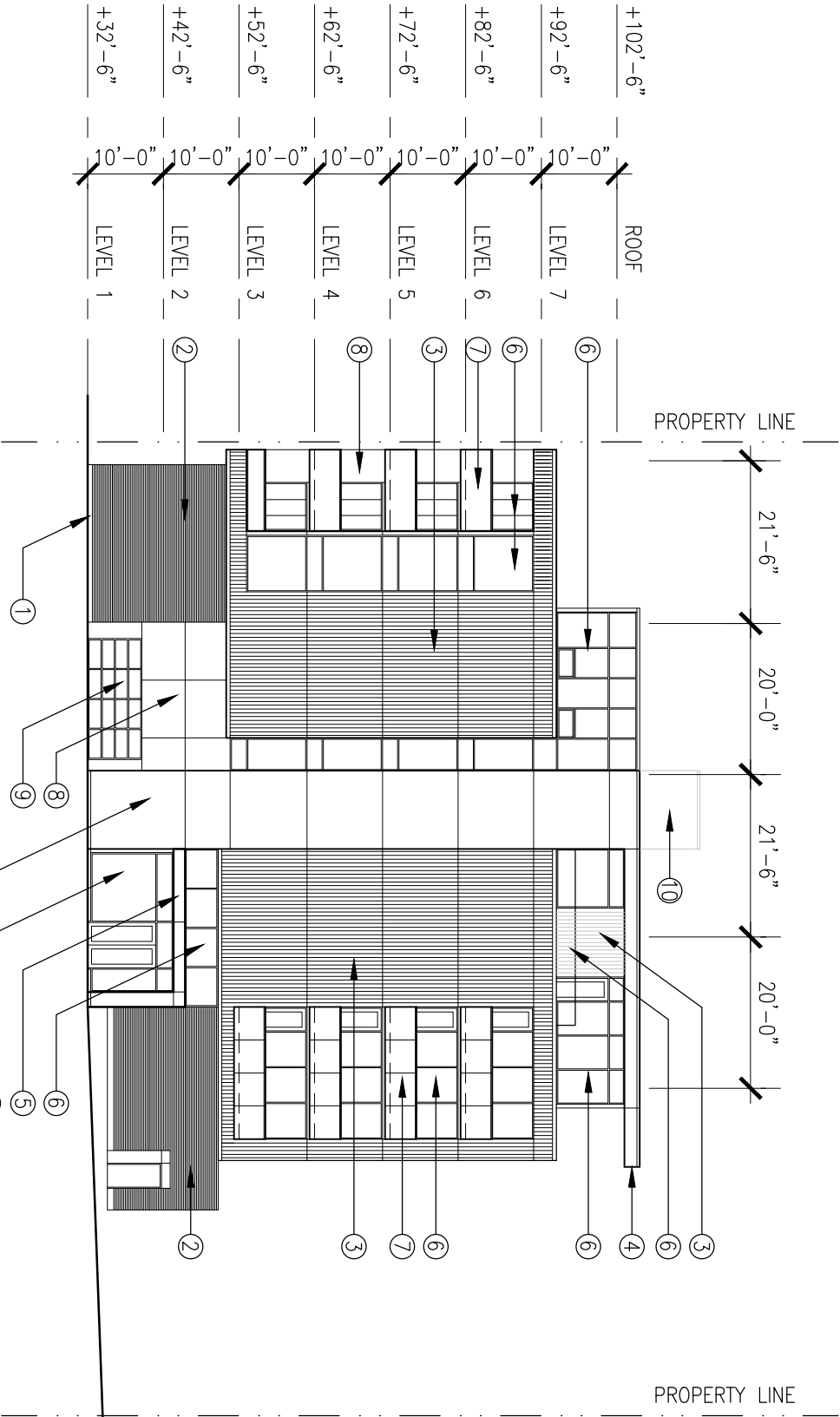
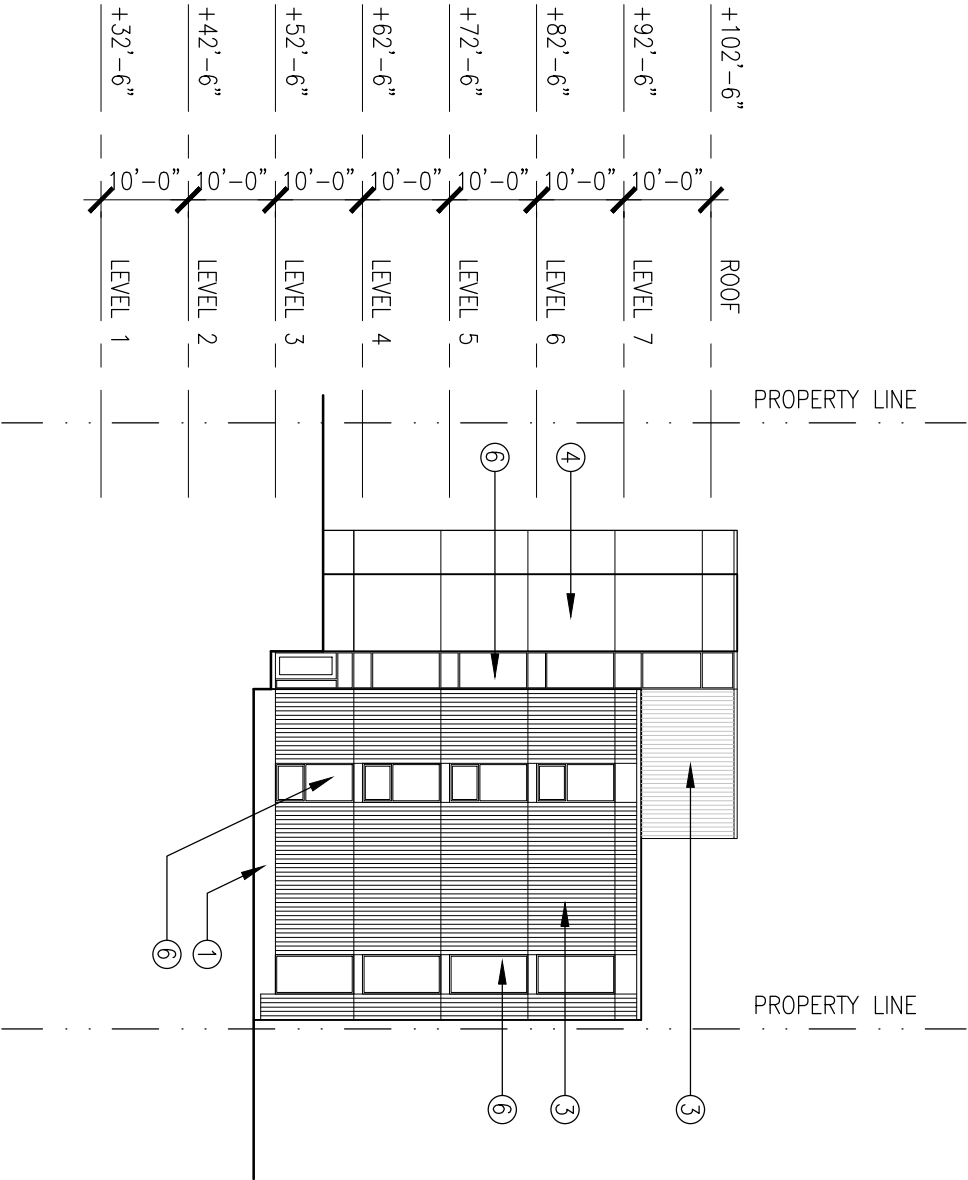
401 - 1668 BARRINGTON STREET  
HALIFAX, NOVA SCOTIA B3J 2A2  
902-422-1446 LYDONLYNCH.CA

PROJECT NAME: 592 BEDFORD HIGHWAY, BEDFORD NS  
DRAWING TITLE: SOUTH ELEVATION  
MULTI RESIDENTIAL DEVELOPMENT

DATE: 2018.04.24  
SCALE: 3/64" = 1'-0"  
PROJ #: 16042  
DRAWING #: A-200



Attachment F - East and West Elevations



MATERIAL LEGEND

- ① EXPOSED CONCRETE FOUNDATION
- ② BRICK
- ③ PREFINISHED METAL WALL CLADDING WITH RIBBED PROFILE
- ④ PREFINISHED CEMENT PANELS – COLOUR 1
- ⑤ PREFINISHED CEMENT PANELS – COLOUR 2
- ⑥ PREFINISHED ALUMINUM FRAMED WINDOW SYSTEM
- ⑦ GLASS GUARDRAIL (TYPICAL)
- ⑧ WOOD GRAIN COMPOSITE PANELS
- ⑨ OVERHEAD GARAGE DOOR WITH FROSTED GLASS
- ⑩ ELEVATOR EXTENSION BEYOND

LYDON LYNCH

401 - 1668 BARRINGTON STREET  
HALIFAX, NOVA SCOTIA B3J 2A2  
902-422-1446 LYDONLYNCH.CA

PROJECT NAME: 592 BEDFORD HIGHWAY, BEDFORD NS  
DRAWING TITLE: WEST ELEVATION  
MULTI RESIDENTIAL DEVELOPMENT EAST ELEVATION

DATE: 2018.04.24  
SCALE: 3/64" = 1'-0"  
PROJ #: 16042  
DRAWING #: A-202

## Attachment B - Review of Relevant Policies of the Halifax MPS

Halifax Municipal Planning Strategy – City Wide Objective and Policies	
Policy Criteria	Staff Comment
8.6 <i>The City should make every effort to ensure that developments do not create adverse wind and shadow effects. The means by which this policy shall be implemented shall be considered as part of the study called for in Part III.</i>	See 1.8.2(k) below for shadow effects. A wind study was completed for a previous design of the proposed building. During the redesign process, features such as canopies on main entrances were added and the previous 8 storey streetwall was redesigned and reduced. All design improvements will minimize wind impacts and maintain a comfortable pedestrian environment for public spaces.
8.8 <i>The City should protect vistas and views of significant interest.</i>	No views or vistas of significant interest impact are significantly affected by the proposal.
9.6.6 <i>The City should not enter a contract for any development that would adversely affect the principal street network, unless such development would be clearly desirable because of its positive effects as determined by its conformity with, or furtherance of, the principles established by the policies of this Plan.</i>	Bedford Highway is part of the Principal Street network. A detailed review of the transportation impact was completed and no significant impacts were identified.
9.6.7 <i>The City shall control the number, location, and spacing of access points, and the intensity of frontage development along principal streets by appropriate means to be developed as part of the Transportation Strategy Statement called for in Part III, Section I of this document and shall maintain good sign control to ensure that the functions of the street system are protected where these are not already controlled by the Provincial Department of Highways.</i>	Bedford Highway is part of the Principal Street network. The proposed access point on Bedford Highway meets appropriate Municipal engineering requirements.
10.2 <i>In order to ensure that critical sewer and water problems will not be created within or beyond development areas, the amount of development shall be related to capacity of existing (including potential rehabilitation) and planned sewer, water and pollution control systems, by drainage area, and shall not exceed the capacities of those systems as determined by the standard practises of the City. This shall be accomplished by Implementation Policy 5.</i>	The proposed development is within capacities identified by current engineering studies and Halifax Water.

<b>Halifax Municipal Planning Strategy - Bedford Highway Secondary Planning Strategy</b>	
<b>Policy Criteria</b>	<b>Staff Comment</b>
1.8.1 <i>In considering land use by-law amendments to allow inclusion of a specific property within Schedule "R", the lands must be within the Bedford Highway Secondary Plan area, designated Highway Commercial, zoned C-2B (Highway Commercial Zone) and be immediately adjacent to lands currently identified in the land use by-law as Schedule "R". (RC-Jan 11/11;E-Mar 12/11)</i>	The subject property is currently located in Schedule "R" and is within the Bedford Highway Secondary Plan, is designated Highway Commercial and is zoned C2-B (Highway Commercial Zone). No amendments are proposed.
1.8.2 <i>In considering development agreements pursuant to Policy 1.8, Council shall consider the following:</i>	
(a) <i>the relationship of new development to adjacent properties and uses; and, the mitigation of impacts on the amenity, convenience and development potential of adjacent properties through effective urban design and landscape treatment;</i>	<p><u>Western setbacks</u> - Setbacks are approximately 85 feet from western property line and 100 feet from the closest multiple unit dwelling (Oceanview Lane). Staff are of the opinion that 100 feet is adequate because the proposed and existing buildings are separated by a significant distance and much of the setback area remains treed.</p> <p><u>Northern Setbacks</u> - The setbacks above the underground parking to the north have increased from approximately 3 metres (10 feet) at the rear and 0 metres (0 feet) near the Bedford Highway to between 3.84 metres (12.6 feet) at the rear and 6.76 metres (22.2 feet) near the Bedford highway. This setback improves the relationship with Civic 600 as compared with the previous proposal. The existing zone requires a zero setback for commercial uses and 20 feet from new residential development. Given that the proposed building exceeds the 20 foot setback near Civic 600, staff are satisfied that the setback is sufficient to deal with existing adjacent development.</p> <p>Winter shadowing (Attachment F) of 600 Bedford Highway could be expected which may impact heating costs and maintenance issues. With this said, because of the size of the building on 600 Bedford Highway, any increase in building height or mass, even that permitted by the Land Use By-law (35 feet maximum) would likely cause shadow impacts. It is not expected that the proximity of the proposed building will significantly affect the ability of the 600 Bedford Highway to redevelop.</p> <p>Significant impacts are not on other properties to the north, specifically the lands of Manorhouse Furniture.</p> <p><u>Southern Setbacks</u>- although setbacks are minimal 0.9 m (3 feet), there is little risk that buildings will be established adjacent this area due to the area being used for utility uses and an access point for the Ocean Brook Apartments. Thus the proposed building will not impact development in this area. The developer may have to negotiate an easement with this property owner to enable construction along this property line.</p> <p><u>Eastern Setbacks</u>- setbacks from the Bedford Highway property line are approximately 20 feet or greater, which are adequate. No impacts are expected along this property line.</p>

<p><i>(b) direct access to and sufficient frontage on Bedford Highway;</i></p>	<p>The property has direct access to Bedford Highway and has approximately 39.6m (130 feet) of frontage on this street. This frontage is more than sufficient for this development.</p>
<p><i>(c) the architectural design of the building(s) including high quality building materials, articulation of and variation to the building(s) facades; and fine-grained architectural detailing;</i></p>	<p>The primary cladding materials used include: brick, ribbed metal cladding, prefinished cement panels in multiple colours, wood grain composite panels, aluminum windows and doors, and glass guardrails.</p> <p>Building articulation and variation refers to three dimensional modelling of a building and its surfaces, giving emphasis to architectural elements that create a complementary pattern or rhythm, dividing large buildings into smaller identifiable pieces. Staff are satisfied with the articulation of the building.</p> <p>Fine grained architectural detailing refers to a technique of using smaller architectural components to break up or minimize larger ones of which they are composed. Granularity is the extent to which a component is composed of distinguishable pieces or <i>grains</i>. It can either refer to the extent to which a larger entity is subdivided, or the extent to which groups of smaller indistinguishable entities have joined together to become larger distinguishable entities.</p> <p>Fine grained detailing is not a technique commonly used for modernist architecture such as the proposed building; in fact modernist designs in many instances purposely exclude architectural detailing. However, the building includes changes or variations in colour and tone through a variety of materials and fine grained ribbed siding highlights on portions of the building facing the Bedford Highway in conjunction with a fine-grained brick for parking levels. As a result the proposed building design can be considered to be fine grained, for a modernist building.</p> <p>Staff are satisfied that the architectural details provide high quality building materials, articulation and variation; and fine-grained architectural detailing.</p>
<p><i>(d) the scale of the building(s) having regard for the retention of views of the Bedford Basin from public spaces including streets, and active transportation corridors;</i></p>	<p>Although the building height in total is 7 storeys (including underground parking) at the Bedford Highway, the building is located in a location where views of Bedford Basin from public places are not anticipated to be significantly affected. Views from public trails within the Bedros Lane development are primarily screened by existing vegetation and buildings. Given the decrease in building height (one storey) from the previous proposal, views of Bedford Basin from public streets are not expected to be significantly affected. Views in the vicinity of École Beaubassin, as well from Bedford Highway were previously documented and can be found at the following link:  <a href="https://www.halifax.ca/sites/default/files/documents/city-hall/community-councils/170612nwcc1013.pdf">https://www.halifax.ca/sites/default/files/documents/city-hall/community-councils/170612nwcc1013.pdf</a>  As these views were based on a taller building and indicated that impacts were not significant, staff have not required additional views to be produced.</p>

<p><i>(e) safe vehicular and pedestrian access to the site and building(s);</i></p>	<p>One vehicular access points on the Bedford Highway is proposed. The location and design of the access points have been approved by Development Engineering. A review has determined that additional upgrades to the Bedford Highway are not required.</p> <p>There are two pedestrian accesses proposed to the site, one at the north of the site and one at the middle of the site. These accesses lead to the main entrance and a secondary entrance. In addition, the developer has offered to upgrade the Bedford Highway frontage with a concrete sidewalk which connects to an adjacent property.</p> <p>There are existing bike lanes on the Bedford Highway which will be maintained.</p> <p>Sidewalks beyond the development do not exist and are beyond the scope of what can be required in a development agreement. Pedestrians currently use the shoulder of the road to walk beyond this and other properties in the area. Council may wish to consider future upgrades to sidewalks in the area to make connections to the closest existing sidewalks at Larry Uteck Boulevard (237m (777 feet).</p> <p>No additional issues with regard to safety was identified during the review of this proposal.</p>
<p><i>(f) the adequacy of vehicle and bicycle parking facilities;</i></p>	<p>The development agreement requires 38 parking spaces which is considered adequate for the development under the Halifax Mainland Land Use By-law. While meeting the minimums required by the Land Use By-law, there may be times where the proposed visitor parking may be inadequate for the demand.</p> <p>Bicycle parking is provided as per the LUB at bicycle racks at building entrances and within the parking garage.</p>
<p><i>(g) the location of the majority of the vehicular parking below or to the side or rear of the building(s) with a minimal amount of parking accommodated in the front of the building(s) only where appropriate landscape measures along the street edge are provided;</i></p>	<p>Thirty-five of the thirty-eight parking spaces are located underground; the remaining three spaces are located above ground, in the front yard, adjacent the Bedford Highway.</p> <p>Street trees are required to be planted along the Bedford Highway street frontage which mitigates the visual effects of the minimal front yard parking.</p>
<p><i>(h) the provision of both interior and exterior amenity areas and open space of a high quality, of a size and type adequate for the active and passive use of the residents;</i></p>	<p>Due to the reduced number of proposed dwelling units on the site and a reduced lot coverage with the new proposal, a reduction of amenity space has been negotiated. A combined total of a minimum of 9,000 sq. ft. amenity space is proposed. The total includes:</p> <ul style="list-style-type: none"> <li>• Balconies: ~6,400 sq. ft.;</li> <li>• Landscaping: 2,000 sq. ft.;</li> <li>• Outdoor Terrace: 100 sq. ft.; and</li> <li>• Community Room: 500 sq. ft.</li> </ul> <p>In addition to the above noted amenity space, additional site improvements to the rear of the building will be provided to make the existing treed area useable to residents. The proposed extent of landscaping and open space is appropriate for a building of this scale.</p>

<i>(i) the adequacy of the servicing capacity of the site;</i>	The application has been reviewed by Halifax Water. There were no concerns regarding the adequacy of the servicing capacity of the site. The applicant is to provide a sewage flow generation analysis at the development permit stage and any issues identified at that stage must be rectified by the developer at the developer's expense.
<i>(j) the provision of appropriate buffering and landscape treatment;</i>	Appropriate buffering has been provided through the proposed site design. Maintenance of existing landscaping at the rear of the property (west side) provide significant landscape. Landscaping adjacent the Bedford Highway required by the development agreement is appropriate and creates a quality aesthetic.
<i>(k) the potential impact of shadowing on surrounding residential buildings beyond what currently exists;</i>	<p>While some shading on land uses is commonly acceptable especially in urban and suburban areas, shading that occurs over extended periods of time can be considered a negative impact.</p> <p>The adjacent property (596 Bedford Highway) is zoned for commercial uses, however the zone does enable residential development. The property contains a mixed use building with a commercial ground floor and residential uses on the second floor.</p> <p>The applicant submitted a shadow study for the proposal which indicates that there will be shadow impacts lands to the north in winter (December 21), primarily for 596 Bedford Highway. Shadow impacts in winter months are more acceptable than acceptable than if they occurred in other times of the year when outdoor activities are more common. See report for more details.</p>
<i>(l) demonstrated incorporation of Crime Prevention Through Environmental Design (CPTED) principles in the site and building design; and</i>	<p>The proposed development was previously reviewed the Community Response Team of the Halifax Regional Police in relation to CPTED principles. A copy of the review was previously provided to the applicant for consideration of any changes at the permitting stage.</p> <p>Further, the proposed development agreement requires an outdoor lighting plan to be submitted prior to the issuance of a development permit. The developer is to provide verification that the lighting plan complies with the principles of CPTED.</p>
<i>(m) the provision of active transportation linkages, where needed.</i>	No active transportation linkages have been identified through this site and connections are made to the existing system on the Bedford Highway.

### Attachment C – Comparison of Local Densities by Site

Address	Units	Property Size (sq ft)	Acres	Approximate Units per acre	Population Per Acre
Revised Proposal – 592 Bedford Highway	35	23,967	0.55	64	143
Previously Proposed – 592 Bedford Highway	50	23,967	0.55	91	204
636 Bedford Highway (Bluenose Hotel)**	102	99,241	2.28	45	101
647 Bedford Highway	38	45,359	1.04	36	82
644 Bedford Highway (WM Fares)**	52	62,761	1.44	36	81
664 Bedford Highway (Premax)**	98	173,576	3.98	25	55
37 Larry Uteck Boulevard	24	45,074	1.03	23	52
20 Larry Uteck Boulevard	24	55,515	1.27	19	42
116 Larry Uteck Boulevard	60	117,969	2.71	22	50
22 Bedros Lane	72	167,918	3.85	19	42
40 Bedros Lane	77	107,640	2.47	31	70
53 Bedros Lane	76	124,862	2.87	27	60
64 Bedros Lane	32	125,939	2.89	11	25
79 Bedros Lane	63	107,293	2.46	26	58
94 Bedros Lane	83	190,523	4.37	19	43
26 Jacobs Lane	96	173,380	3.98	24	54
51 Jacobs Lane	96	166,842	3.83	25	56
56 Jacobs Lane	96	248,739	5.71	17	38

\*Does not include a conversion of commercial space to an equivalent population. When commercial area is added in, the densities would increase to 105 person per acre and 61 person per acre.

\*\* Subject to Schedule R Policies.

Attachment D – Public Information Meeting Summary

**HALIFAX REGIONAL MUNICIPALITY**  
**Public Information Meeting**  
**Case No. 19110**

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

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**Wednesday, April 16, 2014**  
**7:00 p.m.**  
**St. Peter's Anglican Church Hall**

**STAFF IN  
ATTENDANCE:**

Andrew Bone, Senior Planner, HRM Planning Applications  
Holly Kent, Planning Technician, HRM Planning Applications  
Cara McFarlane, Planning Controller, HRM Planning Applications

**ALSO IN  
ATTENDANCE:**

Councillor Tim Outhit, District 16  
Kevin Riles, KWR Approvals Inc.  
Tom Emodi, Teal Architects  
Ken O'Brien, WSP Canada

**PUBLIC IN  
ATTENDANCE:**

Approximately 56

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The meeting commenced at approximately 7:03 pm.

**1. Call to order, purpose of meeting – Andrew Bone**

Case 19110 is an application by KWR Approvals Inc. to enter into a development agreement to permit a ten-storey (58 dwelling units, 6,800 square feet of commercial space and underground parking) at 592 Bedford Highway.

The purpose of the Public Information Meeting (PIM) is to identify that Halifax has received an application, give some background on the proposal and receive feedback on the proposal from the public. This is purely for information exchange and no decisions will be made at this PIM.

The PIM agenda was reviewed.

Mr. Bone introduced himself as the Senior Planner facilitating this application through the planning process; Councillor Tim Outhit, District 16; Cara McFarlane and Holly Kent, HRM Planning Applications; Kevin Riles, KWR Approvals Inc.; Tom Emodi, Teal Architects; and Ken O'Brien, Traffic Engineer, WSP Canada.

**2. Overview of planning process – Andrew Bone**

The planning process includes: PIM; a detailed staff review where comments from the public will be filtered through the appropriate specialists; a draft development agreement is negotiated with



the applicant; staff will write a staff report with a recommendation either for or against the proposal; North West Community Council (NWCC) will schedule a public hearing (another opportunity for the public to speak); NWCC will make a decision at the public hearing; there is a 14-day appeal period through the Nova Scotia Utility and Review Board; if not appealed, the development is executed and registered at which time subdivision and permit applications can be issued and construction can begin.

### **3. Presentation of Proposal – Andrew Bone**

The subject property, 592 Bedford Highway, is zoned C-2B (Highway Commercial) Zone which allows a broad range of commercial and residential land uses. Currently, there is a maximum height of 35 feet. Policy within the Halifax Municipal Planning Strategy (MPS), known as Schedule R, allows Council to consider higher buildings on certain properties along the Bedford Highway. The height is not specified; therefore, it is left to Council's discretion. The area of the site is 25,500 square feet.

Policy 1.8 of the Halifax MPS allows for mixed use development by development agreement. A map of properties affected by Schedule R was shown. Staff have reviewed this particular site and feel that it qualifies for consideration of the proposal.

A list of Policy criteria for the proposal was reviewed.

In the end, a development agreement is negotiated with the applicant and Council's decision has to be based on the Policy criteria in the MPS.

### **Presentation of Proposal – Kevin Riles**

The project team have been following the other proposals in the area and attended the public meetings and therefore, took into consideration things like views.

Mr. Riles identified members of the project team: Karim Barghouti (developer); KWR Approvals Inc. (consultant and project management); Tom Emodi, Teal Architects; EXP Services Inc. (stormwater and erosion plan); Ken O'Brien, WSP (traffic engineer); SSDM (survey work); and Patterson Law.

### **Presentation of Proposal – Tom Emodi**

The concept site plan was shown. The idea was to hide the building into the landscaping. The building footprint is about 42% of the site; the retained/protected natural area is 17% (1/5) of the site; new landscaping at grade and roof is over 20% and the landscape roof over the underground parking area is about 48%. The idea is to improve the treed look of the site.

All the buildings around this site are commercial and there are no residential in the immediate area except for the buildings above. **One resident** mentioned that there is a residential building at 37 Larry Uteck Boulevard which will be impacted.

Shown on a plan were: roofed terraces (also a common one for everyone in the building; landscaped roof over the commercial component; and the higher portion of the building is situated so that the side facing the Bedford Highway is quite slim and elegant (doesn't present a big face).

The shadow studies showed that even on the shortest day of the year the buildings impacted by shadows are not residential. Most of the rest of the year the shadows do not cover any buildings in a major way.

The wind study done by RWDI concluded that there would be no impact from the wind.

The materials and colors (blues, greens, greys) of the building more or less marry in with the marine environment and work well with the landscaping.

The traffic study concluded that low numbers of additional vehicle trips generated by the redeveloped site are not expected to have a significant impact on the Bedford Highway. There are two driveways (shown on plan) to disperse vehicles coming on/off the site.

The conclusion from the servicing schematic is that there is capacity and there is no problem with servicing in terms of water and wastewater. The landscaped roofs will balance the runoff after construction. In fact, the runoff post construction will be less than current runoff.

Photos of different views pre and post construction were shown. **One resident** asked about the view from 37 Larry Uteck Boulevard (a residential building). **Mr. Emodi** explained that these photos are the best in terms of capturing all of the different views around the area.

In summary: HRM has identified that this site has good capacity for development in a mixed use neighbourhood; it is tucked away in a curve of the Bedford Highway and underneath a ride in the landscaping underneath the hill; the building is almost at grade; along the Bedford Highway, the elevation is two storeys except for the slim front; the proposal uses only 42% of the lot; there are no concerns with technical studies; almost 100% of parking is underground except for a few drop off points; indoor/outdoor bicycle parking; advance design (every second floor there is a natural ventilation with views on both sides of the floor) and quality materials; and respected community views by turning the building in such a way to avoid significant impact.

**One resident** asked how high the building is. **Mr. Emodi** said it is 102 feet (shorter than the one approved at 644 Bedford Highway at 106 feet)

**Mr. Bone** showed elevations from other angles. He explained that the first floor elevation would be very much at grade to the Bedford Highway. The existing embankment would be graded and removed. The building is set into the hill in such a way that from the Royalton building the views are minimally affected.

#### **4. Questions and Comments**

**Henderson Allen, Bedford Highway** – The statement about just commercial next to the proposed building is false as there are two houses (including his own) there. Those views of the Basin will be significantly impacted. Over several years he has seen many people killed and on a daily basis accidents or near accidents on the Bedford Highway. The curve in the Highway where the proposed building is situated is not safe. Since Larry Uteck Boulevard has opened up, traffic is a nightmare. When the unfinished buildings on Larry Uteck are complete, there will be several more cars coming down there. What do they plan to do to improve the Bedford Highway? The proposed building comes up to the road; therefore, any future road widening will not be possible. Mr. Allen referred to the building at 827 Bedford Highway that he believes infringes on the Bedford Highway and encouraged Mr. Bone to look further into that one. **Mr. Bone** will present his comments to the review team.

**Ken Brothers, Bedros Lane** – When purchasing a property, he was advised by his real estate agent that 35 feet was the height recommendation in that area. He has a waterview from his property and the angles are different from the various views shown. Not fully capturing the impact on the water, he asked the developer, in his next presentation, to look at various views along the plane. He has an issue with no real height restriction. **Mr. Bone** explained that the Policy doesn't establish a fixed height but through the development agreement, a height would be established. **Mr. Brothers** said this sets precedence in moving forward. Most Council decisions are predicated on fact proposal, value and precedence. He is not against development, but from his property the view is the side of the proposed building; therefore, obstructing his view significantly. He's taken back by the fact that this proposal is two to three times the height that has been presented in Council and the MPS and he has made previous decisions based on that. He would like the developer to consider the extension of the additional height and modify the proposal into something that can conform with mitigating his view impact.

**Elizabeth Sanderson, Bedros Lane** – Unless one travels the Bedford Highway during the work week, they have no idea of the impact these buildings have on the traffic. She does not believe that the traffic studies performed five years ago are still valid for current and future developments. The trees along the Bedford Highway are going to be destroyed and replaced with steel, concrete and windows.

**Maureen Palmeter, Fernleigh Park** – She asked about this area being identified for high density. **Mr. Bone** explained that before 2010, a review of the planning policy on the western shore of the Bedford Basin was done and through that process Schedule R, Policy 1.8, was approved. **Ms. Palmeter** understood that was to avoid large, unsightly buildings to be built as-of-right but give the developer the opportunity, with public input, to go higher. She feels the application letter from KWR Approvals is somewhat misleading and encouraged Mr. Bone to go back and review so that the Councillors look at this application from staff's viewpoint and not the developer's. The developer states that there are no guidelines for density calculation in the Bedford Highway Secondary Planning Strategy. The calculation is in the By-law and it states 75 persons per acre but the developer has come up with 218 per acre. A density has not been assigned to the commercial component of the proposal. This building is right up to the property line all the way around. The developer is not just asking for a building higher than 35 feet, they are also asking for no setbacks and triple the density. The community needs to know exactly what is being asked of Council. **Mr. Bone** will clearly identify that in the report.

**Bill Delaney, Larry Uteck Boulevard** – He asked what went into the traffic study. **Ken O'Brien** – About 1.5 years ago, he provided a Traffic Impact Statement. The site produces traffic now. He concluded that a 58 unit apartment building would generate five trips entering in the morning/12 exiting in the morning and 13 entering in the afternoon/10 exiting in the afternoon. The total impact on the Bedford Highway as a result of looking at traffic now generated by the existing land uses less taking it off the traffic generated by the new building is going to generate 30 trips per hour total in the morning and 43 in the afternoon. Therefore, the number of trips being generated by this site is considered insignificant. Mr. Delaney doesn't see it that way as most units will have two vehicles. The explanation was for one site, there are three more developments going ahead. He doesn't understand how the city continues to accept the density and make a statement that it won't impact traffic. **Mr. Bone** – HRM traffic engineers will determine if the study is accurate and request changes if necessary.

**Mr. Allen** – He is concerned that the brook that runs down through the area will worsen with further development

**John Bell, Charlotte Lane** – He asked about the total height of the proposal that has been approved and this proposal. **Mr. Bone** mentioned that the site at 644 Bedford Highway is a total of 106 feet from the Bedford Highway to the highest point and the proposed, 592 Bedford Highway, is 102 feet. **Mr. Bell** said that four proposals along the Bedford Highway will have a significant impact on traffic. He is concerned that emergency vehicles are unable to get through.

**Ms. Palmeter** – She is concerned about safety because the building will be up against the Highway. She wondered how long the data for a traffic impact statement are valid for. **Mr. O'Brien** explained that the volume provided by HRM is used. **Ms. Palmeter** stated that the traffic counts were done in 2011/12. It is now 2014. It was also noted that the studies were done in August when universities and schools are out which does not provide accurate data.

**Davena Davis, Fernleigh Park** – Will there be a sidewalk? **Mr. Bone** said there isn't anything proposed but for the other three applications, there have been discussions regarding pedestrian connection. The policy requires Council to look at pedestrian connectivity.

**Ray Provencher, Charlotte Lane** – He is not against development. In the future, he believes there will be more than these four properties being developed. Does the City have plans to improve the Bedford Highway? It hasn't changed for decades even though development continues to occur. **Mr. Bone** will be asking those questions to HRM's design and engineer group. There is larger networking improvements scheduled in the Capital Budget.

**Councillor Outhit, Councillor for Bedford/Wentworth** – The decision that a developer could ask to build higher by development agreement was made by the area Community Council a few years ago. He would like to have seen it capped at five or six storeys along the Bedford Highway. Traffic is a big issue. He personally had many large projects put on hold due to the condition of traffic on the Bedford Highway. **Mr. O'Brien** is correct when you look at the big picture, 58 more units will not have an impact on the Bedford Highway. The issue is all the new developments that will add up. He asked the community to be patient and promised he will continue to work on improvements to the Bedford Highway. He plans to meet with the developer as he is concerned about the height of this building and how close it is to the Highway. At the end of the day, compromises are met. While there isn't a law that protects people's views, he realizes the economic impact of that and doesn't want to see it happen.

**Ms. Anderson** – She questioned if the drawing that was shown was to scale. **Mr. Emodi** assured the community it was accurate and exactly how it will look in relation to its surroundings. The building is not right up against the Bedford Highway. **Ms. Palmeter** believes that it encroaches on HRM property.

## **5. Closing Comments**

**Mr. Bone** thanked everyone for coming and expressing their comments.

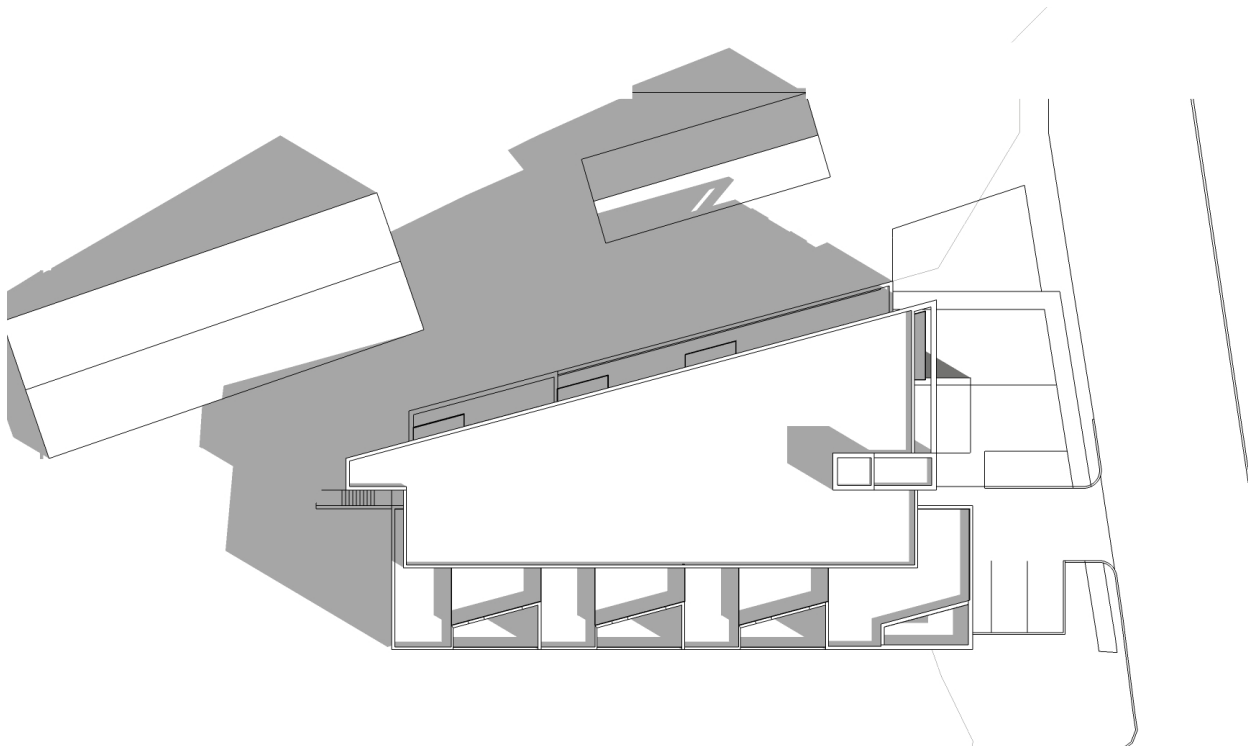
## **6. Adjournment**

The meeting adjourned at approximately 8:38 p.m.

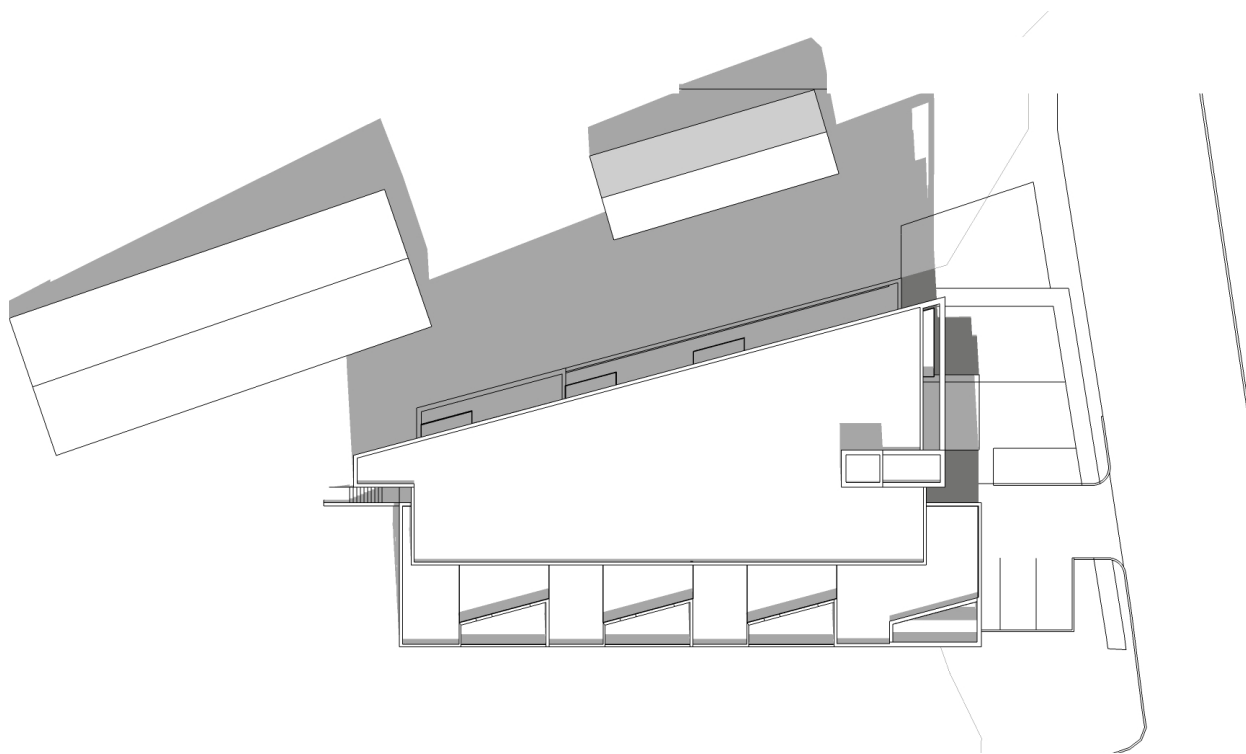
**592 BEDFORD HIGHWAY  
MULTI RESIDENTIAL DEVELOPMENT**

**SHADOW STUDIES**

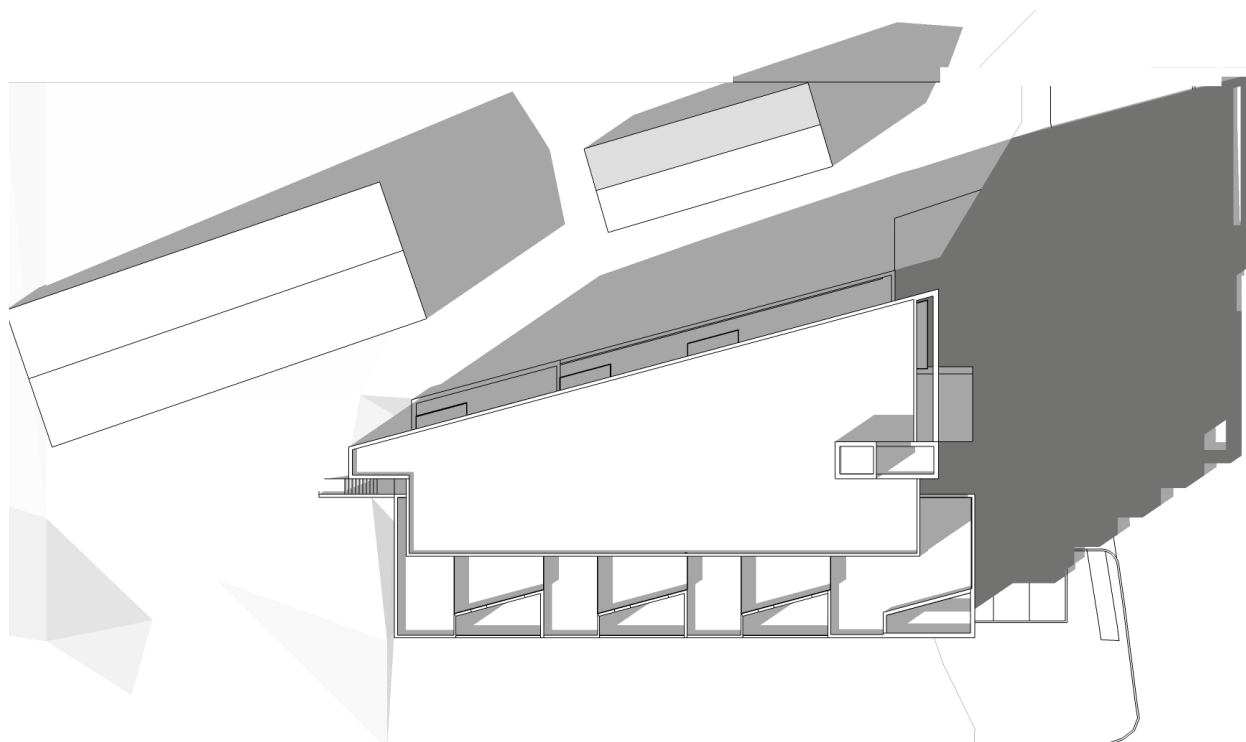
October 3, 2017



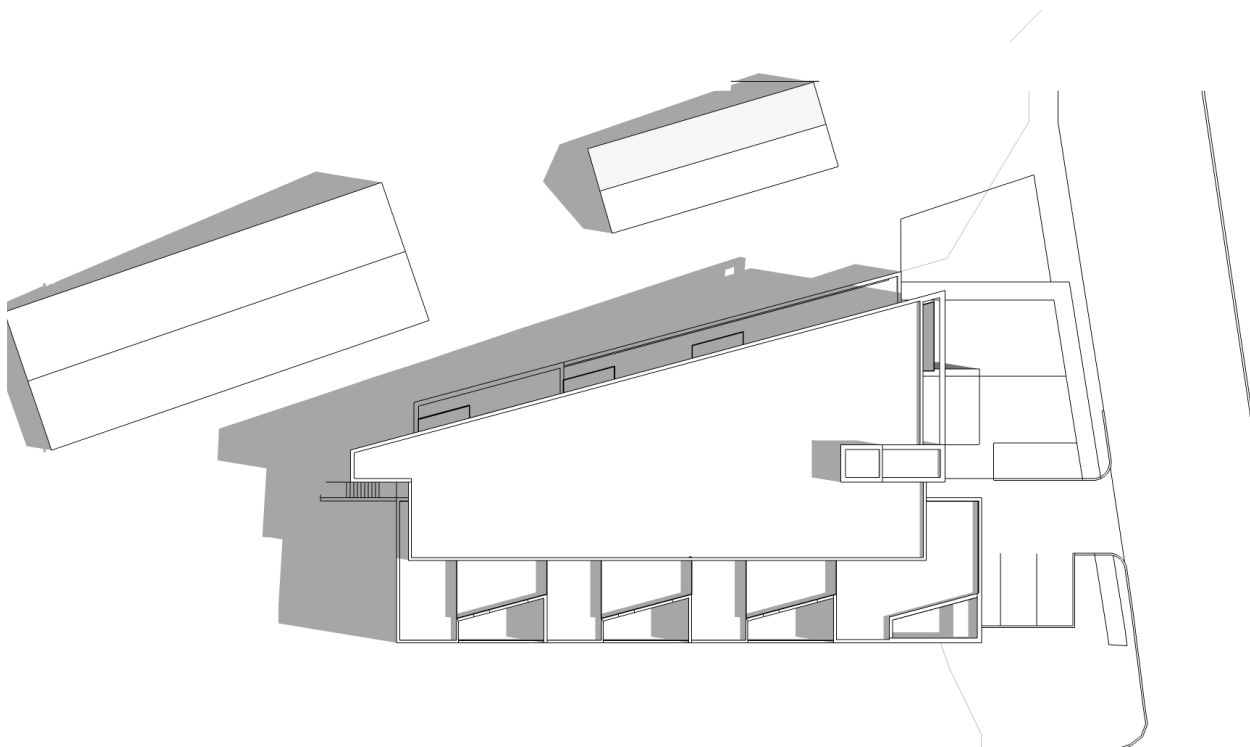
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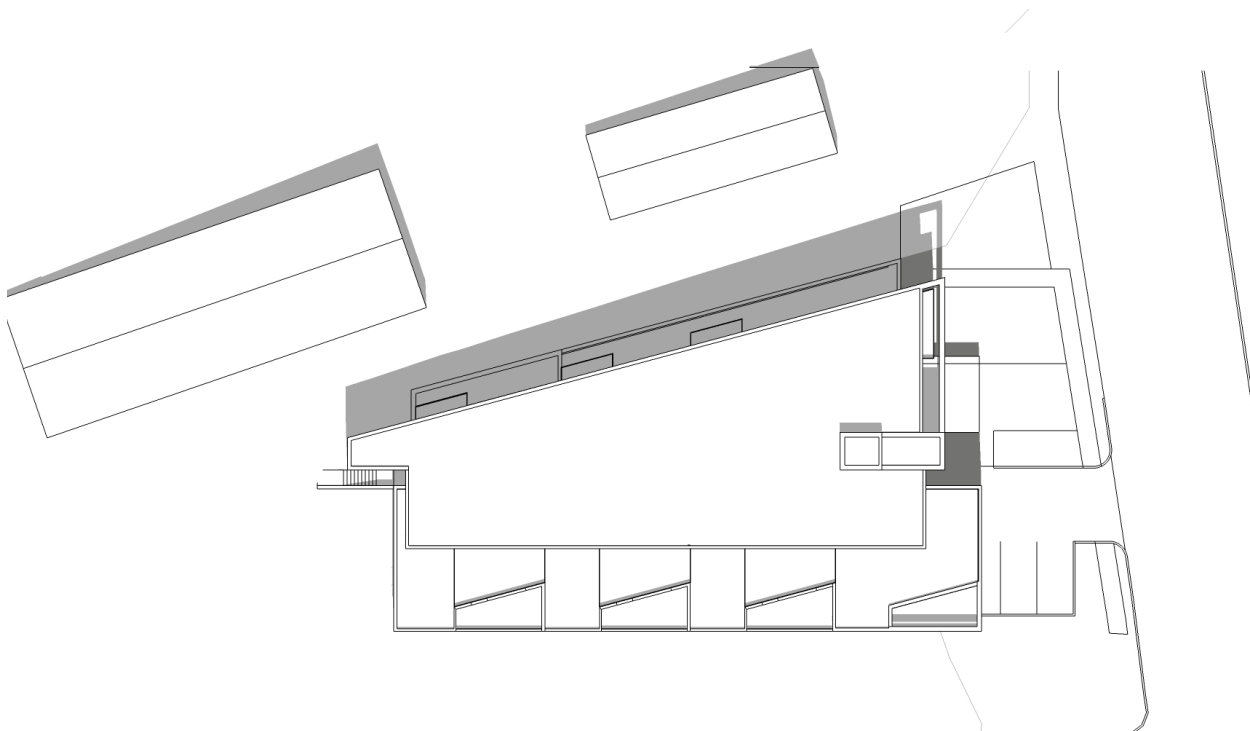
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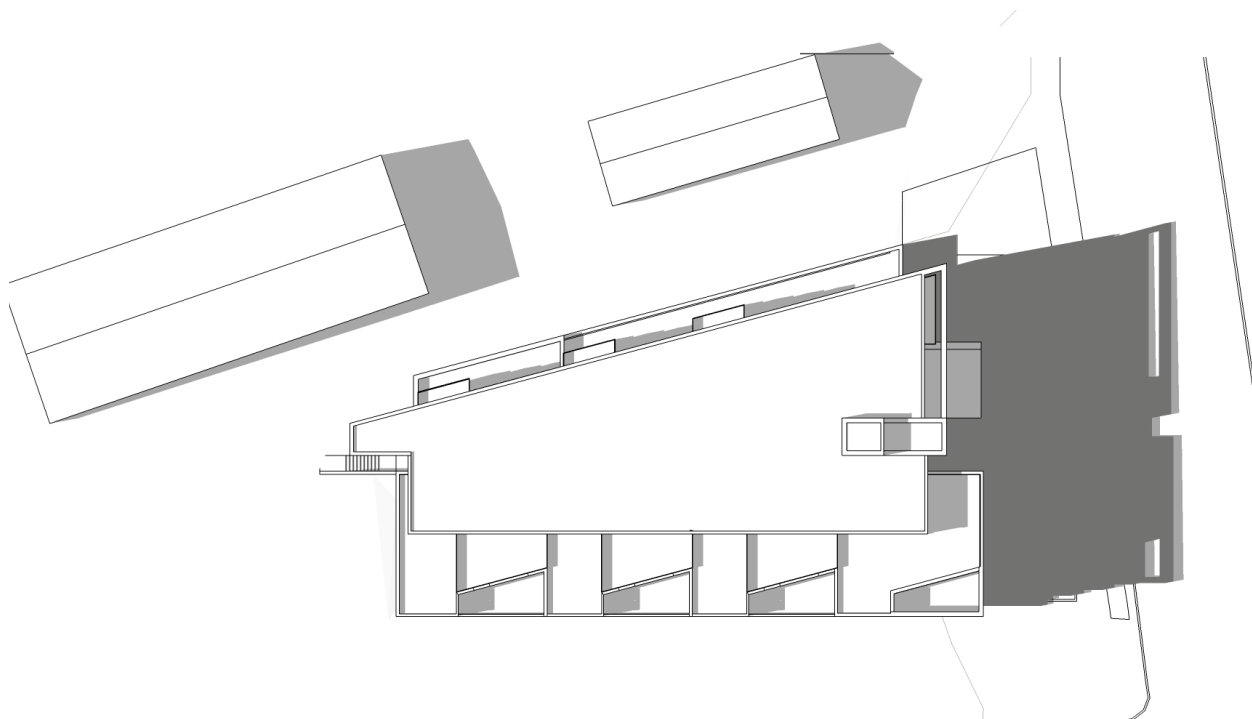
**MARCH 21, 3:00pm**



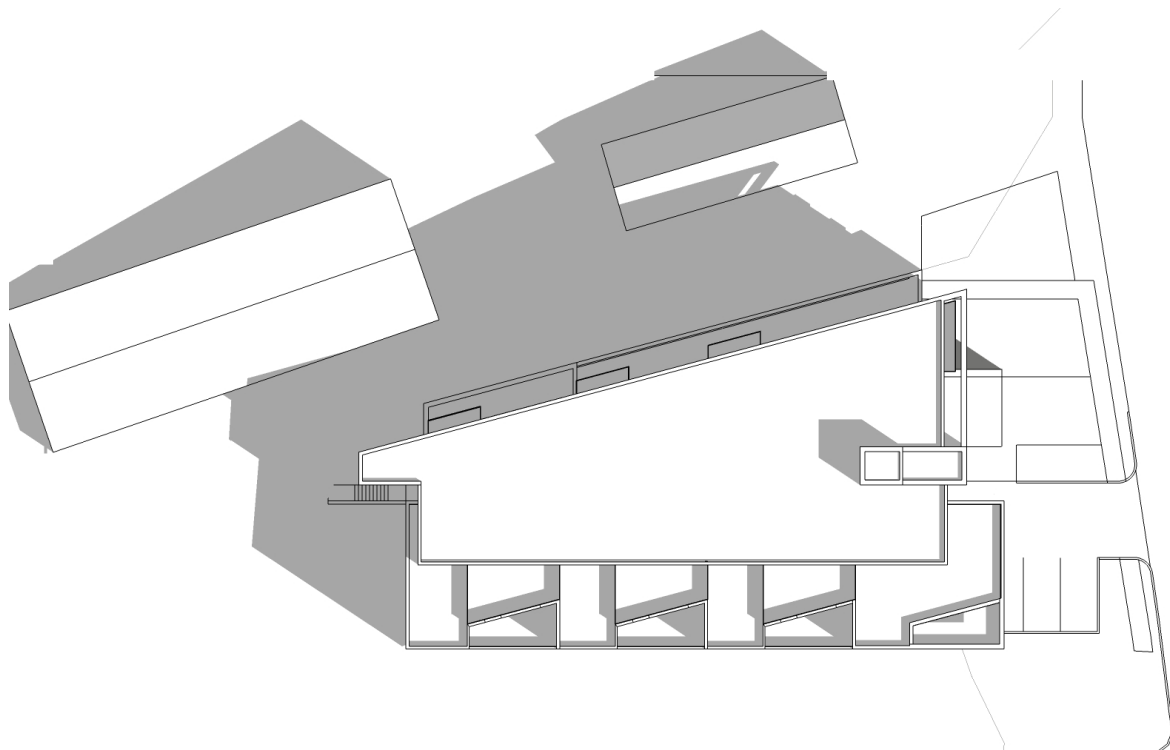
**JUNE 21, 9:00am**



**JUNE 21, 12:00pm**

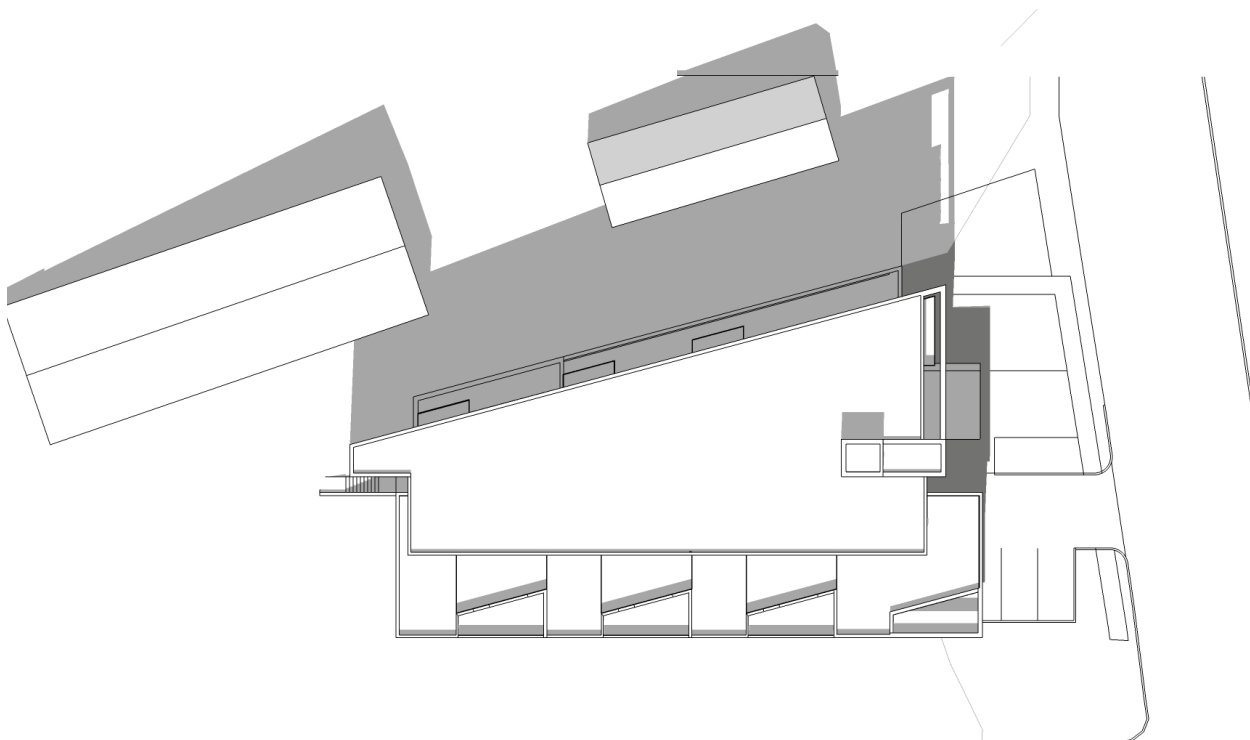


JUNE 21, 3:00pm

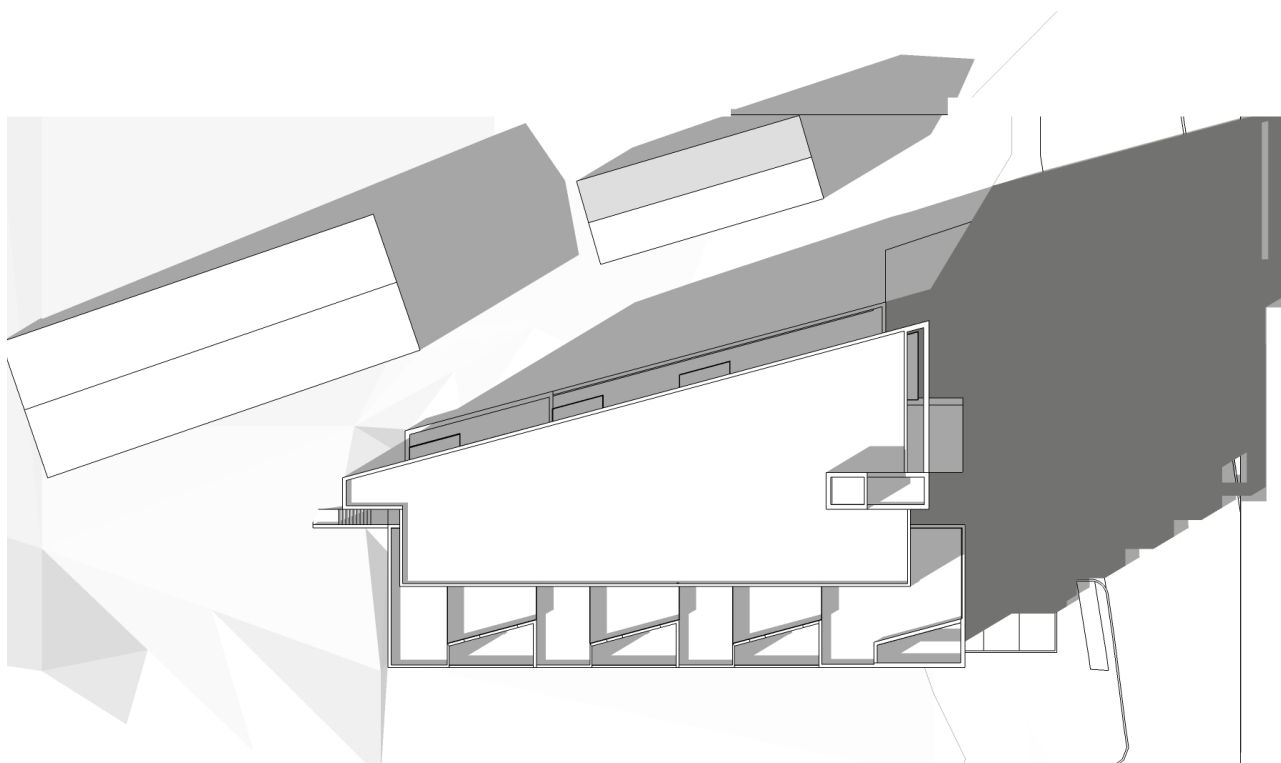


SEPTEMBER 21, 9:00am

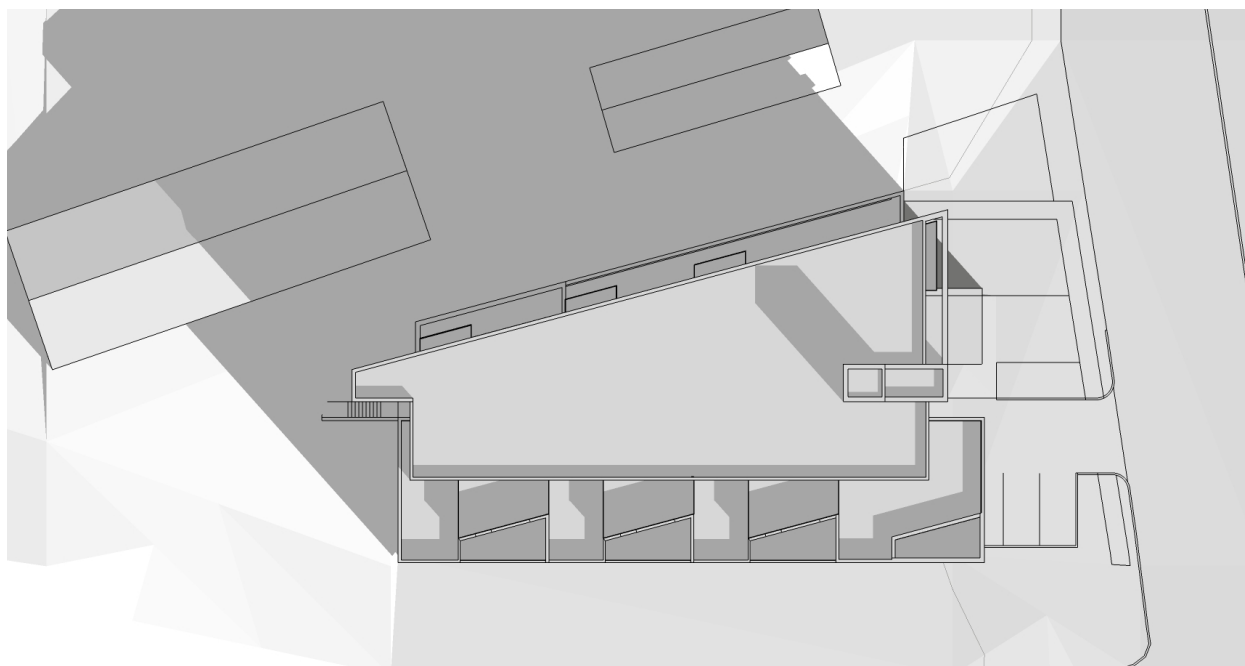




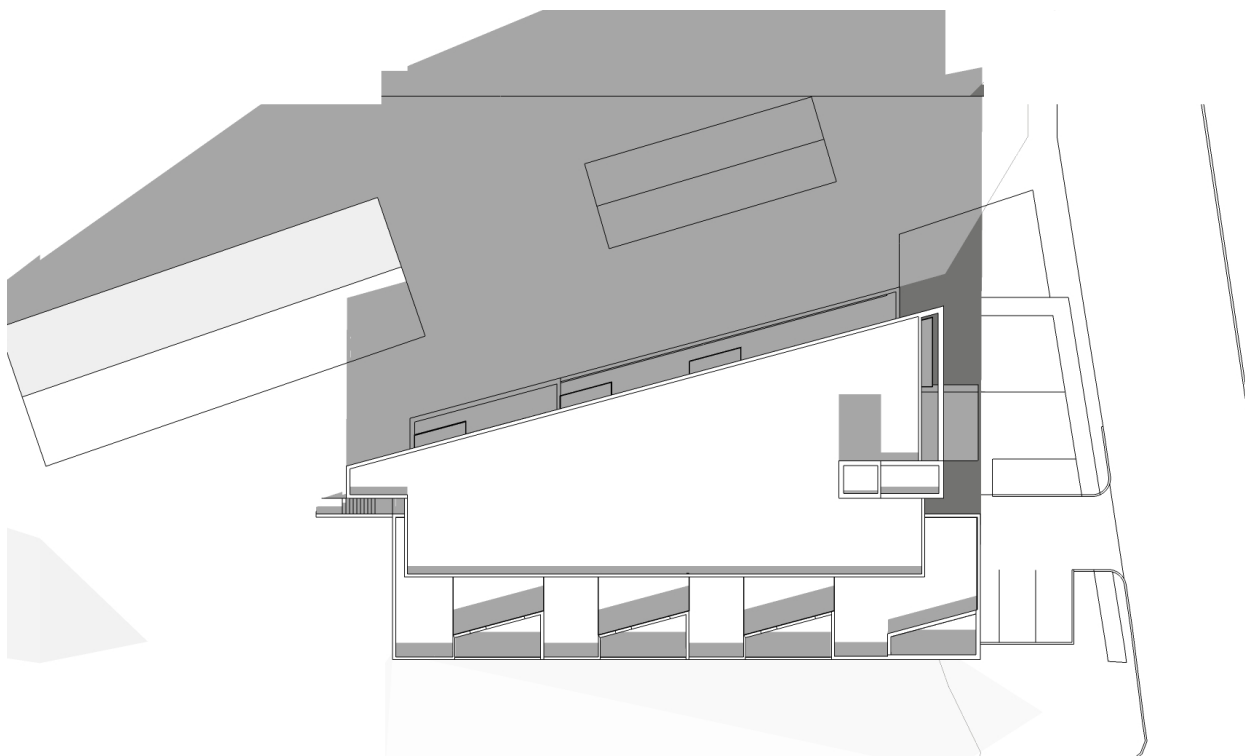
**SEPTEMBER 21, 12:00pm**



**SEPTEMBER 21, 3:00pm**



**DECEMBER 21, 9:00am**

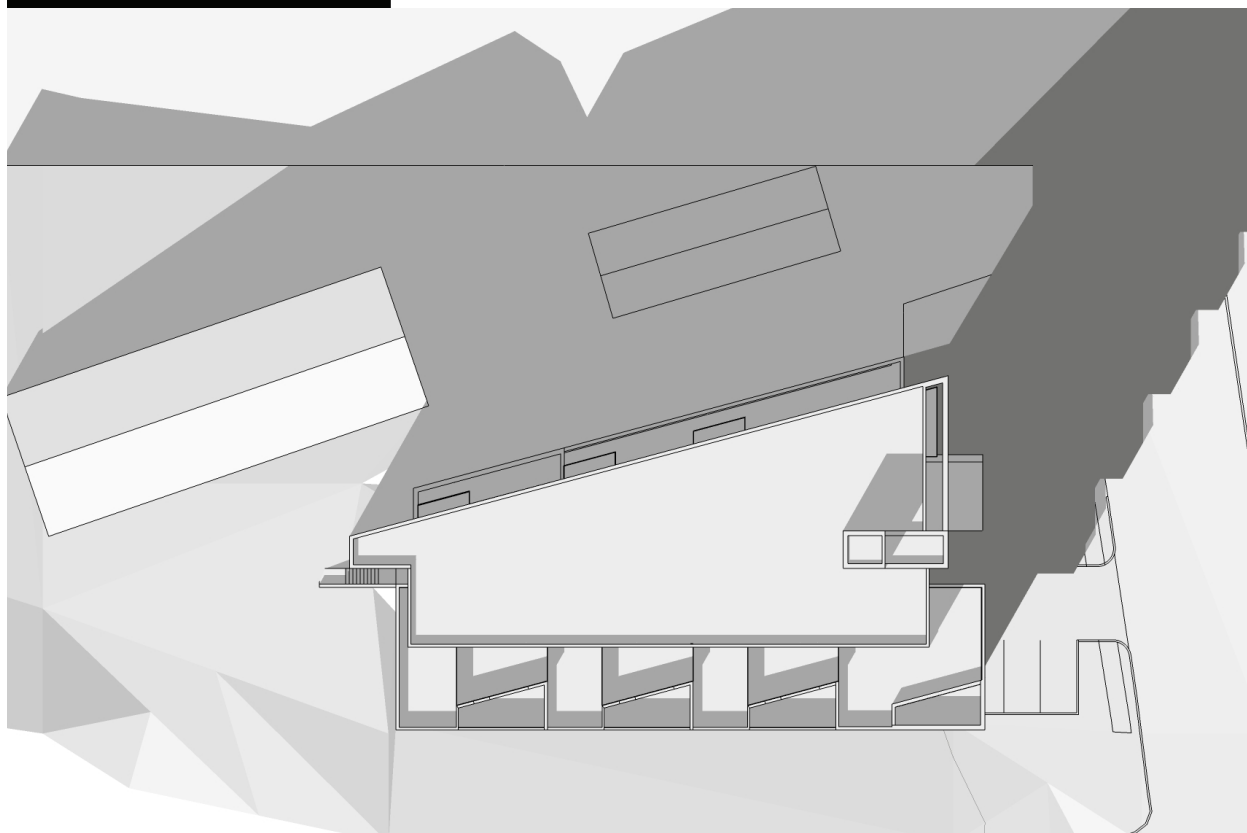


**DECEMBER 21, 12:00pm**

# LYDON LYNCH

A R C H I T E C T S

401-1668 Barrington St, Halifax, Nova Scotia, Canada B3J 2A2  
Phone: 902.377.2001 Fax: 902.422.1449 [www.lydonlynch.ca](http://www.lydonlynch.ca)



DECEMBER 21, 2:00pm

Attachment F - 3D Renderings



LYDON LYNCH

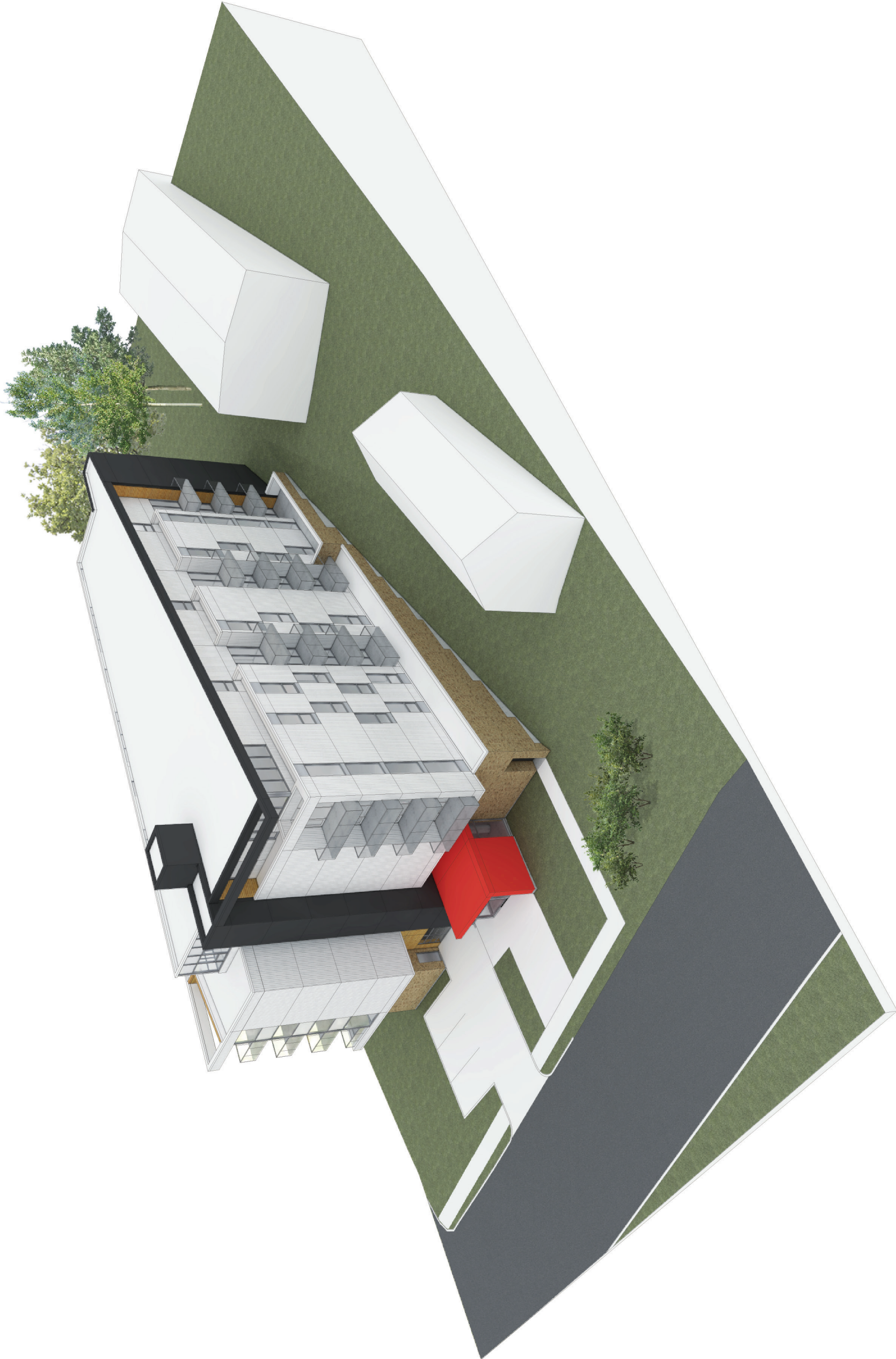
401-1668 BARRINGTON STREET  
HALIFAX, NOVA SCOTIA B3J 2A2  
902-422-1446 LYDONLYNCH.CA

PROJECT NAME:  
592 BEDFORD HIGHWAY, BEDFORD, NS  
MULTI RESIDENTIAL DEVELOPMENT

DRAWING TITLE:  
AERIAL VIEW  
FROM SOUTHEAST

DATE: 2017.10.03  
SCALE: NTS  
PROJ.#: 16042









**LYDON LYNCH**

401-1668 BARRINGTON STREET  
HALIFAX, NOVA SCOTIA B3J 2A2  
902-422-1446 LYDONLYNCH.CA

PROJECT NAME:  
592 BEDFORD HIGHWAY, BEDFORD, NS  
MULTI RESIDENTIAL DEVELOPMENT

DRAWING TITLE:  
APPROACH VIEW  
FROM SOUTHEAST

DATE: 2017.10.03  
SCALE: NTS  
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