

RE: Substantive Development Agreement Application for 910 Bedford Highway

March 29, 2022

Dean MacDougall
Planner II
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Halifax Regional Municipality
PO Box 1749
Halifax, NS B3J 3A5

Dear Dean,

I am writing on behalf of our client, United Gulf Developments Ltd., to update our request to amend the development agreement at 910 Bedford Highway (Doc# 89487459) to change the exterior architectural appearance and layout of the building; to extend the date of commencement; and to reduce to parking space requirements.

While United Gulf is proud of the approved design, they recognize that prominent locations, such as 910 Bedford Highway, deserve buildings with the highest standard of contemporary design. United Gulf believes this updated proposal builds on the core elements of the approved design and integrates into the surrounding context. United Gulf believes this proposal will make 910 Bedford Highway an economically-viable development while helping contribute to a vibrant, attractive, safe, and walkable area of Bedford.

Subject Site

The subject site is located at 910 Bedford Highway in Bedford, Nova Scotia (PID 00428722). The aerial image below shows the site in relation to its surroundings. The red border shows the approximate location of the property lines for the subject site.



The subject site is 43,953 square feet (~1 acre) in area. The site has 167.39 feet of frontage along the Bedford Highway. Like much of the land along the Bedford Highway, the subject site contains varied and sloping topography. Elevations above sea level range from approximately 16 feet in the north corner of the site, rising up to 60 feet at the south corner.

At the time of the above aerial photo the site was home to two small buildings, which at one time held a spa. However, the buildings have since been removed and the site is currently vacant.

Surrounding Context

The subject site is directly across the street from Moirs Pond. To the southeast is a municipal open space dedication. Beyond that is the Bedford Presbyterian Church and the Peruz Court townhouse development. To the southwest are a single-detached dwelling and a townhouse condominium. To the northwest—across Moirs Mill Road—is the Moirs Ltd. Powerhouse and its associated park.

The immediate area provides a well-connected pedestrian network. A complete sidewalk system provides short walking distances (less than five minutes) to a major grocery store, multiple coffee shops and restaurants, and other commercial amenities. The subject site is also a 15 minute walk away from DeWolf Park and the major recreational amenity provided by the Bedford waterfront boardwalk.

Three bus routes—the 8, the 91, and the 93—stop immediately in front of the subject site and provide frequent service connections to Bedford, downtown Halifax, Mumford, and Sackville. The *Bedford Highway Function Plan* recommends a multi-use pathway on the east side of the Bedford Highway, opposite the subject site.

Mill Cove, across from the subject site, is proposed as a terminal for fast ferry service in the most recent concepts for an improved high-speed transit network in HRM. Funding announcements in 2021 and Council commitments for system planning further raise the chances that the ferry will be implemented, making this an ideal location for intensification through mixed-use development.

Building Design

United Gulf Developments Limited proposes to build 910 Bedford Highway into a high-quality, mixed use development.

The “Building Drawings” included as part of this application package illustrate how the proposal includes:

- + 47,492 SF of commercial space
- + 40 one-bedroom residential units
- + 8 two-bedroom residential units
- + 89 structured parking spaces
- + 17 outdoor parking spaces
- + 4 outdoor bicycle parking spaces
- + 2 indoor bicycle storage rooms
- + 37,142 SF of amenity and recreation space, including 2,666 SF of community space

The overall footprint of the proposed development is essentially identical to the footprint of the currently approved design. However, the currently approved design treats different wings of the building as if they were distinctly separate buildings. For example, the rear portion of the building is serviced by a separate elevator than the front portion and requires users to either drive into the parking garage or walk around to the rear of the building to gain access. With today's increased focus on pedestrian accessibility this approach is no longer considered good practice. The proposed design solves this challenge by modestly increasing the height—within the confines already established in the approved development agreement—and reconfiguring building volumes to stitch the site into one cohesive whole.

Parking appropriate to the site's outer urban location and easy access to public transit is supplied through 106 automobile parking spaces, the large majority of them being located underground.

Appendix 'A' includes the form-based components of the existing Development Agreement and notes where the updated design complies or requires amendments.

Planning Analysis

The Bedford Municipal Planning Strategy contains the policy that enables Council to consider a mixed commercial/residential development on the subject site by development agreement. Specifically, Policy C-4(a) reads:

"It shall be the intention of Council to enable mixed use commercial/residential development at the south corner of the Bedford Highway and Moirs Mill Road as a means of promoting more intense development on what currently are underutilized lands with a municipal services in close proximity to commercial nodes and future transit oriented. Within the Commercial Designation, a mixed use development shall only be considered by a development agreement in accordance to the provision of the Municipal Government Act. [...]"

Policy C-4(a) then goes on to list the criteria for Council to consider as it evaluates any proposal. We have evaluated these criteria and have attached that evaluation in tabular form as Appendix B to this letter. In short, we believe the current proposal is in full compliance with the criteria of the Bedford Municipal Planning Strategy.

Parking Analysis

The proposal includes 89 indoor parking spaces and 17 outdoor parking spaces for a total of 106 automobile parking spaces. This is a reduction from the 113 space provided in the currently approved design; however the 106 proposed spaces falls within the range suggested by the Regional Parking Strategy Functional Plan of 102 to 141 for a Local Centre in an Outer Urban Area, calculated below. We request an amendment to the Development Agreement to enable this reduction.

Use	Area/Number	Parking Range Suggested for Local Centre	Subtotal
1-bdrm residential	40	0.54 to 0.81 per unit	22 to 32
2-bdrm residential	8	0.81 to 1.08 per unit	6 to 9
Retail	1,616 m ²	2.25 to 3.15 per 100 m ²	36 to 50
Office*	2,796 m ²	1.5 to 2.0 per 100 m ²	38 to 50
Total			102 to 141

*Office reduced by 10% in recognition of good transit service at the site, as recommended by the Regional Parking Strategy Functional Plan.

Bicycle parking on the site is currently governed by Subsection 3.6.6 of the approved Development Agreement, which requires two outdoor spaces. The current proposal goes beyond this and proposes four outdoor spaces, as well as two indoor bicycle storage rooms.

Conclusion

UPLAND and our client, United Gulf Developments Ltd., are excited by the opportunity presented by the 910 Bedford Highway site to build an attractive, mixed-use building and contribute to the development of an area of Bedford proposed for high-speed transit connectivity. We believe this can best be achieved by approving these requests.

Thank you for your consideration, and please do not hesitate to reach out if you have any questions or require additional information. We look forward to working with staff, the public, and Council on this project.

Sincerely,

Original Signed

Ian Watson, Senior Planner, MCIP, LPP

APPENDIX A – DEVELOPMENT AGREEMENT TEXT PROVISIONS ANALYSIS

The following table includes those sections of the existing, approved Development Agreement that apply to the design of the building.

DA Text	Commentary
3.4.1 The number of floors fronting or facing the Bedford Highway shall not exceed four (4) floors above proposed grade, except in the transition from one building roof elevation to another, where the outside wall may intermittently exceed the height of four (4) floors.	Amendment request. Interpretation of this section has been problematic in past amendment requests. Delete this section and defer to building drawings.
3.4.4 Commercial shall be located on the first and second storey at grade facing the Bedford Highway and shall occupy a minimum of 15% of the total gross floor area of the building (excluding all underground parking) as shown on the Schedules.	Commercial uses are proposed for the first and second storey at grade facing the Bedford Highway. Commercial uses occupy approximately 36% of the gross floor area of the building (excluding underground parking).
3.5.1 The buildings siting, bulk and scale shall comply to the following: (a) lot coverage shall not exceed 40%;	Lot coverage is 39.98%
(b) the building shall be a minimum of 18.3m (60ft) from the front lot line;	The main bulk of the building is set back 60' from the front lot line. A small portion of Level 3 and 4 protrude into the 60' setback due to the off-angle architectural styling of these floors. However, this can be accommodated by the Development Officer under Clause 3.5.1(g)
(c) all portions of the building (below grade) are a minimum of 1.5m (5ft) from the southwest property line and all portions of the building (above grade) are a minimum of 10.7m (35 ft) from the southwest property line;	The building is set back 5'10" below grade and 35' above grade from the southwest property line
(d) all portions of the building (below grade) are a minimum of 1.5m (5ft) from the southeast property line and all portions of the building (above grade) are a minimum of 3.1m (10ft) from the southeast property line;	The building is set back 11'9" both below and above grade from the southeast property line
(e) all portions of the building (below grade) are a minimum of 1.5m (5ft) from the northeast property line and all portions of the building (above grade) are a minimum of 6.1m (20ft) from the northeast property line;	The building is set back 20'11" both below and above grade from the northeast property line

DA Text	Commentary
(f) maximum height of the building shall not exceed 30m (98.4 ft) above the northwest corner of the building at grade or 33.8m (111ft) above mean sea level;	<p>It is unclear which corner the Development Agreement considers to be the northwest corner of the building. However, the tallest corner is approximately 83' above grade.</p> <p>The total building height is 102'6" relative to itself and the site has a minimum elevation of 13'6" relative to mean sea level (CGVD28), for a total height of 116'. Clause 3.5.1(g) allows the Development Officer to approve a 5% increase in the maximum height provision, which would permit a maximum height of 116'6". It may be clearer to amend the Development Agreement to directly allow the proposed height and remove the 5% flexibility as it applies to height.</p>
(g) the Development Officer may permit a 5 % increase to the provision identified in Section 3.5.1 (a) to (f) provided the intent and all other specific provisions of this Agreement have been adhered to; and	This provision can be used to enable the small protrusion of Floors 3 and 4 into the minimum front setback, as well as the height of the building above mean sea level.
(h) where 1.5 m (5 ft) setbacks are permitted, they are subject to a detailed review by the Development Officer to ensure compliance with all relevant building codes and by-laws. Any excavation, construction and/or landscaping will be carried out in a safe manner, with the appropriate measures put into place to ensure the protection and preservation of the adjacent properties.	The small protrusion and small increase in height will be reviewed as part of the permitting process. However, we do not expect any code compliances issues with this protrusion or height.
3.5.2 The main entrances to 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, corner boards, fascia boards or an acceptable equivalent approved by the Development Officer. At least one main door shall face the Bedford Highway. Service/delivery entrances shall be integrated into the design of the building and shall not be a predominate feature.	The main entrance faces the Bedford Highway and is emphasized by a change in setback, a change in materials, and prominent signage. Servicing and delivery entrances are not a predominate feature.

DA Text	Commentary
3.5.3 The facades facing the Bedford Highway and Moirs Mill Road shall be designed and detailed as primary facade. Further, architectural treatment shall be continued around all sides of the building as identified on the Schedules.	All sides of the building are given the same high quality of architectural treatment.
3.5.4 Large blank or unadorned walls shall not be permitted. The scale of large walls shall be tempered by the introduction of artwork (murals), textural plantings and trellises, and architectural detail to create shadow lines (implied windows, cornice lines, offsets in the vertical plane, etc.) as identified on the Schedules.	Changes in massing and materials ensure no large blank or unadorned walls are present.
3.5.5 Any exposed foundation in excess of 0.6m (2ft) in height and 1.8m (20 ft) in total area shall be architecturally detailed, veneered with stone or brick.	The exposed foundations present along the northwest elevation are proposed to be architecturally detailed with masonry finish.
3.5.6 Exterior building materials shall not include vinyl siding but may include any one or more of the following: <ul style="list-style-type: none"> – clay masonry; – noncombustible cladding; – concrete split face masonry; – cut stone masonry; – random stone masonry; or – acceptable equivalent in the opinion of the Development Officer. 	The proposal does not include vinyl siding.
3.5.9 The first floor front facade of buildings with ground floor commercial uses must be between 50% - 75% windows, doors or other treatment sufficiently transparent to provide view of the interior of the building. All windows shall be vertical in orientation, or square. If shutters are used, they must be sized to fit the opening and must be provided for all windows. Windows shall be vertically proportioned, where possible. Windows should be framed with painted or stained wood, prefinished metal or vinyl.	The first floor front facade of the building includes approximately 60% glazing. All windows on the building are oriented vertically.

APPENDIX B – BMPS POLICY C-4(a) CRITERIA ANALYSIS

BMPS Criteria	Analysis
<p>a) commercial shall be integrated into a building provided the commercial be located on the first floor fronting the Bedford Highway as a minimum provided commercial and residential uses smoothly co-exist within architecturally attractive buildings accessible by automobiles and pedestrians. The commercial uses be limited to those sympathetic to mixed use development;</p>	<p>Commercial uses are integrated into the building on the first floor fronting the Bedford Highway.</p> <p>The commercial space fronting the Bedford Highway is visually distinguished from the residential portion of the building by increased floor-to-floor heights and additional glazing aimed at providing a pleasing pedestrian experience.</p> <p>Commercial uses are limited by the existing text of the Development Agreement to those sympathetic to mixed use development, such as restaurants, business and professional offices, food stores, and smaller-scale retail.</p>
<p>b) the residential density shall not exceed 30 units per acre (based on a two-bedroom equivalent per unit);</p>	<p>The site is just over one acre in size. The residential density will be limited to 30, two-bedroom equivalents (i.e. 60 bedrooms) as approved in a 2014 Amending Agreement.</p>

BMPS Criteria	Analysis
<p>c) all principal structures are designed to be seen from three vantage points: from the Bedford Highway motorist's point of view, from the pedestrians up-close viewpoint, and in relationship with adjacent and nearby buildings.</p>	<p>All sides of the building are designed with high-quality materials and given equal attention to detail; no building elevation is treated as "lesser" or "unimportant".</p> <p>The building elevation along the Bedford Highway connects with passing motorists through large-scale blocks of contrasting materials that provide visual interest when travelling at speed.</p> <p>Drivers and pedestrians who approach the building are rewarded with a finer and more intimate level of visual interest through textured wall coverings and wide areas of glazing, which provide transparency and dissolve the line boundary between outside and in.</p> <p>The building height steps down towards Moirs Mill Road so as to not overshadow the Moirs Ltd. Power House—a provincially recognized heritage building—or its associated park.</p> <p>The south-west side of the building is adjacent to lower-density residential buildings. As such, much of the building is pulled away from the south-west property line. The design also uses the grade change on the site to minimize the effect of height on these neighbouring properties. Exposed building heights along this property line range from 6 storeys to 8 storeys. This represents an increase of 2 storeys from the graphical depiction of the current approved design (though still within the textual requirements of the current DA), and an expansion of the core building mass in the direction of Moirs Mill Road, where there are no neighbouring uses.</p> <p>The south-east side of the building is adjacent to a municipal open space dedication, and beyond that a church and townhouses. The proposed building is set back substantially (11'9" to ~50') from this property line and the building is set into the hill such that only 6 storeys will be visible above grade, an increase of 2 from the existing approved design. The upper 2 storeys are stepped back 13'.</p>

BMPS Criteria	Analysis
<p>d) controls are set on the bulk, scale, and massing of any proposed development to ensure it does not significantly alter the character of this area and ensure such development contribute to a vibrant, attractive, safe, walkable area of Bedford.;</p>	<p>The existing, approved Development Agreement contains textual controls on the bulk and scale of the building. The proposed building design is generally in compliance with these existing controls as outlined in Appendix A. One clause related to height facing the Bedford Highway is requested to be amended as part of this application.</p> <p>The appearance of a “bulky” building is avoided through the use of step-downs in building height and by the appearance of an offset on Levels 4 and 5 in relation to the other floors.</p> <p>Mixed use developments—by their very nature—contribute to vibrancy and walkability by bringing compatible commercial uses close to the people who use them.</p>
<p>e) adequate buffers and screening should be provided for any proposed building or parking area from adjacent single unit dwellings, and attractive fencing and landscaping to enhance privacy should be provided where appropriate;</p>	<p>Parking is located underground and in front of the building, away from areas adjacent to single unit dwellings.</p> <p>The above-grade portions of the proposed building are set back a minimum of 35 feet from the property line shared with the only adjacent single unit dwelling. With the position of that dwelling on its lot this equates to a minimum 50 foot buffer between the two buildings.</p> <p>As per the updated preliminary landscaping plan, attractive vegetative screening will be provided to enhance privacy where appropriate and necessary.</p>
<p>f) landscaping complements the proposed buildings, reinforces circulation paths, highlights entrances, provides shade, adds seasonal interest, and outlines a maintenance plan. Landscaping shall be designed for appreciation by pedestrians, bicyclists and motorists. Adequate landscaping and/or streets trees should be provided around the perimeter and throughout the site of the development to enhance the aesthetics of the site;</p>	<p>The enclosed updated preliminary landscaping plan provides details on the landscaping for the site. Maintenance is addressed by Section 3.10 of the existing Development Agreement.</p>

BMPS Criteria	Analysis
g) areas should be characterized by open space, green space, pedestrian connections and sidewalks that create a pedestrian-friendly area adequate recreation;	<p>The proposal includes roof decks that provide programmed open space for outdoor passive recreation and social gatherings.</p> <p>The subject site is well connected to an extensive network of public recreation amenities in the area, such as the Bedford waterfront boardwalk and the Moirs Mill park.</p> <p>Much of the subject site remains open space, with a lot coverage of only approximately 40 percent, which is no change from the existing approved design.</p>
h) parking areas should be located so as to not dominate the site. The visual appearance of parking areas should be minimized through use of landscaping treatments, rear yards or enclosed parking, reduced parking standards or other appropriate means;	<p>Parking's impact on the site is minimized by placing approximately 84 percent of parking underground and by aligning the number of parking spots with the Regional Parking Strategy Functional Plan (see "Parking Analysis", on page 4).</p>
i) traffic circulation and access to and from the site should be designed to minimize adverse impacts on the adjacent residential uses, local road and the Bedford Highway;	<p>Traffic access is directly to the Bedford Highway—a major artery—so that it does not impact adjacent residential uses or local roads.</p> <p>The application package includes an updated traffic study, prepared by WSP. This study considers the commercial floor area within our proposed building layout, as well as the maximum 60 residential bedrooms permitted by the current development agreement. The study concludes that there are no concerns in regards to sight distances or level of performance of adjacent streets or intersections.</p>
j) adequate provisions should be made for safe and convenient pedestrian circulation on the site and to nearby amenities;	<p>The building is located adjacent to the public sidewalk network which provides easy access to the numerous amenities (e.g. parks, boardwalk, and groceries) in the area. The Bedford Highway Functional Plan proposes a multi-use pathway immediately opposite the subject site. The preliminary landscape plan includes a pedestrian connection from the building entrance to the public ROW.</p>
k) lighting shall be designed to provide security, safety, and visual appeal for both pedestrians and vehicles while ensuring minimal impact on adjacent residential properties.	<p>The existing Development Agreement requires a lighting plan prior to construction permit (Subsection 3.2.3) and standards to ensure compliance with this policy (Section 3.7)</p>

BMPS Criteria	Analysis
l) measures should be proposed to mitigate impact on adjacent properties;	<p>The Public Information Meeting minutes from the original development agreement process indicate neighbourhood concern about impacts from cars accessing the site from Moirs Mill Road, such as noise and headlights from that traffic traveling through a right-of-way adjacent to homes. As a result, the access was moved to Bedford Highway. This access has been maintained in the current proposal, and the situation has been further improved in this iteration by moving the residential parking garage door access farther to the north, i.e. farther away from adjacent residential uses.</p> <p>As indicated in criterion (a), commercial uses are restricted to those that are complementary to residential uses.</p> <p>As indicated in criteria (c) and (e), the setbacks and design of the building (e.g. stepping down of the building) are intended to reduce impacts on adjacent properties.</p>
m) significant natural and cultural features on the site should be identified and protected where appropriate;	There are no significant natural or cultural features on the site.
n) the provisions of Policy Z-3 be met.	Policy Z-3 outlines general criteria for the evaluation of all development agreements. Some of these criteria are a repeat of above (e.g. evaluation of bulk and scale or traffic impacts), others require staff contact with other departments/public bodies (e.g. adequacy of school facilities in the area), while others are not relevant to this site (e.g. impact on public access to water bodies).