



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

**Item No.**  
**Halifax and West Community Council**  
**April 18, 2017**  
**May 30, 2017**

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

**SUBMITTED BY:** Original signed  
\_\_\_\_\_  
Bob Bjerke, Chief Planner & Director, Planning and Development

**DATE:** March 3, 2017

**SUBJECT:** **Case 20149: LUB Amendment and Development Agreement for 2858/2860 & 2866 Gottingen Street, and 5516/5518 Macara Street, Halifax**

---

#### **ORIGIN**

Application by WSP Canada Inc. to enable the development of an eight storey mixed use residential/commercial building at the southwest corner of Macara Street and Gottingen Street, Halifax.

#### **LEGISLATIVE AUTHORITY**

Refer to Attachment E.

#### **RECOMMENDATION**

It is recommended that Halifax and West Community Council:

1. Give first reading to consider approval of the proposed amendment to Map ZM-2 of the Halifax Peninsula Land Use By-law, as contained in Attachment A, to include 2858/2860 and 2866 Gottingen Street and 5516/5518 Macara Street, Halifax, in Schedule Q and schedule a public hearing;
2. Give notice of motion to consider the proposed development agreement, as contained in Attachment B, to allow for an 8-storey residential building containing 66 units and ground floor commercial uses and schedule a public hearing. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1; and
3. Adopt the amendment to Map ZM-2 of the Halifax Peninsula Land Use By-law as presented in Attachment A of this report.

## **BACKGROUND**

An application has been submitted by WSP Canada Inc. on behalf of the property owner, FH Development Group Limited, to enable the development of an 8-storey residential building containing ground floor commercial uses on a site at the intersection of Gottingen Street and Macara Street in the north end of the Halifax peninsula (Map 1). As the proposal cannot be enabled through the existing zoning applied to the lands, the applicant has requested that the subject site be included within Schedule "Q" of the Halifax Peninsula Land Use By-law (LUB), which would then allow the proposed building to be considered by development agreement.

<b>Subject Site</b>	Comprised of three properties – 2858/2860 and 2866 Gottingen Street, and 5516/5518 Macara Street
<b>Location</b>	Southwestern corner of Gottingen and Macara Streets
<b>Regional Plan Designation</b>	Urban Settlement
<b>Community Plan Designation (Map 1)</b>	Major Commercial (MJC) under the Peninsula North Secondary Planning Strategy (PNSPS) of the Halifax Municipal Planning Strategy (MPS)
<b>Zoning (Map 2)</b>	C-2 (General Business) under the Halifax Peninsula Land Use By-law (LUB)
<b>Size of Site</b>	1,403 square metres (15,100 square feet) in area
<b>Street Frontage</b>	30.2 metres (99 feet) of frontage on Gottingen Street and 45.5 metres (149 feet) of frontage on Macara Street
<b>Site Conditions</b>	Fully developed, and generally flat with limited landscaped areas
<b>Current Land Use(s)</b>	Contains 3 small buildings – a former car garage/service station, a single unit dwelling, and a two-unit dwelling.
<b>Surrounding Land Use(s)</b>	The surrounding area is comprised of commercial, residential, and institutional uses. Surrounding land uses include: <ul style="list-style-type: none"><li>• A locksmith on abutting property to the south;</li><li>• A commercial building on the opposite corner;</li><li>• low and medium density residential uses on Macara Street to the west;</li><li>• Canadian Forces Base Stadacona to the east;</li><li>• a large vacant lot at the corner of Bilby Street and Gottingen Street that has been approved for a 7 storey mixed use building under case 18149.</li></ul>

## **Proposal**

The applicant proposes to remove the three existing buildings on the subject site and construct an 8-storey residential building containing ground floor commercial uses fronting on Gottingen Street. The applicant has requested that the subject site be included within Schedule Q of the LUB to allow for the proposed development to proceed by development agreement. Further detailed elements of the proposal are as follows:

- 371 square metres (4,000 square feet) of minor commercial ground floor uses;
- 66 residential units (3 three-bedroom, 19 two-bedroom, remainder 1-bedroom & studio units);
- a minimum of 49 indoor parking spaces accessed from Macara Street;
- a 1 m landscaped setback from the abutting property on Macara Street;
- a 2-storey streetwall along each street frontage with upper floors to be stepped back from the sidewalks and from interior property lines; and
- common interior and rooftop amenity space for residents of the development.

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

The application is made pursuant to Policy 2.3.1 of Section XI of the MPS which allows Community Council to identify areas designated Major Commercial for comprehensive site planning through the development agreement process. This process is achieved through the application of Schedule “Q” of the Halifax Peninsula Land Use By-law. Schedule “Q” was established to address the challenge of introducing new residential uses into existing commercial and industrial areas by negotiating, on a site by site basis, the conditions of a development agreement including;

- the creation of an adequate environment for residential living on sites which may be surrounded by commercial and industrial uses; and
- providing for the continued operation of adjacent commercial and industrial uses without being encumbered or unreasonably affected by new residential uses.

The majority of Schedule "Q" is currently applied to lands on the west side of Robie Street between Young Street and North Street, and has also been applied more recently to select sites in general proximity to the subject site (Map 3).

The C-2 Zone permits commercial buildings with no restrictions on front, side or rear yards. There is no building height limit; however buildings taller than 24.4 metres (80 feet) must be stepped back above that height. Multi-Unit/residential uses are also permitted within the C-2 Zone subject to the requirements of the R-3 (Multiple Dwelling) Zone. The application of Schedule “Q” to a site supersedes the requirements of the C-2 Zone by requiring projects greater than four dwelling units to be considered by development agreement. This provides flexibility by enabling the modification of land use by-law requirements, on a site-by-site basis, through the development agreement process while also ensuring a higher level of site and building design.

### **Approval Process**

The approval process for this application involves two steps:

- i) First, Halifax and West Community Council must consider and, if deemed appropriate, approve the proposed amendment to the LUB to include the subject site within “Schedule Q”; and
- ii) Secondly, Halifax and West Community Council may then consider and, if deemed appropriate, approve the proposed development agreement once the LUB amendment is in effect.

A single public hearing can be held by Community Council to consider both the LUB amendment and the development agreement. However, Community Council can only render a decision on the development agreement following the coming into effect of the LUB amendment. Community Council will be provided with a supplementary report once the LUB amendment is in effect, at which time it can consider approval of the development agreement. An appeal mechanism to the Nova Scotia Utility and Review Board exists for both decisions of Council.

### **Centre Plan**

The Halifax Regional Municipal Planning Strategy (RMPS) identifies the ‘Regional Centre’ as the area encompassing the Halifax Peninsula and Dartmouth between Halifax Harbour and the Circumferential Highway. The Centre Plan will include the creation of a new Secondary Municipal Planning Strategy (SMPS) for the Regional Centre as well as regulatory and financial tools to ensure that the vision statement and guiding principles endorsed by Regional Council are achieved. The process is underway, with stakeholder and community engagement on-going. The Community Design Advisory Committee is expected to provide further direction on the development of this policy early in 2017. Until such time that a new policy is formally adopted by Regional Council, the existing MPS will remain in effect on the Halifax Peninsula until the Centre Plan is finalized and approved.

## **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 a Public Information Meeting (PIM) held on February 1, 2016 and signage posted on the site. Attachment D contains a copy of the minutes from the PIM. Notices of the Public Information Meeting were posted on the HRM website, in the newspaper and mailed to property owners within the notification area shown on Map 2.

A public hearing must be held by Halifax and West Community Council before they can consider the approval of any amendments to the LUB or the approval of a development agreement. Should Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be advised of the public hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.

The proposed development agreement will potentially impact the following stakeholders: 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 the proposed development is reasonably consistent with the intent of the MPS. Attachment C provides an evaluation of the proposed LUB amendment and development agreement in relation to the relevant MPS policies.

### **LUB Amendment (Schedule Q)**

Considering the mixed nature of land uses located on and around the subject site, which includes residential, commercial and institutional uses, the proposed development presents an appropriate and beneficial opportunity for comprehensive site planning. As Schedule Q is currently applied to a large area of Peninsula North that is designated Major Commercial, the proposed development represents a small expansion of the area under the Schedule (Map 3). Once the site is included within Schedule Q, Community Council will be able to exercise control over the design of any project containing more than four residential units, reducing the potential for land use and design conflicts that can arise with as of right development in the C-2 zone.

### **Development Agreement**

Attachment B contains the proposed development agreement for the subject site and the conditions under which the development may occur. In summary, the proposed development agreement includes conditions that address:

- permitted residential uses (maximum of 66 units, with a minimum of 3 three-bedroom units, 19 two-bedroom units, and the remainder being one-bedroom and studio units);
- ground floor minor commercial uses with a floor area up to 4000 square feet;
- building massing, architectural design, and lighting;
- parking (bicycle and vehicular), circulation and site access;
- landscaped areas and amenity space;
- building services, maintenance and waste facilities; and
- options for limited non-substantive amendments by resolution of Council, including: the ability to increase the unit count by no more than 6 units provided there is no increase in the height or mass of the building, changes to hours of operation and times for service deliveries and waste collection, and changes to timeframes for development.

The attached development agreement will permit a mixed use development that, on balance, is compatible and appropriate with the neighbourhood and consistent with other approved Schedule Q projects in the area. Of the matters addressed by the proposed development agreement to satisfy the MPS criteria as shown in Attachment C, the following have been identified for more detailed discussion.

#### Siting and Neighbourhood Compatibility

One of the key considerations when reviewing an application within Schedule Q is the compatibility of the proposed land use with the existing neighbourhood, and the mitigation of potential impacts that could potentially arise. These aspects were considered as follows:

- The site is located in close proximity to other properties which have received Council approval for development agreements under Schedule Q (Map 3). Approved proposals include 5 to 8-storey residential and mixed use buildings which contain a mix of townhouse units, commercial ground floors and/or office spaces with residential units on upper floors;
- Given the commercial zoning that is applied in the area, substantial building heights and massing are achievable on this site and throughout the area as-of-right and without the requirement for community consultation, no design controls, and no review by Council;
- The development agreement reduces allowable massing and height below what is permitted as-of-right in the C-2 Zone for commercial uses, and mitigates the effects of the proposal in this mixed use area; and
- Due to the location of the subject site on a corner lot, within a transitioning neighbourhood, and in relation to local streets with moderate traffic volumes, the proposed building provides an appropriate response to surrounding land uses.

#### Building Design

The MPS encourages the use of effective urban design treatments and high quality exterior building materials. These goals are implemented through the development agreement as follows:

- Provision of an appropriate two storey streetwall along both street frontages which is generally consistent with the existing and approved heights of neighbouring properties;
- Utilization of varied architectural wall treatments to mitigate against blank walls on the building's north and east elevations. The building incorporates high quality materials such as masonry, metal composite panels, precast concrete, and metal/glass railings. Signs are limited to fascia signs on the ground floor for the commercial units; and
- Provision of appropriate setbacks from neighbouring property lines for the upper storeys of the building and through the nature of the building's non-combustible construction materials, which will assist with noise attenuation.

#### Traffic

MPS policy encourages vehicular traffic to use principal streets and discourages it within existing neighbourhoods. The proposed driveway to the project is located on Macara Street rather than on Gottingen Street which is a designated Principal Street. This was done to satisfy the HRM Streets By-law, which requires driveway accesses to be located on secondary streets to reduce vehicle conflict and prioritize through-traffic. The driveway will provide access to a minimum of 49 underground parking spaces.

A Traffic Impact Statement (TIS) was prepared by a Professional Engineer, taking into account other approved developments within the area. The TIS concludes that the proposed development is not expected to have any significant impact on the level of performance of either fronting street, adjacent intersections, or the regional street network. The TIS further concludes that the net additional trips generated by the other developments are not expected to have any significant cumulative effect on the traffic operations of local intersections or streets, or the regional street network. The TIS and its conclusions was deemed acceptable.

#### Landscaping and Open Space

MPS policy calls for the provision of on-site open space and leisure areas which are adequate for the building residents. The proposed development agreement requires at least 78 square metres (840 square feet) of common indoor amenity space and a minimum of 79.9 square metres (860 square feet) of common outdoor amenity space at the second level of the building. Council should note that the proposed development agreement ensures the use of high quality materials and landscape design. It also requires adherence to detailed landscaping requirements and the submission of a detailed landscape plan prepared by a Landscape Architect.

#### **Districts 7 & 8 Planning Advisory Committee**

This application was presented to the Districts 7 & 8 Planning Advisory Committee (PAC) on February 22, 2016. The recommendations of the PAC on the application are sent to Community Council by means of a separate report.

The Committee had several recommendations for inclusion within the development agreement. The Committee's recommendations, addressed through subsequent revisions to the proposal, included:

- Concern that a blank wall of the west side of the development creates a poor interface with abutting residential properties. The Committee suggested the applicant consider setting back farther, incorporating landscaping, or by reducing overall heights of the wall;
- Concern for pedestrian experience at Gottingen Street given the existing narrow sidewalk and proposed commercial uses;
- Concern with the extent of the proposed lot coverage - the development needs to be setback farther from property lines. The Committee suggested the applicant consider decreases in massing with a focus on the west side of the development;
- Three-bedroom or greater units must be included in development, with the unit mix to occur in units aside from or in addition to the townhouse units;
- Concern regarding the appearance of exterior design – the Committee expressed dislike of the green/yellow colour scheme and “shrapnel” design elements;
- Townhouses do not feel like “townhouses” – the Committee stated that the Townhouses should feel more like independent units. As currently proposed they lack design elements that differentiate them from the rest of the development. The design was lacking front stoops, yards, or other elements that would differentiate the townhouses;
- Ensure commercial interfaces at Gottingen Street contain visual interest and definition of entrances; and
- Ensure opportunity to allow for subdivided commercial spaces.

#### **Conclusion**

The proposed land use bylaw amendment and development agreement are in keeping with the objectives and policies of the Peninsula North Secondary MPS to identify areas appropriate for comprehensive planning and to develop the site in a manner that mitigates potential land use conflicts which could arise. Therefore, it is recommended that the proposed LUB amendment (Attachment A) and development agreement (Attachment B) be approved.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications. The Developer will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement. The administration of the Agreement can be carried out within the approved 2016-2017 budget with existing resources.

## **RISK MANAGEMENT**

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

## **ENVIRONMENTAL IMPLICATIONS**

No environmental implications were identified.

## **ALTERNATIVES**

1. Halifax and West Community Council may choose to approve proposed amendment to the Halifax Peninsula Land Use By-law subject to modifications. Such modifications may require further discussion with the Developer, and may require a supplementary report and/or a public hearing. A decision of Council to approve the proposed development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Halifax and West Community Council may choose to refuse the proposed LUB amendment and, in doing so, must provide reasons why the proposed amendment 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
Map 2	Zoning and Notification Map
Map 3	Properties within Schedule Q
Attachment A	Proposed Amendment to the Halifax Peninsula LUB (Schedule A)
Attachment B	Proposed Development Agreement
Attachment C	Review of Relevant Policies of the Halifax MPS
Attachment D	Minutes from the Public Information Meeting
Attachment E	Legislative Authority

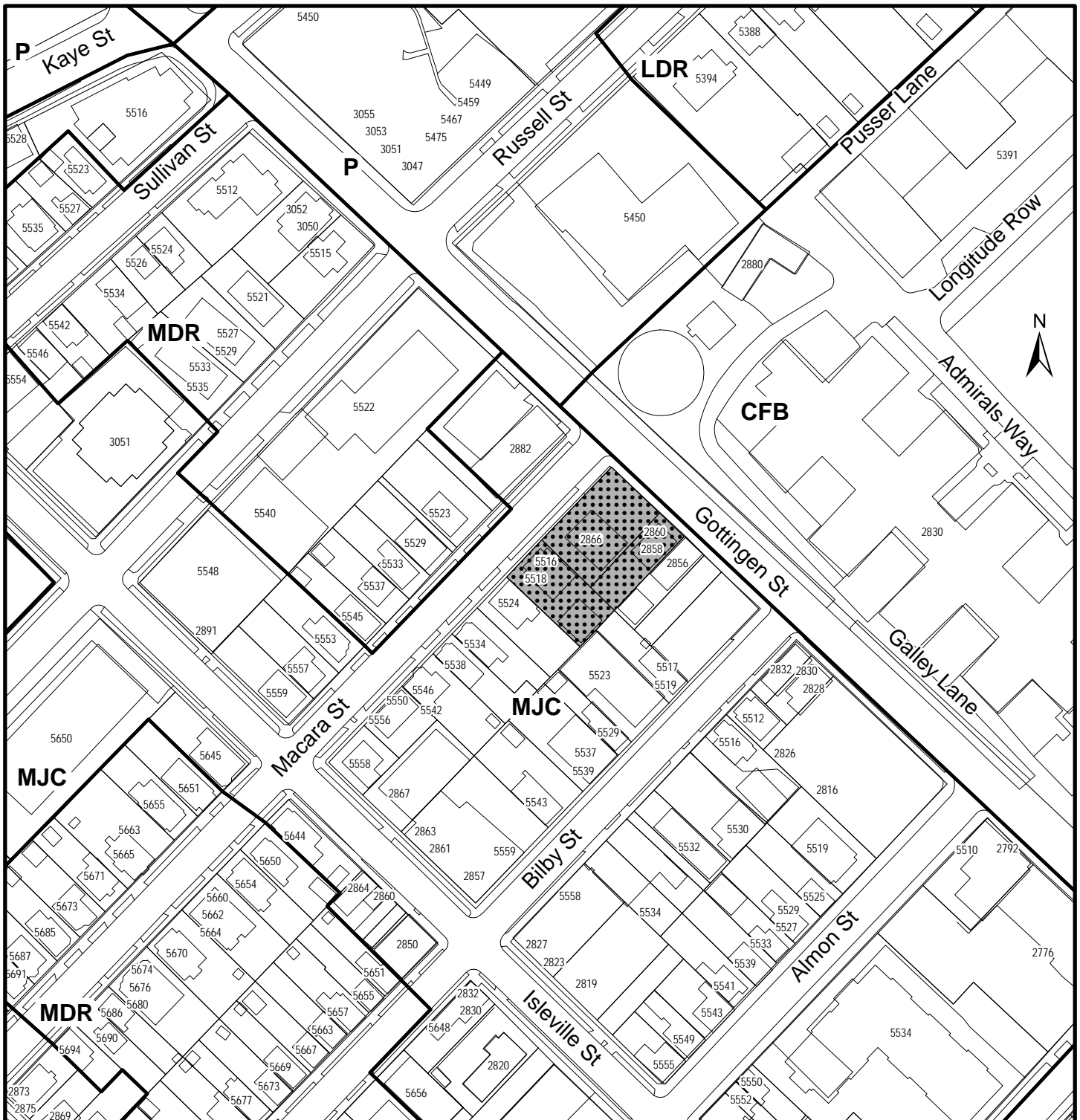
---

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: Mitch Dickey, MCIP LPP, Policy Coordinator, Parks & Recreation 902.292.3207

Report Approved by: Original signed  
Kelly Denty, Manager, Current Planning 902.490.4800

---



## Map 1 - Generalized Future Land Use

2858 & 2866 Gottingen Street  
and 5518 Macara Street  
Halifax

**HALIFAX**

 Subject Properties

### Designation

LDR Single Family Dwelling  
MDR Medium Density Residential  
MJC Major Commercial  
CFB Canadian Forces Base  
P Park and Institutional

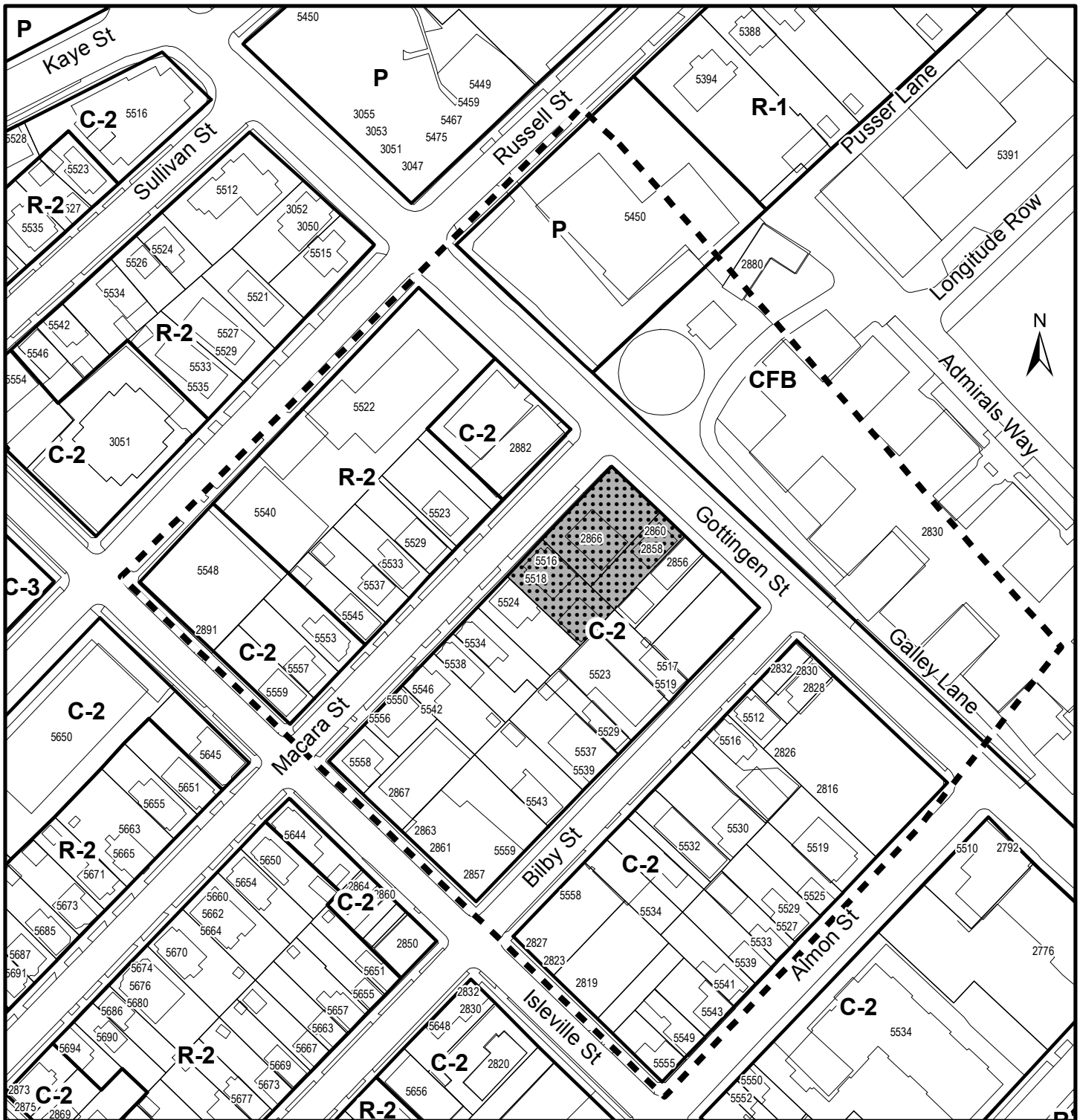
Halifax Plan Area  
Peninsula North Secondary Plan Area

0 20 40 60 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

2858 & 2866 Gottingen Street  
and 5518 Macara Street  
Halifax

 Subject Properties

 Area of Notification

Halifax Peninsula  
Land Use By-Law Area

### Zone

R-1 Single Family Dwelling  
R-2 General Residential  
C-2 General Business  
C-3 Industrial  
CFB Canadian Forces Base  
P Park and Institutional

**HALIFAX**




This map is an unofficial reproduction of  
a portion of the Zoning Map for the plan  
area indicated.


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



### Map 3 - Schedule Q

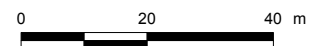
2858 & 2866 Gottingen Street  
and 5518 Macara Street  
Halifax

 Area Proposed to be  
included in Schedule Q

 Schedule Q

Halifax Peninsula  
Land Use By-Law Area

**HALIFAX**



This map is an unofficial reproduction of  
a portion of the Zoning Map for the plan  
area indicated.

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

## ATTACHMENT A

### Proposed Amendments to the Halifax Peninsula Land Use By-law

BE IT ENACTED by the Halifax and West Community Council of the Halifax Regional Municipality that the Land Use By-law for Halifax Peninsula as adopted by the former City of Halifax on the 30th day of March, 1978, and approved by the Minister of Municipal Affairs on the 11th day of August, 1978, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the **[insert date of hearing]** is hereby amended as follows:

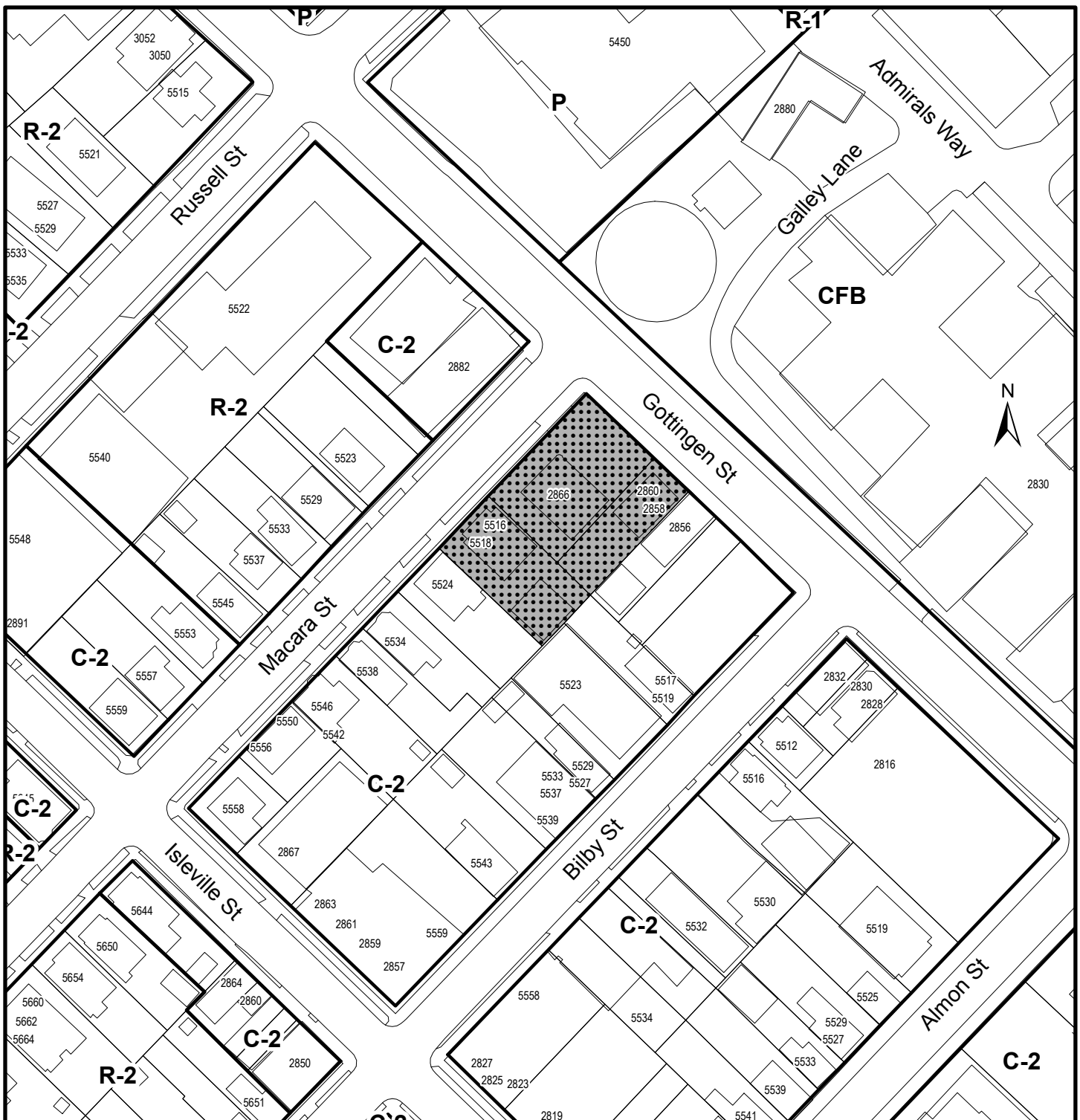
1. Amend Zoning Map ZM-2 by including properties located at 2858/2860 & 2866 Gottingen Street, and 5516/5518 Macara Street, Halifax in Schedule Q, as presented on Schedule A.

I HEREBY CERTIFY that the amendments to the Halifax Peninsula Land Use By-law, as set out above, were duly passed by a majority vote of the Halifax and West Community Council at a meeting held on the       day of       , 201\_.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this       day of       , 201\_.

---

Municipal Clerk



## Schedule A

2858 & 2866 Gottingen Street  
and 5518 Macara Street  
Halifax

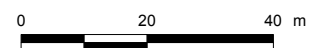


Area proposed to be  
included in Schedule Q

### Zone

R-1	Single Family Dwelling
R-2	General Residential
C-2	General Business
C-3	Industrial
CFB	Canadian Forces Base
P	Park and Institutional

**HALIFAX**



This map is an unofficial reproduction of  
a portion of the Zoning Map for the plan  
area indicated.

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

Halifax Peninsula  
Land Use By-Law Area

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

regulations, as may be amended from time to time, in connection with the development and use of the Lands.

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

#### **1.4 Conflict**

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

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

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

#### **1.6 Provisions Severable**

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

### **PART 2: DEFINITIONS**

#### **2.1 Words Not Defined under this Agreement**

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

#### **2.2 Definitions Specific to this Agreement**

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

- (a) "Indoor Amenity Space" means common amenity areas for residents of the development that are located within the building, including but not limited to, exercise facilities and multi-purpose rooms with associated kitchen facilities.

### **PART 3: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS**

#### **3.1 Schedules**

- 3.1.1 The Developer shall develop the Lands in a manner, which, in the opinion of the Development

Officer, conforms with the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case Number 20149:

Schedule A	Legal Description of the Lands
Schedule B	Site Plan
Schedule C	Ground Floor Plan
Schedule D	Second Floor Plan
Schedule E	Third Floor Plan
Schedule F	Floors 3-7 Typical Plan
Schedule G	Penthouse Level Plan
Schedule H	Gottingen Street Elevation
Schedule I	Macara Street Elevation
Schedule J	Southwest Elevation
Schedule K	Southeast Elevation

- 3.1.2 Notwithstanding the provisions of 3.1.1, the internal layout of each floor may be altered provided that all other requirements are satisfied and that there is no increase in floor area.

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

- 3.2.1 Prior to the issuance of a Development Permit, the Developer shall provide to the Development Officer:

- (a) A detailed Landscape Plan prepared by a Landscape Architect in accordance with Section 3.6.4 of this Agreement; and
- (b) A Site Servicing Plan prepared by a Professional Engineer and acceptable to the Development Engineer in accordance with Section 4.1 of this Agreement.

- 3.2.2 At the time of issuance of the first Municipal Occupancy Permit, the Developer shall provide the Development Officer with certification from a member in good standing of the Canadian Society of Landscape Architects indicating that the Developer has complied with the landscaping provisions of this Agreement, or the posting of security in accordance with Section 3.6.7.

- 3.2.3 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Lands for any use 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 provisions of this Agreement and the Land Use By-law (except to the extent that the provisions of the Land Use By-law are varied by this Agreement) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.

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

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

- (a) Non-residential uses permitted by the C-2A (Minor Commercial) Zone within the commercial space as shown on Schedule C, with the exception of a bowling alley, motion picture theatre, service station, billboard, and commercial recreation uses;
- (b) A lounge in conjunction with a permitted restaurant;
- (c) An apartment house (multiple-unit residential uses); and
- (d) Uses accessory to any of the foregoing uses.

### **3.4 Detailed Provisions for Land Use**

3.4.1 Pursuant to Section 3.3, the use of the building shall be as follows:

- (a) A maximum of 371.6 square metres (4000 square feet) of commercial space shall be provided on the ground-floor, which shall include contiguous frontage at the corner of Gottingen Street and Macara Street. This space may be used for up to three commercial units;
- (b) A maximum of 66 residential units with the following unit breakdown:
  - (i) A minimum of 3 three-bedroom units including 2 two-level townhouse units on Macara Street;
  - (ii) A minimum of 19 two-bedroom units;
  - (iii) A maximum of 30 one-bedroom units; and
  - (iv) A maximum of 15 studio units.
- (c) A minimum of 49 parking spaces contained within two levels of parking as follows:
  - (i) An at-grade parking level located behind the commercial space and townhouse units not exceeding the area shown on Schedule C; and
  - (ii) A minimum of one fully underground parking level; an additional level of underground parking may also be provided at the developer's option.

### **3.5 Architectural Requirements**

- 3.5.1 The development shall be exempted from the detailed requirements of the R-3 (Multiple Dwelling) Zone of the Land Use By-law. Instead, the Schedules and written provisions of this Agreement shall apply.
- 3.5.2 The building's setbacks, height, massing, exterior design and materials shall be as shown on the Schedules.
- 3.5.3 The building shall be setback a minimum of 1 metre from the property line of 5524 Macara Street as shown on Schedule B.
- 3.5.4 All guardrails associated with terraces and balconies shall be made of metal framing with insert glass, except that an opaque privacy screen of at least 1.5 m in height shall be provided at the second floor level along the southwest edge of the building adjacent to 5524 Macara Street.
- 3.5.5 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.).
- 3.5.6 Any exposed foundation in excess of 0.6 m (2 feet) in height shall be architecturally detailed, veneered with stone or brick, or treated in an equivalent manner acceptable to the Development Officer.
- 3.5.7 Fixed or retractable awnings are permitted at ground floor levels provided the awnings are designed as an integral part of the building façade and subject to the requirements of any other applicable by-law, statute or regulation.

### **3.6 Amenity Space and Landscaping**

- 3.6.1 The building shall include a minimum gross area of 78 square metres (840 square feet) of common Indoor Amenity Space, to be located in areas on the ground floor and second floor as generally shown on the Schedules.



- 3.6.2 The building shall include a minimum gross area of 79.9 square metres (860 square feet) of outdoor landscaped open space as shown on the schedules.
- 3.6.3 Landscaping shall be provided as follows:
- (i) at grade in the form of mixed plantings in the minimum 1 m setback area adjacent to 5524 Macara Street;
  - (ii) in the form of planters in front of each 2-level townhouse unit on Macara Street;
  - (iii) on the second floor outdoor common amenity area that is shown on Schedule D, supplemented by privacy screening at least 1.5 m in height screening the amenity area from the adjacent dwelling at 5524 Macara Street; and
  - (iv) in the form of new street trees that conform with HRM standard specifications, with a minimum of two to be provided on Gottingen Street and two to be provided on Macara Street.
- 3.6.4 Prior to the issuance of a Development Permit, the Developer shall provide a Landscape Plan which complies with the provisions of this section and conforms with the overall intentions of the landscaping shown on the Schedules of this Agreement. The Landscape Plan shall be prepared by a Landscape Architect (a full member, in good standing with Canadian Society of Landscape Architects) and comply with all provisions of this section.
- 3.6.5 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.
- 3.6.6 At the time of issuance of the first Occupancy Permit, the Developer shall submit to the Development Officer 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.
- 3.6.7 Notwithstanding Section 3.6.6, and where weather and time of year does not allow the completion of the outstanding landscape works at the time of issuance of the Occupancy Permit, the Developer may supply a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping. The cost estimate is to be prepared by a member in good standing of the Canadian Society of Landscape Architects. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the work as described herein and illustrated on the Schedules, and as approved by the Development Officer. Should the Developer not complete the landscaping within twelve months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping as set out in this section of the Agreement. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.
- 3.6.8 Planting on rooftops and podiums above structures shall be carefully selected for their ability to survive in rooftop environments. Rooftop trees shall be located in planting beds or containers. Approximately 50 percent of the plant material shall be evergreen or material with winter colour and form. Deciduous trees shall have a minimum size of 45 mm caliper (1.8 inch diameter). Coniferous trees shall be a minimum of 1.5 m (5 ft.) high and upright shrubs shall have a minimum height of 60 cm (2 feet). It is the responsibility of the Developer to ensure that the underground parking structures or other structures are capable of supporting loads from all landscaping as well as the anticipated mature weight of the plant material on any rooftop and podium.
- 3.6.9 Construction Details or Manufacturer's Specifications for all constructed landscaping features

such as pergolas, benches, etc. shall be noted on the Landscape Plan required by Subsection 3.6.4, and shall describe their design, construction, specifications, hard surface areas, materials and placement so that they will enhance the design of individual buildings and the character of the surrounding area.

### **3.7 Signs**

3.7 Signage shall be limited to the following:

- (a) No ground sign shall be permitted on the Lands;
- (b) Fascia and projecting signage shall be limited to the ground floor level along the Gottingen Street frontage, and on Macara Street only on the commercial unit space;
- (c) Two (2) temporary ground signs depicting the name or corporate logo of the Developer shall be permitted on the Lands prior to the issuance of the first Occupancy Permit. Temporary ground signs shall be removed prior to the issuance of the last residential occupancy permit.

### **3.8 Building and Site Lighting**

3.8.1 Outdoor lighting shall be directed to driveways, parking areas, loading areas and building entrances and shall be arranged so as to direct the light away from streets, adjacent lots and buildings.

3.8.2 The building may be illuminated for visual effect provided such illumination is directed away from streets, adjacent lots and buildings and does not flash, move or vary in intensity such that it creates a hazard to public safety.

### **3.9 Functional Elements**

3.9.1 All vents, down spouts, electrical conduits, meters, service connections, and other functional elements shall be treated as integral parts of the design. Where appropriate these elements shall be painted to match the colour of the adjacent surface, except where used expressly as an accent.

3.9.2 All mechanical equipment, including rooftop mechanical, exhausts, propane tanks, electrical transformers, and other utilitarian features shall be visually concealed from abutting properties, including municipal rights-of-way, and shall include noise reduction measures.

### **3.10 Maintenance**

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 removal/salting of walkways and driveways.

### **3.11 Solid Waste Facilities**

The development shall include, within the underground parking area, designated space for five stream source separation services in accordance with By-law S-600 as amended from time to time. This designated space for source separation services shall be shown on the building plans and approved by the Development Officer and Building Inspector in consultation with Solid Waste Resources. All refuse and recycling materials shall be contained within the building.

### **3.12 Outdoor Storage**

No outdoor storage shall be permitted on the Lands.

### **3.13 Hours of Operation**

- 3.13.1 The private collection of refuse and recyclables on the Lands shall occur only between the hours of 8:00 a.m. and 7:00 p.m.
- 3.13.2 Commercial delivery vehicles on the Lands shall only be permitted between the hours of 8:00 a.m. and 7:00 p.m.
- 3.13.3 A restaurant shall only be permitted to operate between the hours of 5:00 a.m. and midnight.
- 3.13.4 The hours specified under this section shall apply seven (7) days a week.

### **3.14 Parking and Bicycle Facilities**

- 3.14.1 Vehicular parking shall include parking within the building to accommodate a minimum of 49 vehicular parking spaces. Up to 75 percent of the parking spaces may be reduced in size to 8 feet by 17 feet.
- 3.14.2 The Developer shall provide bicycle parking pursuant to the Land Use By-law for Halifax Peninsula.

### **3.15 Construction/Sales Structure**

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

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

### **4.1 General Provisions**

- 4.1.1 All construction shall conform to the most current edition of the HRM Municipal Design Guidelines and Halifax Water's Design and Construction Specifications unless otherwise varied by this Agreement and shall receive written approval from the Development Engineer prior to undertaking any work.
- 4.1.2 Any disturbance to existing off-site infrastructure resulting from the development, including 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 Engineer. Furthermore, the Developer shall be responsible for all costs and work associated with the relocation of on-site/ off-site underground services, overhead wires and traffic signals to accommodate the needs of the development.

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

### **5.1 Archaeological Monitoring and Protection**

- 5.1.1 The Developer shall contact the Coordinator of Special Places, of Nova Scotia Department of Communities, Culture and Heritage prior to any disturbance of the Lands and the Developer shall comply with the requirements set forth by the Province of Nova Scotia in this regard.

## **5.2 Sulphide Bearing Materials**

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

## **PART 6: AMENDMENTS**

### **6.1 Non-Substantive Amendments**

- 6.1.1 The following items are considered by both parties to be not substantive and may be amended by resolution of Council:
- (a) an increase in the total number of permitted dwelling units within the building envelope of not more than 6 units for a maximum of 71 units;
  - (b) changes to the mix of dwelling unit types required by Section 3.4;
  - (c) minor changes to the exterior materials required by Section 3.5 provided that a variety of materials and colours is provided;
  - (d) changes to the landscaping required by Section 3.6;
  - (e) changes to the sign requirements of Section 3.7;
  - (f) changes to the functional elements requirements of Section 3.9;
  - (g) changes to the permitted hours of operation as established under Section 3.13;
  - (h) changes to the date of commencement of development specified in Section 7.3; and
  - (i) changes to the date of completion of development specified in Section 7.5.

### **6.2 Substantive Amendments**

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

## **PART 7: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE**

### **7.1 Registration**

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

### **7.2 Subsequent Owners**

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

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

### **7.3 Commencement of Development**

- 7.3.1 In the event that development on the Lands has not commenced within five (5) years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law.
- 7.3.2 For the purpose of this section, commencement of development shall mean installation of the footings and foundation for the proposed building.
- 7.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 6.1.1, 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 those portions of the development which are completed, discharge this Agreement and apply appropriate zoning pursuant to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law, as may be amended from time to time.

### **7.5 Discharge of Agreement**

- 7.5.1 If the Developer fails to complete the development after seven (7) years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office Council may review this Agreement, in whole or in part, and may:
- (a) retain the Agreement in its present form;
  - (b) negotiate a new Agreement; or
  - (c) discharge this Agreement.

## **PART 8: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT**

### **8.1 Enforcement**

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

### **8.2 Failure to Comply**

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

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

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

**SIGNED, SEALED AND DELIVERED** in the presence of:

**(Insert Registered Owner Name)**

\_\_\_\_\_  
Witness

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

**HALIFAX REGIONAL MUNICIPALITY**

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

\_\_\_\_\_  
Witness

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

**MAYOR**

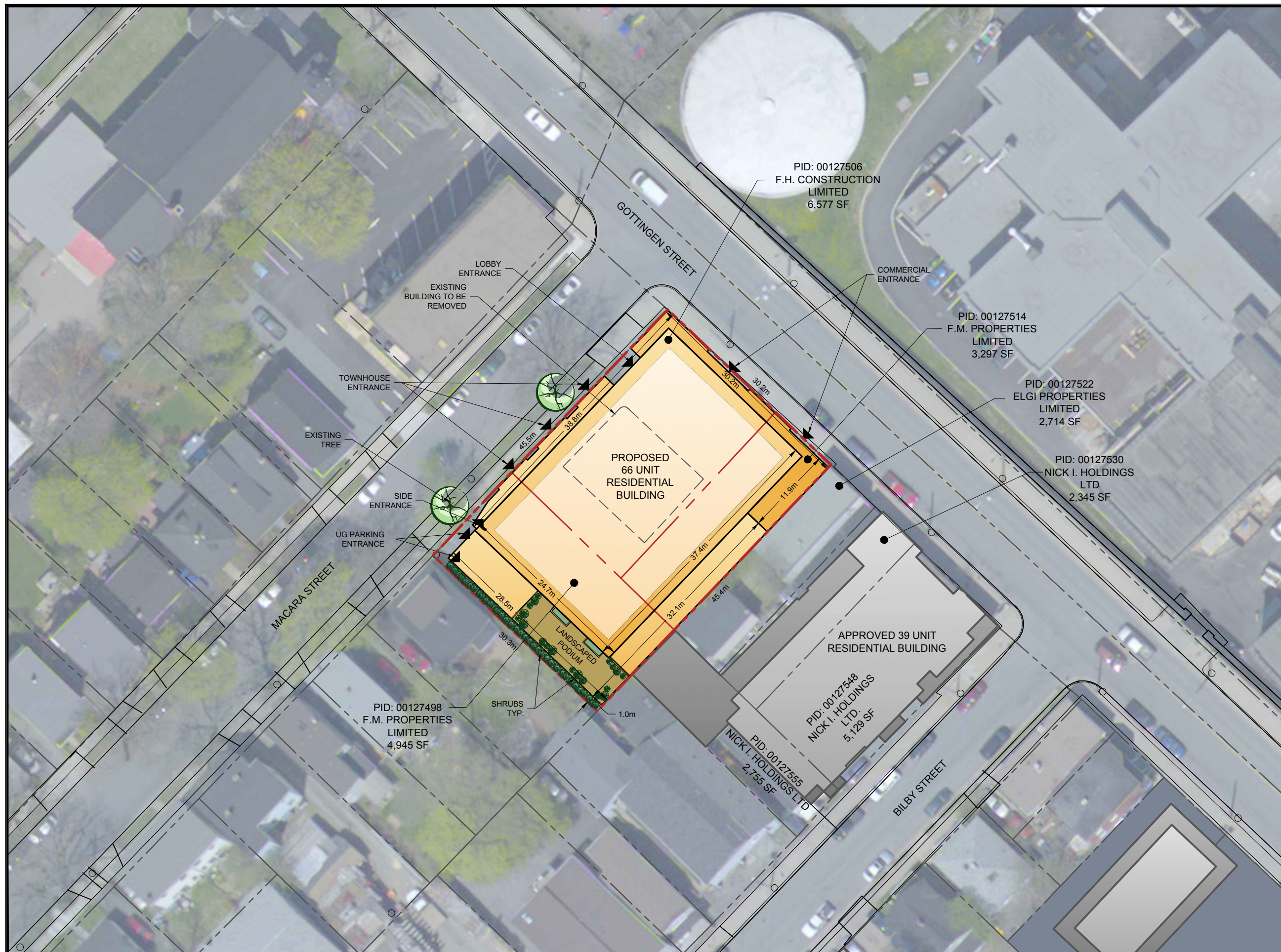
\_\_\_\_\_  
Witness

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

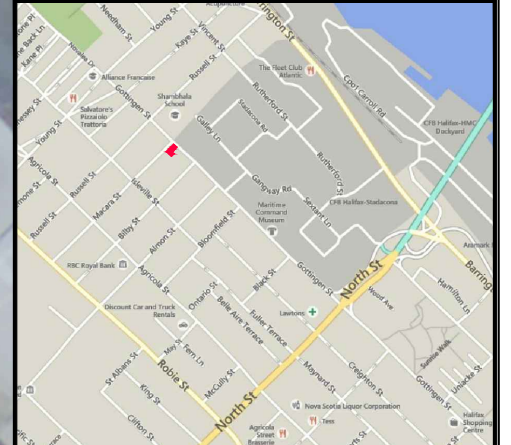
**MUNICIPAL CLERK**





## Schedule B Site Plan



## KEY PLAN



## LEGEND

-  Site Boundary  
 Existing Internal Property Boundary  
 (To be consolidated)  
 Adjacent Property Boundary  
 Point of Entry

### SITE SUMMARY:

- Land Area - 1,377 m<sup>2</sup>
- Existing Zone - C-2
- 8 Storeys (24.38m)
- Units: Total 66
  - Residential: 64
  - Townhouse: 2
- 3,500 SF Commercial Space
- U/G Parking: 83 Stalls

**NOTES:**

- Property lines approximate only. Site subject to survey

**SOURCES:**

- Property Lines based on Service Nova Scotia, Property Online.
- A49 Sketchup Model File:  
151-05840\_2016-10-19\_Gottingen Macara.skp

Designer: H.Pfeil

Planner: C.Wallace

VERSION

106

**MACARA STREET  
CONCEPT / LANDSCAPE PLAN  
HALIFAX, NOVA SCOTIA**

F.H. CONSTRUCTION

NOVEMBER 01, 2016

51-05840-106

**SCALE**

7.5 5 2.5 0 12.5 m

1 : 500

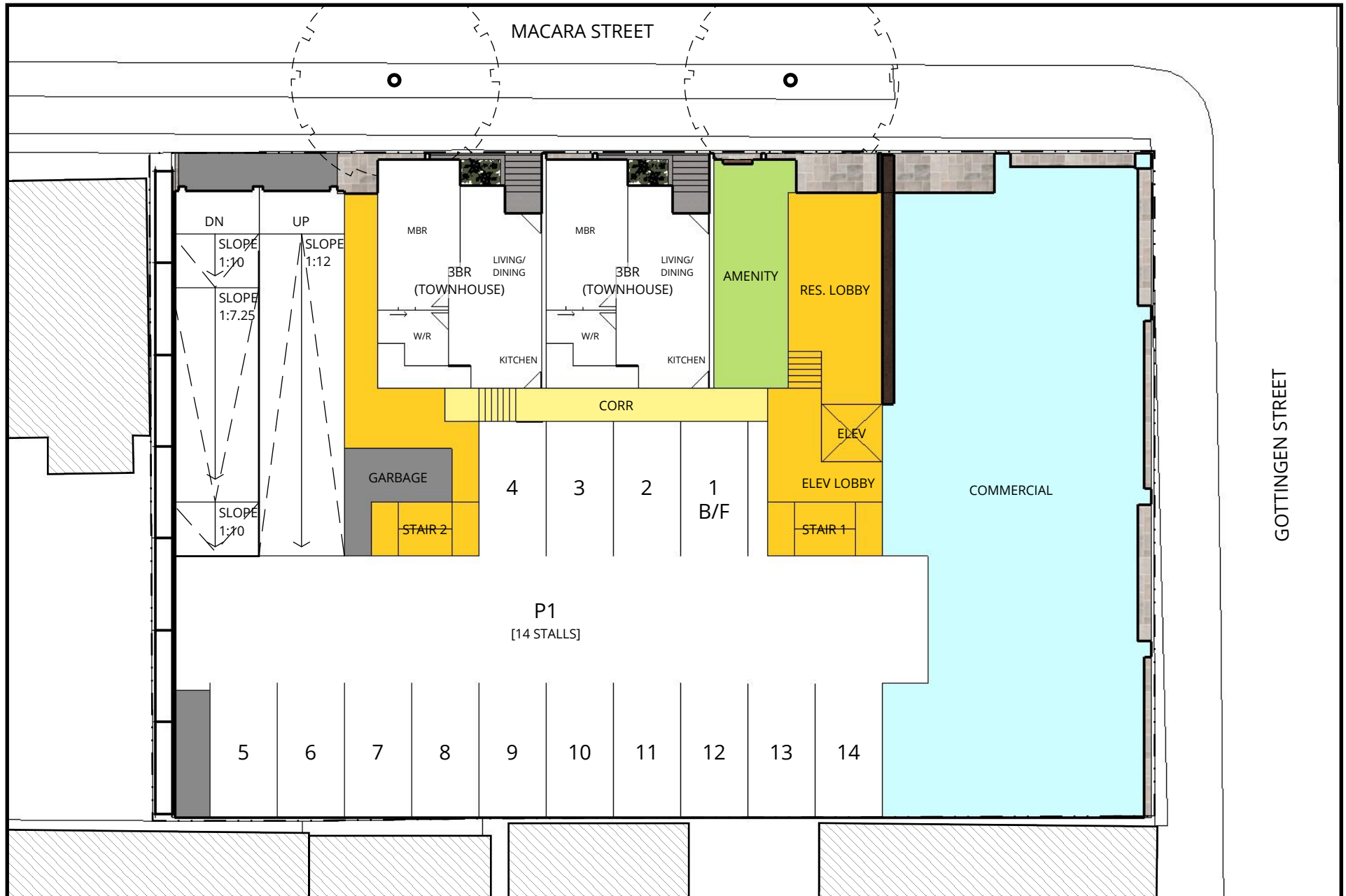
NORTH



1 SPECTACLE LAKE DRIVE  
DARTMOUTH, NOVA SCOTIA CANADA, B3B 1X7  
PHONE: 902 835-9955 - FAX: 902 835-1645 - WWW.WSPGROUP.COM



# Schedule C Ground Floor Plan

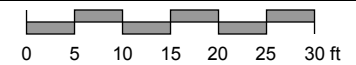


ARCHITECTURE | 49 WSP

**Mixed Use Development at 2866 & 2858  
Gottingen Street and 5518 Macara Street**  
Level 1/P1 Plan  
Halifax, Nova Scotia



**SCALE**

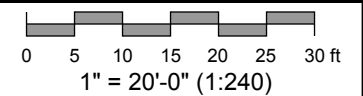
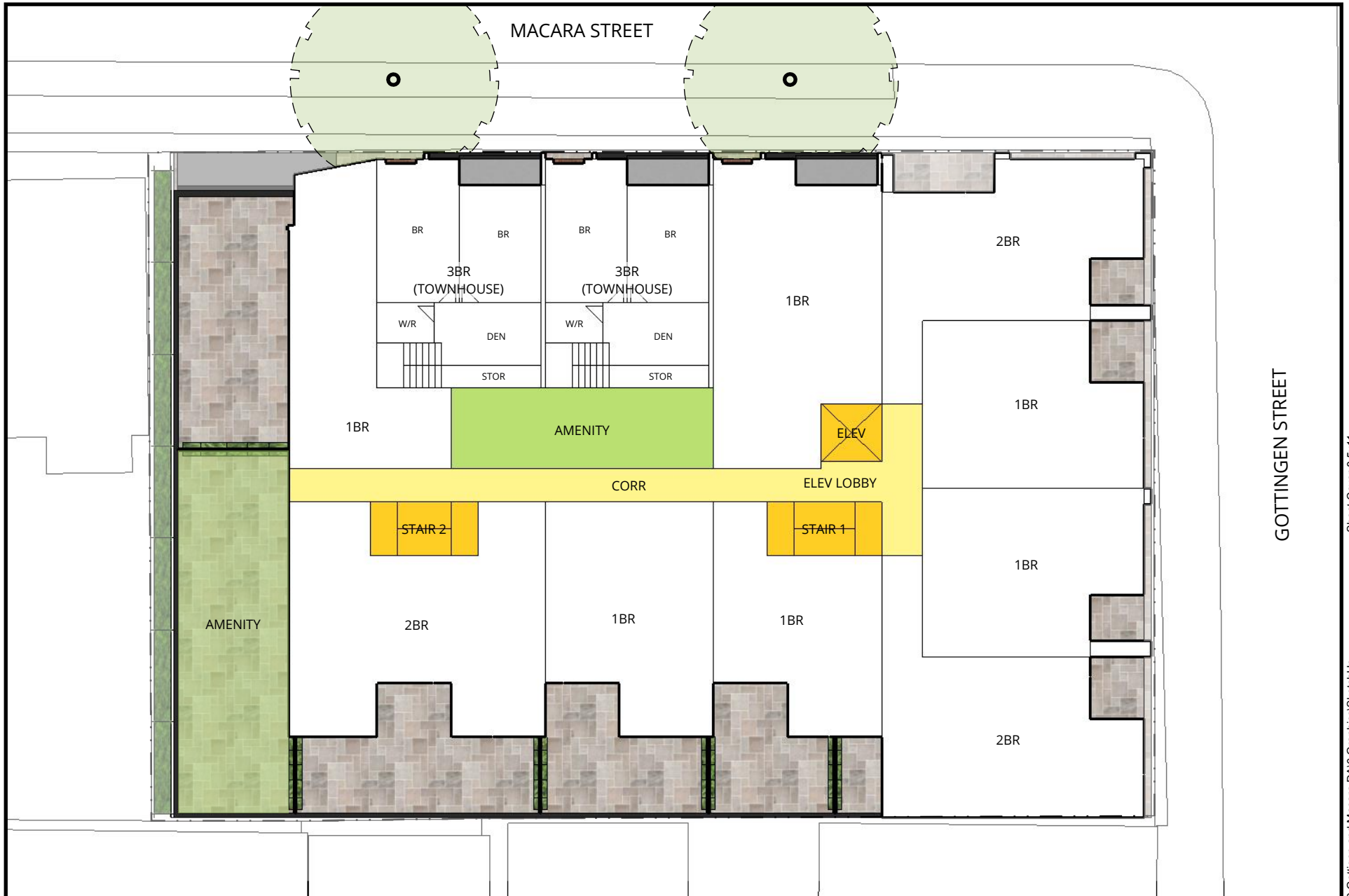


1" = 20'-0" (1:240)

DATE: October 24, 2016



# Schedule D Second Floor Plan



MACARTHUR STREET

GOTTINGEN STREET

1BR

2BR

2BR

1BR

1BR

1BR

2BR

1BR

1BR

2BR

STAIR 2

STAIR 1

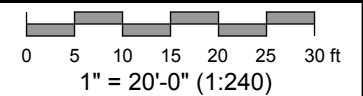
ELEV

ELEV LOBBY

CORR

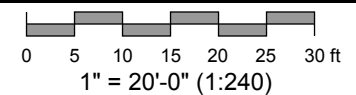


SCALE

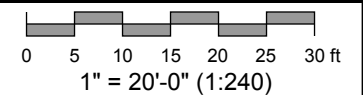
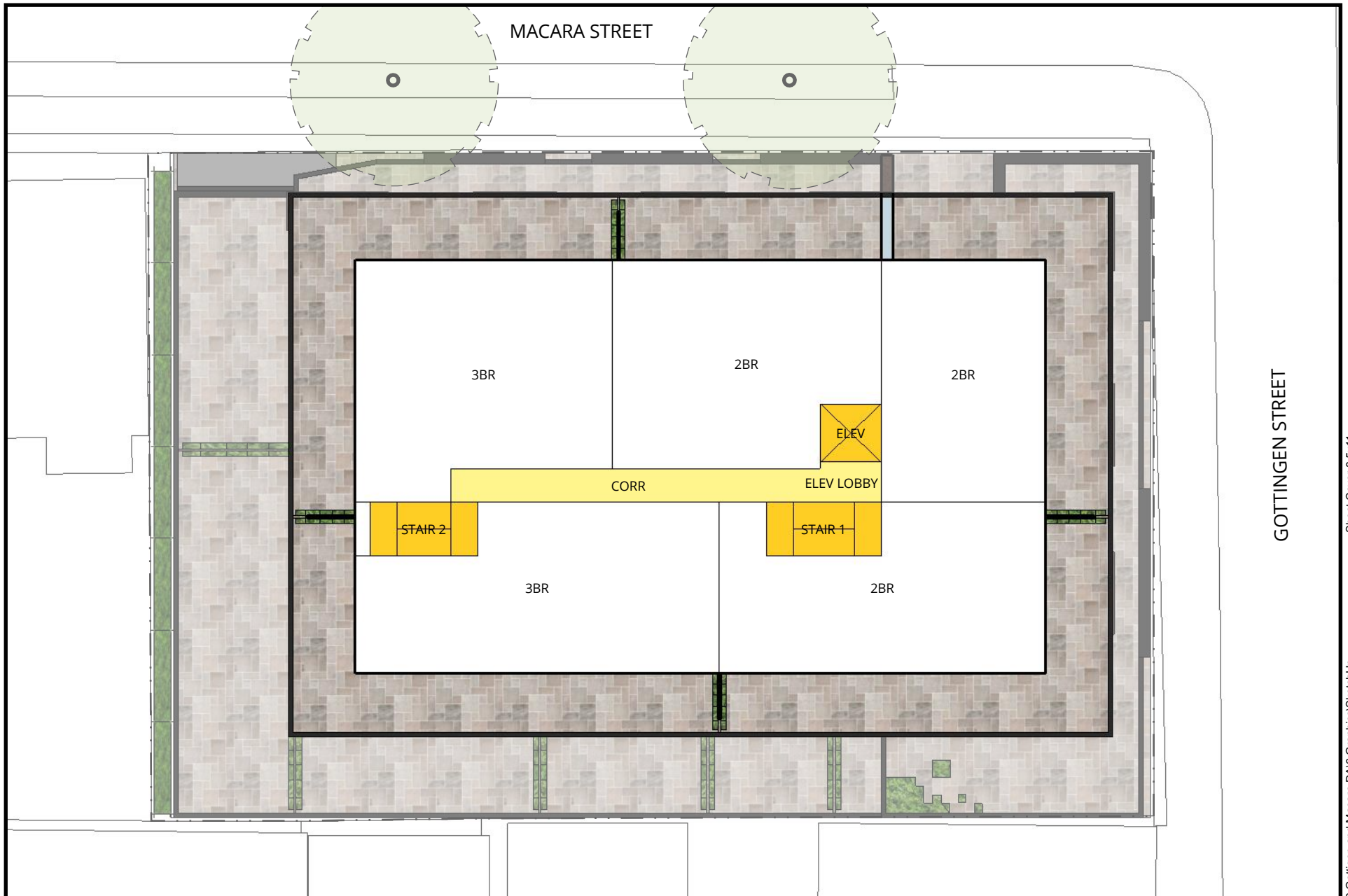


DATE: October 24, 2016

# Schedule F Floors 3-7 Typical Plan



# Schedule G Penthouse Level Plan



# Schedule H Gottingen Street Elevation





# Schedule I Macara Street Elevation



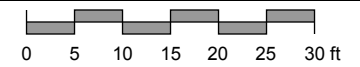
Sheet Cover 8.5x11

File: S:\151-05840-00 Gottigen and Macara DA6 Graphics\SketchUp

ARCHITECTURE | 49 WSP

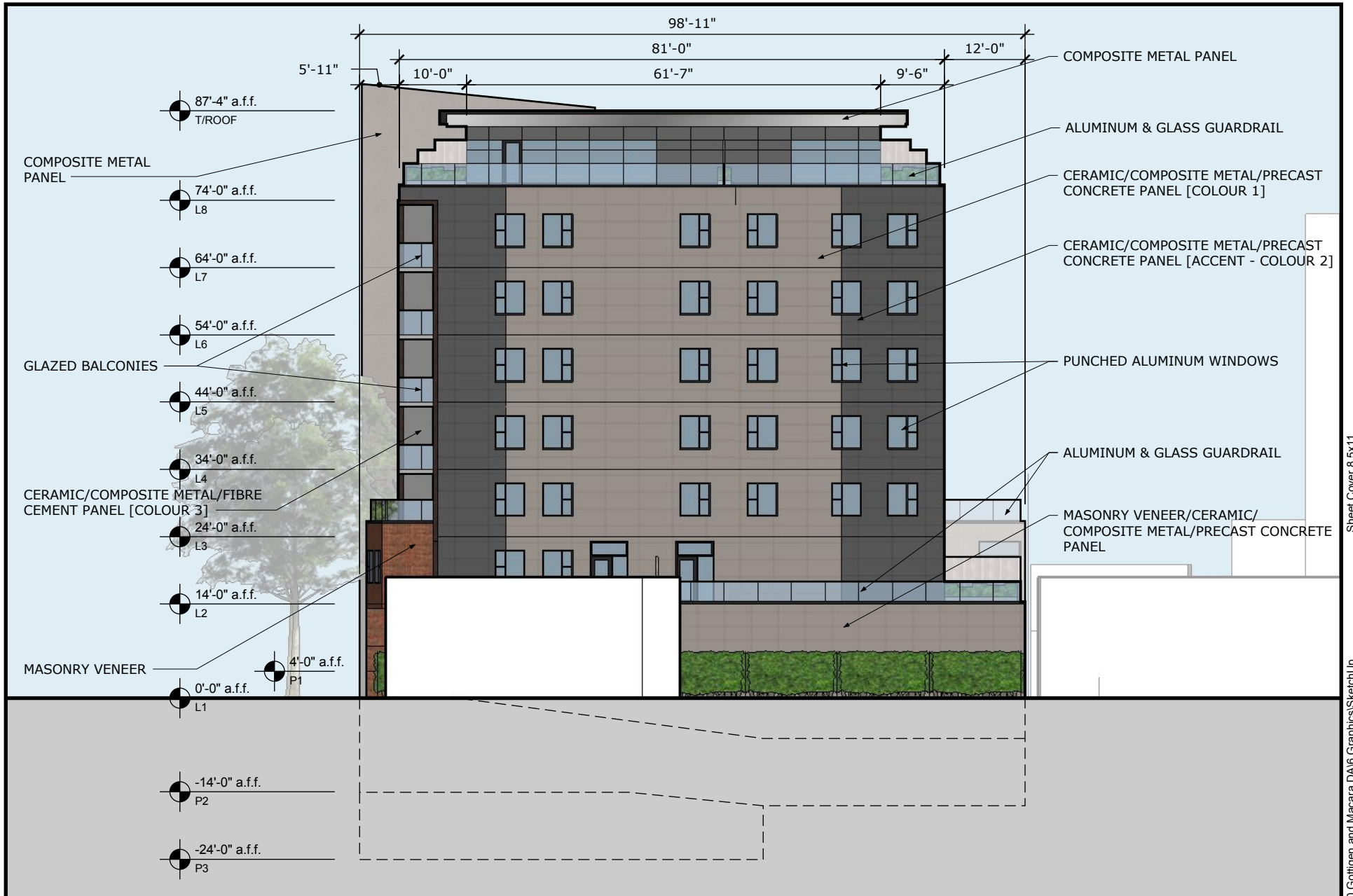
**Mixed Use Development at 2866 & 2858  
Gottingen Street and 5518 Macara Street  
Northwest Elevation (Pelzant St)  
Halifax, Nova Scotia**

**SCALE**

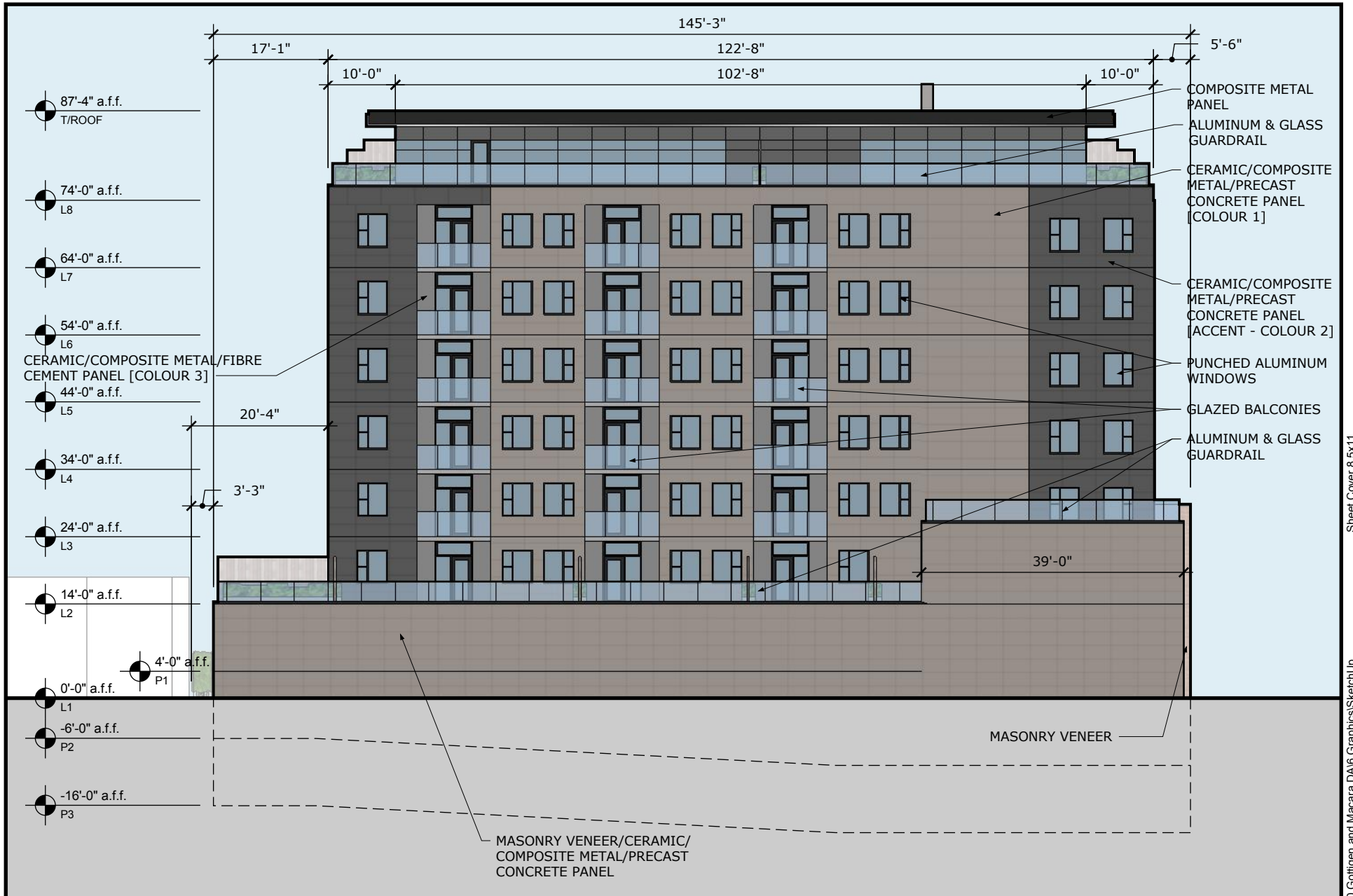


DATE: October 24, 2016

# Schedule J Southwest Elevation



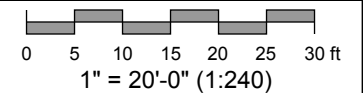
# Schedule K Southeast Elevation



ARCHITECTURE | 49 WSP

**Mixed Use Development at 2866 & 2858  
Gottingen Street and 5518 Macara Street**  
Southeast Elevation  
Halifax, Nova Scotia

**SCALE**



DATE: October 24, 2016

Sheet Cover 8.5x11

File: S:\151-05840-00 Gottigen and Macara DA16 Graphics\SketchUp



**Attachment C**  
**Review of Relevant Policies - Halifax MPS**

<p style="text-align: center;"><b>Halifax MPS – Section XI (Peninsula North Secondary Planning Strategy)</b>  <b><u>Commercial Facilities – Policies 2.3.1, 2.3.2 &amp; 2.3.3</u></b></p>	
<p><i>Objective: A variety of appropriately located commercial facilities to serve the needs of both the resident and working populations of Peninsula North and the City as a whole.</i></p>	
<b>Policy Criteria:</b>	<b>Staff Comment:</b>
<p><i>2.3.1 In order to promote investment in commercial and residential redevelopment and to prevent conflict between new and existing uses the city may, through the land use by-law, identify areas that provide an opportunity for and will benefit from comprehensive site planning.;</i></p>	<p>The surrounding neighbourhood consists of a mixture of uses including residential, commercial, and institutional of varying intensities. There is an opportunity for comprehensive site planning by introducing a mixed use project to the site, as well as built form and design requirements, to ensure a design that is suitable and compatible with the area.</p> <p>Schedule 'Q' is currently applied to a large area of Peninsula North which is designated Major Commercial. Therefore, the proposal represents a small expansion of the Schedule 'Q' area.</p> <p>The development agreement process can alleviate potential land use conflicts through mitigation measures implemented by land use, design, and built form requirements.</p>
<p><i>2.3.2 In those areas identified in the land use by-law pursuant to Policy 2.3.1 all residential and mixed residential-commercial development over four units shall be by agreement.</i></p>	<p>Contingent upon approval of the LUB amendment to apply as Schedule 'Q', Council may consider the proposed development agreement.</p> <p>The proposal is for an 8-storey residential building containing ground floor commercial uses. The proposed development presents an appropriate and beneficial opportunity for comprehensive site planning.</p>
<p><i>2.3.3 In considering agreements pursuant to Policy 2.3.2, Council shall consider the following:</i></p> <p><i>(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>	<p>The immediate neighbourhood contains a mix of land use (see Staff Report).</p> <p>Substantial building heights and massing are achievable through the as-of-right permitting process in the major commercial portion of this area (C-2 Zone). However, the proposed building's height and mass is less than that which could be achieved in an as-of-right commercial situation.</p> <p>An at-grade setback and substantial stepback above the 1<sup>st</sup> floor is provided in order to mitigate impacts on an abutting single unit dwelling. Effective urban design treatment is created by a two storey streetwall along Gottingen Street and much of Macara Street, while upper floors are stepped back from internal property lines.</p> <p>To minimize potential land use conflicts, the proposed development agreement restricts land uses on the ground floor to select minor commercial uses, and a lounge in association with a</p>

	restaurant. Hours of operation for a restaurant/lounge have also been restricted to midnight. The nature of the building's non-combustible construction materials will also assist with noise attenuation. Signs are limited to fascia signs at select locations, with additional limitations on size.
<i>(ii) the appropriate integration of the development into the traditional grid street system of the Peninsula;</i>	The site fronts Gottingen Street and Macara Street. The proposed development integrates with the existing street grid.
<i>(iii) the design and layout of the development should encourage vehicular traffic to use Principal Streets and discourage traffic from infiltrating through existing neighbourhoods;</i>	<p>The entrance to the proposed parking garage is located off Macara Street, which is not a Principal Street while Gottingen Street is a Principal Street. However, Bylaw S-300 (The Streets Bylaw) discourages driveway access off a principal street where access off a secondary street is possible.</p> <p>A Traffic Impact Statement, prepared by the applicant's consultant, was reviewed by HRM and was deemed acceptable. The Study concludes that there are no issues with the proposed development on the local street network. All parking is to be located within the building.</p>
<i>(iv) the creation of high quality design detail at street level through attention to such matters as landscaping, signs, building entrances, and vehicle layby areas;</i>	The design of the buildings at street level provides a fine grained pedestrian-oriented frontage through the use of small storefronts on Gottingen Street and individual townhouses with private entrances on Macara Street. The proposed agreement requires adherence to detailed landscaping requirements, which includes the provision of new street trees along each frontage. Signs are limited to fascia signs at select locations, with additional limitations on size.
<i>(v) the provision of high quality open space and leisure areas of a size and type adequate for the resident population;</i>	Open space and leisure areas consist of the common rooftop landscaped area, landscaped terraces, balconies, and common indoor amenity space. These spaces/areas will be adequate for the resident population. Provisions in the agreement ensure the use of high quality materials and landscape design.
<i>(vi) residential and commercial densities consistent with municipal services;</i>	With respect to municipal wastewater services, Halifax Water has reviewed the proposal, with no concerns identified at this time. Halifax Water requires evidence of wastewater capacity at the time of connection (at the building permit stage).
<i>(vii) encouraging high quality exterior construction materials such as masonry; and</i>	Proposed exterior materials are of high quality and include brick, stone, glass, composite panels, and metal/glass railings.
<i>(viii) other relevant land use considerations which are based on the policy guidance of this Section.</i>	None identified.

**ATTACHMENT D  
MINUTES OF PUBLIC INFORMATION MEETING**

**HALIFAX REGIONAL MUNICIPALITY  
Public Information Meeting  
Case 20149**

---

**Monday, February 1, 2016  
7:00 p.m.  
Halifax Forum (Maritime Hall)**

**STAFF IN**

**ATTENDANCE:** Mitch Dickey, Major Projects Planner, HRM Development Approvals  
Alden Thurston, Planning Technician, HRM Development Approvals  
Cara McFarlane, Planning Controller, HRM Development Approvals

**ALSO IN ATTENDANCE:** Councillor Jennifer Watts, District 8  
Connor Wallace, WSP Canada Inc.  
Aaron Murnaghan, WSP Canada Inc.

**PUBLIC IN**

**ATTENDANCE:** Approximately 20

---

The meeting commenced at approximately 7:02 p.m.

**1. Call to order, purpose of meeting – Mitch Dickey**

Mr. Dickey introduced himself as the Major Projects Planner facilitating this application through the planning process; Councillor Jennifer Watts, District 8; Connor Wallace, WSP Canada Inc.; and Alden Thurston (Planning Technician) and Cara McFarlane (Planning Controller), HRM Development Approvals.

Case 20149 – Application by WSP Canada Inc., for lands at 2858/2866 Gottingen Street and 5518 Macara Street, to amend the Halifax Peninsula Land Use By-law (LUB) by adding the properties to Schedule Q and for approval of a development agreement to allow an eight storey, mixed use development with 71 units.

The Public Information Meeting (PIM) Agenda was reviewed.

The purpose of the PIM is: a) to identify to the community that HRM has received an application on the subject property; b) to provide information/background on the proposal; c) to highlight the current planning approach in the neighbourhood; d) to explain the planning policies and Process; e) to provide the applicant an opportunity to present their proposal and answer questions; and f) to provide Staff an opportunity to receive public feedback regarding the application. This is purely for information exchange and no decisions are made at the PIM.

**2. Overview of Proposal – Mitch Dickey**

Mr. Dickey made a presentation outlining the site consisting of three parcels on the corner of Gottingen and Macara Streets.

The planning framework and land use regulations of the site were explained: a) within the Halifax Municipal Planning Strategy (MPS); b) Peninsula North Secondary Plan – Area 5; c) designated MJC (Major Commercial); d) zoned C-2 (General Commercial) – no height limit, no design or architectural controls, potential for large projects as of right; and e) Schedule Q can be applied – must go through a public process, promotes commercial/residential development, ensures compatibility to surrounding neighbourhood, and design controls implemented through a

development agreement.

Mr. Dickey explained that HRM is currently embarking on a new planning initiative, the Centre Plan, which would apply to all Halifax Peninsula and Central Dartmouth (within the Circumferential Highway). Until that time, applications received by HRM would continue to be considered under the current planning process.

Mr. Dickey gave a brief overview of the proposal: eight-storey, mixed use building with 3500 square feet of commercial, 71 residential units and two-level parking area containing 53 spaces.

The planning process was reviewed: a) PIM; b) Districts 7 & 8 PAC; c) detailed review (internal/external agencies); d) staff report before Halifax and West Community Council (HWCC); and e) a 14-day appeal process.

### **3. Presentation of Proposal – Connor Wallace, Urban Planner, WSP Canada Inc.**

Mr. Wallace presented the proposal for the corner of Gottingen and Macara Streets in the north end of Halifax. He showed the site context and what currently exists on the three parcels of land. The site is in close proximity to private and public schools, Hydrostone community and market, and Robie Street and Gottingen Street act as a primary transportation corridor for the Halifax Peninsula. This area has been identified for future urban growth and revitalization within HRM.

A key element of the design proposal was to highlight the relationship of the building and Canadian Forces Base Stadacona, which is located directly across the street. Other key parameters incorporated into the project include: a) developer's vision and goals; b) community ideas and comments; c) community context, d) historic context; e) high quality building designs, and f) HRM by-laws and policies.

Mr. Wallace described the project's visions and goals; proposed design including materials/colors; site plan; and different elevations of the proposal showing stepbacks, commercial/residential/townhome unit entrances and parking entrance, terraces, and amenity space. Building specifications and floor plans were given.

The Traffic Impact Study's (TIS) site/trip analysis determined that 23 additional trips would be created during the am peak hour and 32 additional trips at the pm peak hour. The additional trips are not expected have any noticeable impact on the performance of the adjacent streets, intersections or the regional street network.

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

**Neil Erskine, Macara Street** – There is currently a residential building on Gottingen Street. How many residents from that building will be able to afford to live in this new building? **Mr. Wallace** – The price of the units will be market driven based on the north end area at the time. The current tenants will be given notice well in advance of when this development is actually going to be built. **Mr. Erskine** is concerned that as the area gradually develops, the demographics will change as the average person will not be able to afford the accommodations. Each of these buildings is displacing a number of people.

**Mr. Erskine** – Currently, pedestrian enjoy a variety of uses in the north end area whereas this development will use between two-fifths and one-half of the entire block face. He referred to a recent development on Macara Street and Isleville Street. It is smaller in scale but is in keeping with the neighbourhood as opposed to this proposal which is enormous and covers the entire lot.

**Daniel Demers, Macara Street** lives across the street from the proposed site and feels that the size of the building and the number of units is too large for the neighbourhood. There are eight new projects within two blocks of his house, all between seven and eight storeys high.

**Mr. Demers** - The parking will be another issue. People will be looking for parking on the street due to 53 parking spaces available for 71 units. During the winter months, the north side of Macara Street is closed to parking due to snow removal and the other side is one-hour parking. In the summer months staff from Stadacona park on the street during the day. The proposed building with 71 units will have a lot of trouble finding a parking spot. **Mr. Dickey** – Parking is evaluated in terms of the number of units and the parking spaces available as well as existing on-street parking.

**Mr. Demers** – Property values for homes on the 5500 block will decrease.

**Mary McLaren, Bilby Street** – She referred to a building on the corner of Isleville and Almon Streets and is concerned that there is a waiting list for people to park as the majority of units have two vehicles. As well, the eight or nine other proposed buildings in the area, from a parking perspective, have approximately 70/75% parking available per number of units.

**Ms. McLaren** is looking forward to the Centre Plan. The area is very much family-oriented and has many single family homes but there is a need for mixed use. This proposed building is yet another massive block. Pictures of the proposals are shown as standalones. She would appreciate a picture of all the proposed developments in the area to get a perspective of what the final product would look like. **Mr. Dickey** – The accumulative impact of these various proposals in the area is something that staff are well aware of. The developer's consultant has ghosted in two of the other buildings that are on Gottingen Street in one of the images. This particular neighbourhood is a bit unusual as properties are designated and zoned commercial giving people the opportunity to continue to assemble land and do more of these projects.

**Ms. McLaren** is concerned about greenspace and common space. Family units were mentioned in the presentation, but two bedroom units will not accommodate a family with multiple children. Developers and HRM need to be more visionary and imaginative in what is being proposed in the area and who they are trying to bring into the area. **Mr. Dickey** – New mix, diversity, family units, and townhouse style units are encouraged in buildings.

**Mr. Dickey** encouraged the residents to get involved when the Centre Plan process does begin because there is the ability to influence change within the neighbourhood and community across the whole city. It will be a very holistic and intensive process.

**Jennifer Beamer, Bilby Street** – Two unit bedrooms are not considered a family unit. There are nine buildings within two blocks in either direction of her house that have been approved and very few of them have any three bedroom units. More are needed in the area if it is to grow as a family neighbourhood and support schools.

**Ms. Beamer** – The TIS mentions that there will be an additional 23 (am peak hours) and 32 (pm peak hours) daily trips. There is also a paragraph about the other proposed residential/commercial properties and it ends with, "Since traffic from these developments will be dispersed on local collector streets, site generated trips are not expected to have any significant accumulative impact on traffic operations in the area of the streets or regional network." With these nine developments, approximately 900 to 1000 people will be moving into this four block radius. How can that not have an impact on traffic in the neighbourhood? What warrants an increase in traffic from the TIS? **Mr. Dickey** – The proposal along with the TIS has yet to be reviewed. Typically, the TIS are geared more toward the peak hour impacts. They also look at location of parking garage entrances, stop and site distances and so on. HRM engineers will provide comments on the proposal.

**A tenant at 5680 Macara Street** works at Stadacona and lives in the residential house that will be affected by this proposal. He chooses to live in a flat with other people so he is able to support the community and local music, farmers markets, cafes, etc. It is not realistic for young people who make a reasonable income to be able to afford to live in these types of buildings. The more that come, the more expensive they will get. Why do developers choose to destroy and rebuild blocks that have history and ties with the community when there are empty, large-scale and unsightly lots that can house these projects? **Mr. Dickey** – A lot of the questions pertain to the Centre Plan

process - what areas are appropriate for large scale development, what gives a neighbourhood stability, and what areas need greater protection.

**A resident of Parker Street** – Will the units be rentals or condos? **Mr. Wallace** – That hasn't been determined yet. **Mr. Dickey** – It is market driven. HRM has no ability to force a project to be either rental or condo. HRM is moving toward encouraging more affordable housing through bonusing programs trying to get some low market value units within buildings but the planning framework is not in place at this time.

**Mr. Ericson** – Is the schoolboard involved to make sure the school can accommodate the increase in students? **Mr. Dickey** – The proposal is circulated to the schoolboard for comment and they use the information for enrollment projections.

**Carley, Hydrostone** is looking to purchase a house on Macara Street and would like to know how her backyard privacy would be protected. What is the plan? **Mr. Wallace** – A mitigation process could be negotiated through the development agreement process to deal with privacy. That is something that will be looked into further. **Mr. Dickey** – Potentially, a smaller scale development could occur on the site as of right without any community consultation but through a process like this the surrounding land uses can be considered and compatibility between properties and mitigation are some things that can be taken into account along with the floor plans of the building, tree plantings along property lines, screening fences at different levels. There are different measures that can be explored and considered throughout the process.

**Lloyd Mossman, 5537 Macara Street** – Will the existing trees be removed/replanted? **Mr. Wallace** – The plan is to maintain the trees.

**Mr. Mossman** – Will there be a cost levy for parking in the building? If there is an extra charge, people tend to look for other parking options. He faces daily challenges getting in and out of his driveway. The street at many times is little more than one lane and has become a throughway from Gottingen Street through to Robie Street. The increased traffic is due to people passing through the area. **Mr. Wallace** – It hasn't been determined if there will be an extra charge.

**Mr. Mossman** – Why have the parking entrance on a rural or residential street where parking is an issue? **Mr. Dickey** – Discussions will take place regarding the location of the parking garage. The MPS policy states that driveway entrances are to be on primary streets whereas the Regional Streets By-law only permits parking garage entrances on side streets; therefore, the more appropriate in this case has to be determined.

**Mr. Mossman** – How much shading on the neighbourhood will be created from the proposed building? **Mr. Wallace** – An initial analysis has been done. Due to the orientation of the building and the direction of the sunrise, the shadow would be cast onto Macara Street internally into the block where there is already an existing tree canopy and not so much natural light. Later in the day, some shadows would appear on Gottingen Street. **Mr. Dickey** intends to ask for a shadow analysis for this project. It is difficult to maintain trees in this type of redevelopment but HRM is very serious about extreme trees and has a substantial urban forest program in place. HRM is putting huge investments into maintaining street trees, improving their health and planting new ones. The developers carry some liability if trees are damaged as a result of their development.

**Mr. Erskine** referred to another development on South Street that has a very modest setback from the street. When a vehicle stops in front, the street then becomes one lane backing up traffic. For this proposal, where would the drop off/pick up area be? Would it be on Macara Street? **Mr. Wallace** – It would be on Macara Street as opposed to Gottingen. **Mr. Erskine** – In that case, the current parking along Macara Street should no longer be allowed along the building. **Mr. Wallace** – That will have to be determined. **Mr. Erskine** – Macara Street would have to be closed to traffic during deliveries, tenants moving in/out, etc. during the winter months. There should be an area in the back of the building for those situations.

**Ms. McLaren** also mentioned the consideration of garbage pickup and snow/snow removal as a result of last winter's situation.

**Jennifer Nowoselski, Macara Street** would like some statistics on current and projected housing needs in HRM to support the need for these developments. **Mr. Dickey** – Real estate professionals or some of the commercial brokerage firm would keep that type of data. On a yearly basis in HRM, there are about 2500 new housing units that come on stream throughout the entire community and typically the pace at which developments are built is market driven. **Ms. Nowoselski** wondered where she could access an aerial view with all the projects in the area superimposed. **Mr. Dickey** - HRM does not have a 3D model of what the area would look like but there is an online geographic information system that shows properties where development agreements have been approved by Council which would give a sense for the potential developments in the neighbourhood. **Ms. Nowoselski** – Is there one HRM planner for certain regions? **Mr. Dickey** – There is not a single planner assigned to a neighbourhood. The planners are aware of each other's applications. The Centre Plan process will, in consultation with professionals, look at market demands and projections of how many units will be needed, and where, in HRM over the next 20 years. The northend of Halifax will be one of the hot topics to be discussed. There will be mapping and statistics to help respond to the community's questions and concerns.

**Ms. Nowoselski** echoed the concerns about whether the units would be rentals or condos and the demographics in the neighbourhood changing due to one and two bedroom units. When will this be determined? She is also concerned about rent in the area rising. It is difficult for a person to put down roots in the community due to most of the land being developed. **Mr. Dickey** – The developer can change their intentions at any time.

**Ms. Nowoselski** is a cyclist and is concerned about increased traffic and safety.

**Councillor Watts** expressed how important it is for residents to get involved in the Centre Plan process. She encouraged people to send her an email to be signed up for the district email and offered to come out to talk to small neighbourhood groups about the Centre Plan and understanding the potential around this project. Regional Council wants densification in the urban core but it has to be done appropriately within the existing context of the neighbourhood.

## **5. Closing Comments**

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

## **6. Adjournment**

The meeting adjourned at approximately 8:16 p.m.

## **Attachment E – Legislative Authority**

### **Development Agreements By Community Council**

The *Community Council Administrative Order*, subsection 3 (1) “Subject to subsection (3) of this section, sections 29, 30 and 31 of the *Halifax Regional Municipality Charter* apply to each Community Council.”

*Halifax Regional Municipality Charter:*

#### **Development agreements by community councils**

- 31** (1) This Section applies to a community council if the Council so provides in the policy establishing the community council.
- (2) Where a municipal planning strategy of the Municipality provides for development by agreement, the community council stands in the place and stead of the Council and Part VIII applies with all necessary changes.
- (3) A development agreement, or amendment to a development agreement, entered into by a community council must be signed by the Mayor and the Clerk on behalf of the Municipality.
- (4) Where a development agreement entered into by a community council purports to commit the Municipality to an expenditure, the commitment has no force or effect until approved by the Council. 2008, c. 39, s. 31.

*HRM Charter*, Part VIII, Planning and Development, including:

#### **Development agreements**

- 240** (1) The Council may consider development by development agreement where a municipal planning strategy identifies
- (a) the developments that are subject to a development agreement;
  - (b) the area or areas where the developments may be located; and
  - (c) the matters that the Council must consider prior to the approval of a development agreement.
- (2) The land-use by-law must identify the developments to be considered by development agreement. 2008, c. 39, s. 240.

#### **Content of development agreements**

- 242** (1) A development agreement may contain terms with respect to
- (a) matters that a land-use by-law may contain;
  - (b) hours of operation;
  - (c) maintenance of the development;
  - (d) easements for the construction, maintenance or improvement of watercourses, ditches, land drainage works, stormwater systems, wastewater facilities, water systems and other utilities;
  - (e) grading or alteration in elevation or contour of the land and provision for the disposal of storm and surface water;
  - (f) the construction, in whole or in part, of a stormwater system, wastewater facilities and water system;
  - (g) the subdivision of land;
  - (h) security or performance bonding.
- (2) A development agreement may include plans or maps.



- (3) A development agreement may
- (a) identify matters that are not substantive or, alternatively, identify matters that are substantive;
  - (b) identify whether the variance provisions are to apply to the development agreement;
  - (c) provide for the time when and conditions under which the development agreement may be discharged with or without the concurrence of the property owner;
  - (d) provide that upon the completion of the development or phases of the development, the development agreement, or portions of it, may be discharged by the Council;
  - (e) provide that, where the development does not commence or is not completed within the time specified in the development agreement, the development agreement or portions of it may be discharged by the Council without the concurrence of the property owner. 2008, c. 39, s. 242.

**Requirements for effective development agreement**

- 243** (1) A development agreement must not be entered into until
- (a) the appeal period has elapsed and no appeal has been commenced; or
  - (b) all appeals have been abandoned or disposed of or the development agreement has been affirmed by the Board.
- (2) The Council may stipulate that a development agreement must be signed by the property owner within a specified period of time.
- (3) A development agreement does not come into effect until
- (a) the appeal period has elapsed and no appeal has been commenced or all appeals have been abandoned or disposed of or the development agreement has been affirmed by the Board;
  - (b) the development agreement is signed by the property owner, within the specified period of time, if any, and the Municipality; and
  - (c) the development agreement is filed by the Municipality in the registry.
- (4) The Clerk shall file every development agreement, amendment to a development agreement and discharge of a development agreement in the registry. 2008, c. 39, s. 243.