



P.O. Box 1749  
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**Item No. 13.1.2**  
**Halifax and West Community Council**  
**February 17, 2016**

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

Original Signed

**SUBMITTED BY:**

  
Bob Bjerke, Chief Planner and Director, Planning and Development

**DATE:** February 8, 2016

**SUBJECT:** **Case 18322: MPS & LUB Amendment and Development Agreement – 6124  
Coburg Road and 1460, 1462, 1470 and 1474 Seymour Street, Halifax**

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**ORIGIN**

- Application from Geoff Keddy Architects and Associates and WSP Canada Inc.
- December 10, 2013, Regional Council initiation of the MPS amendment process

**LEGISLATIVE AUTHORITY**

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

**RECOMMENDATION**

**It is recommended that Halifax and West Community Council recommend that Regional Council:**

1. Give First Reading to consider the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law as set out in Attachments A and B of this report and schedule a joint public hearing with Halifax and West Council;
2. Approve the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law, as contained in Attachments A and B of this report.

**It is recommended that Halifax and West Community Council:**

3. Give Notice of Motion to consider the proposed development agreement as set out in Attachment C of this report to permit the development of a mixed residential and commercial building at 6124 Coburg Road and 1460, 1462, 1470 and 1474 Seymour Street, Halifax. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1.

**RECOMMENDATIONS CONTINUED ON PAGE 2**

**Contingent upon the adoption by Regional Council of the above Municipal Planning Strategy and Land Use By-law amendments and those becoming effective under the *Halifax Regional Municipality Charter*, it is further recommended that Halifax and West Community Council:**

1. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment C of this report; and
2. Require the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

### **BACKGROUND**

Geoff Keddy Architects and Associates in conjunction with WSP Canada Inc. is applying to develop a 6 storey mixed use (commercial and residential) building at the south-west corner of Coburg Road and Seymour Street, Halifax (Maps 1 and 2). This proposal cannot be considered under existing policy and zoning established in the Municipal Planning Strategy (MPS) for Halifax and the Land Use By-law (LUB) for Halifax Peninsula. As such, the applicant is seeking an amendment to the MPS and LUB to enable consideration of their proposal through a development agreement. On December 10, 2013, Regional Council initiated the MPS process on the subject site.

<b>Subject Site</b>	Comprised of 3 properties: 6124 Coburg Road and 1460-1474 Seymour Street
<b>Location</b>	South-west corner of Coburg Road and Seymour Street
<b>Regional Plan Designation</b>	Urban Settlement
<b>Community Plan Designation (Map 1)</b>	Medium Density Residential (MDR) in the Peninsula Centre Secondary Plan of the Halifax MPS
<b>Zoning (Map 2)</b>	R-2 (General Residential Zone) and RC-1 (Neighborhood Commercial Zone) under the Halifax Peninsula LUB
<b>Height Precinct (Map 3)</b>	6124 Coburg Road and 1474 Seymour Street: - 10.7 metres (35 feet) where height is measured from the grade to the commencement of the top floor 1460, 1462 & 1470 Seymour Street: - 10.7 metres (35 feet) where height is measured from the grade to the highest point of the building, exclusive of any non-habitable roof
<b>Size of Site</b>	787.8 square metres (8,480 square feet)
<b>Street Frontage</b>	20.7 metres (67.75) feet along Coburg Road 30.9 metres (127.75) feet along Seymour Street
<b>Site Conditions</b>	Fully developed and slopes slightly south along Seymour Street
<b>Current Use of Subject Property</b>	6124 Coburg Road and 1474 Seymour Street: - a 6 unit residential building with a grocery store / convenience store use at grade 1470 Seymour Street: - a single unit dwelling 1460-1462 Seymour Street: - a two unit dwelling
<b>Surrounding Uses</b>	The surrounding area is comprised mainly of residential and institutional uses. Surrounding land uses include: <ul style="list-style-type: none"> <li>• South – a single unit dwelling, low rise apartment buildings and the Dalhousie University Studely campus.</li> <li>• West - Mona Campbell building, a 5 storey building on Coburg Road</li> </ul>

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	<p>owned by Dalhousie University, which was constructed in 2008 and used for academic purposes;</p> <ul style="list-style-type: none"><li>• North - 10 storey multiple unit building and a 4 storey multiple unit building. Lower density residential uses and an elementary school are located further north; and</li><li>• West - low density residential uses.</li></ul>
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### Existing Planning Policy and Zoning Context

The MDR designation is intended to support a mixed residential environment with both family-oriented units and smaller housing units in buildings not exceeding four storeys. Family oriented units are generally defined as units with more than 74.3 square metres (800 square feet) of floor area in the MPS and LUB. A key component of the MDR designation is the retention of existing housing stock.

The subject site also abuts the University (U) designation on 2 sides; the other two sides abut a public street. The intent of the U designation is to support the continued development of the university area as a focal point for academic, social and university uses within set boundaries.

The R-2 Zone, which applies to 1460, 1462, 1470 and 1474 Seymour Street permits R-1 (Single Family Dwelling) Zone uses and two unit dwellings. The RC-1 Zone, which applies to 6124 Coburg Road and 1474 Seymour Street, permits R-1 and R-2 Zone uses and apartment houses with up to 4 units, grocery store uses no larger than 92.9 square metres (1,000 square feet) and drug store uses no larger than 130 square metres (1,400 square feet).

### Proposal

The applicant wishes to demolish the existing 3 buildings on the subject site, consolidate the three properties and develop a 6 storey, mixed use building containing residential and commercial uses. Features of the proposed development include the following:

- 35 residential units;
- at grade commercial uses;
- underground parking spaces, including long term commercial parking spaces; and
- a building height of 20.1 metres (66 feet).

The size, density and height of the proposed building do not comply with the MPS and LUB. The applicant has indicated that they believe the proposed building is both suitable for the site and its surroundings despite the area originally being envisioned for low-rise development. Therefore, the applicant is requesting amendments to the planning documents to enable the proposed building subject to a development agreement.

### Planning Approval Process

The approval process for this application involves two steps:

- first, Regional Council must consider and, if deemed appropriate, approve proposed amendments to the MPS and LUB; and
- secondly, Halifax and West Community Council must consider and, if deemed appropriate, approve a proposed development agreement.

A public hearing, which is required prior to a decision on both matters, may be held at the same time for both the MPS and LUB amendments and the proposed development agreement. In the event Regional Council approves the MPS and LUB amendments, Halifax and West Community Council may only make a decision on the proposed development agreement following the amendments to the MPS and LUB coming into effect. A decision on proposed MPS and LUB amendments is not appealable to the Nova Scotia Utility and Review Board (Board). However, the decision on the proposed development agreement is appealable to the Board.

## **DISCUSSION**

### **Municipal Planning Strategy Amendments**

The Halifax MPS is a strategic policy document which sets out the goals, objectives and direction for long term growth and development in the former City. While the intention of the Plan is to provide broad direction, Regional Council may consider site-specific MPS amendment requests to enable proposed development which is inconsistent with its policies. MPS amendments of this sort should not be routine undertakings but may be appropriate in situations where the circumstances under which the Plan was adopted have changed such that presiding policies are no longer relevant or desired.

### **Rationale for Site Specific Development Controls**

In this particular case, staff has determined that there is merit in proceeding with site-specific amendments to the MPS and LUB (Attachments A and B) and a development agreement allowance for the subject site for the following reasons:

- the subject site is situated in an area with a mix of land uses, making it appropriate for residential redevelopment and urban intensification. This type of development supports an increased housing supply on the peninsula, which is a goal of the Regional MPS;
- the subject site is considered unique from a planning policy perspective as it is mainly boarded by the University designation and is therefore an ideal location for site specific land use provisions;
- the inclusion of detailed requirements regarding building siting, scale and massing assists in achieving compatibility with the adjacent residential and institutional uses; and
- the development agreement provides a mechanism to ensure a higher quality building design, varying materials and colour tones.

The existing City-Wide MPS objectives and policies (Section II of the MPS) call for the encouragement of residential growth on the Peninsula through “retention, rehabilitation and infill compatible with existing neighbourhoods”. The proposed site-specific MPS and LUB amendments further this intent as outlined in Attachments A and B of this report.

### **Evaluation of Proposed MPS and LUB Amendments**

The proposed site specific policy is included in Attachment A of this report. To enable the consideration of the proposed building, the proposed MPS amendments address the following:

- the consideration of building heights exceeding 10.7 metres (35 feet);
- providing a consistent definition for building height for the three subject properties;
- increasing the permitted residential density;
- allowing for a small expansion in the types of commercial uses permitted as well as the total size;
- reduced setbacks from property lines and removing the requirement of angle controls;
- an emphasis on the relationship with surrounding uses including appropriate transition along Seymour Street;
- promoting the pedestrian friendly nature on Coburg Road and Seymour Street through the presence of commercial uses and active street scape design; and
- placing importance on quality architectural design.

Concerning the proposed amendments, the following issues are highlighted for more detailed discussion:

#### **Height**

The maximum height permitted over the three subject properties is 10.7 metres (35 feet). Height, however, is defined differently in the LUB depending on the property as discussed earlier in this report. Further, the LUB allows for a portion of penthouses and mechanical equipment to exceed the height requirements.

The proposed amendment to the MPS will provide a consistent definition for measuring height for the whole subject site, where height is measured from the ground to the highest point of the building, inclusive of mechanical equipment and penthouses. Further, the proposed amendment to the MPS will include a maximum height of 20.1 metres (66 feet) for the three sites.

Although the proposed maximum height of 20.1 metres (66 feet) is substantially higher than 10.7 metres (35 feet), through the requirements of step backs and floor coverage in the proposed development agreement, the proposed building will have a similar presence as the Mona Campbell building, which abuts the subject property along Coburg Road. The Mona Campbell building is also within the 10.7 metre (35 foot) height precinct, where height is measured from grade to the commencement of the top floor. As a result, the Mona Campbell building has a total height of approximately 18.3 metres (60 feet) including mechanical equipment.

#### Relationship with Surrounding Uses

When considering site specific developments, importance is placed on the proposal's relationship to existing uses. The proposed development has adopted much of its design from the neighbouring Mona Campbell building. Along Coburg Road, the proposed development fits well with the existing streetscape by using a similar design and building height. However, along Seymour Street, where the building form is a detached dwelling and low rise apartment form, the building must be carefully designed to ensure that it transitions well to the lower density street. The proposed amendment to the MPS requires that the development incorporate step backs along the southern property line to reflect the lower scale style of development along Seymour Street.

The proposed amendment to the MPS allows for the consideration of a building with a minimum 1.8 metre (6 foot) setback from neighbouring property lines. A 1.8 metre (6 foot) setback is generally considered small for a multiple unit residential building. However, by incorporating design requirements into the proposed development, a 1.8 metre (6 foot) setback is considered appropriate. Further, as the abutting properties are designated for university uses, it is less likely that the properties will be further developed for residential uses in the future.

#### Expansion of Commercial Use

Although the subject site is designated MDR, 6124 Coburg Road is zoned RC-1, which permits grocery stores and drug stores up to a maximum size. The proposed amendment to the MPS will remove the size limitations for these uses and also permit personal service uses, such as a hairdresser, tailor or drycleaner, as well as long term commercial underground parking. The applicant had originally requested a larger expansion to the types of commercial uses permitted. However, any further expansion to the types of commercial uses should encompass a larger area and should not be considered on a site by site basis.

#### **Development Agreement**

Attachment C contains the proposed development agreement for the subject site and the conditions under which the development may occur. In addition to the items noted previously, the proposed development agreement addresses the following matters:

- the types and location of commercial uses at the ground-level along Coburg Road and Seymour Street;
- provisions enabling underground yearly and monthly commercial parking;
- provisions enabling a maximum of 35 residential units (1/3 of the units are required to be 74.3 square metres (800 square feet) or larger);
- architectural, signage, lighting and maximum building height requirements;
- parking (bicycle and vehicular), circulation and site access;
- building services, maintenance and waste facilities; and
- options for non-substantive amendments by resolution of Halifax and West Community Council, including changes to the signage requirements and changes to timeframes for development.

Staff conducted a review of the proposed development relative to the proposed policy criteria that has been developed for the subject lands and advises that the proposed development is consistent with the intent of the Halifax MPS. Attachment D contains staff's analysis of the applicable policies. Staff has identified below some aspects of the development that warrant further discussion:

#### Transition along Seymour Street

As noted earlier in this report, the proposed development fits well with the existing development on Coburg Road by using many of the same design features of the Mona Campbell building. However, special care is required where the building fronts Seymour Street to reflect the low rise and low density nature of the street. As such, the proposed development agreement requires that the southern portion of the building steps back 6.6 metres (21.5 feet) from Seymour Street at the 4th level. This will create a street wall height of 10.2 metres (33.5 feet), which is compatible with the heights of the surrounding uses.

#### Relationship to Abutting Properties

The proposed policy will enable a development that is located 1.8 metres (6 feet) from the neighbouring property lines. As such, careful integration is needed to ensure the potential impact to neighbouring uses is minimized.

Along the southern property line, the neighbouring property is developed as a single unit dwelling that is 6.1 metres (20 feet) from the property line. However, due to the existing zoning and designation, another building could be constructed much closer to the property line. To reduce the potential impact to the single unit dwelling and future development of the site, the proposed development agreement includes specific design requirements. Specifically, the development agreement does not permit balconies along the south facing wall and window sizes are limited due to the reduced setback. As the building height increases, step backs to the building mass are required and larger window openings are permitted.

Along the western property line the neighbouring property is developed as the Mona Campbell Building. Balconies are to be recessed to minimize the potential conflict with the neighbouring institutional use.

#### Unit Types

The proposed development agreement does not require a specific unit mix but instead requires at least one third of the units to have an area of 74.3 square metres (800 square feet) or more. Through feedback provided during public consultation, concern has been expressed about who would be living in the building with a preference being indicated for family oriented units. A unit size of 74.3 metres (800 square feet) or larger is generally considered a family type unit in the MPS and LUB. However, not requiring a specific number of bedrooms allows for flexibility in unit configuration to accommodate the needs in the housing market while ensuring that there is still a mix in unit sizes.

#### **Districts 7 & 8 PAC**

This application was presented to the District 7 and 8 Planning Advisory Committee (PAC) on June 23, 2014. Its recommendations are sent to Community Council by means of a separate report.

The PAC recommended approval of the proposed development and provided the following considerations:

- maintaining the existing commercial uses within the zoning with the allowance to increasing commercial size;
- further enhancing the pedestrian experience;
- driver and pedestrian safety as it relates to visibility;
- higher number of bedrooms per unit; and
- a stepback on Seymour Street and the south wall in the interest of reducing the massing along Seymour Street.

Many of the recommendations and comments from the PAC have been incorporated into the policy and development agreement. The proposed policy and development agreement allow for a small expansion

of the types of commercial uses permitted to include personal service uses and yearly and monthly parking but otherwise have mainly kept the uses similar to those already permitted in the zone.

Further, as noted earlier in this report, staff have required a proportion of larger unit sizes instead of requiring a specific number of bedrooms per unit to provide flexibility for unit configuration.

### **Conclusion**

The subject site is located in a mixed use area that is composed of owner occupied single unit dwellings, student housing, apartment buildings, commercial uses and the university uses of Dalhousie. Due to the mixed nature of the area and as the subject site is surrounded by the U designation, site specific policy is considered appropriate.

The proposed development of a mixed residential and commercial development will complement the more modern design exemplified in the Mona Campbell building located along Coburg Road, while respecting the lower density and low rise building nature of Seymour Street. Although the building will have reduced setbacks from property lines, through the use of design controls, potential conflict with neighbouring uses will be mitigated. Therefore, staff recommend that Regional Council adopt the amendments to the Halifax MPS and the Halifax Peninsula LUB provided in Attachments A and B of this report. Further to the adoption of the amendments, staff recommends that Halifax and West Community Council approve the development agreement as contained in Attachment C of this report.

### **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 2015/16 budget with existing resources.

### **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 held on February 19, 2014. Attachment E contains a copy of the minutes from the meeting. 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.

Prior to the considering the approval of any MPS amendments, Regional Council must hold a public hearing. Likewise, Halifax and West Community Council must hold a public hearing before it can consider approving a development agreement. Under these circumstances, and because of the relationship of the proposed amendments to the proposed development agreement, it is recommended that both Councils proceed with a joint public hearing.

Should Regional Council and Halifax and West 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 amendments to the MPS and LUB and the proposed development agreement will potentially impact the following stakeholders: local residents and property owners, business and institutions.

## **ENVIRONMENTAL IMPLICATIONS**

The proposed amendments to the MPS and LUB are consistent with the applicable environmental policies of the MPS.

## **ALTERNATIVES**

The Halifax and West Community Council may recommend that Halifax Regional Council:

1. Modify the proposed amendments to the Halifax MPS and Halifax Peninsula LUB as contained in Attachments A and B of this report. Any such amendments may require a supplementary staff report and another public hearing. A decision of Council to approve MPS and LUB amendments is not appealable to the NS Utility and Review Board as per Section 262 of the *HRM Charter*.
2. Refuse the proposed amendments to the Halifax MPS and Halifax Peninsula LUB as contained in Attachments A and B of this report. A decision of Council to refuse the proposed amendments is not appealable to the Nova Scotia Utility and Review Board as per Section 262 of the *HRM Charter*.

## **ATTACHMENTS**

Map 1	Generalized Future Land Use Map
Map 2	Zoning and Notification Area
Map 3	Height Precincts
Attachment A	Proposed Amendment to the Municipal Planning Strategy for Halifax
Attachment B	Proposed Amendment to the Land Use By-law for Halifax Peninsula
Attachment C	Proposed Development Agreement
Attachment D	Proposed Development Agreement Policy Review
Attachment E	Minutes from the Public Information Meeting

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

Report Prepared by: Jillian MacLellan, MCIP, LPP, Planner, Development Approvals, 902.490.4423

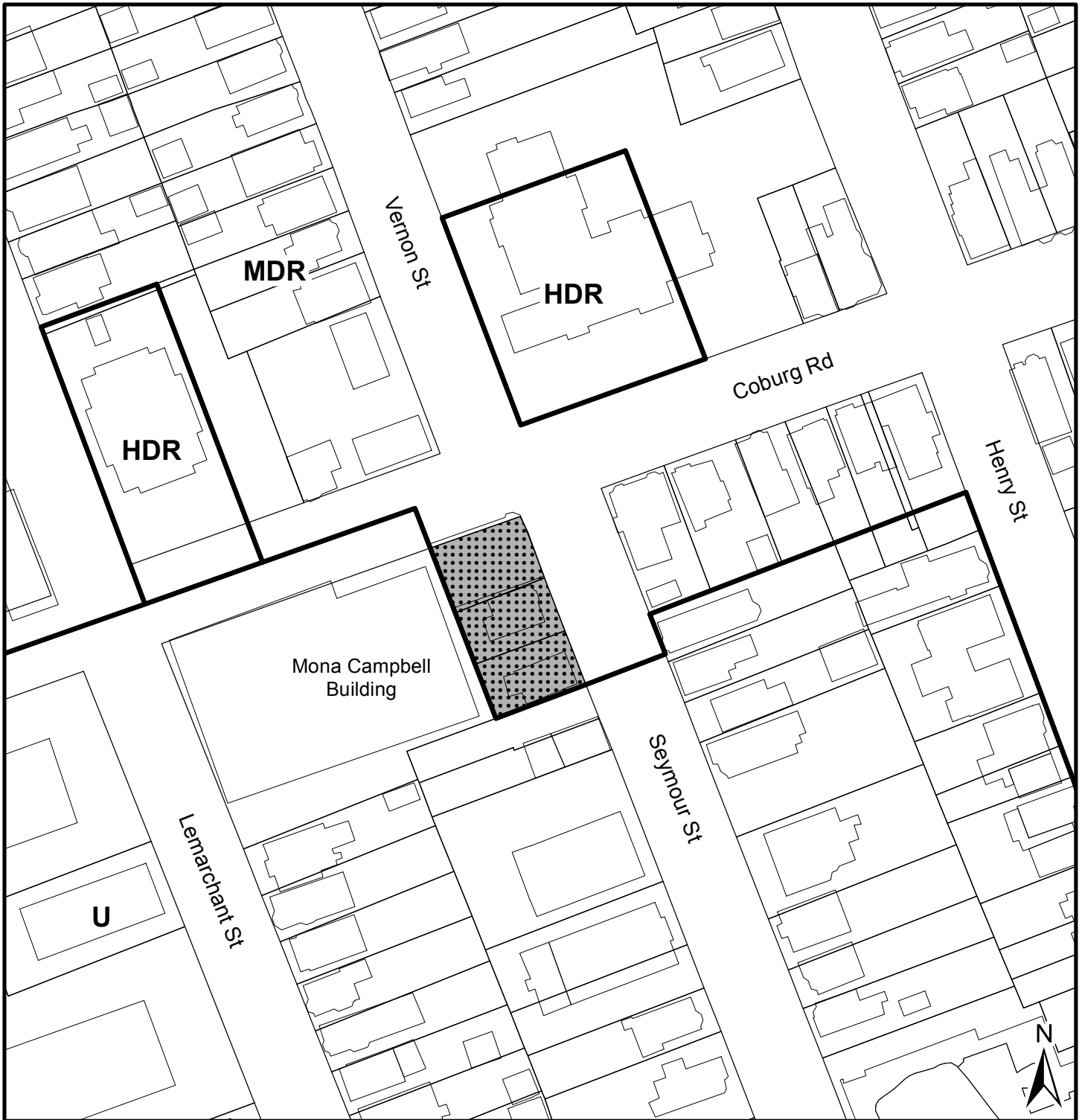
Original Signed

Report Approved by:

\_\_\_\_\_  
Kelly Denty, Manager of Development Approvals, 902.490.4800

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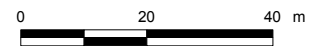


**Map 1 - Generalized Future Land Use**

1460-1474 Seymour Street  
and 6124 Coburg Road  
Halifax

**HALIFAX**

 Area of proposed  
MPS and LUB amendments and  
development agreement



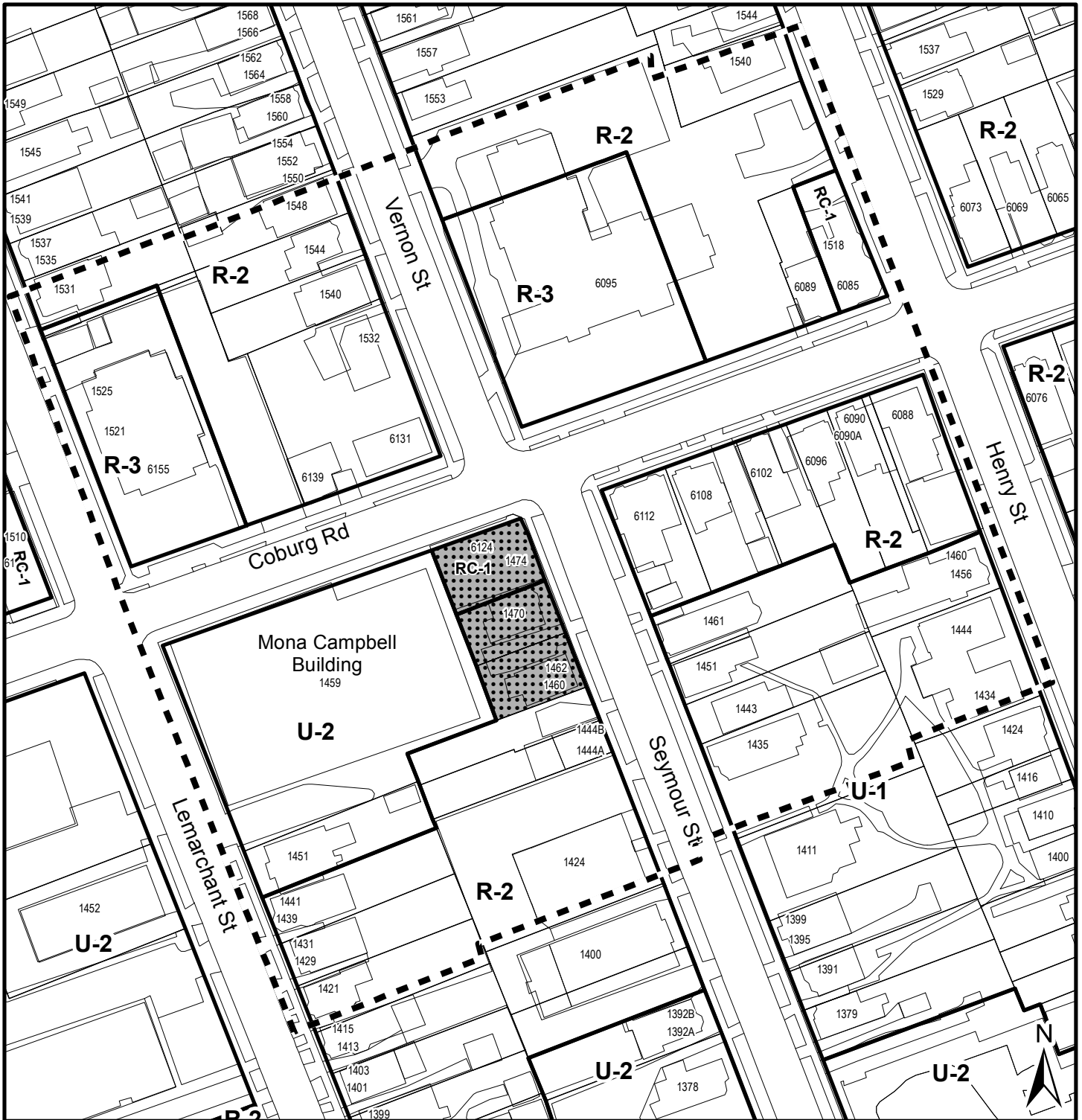
Halifax Plan Area  
Peninsula Centre Detailed Plan Area

**Designation**

MDR Medium Density Residential  
HDR High Density Residential  
U University

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


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



### Map 2 - Zoning and Notification

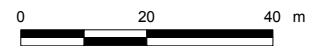
1460-1474 Seymour Street  
and 6124 Coburg Road  
Halifax

**HALIFAX**

 Area of proposed  
MPS and LUB amendments and  
development agreement


**Zone**

- R-2 General Residential
- R-3 Multiple Dwelling
- RC-1 Neighbourhood Commercial
- U-1 Low-Density University
- U-2 High-Density University



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

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


 Area of notification

Halifax Peninsula  
Land Use By-Law Area



### Map 3 - Height Precinct

1460-1474 Seymour Street  
and 6124 Coburg Road  
Halifax

 Area of proposed  
MPS and LUB amendments and  
development agreement

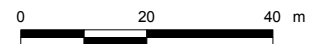


Area where maximum permitted height is measured  
between the commencement of the top storey of a  
building and the mean grade of the finished ground  
adjoining the building between the building and the  
fronting street



Area where maximum permitted height is measured  
between the highest point of the building, exclusive  
of any non-habitable roof, and the mean grade of  
the finished ground adjoining the building between  
the building and the fronting street

**HALIFAX**



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

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

Halifax Peninsula  
Land Use By-Law Area

**Attachment A**  
**Proposed Amendments to the Municipal Planning Strategy for Halifax**

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

1. By adding Policy 1.15 to Section VI (Peninsula Centre Area Plan) of the Halifax Municipal Planning Strategy immediately after Section 1.14 as follows:

“1.15 Notwithstanding the Medium Density Residential Designation of the south-west corner of Coburg Road and Seymour Street, the Municipality shall consider a residential or mixed use residential and commercial building by development agreement. In considering such development agreements, Council shall consider the following:

- (a) appropriate scale, massing and setbacks from neighbouring properties and uses;
- (b) reduced building setbacks of up to 1.8 metres (6 feet) from shared property lines provided design features and step backs are incorporated to mitigate potential impacts on neighbouring properties;
- (c) appropriate transition of the building with respect to the lower rise buildings along Seymour Street;
- (d) no portion of the building, including mechanical equipment and penthouses, shall exceed 20.1 metres (66 feet) in height;
- (e) the building shall be constructed of high quality durable materials;
- (f) commercial uses intended to serve the local neighbourhood, such as grocery store uses, drug store uses, and personal service uses may be permitted at the ground level;
- (g) underground monthly or yearly commercial parking may be permitted provided parking is also provided to a minimum of 1/3 of the residential units;
- (h) to promote pedestrian interest, where commercial uses are located at the ground level, the ground level shall have a high level of transparency and there shall be frequent entryways where there are multiple occupancies;
- (i) to promote a mix in residential units, a minimum of one third of the residential units shall be 74 square metres (800 square feet) or larger;
- (j) all vehicular parking shall be located underground;
- (k) no vehicular or service access points shall be located on Coburg Road;
- (l) the size and visual impact of utilitarian features such as garage doors, service entries, and storage areas, shall be minimized; and
- (m) adequate water and sewer capacity to service the development.”

I HEREBY CERTIFY that the amendments to the Halifax Municipal Planning Strategy, as set out above, were duly passed by a majority vote of the Halifax Regional Municipal Council at a meeting held on the day of \_\_\_\_\_, 2016.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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Municipal Clerk

**Attachment B**  
**Proposed Amendments to the Peninsula Land Use By-law for Halifax**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use By-law for Halifax Peninsula is hereby amended as follows:

1. By adding the following Section after Section 95(3):

**“6124 Coburg Road and 1460, 1462, 1470 & 1474 Seymour Street**

- 95(4) Council may permit a residential or mixed use residential and commercial development at 6124 Coburg Road and 1460, 1462, 1470 and 1474 Seymour Street in accordance with Policy 1.15 of Section VI of the Halifax Municipal Planning Strategy.”

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 Regional Municipal Council at a meeting held on the day of \_\_\_\_\_, 2016.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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Municipal Clerk

**Attachment C: Proposed Development Agreement**

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

BETWEEN:

**[[INSERT Name of Corporation/Business LTD.]]**

a body corporate, in the Province of Nova Scotia  
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

**HALIFAX REGIONAL MUNICIPALITY**

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

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at 6124 Coburg Road and 1460, 1462, 1470 & 1474 Seymour Street, Halifax and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a Development Agreement to allow for a mixed use residential and commercial building on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and Policy 1.15 of Section VI of the Municipal Planning Strategy for Halifax and 95(4) of the Land Use By-law for Halifax Peninsula;

AND WHEREAS the Halifax and West Community Council for the Municipality approved this request at a meeting held on **[Insert - Date]**, referenced as Municipal Case Number 18322;

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

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

### **1.1 Applicability of Agreement**

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

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

Except as otherwise provided for herein, the development, use and subdivision of the Lands shall comply with the requirements of the Land Use By-law for Halifax Peninsula and the Regional Subdivision By-law, as may be amended from time to time.

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

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

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

### **1.4 Conflict**

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

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

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

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**

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**

All words unless otherwise specifically defined herein shall be as defined in the applicable Land Use By-law and Regional 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) *Drug Store* means an establishment engaged in the retail sale of prescription drugs, non-prescription medicines, cosmetics, and related supplies.
- (b) *Grocery Store* means a retail establishment primarily selling pre-packaged and perishable food as well as other convenience and household goods.
- (c) *Height* means the vertical distance of the highest point of the roof, excluding any mechanical rooftop equipment, above the mean grade of the finished ground adjoining the building along the principle street.
- (d) *Commercial Parking Lot* means parking spaces that are rented on a monthly or yearly basis to the general public for the storage of motor vehicles.

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

### **3.1 Schedules**

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 18322:

Schedule A	Legal Description of the Lands
Schedule B	Properties to be consolidated
Schedule C	Site Plan
Schedule D	Seymour Street (East) Elevation
Schedule E	Coburg Road (North) Elevation
Schedule F	South Elevation
Schedule G	West Elevation

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

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

- (a) Obtain subdivision approval from the Municipality in accordance with Section 3.7 of this Agreement;
- (b) Provide to the Development Officer, a Site Servicing Plan prepared by a Professional Engineer and acceptable to the Development Engineer of the Municipality in accordance with Section 4 of this Agreement; and
- (c) Provide to the Development Officer, a sewage generation analysis acceptable to Halifax Water.

3.2.2 Upon the issuance of the Occupancy Permit, the Developer shall provide to the Development Officer:

- (a) Confirmation that all disturbed areas within the HRM right-of-way have been reinstated to original or better condition pursuant to Section 3.12 of this Agreement.

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

3.3.1 The uses of the Lands permitted by this Agreement is a multiple unit residential building with commercial uses.

3.3.2 The total number of residential units shall not exceed 35 units and a minimum of one third of the residential units shall have a floor area of 74.3 square metres (800 square feet) or larger.

3.3.3 The following are permitted commercial uses:

- (a) Grocery Store;
- (b) Drug Store;
- (c) Commercial Parking Lot; and
- (d) personal service uses.

3.3.4 Commercial uses shall be located at the ground level, with the exception of the commercial parking lot, which shall be located underground.

### **3.4 Height and Architectural Requirements**

3.4.1 The building's exterior design and Height shall be developed as illustrated on the Schedules. The Development Officer may permit minor variation to the shape, size and the placement of elements of the building provided the following conditions are met:

- (a) the size of the building is not increased;
- (b) the separation distance between the building and adjacent residential buildings is not decreased;
- (c) the setbacks and step backs are not decreased;
- (d) the overall Height is not increased and the ground floor Height is not decreased; and
- (e) the total number of balconies is not increased nor is size of balconies increased.

3.4.2 The ground level shall be a minimum Height of 4 metres (13 feet), measured from floor to ceiling.

3.4.3 Exterior building materials shall be as shown on the Schedules. Variations to the exterior building materials may include any one or more of the following:

- (a) clay masonry;
- (b) random stone masonry;
- (c) brick;
- (d) wood; or
- (e) composite panels located around the window openings.

3.4.4 Each commercial occupancy shall have its own separate entrance from Coburg Road or Seymour Street.

3.4.5 All balconies located on the west elevation shall be recessed.

3.4.6 The total combined floor area of balconies located on the 6<sup>th</sup> level (penthouse level) shall be no larger than 23.2 square metres (250 square feet).

- 3.4.7 All vents, down spouts, flashing, electrical conduits, metres, service connections, and other functional elements associated with new development or alterations to the existing building shall be treated as integral parts of the design. Where appropriate these elements shall be painted to complement the colour of the adjacent surface, except where used expressly as an accent.
- 3.4.8 Large blank or unadorned walls shall not be permitted. The scale of large walls associated with new development or alterations to the existing building shall be tempered by the introduction of artwork.
- 3.4.9 The mechanical systems associated with the building (HVAC, exhaust fans, etc. ) shall be designed such that they are not visible from Coburg Road, Seymour Street or abutting residential properties and no mechanical equipment or exhaust fans shall be located between the building and the adjacent residential properties unless the mechanical systems (HVAC, exhaust fans, etc.) are screened as an integral part of the building design and noise reduction measures are implemented. This shall exclude individual residential mechanical systems.

### **3.5 Parking**

- 3.5.1 A minimum of 15 parking spaces shall be provided for the residential units. Additional parking may be made available for monthly and yearly commercial parking.
- 3.5.2 Parking space sizes shall comply with the requirements of the applicable Land Use By-law, as amended from time to time.
- 3.5.3 The Developer shall provide bicycle parking spaces in compliance with the requirements of the applicable Land Use By-law, as amended from time to time.
- 3.5.4 Access to the underground parking and solid waste collection shall be located along Seymour Street as shown on the Schedules. The design shall be incorporated into the overall design of the building through the use of similar colour and similar building materials as the adjacent portions of the building.

### **3.6 Signage**

- 3.6.1 Signage on the Lands shall be permitted for each commercial occupancy in accordance with the requirements of the underlying zone of the Land Use By-law, as amended from time to time.
- 3.6.2 Notwithstanding Section 3.6.1 signage for the monthly and yearly commercial parking shall be limited to one fascia sign no larger than 2 square metres (21.5 square feet) and shall not be illuminated.

### **3.7 Subdivision of the Lands**

A subdivision application to consolidate the properties shown on Schedule B shall be submitted to the Development Officer in accordance with the Regional Subdivision By-law. No Development Permit shall be issued until the subdivision plan is approved.

### **3.8 Outdoor Lighting**

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

### **3.9 Outdoor Storage**

No outdoor storage shall be permitted on the Lands.

### **3.10 Solid Waste Facilities**

- 3.10.1 The multiple unit building shall include designated space for five stream (garbage, recycling, paper, cardboard and organics) source separation services. 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.
- 3.10.2 All refuse and recycling materials shall be contained within the building.

### **3.11 Deliveries and Solid Waste Collection**

- 3.11.1 The private collection of refuse and recyclables on the Lands shall occur between the hours of 8:00 a.m. and 7:00 p.m.
- 3.11.2 Commercial delivery vehicles on the Lands shall only be permitted between the hours of 8:00 a.m. and 7:00 p.m.
- 3.11.3 The hours specified under this section shall apply seven (7) days a week.

### **3.12 Maintenance**

- 3.12.1 The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the exterior of the building, fencing, walkways, recreational amenities, parking areas and driveways, and the maintenance of all landscaping including the replacement of damaged or dead plant stock, trimming and litter control, garbage removal and snow and ice control, salting of walkways and driveways.
- 3.12.2 All disturbed areas shall be reinstated to original condition or better.
- 3.12.3 Prior to the issuance of an Occupancy Permit, all disturbed areas located in the HRM right-of-way shall be reinstated to original condition or better as determined by the Development Engineer.

### **3.13 Construction/Sales Structure**

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 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 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.

- 4.1.3 Prior to the issuance of a development permit, the Developer shall submit to the Development Officer a sewage generation analysis that is acceptable to Halifax Water.

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

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

Prior to the commencement of any site work on the Lands for construction of streets and services, including grade alteration or tree removal other than that required for preliminary survey purposes, or associated off-site works, the Developer shall:

- (a) Submit to the Development Officer a detailed Site Disturbance Plan, prepared, stamped and certified by a Professional Engineer indicating the sequence and phasing of construction and the areas to be disturbed or undisturbed;
- (b) Submit to the Development Officer a detailed Erosion and Sedimentation Control Plan prepared, stamped and certified by a Professional Engineer in accordance with the Erosion and Sedimentation Control Handbook for Construction Sites as prepared and revised from time to time by Nova Scotia Environment. Notwithstanding other Sections of this Agreement, no work is permitted on the Lands until the requirements of this clause have been met and implemented. The Erosion and Sedimentation Control Plan shall indicate the sequence of construction, all proposed detailed erosion and sedimentation control measures and interim stormwater management measures to be put in place prior to and during construction; and
- (c) Submit to the Development Officer a detailed Site Grading Plan prepared, stamped and certified by a Professional Engineer, which shall include an appropriate stormwater management system. The Site Grading Plan shall identify structural and vegetative stormwater management measures, which may include infiltration, retention, and detention controls, wetlands, vegetative swales, filter strips, and buffers that will minimize adverse impacts on receiving watercourses during and after construction.

### **5.3 Failure to Conform to Plans**

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

## **PART 6: AMENDMENTS**

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

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

- (a) Changes to the Signage requirements as outlined in Section 3.6 of this Agreement;
- (b) The granting of an extension to the date of commencement of construction as identified in Section 7.3 of this Agreement; and
- (c) The length of time for the completion of the development as identified in Section 7.5 of this Agreement.

## **6.2 Substantive Amendments**

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**

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

### **7.2 Subsequent Owners**

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

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

### **7.3 Commencement of Development**

7.3.1 In the event that development on the Lands has not commenced within 3 years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law.

7.3.2 For the purpose of this Section, commencement of development shall mean the consolidation of the properties.

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 of this Agreement, 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**

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 Municipal Planning Strategy and Land Use By-law for Halifax Peninsula 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 5 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**

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**

If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer 14 days written notice of the failure or default, then in each such case:

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

\_\_\_\_\_  
Witness

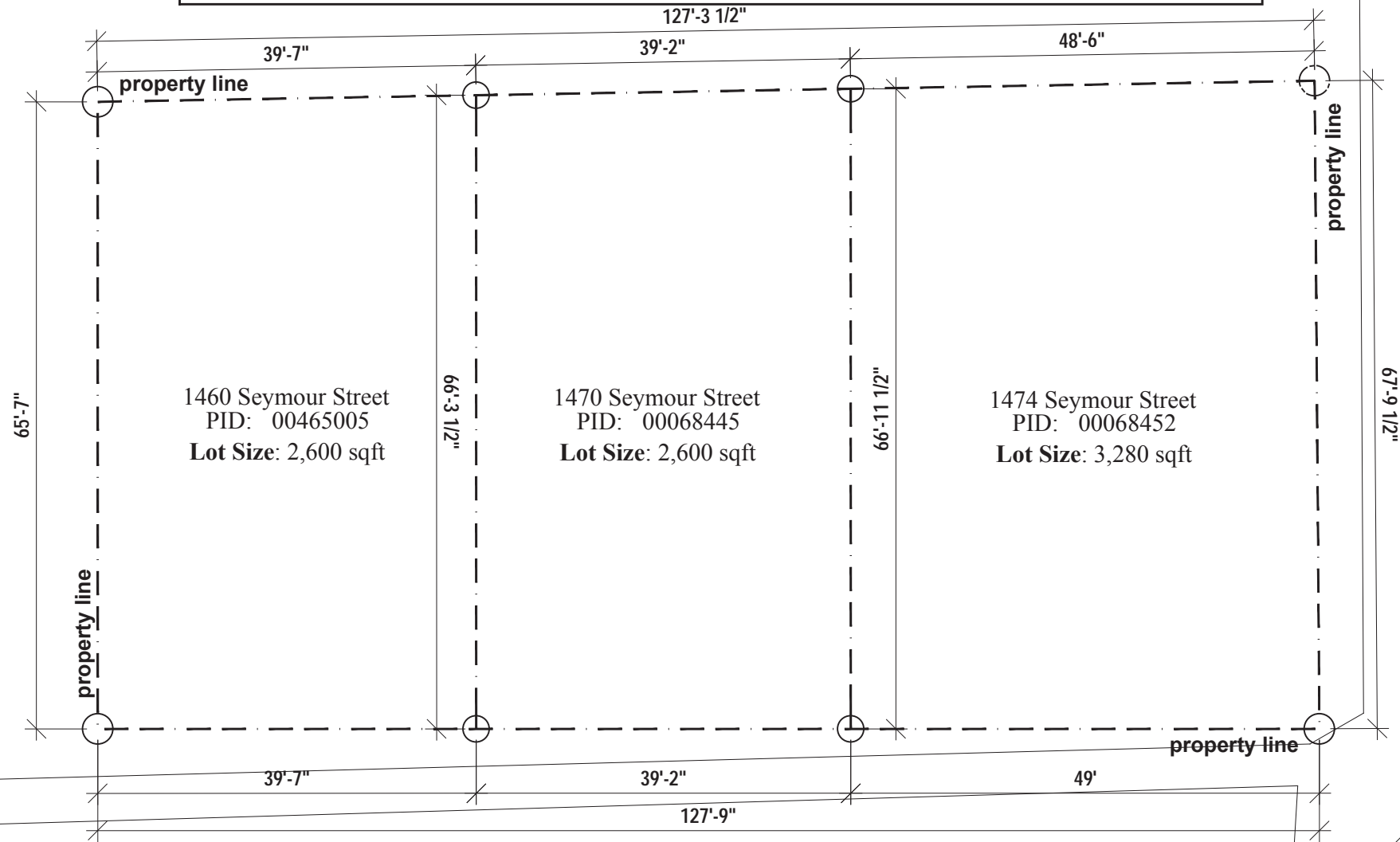
Per: \_\_\_\_\_  
MAYOR

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



Schedule B  
Properties to be Consolidated

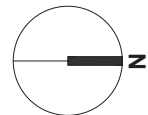
Mona Campbell



Coburg Road

Seymour Street

CONSOLIDATION PLAN



SEYMOUR BUILDING  
seymour street  
HALIFAX, NS

Geoff Keddy Architect  
and Associates Ltd.

5357 Inglis Street  
Halifax, Nova Scotia  
B3H 1J4  
902 420 9400  
902 406 6056

north



ADDRESS : 6124 COBURG ROAD, 1474, 1470,  
1462, 1460 SEYMOUR STREET

PID's : 00068452, 00068445, 00465005

OWNER : JOHN GHOSN

k	revised	dec 21, 2015
j	revised	nov 10, 2015
i	revised	nov 02, 2015
h	revised	aug 11, 2015
g	revised	july 06, 2015
f	revised	may 01, 2015
e	revised	April 28, 2015
d	revised	April 13, 2015
c	revised	mar 27, 2015
b	revised	mar 26, 2015
a	revised	mar 25, 2015

Revisions / Issues:

NOTES:

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SHOP DRAWINGS:  
Submit shop drawings to the Architect and Engineer for approval prior to manufacture  
of prefabricated elements of the building.

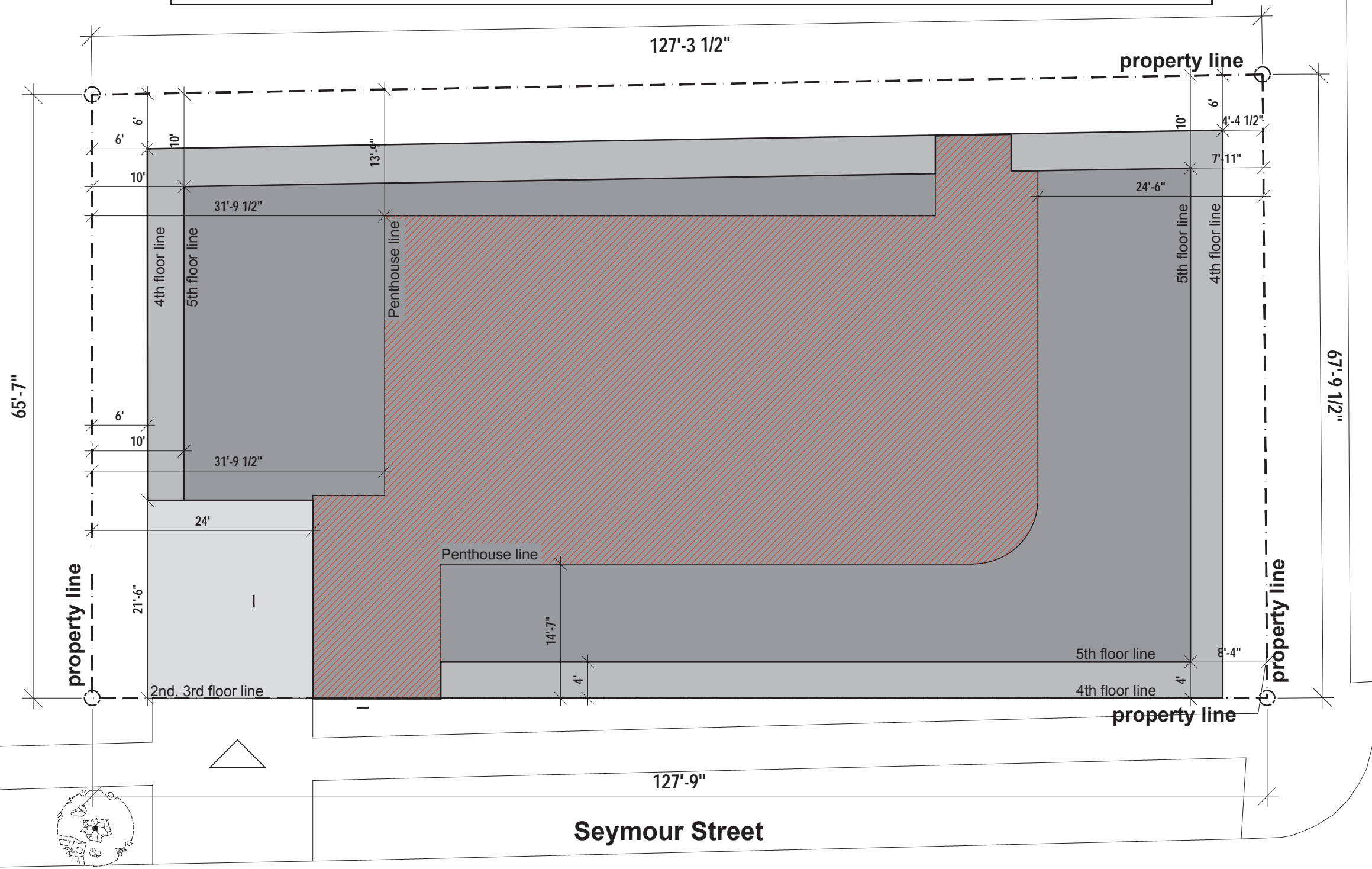
Consolidation Plan

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date: 04/12/14  
drawn by: rf  
chk'd by: gk

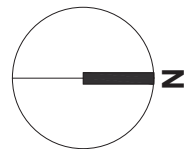
A 000

Schedule C  
Site Plan

**Mona Campbell**



**SITE PLAN**



**SEYMOUR BUILDING**  
seymour street  
HALIFAX, NS

**Geoff Keddy Architect**  
and Associates Ltd.

5357 Inglis Street  
Halifax, Nova Scotia  
B3H 1J4  
902 420 9400  
902 406 6056

north



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Site Plan

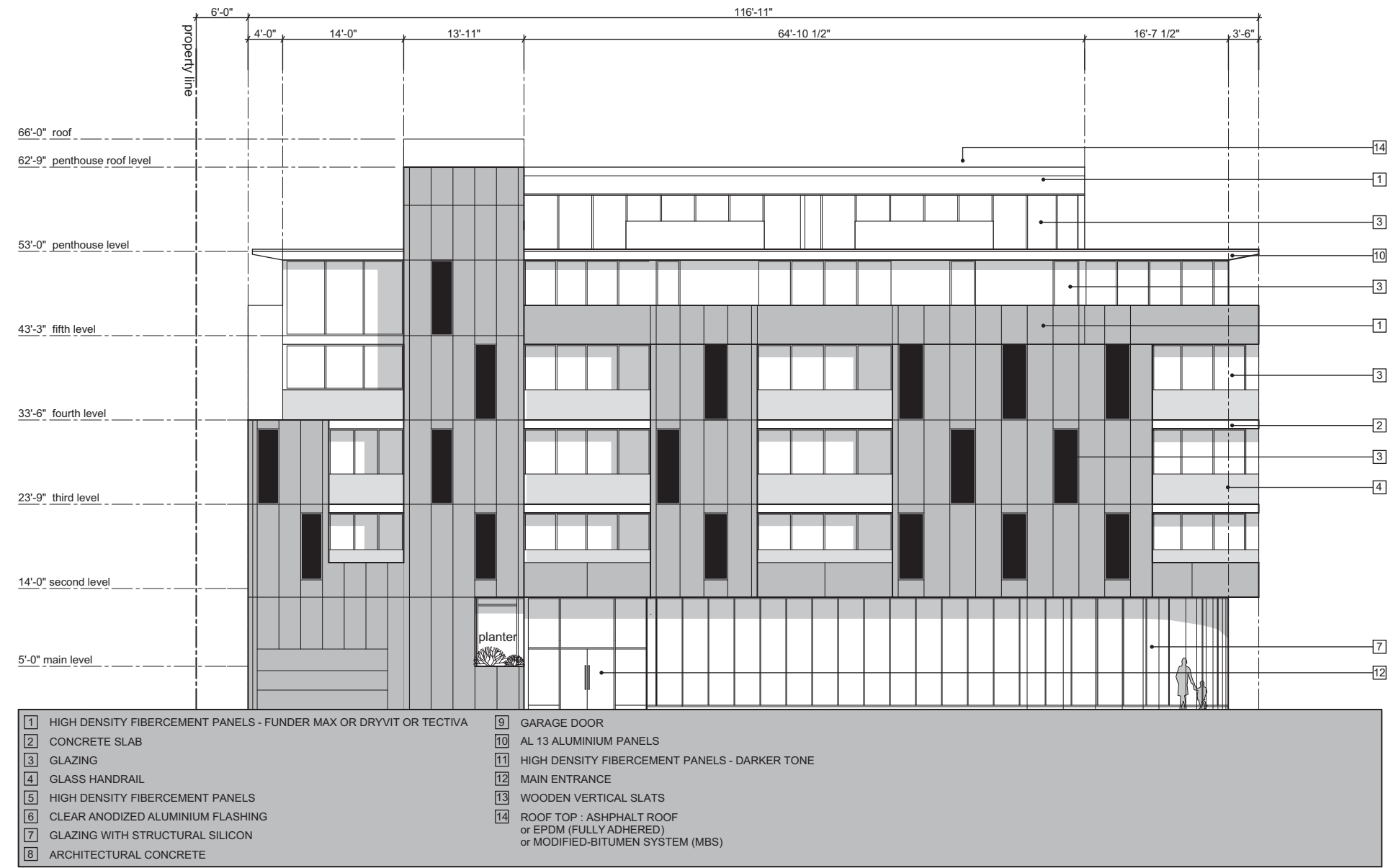
scale: 1/16" = 1'-0"  
date: 04/12/14  
drawn by: rf  
chk'd by: gk

A001

**Coburg Road**

**Seymour Street**

Schedule D  
Seymour Street (East) Elevation



**Seymour Street Elevation (East Elevation)**



**SEYMOUR BUILDING**  
seymour street  
HALIFAX, NS

Geoff Keddy Architect  
and Associates Ltd.

5357 Inglis Street  
Halifax, Nova Scotia  
B3H 1J4  
902 420 9400  
902 406 6056

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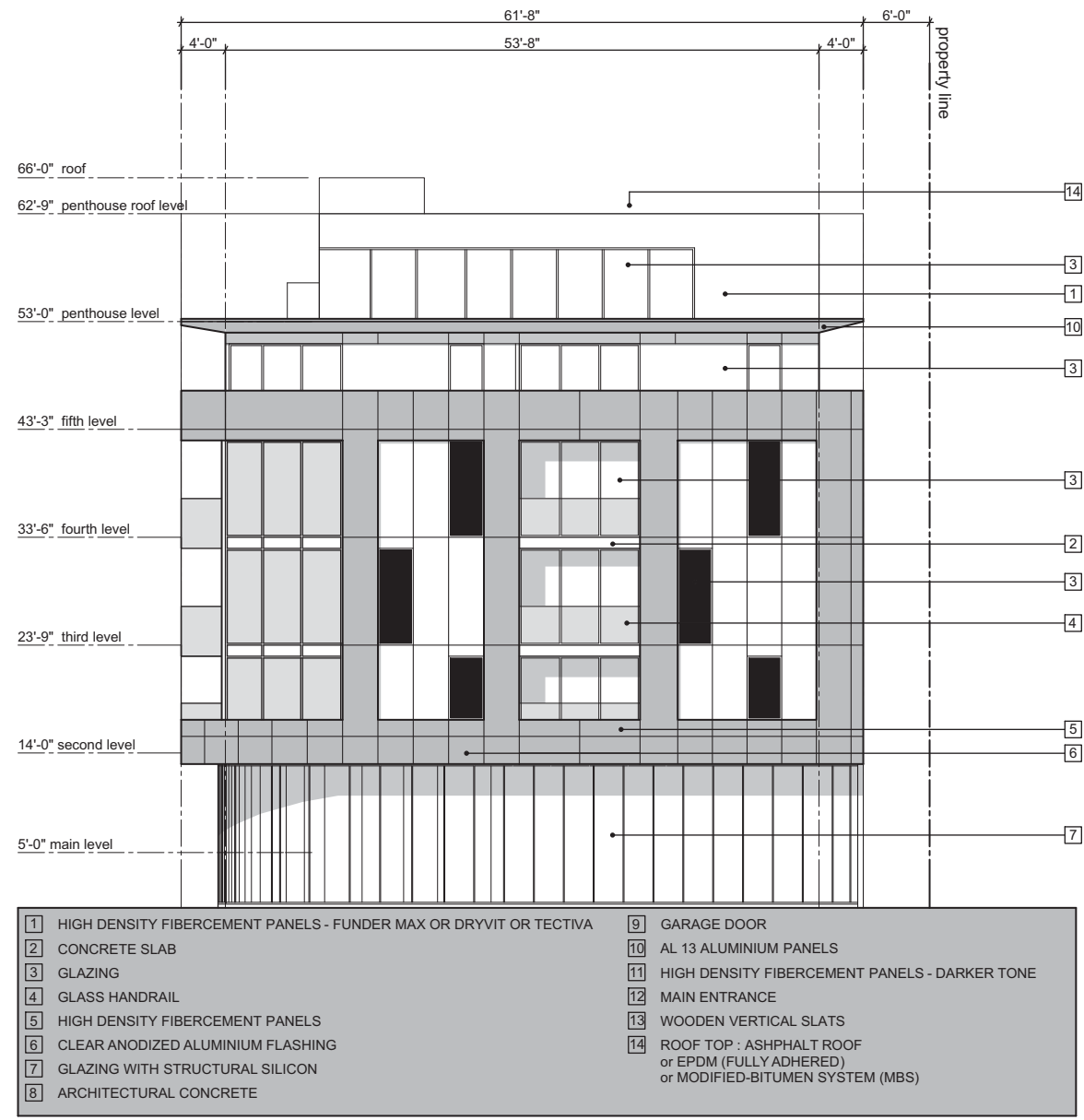
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SEYMOUR STREET  
ELEVATION

scale: 1/16" = 1'-0"  
date: 04/12/14  
drawn by: mf  
checked by: gk

a200

Schedule E  
Coburg Road (North) Elevation



**Coburg Street Elevation (North Elevation)**



**SEYMOUR BUILDING**  
seymour street  
HALIFAX, NS

Geoff Keddy Architect  
and Associates Ltd.

5357 Inglis Street  
Halifax, Nova Scotia  
B3H 1J4  
902 420 9400  
902 406 6056

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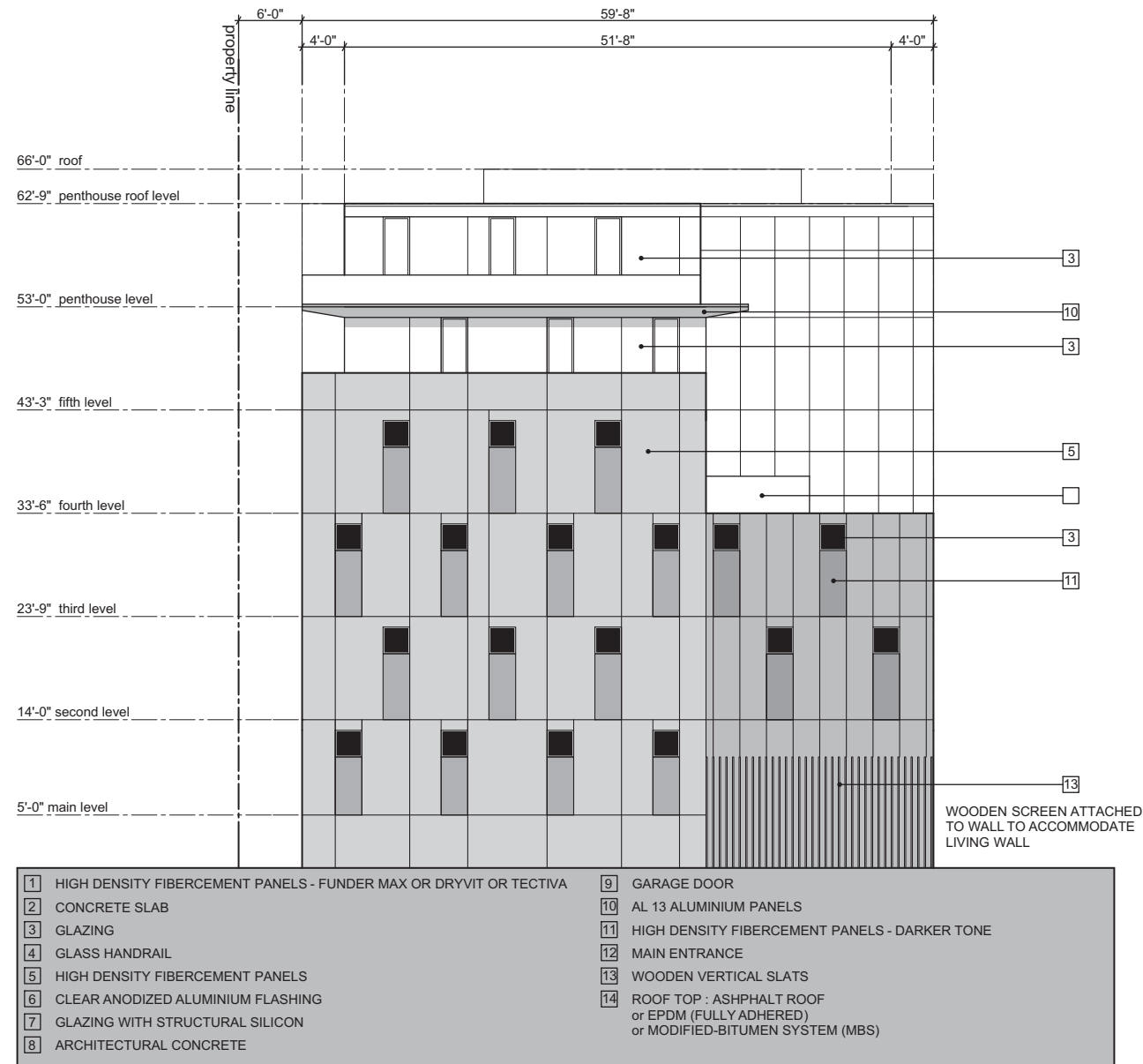
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COBURG ROAD  
ELEVATION

scale: 1/16" = 1'-0"  
date: 04/12/14  
drawn by: nf  
checked by: gk

a201

Schedule F  
South Elevation



**South Elevation**



**SEYMOUR BUILDING**  
seymour street  
HALIFAX, NS

Geoff Keddy Architect  
and Associates Ltd.

5357 Inglis Street  
Halifax, Nova Scotia  
B3H 1J4  
902 420 9400  
902 406 6056

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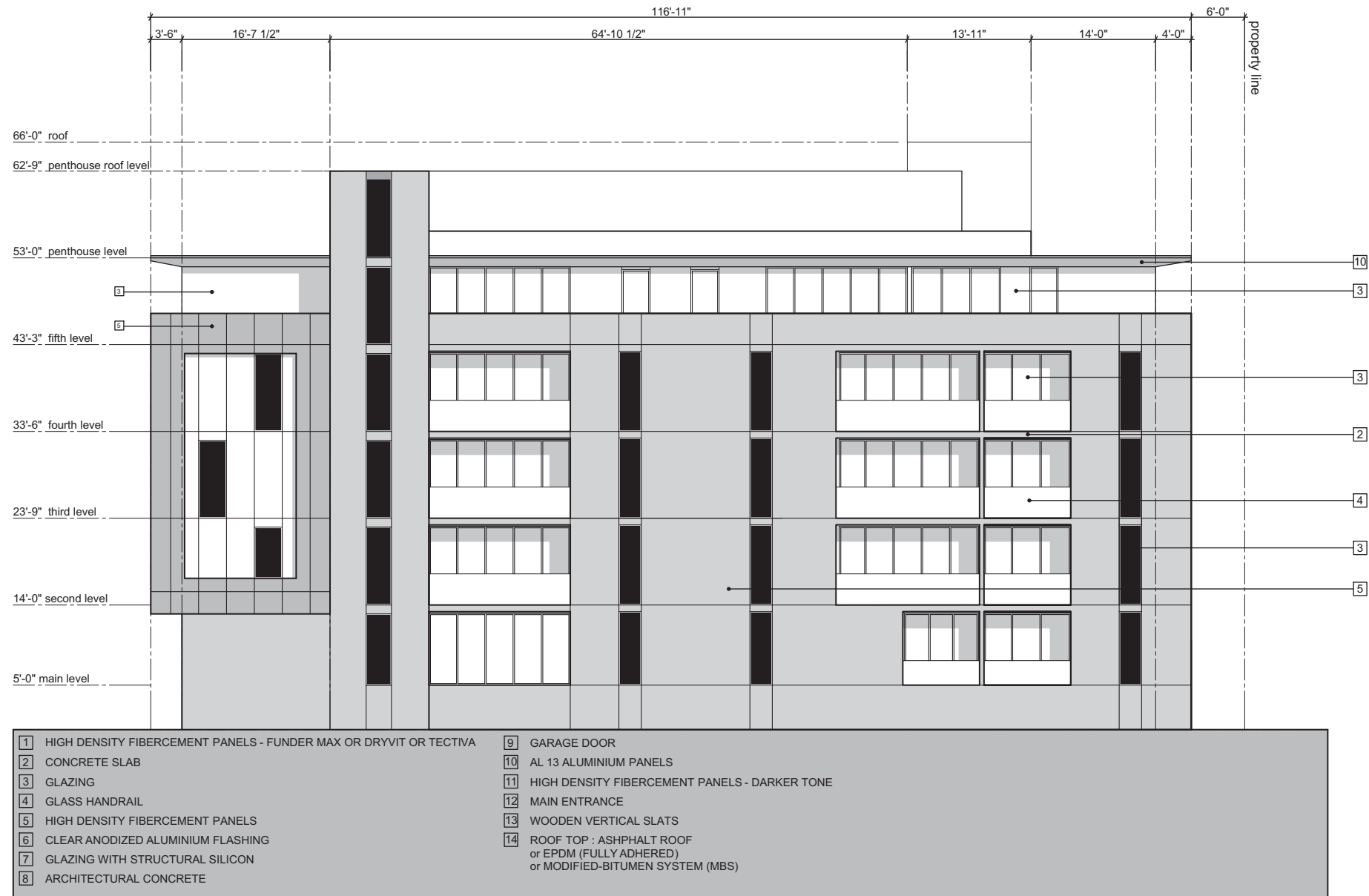
**SHOP DRAWINGS:**  
Submit shop drawings to the Architect and Engineer for approval prior to manufacture of prefabricated elements of the building.

SOUTH  
ELEVATION

scale: 1/16" = 1'-0"  
date: 10/22/10  
drawn by: nf  
chk'd by: gk

a202

Schedule G  
West Elevation



**West Elevation**



**SEYMOUR BUILDING**  
seymour street  
HALIFAX, N S

Geoff Keddy Architect  
and Associates Ltd.

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m	revised	Nov 10, 2015
k	revised	Nov 2, 2015
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h	revised	aug 11, 2015
g	revised	july 06, 2015
f	revised	may 01, 2015
e	revised	April 28, 2015
d	revised	April 13, 2015
c	revised	mar 27, 2015
b	revised	mar 26, 2015
a	revised	mar 25, 2015

Revisions / Issues:

**NOTES:**

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**ARCHITECT'S REQUIREMENTS AND APPROVALS:**  
It is the Builder's responsibility to notify Geoff Keddy Architect and Associates Limited and to seek prior written approval for materials and workmanship which deviates from instructions provided by the Architect.

**ENGINEER'S REQUIREMENTS AND APPROVALS:**  
It is the Builder's responsibility to notify Geoff Keddy Architect and Associates Limited and to seek prior written approval for materials and workmanship which deviates from instructions provided by the Engineer.

**AUTHORITIES' REQUIREMENTS AND APPROVALS:**  
All materials and workmanship must comply with the requirements of all authorities having jurisdiction over the work. It is the Builder's responsibility to gain necessary approval from all relevant Authorities.

**DIMENSIONS:**  
All dimensions must be verified on site. Do not scale off drawings. Plans take precedents over elevations. In the absence of dimensions, or if discrepancies exists, consult Architect. All minimum dimensions are to comply with the National Building Code of Canada.

**SHOP DRAWINGS:**  
Submit shop drawings to the Architect and Engineer for approval prior to manufacture of prefabricated elements of the building.

WEST  
ELEVATION

scale: 1/16" = 1'-0"  
date: 04/12/14  
drawn by: nf  
chk'd by: gk

a203

## Attachment D – Proposed Development Agreement Policy Review

Policy	Staff Comment
Section VI – Peninsula Centre Area Plan	
1.15 Notwithstanding the Medium Density Residential Designation of the south-west corner of Coburg Road and Seymour Street, the Municipality shall consider a residential or mixed use residential and commercial building by development agreement. In considering such development agreements, Council shall consider the following:	The proposed development agreement (Agreement) is included as Attachment C.
(a) appropriate scale, massing and setbacks from neighbouring properties and uses;	<p>The proposed building is designed in a style, mass and height similar to the Mona Campbell building which abuts the site to the West.</p> <p>The proposed building does include small setbacks from neighbouring property lines, however design features, as further described below, are required to mitigate potential impacts on neighbouring properties.</p>
b) reduced building setbacks of up to 1.8 metres (6 feet) from shared property lines provided design features and step backs are incorporated to mitigate potential impacts on neighbouring properties	The proposed building is setback 1.8 metres (6 feet) from shared property lines. To mitigate the potential impact to neighbouring properties design features such as recessed balconies, limited window openings and upper storey step backs are required.
(c) appropriate transition of the building with respect to the lower rise buildings along Seymour Street;	The proposed development agreement requires that the southern portion of the building steps back 6.6 metres (21.5 feet) from Seymour Street at the 4th level. This will create a street wall height of 10.2 metres (33.5 feet), which is compatible with the heights of the surrounding uses.
(d) no portion of the building, including mechanical equipment and penthouses, shall exceed 20.1 metres (66 feet) in height;	The proposed development agreement includes a provision that the building height shall not exceed 20.1 metres (66 feet) inclusive of mechanical equipment.
(e) the building shall be constructed of high quality durable materials;	<p>The proposed development agreement requires high quality durable building materials such as clay masonry, random stone masonry, brick and fibre cement panels.</p> <p>Further, composite panels are permitted around the window openings.</p>
(f) commercial uses intended to serve the local neighbourhood, such as grocery store uses, drug store uses, and personal service uses may be permitted at the ground level	The proposed development agreement permits a grocery store use, drug store use and personal service uses.

Policy	Staff Comment
Section VI – Peninsula Centre Area Plan	
(g) underground monthly or yearly commercial parking may be permitted provided parking is also provided to a minimum of 1/3 of the residential units;	The proposed development agreement allows for 35 residential units. A minimum of 15 parking spaces must be made available for the residential units. Any remaining parking spaces can be used for monthly or yearly commercial parking.
(h) to promote pedestrian interest, where commercial uses are located at the ground level, the ground level shall have a high level of transparency and there shall be frequent entryways where there are multiple occupancies;	The proposed development agreement requires that all commercial uses, with the exception of yearly and monthly commercial parking, is located on the ground floor. The proposed development agreement further requires that the ground floor be developed with a transparent material and that each commercial occupancy have direct access to the street.
(i) to promote a mix in residential units, a minimum of one third of the residential units shall be 74 square metres (800 square feet) or larger;	The proposed development agreement requires that a minimum of one third of the residential units are 74 square metres (800 square feet) or larger.
(j) all vehicular parking shall be located underground;	The proposed development agreement requires that all vehicular parking is located underground.
(k) no vehicular or service access points shall be located on Coburg Road;	No vehicular and service access point is located on Seymour Street.
(l) the size and visual impact of utilitarian features such as garage doors, service entries, and storage areas, shall be minimized	The proposed building includes a single entry point to the underground parking and storage area. The garage doors are setback from the property line to reduce their presence from the street.
(m) adequate water and sewer capacity to service the development	This application was reviewed by Halifax Water. A sewage generation analysis will be required as part of the permitting process for this application.



HALIFAX REGIONAL MUNICIPALITY

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DISTRICTS 7 & 8 PLANNING ADVISORY COMMITTEE  
PUBLIC MEETING MINUTES

February 19, 2014

PRESENT: Ms. Jennifer Powley  
Mr. Adam Conter  
Mr. Brenden Sommerhalder, Chair  
Mr. Michael Bradfield  
Ms. Sunday Miller  
Councillor Wayne Mason

REGRETS: Councillor Jennifer Watts  
Mr. John Czenze  
Ms. Katherine Kitching, Vice Chair  
Mr. Michael Haddad

STAFF: Mr. Jillian MacLellan, Planner, Community and Recreation  
Ms. Melissa Eavis, Legislative Support  
Ms. Hilary Campbell, Planning Technician

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**1. CALL TO ORDER / OPENING REMARKS / PURPOSE OF MEETING**

Mr. Brendan Sommerhalder called the meeting to order at 7:10 p.m. in Room 1020 of the Kenneth C. Rowe Management Building at 6100 University Avenue, Halifax.

Mr. Sommerhalder described the Public Information Meeting purpose, process, and rules, and introduced the Planning Advisory Committee members in attendance, and the Planner and Applicant.

**2. Case 18322: Application by Geoff Keddy and Associates for the lands at the corner of Coburg Road and Seymour Street to amend the Municipal Planning Strategy for Halifax and Land Use By-law for Halifax Peninsula to develop a mixed use building through a development agreement.**

A staff report dated November 4, 2013 regarding Case 18322 was distributed at the meeting.

Ms. Jill MacLellan, Planner, Community and Recreation Services, presented Case 18322. She provided an overview of the proposal, the current site and its uses, the current zoning and applicable policies, surrounding uses and densities, and where the application is in the planning process.

Mr. Nick Fudge made a presentation on behalf of the applicant. He described the proposed project and existing site context.

Mr. Sommerhalder opened the floor to questions of clarification.

**Mr. Owen Carrigan**, a resident of Coburg Road, asked how many one bedroom and multi bedroom apartments are in the proposed building. Mr. Carrigan also asked if the applicant considered the one bedroom to be a family unit.

In response, Mr. John Ghosn, Applicant stated that there were thirty-one bedroom units and five multi-bedroom units. He went on to note that one-bedroom units could support a variety of people at various life stages.

Mr. Fudge added that the rental cost per unit would be between \$1500 and \$2000 per month, which would deter students.

**Ms. Dulcie Conrad** of Pepperell Street asked where the exit and entrances are located and if there are alternative options. Ms. Conrad also asked what was going to be done with the mature trees currently located on the property.

In response, Ms. MacLellan stated that it is still fairly early in the process and the location of entrances would likely change as the project evolves. Ms. MacLellan also

advised that any street tree removal would need to be approved by the urban forester who has not yet conducted an analysis of the project.

**Ms. Judy Wells**, of Coburg Road, stated that the entrance to the parking garage on Coburg Road may be dangerous and sought confirmation that this is what is being proposed.

Ms. MacLellan confirmed that the current proposal does have a parking garage entrance on Coburg Road. She went on to state that the applicant has provided a traffic study which is being reviewed by HRM's traffic engineers.

**Mr. Mark Veysey**, a resident of Howe Hall, asked about the construction activities and their potential damage to the community. He also asked if staff could speak toward the safety of the project; the existing and proposed garbage system and the potential impact on neighborhood traffic; the commercial space use and potential commercial tenants, whether the proposed development constitutes blockbusting and if other developers will continue to develop in this pattern; and how the project is being financed.

In response, Ms. MacLellan stated that HRM's construction by-laws regulate construction activity and will ensure the project is executed safely, which is a standard practice throughout Halifax. Regarding the garbage system, she stated that the requirements would likely be the same as those of any multi-unit dwelling in HRM and pick-up can be negotiated through the Development Agreement process. Ms. MacLellan was unable to speak to the issue of other developers proposing similar projects as this is a site-specific application and it would be difficult to predict how other developers will react. Further that staff does not have knowledge as to how the project is being funded.

Mr. Fudge stated that the intent is to rent the commercial space out as office space. Mr. Ghosn added that the commercial space would improve the streetscape and residential uses would be inappropriate. He went on to address an earlier concern regarding parking and stated that additional commercial space was eliminated from the project so extra parking spaces could be created. In regards to garbage collection, the proposed project would be an improvement to the current situation as it would be contained within the building and not visible from the street.

**Ms. Mary Clancey**, a resident of Spring Garden Road, asked if there were any regulations limiting how many individuals could live in an apartment.

Mr. Ghosn responded that one to two individuals typically live in a one-bedroom apartment.

**Ms. Molly Mulroney** of Coburg Road asked for clarification regarding at grade parking and whether this would be for the residential tenants or for the commercial customers. She expressed concern with the lack of parking for proposed commercial space.

Mr. Fudge commented that this was a good point but that a decision had not been made.

**Mr. Sebastian Dancin**, a resident of one of the units being replaced by the current proposal on Seymour Street, asked how the additional parking would affect the intersection at Coburg Road and Seymour Street, which is already crowded. He also asked how the project would benefit the neighborhood. He commented that a tight knit community already exists and this project would be destructive.

Mr. Fudge responded that the traffic study will be made available on the HRM website and that any parking at grade would be decided by the Planning Department. Mr. Fudge added that single unit dwellings are not appropriate for this site.

**Mr. Nathan Rogers**, a resident of Connolly Street, asked what percentage of the rooftop is covered by the penthouse and how the applicant confirmed which surrounding properties were being used as student housing.

Mr. Fudge responded that the penthouse takes up less than fifty percent (50%) of the rooftop but he was unsure of the exact percentage. Mr. Fudge stated that the applicant compiled housing data from canvassing the neighborhood and through observation and that these figures may not be completely accurate. Dalhousie University also contributed some data.

**Mr. Conner Reed**, a resident of Lemarchant Street, asked whether there was an expected target date for the project to begin construction.

Ms. MacLellan responded that a planning application takes approximately one year and if approved, the developer could move forward with the project after that point.

**Ms. Mary Clancy**, a resident of Spring Garden Road, asked how many digressions from current policy are being requested with this application.

Ms. MacLellan reiterated the details of the current project and stated that requested amendments included height, units permitted, setbacks, parking, amenity space, and changes to permitted uses and location.

**Mr. David Gordon**, a resident of Waverly, requested clarification around student housing, if this development constitutes gentrification, and if the intention of this development is to change the socio economic status of the neighborhood.

Mr. Fudge clarified that this development is not intended to be student housing.

**Mr. Peter March**, a business owner in the neighborhood, expressed concern with traffic in the area. Noting his dissatisfaction that the traffic report was not available to the public; adding that it is already a congested and dangerous intersection.

Ms. MacLellan responded that the traffic report will be made available on the case website the following day.

Mr. Sommerhalder opened the floor for comments.

**Mr. Mike Kilfoy**, a resident of Henry Street, asked how the pricing model compares to that of the student housing in the area.

Mr. Ghosn responded that students generally pay approximately \$500 per bedroom and this development would be approximately three times that price.

**Ms. Margo Christy**, a resident of Waterloo Street, asked if the unit on the top floor is in addition to the five stories; to which Mr. Fudge confirmed that was correct. Ms. Christy asked if there would be any green space at ground level.

Mr. Fudge stated that there are setbacks along the back of the site adjacent to the Mona Campbell Building and along the south side of the project.

**Ms. Beverly Miller**, a resident of South Street, cited a Stantec report that stated there is currently enough land supply to support thirty-nine years of growth on the Halifax Peninsula without disturbing existing neighborhoods and this should be taken into consideration. She went on to ask if current vacancy rates are being considered and stated that there are many "for rent" signs throughout the peninsula. She also asked how one-bedroom units increase density.

Ms. MacLellan stated that the Stantec Report should be considered when looking at Municipal Planning Strategy amendments. In response to the question regarding vacancy rates, she stated that staff will consider existing housing in the area but vacancy rates are not specifically considered. She stated that staff will consider the types of units being proposed and whether density would be increased.

**Mr. Danny Chedrawe**, a resident of Spring Garden Road, stated that he is in favor of the development because it contributes to investment within the community, that the architect is well respected, and the developer and his past projects have a good reputation. He went on to state that he was confident this would be a positive contribution to the community, would improve the streetscape along Coburg Road, and complement the neighboring Mona Campbell Building. He stated that universities contribute to the local economy, though it can be challenging to live in close proximity to these institutions. He also expressed support for one-bedroom units as he felt that two or three bedroom units would attract students. He recommended that the developer remove the garage entrance on Coburg Road and revert that space to commercial use.

**Mr. Owen Carrigan**, a resident of Coburg Road, expressed gratitude toward the developer who has made positive contributions to Halifax. He went on to state that although the applicant has renovated these units in the past in hopes of attracting a different type of tenant, his efforts have been unsuccessful. He went on to state that

this development will be no different and that it will not attract a different type of tenant. He was concerned for the proposed sixteen balconies that overhang Seymour Street and stated that these are dangerous in such a high traffic residential area. He also noted that the Mona Campbell building although large, simply replaced an existing large building so the change was not substantial. Other large buildings in the area including The Carlyle have significant setbacks. He reiterated his concern regarding the balconies along Seymour Street, and expressed concern regarding the proposed commercial space and questioned the need for additional commercial uses in the neighborhood. He also expressed concern for the types of commercial uses that could be located there and the lack of landscaping in the proposed project.

**Mr. Mark Veysey**, a resident of Howe Hall, asked how long the project would take to be completed after construction begins. He also asked if there was a response to the correspondence as there appeared to be mixed emotions.

Ms. MacLellan responded that the process for a Municipal Planning Strategy amendment usually takes about a year, although timelines can vary. She also clarified that the correspondence being referred to was from staff's initiation report to Council (November 4, 2013 staff report) and copies are included in the handout.

Mr. Keddy, the project architect, clarified that once construction has begun; it would take approximately ten to twelve months to complete this particular project.

**Ms. Mary Clancy**, a resident of Spring Garden Road, commented that she was not concerned with the types of tenants in the building but was more concerned with the density of the development and potential traffic issues. She stated that that is already a bad corner and the safety of children and elderly residents should be considered. Further, that it was unfortunate that the traffic study was not made available prior to the meeting. She Ms. Clancy was not in support of the proposal.

**Ms. Christy**, a resident of Coburg Road, stated that although she understands the financial benefits to the developer, she was not in support of the proposal. Ms. Christy commented that she would have preferred to see a townhouse development and that Halifax does not have the climate, mentality, or infrastructure for walking and cycling. As well, that the tenants of the proposed building would likely be car owners and that that the one-bedroom units will be used as student housing. Ms. Christy suggested that the units would be too small for retirees who require more space, reiterating that townhouses would be more appropriate.

Mr. Sommerhalder reminded members of the public that submissions could be made to the Clerk's Office.

**Lindsay**, a resident of Bedford, stated that it was unfortunate that students are being stereotyped as undesirable tenants and did not think the building was anti-student.

**Mr. Konresh Rai**, a resident of Bedford and former Dalhousie student, commented that \$1500 per unit is expensive. He stated that he is in support of the proposed commercial space and that it would help the Dalhousie campus; that the additional residential space on the peninsula made sense, and as per the Stantec report, Halifax Peninsula missed its growth targets. He also stated that the proposed building is architecturally pleasing and would encourage people to live on the peninsula. Further, that parking should not be an issue in this location because of access to public transit and walking and that this building would make the neighborhood more vibrant and the height is appropriate.

**Chris**, a resident of Edward Street, stated that he was in support of the building and that it was architecturally attractive. He also supports the commercial space proposed and the development would support walking and cycling in the community.

**Ms. Jane Merchant**, an owner of Coburg Coffee located on Coburg Road, commented on the proposed building's architectural attractiveness. She and her co-owner of Coburg Coffee have a long history in the neighborhood noting that her primary objection was to the commercial component of the building as this would allow an unfair advantage to the tenants of the commercial space. She was concerned that HRM is giving an advantage to a new investor that is not offered to current businesses. She stated that prior to starting a business she had done considerable research and based her location decision on the confidence that no land use by-laws or regulation changes would occur without a broad and thorough review, which this site-specific zoning does not entail. She commented that the proposed building, specifically the commercial component, would be more appropriate for a higher density zone and the thirty-five units proposed with this building does not warrant additional commercial space. She also added that the Neighborhood Commercial designation currently in place does not allow for commercial development that adversely affects the surrounding neighborhood. Further, that the proposal is inconsistent with the intent of the Land Use By-law. She reiterated that allowing commercial space on this property was unfair and would lead to the financial ruin of businesses in the area.

**Ms. Beverly Miller**, a resident of South Street, stated that existing zoning by-laws and policies have been developed with public input and should only be changed due to necessity. She also noted that there are increased vacancies in the area and that Dalhousie would be opening a new residence in the near future, which may make one-bedroom units unmarketable. She expressed concern with noise being generated during construction and stated that although students occupy the current dwellings on the site; this could change in the future. She commented that the development was not necessary to improve the quality of the neighborhood and the balconies fronting on Seymour Street pose a particular safety concern. She was further concerned with the potential noise generated from the balconies during the evening, the lack of setbacks from the street such as those found at Lemarchant Tower, and the effect of the development on the surrounding low-rise residential neighborhood. She reiterated her opposition to the proposal and stated traffic would also be an issue and that staff should not recommend approval.



**Margot**, a resident of Waterloo Street, stated that the site does need to be developed and she would prefer to see a development that was setback from the street as the current design detracts from the comfort of the area. She noted that the project would benefit from more green space. As well, that the proposed building complements the Mona Campbell Building but does not fit with the surrounding residential neighborhood. She suggested that a more historical architectural style would be more appropriate while also keeping the benefit of balcony space. She commented that residents of the South End feel bombarded with these types of applications and suggested that residential neighborhoods do not need more density.

**Mr. Nathan Rodgers**, a resident of Connolly Street, stated that the proposed development is generally a good project with a lot of merit. He supported the previous comment that the Coburg Street garage entrance should be removed and transitioned back to commercial space as traffic would be an issue. He expressed concern for the offset intersection at Vernon and Seymour Street, suggesting alternatives should be considered. He also suggested that HRM adopt an area wide by-law amendment to limit penthouse areas to less than ten percent (10%) of the total roof. Further, that the Needs Convenience Store currently located on the property should be invited to stay on as a tenant

**Ms. Christine Townsend**, a resident of Argyle Street, stated that she was in support of the development and that this was exactly the type of residence she and her partner would like to live in and would be beneficial to the peninsula. She also stated that the height was appropriate especially considering the location on a corner lot. She supported the lack of setbacks which improves walkability. Also, that the mixed use aspect was important and all developments should have this aspect. She noted support for increasing density which is a goal of the Regional Plan and growth targets.

**Mr. Peter Marsh**, a resident of Jubilee Road, commented that the standard for development in Halifax should be very high. He noted that HRM should pay particular attention to how other cities integrate universities into the city fabric without destroying neighborhoods. He suggested that creating a contrast between the university and surrounding neighborhood would allow the Victorian character of the area to be protected. He concluded that it was objectionable to construct a building that is only acceptable as the standard should be much higher. He reiterated his concern for the traffic issues the current proposal presents.

In response, Mr. Ghosn commented the final project will be acceptable to residents of the neighborhood and that he did not want to propose a project that would make the community uncomfortable. He clarified that the target tenants would not be disruptive to the community and that traffic would likely be improved with this development, as it would decrease the number of individuals moving through the site. Further, that parking would be increased which would improve the parking in the area.

**3. CLOSING COMMENTS**

Councilor Mason stated that public input is valued and he thanked the Chair of the meeting for his hard work.

**4. ADJOURNMENT**

The meeting was adjourned at 9:08 p.m.

Melissa Eavis  
Legislative Support