



**DESIGN REVIEW BOARD MEETING  
PACKAGE**

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*November 29, 2021 (Monday), 12:00pm*

*Council Chambers, 2<sup>nd</sup> Floor, City Hall*

*199 Queen Street*

*Live Streaming: [www.charlottetown.ca/video](http://www.charlottetown.ca/video)*

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*Date prepared: November 26, 2021*

*Prepared by: rs*

*v.01*

# DESIGN REVIEW BOARD MEETING

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**DESIGN REVIEW BOARD AGENDA  
NOTICE OF MEETING**

*Monday, November 29, 2021 at 12:00 p.m*  
*Council Chambers, 2<sup>nd</sup> Floor, City Hall, 199 Queen Street*  
*Live streaming: [www.charlottetown.ca/video](http://www.charlottetown.ca/video)*

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- 1. Call to Order**
- 2. Declaration of Conflicts**
- 3. Approval of Agenda** – Approval of Agenda for Monday, November 29, 2021
- 4. Adoption of Minutes** - Minutes of Design Review Meeting on Thursday, October 21, 2021
- 5. Business arising from Minutes**
- 6. Reports:**
  - a. 55 Chestnut Street (PID #361527) Alex  
Request to review the revised exterior design for the 27 residential apartment dwelling located in the R-3 Zone.
- 7. Introduction of New Business**
- 8. Adjournment**

**PLANNING AND HERITAGE COMMITTEE – DESIGN REVIEW BOARD MINUTES  
THURSDAY, OCTOBER 21, 2021, 12:00 P.M.  
COUNCIL CHAMBERS, 2<sup>nd</sup> FLOOR, CITY HALL, 199 QUEEN STREET  
Live Streaming: [www.charlottetown.ca/video](http://www.charlottetown.ca/video)**

**Present:** Councillor Terry MacLeod, Chair  
Mayor Philip Brown  
Councillor Alanna Jankov  
Brian Gillis, RM  
Kris Fournier, RM  
Kenneth McInnis, RM

**Also:** Alex Forbes, PHM  
Laurel Palmer Thompson, PII  
Rob Stavert, TA

**Regrets:** Councillor Julie McCabe, Vice-Chair  
Greg Munn, RM (*Declared Conflict*)  
Sharon Larter, RM  
Ellen Faye Catane, IO/AA

**Absent:** Councillor Mitchell Tweel

*As the City continues to follow physical distancing protocols set out by PEI Public Health, the maximum seating for the public was limited at the Parkdale Room. Upon arrival, individuals were required to provide information for contact tracing purposes.*

**1. Call to Order**

Councillor MacLeod called the meeting to order at 12:14 pm.

**2. Declaration of Conflicts**

Councillor MacLeod asked if there are any conflicts and there being none, moved to the approval of the agenda. *Greg Munn, RM, sent an email prior to the meeting to send his regrets and declare conflict of interest to the agenda items.*

**3. Approval of Agenda**

Moved by Ken McInnis, RM, and seconded by Councillor Alanna Jankov, that the agenda for Thursday, October 21, 2021, be approved.

**CARRIED**

**4. Adoption of Minutes**

Moved by Mayor Philip Brown and seconded by Ken McInnis, RM, that the minutes of the Monday, September 20, 2021 meeting, be approved.

**CARRIED**

**5. Business arising from Minutes**

There was no business that arose from the minutes.

**6. 136 Great George Street (PID #802447)**

This is a request by Dow's Men's Wear for design approval of a two (2) storey multi-use building containing four (4) residential dwelling units on the second floor and retail/office space on the ground floor at 136 Great George Street (PID #802447). The property is located in the DC (Downtown Core) Zone of the 500 Lot Area. Laurel Palmer Thompson, Planner II, presented the application.

The property is 0.07 of an acre with approximately 35.6 ft of street frontage and 89.2 ft of lot depth. The surrounding neighbourhood is zoned Downtown Core to the north, east & west, and Park/Cultural Zone to the south. It is along the block where the Province House, Coles Building and Confederation Centre are located. It

is located along an established streetscape amongst two (2) storey buildings and commercial uses with some residential uses above.

On September 15, 2021, the applicant submitted their design package, and the proposal was sent to Peter Fellows, a licensed Architect in New Brunswick and is an independent design reviewer for the City. On October 13, 2021, Mr. Fellows submitted his formal review and is outlined in the attached report. This proposal demonstrates a grasp of quality materials and has developed a solid contemporary design and adheres to the requirements of Section 7 of the Zoning & Development Bylaw.

Mr. Fellows had two (2) minor comments: The Upper Windows are shown in plan as “patio sliders” which are frowned on (7.5.4) and felt that using inswing garden doors instead would function as planned and meet this minor discretion; the storefront window (7.12.1) should be divided vertically into four (4) lites rather than three (3) as shown on the plans. Mr. Fellows asked for clarification if the horizontal material on the building was wood or metal with concealed fasteners. Either material is acceptable, and the architects indicated that the material on the building will be wood. As no roof plan was indicated (believed to be either flat or very low pitch), the skylights either way probably comply with the Bylaw requirements (7.7.4.). Regardless of the material, it is a nice foil to the mixed red brick. Also, the “fun window” in the stairwell is a nice touch of whimsy. The design reviewer addressed all 10 Guiding Principles of the 500 Lot Area for the proposed development. Overall, Mr. Fellows felt that it is a simple but a well-done project.

Mr. Fellows indicated that a variance would be required for cash-in-lieu of parking. However, staff would note that a variance is not required for cash-in-lieu of parking applications. However, the application must be referred to Planning Board for a recommendation to Council and subsequent approval from Council on cash-in-lieu of parking. Mr. Fellows calculated six (6) parking spaces as a requirement for the proposal. However, staff could require seven (7) spaces for cash-in-lieu depending on what the basement will be used for. Once this is determined, the exact number of required parking spaces can be determined. Staff would support cash-in-lieu for this development since there is no availability for on-site parking.

Staff felt that the applicant has met the intent of the Zoning & Development Bylaw and the 10 Guiding Principles of the 500 Lot Area Development Standards and Design Guidelines. Also, staff agrees with the recommendations as outlined in Peter Fellow’s report and are recommending for approval of the proposed design. Jen MacCoul of SableArc was at the meeting to answer questions.

Councillor Jankov asked if the request is just for approval of the design and not the request for cash-in-lieu. Ms. Thompson confirmed. Councillor Jankov asked if the wood façade material is the same around the doors. Ms. MacCoul confirmed.

Ken McInnis, RM, liked the design and loved the rooflines. It blends with the area and will add excitement to the street. Mr. McInnis asked why is there a need for horizontal wood siding and not use brick for the whole front elevation of the building. Ms. MacCoul explained that the intent is to break up the façade. Also, in relation to the adjacent properties, the other building is brick, and the others are wood. The intent is to be able to blend with the streetscape.

Brian Gillis, RM, was blown away with the quality of the presentation drawings in order to provide the best representation of how the building will look like. Mr. Gillis complemented the work done by the architect and it allows the design review board members review the application with more clarity and with ease. Mr. Gillis also added that Mr. Fellows’ comments were very clear.

Mayor Brown also commented that the proposal is a great project and will add character to the downtown area.

Alex Forbes, PHM, clarified that the approval would include the recommendations from Mr. Fellows and Councillor MacLeod agreed.

Councillor MacLeod asked for comments or questions; there being none, the following resolution was put forward:

**Moved by Ken McInnis, RM, and seconded by Brian Gillis, RM, that the proposed site and building façade plans for a new two (2) storey multi-use building consisting of four (4) residential apartment units on the second floor and approximately 3,448 sq ft of retail space on the ground floor at 136 Great George Street (PID #802447, as proposed and including the recommendations from Mr. Fellows, be approved.**

**CARRIED  
(5-0)**

#### **7. New Business**

Mr. Forbes mentioned that there is an ongoing project with the Public Works Department, and they reached out to the Planning & Heritage Department if there are any concerns in relation to the Planning and Heritage related bylaws. Mr. Forbes felt that although the application does not directly involve the design review board, it would be good to make the board aware and gather inputs. No decision is required at this time but if there are any concerns, the board may email Mr. Forbes and Mr. Forbes can relay the information to Public Works. Shallyn Murray was at the meeting to present.

Mayor Brown asked if any future projects would require design review approval. Mr. Forbes does not feel that it is required. Mr. Forbes would just like to gather any input from the board. Councillor Jankov asked if this project was initiated by Discover Charlottetown and Mr. Forbes confirmed. Councillor MacLeod explained that Ms. Murray can explain the request.

Ms. Murray reached out to the Urban Beautification/Public Works Committee for approval. The project was approved by Council as well. Since then, Ms. Murray indicated that there have been some minor changes to the project and are trying to determine if there are any other approvals required to proceed.

The project is to have a change of infrastructure on Kent Street to Prince Street. Ms. Murray presented the project plans in detail. Mayor Brown asked if the project will incorporate the façade on Fitzroy Parkade and Ms. Murray confirmed.

Councillor MacLeod indicated that Public Works will include this in their discussion on their next meeting. Councillor MacLeod thought that 18 ft would be the best option. Councillor Jankov asked if the project has to go back to Council and Councillor MacLeod confirmed and added that this is before the board today for information purposes only.

Mayor Brown asked if the ones on Argyle Street 15 ft or 18 ft and Ms. Murray responded that she does not know. Argyle Street is more pedestrian while Kent Street is more vehicular and changes the scope of the project. Ms. Murray agreed with Councillor Jankov that this is a much bigger project and that there's more that could be done to improve the block.

Kris Fournier, RM, felt that it is a good idea and asked how the streets/block were chosen. Ms. Murray responded that she wasn't involved in that process but felt that the intent is to make the street more noticeable. It is a more retail-based street and good commercial area.

#### **8. Adjournment**

Moved by Mayor Philip Brown and seconded by Ken McInnis, RM, that the meeting be adjourned. The meeting was adjourned at 4:47 p.m.

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Councillor MacLeod, Chair

<b>TITLE:</b>  <p style="text-align: center;"><b>DESIGN REVIEW</b></p> <p style="text-align: center;"><b>FILE: DESIGN-2021-29-November 6a</b></p> <p style="text-align: center;"><b>55 CHESTNUT STREET (PID #361527)</b></p> <p style="text-align: center;"><b>OWNER: 11126105 CANADA INC.</b></p>		
<b>MEETING DATE:</b>  Nov 29th, 2021		<b>Page 1 of 4</b>
<b>DEPARTMENT:</b>  Planning & Heritage	<b>ATTACHMENTS:</b>  A. September 20, 2021, Design Review Board Report B. Applicants Response to Design Deficiencies C. Project Deficiencies highlighted in June 2021	
<b>SITE INFORMATION:</b>  <b>Context:</b> Chestnut Street between University Avenue & Queen Street  <b>Ward No:</b> 4 – Spring Park  <b>Existing Land Use:</b> 27-Unit Apartment Dwelling awaiting Occupancy  <b>Official Plan:</b> Medium Density Residential  <b>Zoning:</b> Medium Density Residential (R-3) Zone		
<b>PREVIOUS APPLICATIONS:</b>  Design Review approval was granted on October 30, 2018 with revisions on February 20, 2020.  Design Review approval was granted on September 4, 2020 for a revised design.  Design Review meeting September 2021 seeking approval of revised design.		

**RECOMMENDATION:**

The Planning & Heritage Department recommends that the Design Review Board accept Option 1 to accept the revised six balconies and wooden support posts as constructed on the property and require the applicant to adhere to all other outstanding design deficiencies noted and that the applicant enter into a legal agreement with the City of Charlottetown outlining when the work will be completed, posting of sufficient security in an amount to cover the cost of the undertaking and completing all outstanding design issues, preparation of an independent contractor/consultant to calculate the cost to finish the

proposed design changes, and to agree to permit an independent contractor to complete the work on the subject building in the event the work is not completed on the agreed upon date.

***Request***

The property owner has deviated from the design approved by the Design Review Board on September 4, 2020. They are now applying to change the design of the proposed four storey, 27-unit apartment dwelling currently under construction at 55 Chestnut Street (PID #361527).

***Design Review / Development Agreement History***

This will be the fifth time that the application for 55 Chestnut Street (PID #361527) has proceeded to the Design Review Board. Please see the attached planning report from September of 2021 (Attachment A) that outlines in more detail the exact chronology of approvals from the Design Review Board on this property.

As referenced, this application was before the Design Review Board in September 2021. The applicant had requested a number of design changes from the Board at that time related to deficiencies highlighted by staff prior to the issuance of a partial occupancy permit in June of 2021. The applicant had indicated in June that it was his intention to satisfy all outstanding design issues highlighted and needed some additional time to complete this work. Further, the design deficiencies would be undertaken before an overall occupancy permit would be signed off for the remaining units in the building. The outstanding design deficiencies were not completed in August which resulted in the applicant reapplying to the Design Review Board in September to accept the building design changes as constructed.

The Board rejected accepting any of these changes in September and requested that the applicant bring the building in compliance with the design approvals outlined in the Development Agreement. The applicant approached the CAO and the Manager of Planning and Heritage to see what compromise or other opportunities may exist to obtain a final occupancy permit. Staff pointed out that the applicant had a legal binding Development Agreement with the City and the only way to deviate from that approval was to obtain support from the Design Review Board on any, or all, of the design changes made to this building. As a result, the applicant has requested a further opportunity to appear before the Design Review Board and outline in detail why he could not adhere to design approved in the Development Agreement on this building. See attached a detailed response (Attachment B) from the applicant to the outstanding design deficiencies.

**ANALYSIS:**

A Building & Development Permit was issued on September 11, 2020 for the interior fit-up, citing requirements to adhere to the Design Review Board's approval on September 4, 2020. In June when the building was nearing completion, the applicant approached the Department of Planning & Heritage for Occupancy. During a review of the application, it was determined that additional design changes beyond what was approved by the third Design Review approval (Sept 4, 2020) have been implemented. Staff

conducted a site inspection on June 15, 2021 and determined the plans that were submitted on August 25, 2020 were not what was constructed on the property. The deviations from the August 25, 2020 plans and from the Design Review approval on September 4, 2020 were noted in a Deficiencies Letter sent to the applicant on June 22, 2021. Some of the items on the list have been addressed in the time since, such as “inconsistent colour application”. However, other noted deficiencies remain, and include, but are not limited to:

- **Siding Orientation** – The front-facing vinyl siding and side-facing metal siding have been installed vertically, as opposed to horizontally as per the revised elevations plan received August 25, 2020.
- **Side Façade Design** – The side façade does not match the design specifications in the revised elevations plan received August 25, 2020. The brick and vinyl front façade and black metal bands are shown to wrap around the side, extending approximately 44 ft to the step-back in the building footprint, then be accented in the black metal bands at the step-back. What was constructed does not match: on both sides the brick and vinyl front façade wraps less than half the distance proposed by the revised plan. The remaining side façade meant to be vinyl, brick and metal bands to match the front, uses the rear siding instead. These alterations did not receive an amendment to the Development Agreement nor approval by the Design Review Board.
- **Balcony Design** – The six balconies on the western side of the development, and the four balconies on the eastern side, have been built using wooden support posts as opposed to cantilevers as per the revised elevations plan received August 25, 2020. The wood support post balconies do not match the balconies on the front of the building (which use cantilevers).
- **Black Metal Accent** – Currently, there is no prefinished black metal bands. The cornice trim and left and right-most sections (both front and side façades) are to be accented with the prefinished black metal bands as per the revised elevations plan received August 25, 2020.
- **Cornice Trim** – All sections of the front façade have been built with cornice trims. The revised elevations plan received August 25, 2020 shows that cornice trim only be included on the left, middle, and right-most sections of the front façade. Furthermore, the cornice trim is remains unfinished, as opposed to being clad in the prefinished black metal bands. As it is unfinished, exposed fasteners used to secure the cornice trim are evident. Section 7.4.4 of the Zoning and Development Bylaw does not permit the use of exposed fasteners on front façades.
- **Missing Siding** – Pieces of the development, assumedly where the prefinished black metal bands are intended to be, have been left without siding and is either exposed Styrofoam or the plastic weather resistant barrier.
- **Brick** – The middle section is clad in brown and black brick as opposed to what was stated on the revised elevations plan received August 25, 2020, which was brown brick only. Furthermore, the square, black quoins lining the edge of the middle section were not displayed in the submissions.

- **Lintels** – The lintels have been constructed using the black bricks as opposed to stone, as stated in revised elevations plan received August 25, 2020.
- **Missing Landscape Buffer** - The development has not landscaped along the North (rear) side of the development as shown on the proposed site plan prepared by Coles Associates annexed in Schedule “B” of the Development Agreement. The parking lot pavement abuts the rear of the building.
- **Landscape Buffer Height** - The development has not planted nor maintained a 1.0m high landscaped buffer between the Properties’ property lines as per the Development Agreement. The landscape on the western side of the building is currently soil with 3 small shrubs and a narrow strip of grass. The eastern side of the building is a grassed area with a fence.

Staff notes that a design reviewer has not reviewed the recent changes. Staff also notes the deviations from the approved drawings are already built and that the changes are predominately aesthetic in nature compared to other Design Review appearances where changes included structural components such as the removal of windows and introduction of sliding doors.

Since the last Design Review meeting in September staff have been working with the applicant to bring this building in compliance so that an occupancy permit can be issued for the entire building. Staff have also reflected on the commentary and concerns raised by the Design Review Board members at the last meeting. The applicant contends that design decisions were made on this building so that the building could be completed during a difficult time (COVID-19) in the construction industry and he needs to obtain an occupancy permit as soon as possible. The Board contends that the applicant had an opportunity to seek the appropriate approvals earlier on in the process and this approach would have avoided the situation that presently exists. The partial occupancy permit issued for this building is tied to financial security that the City required to ensure that the required work was undertaken. At this time, staff need to direction from the Board with regard to what design deficiencies (if any) are acceptable and which ones need to be implemented.

In order to clarify any misunderstanding, staff would note that when a developer signs a Development Agreement, the requirements embedded in the agreement are legally binding on the applicant. In this case the design elevations for the subject building were attached to the Development Agreement which makes them a requirement that must be satisfied prior to final occupancy being approved. The applicant claims that the design deficiencies are not life safety related and staff would concur, however the design requirements must be completed before an occupancy permit is issued. Or alternatively, a mechanism put in place by the municipality to ensure that any outstanding standing non-life safety requirements will be satisfied in a reasonable time frame. Staff would also like to point out that the remaining units that are subject to obtaining an occupancy permit are subject to building code review by a building inspector

and are not subject to the discussion by the Design Review Board. This also applies to any additional outstanding requirements of the Development Agreement that do not pertain specifically to building design.

In order to resolve the impasse between the applicant and the municipality on this application staff would recommend the following approach. In order to issue an occupancy permit prior to the outstanding design issues being resolved, the developer will be required to post security in the amount requested to ensure that the required work is undertaken and completed by June 30, 2022. As a part of this agreement the developer will be required to authorize the City of Charlottetown to work on the subject building to complete any outstanding work that is not completed by June 30<sup>th</sup>, 2022. The developer agree that a third party estimator provide the City with an evaluation of the cost to complete the required work. The developer agree to cover the expense to obtain the third party cost estimate and the preparation of the legal documents to secure the security on behalf of the municipality.

With regard to the outstanding deficiency list staff would note that changing the balconies on this project at this stage is problematic. Moreover, this change is not only expensive for the applicant but it presents issues regarding life safety during the period the balconies are removed and rebuilt to be cantilevered. It should also be noted that in order cantilever the balconies the developer must go back into individual units and structural alter these units to make the required changes. Staff would also note that these balconies are on the side of the building with less visual impact than if they were located on the front building elevation. With regard to the remaining design deficiencies staff would defer to the Board as to whether they feel additional changes could be supported or not. The developer is prepared to highlight why the remaining changes were implemented contrary to the Development Agreement and why he thinks some or all of them should be accepted (see attachment B) letter from applicant on his rationale for changes).

Notwithstanding, staff feels that the Design Review Board has four options:

1. to accept the revised six balconies and wooden support posts as constructed on the property and require the applicant to adhere to all other outstanding design deficiencies noted and that the applicant enter into a legal agreement with the City of Charlottetown outlining when the work will be completed, posting of sufficient security in an amount to cover the cost of the undertaking and completing all outstanding design issues, preparation of an independent contractor/consultant to calculate the cost to finish the proposed design changes, and to agree to permit an independent contractor to complete the work on the subject building in the event the work is not completed on the agreed upon date;
2. Accept the revised balconies as built and require the applicant to complete the building as directed (accepted modifications) by the Design Review Board on November 29<sup>th</sup> 2021 and that the applicant enter into a legal agreement with the City of Charlottetown outlining when the

work will be completed, posting of sufficient security in an amount to cover the cost of undertaking and completing all outstanding design issues, preparation of an independent contractor/consultant to calculate the cost to finish the proposed design changes, and to agree to permit an independent contractor to complete the work on the subject building in the event the work is not completed on the agreed upon date, prior to issuance of final occupancy for the subject property.

3. Direct the applicant to build the building as approved by the Design Review Board and outlined in the Development Agreement with no modifications accepted prior to an Occupancy Permit being approved.
4. Any other option or scenarios as directed by the Design Review Board.

**CONCLUSION:**

The Planning & Heritage Department recommends that the Design Review Board accept Option 1 to accept the revised six balconies and wooden support posts as constructed on the property and require the applicant to adhere to all other outstanding design deficiencies noted and that the applicant enter into a legal agreement with the City of Charlottetown outlining when the work will be completed, posting of sufficient security in an amount to cover the cost of the undertaking and completing all outstanding design issues, preparation of an independent contractor/consultant to calculate the cost to finish the proposed design changes, and to agree to permit an independent contractor to complete the work on the subject building in the event the work is not completed on the agreed upon date.

**MANAGER:**



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Alex Forbes, FCIP, MBA

Manager of Planning & Heritage

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<b>TITLE:</b>  <p style="text-align: center;"><b>DESIGN REVIEW</b></p> <p style="text-align: center;"><b>FILE: DESIGN-2021-20-SEPTEMBER-6b</b></p> <p style="text-align: center;"><b>55 CHESTNUT STREET (PID #361527)</b></p> <p style="text-align: center;"><b>OWNER: 11126105 CANADA INC.</b></p>		 <b>CHARLOTTETOWN</b>
<b>MEETING DATE:</b> September 20, 2021		<b>Page 1 of 4</b>
<b>DEPARTMENT:</b> Planning & Heritage	<b>ATTACHMENTS:</b> A. Previously Approved Building Drawings (August 25, 2020) B. Revised Building Drawings	
<b>SITE INFORMATION:</b> <b>Context:</b> Chestnut Street between University Avenue & Queen Street <b>Ward No:</b> 4 – Spring Park <b>Existing Land Use:</b> 27-Unit Apartment Dwelling awaiting Occupancy <b>Official Plan:</b> Medium Density Residential <b>Zoning:</b> Medium Density Residential (R-3) Zone		
<b>PREVIOUS APPLICATIONS:</b> Design Review approval was granted on October 30, 2018 with revisions on February 20, 2020. Design Review approval was granted on September 4, 2020 for a revised design.		

**RECOMMENDATION:**

The Planning & Heritage Department defers to the Design Review Board to review the proposed changes or to direct staff to send the revised drawings to the design reviewer prior to having the Design Review Board review/approve the revised drawings.

***Request***

The property owner has deviated from the design approved by the Design Review Board on September 4, 2020. They are now applying to change the design of the proposed four storey, 27-unit apartment dwelling currently under construction at 55 Chestnut Street (PID #361527).

***Design Review / Development Agreement History***

This will be the fourth time that the application for 55 Chestnut Street (PID #361527) has proceeded to the Design Review Board.

The property owner signed a Development Agreement on December 14, 2017 which was registered by the Province of Prince Edward Island on December 19, 2017 as Doc #10552 in Book 5691.

Section 2.5 of said Agreement stated that:

*The 27 unit apartment dwelling's exterior shall be constructed as approved by Council and the Plans annexed in Schedule "B". Lot 17-2 shall be subject to a future design review approval as per the Zoning & Development Bylaw, in accordance with Council's October 10, 2017 resolution. The afore mentioned building design will form the basis of the future design review process.*

Consequently, the property owner submitted an application for design review on September 13, 2018; however, the elevation drawings were not submitted until October 25, 2018.

The applicant proceeded to the Design Review Board on October 30, 2018 at which time the following resolution was passed:

*Moved by Simon Moore, RM and seconded by Bobby Shepherd, RM that revised design review application for the property located at 55 Chestnut Street (PID #361527), be approved provided that the commentaries from this design review be incorporated.*

**CARRIED**

The drawing package for approval was submitted on February 3, 2020. During the review of the Building & Development Permit application, it was determined that a few design changes from the original Design Review approval have been proposed. These changes were approved at the Design Review meeting on February 20, 2020 after passing the following resolution:

*Moved by Greg Munn, RM, and seconded by Ken McInnis, RM, that the revised elevations for the proposed four storey, 27-unit apartment dwelling at 55 Chestnut Street (PID #361527), be approved.*

**CARRIED**

The application was proceeded to the Design Review Board once again, as staff had conducted a site inspection on the building and determined that the design was different from what was approved. The applicant provided staff with a revised plan on August 25, 2020. Staff advised the applicant that these changes would require approval from the Board again. These changes were approved at the Design Review meeting on September 4, 2020 after passing the following resolution:

*Moved by Ken McInnis, RM, and seconded by Sharon Larter, RM, that the proposed modifications from the February 20, 2020 meeting for the property at 55 Chestnut Street (PID #361527), be approved, subject to the permit application fees being doubled as per the City of Charlottetown Schedule of Fees.*

CARRIED

### **ANALYSIS:**

A Building & Development Permit was issued on September 11, 2020 for the interior fit-up, citing requirements to adhere to the Design Review Board's approval on September 4, 2020. Now, as the building is nearing completion, the applicant has approached the Department of Planning & Heritage for Occupancy. During a review of the application, it was determined that additional design changes beyond what was approved by the third Design Review approval (Sept 4, 2020) have been implemented. Staff conducted a site inspection on June 15, 2021 and determined the plans that were submitted on August 25, 2020 were not what was constructed on the property. The deviations from the August 25, 2020 plans and from the Design Review approval on September 4, 2020 were noted in a Deficiencies Letter sent to the applicant on June 22, 2021. Some of the items on the list have been addressed in the time since, such as "inconsistent colour application". However, other noted deficiencies remain, and include, but are not limited to:

- ***Siding Orientation*** – The front-facing vinyl siding and side-facing metal siding have been installed vertically, as opposed to horizontally as per the revised elevations plan received August 25, 2020.
- ***Side Façade Design*** – The side façade does not match the design specifications in the revised elevations plan received August 25, 2020. The brick and vinyl front façade and black metal bands are shown to wrap around the side, extending approximately 44 ft to the step-back in the building footprint, then be accented in the black metal bands at the step-back. What was constructed does not match: on both sides the brick and vinyl front façade wraps less than half the distance proposed by the revised plan. The remaining side façade meant to be vinyl, brick and metal bands to match the front, uses the rear siding instead. These alterations did not receive an amendment to the Development Agreement nor approval by the Design Review Board.
- ***Balcony Design*** – The six balconies on the western side of the development, and the four balconies on the eastern side, have been built using wooden support posts as opposed to

cantilevers as per the revised elevations plan received August 25, 2020. The wood support post balconies do not match the balconies on the front of the building (which use cantilevers).

- **Black Metal Accent** – Currently, there is no prefinished black metal bands. The cornice trim and left and right-most sections (both front and side façades) are to be accented with the prefinished black metal bands as per the revised elevations plan received August 25, 2020.
- **Cornice Trim** – All sections of the front façade have been built with cornice trims. The revised elevations plan received August 25, 2020 shows that cornice trim only be included on the left, middle, and right-most sections of the front façade. Furthermore, the cornice trim is remains unfinished, as opposed to being clad in the prefinished black metal bands. As it is unfinished, exposed fasteners used to secure the cornice trim are evident. Section 7.4.4 of the Zoning and Development Bylaw does not permit the use of exposed fasteners on front façades.
- **Missing Siding** – Pieces of the development, assumedly where the prefinished black metal bands are intended to be, have been left without siding and is either exposed Styrofoam or the plastic weather resistant barrier.
- **Brick** – The middle section is clad in brown and black brick as opposed to what was stated on the revised elevations plan received August 25, 2020, which was brown brick only. Furthermore, the square, black quoins lining the edge of the middle section were not displayed in the submissions.
- **Lintels** – The lintels have been constructed using the black bricks as opposed to stone, as stated in revised elevations plan received August 25, 2020.
- **Missing Landscape Buffer** - The development has not landscaped along the North (rear) side of the development as shown on the proposed site plan prepared by Coles Associates annexed in Schedule “B” of the Development Agreement. The parking lot pavement abuts the rear of the building.
- **Landscape Buffer Height** - The development has not planted nor maintained a 1.0m high landscaped buffer between the Properties’ property lines as per the Development Agreement. The landscape on the western side of the building is currently soil with 3 small shrubs and a narrow strip of grass. The eastern side of the building is a grassed area with a fence.

Staff notes that a design reviewer has not reviewed the recent changes. Staff also notes the deviations from the approved drawings are already built and that the changes are predominately aesthetic in nature compared to other Design Review appearances where changes included structural components such as the removal of windows and introduction of sliding doors.

Notwithstanding, staff feels that the Design Review Board has three options:

5. Approve the revised drawings as submitted;
6. Approve the revised drawings as submitted subject to modifications; or

7. Direct staff to send the revised drawings to the design reviewer prior to having the Design Review Board review / approve the revised drawings.

**CONCLUSION:**

The Planning & Heritage Department defers to the Design Review Board to review the proposed changes or to direct staff to send the revised drawings to the design reviewer prior to having the Design Review Board review/approve the revised drawings.

**PRESENTER:**

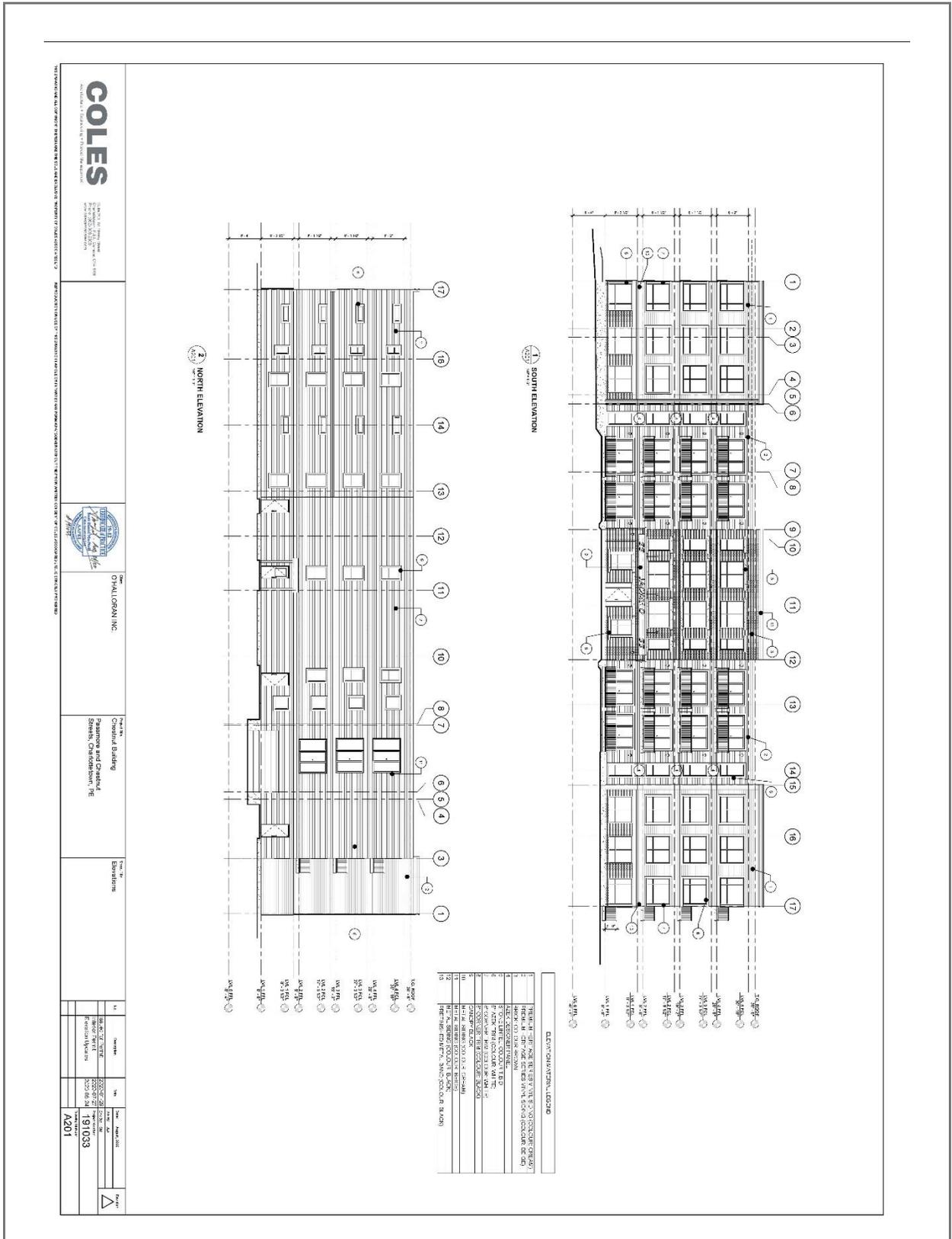
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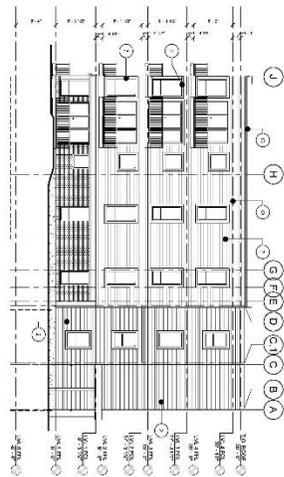
Evan Brown  
Planner II

**MANAGER:**

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Alex Forbes, FCIP, MBA  
Manager of Planning & Heritage

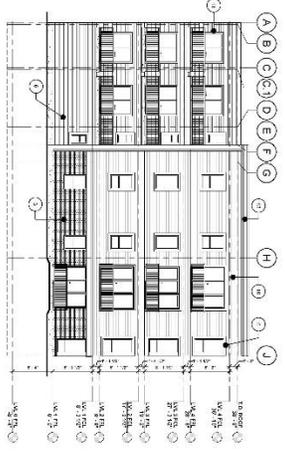




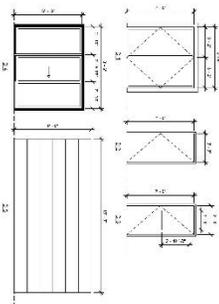
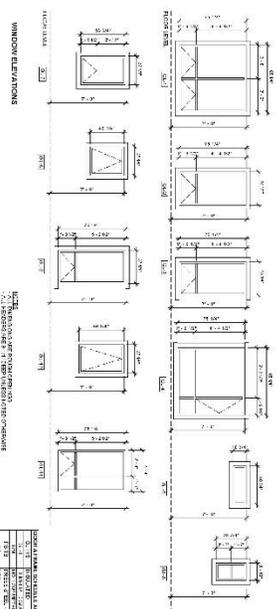
1 EAST ELEVATION

FINISH SCHEDULE

1. EXTERIOR WALLS - CONCRETE
2. EXTERIOR WALLS - CONCRETE
3. EXTERIOR WALLS - CONCRETE
4. EXTERIOR WALLS - CONCRETE
5. EXTERIOR WALLS - CONCRETE
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8. EXTERIOR WALLS - CONCRETE
9. EXTERIOR WALLS - CONCRETE
10. EXTERIOR WALLS - CONCRETE



2 WEST ELEVATION



DOOR SCHEDULE AND FRAME SCHEDULE

NO.	TYPE	SIZE	LOCATION	FINISH	MARK	QTY	UNIT	PRICE	TOTAL
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**COLES**  
 PROJECT NO. 191033  
 DRAWING NO. A202

OWNER: COLESON INC.  
 PROJECT: Warehouse and Office Building  
 ADDRESS: 191033

DATE: 10/10/2023





## **ATTACHMENT “B”**

### **APPLICANTS RESPONSE TO DESIGN DEFICIENCIES (November 2021)**

Over the last 2 1/2 years it has been quite a struggle with all the public health measures we have dealt with, the material shortages, labour shortages and winter construction due to unexpected delays to finally deliver this building and complete this 2 phase redevelopment project of much needed residential housing in our City.

Projects like this are very difficult regardless of the extreme challenges we faced; from the interjection of an unexpected pandemic mid build, where stopping was not an option for us, to material shortages, extreme wait times for products and costs running out of control; whatever could go wrong to keep the build on schedule and budget, did, plain and simple and some of our decisions reflect that.

All these points considered, We did not rescind our resolve to complete the task. I can honestly say for every project in my life in which I have been involved, no matter how difficult, I was there in the beginning and I was still standing there in the end to see it complete. And now, with my wife at my side, this one is no different.

Throughout my life here in Charlottetown, I have been very fortunate to work with so many professional planners, engineers, architects and trades people putting together lasting housing options in our City like this one to accommodate people’s housing needs for many years to come.

It has been a true privilege to be a part of this redevelopment process and it is our hope that these 2 buildings will become a landmark address to our City.

Last meeting there was concern of the building’s safety. I want to re-iterate our Architect’s words, Mr. Scott MAcNeill of Coles’ Associates, to this committee, that “ All professional certificates have been signed and submitted for occupancy.”

The building is monitored 24 hours with security cameras, a monitored fire panel linked and monitored by Charlottetown City Fire Department and has a complete fire suppression system throughout the building, every room on every floor, from the garage to the roof, even some outside walls.

So, the building is very safe, indeed.

Now, we should like to speak to the deficiencies

Please see Coles' commentary in bold as submitted below each point and thereunder our comments and suggestions in bold to the deficiency summary

- ***Siding Orientation*** – The front-facing vinyl siding and side-facing metal siding have been installed vertically, as opposed to horizontally as per Drawing A201 received March 19, 2021.

**Coles spoke to this item and we agree that "vertical orientation of the siding helps to extenuate the building at the corners and along the street façade and minimizes the overall length of the building".**

**It is our feeling that the only reason to remove brand new siding would be if it were leaking and it is not leaking. The direction of the siding is very subjective and is the preference of the ownership. This is not a life safety matter nor a material change and we would like to keep the siding as installed.**

- ***Balcony Placement*** – Six new balconies were added on the western side of the building, toward the rear. These new balconies only appeared in submitted elevation plans designed by Coles Associates received in July 2020 and beyond. Prior to receiving these new renditions, balconies were not included in this location. These additions did not receive an amendment to the Development Agreement nor approval from the Design Review Board.

**These balconies were submitted and it is my understanding that they were approved through the revision of the floor plate when the stairwell was revised and this design was approved. It is my understanding we paid a double permit fee for this at that time.**

- ***Balcony Design*** – The six new balconies (mentioned above) and the four balconies on the eastern side of the building have been built using wooden support posts instead of cantilevers as shown on Drawing No. A201. The wood support post balconies do not match the balconies on the front of the building (which did you cantilevers).

**Coles comment - "The non-cantilevered balconies help to anchor the end of the building at the east and west facades. They provide for a more enclosed feel and provide variety for occupant experience.**

**To Remove these posts at this point would require the complete disassembly of the building from the roof down to the first floor and is not possible at this point. We would suggest to incorporate the posts into the design elements by wrapping them with a black material to accentuate the trim detail of the building. *This item will be addressed as a deficiency***

**WORK VALUE \$5,000.**

- **Side Façade Design** – The side façade application does not match the design specifications in Drawing No. A201 or any subsequent rendition (July, August, December 2020). In all submissions, the side façade is shown to match the masonry and cream colour siding of the front façade until there is a step-back in the building footprint, then be accented in the black metal bands at the step-back. What was constructed does not match: on both sides the cream coloured metal siding terminates approximately half-way before the step-back, just after the patio doors. These alterations did not receive an amendment to the Development Agreement nor approval by the Design Review Board.

**Coles - “The West and East facades always noted metal siding in cream colour to closely match the cream vinyl siding on the street façade. The metal siding is required on the East and West facades to address the spatial separation of the exposing building face. The limiting distance requires the cladding to be noncombustible”.**

**As stated above there was an interior layout change to the west side stairwell that changed the floor plate and required the windows to move. It was my understanding that this was addressed with the building inspector and the planning department at the time of the revision and the cladding was addressed with this to be code compliant.**

- **Cornice Trim** – All sections of the front façade have been built with cornice trims. Drawing A201 shows that cornice trim only be included on the left, middle, and right forward-most. Furthermore, the cornice trim is a light beige colour, as opposed to being clad in the prefinished black metal bands.

**The Cornice trim is now Black to match the bands.**

- **Black Metal Accent** – Currently, there is no prefinished black metal bands. The cornice trim and left and right-most sections be accented with the prefinished black metal bands as per Drawing A201 received on March 19, 2020.

**Coles**

**“The cornice trim has been provided in black stucco instead of black metal in order to reduce the oil canning effect of the metal trim. The drawings did not tag a colour for the cornice trim between grids 6-9 and 12-15 along the south façade. The continuous black cornice caps off the vertical cladding along the street facade.”**

**We like the black bands on the building as built but If it is the wish of the committee, we will undertake to add these vertical black bands on the left and right sides of the building to connect to the cornice trim when weather permits and this item will be addressed as a deficiency.**

**WORK VALUE to Complete \$4,000.**

- **Missing Siding** – Pieces of the development, assumedly where the prefinished black metal bands are intended to be, have been left without siding and is either exposed Styrofoam or the plastic weather resistant barrier.

**The siding is complete**

- **Inconsistent Colour Application** – There are two distinct instances of inconsistent colour application. First, the “cream” colour of the front vinyl façade does not match the the “beige” colour of the side metal façade – it is noticeably lighter in colour. Second, a large, upper portion of the front vinyl siding is white whereas the surrounding vinyl is “cream” colour as specified in Drawing A201 received March 19, 2021.

**Coles comment -**

**“The area of white vinyl has been corrected to match the cream vinyl colour. Because of the different materials the beige vinyl of the north façade varies slightly from the beige metal on the west and east ends. As noted above the metal cladding is required to satisfy the spatial separation of the exposing building face.”**

**The west wall design is a fire-rated assemble and requires a non-combustible material. This pre-finsied material was matched as closely as possible to the siding on the front of the building. It is a very reasonable colour match but to satisfy the committee we will undertake to paint these areas to consistent off white/cream colour when weather permits. This item will be addressed as a deficiency**

**WORK VALUE \$4,000.**

- **Brick** – The middle section is clad in brown and black brick as opposed to what was stated on Drawing A201 received March 19, 2021, which was brown brick only. Furthermore, the square, black quoins lining the edge of the middle section were not displayed in the submissions. Finally, the lintels have been constructed using the black bricks as opposed to stone, as stated in Drawing A201.

Coles - “The introduction of the black brick to the brown brick provides a connection to the black windows and the black accent trims. The stone lintels were not readily available and the owner decided to use brick. The dark brick connects itself well to the black brick that have been provided throughout the red brick of the entry façade. “

Not only were masonry materials very difficult and even unavailable to obtain during these unprecedented times of supply chain challenges, COVID 19 has also presented extreme shortages of skilled trades people. We were very lucky indeed to obtain adequate materials and necessary help to complete this work package during harsh winter conditions. The end result is very pleasing and very closely matches the presented. Without critical scrutiny of this detail one would never know that we ran short of brick due to the unexpected material shortage. It is the ownership’s opinion that this detail adds a sense of craftsmanship and deliveries a more modern feel to the elevation.

- **Exposed Fasteners** – Section 7.4.4 of the Zoning and Development Bylaw does not permit the use of exposed fasteners on front façades of a building. Exposed fasteners are used on the cornice trims on the front façade.

**These have been covered. Complete**

- **Missing Landscape Buffer** - The development has not landscaped along the North (rear) side of the development as shown on the proposed site plan prepared by Coles Associates annexed in Schedule “B” of the Development Agreement. The parking lot pavement abuts the rear of the building.

**Coles- “The owner will provide four landscape boxes that are 15” cubes. These will provide the durability required in this area from snow removal and vehicles.”**

**Planters have been put in place as a landscape buffer. Complete**

- **Landscape Buffer Height** - The development has not planted nor maintained a 1.0m high landscaped buffer between the Properties’ property lines as per the Development Agreement. The landscape on the western side of the building is currently soil with 3 small shrubs and a narrow strip of grass. The eastern side of the building is a grassed area with a fence.

**Coles- “The building at 47 Chestnut Street does not have any doors or windows on the east side of the building that face the west elevation of 55 Chestnut Street. There is no need for any visual separation for privacy between the two buildings. The shared grass arrangement between the two properties provides for safe access to the rear of both properties and creates a shared space that is not divided in half by landscaping. On the**

east side of 55 Chestnut Street, the existing fence provides the buffer height from the adjacent parking lot. “

Retaining wall stones have been ordered and will be installed upon arrival on the western side boundary of the parking lot off Passmore up to the entrance of the underground parking garage door. This item will be addressed as a deficiency

This will satisfy the development agreement.

**WORK VALUE \$5,000.**

- **Missing (1) Parking Spot** – The development on Lot 17-1 (Passmore) contains 14 surface parking spaces, not the agreed upon 17; the development on Lot 17-2 contains 7 surface parking spaces (6 standard parking spaces + 1 barrier free parking space), not the agreed upon 8, and 29 underground standard parking spaces. This is a total of 50 parking spaces where both developments must provide a combined 51 spaces as per the Development Agreement.

**An additional parking space in the rear lot has been created. Completed**

- **No Amendments to Development Agreement** – Numerous proposed changes have been submitted (including changes to balconies, siding, structure, and parking). Proposed temporary parking changes are the only submission to receive an official amendment to the Development Agreement.

**We ask that these amendments as submitted be included in the Development agreement and any work as we have identified above to be completed be referred to as deficiencies and identified in a deficiency list which will be attached to a performance bond of \$18,000 that will remain in the trust of our Lawyer, Matt Bradley of CSM Law, and upon completion of each item, that value as identified will be released back to the developer.**

**These deficiency items should be addressed no different than landscaping items to be completed when weather permits.**

**Occupancy is tied to life safety and intended use. A Deficiency list may be tied to design review and a surety bond but should not supersede the former.**

## APPENDIX “C” Project Deficiencies highlighted in June 2021

The owner, O’Halloran Inc., of 55 Chestnut Street, also known as Lot 17-2, is seeking an Occupancy Permit for their building. The following are some, but not necessarily all, of the deficiencies requiring action from the Development Agreement and Building & Development Permits:

- **Siding Orientation** – The front-facing vinyl siding and side-facing metal siding have been installed vertically, as opposed to horizontally as per Drawing A201 received March 19, 2021.
- **Balcony Placement** – Six new balconies were added on the western side of the building, toward the rear. These new balconies only appeared in submitted elevation plans designed by Coles Associates received in July 2020 and beyond. Prior to receiving these new renditions, balconies were not included in this location. These additions did not receive an amendment to the Development Agreement nor approval from the Design Review Board.
- **Balcony Design** – The six new balconies (mentioned above) and the four balconies on the eastern side of the building have been built using wooden support posts instead of cantilevers as shown on Drawing No. A201. The wood support post balconies do not match the balconies on the front of the building (which did you cantilevers).
- **Side Façade Design** – The side façade application does not match the design specifications in Drawing No. A201 or any subsequent rendition (July, August, December 2020). In all submissions, the side façade is shown to match the masonry and cream colour siding of the front façade until there is a step-back in the building footprint, then be accented in the black metal bands at the step-back. What was constructed does not match: on both sides the cream coloured metal siding terminates approximately half-way before the step-back, just after the patio doors. These alterations did not receive an amendment to the Development Agreement nor approval by the Design Review Board.
- **Cornice Trim** – All sections of the front façade have been built with cornice trims. Drawing A201 shows that cornice trim only be included on the left, middle, and right forward-most. Furthermore, the cornice trim is a light beige colour, as opposed to being clad in the prefinished black metal bands.
- **Black Metal Accent** – Currently, there is no prefinished black metal bands. The cornice trim and left and right-most sections be accented with the prefinished black metal bands as per Drawing A201 received on March 19, 2020.
- **Missing Siding** – Pieces of the development, assumedly where the prefinished black metal bands are intended to be, have been left without siding and is either exposed Styrofoam or the plastic weather resistant barrier.
- **Inconsistent Colour Application** – There are two distinct instances of inconsistent colour application. First, the “cream” colour of the front vinyl façade does not match the the “beige” colour of the side metal façade – it is noticeably lighter in colour. Second, a large, upper portion of the front vinyl siding is white whereas the surrounding vinyl is “cream” colour as specified in Drawing A201 received March 19, 2021.
- **Brick** – The middle section is clad in brown and black brick as opposed to what was stated on Drawing A201 received March 19, 2021, which was brown brick only. Furthermore, the square, black quoins lining the edge of the middle section were not displayed in the submissions. Finally,

the lintels have been constructed using the black bricks as opposed to stone, as stated in Drawing A201.

- **Exposed Fasteners** – Section 7.4.4 of the Zoning and Development Bylaw does not permit the use of exposed fasteners on front façades of a building. Exposed fasteners are used on the cornice trims on the front façade.
- **Missing Landscape Buffer** - The development has not landscaped along the North (rear) side of the development as shown on the proposed site plan prepared by Coles Associates annexed in Schedule “B” of the Development Agreement. The parking lot pavement abuts the rear of the building.
- **Landscape Buffer Height** - The development has not planted nor maintained a 1.0m high landscaped buffer between the Properties’ property lines as per the Development Agreement. The landscape on the western side of the building is currently soil with 3 small shrubs and a narrow strip of grass. The eastern side of the building is a grassed area with a fence.
- **Missing (1) Parking Spot** – The development on Lot 17-1 (Passmore) contains 14 surface parking spaces, not the agreed upon 17; the development on Lot 17-2 contains 7 surface parking spaces (6 standard parking spaces + 1 barrier free parking space), not the agreed upon 8, and 29 underground standard parking spaces. This is a total of 50 parking spaces where both developments must provide a combined 51 spaces as per the Development Agreement.
- **No Amendments to Development Agreement** – Numerous proposed changes have been submitted (including changes to balconies, siding, structure, and parking). Proposed temporary parking changes are the only submission to receive an official amendment to the Development Agreement.