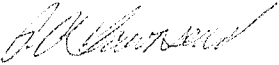


**Harbour East Community Council
November 10, 2011**

TO: Chair and Members of Harbour East Community Council

SUBMITTED BY: 
Phil Townsend, Director, Planning & Infrastructure

DATE: October 20, 2011

SUBJECT: Case 17308: Kings Wharf Development Agreement Amendments

ORIGIN

Application by EDM Limited, on behalf of Fares Inc., for both substantive and non-substantive amendments to the Stage II development agreement for Phase 1 of Kings Wharf, in order to enable changes to land use and the design of buildings.

RECOMMENDATION

It is recommended that Harbour East Community Council:

1. Approve, by resolution of Council, the amendments to the Stage II development agreement for King's Wharf to amend provisions regarding land use and building design, as set out in the proposed amending agreement included as Attachment A; and
2. Require the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Description

A Stage I Development Agreement was approved for the Kings Wharf project in 2008, and amended in 2009, to provide a conceptual approval for development on the site. The approved concept envisions thirteen buildings over the entire site in six phases. It provides for a maximum of 1,292 residential units, 160,000 square feet of office space, 70,000 square feet of commercial space, a 200 room hotel, and various park, open space and accessory uses. A Stage II agreement was approved in 2009 to allow the construction of Phase 1. Map 1 shows the location of the project, and the extent of the first phase.

Current Status

Phase 1 includes the construction of a new street, Kings Wharf Place, and 4 mid-rise buildings, as shown on Figure 1. Permits were issued for Buildings A and B in 2010, which are now well underway, these being thirteen and twelve storeys in height respectively, with ground floor commercial and residential above.

Requested Amendments

The Stage II agreement currently provides for Building D to be an office building. Due to a weak market for office space, the developer has requested that Building D be changed to residential. In addition, more commercial space is requested above the ground floor of Building C. These, along with several other matters pertaining to building design and commercial uses, necessitate amendments to the development agreement. Council can consider all of the requested amendments without the need for a public hearing. The amendments may be approved by resolution of Council. If approved, they are subject to a fourteen day appeal period before that can become effective.

DISCUSSION

The requested amendments are consistent with the site specific MPS policies that were adopted in 2008 (Attachment B). In addition, they are consistent with the Stage I development agreement. The Stage II agreement provides for certain changes to the land uses and building designs as a non-substantive amendment. The Stage I agreement enables adoption of a Stage II agreement as a non-substantial matter. The amendments are as follows:

Building D – As noted above, the office market does not currently support construction of the twelve storey, 112,000 square foot office building as previously approved. The requested change can be considered as a non-substantial amendment. However, it should be noted that the Stage I agreement sets both minimum requirements for office space and maximums for residential units, throughout the entire project. Later phases will therefore have to be adjusted to include more office space and reduced residential.

The approved front elevation of Building D is shown in Figure 2, with the proposed elevation shown in Figure 3. The residential building is of the same height and general shape as the office building, with a slight increase in total floor area of 6,000 square feet over the originally approved 112,000 square feet. The proposed new exterior design of the building is consistent with the urban design goals of both land use policy and the Stage I agreement. The building is substantially different in shape and proportion from Buildings A to C, which will contribute to a varied and interesting streetscape.

In order to provide for the building as proposed, several amendments to the Stage II agreement are required. First, section 3.3 (d) which establishes the allowable land uses, must be amended. A new site plan is also required, as shown in Schedule C to the attached amending agreement, in order to reflect the revised building footprint. In addition, the drawings of an office building in Schedule H of the original Stage II agreement, must be replaced with new ones to reflect the residential use.

With the original office building design, a clock tower or similar architectural element was to be included. The purpose of this was to provide a focal point when looking down the new street. The applicant feels that a clock tower element is less appropriate for a residential building. The amending agreement, through proposed new section 3.7.5, therefore requires a major piece of art to be incorporated on the upper floors of the building, facing up the street to Alderney Drive. The exact nature and design of this feature will be determined through the HRM Public Art Policy as adopted by Regional Council. This achieves the original goal of providing a significant item of visual interest.

Building C Design – This building is for the most part, the same as originally approved. However, detailed designs differ from the conceptual drawings previously approved by Council. The currently approved front elevation of Building C is shown in Figure 4, and the proposed configuration in Figure 5. Originally, Building B (now under construction) and Building C were to have the same shape, to symmetrically frame the public park between them. The minor changes to the upper floor plates of Building C, above the three storey building base, now means that perfect symmetry cannot be achieved. The park itself is not affected. A text amendment is needed to delete the requirement for symmetry from Section 3.6.3. In addition, amendments to the elevation drawings of Schedule G from the original Stage II agreement are needed, as shown in Schedule D of the attached amending agreement.

Commercial Uses Above the Ground Floor – The existing agreement requires ground floor commercial on each building. The applicant has requested flexibility to enable additional commercial space on the lower floors of each building. This request is appropriate; however, the building designs must still be in conformance with the schedules. The amendment, as new Section 3.3 (da), provides some flexibility to the development officer to vary the external appearance of the commercial levels.

Residential Unit Distribution – The existing agreement in Section 3.5.5, sets out the number of units permitted by building and the proportion of units by bedroom type. The applicant has requested flexibility to vary both of these matters. This is appropriate so that there is the ability

to alter floorplans and unit types in response to market demand, and the amount of commercial space above the ground floor of each building. However, the amending agreement still establishes a cap of 300 units for this phase. It also requires a mix of unit types of similar proportions to what was set out in the original agreement, so that there is a wide range of housing options.

Underground Parking Plan – The existing Stage II agreement includes a detailed parking plan. The applicant has requested that the plan be deleted, as at the detailed design stage, changes are usually necessary that affect the parking layout. The amending agreement deletes this plan, however, it must be demonstrated at the building permit stage that the required number of parking spaces is provided.

Conclusion

Staff are of the opinion that the proposed amendments for the King's Wharf development project, as set out in Attachment A, are consistent with both the intent of the Downtown Dartmouth MPS and the Stage I development agreement. Therefore, Staff is recommending that HECC approve the proposed amending development agreement as set out in Attachment A of this report.

BUDGET IMPLICATIONS

There are no budget 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 budget with existing resources.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

Extensive community engagement was undertaken during the MPS amendment and development agreement process. This led to the adoption of site specific policies and a Stage I development agreement. The Stage I agreement is structured such that further community engagement is not necessary or required, in considering Stage II agreements or amendments thereto.

ALTERNATIVES

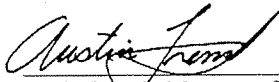
1. Council may choose to approve the proposed amending development agreement as set out in Attachment A of this report. This is the recommended course of action for reasons set out above.
2. Council may choose to approve the proposed amending development agreement subject to modifications. This may necessitate further negotiation with the applicant.
3. Council may choose to refuse the proposed amending development agreement, and in doing so, must provide reasons based on a conflict with MPS policies and the Stage I and Stage II development agreements. This alternative is not recommended as Staff is satisfied that the proposed amending development agreement is consistent with the policies and intent of the MPS and with the Stage 1 development agreement.


ATTACHMENTS

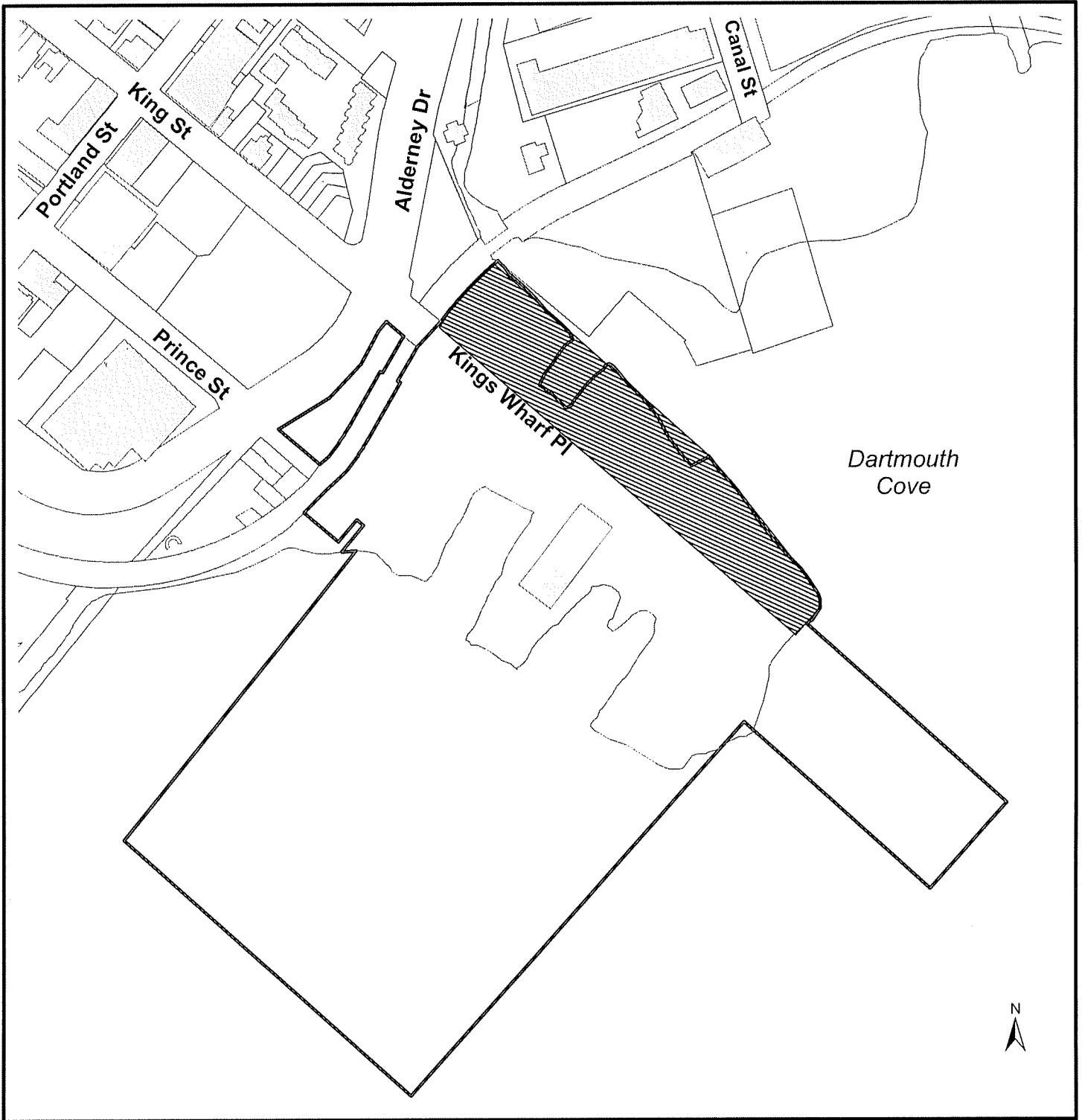
Map 1:	Zoning and Location
Figure 1:	Site Plan
Figure 2:	Building D - Current Approved Front Elevation
Figure 3:	Building D - Proposed Front Elevation
Figure 4:	Building C - Current Approved Front Elevation
Figure 5:	Building C - Proposed Front Elevation
Attachment A:	Proposed Amending Development Agreement
Attachment B:	Excerpts from the Downtown Dartmouth MPS

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Mitch Dickey, Planner, 490-5719



Report Approved by: 
Austin French, Manager of Planning Services, 490-6717


Financial Approval by:
James Cooke, CGA, Director of Finance/CFO, 490-6308



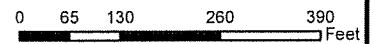
Map 1 - Location

King's Wharf

-  Phase 1 of Development
-  King's Wharf Development

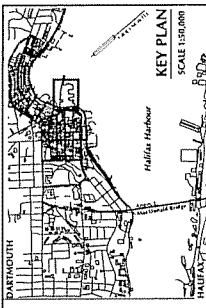
Downtown Dartmouth Plan Area

HALIFAX
 REGIONAL MUNICIPALITY
 PLANNING & INFRASTRUCTURE
 PLANNING SERVICES



This map is an unofficial reproduction of a portion of the zoning Map for the Downtown Dartmouth Plan Areas

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



LEGEND

EXISTING	PROPOSED

Data Source

- Boundary - Alderney Survey 2008
- Topographic - Thompson Can Ltd.
- Architecture - Lydon Lynch, Michael Nagler Architecture

Note:

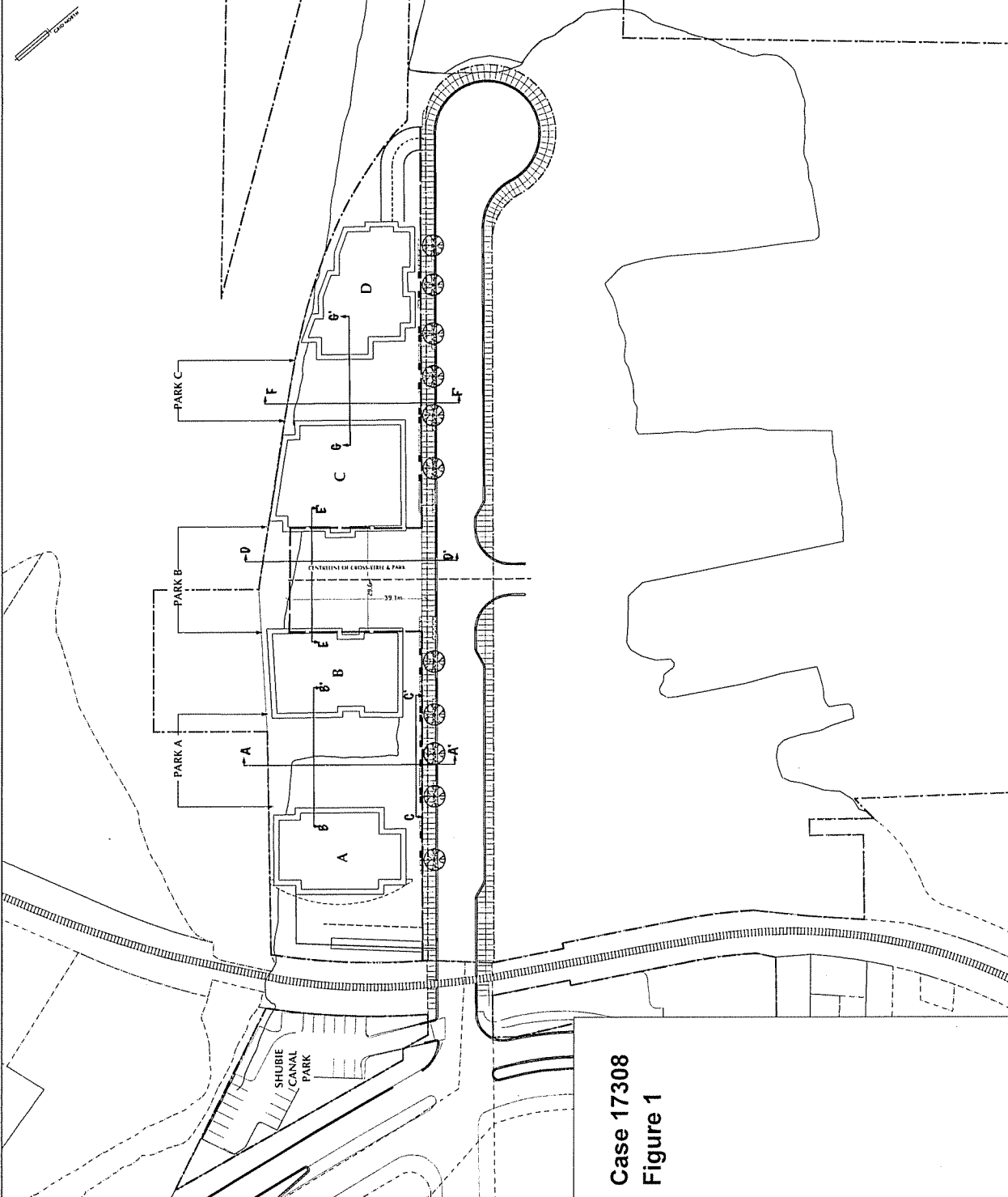
- The design & building practice information indicated represent the approximate locations as provided by Lydon Lynch and M. Nagler.
- Refer to Lydon Lynch and M. Nagler elevations and floor plans for building specific information.
- Refer to SNC Lavalin Phase 1 King Street Extension drawing for road and service specific information.
- No existing vegetation to retain.
- For landscaping details, enlarged views, and cross-sections, see:
 - Sheet L1 - King Street Park A
 - Sheet L2 - King Street Park B
 - Sheet L3 - King Street Park C
 - Sheet L4 - Cross-sectional Views

No.	Date	Description	By
L4	11-10-19	REVISED FOR BUILDING FOOTPRINTS	IMB
L3	09-11-17	REVISED AS PER IRM COMMENTS	IMB
L2	09-11-17	REVISED AS PER IRM COMMENTS	IMB
L1	07-11-14	REVISED AS PER IRM COMMENTS	IMB
L	06-09-04	ISSUED FOR PHASE 1 STAGE 2 DA	IMB
L	22-07-09	FOR DISCUSSION	IMB
L	09-04-13	ISSUED FOR APPROVAL	IMB
			REV 1

**KING'S WHARF DEVELOPMENT
STAGE II DEVELOPMENT AGREEMENT PLAN
PHASE 1**

SCHEDULE "C" SITE PLAN

Title	13/04/09	Version	DC	Project No.	06-279
Name	IMB	Prepared	IMB	Drawn By	
Checked		Approved	IMB	Issue No.	
Quantity		Sheet	51	Issue No.	



**Case 17308
Figure 1**

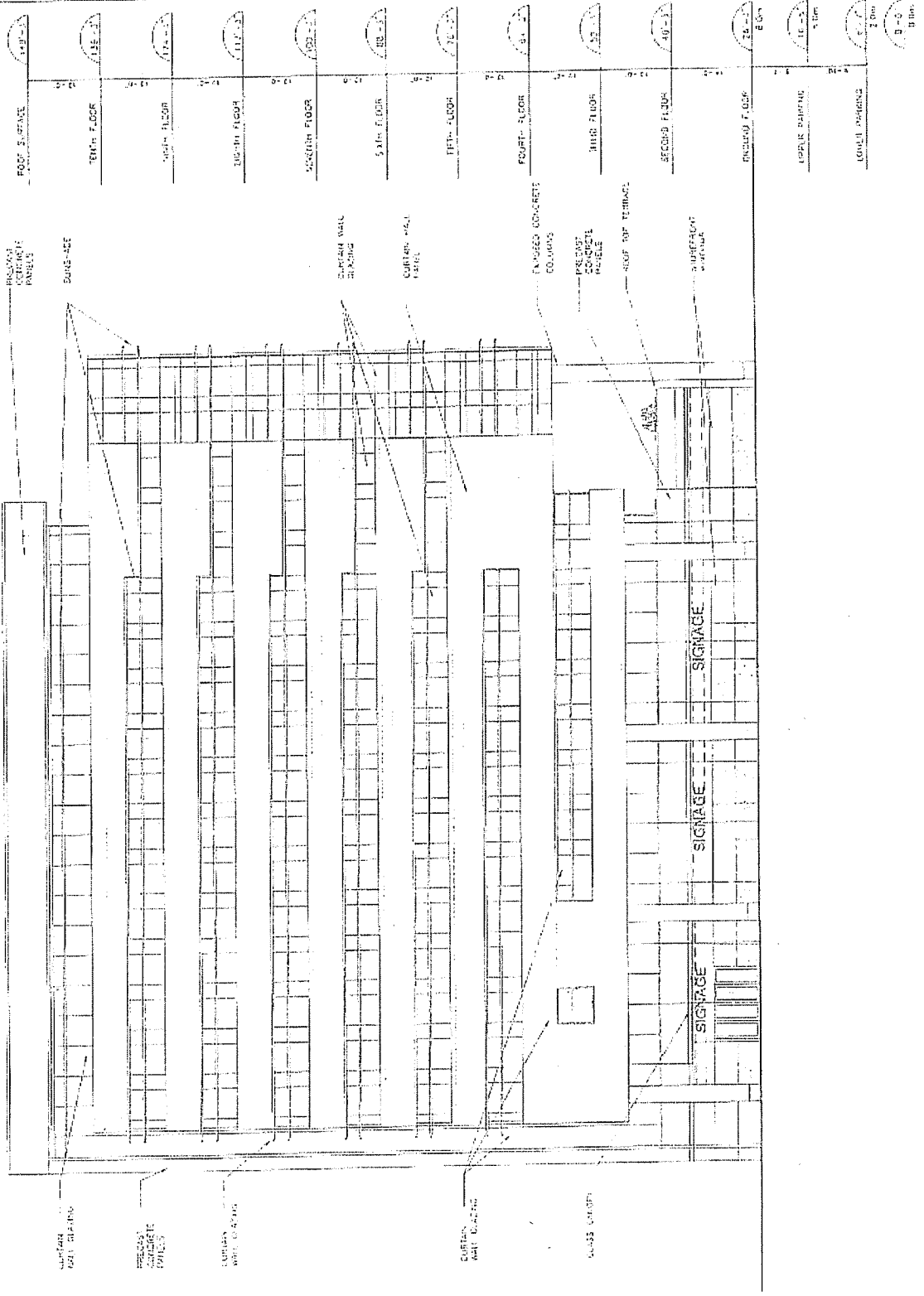
KING'S WHARF

Schedule H1:
Building Elevations
Building D (West)

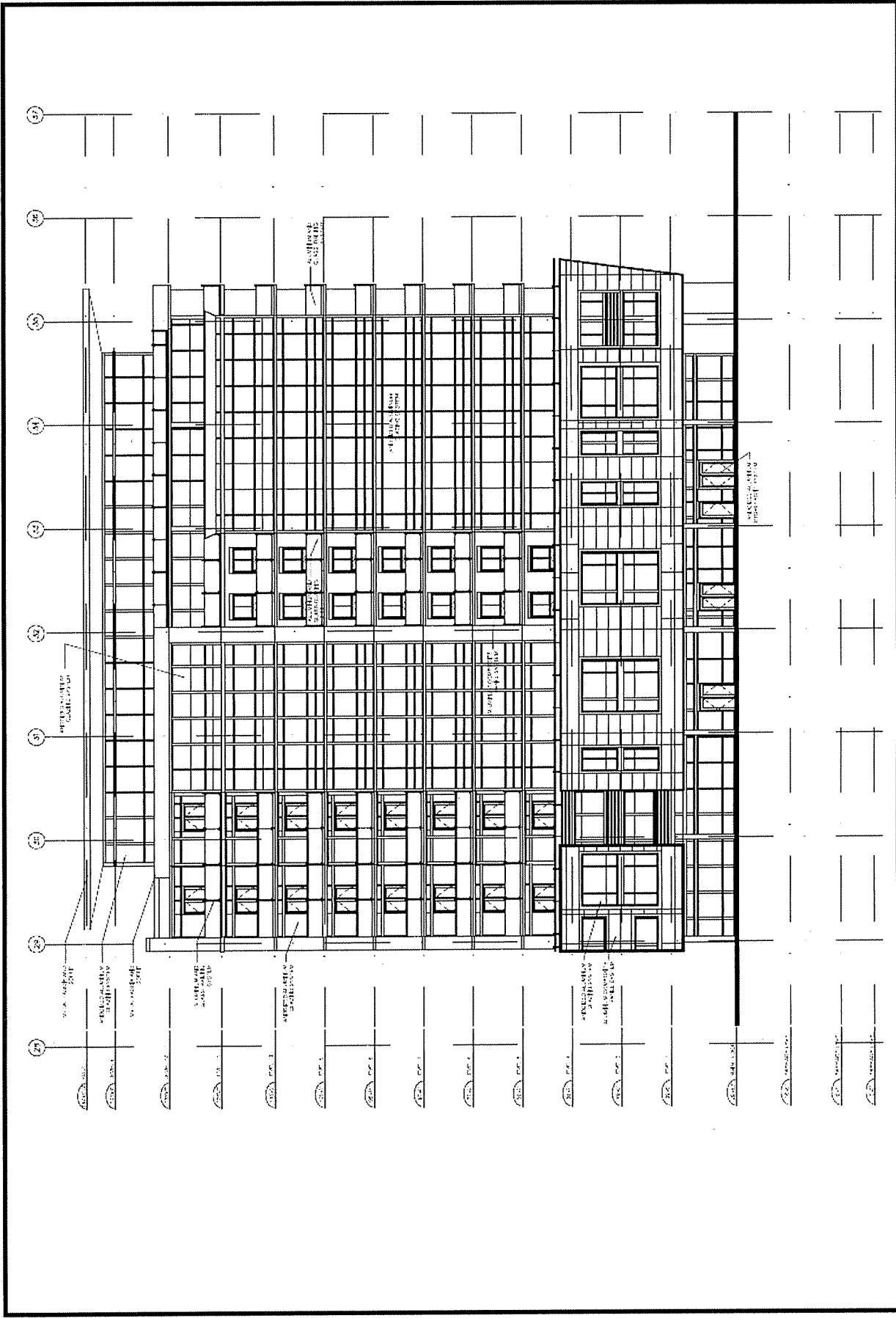
BUILDING D
WEST ELEVATION
KING STREET ELEVATION

SCALE: 1/8" = 1'-0"
APRIL 09, 2009

LYDON LYNCH
ARCHITECTURE



Case 17308
Figure 2



<p>KING'S WHARF BUILDING D LOT 00 124 ALDERNEY DRIVE, DARTMOUTH, NOVA SCOTIA</p>	<p>Figure 3: Building D</p>	<p>IC-H ALL PIER</p>	<p>WEST ELEVATION</p>	<p>DATE SEP 2011</p>																																								
		<p>REVISIONS</p>	<p>SCALE N1S</p>	<p>DRAWING NO. A302</p>																																								
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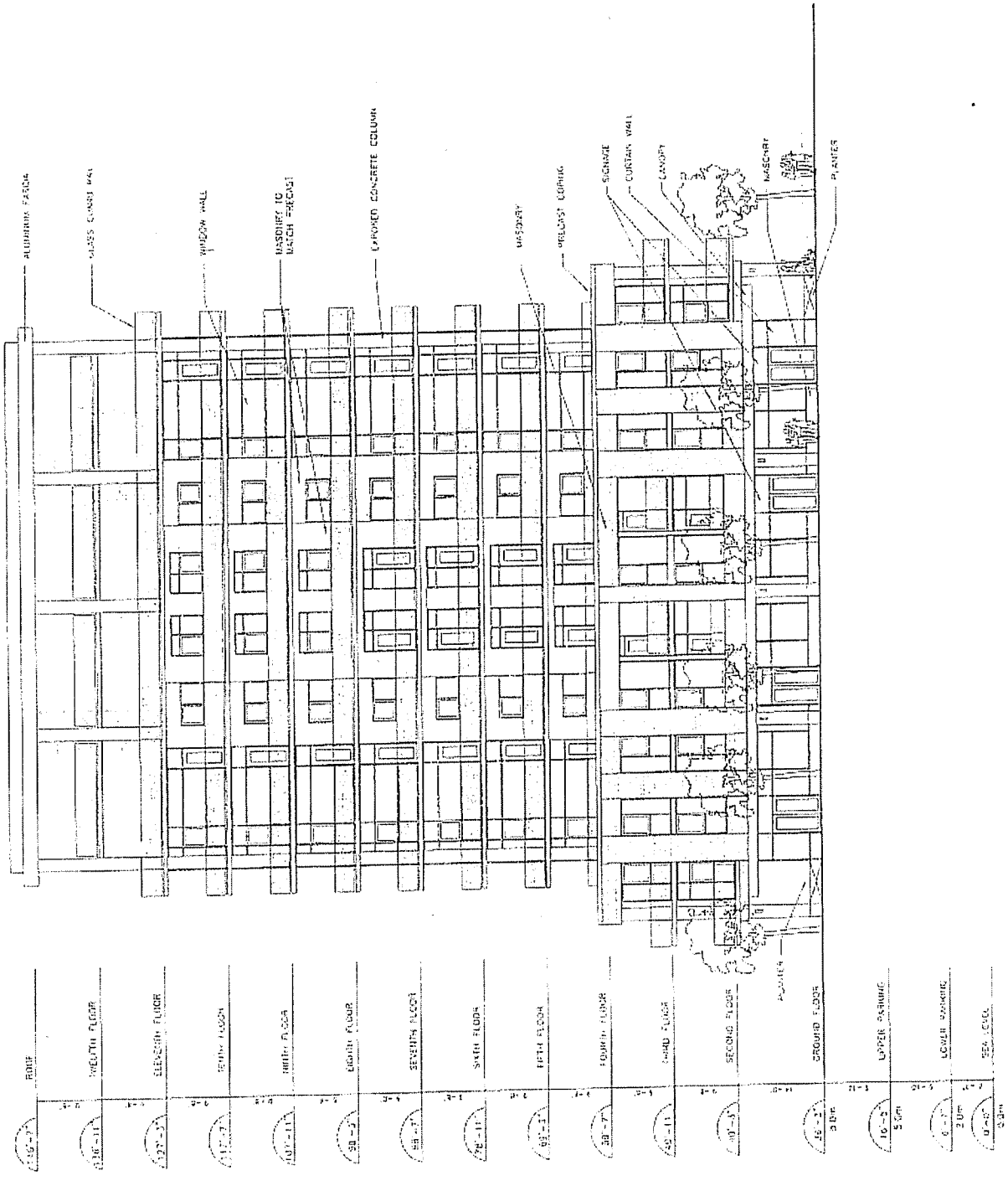
KING'S WHARF

Schedule G1
 Building Elevations
 Building C (West)

BUILDING C
 WEST ELEVATION
 KING STREET ELEVATION
 SCALE 1/4"=1'-0"

REVISED
 AUGUST 10, 2009

LYDON LYNCH
 ARCHITECTURE



Case 17308
 Figure 4

Attachment A: Proposed Development Agreement

THIS AMENDING AGREEMENT made this day of , 2011,

BETWEEN:

(Insert Developer Name)

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 known as King's Wharf located within Dartmouth and which said lands are more particularly described in Schedules A and B hereto (hereinafter called the "Lands");

AND WHEREAS the Harbour East Community Council of the Municipality approved an application by the Developer to enter into a Stage I Development Agreement to allow for a mixed use development on the Lands (Municipal Case Number 00798), which said Development Agreement was registered at the Land Registry Office in Halifax as Document Number 94067684; (hereinafter called the "Stage I Agreement");

AND WHEREAS the Harbour East Community Council of the Municipality approved an application by the Developer for a non-substantive amendment to the Stage I Agreement that revised the phasing plan and schedule for development of the Lands (Municipal Case Number 01335), which said Development Agreement was registered at the Land Registry Office in Halifax as Document Number 95113008; (hereinafter called the "Stage I Amending Agreement");

AND WHEREAS the Harbour East Community Council of the Municipality approved an application by the Developer to enter into a Stage II Development Agreement to allow for a

mixed use development on the Lands (Municipal Case Number 01355), which said Development Agreement was registered at the Land Registry Office in Halifax as Document Number 95534534, (hereinafter called the "Stage II Agreement")

AND WHEREAS the Developer has requested non-substantive amendments to the Stage II Agreement in order to revise the distribution of land uses for Buildings A, B, C and D, and to alter the exterior design of Buildings C and D; pursuant to the provisions of the HRM Charter;

AND WHEREAS the Harbour East Community Council for the Municipality approved this request at a meeting held on [INSERT-Date], referenced as Municipal Case Number 17308 (hereinafter called the Stage II Amending Agreement);

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

1. Applicability of Agreement

Except where specifically varied by this Stage II Amending Agreement, all other terms, conditions and provisions of the Stage I Agreement, Stage I Amending Agreement and Stage II Agreement shall remain in effect.

2. Use of Lands, Subdivision and Development Provisions

2.1 The Stage II Agreement is hereby amended as follows:

- (a) In Section 3.3 (a) the words "contains no more than 92 residential units and does" are deleted and replaced by the word "shall";
- (b) In Section 3.3 (b) the words "contains no more than 79 residential units and does" are deleted and replaced by the word "shall";
- (c) In Section 3.3 (c) the words "contains no more than 80 residential units and does" are deleted and replaced by the word "shall";
- (d) In Section 3.3 (d) the words "an office building" are deleted and replaced by the words "a multi-unit residential building";
- (e) The following new subsection is added to Section 3.3:

"(da) Additional commercial space shall be permitted on the second and third floors of Buildings A, B, and D, and on floors two through five of Building C, for those commercial uses permitted by the Downtown Business Zone of the Downtown Dartmouth Land Use Bylaw. Modifications to the building elevations, specifically the addition or removal of balconies, for those specific floors, shall be permitted in order to accommodate the alternate use."

- (f) In Section 3.5.5, subsections (a) through (c) inclusive are deleted and replaced by:
- “(a) The total maximum allowable number of residential units in Buildings A, B, C and D shall be limited to 300, until a second access to the Lands has been constructed.
- (b) The overall number of dwelling units to be built shall provide a mix of unit types as follows:
- (i) At least 12% of units shall contain 3 bedrooms;
 - (ii) At least 42% of units shall have 2 bedrooms or 2 bedrooms plus den;
 - (iii) Up to 38% of units may have 1 bedroom or 1 bedroom plus den;
 - (iv) Not more than 8% of units shall be studio units.
- (c) Notwithstanding (b), the distribution of unit types may be varied by up to 10% of the number of units required by the stated ratios. (d) Notwithstanding (b) and (c), Building C shall contain a minimum of six 3-bedroom units and twenty one 2-bedroom units, and Building D shall contain a minimum of ten 3-bedroom units and thirty 2-bedroom units.”
- (d) Notwithstanding (b) and (c), Building C shall contain a minimum of six 3-bedroom units and twenty one 2-bedroom units, and Building D shall contain a minimum of ten 3-bedroom units and thirty 2-bedroom units.”
- (g) Sections 3.5.6 and 3.5.7 are deleted.
- (h) In Section 3.6.1 the words “and the underground parking plan included with this Stage II Agreement as Schedule D” are deleted.
- (i) In Section 3.6.3 the words “which are intended to be complimentary and frame the entrance to Park B in a symmetrical manner” are deleted.
- (j) In Section 3.6.4, the number “112,000” is replaced by “118,000”.
- (k) The following new subsection is added to Section 3.7:
- “3.7.5 Public art shall be included on the north elevation of Building D, in conformance with the general location and the minimum size as shown on Schedule E3 of the Stage II Amending Agreement”.
- (l) In Section 3.8.1, the words “and vehicular and bicycle parking areas” are deleted, and the words “Schedules C and D” are replaced by “Schedule C1”.

- (m) In Section 3.10.2, both occurrences of “Buildings A, B and C” are replaced by “Buildings A, B, C and D”
- (n) Schedule C, Site Plan, of the Stage II Agreement is replaced with the revised plan attached to this Stage II Amending Agreement as Schedule C1.
- (o) Schedule D, Underground Parking Plan, of the Stage II Agreement is deleted.
- (p) Schedules G1 to G4 (Building Elevations – Building C), of the Stage II Agreement are deleted, and replaced with the revised drawings attached to this Stage II Amending Agreement as Schedules D1-1 to D1-4.
- (q) Schedules H1 to H4 (Building Elevations – Building D), of the Stage II Agreement are deleted, and replaced with the revised drawings attached to this Stage II Amending Agreement as Schedules E1-1 to E1-4.

3. Schedules

The Developer shall develop the Lands in a manner which, in the opinion of the Development Officer, is in conformance with the following schedules attached to this Stage II Amending Agreement:

Schedule A1	Legal Description of the Primary Lands
Schedule B1	Legal Description of the Secondary Lands
Schedule C1	Site Plan
Schedules D1-1 to D1-4	Building Elevations – Building C
Schedules E1-1 to E1-4	Building Elevations – Building D

WITNESS that this Stage II Amending Agreement, made in triplicate, was properly executed by the respective Parties on this _____ day of _____, 2011.

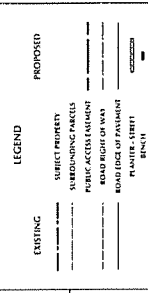
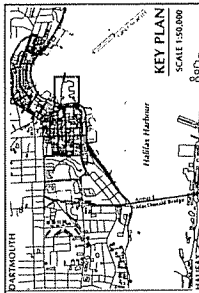
SIGNED, SEALED AND DELIVERED) (Insert Registered Owner Name)
in the presence of)
per _____) per: _____

)
)
per _____) per: _____

SEALED, DELIVERED AND)
ATTESTED to by the proper)
signing officers of Halifax Regional)
Municipality duly authorized)
in that behalf in the presence) HALIFAX REGIONAL MUNICIPALITY

)
per _____) per: _____
) MAYOR

)
per _____) per: _____
) MUNICIPAL CLERK



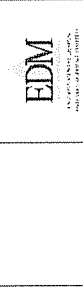
DATA SOURCES

- Boundary - Alderney Survey 1/2008
- Topographic - Subject Property - Thompson Con Ltd.
- Architectural - Lydon Lynch, Michael Napier Architect

NOTES

1. Refer to Schedule C1 for detailed information on the site and surrounding area.
2. Refer to Lydon Lynch and Michael Napier elevation and floor plans for building specific information.
3. Refer to SNC Level 1 King Street Extension drawing for road and service specific information.
4. No existing vegetation to retain.
5. For landscaping details, enlarged views, and cross-sections, see:
 - Sheet L1 - King Street Park A
 - Sheet L2 - King Street Park B
 - Sheet L3 - King Street Park C
 - Sheet L4 - Conceptual Views

NO.	DATE	DESCRIPTION	BY	CHKD.
1	11/12/17	REVISED FOR BUILDING FOOTPRINTS	MB	MB
2	11/12/17	REVISED FOR BUILDING FOOTPRINTS	MB	MB
3	11/12/17	REVISED AS PER HBM COMMENTS	MB	MB
4	11/12/17	REVISED AS PER HBM COMMENTS	MB	MB
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**KING'S WHARF DEVELOPMENT
STAGE II DEVELOPMENT AGREEMENT PLAN
PHASE 1**

SCHEDULE "C" SITE PLAN

Project No.	DC	Drawn By	DC
Scale	1:50,000	Checked By	MB
Project Name	King's Wharf Development	Approved By	MB
Sheet No.	51	Scale	1:50,000

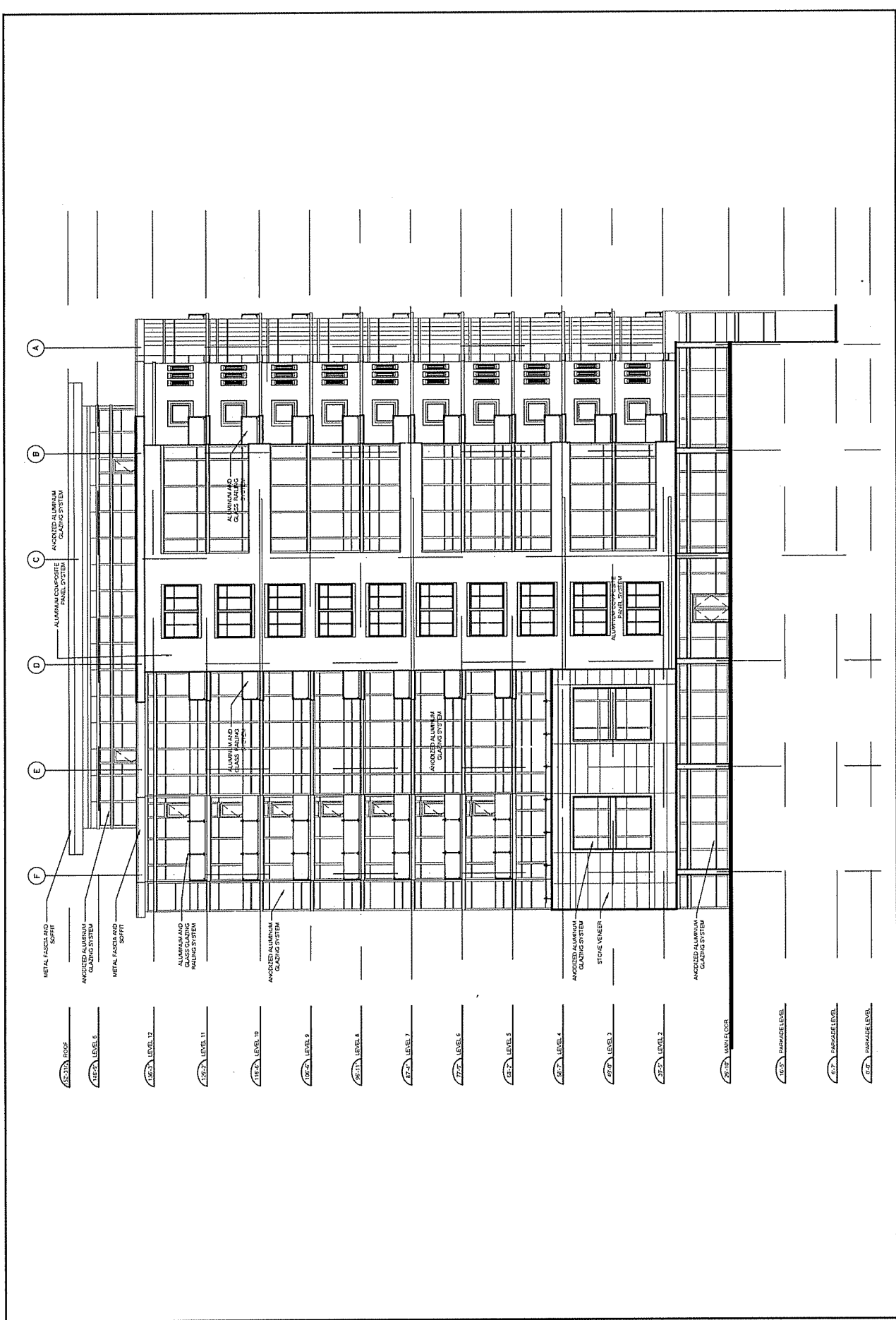
**Schedule C1
Site Plan**



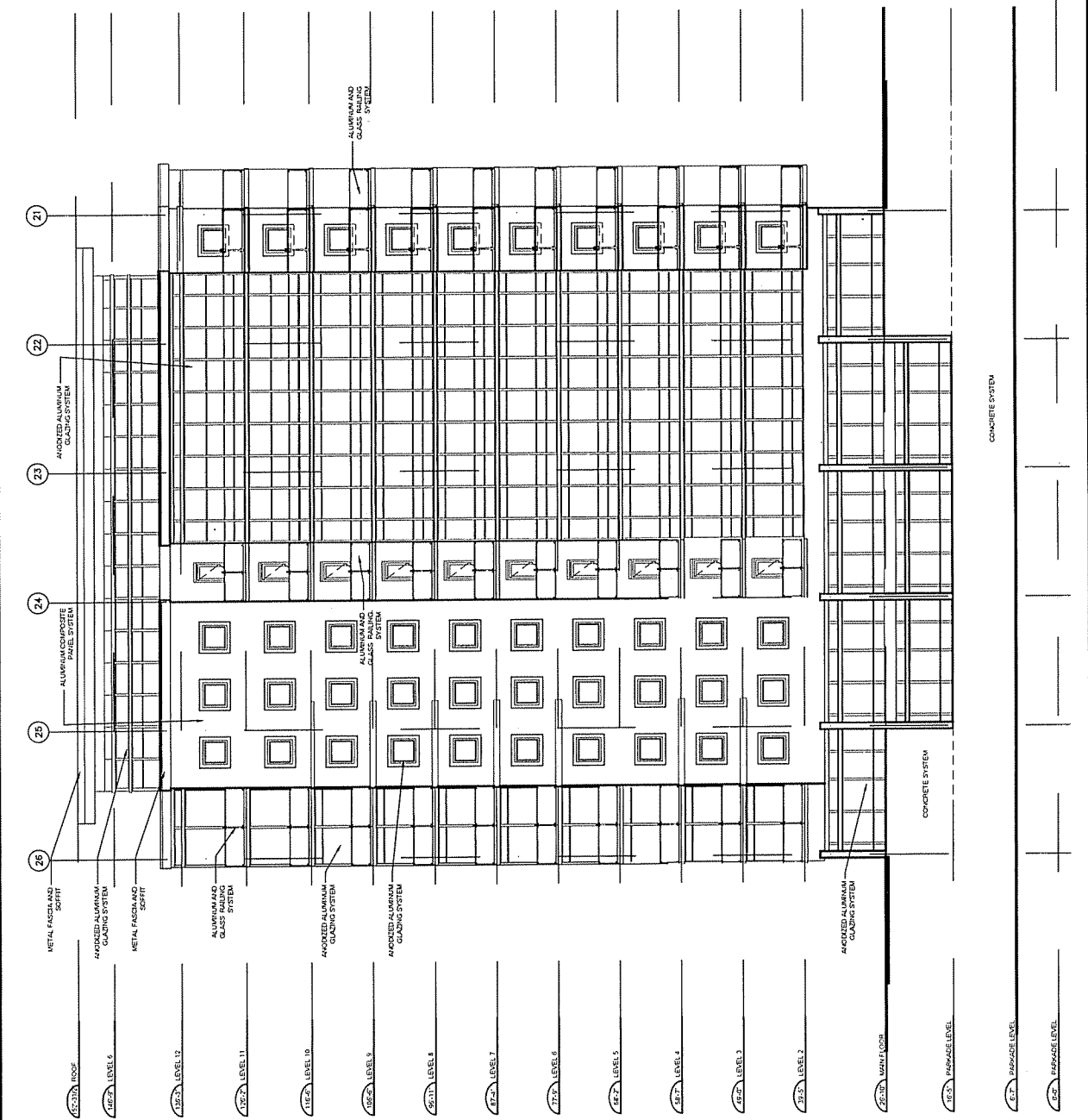
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NORTH ELEVATION		SEP 2011
SCALE		DRAWING NO.
NTS		A301
REVISIONS		
NO.	REVISION NAME	DATE

MICHAEL
APIER
ARCHITECTURE

Schedule D1-1: Building Elevations - Building C



MICHAEL PIER ARCHITECTURE		DRAWING	SOUTH ELEVATION	DATE	SEP 2011
KING'S WHARF BUILDING C LOT 00 124 ALDERNEY DRIVE, DARTMOUTH, NOVA SCOTIA		NO.	SCALE	DRAWING NO.	A302
REVISIONS		SCALE		NTS	
NO.	REVISION	SCALE		NTS	



DATE SEP 2011
DRAWING NO. A303

DRAWING EAST ELEVATION
SCALE NTS

NO.	REVISIONS	DATE	DRAWN

MZ ARCHITECTURE
MICHAEL A PIER

KING'S WHARF BUILDING C
Schedule D1-3: Building Elevations - Building C
124 ALDERNEY DRIVE,
DARTMOUTH, NOVA SCOTIA

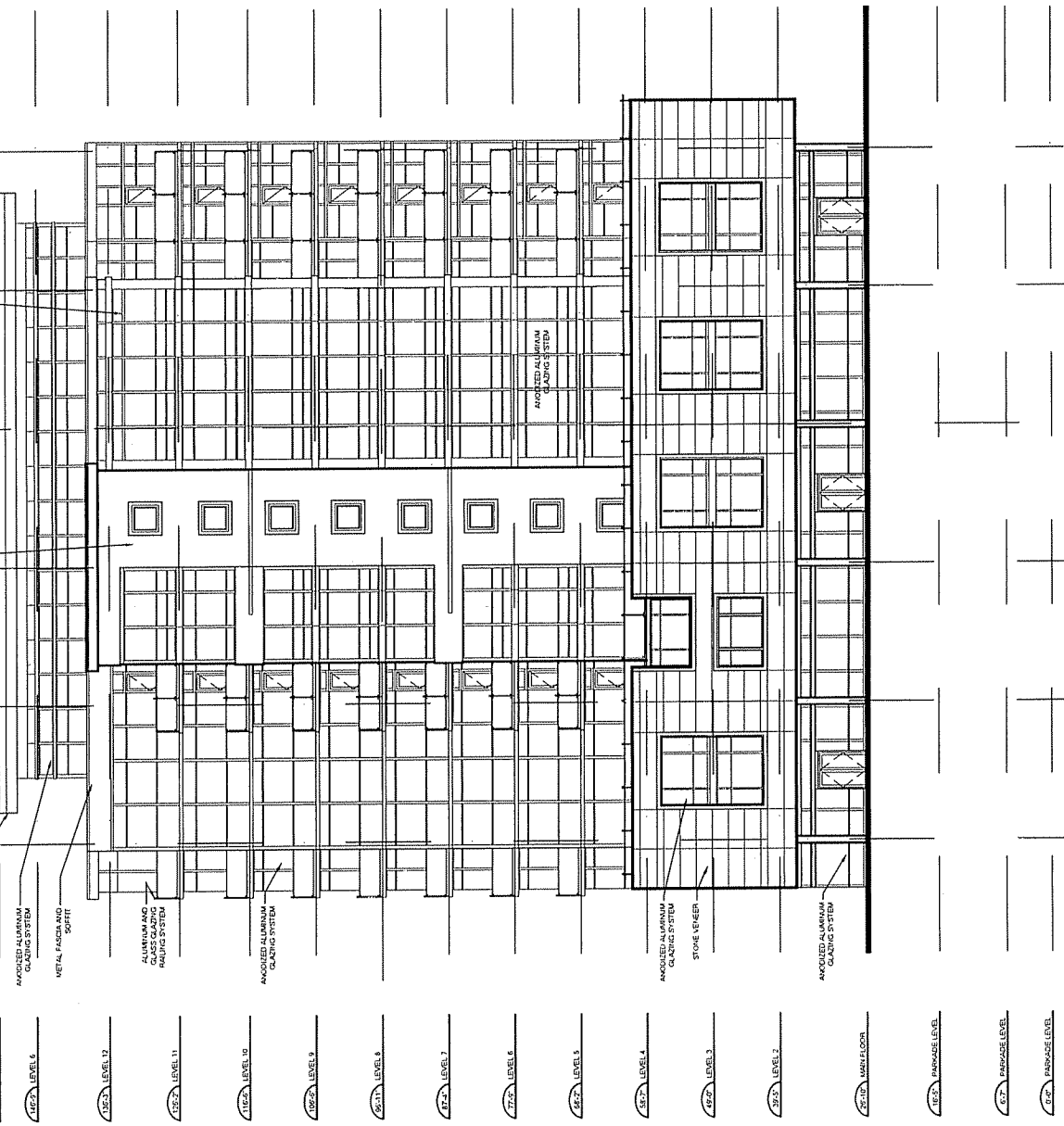
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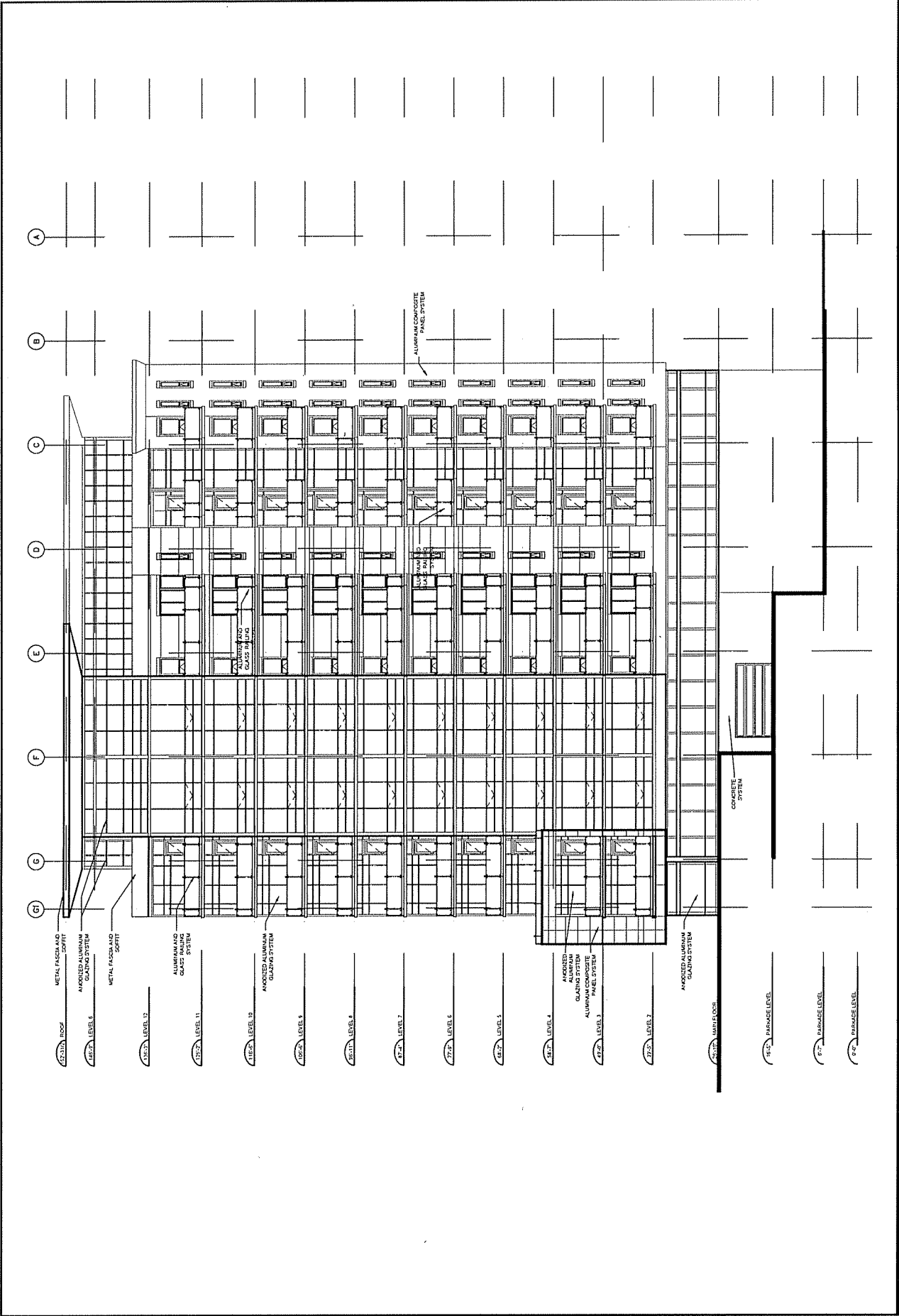


KING'S WHARF BUILDING C
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 LOT 00
 124 ALDERNEY DRIVE, Schedule D: Building C
 DARTMOUTH, NOVA SCOTIA

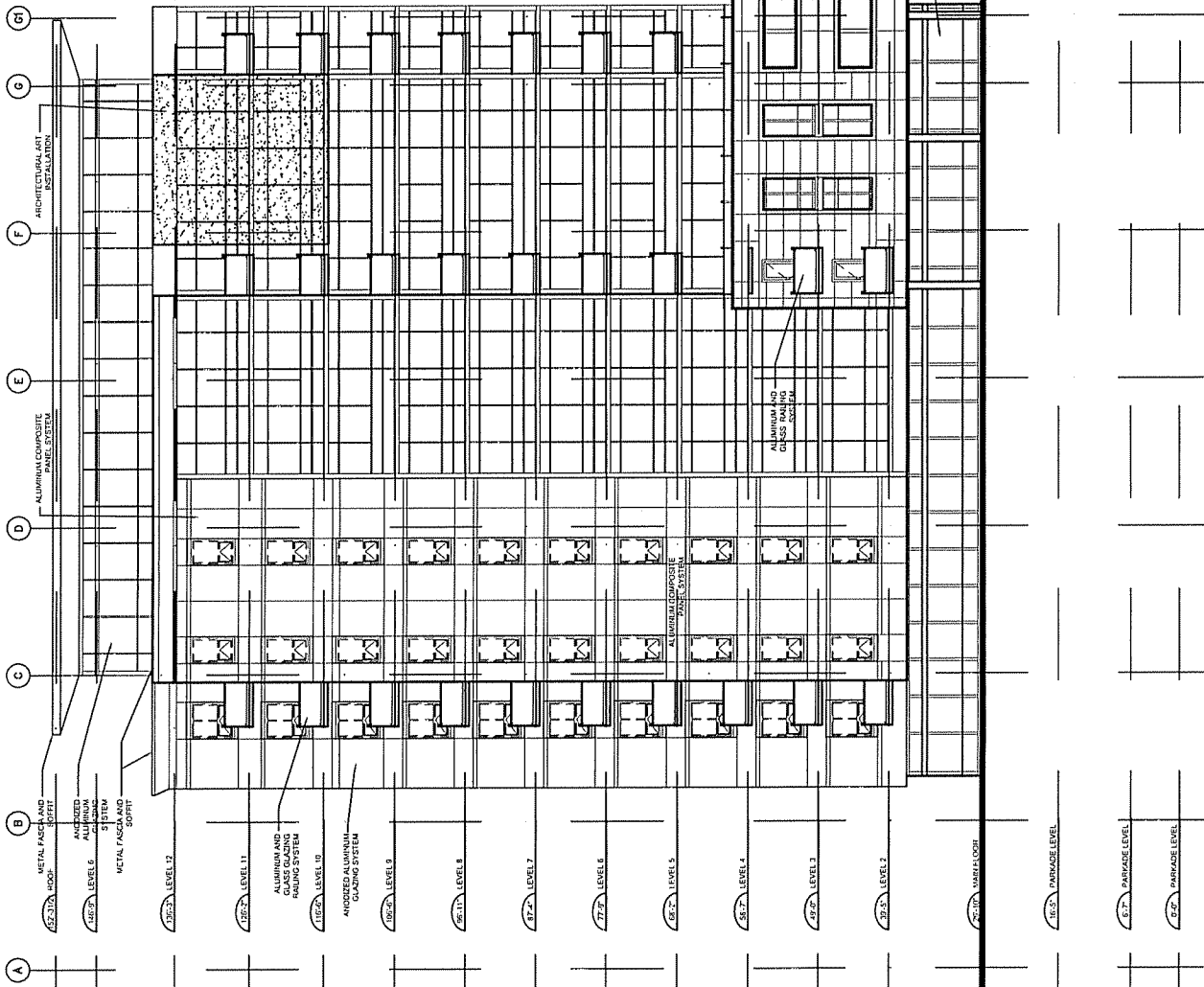
MBA MICHAEL BAKER CORPORATION

NO	REVISION/NAME	DATE

DATE SEP 2011
 DRAWING WEST ELEVATION
 SCALE NTS
 DRAWING NO. A304



DRAWING		DATE	
SOUTH ELEVATION		SEP 2011	
SCALE		DRAWING NO.	
NTS		A301	
REVISIONS		DRAWN	
NO.	REVISION/NAME	DATE	BY
 MICHAEL A. PIER ARCHITECTURE			
Schedule E1-1: Building Elevations - Building D			

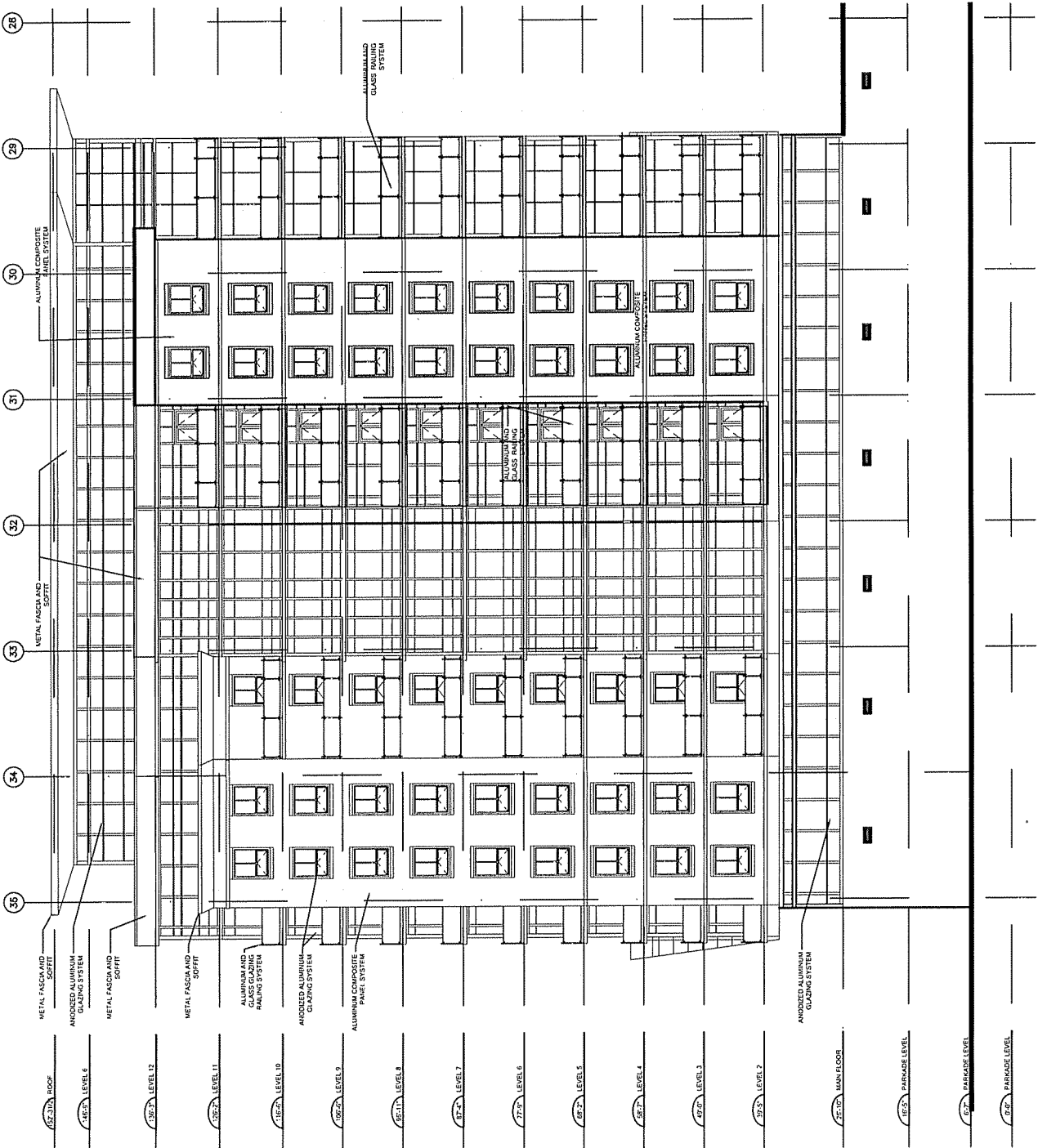


REVISIONS		DRAWING		DATE	
NO.	REVISION NAME	DATE	SCALE	DRAWING NO.	DATE

**MICHAEL
APIER**
 ARCHITECTURE

KING'S WHARF BUILDING D
 Schedule E1-3: Building Elevations - Building D
 LOT 00
 124 ALDERNEY DRIVE
 DARTMOUTH, NOVA SCOTIA

NORTH ELEVATION
 SCALE: NTS
 DATE: SEP 2011
 DRAWING NO: A303



KING'S WHARF BUILDING D
 LOT 00
 Schedule E1-4: Building Elevations - Building D
 124 ALDERNEY DRIVE,
 DARTMOUTH, NOVA SCOTIA

**MICHAEL
 APIER
 ARCHITECTURE**

REVISIONS		DATE
NO.	REVISION NAME	

DRAWING: EAST ELEVATION
 SCALE: NTS
 DATE: SEP 2011
 DRAWING NO.: A304

Attachment B
Excerpts from the Downtown Dartmouth MPS

Notwithstanding policies W-8 and W-9, HRM may consider permitting a mixed use development on the former Dartmouth Marine Slips property (identified as PID Nos. 00130286, 00130419, 00130278, 41164286 and 40943730) by approval of a two-stage development agreement.

The Stage I development agreement shall generally show the concept of the proposal including the land uses, site plan, access and street layout, servicing capability, parks and open space, and phasing of the development. Notwithstanding the development agreement criteria of Policy W-9A, the stage I agreement shall establish further specific requirements of any Stage II development agreement. Council shall hold a public hearing prior to the approval of the Stage I development agreement.

Stage II development agreements shall be generally consistent with the intent of the Stage I development agreement, through the provision of fine grain details of a phase under the Stage I development agreement. Stage II development agreements shall be approved by a resolution of Council.

Any development agreement application shall conform with the following criteria:

1. The development shall consist of a mix of land uses (residential, commercial, office, institutional, and park and open space uses) with residential land uses that contain a mix of unit types being the primary land use.
2. Residential proposals should incorporate adequate soundproofing measures to buffer residents from nearby waterfront events and activities.
3. A high quality of urban design is encouraged and adequate consideration is given to Policy W-9B.
 - a) Special consideration should be given to building materials in proximity to the water's edge.
 - b) The proposal should impart a sense of history to the area and contribute to the area's evolving history.
 - c) Proposals should respect that the waterfront is a pedestrian precinct. Wherever possible, buildings should be designed to create public spaces, and appropriate consideration should be given to weather protection for pedestrians.
4. Visual access to the harbour shall be provided through the incorporation of street corridor views leading to the water and through the use of urban design features. The height of any

proposed building should respect the viewplanes from the Dartmouth Common as shown on Map 7.

5. The Development should address public accessibility the water's edge.
6. Special consideration shall be given to parking to ensure that proposals are designed with pedestrian orientation in mind rather than cars. Where parking is needed it should be situated below finished grade or enclosed within the core of a building with other uses wrapping the core to render the parking invisible. Surface parking is strongly discouraged, but when deemed absolutely necessary surface parking areas are to be strictly limited in size and duration.
7. An internal street may be needed to provide emergency and delivery access to the development. Alternative street design standards should be considered for any new streets which are in keeping with the historical grid and pedestrian character of the downtown.
8. The Development shall minimize the amount of infilling that occurs on the water lots to ensure the character of Dartmouth Cove is not significantly altered.

Policy W-9B

Notwithstanding Policy D-1, HRM should ensure that a high quality of urban design is provided for the development. To achieve this objective Council shall adopt the following design guidelines for the former Dartmouth Marine Slips property:

- a) The traditional street grid pattern and grain of development of Downtown Dartmouth should be maintained and re-established in the new development;
- b) Microclimate issues such as wind, solar orientation, and shadowing should be considered, with positive impacts capitalized upon, and negative impacts minimized.
- c) Pedestrian street level activity shall be encouraged in all development through the incorporation of outdoor cafes, ground floor uses, and uses that are open beyond daytime hours of operation. Consideration should be given to weather protection for pedestrians through use of decorative canopies and awnings.
- d) Proposals should respect that the waterfront is primarily a pedestrian precinct, and pedestrian circulation should be an important consideration of all development. Buildings should be designed to create attractive and functional public spaces and pedestrian routes. Active ground level uses shall be encouraged adjacent to public access points and public open spaces.
- e) Public art should be provided on or adjacent to buildings throughout any proposed development, commensurate with HRM 's Cultural Plan.
- f) Important views from parks and streets should be respected in the design and configuration of development, especially harbour and street corridor views as shown on "Map 7 Public Views."

- g) A high quality of design should be required for streetscape elements and furniture.
- h) Public safety should be a consideration in the design of new buildings and public spaces to ensure the design of public spaces does not create opportunities for crime at any time, with special attention paid to placement and intensity of lighting, visibility, directional signage, and land uses which will provide opportunities for eyes on the street through incorporation of residential development and street level activity after normal working hours.
- i) A high level of refinement in the architectural details shall be provided to provide visual interest, both in the upper stories, and in particular at pedestrian level.
- j) The water's edge should be designed for unrestricted public access by either public ownership and/or perpetual easement. (RC-Jul 8/08; E-Jul 26/08)