

PO Box 1749 Halifax, Nova Scotia B3J 3A5 Canada

MEMORANDUM

TO: Chair and Members of North West Planning Advisory Committee

FROM: Andrew Bone, Senior Planner

DATE: September 19, 2013

SUBJECT: <u>Case No. 18721</u> - Application by WM Fares Group, on behalf of Armani Developments Limited, to amend the existing development agreement for 827 Bedford Highway, Bedford, a mixed use commercial and residential building, to enable an approximately 2,800 square feet of additional commercial space and to reconfigure the permitted vehicle access points and parking.

Background:

North West Community Council previously approved (September 2010 – Case 01250) a development agreement for 827 Bedford Highway. The approved agreement enabled a mixed use (commercial and residential) building. The agreement enables 20,000 square feet of commercial and office space plus 5 residential units. The building is permitted to be three storeys plus underground parking. Construction has commenced on the building.

After construction commenced, it was discovered that due to ground (geotechnical) conditions, the developer would have to excavate to a greater depth than originally expected. As a result, the developer had two options, bring in a large amount of fill to create a new base for the development or pour the footings at a deeper elevation and create additional underground parking or basement space. The developer chose the latter and because the change did not affect the way the building sat on the property. The Development Officer was able to allow construction of the building to continue however, in order to actually use the additional underground space for parking, an amendment to the existing development agreement would be required.

As a result of the above change, the number of underground parking spaces could increase and the need for above ground parking would decrease. In addition, the need for less above ground parking allows the ability for the developer to request for a greater amount of commercial space on the ground floor as a breezeway in the centre portion of the building could be converted from parking to a retail space. Proposed changes to the development agreement such as these are considered substantive in nature and thus require a development agreement amendment process which includes a public hearing. Exact details of the developer's request can be found below.

Request:

WM Fares Group, on behalf of the owner of the property, Armani Developments Limited, has made application to amend the existing development agreement to:

- Reduce the number of above ground parking spaces from 25 to 10.
- Decrease the number of driveway access points from 2 to 1.
- Increase commercial space on the ground floor by 3799 square feet in an area previously used as a breezeway and parking.

The following information is intended to support your review of the request. Staff will be present at Committee meeting to present this information, add additional information and answer any questions you may have.

Letter from WM Fares Group Existing Plan Package – Site Plan, Floor Plans and Elevations Proposed Plan Package – Site Plan, Floor Plans and Elevations

Planning Policy

Relevant planning policy for the site is attached for your reference. Policy C-7 and C-8 are the primary enabling policies.

Process to Date

Staff have opened the above noted application and are in the process of scheduling a public information meeting to introduce the proposal to the public and receive feedback.

Input Sought from Committee:

Feedback is sought in relation to the proposed amendments for the reconfigured access points and parking and additional commercial space. NWPAC's recommendations will be included in the staff report to Community and Regional Council.

Relevant Bedford MPSPolicy

Location of Commercial Uses

Policy C-1:

It shall be the intention of Town Council to consider proposals for commercial development in areas designated Commercial, Mainstreet Commercial, and Commercial Comprehensive Development District on the Generalized Future Land Use Map provided that all applicable policies of this strategy are met.

Types of Commercial Uses

Policy C-3:

It shall be the intention of Town Council to encourage a range of commercial uses sufficient to serve community needs within the Town and surrounding areas through provisions in the Land Use By-law to create the following zones:

- General Business District Zone (CGB) which permits general business uses including, but not limited to, office buildings, retail shops, restaurants, commercial accommodations, drinking establishments, institutional uses [excluding cemeteries], and recycling depots;
- Shopping Centre Zone (CSC) which permits uses including but not limited to shopping centres, retail outlets, restaurants, drinking establishments, CGB Zone uses and recycling depots;
- Highway Oriented Commercial Zone (CHWY) which permits highway oriented uses including, but not limited to, service stations, drive-in/take-out restaurants, commercial accommodations, auto sales and service, and recycling depots;
- Commercial Comprehensive Development District Zone (CCDD) which permits mixed use projects including, but not limited to, single and two unit dwellings, townhouses, multiple-unit buildings, office buildings, neighbourhood commercial uses, CGB Zone uses, convention facilities, and recycling depots.
- Mainstreet Commercial Zone (CMC) which permits small scale, pedestrian oriented uses including, but not limited to, general retail stores, business and professional offices, personal and household service shops, financial institutions, full service restaurants, pubs, lounges, and recycling depots.

Commercial Comprehensive Development Districts

Policy C-7:

It shall be the intention of Town Council to designate the lands shown on Map 3 as Commercial Comprehensive Development Districts, and in the Land Use By-Law the lands shall be zoned Commercial Comprehensive Development District (CCDD). The CCDD Zone will permit mixed use, residential/ commercial projects, including single unit dwellings, two unit dwellings, multiple-unit buildings, senior residential complexes, neighbourhood commercial, office buildings, CGB Zone uses, convention facilities, recycling depots, park uses, and institutional uses. Existing uses within the CCDD Zones shall be considered as permitted uses and be allowed to continue operation.

It shall be the intention of Town Council to require development of commercial uses on 50% of each CCDD site and further, that multiple unit buildings not be permitted to occupy more than 25% of a CCDD site. Multiple unit buildings shall be constructed in accordance with the RMU zone requirements. Maximum building height may be increased to four stories in the case of sloped lots where the building is designed to fit the natural topography of the site. Lot area requirements shall be calculated on the basis of 2000 square feet per unit, regardless the unit size. Lot area associated with each building may be reduced in size to increase the common open space. The architectural, landscaping, and streetscape considerations for multiple unit buildings

within the RCDD zone, as articulated in Policies R-12A, R-12B and R-12C, shall apply to multiple unit developments within the CCDD zone.

Policy C-8:

It shall be the intention of Town Council to enter into Development Agreements pursuant to the <u>Planning Act</u> with the owners of the lands zoned Commercial Comprehensive Development District to carry out the proposed commercial and mixed use commercial/residential development(s) provided that all applicable policies of this document are met. In considering applications Council shall have regard to whether the proposed land use emphasizes the unique features of the site in terms of its location within the Town, its unique physical characteristics, its overall size and the relationship developed with adjoining existing or proposed uses. A special emphasis on the conservation of the natural environment including features such as watercourses, lakes, trees, and the natural topography shall be highlighted in the development proposal.

Policy C-9:

It shall be the intention of Town Council to consider discharging the agreements made pursuant to Policy C-8 upon the completion of the development. Council may thereafter zone the CCDD in such a manner as to be consistent with the development, by creating a specific zone for the site which incorporates the uses provided for in the development agreement as well as provisions consistent with Sections 53 and 54 of the <u>Planning Act</u>.

Policy C-13:

It shall be the intention of Town Council to enter into a Development Agreement with the owners of the Travellers' Motel, Esquire Motel and Clearwater Lobster Limited properties to permit CCDD development when municipal services become available. In recognition of the site's unique position at the entrance to the Town overlooking the Bedford Basin, an agreement if entered into shall specify that two thirty foot wide separations are to be provided between the buildings on either side of the entrance road to the waterfront project to provide views from the highway and from the existing homes above the site. Buildings are to be set back 60 feet on either side of the entrance road to the waterfront project to provide a view. As well, the maximum building height is to be 75 feet.

Protection of Watercourses

Policy E-3:

It shall be the intention of Town Council to encourage the use of innovative storm water management systems which reduce the impact of urban development on the environment. Such systems include incorporation of stormwater retention/detention ponds into the storm sewer system, use of velocity breaks and drop manholes on storm sewers which discharge to watercourses, use of open ditch drainage systems where appropriate, and directing roof drains to the surface rather than connecting directly to the storm sewer system where appropriate. Storm sewer systems are to avoid the direct discharge of stormwater into water bodies where possible.

Policy E-6:

It shall be the intention of Town Council to request that the Bedford Waters Advisory Committee provide a written comment on developments being undertaken by a development agreement pursuant to Policy E-4 and *E*-8 prior to a recommendation being made by the Bedford Planning Advisory Committee.

Policy E-8:

In areas where Industrial ILI or IHI Zones, Institutional Zones (RC-Mar 18/03;E-May10/03), or Commercial Zones abut a watercourse or water retention area identified on the map showing environmentally sensitive areas in the Town, Town Council shall prohibit the erection of any structure, or the excavation or filling in of land within 100 feet of the watercourse or water retention area. This 100 ft. area shall be maintained with existing vegetation or landscaped. A reduction in the buffer from 100' to 50' may be considered by Town Council by a development agreement, where it is demonstrated that a property can not be reasonably developed by complying with the 100 foot setback and site disturbance provisions. A development agreement shall be subject to the provisions of Policy Z-3, and the undertaking of an environmental study which addresses the issues of runoff, erosion, siltation and any other impacts on the watercourse during and after construction. The development agreement shall outline the specific measures to be used to ensure a no net loss in the effectiveness of the natural 100' buffer in terms of protecting the watercourse. The setback and site disturbance provisions of this policy are applicable also to commercial uses in an RCDD zone and multiple unit dwellings in all zones. Single unit dwellings, two unit dwellings and townhouses in all zones are subject to the setback provisions of Policy E-4. Policy E-8 shall not apply to properties abutting the Bedford Basin.

Policy Z-3:

It shall be the policy of Town Council when considering zoning amendments and development agreements [excluding the WFCDD area] with the advice of the Planning Department, to have regard for all other relevant criteria as set out in various policies of this plan as well as the following matters:

- 1. That the proposal is in conformance with the intent of this Plan and with the requirements of all other Town By-laws and regulations, and where applicable, Policy R-16 is specifically met;
- 2. That the proposal is compatible with adjacent uses and the existing development form in the neighbourhood in terms of the use, bulk, and scale of the proposal;
- 3. That provisions are made for buffers and/or separations to reduce the impact of the proposed development where incompatibilities with adjacent uses are anticipated;
- 4. That provisions are made for safe access to the project with minimal impact on the adjacent street network;
- 5. That a written analysis of the proposal is provided by staff which addresses whether the proposal is premature or inappropriate by reason of:
 - i) the financial capability of the Town to absorb any capital or operating costs relating to the development;
 - ii) the adequacy of sewer services within the proposed development and the surrounding area, or if services are not provided, the adequacy of physical site conditions for private on-site sewer and water systems;

- the adequacy of water services for domestic services and fire flows at Insurers Advisory Organization (I.A.O.) levels; the impact on water services of development on adjacent lands is to be considered;
- iv) precipitating or contributing to a pollution problem in the area relating to emissions to the air or discharge to the ground or water bodies of chemical pollutants;
- v) the adequacy of the storm water system with regard to erosion and sedimentation on adjacent and downstream areas (including parklands) and on watercourses;
- vi) the adequacy of school facilities within the Town of Bedford including, but not limited to, classrooms, gymnasiums, libraries, music rooms, etc.;
- vii) the adequacy of recreational land and/ or facilities;
- viii the adequacy of street networks in, adjacent to, or leading toward the development regarding congestion and traffic hazards and the adequacy of existing and proposed access routes;
- ix) impact on public access to rivers, lakes, and Bedford Bay shorelines;
- x) the presence of significant natural features or historical buildings and sites;
- xi) creating a scattered development pattern which requires extensions to trunk facilities and public services beyond the Primary Development Boundary;
- xii) impact on environmentally sensitive areas identified on the Environmentally Sensitive Areas Map; and,
- xiii suitability of the proposed development's siting plan with regard to the physical characteristics of the site.
- 6. Where this plan provides for development agreements to ensure compatibility or reduce potential conflicts with adjacent land uses, such agreements may relate to, but are not limited to, the following:
 - i) type of use, density, and phasing;
 - ii) traffic generation, access to and egress from the site, and parking;
 - iii) open storage and landscaping;
 - iv) provisions for pedestrian movement and safety;
 - v) provision and development of open space, parks, and walkways;
 - vi) drainage, both natural and subsurface;
 - vii) the compatibility of the structure(s) in terms of external design and external appearance with adjacent uses; and,

- viii) the implementation of measures during construction to minimize and mitigate adverse impacts on watercourses.
- 7. Any other matter enabled by Sections 73 and 74 of the Planning Act.
- 8. In addition to the foregoing, all zoning amendments and development agreements shall be prepared in sufficient details to:
 - i) provide Council with a clear indication of the nature of the proposed development; and
 - ii) permit staff to assess and determine the impact such development would have on the proposed site and the surrounding community.
- 9. To assist in the evaluation of applications to enter into development agreements, Council shall encourage proponents to provide the following information:
 - a) a plan to a scale of 1":100' or 1":40' showing such items as:
 - i) an overall concept plan showing the location of all proposed land uses;
 - ii) each residential area indicating the number of dwelling units of each type and an indication of the number of bedrooms;
 - iii) description, area, and location of all proposed commercial, cultural, mixed-use projects proposed;
 - iv) location, area, shape, landscaping and surface treatment of all public and private open spaces and/or park areas;
 - v) plan(s) showing all proposed streets, walkways, sidewalks, bus bays and bike routes;
 - vi) a description of any protected viewplanes; and,
 - vii) an indication of how the phasing and scheduling is to proceed.
 - b) For individual phases of a development more detailed concept plans are to be provided indicating such items as maximum building heights, location and configuration of parking lots, landscaping plans, and any additional information required to be able to assess the proposal in terms of the provisions of the Municipal Planning Strategy.
 - c) Plans to the scale of 1":100' showing schematics of the proposed sanitary and storm sewer systems and, water distribution system.
- Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS. (RC-July 2/02; Effective-Aug 17/02)



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tel. 902.457.6676 fax. 902.457.4686 www.wmfares.com

June 14, 2013

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Andrew Bone, Planner Halifax Regional Municipality Central Region 636 Sackville Drive Sackville, Nova Scotia

Re: Substantial Amendment to Case No. 1250 – 827 Bedford Highway

Dear Andrew,

Please find enclosed supporting information for a substantial amendment to Planning Case # 1250 which will result in replacing the surface parking between commercial spaces A and B with additional commercial space.

As you are aware, the subject case was approved by the North West Community Council in January of 2011. The approved mixed use building was comprised of one level of underground parking, commercial retail at grade separated by 15 surface parking spots, one level of commercial office space, and one level of residential. As a result of detailed design and preconstruction testing, it was determined that the building's structural footings needed to come down to a lower level than initially anticipated. This made a second level of parking viable and a matter of common sense. Consequentially the additional parking spots that would be created through a second level of underground parking would eliminate the need for the surface parking between the ground level commercial spaces.

As a result of the above, we are proposing to close in the building at the ground level by eliminate the surface parking and introducing additional 3799 square feet of commercial space. By doing so, we are achieving the following:

- 1. Reducing the number of driveways from the Bedford Highway from 2 to 1
- 2. Consolidating the access to both surface and interior parking to 1 access
- 3. Reduced the number of surface parking spots from 25 to 10; this creates a better and more pleasant streetscape; allows for a higher level of building articulation; and presents more consistency of use at the ground level of the proposed building.

In support of our application, we have enclosed the following:

- 4 copies of approved building plans.
- 4 copies of proposed building plans showing the changes at the ground floor level and underground levels.
- Permit application fee.

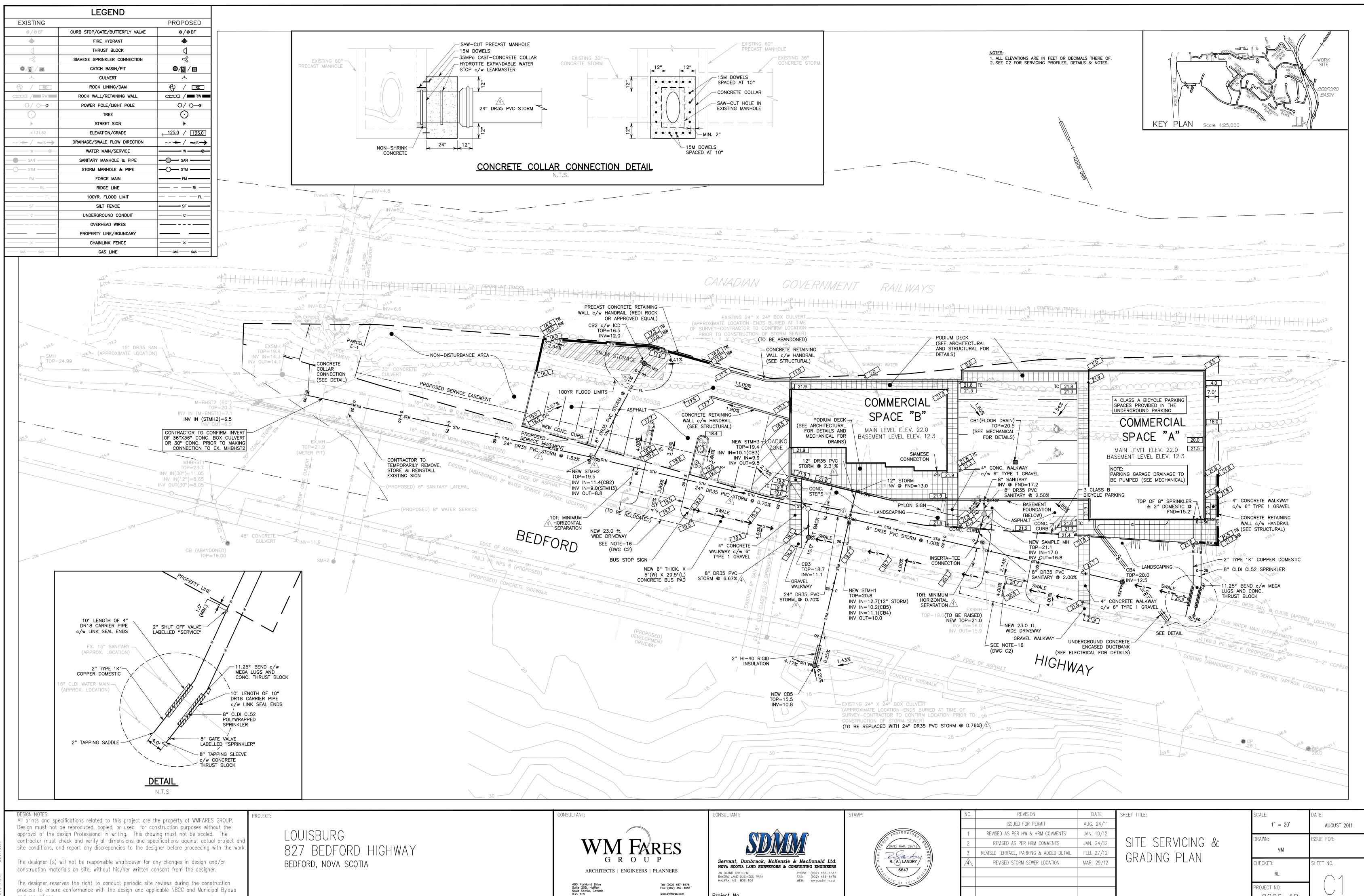
Thank you in advance for your assistance in this matter.

Yours truly,

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Cesar Saleh, P.Eng VP Planning and Design W. M. Fares Group



www.wmfares.com

Project No.

1-8-1(28614)

Plan No. 16-966-4

and regulations.

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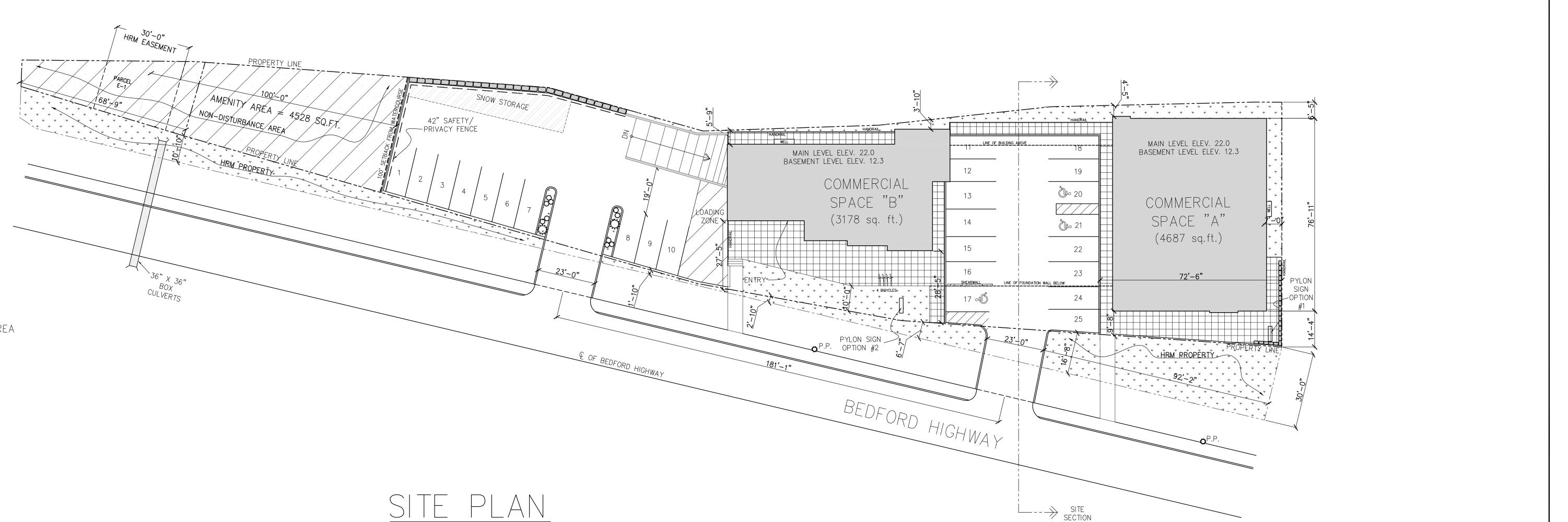
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ATTACH ALL MEMBERS WITH GALVANIZED SCREWS

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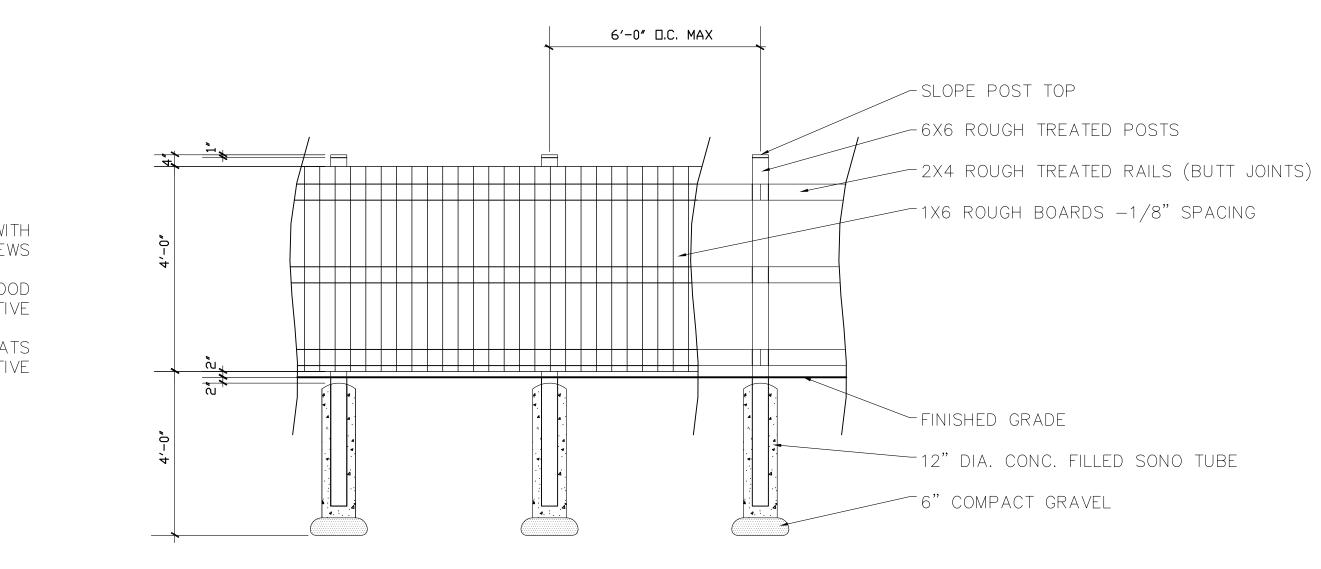




NON-DISTURBANCE AREA

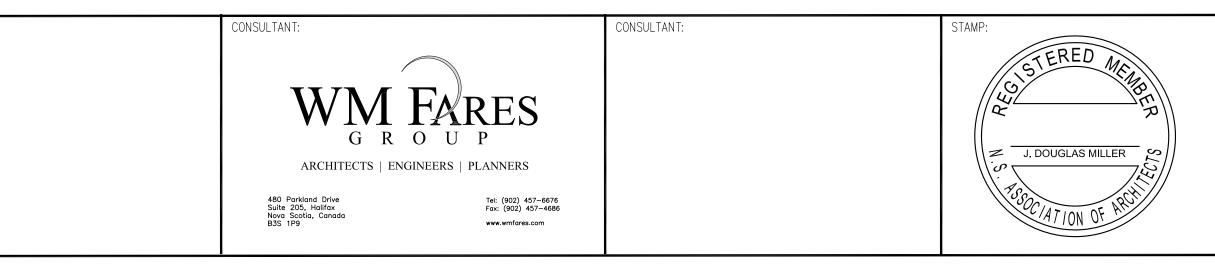
DESIGN NOTES: All prints and specifications related to this project are the property of WMFARES GROUP. Design must not be reproduced, copied, or used for construction purposes without the approval of the design Professional in writing. This drawing must not be scaled. The PROJECT: 827 BEDFORD HIGHWAY contractor must check and verify all dimensions and specifications against actual project and site conditions, and report any discrepancies to the designer before proceeding with the work. BEDFORD, NOVA SCOTIA The designer (s) will not be responsible whatsoever for any changes in design and/or construction materials on site, without his/her written consent from the designer. The designer reserves the right to conduct periodic site reviews during the construction process to ensure conformance with the design and applicable NBCC and Municipal Bylaws

and regulations.

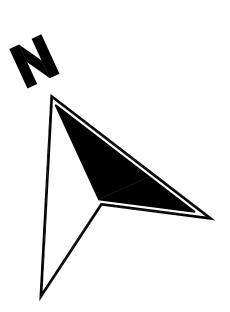


<u>FENCE DETAIL</u> SCALE: NTS

<u>SITE PLAN</u> SCALE: 1"=20'

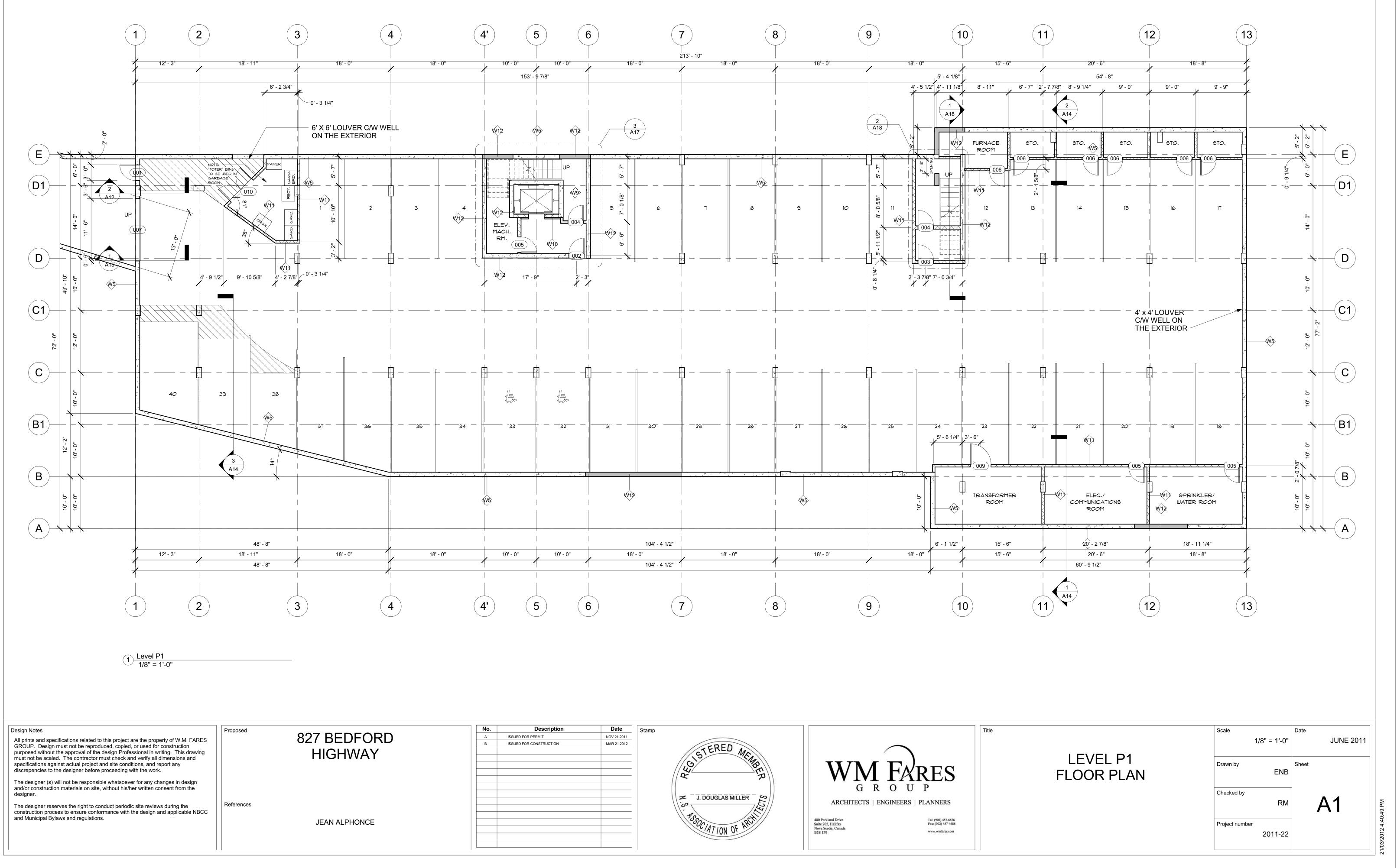


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| А | UPDATED TO CORRESPOND WITH HR COMMENTS | MARCH 31/10 | | 1" = 20' - 0" | SEPTEMBER 2011 | |
| В | REVISED PLAN & ADDED 2ND DRIVEWAY ENTRANCE | JUNE 7/10 | | | | |
| С | CO-ORDINATED WITH SDMM C1 DWG. | JUNE 11/10 | | DRAWN: | ISSUE FOR: | |
| 1 | ISSUED FOR PERMIT | NOV 21/11 | | SIP | | |
| 2 | UPDATED WALKWAY ON EAST SIDE OF BUILDING | FEB 9/12 | SITE PLAN | CHECKED: | SHEET NO. | |
| 3 | ADDED RETAINING WALL DETAIL | FEB 24/12 | | R.M. | | Ę |
| 4 | ISSUED FOR CONSTRUCTION | MARCH 21/12 | | PROJECT NO. | | ā |
| 5 | ADDED FENCE DETAIL | MARCH 27/12 | | | | |
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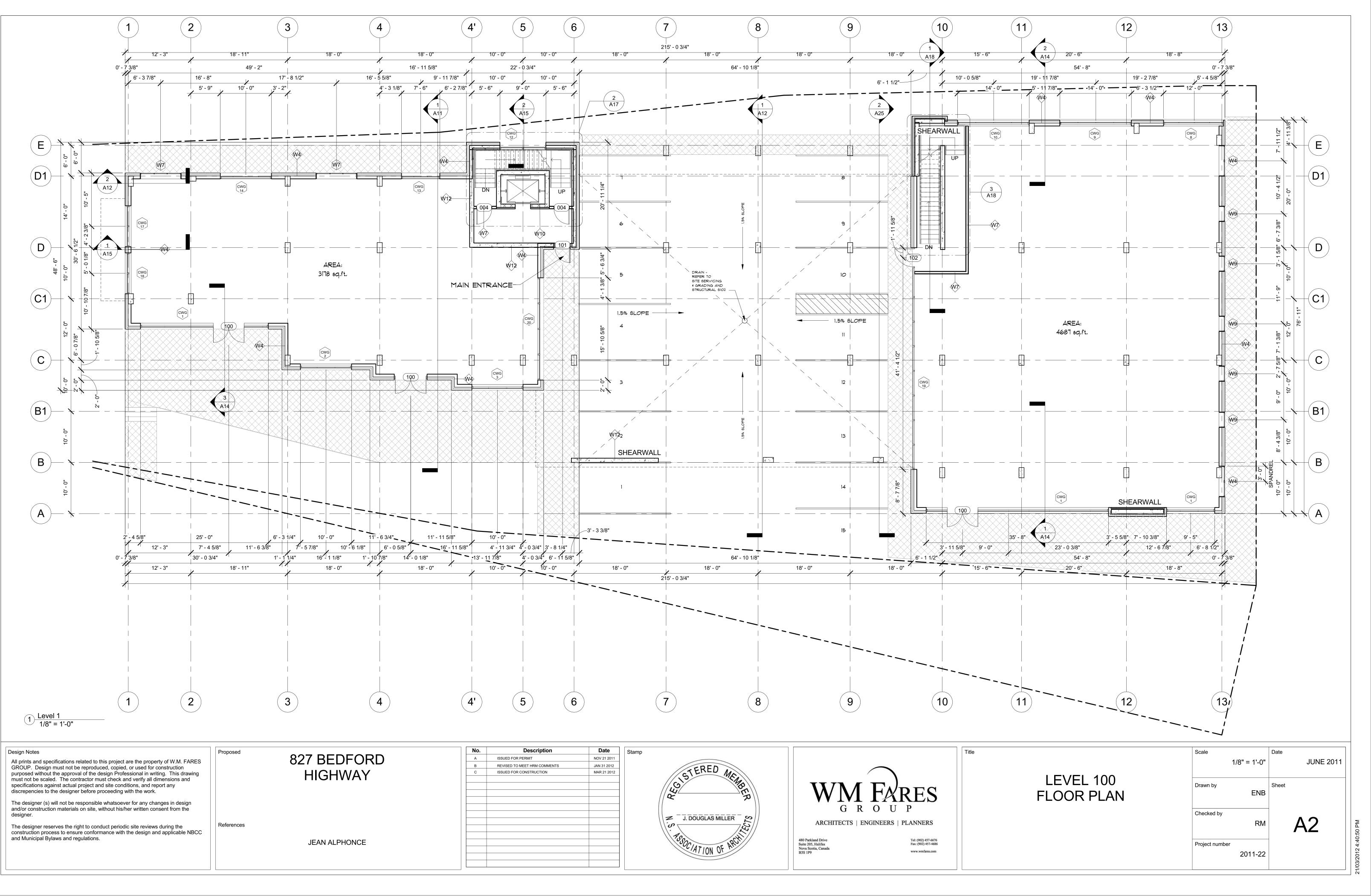


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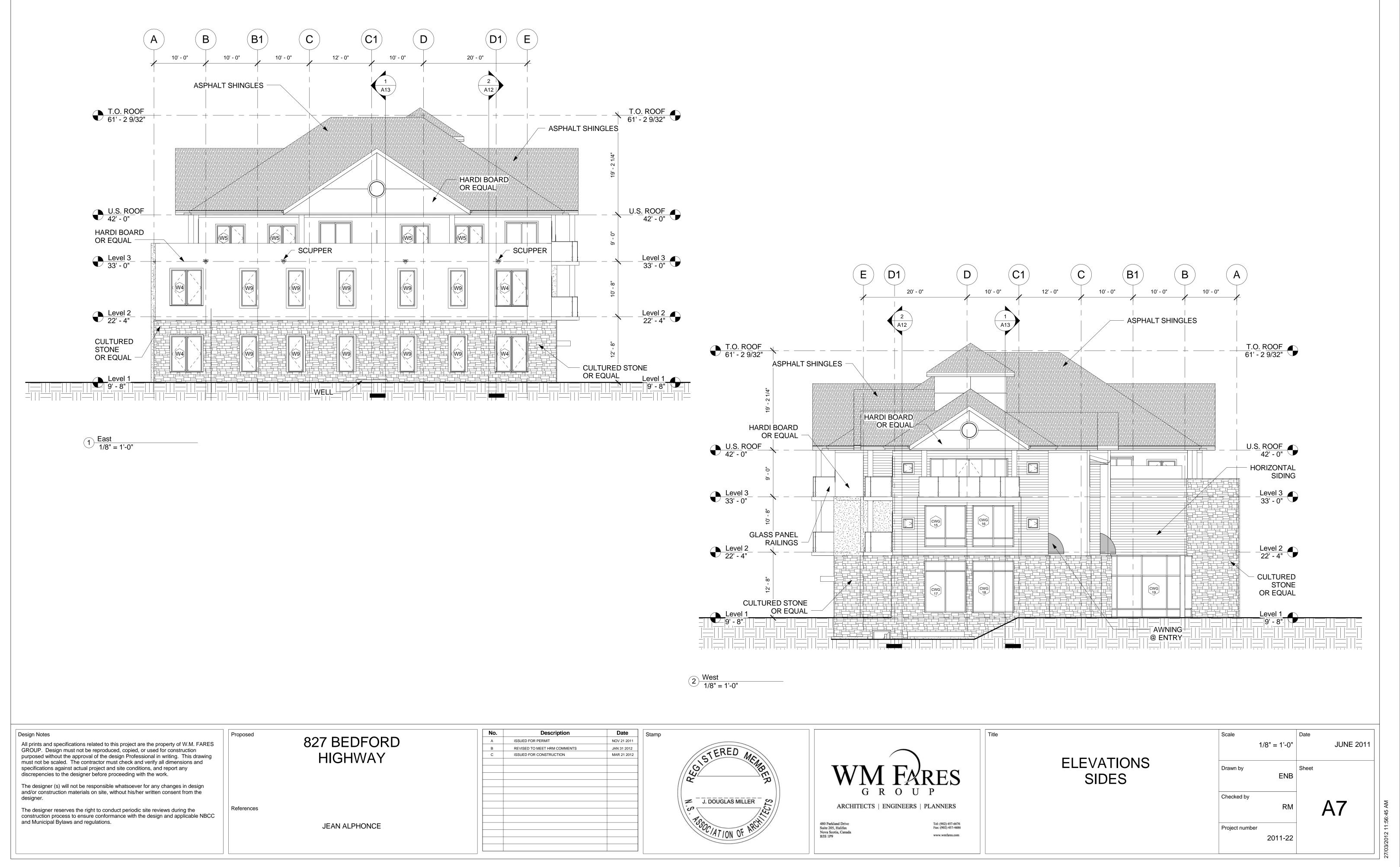


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| А | ISSUED FOR PERMIT | NOV 21 2011 | | |
| В | ISSUED FOR CONSTRUCTION | MAR 21 2012 | STERED MEL | |
| | | | GISTERED MEMBERS | WM FARES |
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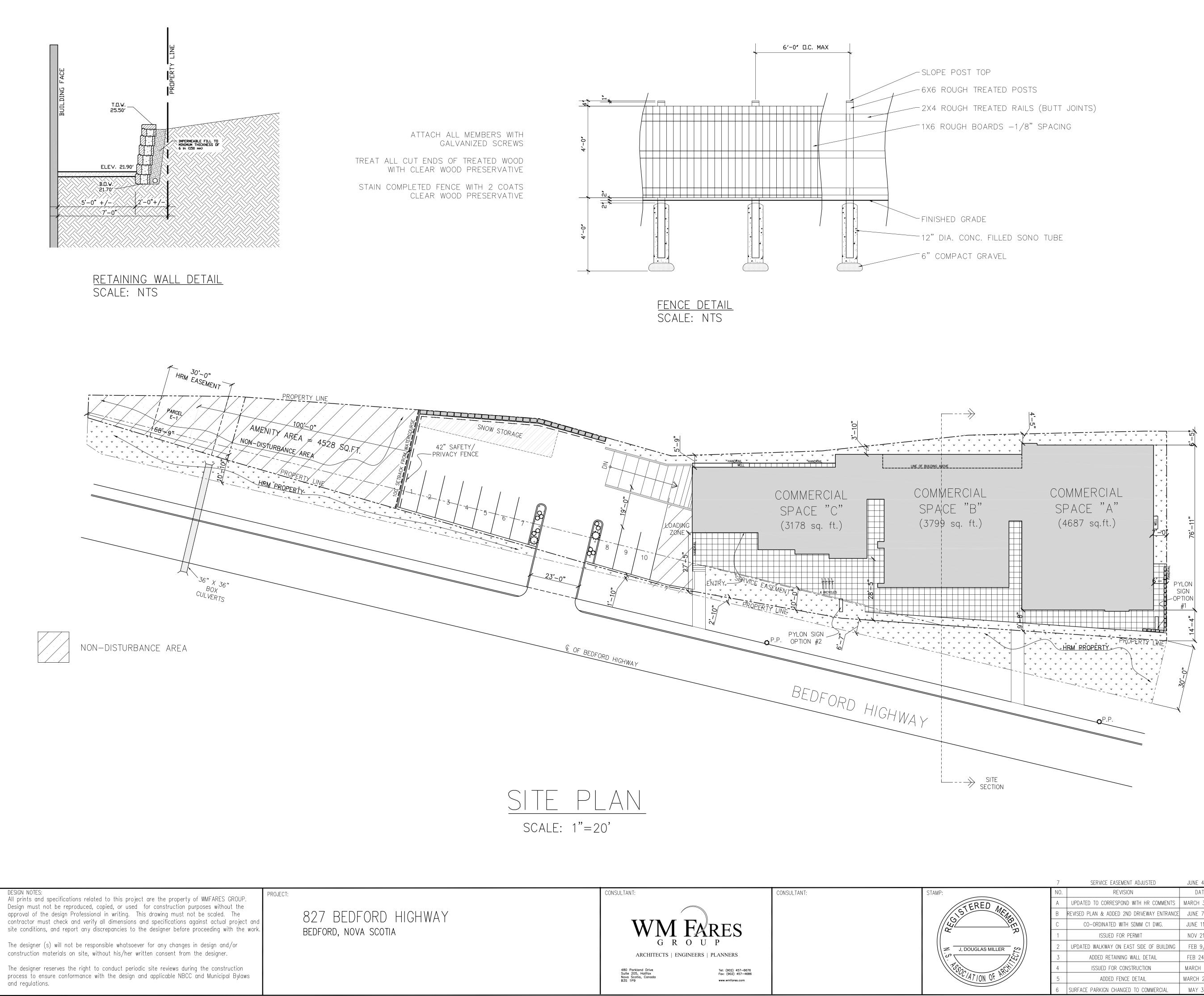


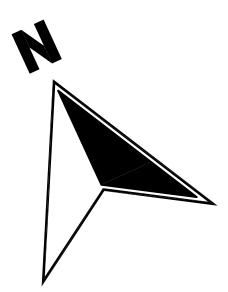
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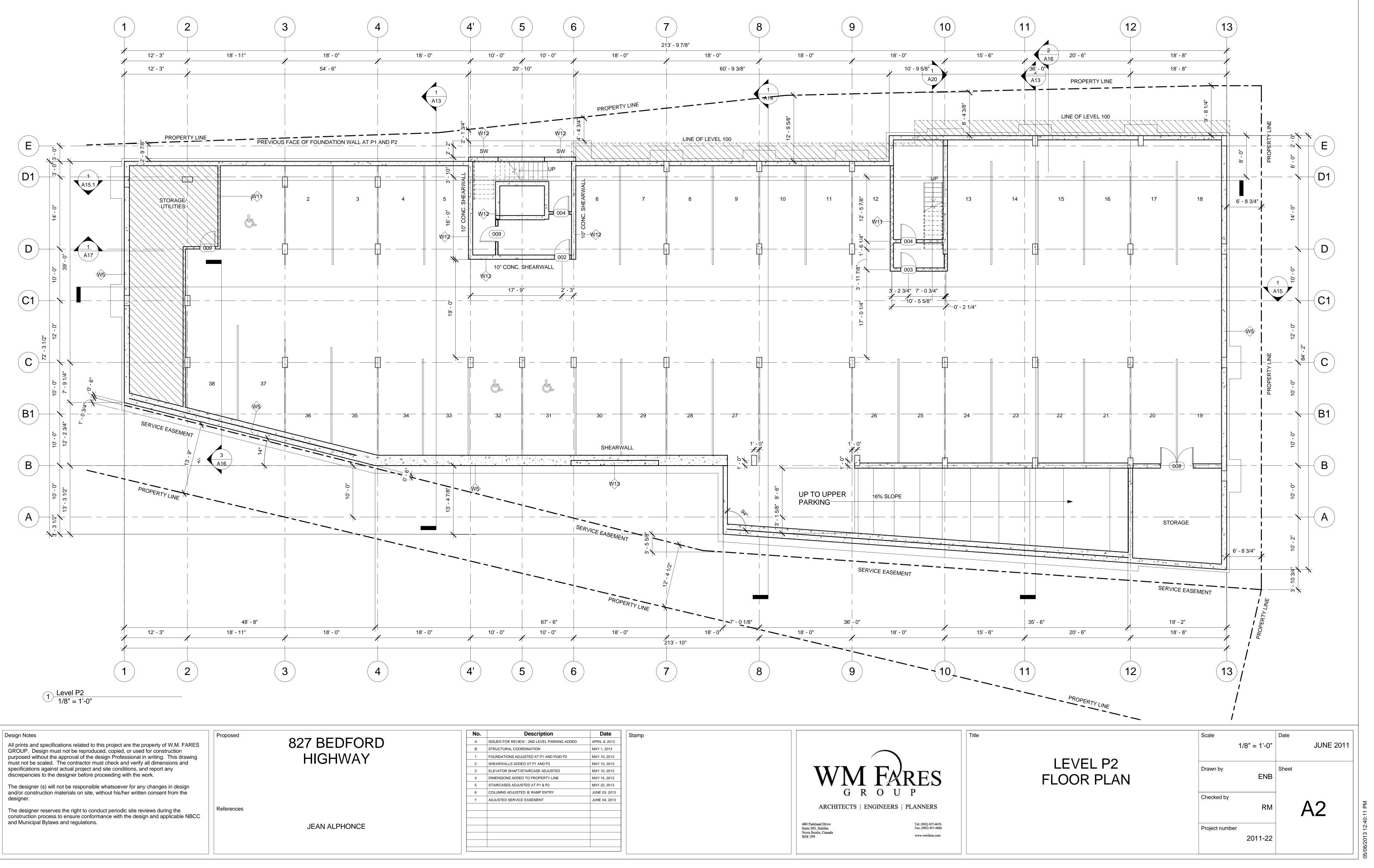
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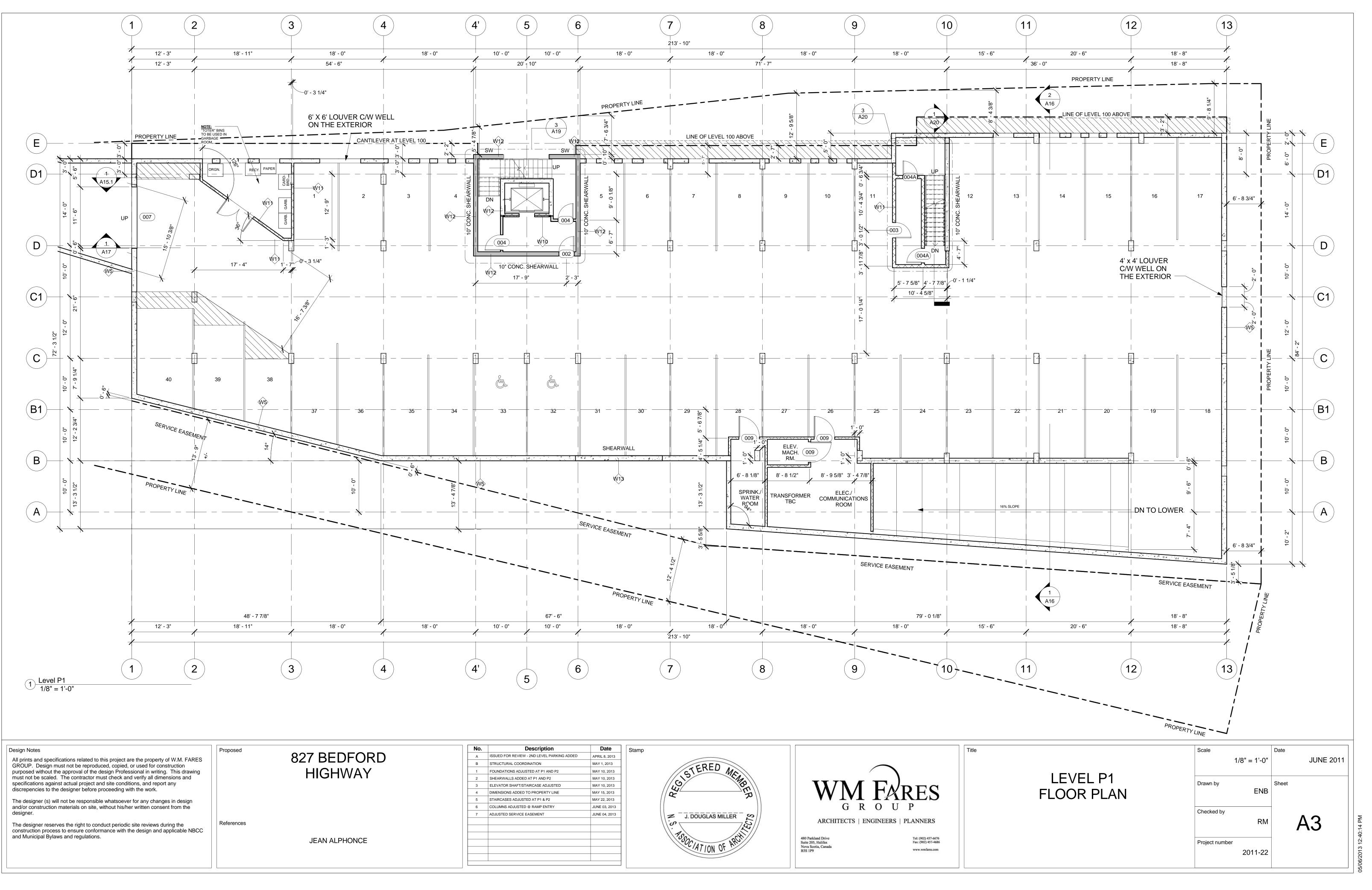


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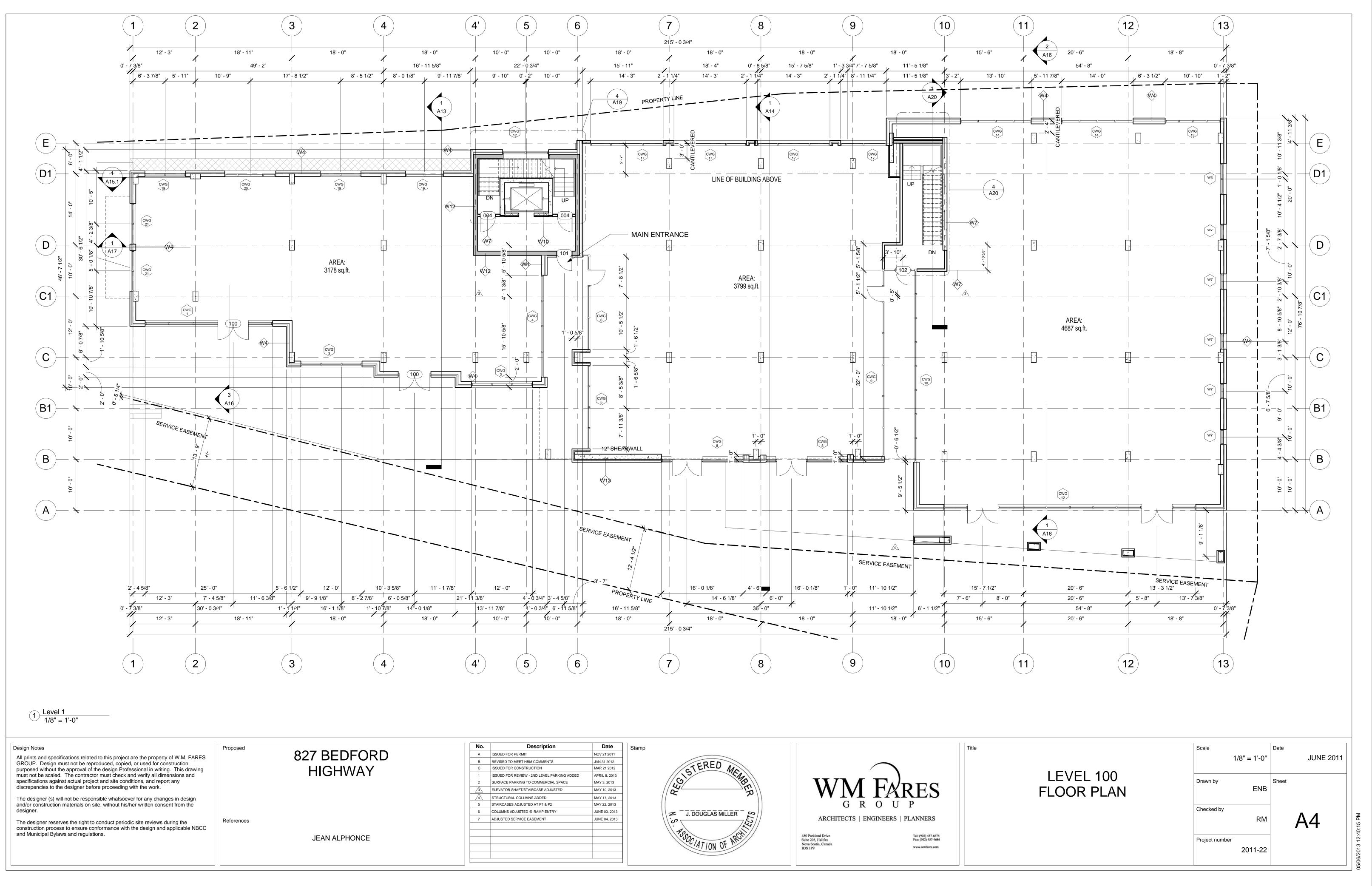
| 7 | SERVICE EASEMENT ADJUSTED | JUNE 4/13 | | | |
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| А | UPDATED TO CORRESPOND WITH HR COMMENTS | MARCH 31/10 | | 1" = 20'-0" | SEPTEMBER 2011 |
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| 2 | UPDATED WALKWAY ON EAST SIDE OF BUILDING | FEB 9/12 | SITE PLAN | CHECKED: | SHEET NO. |
| 3 | ADDED RETAINING WALL DETAIL | FEB 24/12 | | R.M. | |
| 4 | ISSUED FOR CONSTRUCTION | MARCH 21/12 | | PROJECT NO. | |
| 5 | ADDED FENCE DETAIL | MARCH 27/12 | | | |
| 6 | SURFACE PARKIGN CHANGED TO COMMERCIAL | MAY 3/13 | | 2011-22 | |



| No. | Description | Date |
|-----|---|---------------|
| A | ISSUED FOR REVIEW - 2ND LEVEL PARKING ADDED | APRIL 8, 2013 |
| В | STRUCTURAL COORDINATION | MAY 1, 2013 |
| 1 | FOUNDATIONS ADJUSTED AT P1 AND P2ND P2 | MAY 10, 2013 |
| 2 | SHEARWALLS ADDED AT P1 AND P2 | MAY 10, 2013 |
| 3 | ELEVATOR SHAFT/STAIRCASE ADJUSTED | MAY 10, 2013 |
| 4 | DIMENSIONS ADDED TO PROPERTY LINE | MAY 15, 2013 |
| 5 | STAIRCASES ADJUSTED AT P1 & P2 | MAY 22, 2013 |
| 6 | COLUMNS ADJUSTED @ RAMP ENTRY | JUNE 03, 2013 |
| 7 | ADJUSTED SERVICE EASEMENT | JUNE 04, 2013 |
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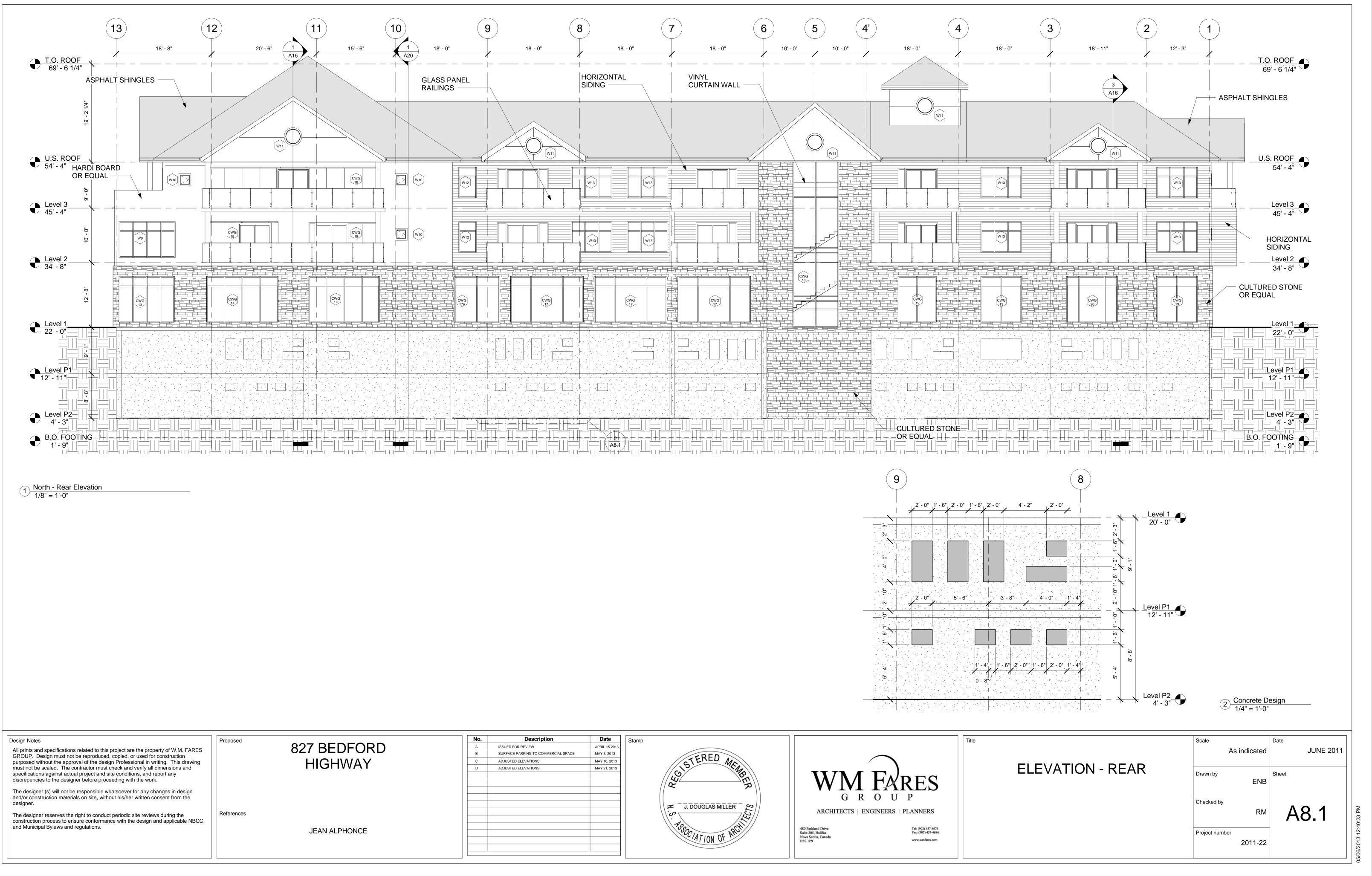
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| A | ISSUED FOR REVIEW - 2ND LEVEL PARKING ADDED | APRIL 8, 2013 | | | |
| В | STRUCTURAL COORDINATION | MAY 1, 2013 | FRED | | |
| 1 | FOUNDATIONS ADJUSTED AT P1 AND P2 | MAY 10, 2013 | 4 STERED MEMBER | | |
| 2 | SHEARWALLS ADDED AT P1 AND P2 | MAY 10, 2013 | | | _) |
| 3 | ELEVATOR SHAFT/STAIRCASE ADJUSTED | MAY 10, 2013 | S A BR | | |
| 4 | DIMENSIONS ADDED TO PROPERTY LINE | MAY 15, 2013 | R R | | |
| 5 | STAIRCASES ADJUSTED AT P1 & P2 | MAY 22, 2013 | | | |
| 6 | COLUMNS ADJUSTED @ RAMP ENTRY | JUNE 03, 2013 | | GRO | OUP |
| 7 | ADJUSTED SERVICE EASEMENT | JUNE 04, 2013 | J. DOUGLAS MILLER J. DOUGLAS MILLER J. J. DOUGLAS MILLER J. J. DOUGLAS MILLER J. DOUGLAS MILLER J. DOUGLAS MILLER J. DOUGLAS MILLER | ARCHITECTS ENGI 480 Parkland Drive Suite 205, Halifax Nova Scotia, Canada B3S 1P9 | INEERS PLANNERS Tel: (902) 457-6676 Fax: (902) 457-4686 www.wmfares.com |



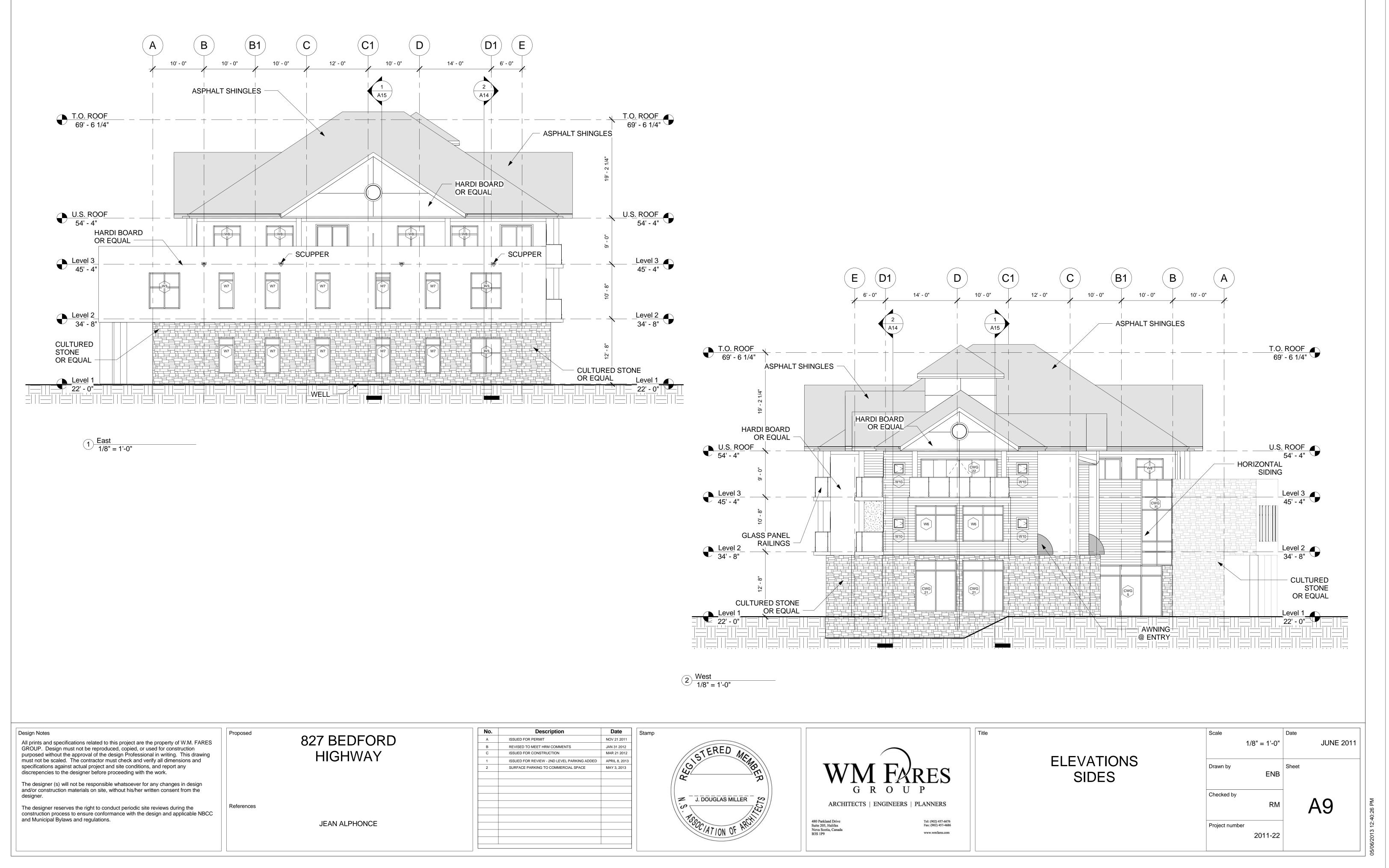
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| С | ISSUED FOR CONSTRUCTION | MAR 21 2012 | STERED MEL | | |
| 1 | ISSUED FOR REVIEW - 2ND LEVEL PARKING ADDED | APRIL 8, 2013 | 13 | | |
| 2 | SURFACE PARKING TO COMMERCIAL SPACE | MAY 3, 2013 | USISTERLD MEMBER | | |
| 3 | ELEVATOR SHAFT/STAIRCASE ADJUSTED | MAY 10, 2013 | EB I | | |
| 4 | STRUCTURAL COLUMNS ADDED | MAY 17, 2013 | | | |
| 5 | STAIRCASES ADJUSTED AT P1 & P2 | MAY 22, 2013 | | GROUP | |
| 6 | COLUMNS ADJUSTED @ RAMP ENTRY | JUNE 03, 2013 | Z J. DOUGLAS MILLER S | | |
| 7 | ADJUSTED SERVICE EASEMENT | JUNE 04, 2013 | | ARCHITECTS ENGINEERS PLANN | JERS |
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| В | ISSUED FOR CONSTRUCTION | MAR 21 2012 | -DED | | \frown |
| С | ISSUED FOR REVIEW - 2ND LEVEL PARKING ADDED | APRIL 8, 2013 | STERED MEL | | |
| 1 | SURFACE PARKING TO COMMERCIAL SPACE | MAY 3, 2013 | CISTERED MEMBER | | FARES |
| | | | J. DOUGLAS MILLER J. DOUGLAS MILLER J.S. J.S. J. DOUGLAS MILLER J.S. J. DOUGLAS MILLER J. DOUGLAS MILLER | | NGINEERS PLANNERS Tel: (902) 457-6676 Fax: (902) 457-4686 www.wmfares.com |
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| | | | J. DOUGLAS MILLER S | ARCHITECTS ENGINE | EERS PLANNERS |
| | | | 7530CIATION OF ARCHIT | 480 Parkland Drive Suite 205, Halifax Nova Scotia, Canada B3S 1P9 | Tel: (902) 457-6676 Fax: (902) 457-4686 www.wmfares.com |
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| 2 | SURFACE PARKING TO COMMERCIAL SPACE | MAY 3, 2013 | S S S S S S S S S S S S S S S S S S S | |
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| | | | | GROUP |
| | | | J. DOUGLAS MILLER | ARCHITECTS ENGINEERS PLANNERS |
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