

Attachment to Items 9.2 (i) and 9.2 (ii)

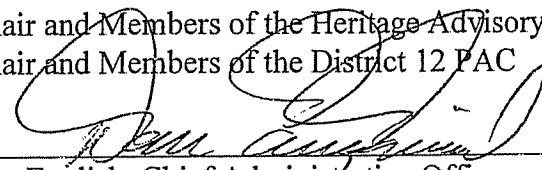


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B3J 3A5 Canada

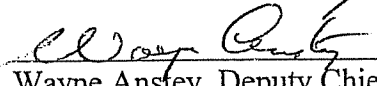
District 12 PAC - April 23, 2007
Heritage Advisory Committee - April 25, 2007

TO: Chair and Members of the Heritage Advisory Committee
Chair and Members of the District 12 PAC

SUBMITTED BY:



Dan English, Chief Administrative Officer



Wayne Anstey, Deputy Chief Administrative Officer

DATE: April 19, 2007

SUBJECT: Case 00745: Development Agreement - Salter Street and Lower
Water Street, Halifax

ORIGIN

Application by Centennial Group Limited and Waterfront Development Corporation Limited for a mixed use development project.

RECOMMENDATIONS

It is recommended that District 12 Planning Advisory Committee recommend that Regional Council:

1. Give Notice of Motion to consider an application by Centennial Group Limited and Waterfront Development Corporation Limited for a development agreement at the south-east corner of Salter Street and Lower Water Street, Halifax, and schedule a public hearing;
2. Approve the development agreement, included as Attachment "C" of this report;
3. Require that the development agreement be signed within 120 days, or any extension thereof granted by Regional Council on request of the applicant, from the date of final approval by Regional Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.
4. Discharge an existing development agreement that applies to a portion of the site that is identified as PID No. 40177974, to take effect upon the registration of the new agreement.

It is recommended that Heritage Advisory Committee consider the proposed development described in this report in relation to its complementarity to adjacent registered heritage properties and recommend that Regional Council approve entering into the proposed development agreement, included as Attachment "C" of this report.

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EXECUTIVE SUMMARY

This development agreement application is for a mixed-use project comprised of the following main components:

- a hotel;
- a shopping mall;
- ground floor commercial uses facing public open spaces;
- a multi-unit residential building;
- a boardwalk next to the harbour; and
- a park of approximately one acre in size.

Part of the development will be upon land that is to be created through harbour in-fill. At one time there was an observation tower that was envisioned within the park; this is no longer proposed.

The Municipal Planning Strategy establishes that proposals with buildings of more than 25 feet in height are to be approved by development agreement. In deciding upon the suitability of such a project, Council is to consider its objectives and policies within the Municipal Planning Strategy, and particularly in this instance, those found within *Section IV, Halifax Waterfront Development Area, Objectives and Policies*.

This staff report highlights matters that either warrant detailed discussion on the basis that they are of particular concern to this application or that they have been contentious matters in past downtown development proposals. This includes discussion on:

1. The Use of Salter Street for Vehicular Access

The Municipal Planning Strategy calls for streets like Salter Street to be used as public open space with a minimal amount of vehicular use. This application proposes that most of its vehicular traffic be accessed off Salter Street into a parking garage. However, the pedestrian activity is the primary use at the water's edge and there continues to be good opportunities to ensure that Salter Street is designed with a pedestrian focus. In reviewing the policies in their entirety, it is concluded that an appropriate balance between the use of Salter Street as open space and vehicular access can be achieved.

2. Design

The Municipal Planning Strategy states that, "The character of the HWDA should be reinforced through the control of urban design details such as massing, texture, materials, street furniture, and building lines. (policy 5.6)" A sub-policy to this calls for new buildings to be complementary to adjacent historic buildings, such as, in this case, to Keith's Brewery, which is across Lower Water Street from the subject site. Consideration of this requires an assessment of the character of the area, which is emerging as an attractive arrangement of modern buildings, Bishops Landing and Salter's Gate, next to historic Keith's Brewery. These all have similar characteristics with regard to scale and composition, which will be reinforced through the character of the proposed development.

3. Micro-climate: Wind

The Municipal Planning Strategy calls for acceptable wind conditions around development projects. It is recognized that the waterfront is at times a windy environment. In response to this, it is important to ensure that the design of any project does not create uncomfortable or adverse wind conditions. The development agreement contains standards for wind comfort (sitting, standing, and walking comfort) that are to be achieved by the project, dependant upon anticipated activities at various locations. Before the development proceeds, the developer will be required to ensure that the project is able to meet these standards. If necessary, it is expected that the standards will be met through minor changes to the building and with landscaping.

4. Micro-climate: Shadow

The Municipal Planning Strategy calls for consideration of the shadows that will cast upon open space areas. A shadow study from the Developer shows that there will be considerable shadows cast upon the open space at the base of Salter Street and upon the proposed boardwalk section that will be parallel to the north side of the residential building, at many times of the day, over each of the four seasons. While these areas are important components of the open space system envisioned within the Municipal Planning Strategy, arguably the proposed park should be thought of as the most important open space area to be evaluated in considering of the impact of shadows. In this regard, staff find that the impact of shadows upon the park is not adverse and therefore the proposal should be viewed favourably.

5. Views

The Municipal Planning Strategy provides for certain views to be protected, including those along east-west streets, from within the Citadel, and within established view planes from

the Citadel, within which, building heights are specified. Views along east-west streets and from within the Citadel are not impacted by this proposal. View Plane No. 6 passes over this site and the development meets the required height specifications.

BACKGROUND

Past Development Agreement Proposals

The subject lands are currently comprised of two parcels, identified as 1521 Lower Water Street (closest to Salter Street) and 1505 Lower Water Street (closest to Bishop's Landing). They have traditionally been held by separate owners and have been the subject of previous development agreement proposals. Since 1974, there have been six proposals for 1521 Lower Water Street and three proposals for 1505 Lower Water Street. These proposals, along with Council's decision and the results of any appeals or legal proceedings, are summarized in Attachment "A."

There is an expired development agreement that applies to 1521 Lower Water Street, which allowed a 16 storey 232 unit apartment building. Although it can no longer be acted upon, from an administrative perspective, it should now be discharged by Council.

DISCUSSION

Site

The site is bounded by:

- Salter Street to the north;
- Bishop's Landing to the south;
- Halifax Harbour, which is to be partially in-filled to accommodate the proposal, to the east; and
- Lower Water Street to the west.

It is currently used for commercial parking, the access to which is exclusively from Lower Water Street. There is also a gravel trail along the shore, which serves as a connection between sections of the wooden waterfront boardwalk that are located at the base of Salter Street and at Bishop's Landing.

Surroundings

The substantial features and land uses surrounding the site include:

- a commercial parking lot, the Waterfront Warehouse building, and the Eastern Canadian Towing Limited (ECTUG) tug boats and building, to the north;
- apartments within Bishop's Landing, with ground floor commercial uses facing the boardwalk, to the south; and
- Keith's Brewery, which is a municipally Registered Heritage Property, and the new Salter's Gate building which is nearing completion, to the west.

There are no harbour-related uses or infrastructure such as finger piers or marinas directly to the east.

Proposal: Main Elements and Land Uses

The main elements of the proposal are:

- An enlargement of the lands through in-fill into the harbour.
- A new section of boardwalk, which will link the existing wooden boardwalk sections that are at the base of Salter Street and at Bishop's Landing.
- There will be a park, of approximately one acre in size, that will include:
 - walkways;
 - fountains;
 - a vehicular turn-around; and
 - a pond that will be designed to allow for skating in the winter.

The park will be maintained by the Waterfront Development Corporation Limited, as is the arrangement with the open space at Bishop's Landing.

- A public access easement will be provided over all lands that are not comprised of buildings, including the passageway through the multi-unit residential building.
- A five storey hotel with an anticipated 96 guestrooms is to be located at the south-west corner of the site. It will have a circular driveway, five parking spaces and truck loading/receiving bay, which are all to be accessed from Lower Water Street.

- There will be a shopping centre with over 65,000 square feet of commercial floor space over two floors. It will have two main entrances:
 - One at the corner of Lower Water Street and Salter Street, where there is a two storey oval shaped “winter garden” that is largely comprised of glass; and
 - One that is facing the park.
- Commercial uses such as shops and restaurants are to be located facing the boardwalk and park.
- A multi-unit residential building, with an anticipated 142 units, is to be established along the northern boundary of the site, next to Salter Street. It ranges in height from 12 storeys next to the Winter Garden (closest to Lower Water Street) to five storeys at the north-east corner of the site. It will include a three storey passageway through the building that provides a combination of pedestrian and vehicular traffic between Salter Street and the park.
- A sub-surface parking garage, containing 287 parking spaces, is to be established beneath the buildings and park. A minimum of one space is to be dedicated for each dwelling unit, with the remaining spaces being available for hotel guests and the general public for daily parking. Its entrance will be off Salter Street, where there is also to be a truck loading/receiving bay.

To facilitate the use of Salter Street as the main vehicular access to the development, HRM will need to remove 12 metered parking spaces that are along the north side of the street, which will result in an annual loss of approximately \$20,000 in annual revenue to the Municipality.

At one time there was an observation tower that was envisioned within the park; this is no longer proposed.

Separate to this proposal, the Waterfront Development Corporation Limited has offered to partner with HRM in undertaking improvements to Salter Street, from Lower Water Street to its intersection with the boardwalk. The intent would be to establish a public space at the end of the street and landscaping improvements along its length. This is a matter that Council may wish to consider as development of the subject site proceeds.

Proposal: Appearance

The proposed buildings are to be comprised of a common combination of materials that include:

- Metal cladding that is white in colour;
- Clear glass for the winter garden and upon portions of the ground floor that face the public realm including Lower Water Street, Salter Street, the boardwalk, and public open space;
- “Clear Vision Glass”, which for this project is low reflection glass throughout the remainder of the development; and
- Stone elements on the Lower Water Street elevation that serve to establish a relationship with the stone on the Keith’s Brewery building.

Proposed Development Agreement

Highlights from the draft development agreement include the following:

- There is a general landscaping scheme and requirements that serve as a framework for a more detailed landscaping plan that is to be submitted to the Municipality’s Development Officer for approval.
- The parkland dedication that would normally be provided with the creation of any lots as part of the subdivision process has been waived in favour of the proposed open space and provision of an easement granting public access.
- Land uses and building form, as described earlier, are specified through the Schedules of the draft development agreement.
- There is a requirement that, prior to the issuance of permits, a certification be produced from a Professional Surveyor that the development does not protrude through Viewplane No. 6.
- Prior to the issuance of any permits, it is required that wind testing be undertaken with certification that the project will meet specified levels of comfort (for sitting, standing, and walking) within open space areas.
- Commercial parking is to be limited to daily parking without allowances for contracts for longer periods of time, to ensure the use of the parking garage is catered towards people visiting the waterfront.

Municipal Planning Strategy Context

The Municipal Planning Strategy establishes that proposals with buildings of more than 25 feet in height are to be approved by development agreement. In deciding upon the suitability of such a project, Council is to consider its objectives and policies within the Municipal Planning Strategy, and particularly in this instance, those found within *Section IV, Halifax Waterfront Development Area, Objectives and Policies*. An outline of these with staff's comments are found in Attachment A. However, there are certain matters that warrant detailed discussion on the basis that they are particular to this application or they have been contentious matters in past downtown development proposals. A discussion of these policies is contained in the remainder of this report.

Salter Street as Open Space

When read collectively, the objectives and policies from *Section IV, Halifax Waterfront Development Area* establish that east-west streets within downtown Halifax, between Lower Water Street and the Harbour, are to function as open space. These are to be places with a minimal amount of vehicular traffic. Open space is defined in the Municipal Planning Strategy as: "Areas of outdoor space including circulation space, hard landscaped areas, parks and recreational space to which people have physical and/or visual access."

The development, with its primary vehicular access being along Salter Street, poses challenges to the *open space* and *circulation* objectives and policies. However, it is concluded that the project relates favourably to the overall intent of the Municipal Planning Strategy for the following reasons:

- The vehicular use of Salter Street will largely be limited to hotel guests, residents, and visitors to the waterfront that solely require short-term or daily parking within the parking garage.
- The passageway is designed to be used primarily for pedestrians traveling between the boardwalk at the base of Salter Street and the park.
- There are opportunities to partner with the Waterfront Development Corporation Limited to improve open space amenities along Salter Street. Surface treatments and other measures along its length could make it more amenable to pedestrians, with its use as a vehicular access being clearly secondary.

The type of shared vehicular and pedestrian space that is envisioned in this proposal occurs in other places of the Waterfront, including:

- The extension of Bishop Street into Bishop's Landing, which is a combined plaza and parking area; and
- George Street, to the east of Lower Water Street and next to the Ferry Terminal, where there is a combined vehicular turnaround and pedestrian space which is commonly used for events such as busker performances.

The parking garage arrangement, and the project in its entirety, will be a dramatic improvement upon the surface parking that currently exists.

Design

In the Civic Design subsection, the following objective falls under the heading, "Scale and Design Detail":

"Objective A high quality of design and construction of buildings of human scale which reflect the architectural and topographical characteristics of the HWDA and of the CBD."

Under this objective, policy 5.6 states that: "The character of the HWDA should be reinforced through the control of urban design details such as massing, texture, materials, street furniture, and building lines."

Policy 5.6.1 is a subset of policy 5.6 and it states that, "new buildings should be complementary to any adjacent ones of historic or architectural significance, or important to the character of Halifax. In such instances, the careful use of materials, colour, proportion, and the rhythm established by surface and structural elements should reinforce the similar aspects of the existing buildings." This is relevant due to the presence of the Keith's Brewery building across Lower Water Street.

The Scale and Design Detail objective, along with its main and subset policies, calls for a consideration of the character of the Waterfront. In this particular area, part of the character is unfortunately defined by the vastness of existing surface parking lots upon the subject site and to the north of Salter Street. However, with the construction of Bishops Landing and Salter's Gate, there is an emerging character of mixed use modern buildings next to historic Keith's Brewery. These projects do not mimic this heritage building, but are sensitive and complementary through their careful, "use of materials, colour, proportion, and the rhythm established by surface and structural elements."

There is an attractive streetscape that is being established upon Lower Water Street in the subject area, that is being defined through elements that are common to Bishops Landing,

Keith's Brewery, and Salter's Gate. This includes features such as varied building heights ranging from three to nine storeys, high quality building materials, and setbacks that create a human scale pedestrian environment. This proposal, with its scale and composition that is similar to these surroundings will make a positive contribution to the area and serve to reinforce its character.

Micro-climate: Wind

In the Civic Design subsection, the following objective is under the heading, "Micro-climate":

Objective The creation of micro-climates acceptable to normal human activities in their immediate vicinity, through the form and positioning of public open spaces and of new development neighbouring such spaces.

There is a policy pursuant to wind impacts as follows:

5.7 The design of development projects should attempt to ensure that wind levels on outdoor pedestrian routes and on public open spaces will be acceptable (see Section III, Policy 7.5.1).

The Developer is required to undertake wind tunnel testing following approval of the development agreement. The development agreement establishes acceptable levels of comfort for "sitting", "standing", and "walking" within various public open space areas of the site that are to be achieved. These standards have been developed by RDWI Consulting Engineers & Scientists. With the approval of the development agreement by Council, the proponent will be required to predict the wind conditions of the site using a model of the project within a wind tunnel that will simulate wind conditions. The adopted levels of comfort within the development agreement will need to be met in order to gain approval by the Municipality's development officer for the project to proceed. It is expected that any initial unacceptable wind conditions with regard to these levels of comfort will be able to be mitigated through minor changes to the buildings and the placement of landscaping. Should the project not be able to meet the adopted levels of comfort in the development agreement, any changes to the size or configuration of the buildings will require the project to be considered again by Council through a non-substantive amendment (does not require a public hearing). Should Council find that any required changes significantly alter the project, a completely new application and Council's approval will be required.

Micro-climate: Shadow

A further policy pursuant to the Micro-climate objective highlighted above relates to shadows:

- 5.8 The design of development projects should attempt to ensure that there will be a minimal amount of shadow cast on the public open spaces (see Section III, Policy 7.6).

An analysis of the shadows that will be cast by this project is attached to this report (Attachment "B"). It shows that there will be shadows cast upon existing and proposed sections of the boardwalk that are to the north of the residential building, at many times of the day, over each of the four seasons. While these places are important components of the open space system envisioned within the Municipal Planning Strategy, the proposed park should be thought of as the most important open space area to be evaluated in considering of the impact of shadows. In this regard, it is found that the impact of shadows upon the park will not be adverse.

Views

The Municipal Planning Strategy provides for certain views to be protected. These include: Along east-west streets; From within the Citadel; and Within established view planes from the Citadel. Views along east-west streets and from within the Citadel are not impacted by this proposal. View Plane No. 6 passes over this site and the development meets the required height specifications. A certification of this by a Surveyor is a requirement of the development agreement.

Public Information Meeting and Comments

A public information meeting was held on October 20, 2005. The minutes of the meeting are included as Attachment D. Written submissions will be circulated under separate cover. Comments on some of the substantial matters raised at the public information meeting are as follows:

- There was a concern raised about the impact of rising sea levels upon the project, especially in light of features such as the proposed underground parking garage. In response, it is noted that final elevations of the site will not be known until the project proceeds into a phase of detailed construction planning. Nevertheless, the Developer is well aware of this issue and will need to consider it accordingly. From HRM's perspective, there are no Municipal Planning Strategy policies that provide a framework for enacting any requirements respecting this issue.

- There were issues noted about the lack of a pedestrian circulation route between the boardwalk and Lower Water Street, in the area from Bishop Street to Salter Street. This has been addressed since the public information meeting with the construction of a pathway along the northern boundary of the Bishops Landing property.
- Concern was expressed about the viability of the proposed skating rink, both with respect to comfort, given wind conditions. In addition, based upon moderate winter temperatures, concern was expressed that the rink may not freeze properly. There are requirements in the development agreement that wind conditions be at a level of comfort that is suitable for skating activities. In addition, Centennial and WDCL are reviewing the potential to introduce mechanically assisted refrigeration. However, should a skating rink be impractical, there are opportunities in the development agreement for the applicants to propose an alternative public open space to Council, through a non-substantive amendment.

Conclusion

The proposal is in keeping with the policies and objectives of the *Halifax Waterfront Development Area* and the Municipal Planning Strategy as a whole. It is both appropriate for the site and the surrounding area and will be a positive contribution to the Waterfront and the Municipality.

BUDGET IMPLICATIONS

Through the development agreement, the Developer assumes the costs of all civil work associated with the project, including the provision of street level amenities such as street trees, benches, bicycle racks and garbage receptacles.

The Municipality will lose approximately \$20,000 in annual revenue by agreeing to remove the parking meters along Salter Street. However, this seems reasonable in light of the policies that promote the creation of public open space upon areas such as Salter Street. Also, the loss in parking meter revenue will certainly be more than offset by new property tax from the development.

It should also be noted that Council should expect to receive a proposal from the Developer or staff in the future to devote funds towards establishing public open space improvements along Salter Street and at its base, next to the water's edge. Such an expenditure is not required to allow for the subject development to proceed and would be entirely within the discretion of Council.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

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

ALTERNATIVES

1. Council may approve the development agreement. If this course of action is taken, Council would be required to discharge that portion of the existing development agreement as it pertains to the property (Block "M" only). This is the recommended course of action.
2. Council may refuse to enter into the development agreement and, in doing so, must provide reasons based on conflict with existing Municipal Planning Strategy policy. This alternative is not recommended for the reasons described above.
3. Council may choose to approve the development agreement with modifications which are acceptable to the applicant. Such modifications may require further negotiations with the applicant and/or revisions to the schedules attached to the agreement.

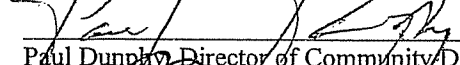
ATTACHMENTS

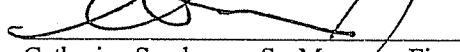
Map 1	Zoning and Location
Map 2	Area of Notification
Attachment A	Past Development Agreements
Attachment B	Staff Review of <i>Section IV, Halifax Waterfront Development Area, Objectives and Policies</i> of the Municipal Planning Strategy
Attachment C	Equinox and Solstice Shadows
Attachment D	Draft Development Agreement with Schedules
Attachment E	Public Information Meeting Minutes

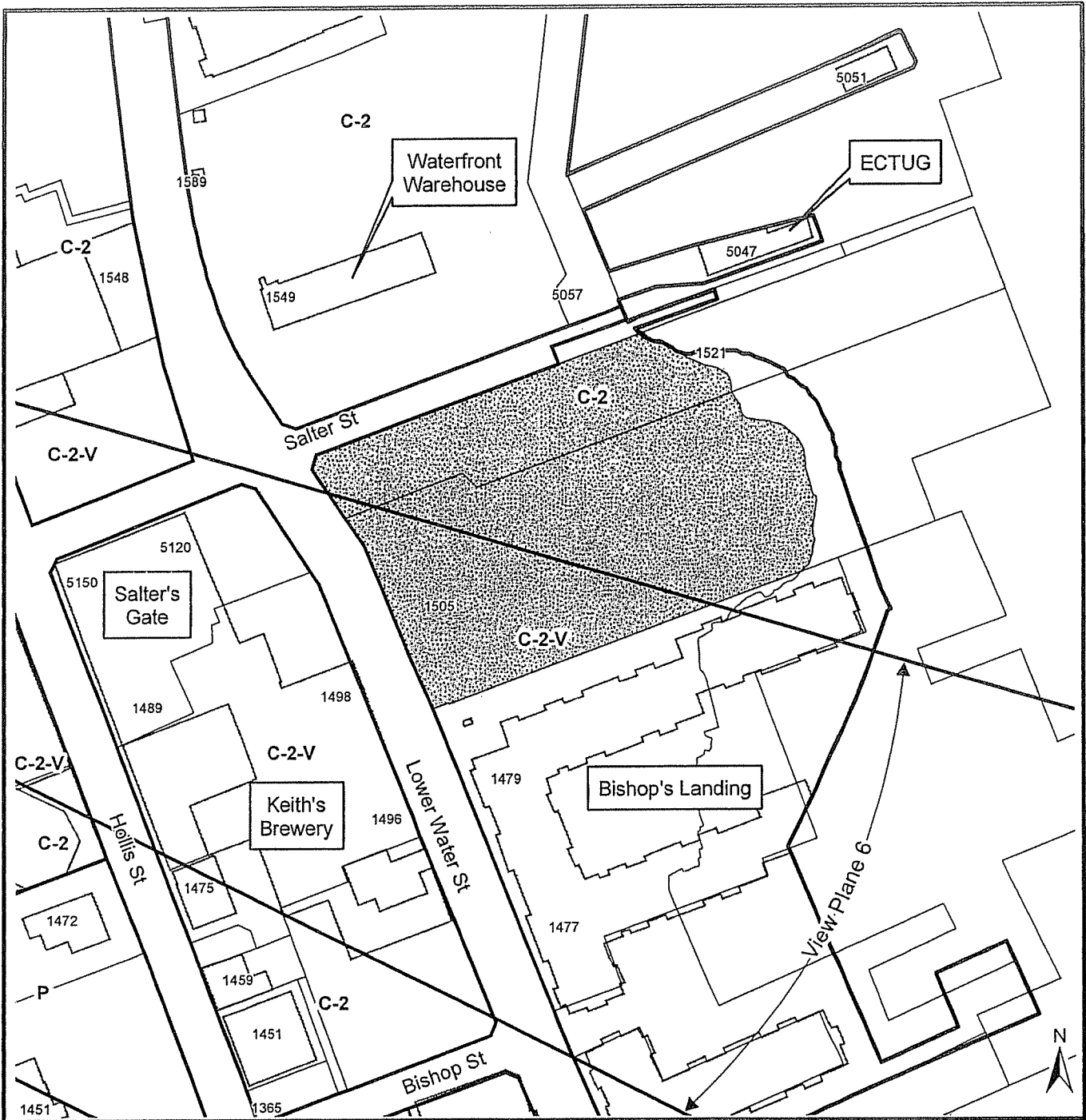
A copy of this report may be obtained online at <http://www.halifax.ca/council/agendas/caagenda.html> by choosing the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Richard Harvey, Senior Planner/Community Development, 490-3691

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


Report Approved by: 
Paul Dunphy, Director of Community Development

Report Approved by: 
Catherine Sanderson, Sr. Manager, Financial Services, 490-1562



Map 1: Location and Zoning

1505-1521 Lower Water Street
Halifax

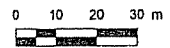
 Subject property

Halifax Peninsula
By-Law Area

Zone

- C-2 General Commercial
- C-2-V General Commercial (view plane)
- P Park & Institutional

HALIFAX
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COMMUNITY DEVELOPMENT
PLANNING SERVICES





This map is an unofficial reproduction of a portion of the Zoning Map for the Halifax Peninsula By-Law Area.

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



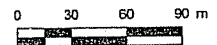
Map 2: Notification Area

1505-1521 Lower Water Street
Halifax

-  Subject property
-  Area of notification

Halifax Peninsula
By-Law Area

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES



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Attachment A - Past Development Agreements		
1521 Lower Water Street		
<u>Year</u>	<u>Proposal</u>	<u>Decision</u>
1994	16 storey, 232 unit apartment building	<ul style="list-style-type: none"> • Approved by Council • Decision upheld by the Appeal Board • Decision upheld by the Supreme Court
1988	13 storey (175 feet high) retail/office building - very similar to a 1984 proposal	<ul style="list-style-type: none"> • Approved by Council • Subsequent time extensions agreed to by Council in 1991 and 1993
1984	13 storey (175 feet high) retail/office building	<ul style="list-style-type: none"> • Approved by Council • Time limit on construction expired without any requests for extensions
1982	Six storey apartment building	<ul style="list-style-type: none"> • Council decision deferred at a public hearing • Application later withdrawn
1981	16 storey office building	<ul style="list-style-type: none"> • Approved by Council • Decision overturned by Appeal Board
1974	20 storey building (along with a 16 storey building on the north side of Salter Street).	<ul style="list-style-type: none"> • Approved by Council
1505 Lower Water Street		
<u>Year</u>	<u>Proposal</u>	<u>Decision</u>
1983	Office building complex with ground floor retail comprised of five storeys near to Lower Water Street and 13 storeys within the centre of the site. Also, an eight storey residential building with 35 dwelling units located at the edge of the proposed	<ul style="list-style-type: none"> • Approved by City Council following an amendment to the Municipal Planing Strategy to include the site in the CBD sub-area.

1505 Lower Water Street		
<u>Year</u>	<u>Proposal</u>	<u>Decision</u>
	boardwalk.	
1982	Commercial/residential complex, up to 13 storeys in height	<ul style="list-style-type: none">• Approved by City Council• Decision overturned by the Appeal Board
1981	Two 16 storey twin commercial towers and a four storey parking garage next to Lower Water Street and.	<ul style="list-style-type: none">• Approved by City Council• Decision overturned by Appeal Board

Attachment B. Staff Review of Section IV, Halifax Waterfront Development Area, Objectives and Policies of the Municipal Planning Strategy	
Policy	Comment
1. Land/Water Edge	
Objective The design and development of the land/water edge to create a dynamic focus to the renewal of the waterfront area.	
1.1 The physical treatment of the land/water edge should be compatible with, and supportive of, the activities along the edge in order to provide for public enjoyment and use of the area	Achieved through the continuation of a boardwalk and the park.
1.2 The water's edge may be modified to create land for new uses, or for the expansion of existing marine-related uses, while retaining the intrinsic relationship between land and water characterized by the finger piers.	The existing winding gravel surfaced trail will be removed and replaced by a formal boardwalk, creating a new straight edge along the land/water edge. There are no finger piers in this section of the waterfront.
Objective Continuous visual and, as far as is practicable, physical access to the land/water edge along its length.	
1.3 There shall be a continuous public walkway at grade which follows the land/water edge, except where general use would be considered unsafe; in such cases, the walkway shall be provided around that use.	This is achieved through a proposed boardwalk that is at the land/water edge.
1.3.1 Only leisure, recreational, or marine-related uses should occupy land or water east of that walkway.	There are no elements of the proposed development that are to the east of the walkway.
1.3.2 Removal of any portion of the walkway from the land/water edge for reasons of safety or security should not preclude visual contact with the adjacent marine-related use or the water beyond.	The boardwalk allows for direct contact with the harbour.

Attachment B. Staff Review of Section IV, Halifax Waterfront Development Area, Objectives and Policies of the Municipal Planning Strategy	
Policy	Comment
1.4 Existing marine-related uses should not be displaced by non-marine-related uses.	No existing marine-related uses are being displaced with the proposal.
1.5 Elements of landscaping and planting should be introduced along the length of the walkway.	This is achieved most notably with the proposed park with other landscaping that will be included through the implementation of the project.
1.6 Information on the plant types most tolerant of the physical and climatic conditions pertaining in the HWDA should be made available to interested parties.	This will be considered through the detailed landscaping plans that will be developed as the project proceeds.
<u>2. LAND USE</u>	
<u>Objective</u> Development of the waterfront area to include a mixture of residential, commercial, institutional, cultural and marine-related uses.	
2.1 The uses within each of the sub-areas should reflect the objectives of mixed use development; the balance between uses should differ, giving each sub-area a distinct identity.	This is a mixed use development. Note that it is in the CBD Sub-area.
2.1.1 Before any specific allocation of use to the northern sub-area of the HWDA, its function in the context of the CBD and the surrounding area should be considered; notwithstanding this, further development in this area should adhere to the objectives and policies detailed in this section.	This is not applicable as the site is in the CBD Sub-area.

Attachment B. Staff Review of Section IV, Halifax Waterfront Development Area, Objectives and Policies of the Municipal Planning Strategy	
Policy	Comment
2.1.2 The CBD sub-area of the HWDA should be developed primarily for office and retail uses, but should incorporate residential development; the location of retail and residential uses should generate pedestrian circulation throughout the area and to the water's edge.	The development contains a mixture of land uses with a substantial amount of non-residential land uses.
2.1.3 The southern sub-area of the HWDA shall be developed primarily for residential and related uses	This is not applicable as the site is in the CBD Sub-area.
2.1.4 Notwithstanding the provisions of 2.1.1, 2.1.2 and 2.1.3, the portion of the HWDA immediately adjacent to the water's edge should be reserved for marine-related uses and public open space.	There are no elements of the proposed development that are to the east of the walkway and there is a high level of open space amenity adjacent to the water's edge.
2.2 The amount of commercial uses permitted in the HWDA shall be consistent with, and limited to, the amounts anticipated for the CBD in the <u>Halifax-Dartmouth Regional Development Plan</u> and the analysis upon which that Plan was based.	The <u>Halifax-Dartmouth Regional Development Plan</u> is no longer applicable.
2.2.1 The amount of commercial development permitted in the CBD area of the HWDA shall conform to the objectives and policies pertaining to the CBD, and the rate of development within the HWDA should not create adverse effects on the rate of development in that part of the CBD outside the HWDA.	No issues are foreseen.

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Policy	Comment	
2.3	The following principles for the location of, and types of, uses cited shall be adhered to:	
2.3.1	Marine-related uses may locate anywhere within the CBD area of the HWDA, or along the water's edge throughout the HWDA.	No marine-related uses that are part of this proposal.
2.3.1.1	Finger piers should be retained as functional wharves for marine uses or for commercial uses	No finger piers extend from the subject lands.
2.3.2	Retail services, including entertainment and other retail activities, should be located on the ground floor of buildings and at other levels where such activities would generate movement for the pedestrian walkways.	This is achieved with the project having ground floor commercial uses next to the boardwalk, park, and other open space..
2.3.3	Residential uses may be developed within the CBD area of the HWDA, and shall be the primary use within the southern sub-area subject to the following:	
2.3.3.1	In the CBD sub-area, residential uses may be added to commercial developments, within the constraints of the design policies as established by this Section of the Plan, any subsequent standards and procedures adopted by the City, and all other applicable bylaws of the City, or they may be freestanding.	The proposed multi-unit residential building is part of a mixed use development proposal.

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Policy	Comment
2.3.3.2 In the southern sub-area, residential uses shall be developed consistent with the policies for residential development in Part II, Section II of this Plan.	This is not applicable as the site is in the CBD Sub-area.
2.3.3.3 Residential development in the southern sub-area should be in either low-rise, high-density buildings, or in mixed use with commercial services related to, or compatible with, the residential uses intended for that area. Innovative housing forms, which would digress from the existing character of the area, should be considered on their merits in terms of their ability to meet the Part II, Section II objectives and policies.	This is not applicable as the site is in the CBD Sub-area.
2.3.4 Cultural uses should locate in the CBD sub-area, but may locate anywhere in the HWDA within the constraints of the policies in this Section.	No cultural uses are being proposed.
<u>3. CONSERVATION OF BUILDINGS AND SPECIAL FEATURES</u>	
Objective The conservation or rehabilitation of areas, streetscapes, buildings, features, and spaces which mark the sequence of development in Halifax, and which demonstrate the historic and architectural character of the City.	
3.1 The City shall continue to seek the retention, preservation, rehabilitation and restoration of areas, streetscapes, buildings, features and spaces in the HWDA consonant with the City's general policy stance on Heritage Preservation (see Section II, Policy	This policy is not applicable in evaluating the suitability of the proposed development.

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Policy	Comment
Set 6).	
3.1.1 The criteria by which the City shall continue to identify such areas, streetscapes, buildings, features and spaces in the HWDA are set out in the official City of Halifax report entitled " <u>An Evaluation and Protection System for Heritage Resources in Halifax</u> (City Council, 1978)."	This policy is not applicable in evaluating the suitability of the proposed development.
3.1.2 The City should designate those properties which meet the adopted criteria as registered heritage properties or registered heritage conservation areas and protect them within the terms of the Heritage Property Act.	There are no designated properties upon the subject site or features that warrant registration.
3.1.3 The City shall regulate demolition and external alterations under the provisions of the Heritage Property Act, and should secure inducements for retention, maintenance and enhancement of registered heritage properties within the HWDA.	This policy is not applicable in evaluating the suitability of the proposed development.
3.2 The intrinsic relationship between land and water that is characterized by the penetration of the finger piers into the water area should be maintained.	There are no finger piers that extend from the subject lands.

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Policy	Comment
3.2.1 The City should identify those piers which should be preserved as features of special significance to the City because of their association with the historic development of Halifax Harbour and because they articulate the land/water edge in this area.	This policy is not applicable in evaluating the suitability of the proposed development.
3.2.2 The construction of a pedestrian walkway at grade along the land/water edge shall provide the necessary means of linking these two elements with Historic Properties, activity areas, new developments and other uses along the waterfront (see Policy 1.3).	This is achieved through a proposed boardwalk that is at the land/water edge.
3.3 The City shall investigate the possibility of establishing Heritage Conservation Zones to protect registered heritage conservation areas and registered heritage streetscapes under the provisions of the Planning Act. The results of such investigations should be incorporated as amendments to this Plan and to the Land Use Bylaw.	This policy is not applicable in evaluating the suitability of the proposed development.
<u>4. CIRCULATION</u>	
Objective The creation of a safe, comfortable and pedestrian-oriented environment which provides a choice between outdoor and weather-protected routes.	
4.1 The City shall seek to ensure that there is comfortable and convenient pedestrian access from all parts of the HWDA to the CBD and to transit routes.	Good east-west connections are retained through Salter Street.
4.1.1 The following streets should be	Salter Street already extends to the land/water

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Policy	Comment
extended to the land/water edge as elements of the external pedestrian system when redevelopment occurs: ...c) Salter Street...	edge and there are opportunities for the improvements to the external pedestrian system with this project.
4.1.2 The City should seek the provision of weather-protection for pedestrians, particularly where new development or major alterations to building facades abut pedestrian routes in the CBD sub-area.	Given the design of the building, weather protection would not be appropriate next to Salter Street. There is such protection afforded through the building, between the park and Lower Water Street.
4.1.2.1 Priority should be given to the provision of weather-protected pedestrian routes in an east-west direction, including safe and comfortable pedestrian connections across Water and Hollis Streets.	There are no connections proposed over Lower Street.
Objective Minimal penetration by vehicles to the east of Water Street.	
4.2 Water and Hollis Streets shall be the main vehicular access streets serving the HWDA; east-west vehicular movements between these streets shall be along the existing street grid.	Respected by the development.
4.2.1 Lower Water Street and Upper Water Street to Buckingham Street shall be maintained substantially at their present physical widths and should function as a local service road.	Respected by the development.

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Policy	Comment
4.2.1.1 The City should develop additional criteria relative to the distance between facing building elevations along Lower Water Street and Upper Water Street to be incorporated into this section.	No additional criteria have been developed. However, along with the Bishops Landing and Salter's Gate projects and the Keith's Brewery, it is felt that this development makes a positive contribution to the creation of an appropriate street environment along this section of Lower Water Street.
4.2.2 Only emergency vehicles and vehicles serving marine-related uses should be allowed to penetrate the extended east-west streets east of Water Street to the water's edge. Delivery vehicles, taxis, and other service vehicles should be allowed with appropriate controls.	As suggested in the main body of the report, the proposed development poses a challenge to guiding policies such as this one. In response it is noted that general public vehicular trips will not impede pedestrian and open space opportunities at the water's edge. Surface treatments and other measures along its length could make it more amenable to pedestrians, with its use as a vehicular access being clearly secondary.
4.3 Parking within the CBD area of the HWDA shall adhere to the policies for the CBD in Section III of this Part. Within the northern and southern sub-areas, parking should accord with the zoning bylaw.	See below for detailed discussion. Note that the site is in the CBD sub-area, where parking requirements pursuant to the Land Use Bylaw do not apply; yet there is a minimum of one parking space per dwelling unit that is specified in the development agreement.
4.3.1 In the CBD sub-area, to the west of Water Street, the City should encourage the development of short-term parking facilities for public use, preferably in combination with new development.	This is not applicable as the site is on the East side of Lower Water Street.
4.3.2 Pursuant to Part II, Section III, Policy 3.3.1, long-term parking facilities in the CBD area of the HWDA should be discouraged.	Long term parking is defined in the Municipal Planning Strategy as being, "parking space provided for periods of time greater than five hours; often to accommodate the downtown employees."

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4.3.2.1 In the CBD area east of Water Street, parking facilities should be limited to short-term parking for the delivery and service requirements of the occupants of the development.	The proposed parking garage has an anticipated 287 parking spaces; of which, one parking space is to be dedicated to each of the expected 142 residential dwelling units, with the remainder being available for hotel guests and the general public. From a practical perspective, staff believe that the policy intent is to preclude regular long term parking such as that which currently occurs on the site with monthly contact parking. There are requirements in the development agreement that parking be limited to short-term to day-long parking that is not to be the subject of regular parking contracts. This emphasizes that parking is to be devoted to users of the development and waterfront in general.
4.3.3 Provided they are for public use, surface parking lots may be permitted as an interim use during any phase of development in order to meet immediate needs (see Part II, Section III, Policy 3.4.3).	Such surface parking already exists. Future parking will be below grade.
4.4 The policies of this Section pertaining to land use and pedestrian areas shall be respected in the evaluation of alternative transportation proposals for the CBD and the City.	This policy is not applicable in evaluating the suitability of the proposed development.

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Policy	Comment
5. CIVIC DESIGN	
Open Space	
Objective A network of public open space which complements the existing and proposed developments, accommodates human activity, and encourages pedestrian circulation throughout the area.	
5.1 The existing street grid is the basis of the open space network and should be extended in the HWDA to the land/water edge to reinforce the traditional “grain” of the CBD and to form the east-west element of the public open space network in the following positions: ...c) Salter ...	Salter Street already extends from Lower Water Street to the water’s edge and there is the potential for it to be improved upon as an important element of the open space network through this proposal.
5.1.1 The existing widths of these streets should be continued down to the water's edge with the exception of the local width of the Irving Arch opening which should form an architectural feature to this street extension.	This is achieved; no change to the width of Salter Street is required or proposed.
5.1.2 The extension of the street grid to the water’s edge should widen into public open spaces at the water’s edge. Such open spaces at the ends of the east-west street extensions should be adequate to accommodate required vehicular turning movements.	As noted in other parts of the report, there will continue to be opportunities to establish formal open space at the interface of Salter Street and the boardwalk.

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Policy	Comment
5.1.3 The surface detailing of this street grid to the water's edge should be sympathetic to the pedestrian, and should be designed to slow the movement of any vehicle entering the area.	As noted in other parts of the report, there will continue to be opportunities to improve open space amenities along Salter Street. Surface treatments and other measures along its length could make it more amenable to pedestrians, with its use as a vehicular access being clearly secondary.
5.1.4 These public open spaces adjacent to the water's edge should not be used for parking.	There is no parking, other than the parking garage, that is proposed adjacent to the water's edge.
Objective The conservation and creation of a high standard of environmental quality.	
5.2 Open spaces between, over and around buildings should be designed to have contrasting characteristics; some narrow spaces with detailed architectural treatment, some taking advantage of views along the Harbour, and some very open spaces with panoramic views.	This is achieved through a variety of different opportunities and vantage points to view the harbour.
5.2.1 The details of the architectural design of any proposal in the area should ensure that each open space is usable, both as an integral part of the function of the area, and as a visually attractive feature of the design.	The architectural design of the building promotes a high degree of usable open space.
5.3 The City should encourage the incorporation of vegetation and landscaping as essential elements in the design of the HWDA.	Will be achieved through the development agreement.
5.3.1 A landscape plan for off-street open spaces should form part of any proposal within the HWDA.	Will be achieved through the development agreement.

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Policy	Comment
5.3.2 Planting should be introduced throughout the HWDA, including close to the water's edge, to create visual interest and linkage throughout the area.	Will be achieved through the development agreement.
Views	
Objective The preservation of existing views of the HWDA from both land and water, through the HWDA to the Harbour and from the HWDA in all directions and, where possible, the creation of new views.	
5.4 Views of the Harbour and of the Citadel along the east-west streets and open space elements of this Plan within the CBD should be opened up as redevelopment provides opportunity. No part of any proposed new building should block these views.	The view of the harbour is retained along Salter Street.
5.4.1 Views of the Harbour should be retained at the following locations: (a) from the archway at Keith's Brewery on Water Street; (b) between the Ralston and Bank of Canada Buildings; (c) between the Court House and Historic Properties; (d) between Historic Properties and the Department of National Defence area parking.	There are two archways at Keith's Brewery, along Lower Water Street. There will be opportunities for views of the harbour in the vicinity of the arches, between the proposed hotel and Bishop's Landing.
5.4.2 Views of the Harbour should be opened up as development opportunities allow along the axis of Cheapside.	This is not applicable to the subject site.

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Policy	Comment
5.4.3 Views of the Harbour from Citadel Hill shall be preserved as specified in the Views By-law.	This is achieved through the project and reinforced through specific requirements in the development agreement.
5.4.4 Roof areas of new developments, which can be seen from the Citadel, from taller buildings, or from other parts of the City, should be designed to be not only visually attractive, but, where appropriate, to provide open space for public use and circulation.	The proposal has a variety of attractive private roof elements. Given the high degree of proposed public open space, no public rooftop access is proposed.
<u>Scale and Design Detail</u>	
Objective A high quality of design and construction of buildings of human scale which reflect the architectural and topographical characteristics of the HWDA and of the CBD.	
5.5 Repealed.	
5.6 The character of the HWDA should be reinforced through the control of urban design details such as massing, texture, materials, street furniture, and building lines.	The Scale and Design Detail objective, along with its main and subset policies, calls for a consideration of the character of the Waterfront. In this particular area, part of the character is unfortunately defined by the vastness of existing surface parking lots upon the subject site and to the north of Salter Street. However, with the construction of Bishops Landing and Salter's Gate, there is an emerging character of mixed use modern buildings next to historic Keith's Brewery. These projects do not mimic this heritage building, but are sensitive and complementary through their careful, "use of materials, colour, proportion, and the rhythm established by surface and structural elements." There is an attractive streetscape that is being established upon Lower Water Street in the subject area, that is being defined through elements that are common to Bishops
5.6.1 The exterior architectural design of new buildings should be complementary to any adjacent ones of historic or architectural significance, or important to the character of Halifax. In such instances, the careful use of materials, colour, proportion, and the rhythm established by surface and structural elements should reinforce the similar aspects of the existing buildings.	

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	Landing, Keith's Brewery, and Salter's Gate. This includes features such as varied building heights ranging from three to nine storeys, high quality building materials, and setbacks that create a human scale pedestrian environment. This proposal, with its scale and composition that is similar to these surroundings will make a positive contribution to the area and serve to reinforce its character.
5.6.2 For any development project, the design of the pedestrian movement system and associated open spaces within the HWDA shall show consideration of:	
5.6.2.1 Freedom from pedestrian hazards, including the provision of ramps, curbs, and access for strollers, wheelchairs, etc.;	This will be achieved through the development agreement, which contains provisions for barrier-free access between the major elements of the open space system.
5.6.2.2 Easy access for the blind with recognizable paving textures;	Such paving textures will be implemented upon the main pedestrian elements of the site.
5.6.2.3 Quiet and protected areas for resting and sheltering from inclement weather;	This is achieved through parts of the development, namely the commercial elements of the project, that will be open to the public.
5.6.2.4 Protection for pedestrians from nearby vehicles;	This is achieved through the emphasis upon pedestrian spaces.
5.6.2.5 Convenient drop-off and pick-up points for vehicles and taxis;	This is achieved through the turnaround at the centre of the site and entrance to the hotel off Lower Water Street.
5.6.2.6 Sunlight penetration into pedestrian routes;	The shadow analysis for the project shows that there will be shadows cast upon the open space at the base of Salter Street and upon the boardwalk section that is on the north side of

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	the residential building, at many times of the day, over each of the four seasons. While these places are important components of the open space system envisioned within the Municipal Planning Strategy, the proposed park should be thought of as the most important open space area to be evaluated in considering of the impact of shadows. In this regard, it is found that the impact of shadows upon the park is not adverse and therefore the proposal should be viewed favourably.
5.6.2.7 The design and location of all street furniture, including public information boards, seats, planters, lamp standards, trash holders, kiosks, public washrooms, and the coordination of all retail signs, building signs, directional signs, internally-illuminated signs, etc.;	There are requirements in the development agreement for such features to be installed.
5.6.2.8 Access for services, including cables, ducts, water lines, and eliminating overhead wires from public circulation and traffic areas.	There will be no overhead wires associated with the development.
Micro-Climate	
Objective The creation of micro-climates acceptable to normal human activities in their immediate vicinity, through the form and positioning of public open spaces and of new development neighbouring such spaces.	
5.7 The design of development projects should attempt to ensure that wind levels on outdoor pedestrian routes and on public open spaces will be acceptable (see Section III, Policy 7.5.1).	As noted in the main body of the report, the Developer has committed to undertake wind tunnel testing following an approval of the development agreement by Council. The development agreement establishes acceptable levels of comfort for “sitting”, “standing”, and “walking” within various

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	<p>public open space areas of the site that are to be achieved. These standards have been developed by RDWI Consulting Engineers & Scientists. With the approval of the development agreement by Council, the proponent will be required to predict the wind conditions of the site using a model of the project within a wind tunnel that will simulate wind conditions. The adopted levels of comfort within the development agreement will need to be met in order to gain approval by the Municipality's development officer for the project to proceed. It is expected that any initial unacceptable wind conditions with regard to these levels of comfort will be able to be mitigated through minor changes to the buildings and the placement of landscaping. Should the project not be able to meet the adopted levels of comfort in the development agreement, any changes to the size or configuration of the buildings will require the project to be considered again by Council through a non-substantive amendment (does not require a public hearing). Should Council find that any required changes significantly alter the project, a completely new application will be required.</p>
<p>5.8 The design of development projects should attempt to ensure that there will be a minimal amount of shadow cast on the public open spaces (see Section III, Policy 7.6).</p>	<p>The shadow analysis for the project shows that there will be shadows cast upon the open space at the base of Salter Street and upon the boardwalk section that is on the north side of the residential building, at many times of the day, over each of the four seasons. While these places are important components of the open space system envisioned within the Municipal Planning Strategy, the proposed</p>

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Policy	Comment
	park should be thought of as the most important open space area to be evaluated in considering of the impact of shadows. In this regard, it is found that the impact of shadows upon the park is not adverse and therefore the proposal should be viewed favourably.
5.9 The creation of a physical environment in which pollution with respect to air, water and sound is controlled to ensure conditions that are acceptable and attractive to human activity (see Section III, Policy 7.7).	There are no observed features of this development that would create such issues.
6. PUBLIC UTILITIES - INFRASTRUCTURE	
Objective The creation of an efficient and flexible underground infrastructure which will complement the existing and future systems of the CBD.	
6.1 The City should require the undergrounding of electricity and telephone cables, etc., particularly in new developments, and in areas or streets of identified historic or architectural merit.	All such services will be underground.
6.2 The amount of development shall be related to the capacity of existing and planned sewer, water and pollution control systems, not only of the HWDA, but also of the City, and shall not exceed the capacities of those systems.	There is sufficient capacity to service the development.
6.3 Priority should be given to the identification, development, and incorporation of comprehensive servicing systems, particularly in the	No opportunities for comprehensive service systems were presented through this proposal.

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Policy	Comment
CBD area, which will make a positive contribution toward energy conservation.	

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Policy	Comment
<u>7. PHASING OF DEVELOPMENT</u>	
Objective That development be undertaken in accordance with a program which provides for early public use of the HWDA, and which minimizes disruption of activities and amenities in the area.	
7.1 The amount of development of each type of use at any time during the development of the HWDA shall contribute to the objective of achieving mixed use of the area.	This is achieved through the mixed development components of this proposal.
7.1.1 The provision of pedestrian routes down to and along the water's edge, in accordance with Policies 1.3 and 4.1.1 of this Section, should be provided as part of any interim or first stage of development.	This can be achieved with the implementation of detailed landscaping plans that are required before the project proceeds.
7.1.2 Sites and buildings which are acquired by any public agency for the comprehensive development of the area should be upgraded for interim uses, where feasible, until such time as the site or building is required for development.	This policy is not applicable in evaluating the suitability of the proposed development.
7.2 The phasing of development within the CBD sub-area should be coordinated with the plans for the provision of transportation, sewer, and water infrastructure.	This policy is not applicable in evaluating the suitability of the proposed development.

Attachment D

THIS AGREEMENT made this day of , 2007,
BETWEEN:

WATERFRONT DEVELOPMENT
CORPORATION LIMITED

A body corporate, in the County of Halifax,
Province of Nova Scotia ("the Corporation"),

OF THE FIRST PART

-and-

CENTENNIAL GROUP LIMITED

A body corporate, in the County of Halifax,
Province of Nova Scotia ("the Developer"),

OF THE SECOND PART

-and-

HALIFAX REGIONAL MUNICIPALITY,

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

OF THE THIRD PART

WHEREAS the Corporation is the registered owner of certain lands located on Lower Water Street and Salter Street, (PIDs 00646794 and 40177974), Halifax, Nova Scotia, and which said lands are more particularly described in Schedule "A" to this Agreement (hereinafter called the "Lands");

AND WHEREAS the Corporation and the Developer have requested that the Municipality enter into a development agreement to allow for a mixed use commercial and residential complex pursuant to the provisions of the Municipal Government Act and the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law for the former City of Halifax;

AND WHEREAS the Regional Council for the Municipality approved this request at a meeting held on _____, 2007 referenced as Municipal Case Number 00745;

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

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

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

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

- 1.2.1 Except as otherwise provided for herein, the development and use of the Lands shall comply with the requirements of the Halifax Peninsula Land Use By-law and the Regional Subdivision By-law.

1.3 Applicability of Other By-laws, Statutes and Regulations

- 1.3.1 Further to Section 1.2, nothing in this Agreement shall exempt or be taken to exempt the Corporation and the Developer, lot owner or any other person from complying with the requirements of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement), or any statute or regulation of the Province of Nova Scotia, and the Corporation and the Developer or lot owner agrees to observe and comply with all such laws, by-laws and regulations in connection with the development and use of the Lands.

1.4 Conflict

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

1.5 Costs, Expenses, Liabilities and Obligations

- 1.5.1 The Corporation and the Developer shall be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement and all federal, provincial and municipal regulations, by-laws or codes applicable to any lands owned by the Developer.

1.6 Provisions Severable

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

PART 2: DEFINITIONS

2.1 Definitions

- 2.1.1 The following definitions shall apply:

Passageway means the opening through the residential building, between the park and the northern boundary of the lands, and as more particularly shown on the Schedules of this Development Agreement.

Open space means areas of the lands that are not comprised of buildings, but which may be above the parking garage specified on Schedule "G" (Parking Garage Plan), and that include the park, boardwalk, and passageway.

Park means the open space described as Parcel "D" on Schedule "B" (Subdivision Plan).

- 2.1.2 All words unless otherwise specifically defined in 2.1.1, shall be as defined in the Halifax Peninsula Land Use By-law and the Subdivision By-law of the Halifax Regional Municipality.

PART 3: USE OF LANDS AND DEVELOPMENT PROVISIONS

3.1 Schedules / Use of Lands

- 3.1.1 The Corporation and the Developer shall develop and use the lands (described in Schedule "A" of this Agreement) for a mixed use, commercial / residential development which, in the opinion of the Development Officer (of the Municipality and as defined in the *Municipal Government Act*), is substantially in conformance with the plans filed in the Halifax Regional Municipality Planning and Development Services as Case #00745 and attached as the following Schedules to this Agreement:

Schedule "A"	Legal Description of the Lands <u>[to be included later]</u>
Schedule "B"	Subdivision Plan
Schedule "C"	Site Plan

Schedule "D"	Landscaping Plan
Schedule "E1"	Building Elevations
Schedule "E2"	Pedestrian Level Detailed Plans
Schedule "F"	Ground Floor Plan
Schedule "G"	Parking Garage Plan
Schedule "H"	Preliminary Wind Review Letter
Schedule "T"	Project Specifications: Gross Floor Area Sizes, Number of Dwelling Units, Number of Hotel Rooms, and Number of Parking Spaces

3.1.2 The permitted land uses and their location upon the lands and within the buildings shall be in accordance with the Schedules.

3.1.3 Commercial parking shall be permitted subject to Section 3.6.

3.1.4 The commercial uses on the ground floor, next to the park and boardwalk areas of the open space, shall:

- (a) have direct access to said open space; and
- (b) shall not be converted to non-commercial uses or commercial uses that do not involve direct customer access to said open space.

3.2 Architectural Requirements: Materials and Colour

3.2.1 The exterior architectural materials and colours shall substantially conform to Schedules "E1" (Building Elevations) and "E2" (Pedestrian Level Detailed Plans).

3.3 Open Space and Landscaping

3.3.1 Open space shall be provided and maintained in substantial conformity with Schedule "D" (Landscaping Plan) and the following:

- (a) Hard surface areas, including walkways and driveways shall be comprised of paving stones or other decorative materials.
- (b) Plants shall include:
 - (i) deciduous and coniferous trees;
 - (ii) shrubs; and
 - (iii) vegetative ground cover;

that are species that are suitable to the climatic and other conditions of the lands and which conform to the Canadian Nursery Trades Association Metric Guide Specifications (or replacement thereof), for trees and shrubs, and the Canadian Nursery Sod Growers' Specifications (or replacement thereof), for sodded areas.

- (c) Trees specified in clause (b) shall comply with the following specifications:
 - (i) Deciduous trees shall have a minimum caliper of 60 millimetres.
 - (ii) Coniferous trees shall be a minimum height of 1.5 metres.
 - (iii) Where such trees are planted within a hard surface area, they shall include a tree grate or other means to protect the tree and allow for irrigation.

- (d) The skating rink/pond shall be constructed:
 - (i) with equipment to assist in its refrigeration so as to be usable for skating in the winter; and
 - (ii) to allow for public gatherings or performances within it, where it is designed to be drained, or upon it, where it is designed to accommodate a platform.

- (e) The design and construction of the surface and surroundings of the passageway shall be such that it serves principally as a walkway and secondarily as a driveway for vehicles entering into the park. In addition, there shall be a walkway from the section of the boardwalk, that is at the base of Salter Street, which joins with the walkway/driveway that extends through the passageway.

- (f) Walkways extending between the park and the boardwalk, including the walkway/driveway that is through the passageway further to clause (e), shall be designed and constructed for ease of use by persons with physical or sensory disabilities and have a maximum slope of 1:12.

- (g) There shall be no vehicular parking within the park.

3.3.2 Prior to the issuance of a development permit for construction, a detailed landscaping plan, prepared by a Landscape Architect, shall be submitted to the Municipality for approval pursuant to clause 3.3.1 and other provisions of this Agreement. The detailed landscaping plan shall provide details of all open space, including model numbers, quantities, and manufacturers of site furnishings.

3.3.3 A public access easement shall be granted over the open space, in a form acceptable to the Municipality, and registered at the Registry of Deeds in advance

of the issuance of any development permit for the development.

- 3.3.4 The Developer and Corporation, with the approval of the Municipality pursuant to the its Municipal Service Systems (the Red Book), shall be responsible for
- (a) sidewalk construction or reconstruction; and
 - (b) establishing street trees and other landscaping and street furnishings including benches, bicycle racks and garbage receptacles upon or abutting the Lower Water Street and Salter Street rights-of-way.
- 3.3.5 It is the responsibility of the Corporation and the Developer to ensure that all structures are capable of supporting loads for all landscaping as well as the anticipated mature weight of the plant material.
- 3.3.6 The Corporation and the Developer shall maintain and keep in good repair all portions of the development on the lands, including the replacement of damaged or dead plant stock, trimming and litter control, garbage removal, and snow and ice control of walkways and driveways.
- 3.3.7 No occupancy permit shall be issued for any building or part of any building constructed on the lands until such time as the open areas and landscaping outlined in the Agreement are completed and approved by the Development Officer. The Corporation or Developer shall provide written certification from a Landscape Architect to the Development Officer indicating that all landscaping has been completed in accordance with the above. However, where such building has been completed and all other terms of this agreement, except for landscaping, have been met, an occupancy permit may be issued provided that the developer supplies a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping, as assessed and confirmed by a Landscape Architect.
- 3.3.8 The security described in 3.3.7 shall be in the form of a certified cheque or an automatically renewing letter of credit issued by a chartered bank to the Municipality. Should the developer not complete the landscaping within twelve months of issuance of the occupancy permit, the Municipality may use the deposit to complete the landscaping as set out on the landscape plan. The security or unused portion thereof shall be returned to the Corporation or Developer upon completion of the work and its certification.

3.4 Solid Waste Facilities

- 3.4.1 The multi-unit residential building shall include designated space for three stream

(refuse, recycling and composting) source separation services (containers, rooms, facilities, etc.). This designated space for source separation services shall be shown on the building plans and approved by the Development Officer and Building Inspector in consultation with the General Manager of Solid Waste Resources.

3.5 Signs

3.5.1 Signs shall be in accordance with the *C-2 Zone, General Business Zone*, of the Halifax Peninsula Land Use By-law.

3.6 Parking

3.6.1 Parking shall be subject to the following:

- (a) There may be surface parking for the hotel in the area of the Hotel Loading Area, as shown on Schedule "C" (Site Plan).
- (b) A sub-grade parking garage shall be provided as per Schedule "G" (Parking Garage Plan).
- (c) The size of the parking garage specified in Schedule "G" (Parking Garage Plan) and the number of parking spaces may be reduced provided there is a minimum of 1 parking space per dwelling unit.
- (d) Any parking spaces in excess of the number required in clause (c), shall be available to hotel guests or the general public.
- (e) Parking for the general public shall be available for a maximum of 12 continuous hours, and no such parking shall be the subject of contracts or other agreements to allow for regular parking over multiple days, weeks, months, year(s), or any other similar time periods.

3.7 Surveyor Certification Relating to View Planes

3.7.1 Prior to the issuance of both a development permit and occupancy permit for any portion of the development, the Developer shall provide to the Development Officer written certification from a professional surveyor that both the proposed development and completed building does not violate Section 24, *Protrusions through View Planes*, of the Halifax Peninsula Land Use By-law.

3.8 Underground Utilities/ Street Right-of-Way

- 3.8.1 The Developer agrees to place all utility services underground. In addition to being responsible for the cost of placing secondary services underground, the Developer agrees to pay for all civil costs required to place utility wires (primary services) underground that may be currently above ground within those portions of Salter Street and Lower Water Street which abut the lands. It is expected that any cabling or pole removal costs associated with the placement of the wiring underground will be borne by the respective utility.

3.9 Wind Mitigation Measures

- 3.9.1 Prior to the issuance of a development permit for construction, pursuant to Schedule "H" (Preliminary Wind Review Letter), the Developer shall undertake wind tunnel testing of the development by a qualified professional experienced in wind engineering and submit a report to the Development Officer that:
- (a) Confirms the expected wind comfort conditions pursuant to the standards within said Schedule; and
 - (b) Where necessary, outlines proposed wind mitigation measures to achieve those standards.
- 3.9.2 Appropriate mitigation measures / solutions shall be approved by the Development Officer prior to the issuance of a development permit for construction, except those which, in the opinion of the Development Officer, involve a substantial change in the design of the building, site plan, or landscaping. In these instances, such measures shall be considered by Council as per Section 4.1 (e) prior to the issuance of a development permit for construction.
- 3.9.3 Mitigation measures / solutions shall be shown on the building plans submitted for development permit for construction and be completed prior to the issuance of an occupancy permit.

3.10 Delivery Truck Loading / Unloading

3.10.1 Delivery trucks that are required to back up from Salter Street or Lower Water Street to use the loading / unloading bays shall only be permitted between:

- (a) 9:00 a.m. and 4:00 p.m.; and
- (b) 6:00 p.m. and 9:00 p.m..

3.10.2 The loading / unloading bays for the hotel and residential building as shown on the Schedules shall be clearly demarcated with signs and/or pavement markings or other suitable pedestrian warning devices.

3.11 Environmental Remediation and Archeological Investigation

3.11.1 The Developer agrees to comply with the legislation and regulations of the Province of Nova Scotia with regard to archeological investigation/ special places protection and environmental remediation of the lands.

3.12 Subdivision

3.12.1 The lands may be subdivided in substantial conformance with Schedule "B" (Subdivision Plan) or in compliance with the Halifax Peninsula Land Use By-law and Regional Subdivision By-law, but shall be exempt from:

- (a) the *Park Dedication Requirements* of the Regional Subdivision By-law; and
- (b) any requirements for frontage along a public street.

3.13 Salter Street Access

3.13.1 The Municipality agrees to remove parking meters along Salter Street, to the east of Lower Water Street, to provide access from Salter Street to the parking garage.

3.14 Variations

3.14.1 The Development Officer may approve:

- (a) the following variations to the Schedules:
 - (i) interior changes to the multi-unit residential building and hotel,

- provided that any increase in the number of dwelling units or hotel guest suites results in a population density, for the entire development, of 250 persons per acre (of the lands) or less, and in calculating such density, the definition of "habitable room" in the Land Use By-law shall apply to hotel guest suites;
- (ii) changes to the size or interior layout of the parking garage that do not reduce the minimum number of parking spaces required by the agreement;
 - (iii) changes to the internal floor layouts of any commercial areas;
 - (iv) changes to the types of ground floor commercial uses, provided such changes are consistent with 3.1.4; and
 - (v) changes to Schedule "B" (Subdivision Plan), pursuant to 3.12.1.
- (b) minor variations to the exterior details of the building and landscaping, including minor changes pursuant to Section 3.9 (Wind Mitigation Measures), provided that the intent of this agreement is met.

PART 4: AMENDMENTS

- 4.1 Where changes are not enabled pursuant to Section 3.14 (Variations), the provisions of this Agreement relating to the following matters are identified as, and shall be deemed to be non-substantive, and may be amended by resolution of the Regional Council:
- (a) Changes to the exterior architectural appearance of the buildings or the design, layout and positioning of the buildings, provided that plans are submitted for any changes to the building design and that such changes, in the opinion of Council, are minor in nature;
 - (b) Changes to Section 3.2 (Architectural Requirements: Materials and Colours) and corresponding plans and schedules that, in the opinion of Council, are minor in nature;
 - (c) Changes to any landscaping provisions that, in the opinion of Council, are minor in nature;
 - (d) A replacement of the skating rink/pond with another form of public amenity;
 - (e) The wind mitigation measures that, in the opinion of Council, are minor in nature;
 - (f) Changes to the Subdivision Plan other than those approvable by the Development

Officer and that, in the opinion of Council, are minor in nature; and

- (g) Changes to the time frames for commencement and/or completion of the development as outlined in Part 5.

4.2 Amendments to any matters not identified under Section 4.1 shall be deemed substantive and may only be amended in accordance with the approval requirements of the Municipal Government Act.

PART 5: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

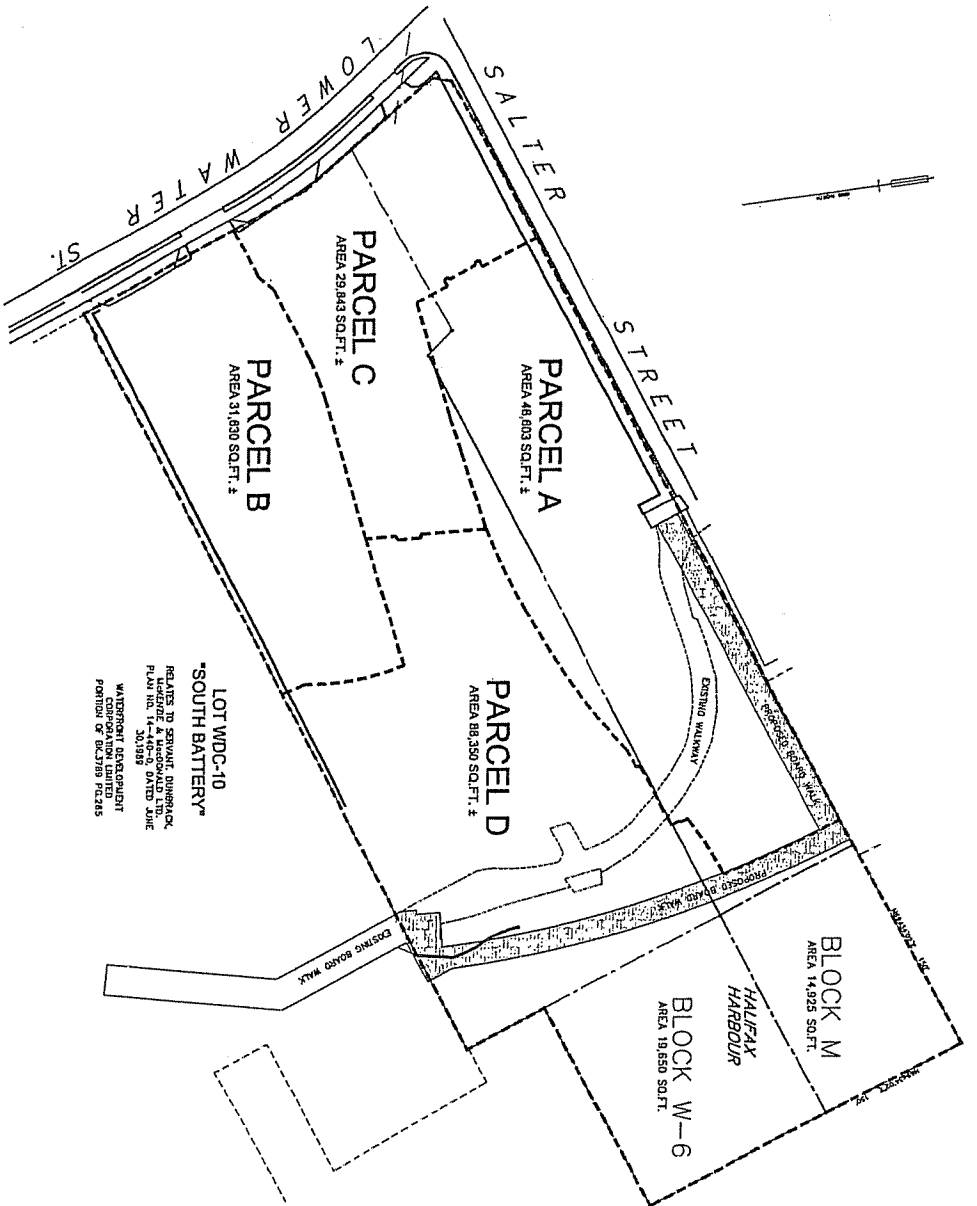
- 5.1 A copy of this Agreement and every amendment and discharge of this Agreement shall be recorded at the office of the Registry of Deeds or Land Registration Office at Halifax, Nova Scotia, and the Developer shall pay or reimburse the Municipality for the registration cost incurred in recording such documents.
- 5.2 This Agreement shall be binding upon the parties thereto, their successors and assigns, and shall run with the land which is the subject of this Agreement until this Agreement is discharged by the Council.
- 5.3 In the event that construction of the project has not commenced within three years from the date of approval of this Agreement by the Municipality and any other bodies as necessary, as indicated herein, the Municipality may, by resolution of Council, either discharge this Agreement whereupon this Agreement shall have no further force or effect, or upon the written request of the Developer, grant an extension to the date of commencement of construction. For the purposes of this section, "commencement of construction" shall mean the issuance of Development and Building Permits, site excavation and the placement of footings for the underground parking of the development.
- 5.4 Upon the completion of the development or portions thereof, Council may review this Agreement, in whole or in part, and may:
 - (a) Retain the Agreement in its present form;
 - (b) Negotiate a new Agreement;
 - (c) Discharge this Agreement on the condition that for those portions of the development that are deemed complete by Council, the Corporation or Developer's rights hereunder are preserved and the Council shall apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use By-law, as may be amended.

PART 6: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

- 6.1 The Corporation and the Developer agree that any officer appointed by the Municipality to enforce this Agreement shall be granted access onto the Lands during all reasonable hours without obtaining consent of the Corporation or the Developer. The Corporation and the Developer further agrees that, upon receiving written notification from an officer of the Municipality to inspect the interior of any building located on the Lands, the Developer agrees to allow for such an inspection during any reasonable hour within one day of receiving such a request.
- 6.2 If the Corporation or the Developer fails to observe or perform any covenant or condition of this Agreement after the Municipality has given the Developer thirty (30) days written notice of the failure or default, except that such notice is waived in matters concerning environmental protection and mitigation, then in each such case:
- (a) The Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Corporation and the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defence based upon the allegation that damages would be an adequate remedy;
 - (b) The Municipality may enter onto the Property and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the development agreement, whereupon all reasonable expenses whether arising out of the entry onto the lands or from the performance of the covenants or remedial action, shall be a first lien on Property and be shown on any tax certificate issued under the Assessment Act;
 - (c) The Municipality may, by resolution, discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; and/or
 - (d) In addition to the above remedies the Municipality reserves the right to pursue any other remediation under the Municipal Government Act or Common Law in order to ensure compliance with this Agreement.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals on the day and year first above written:

Signed, sealed and delivered the presence of:	)	WATERFRONT DEVELOPMENT
	)	CORPORATION LIMITED
)	
per: _____	)	per: _____
)	
)	
Signed, sealed and delivered the presence of:	)	CENTENNIAL GROUP LIMITED
)	
)	
per: _____	)	per: _____
)	
)	
Sealed, Delivered and Attested by the proper signing officers of Halifax Regional Municipality duly authorized on that behalf in the presence of	)	HALIFAX REGIONAL
	)	MUNICIPALITY
)	
	)	per: _____
	)	MAYOR
)	
per: _____	)	per: _____
	)	MUNICIPAL CLERK



MARCH 13, 2007

SALTER STREET BLOCK

Schedule B
Subdivision Plan

**ELEVATIONS OVER
BLOCKS M & W-6
LOWER WATER STREET**

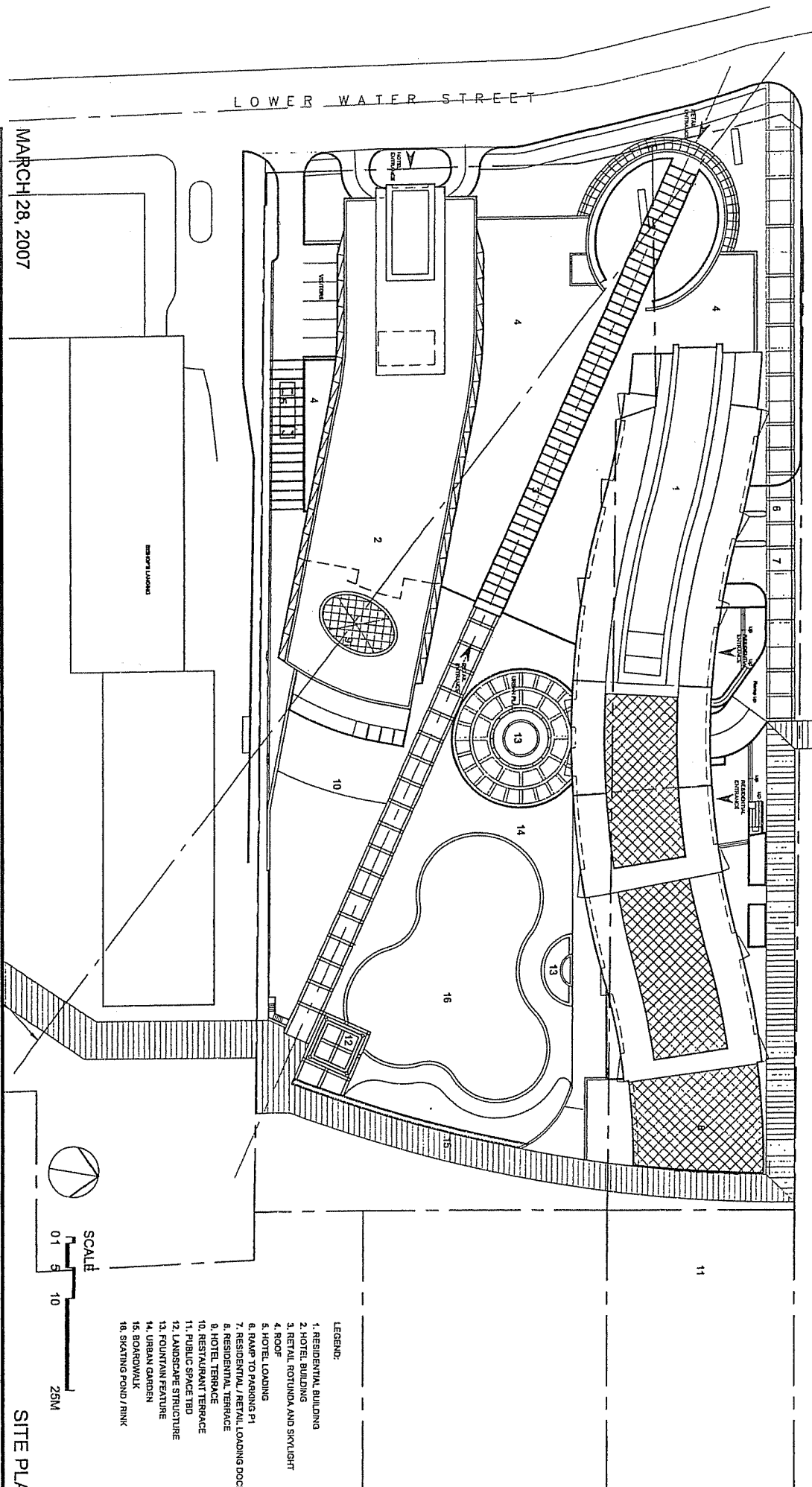
SWM
Servant, Quinrack, Laidlaw & MacDonald Ltd.
1170 BAYVIEW AVENUE, WESTMOUNT, NS
REGISTERED PROFESSIONAL ENGINEERS
PLAN NO. 14-201-2018
SCALE: 1"=30'
FILE NO. 14-201-2018 (2318)

DRAFT-PLAN OF SUBDIVISION

CENTENNIAL - UNIVERSAL
WZMH ARCHITECTS

SALTER STREET

LOWER WATER STREET



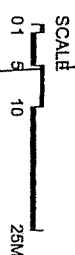
MARCH 28, 2007

SALTER STREET BLOCK

Schedule C
Site Plan

LEGEND:

- 1. RESIDENTIAL BUILDING
- 2. HOTEL BUILDING
- 3. RETAIL, ROTUNDA AND SKYLIGHT
- 4. ROOF
- 5. HOTEL LOADING
- 6. RAMP TO PARKING P1
- 7. RESIDENTIAL / RETAIL LOADING DOCK
- 8. HOTEL TERRACE
- 9. RESTAURANT TERRACE
- 10. RESTAURANT TERRACE
- 11. PUBLIC SPACE TBD
- 12. LANDSCAPE STRUCTURE
- 13. FOUNTAIN FEATURE
- 14. URBAN GARDEN
- 15. BOARDWALK
- 16. SKATING POND / RINK



SITE PLAN

CENTENNIAL - UNIVERSAL
WZMH ARCHITECTS

WATERFRONT DEVELOPMENT SITE, HALIFAX NS

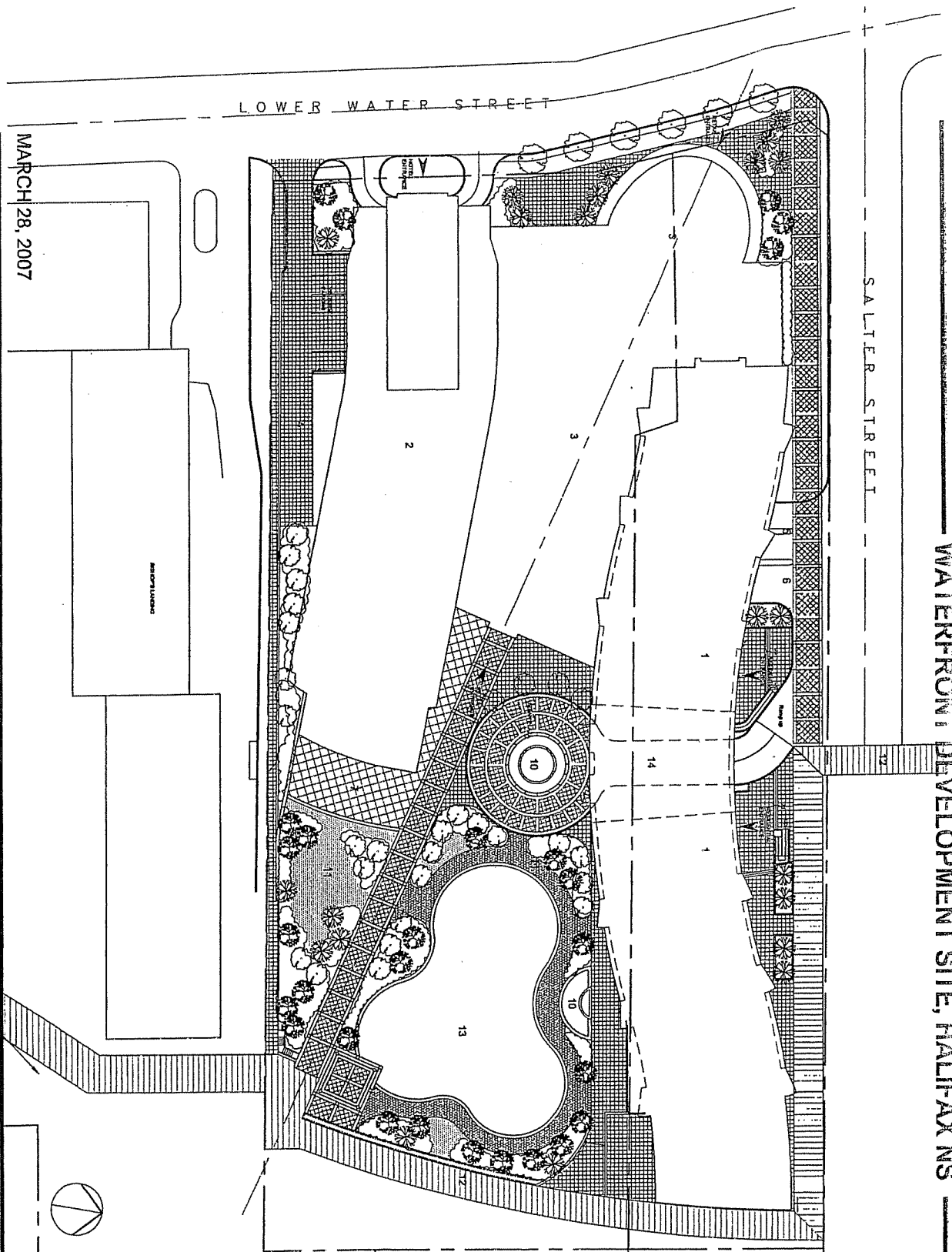
SALTER STREET

LOWER WATER STREET

MARCH 28, 2007

SALTER STREET BLOCK

Schedule D
Landscaping Plan



NOTE:
ACTUAL CONFIGURATION OF
VEGETATION TO BE DETERMINED
THROUGH A DETAILED PLANT
LIST AND SITE SPECIFIC
AGREEMENT REQUIREMENTS

- LEGEND:
- 1. RESIDENTIAL BUILDING
 - 2. HOTEL BUILDING
 - 3. RETAIL BUILDING
 - 4. HOTEL LOADING
 - 5. RAMP TO PARKING P1
 - 6. RESTAURANT/RETAIL LOADING
 - 7. RESTAURANT TERRACE
 - 8. PUBLIC SPACE TBD
 - 9. LANDSCAPE STRUCTURE
 - 10. FOUNTAIN FEATURE
 - 11. URBAN GARDEN
 - 12. BOARDWALK
 - 13. SKATING POND / RINK
 - 14. WALKWAY / DRIVEWAY BELOW

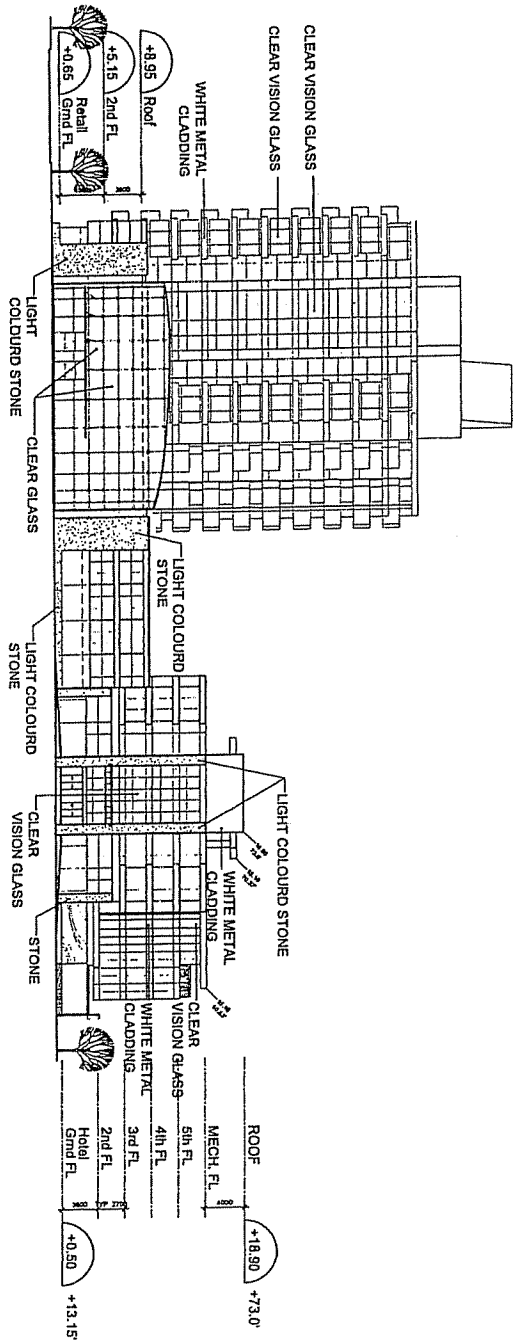
LANDSCAPE LEGEND:	
	WALKWAYS AND OTHER PEDESTRIAN AREAS
	TREES
	SHRUBS
	BOARDWALK
	LAWN



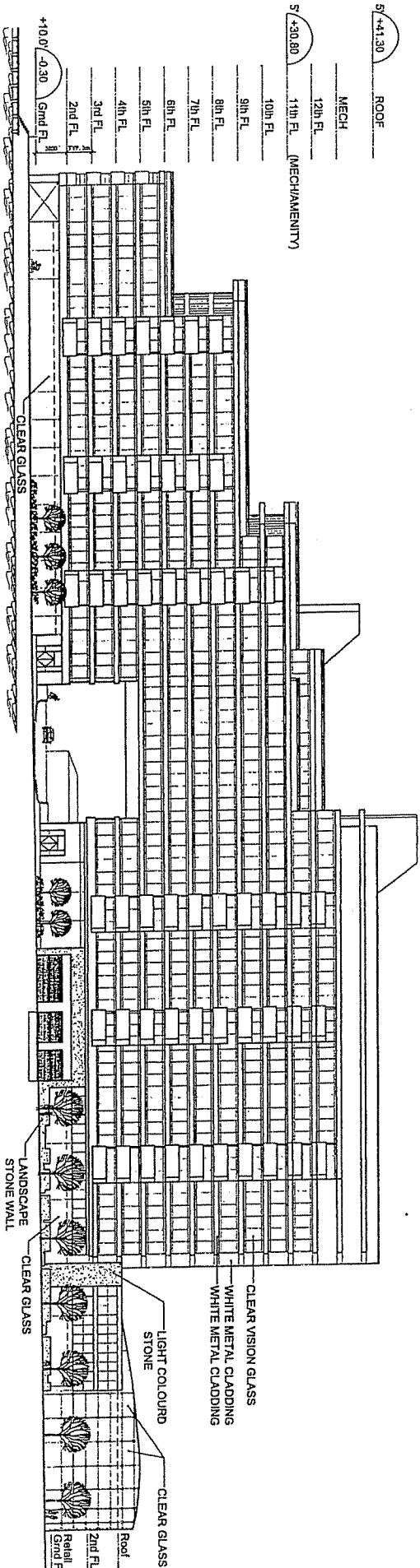
SCALE
0-1 5 10 25M

CENTENNIAL - UNIVERSAL
WZMH ARCHITECTS

LANDSCAPE PLAN



WEST ELEVATION



NORTH ELEVATION

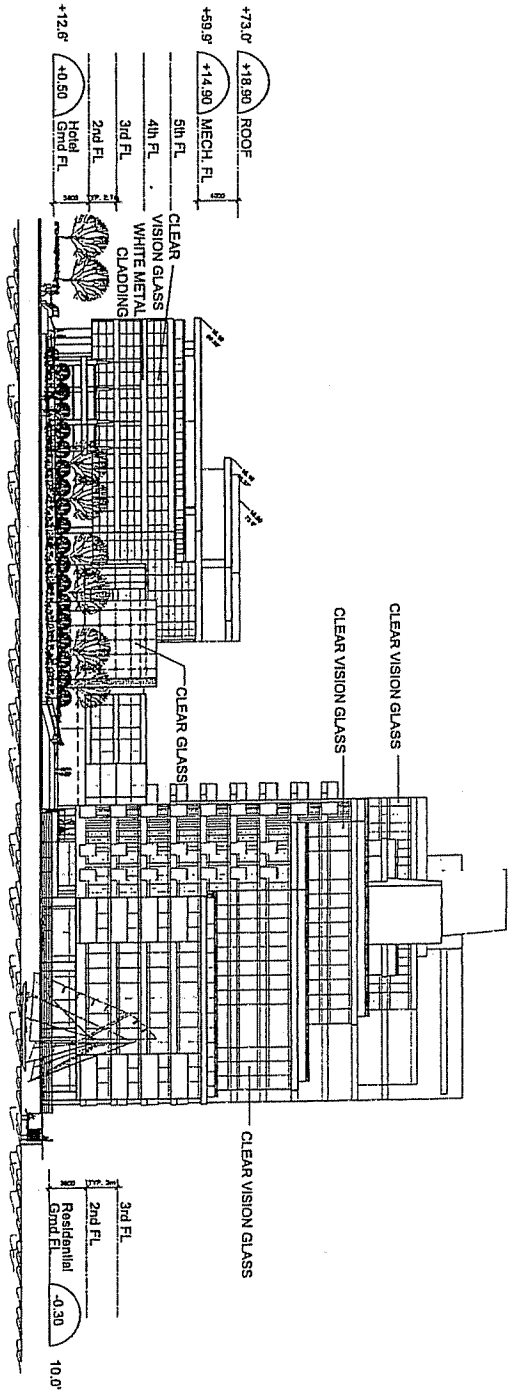
MARCH 28, 2007



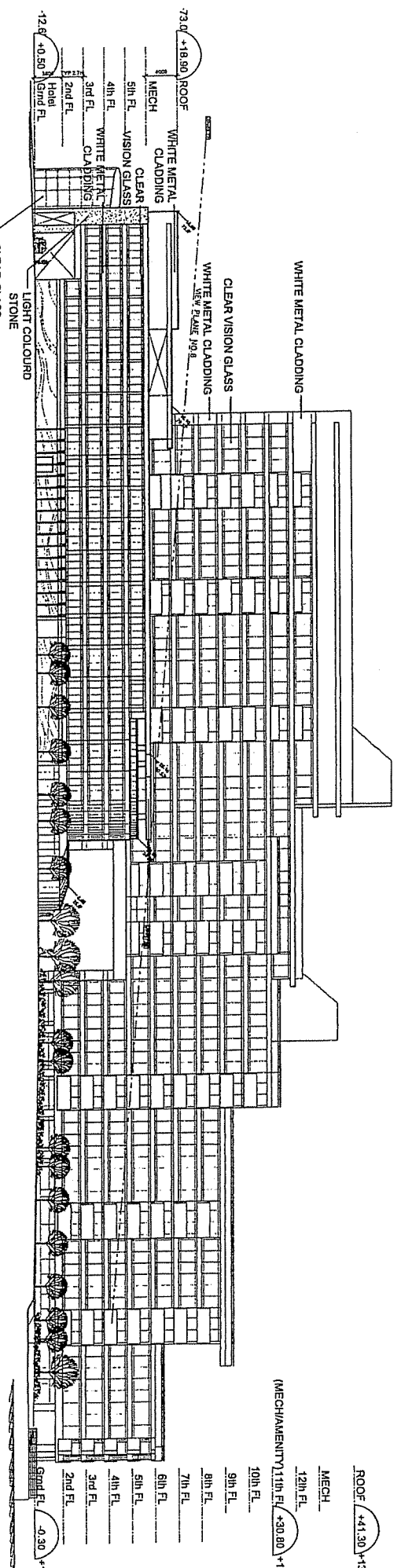
SALTER STREET BLOCK

Schedule E1
Building Elevations

CENTENNIAL - UNIVERSAL
WZMH ARCHITECTS



EAST ELEVATION



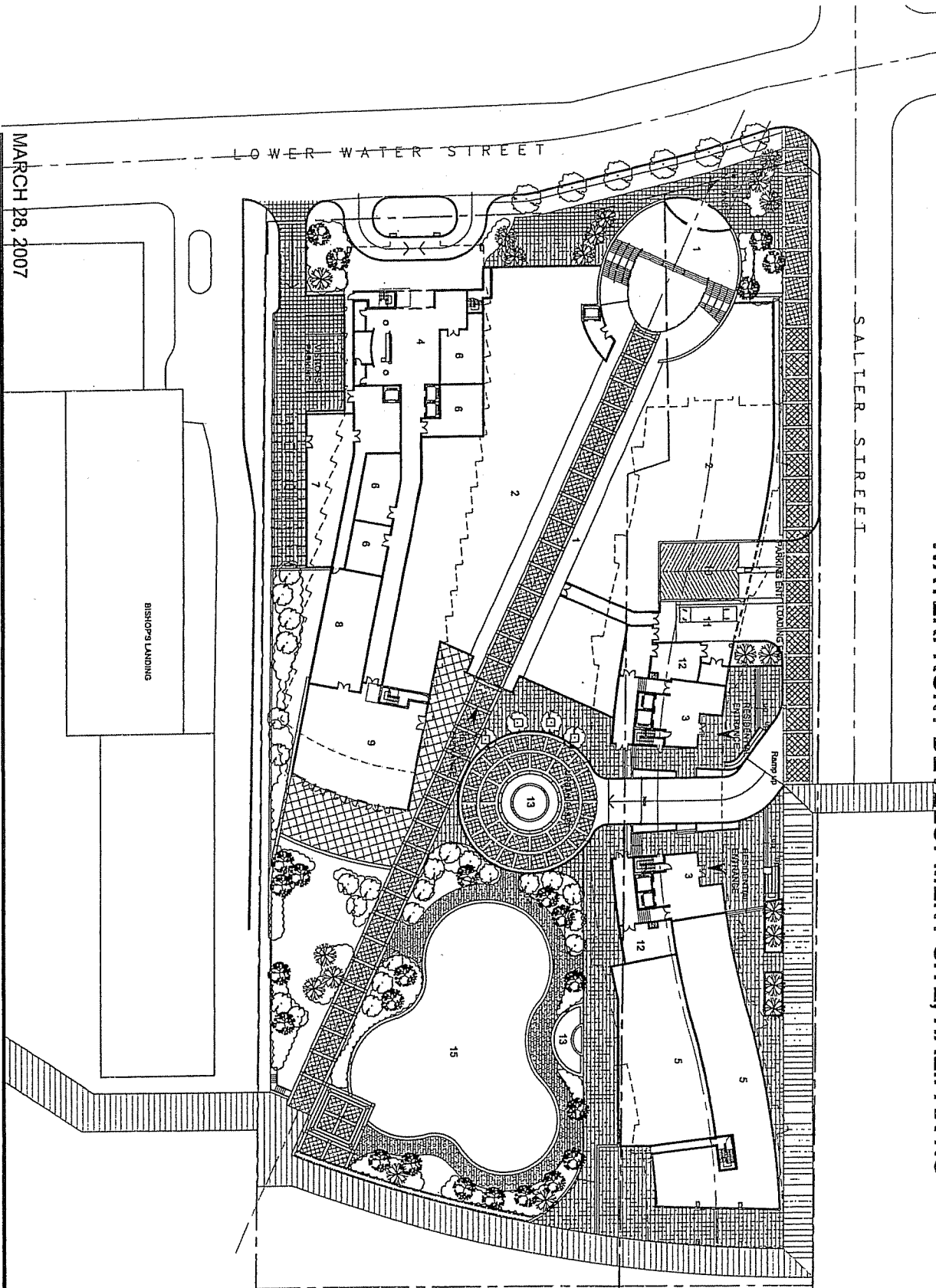
SOUTH ELEVATION

MARCH 28, 2007

SALTER STREET BLOCK

Schedule E1
Building Elevations

CENTENNIAL - UNIVERSAL
WZMH ARCHITECTS



SALTER STREET

LOWER WATER STREET

BISHOP'S LANDING

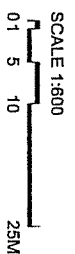
MARCH 28, 2007

SALTER STREET BLOCK

Schedule F
Ground Floor Plan

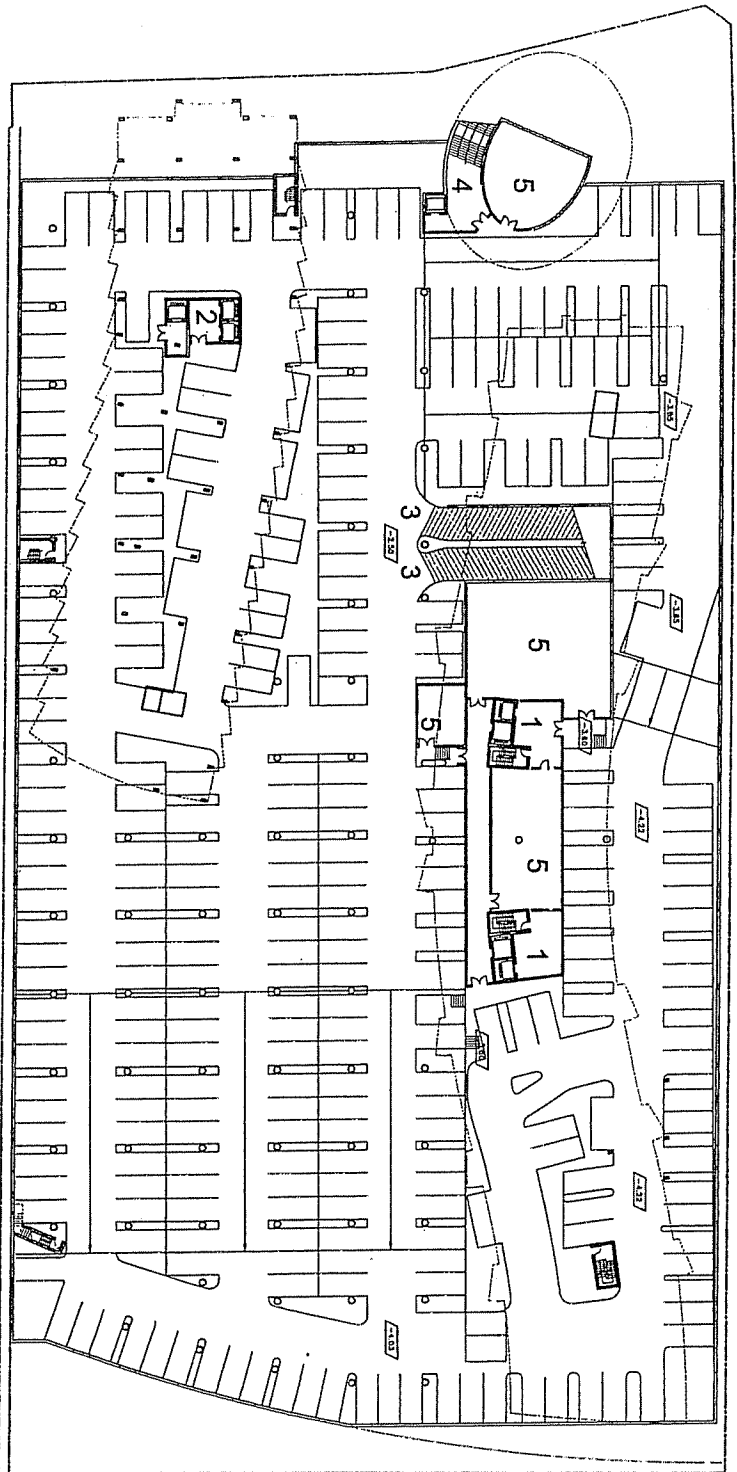
N59°34'02"E ... 150'

- LEGEND:
- 1. URBAN MARKET
 - 2. URBAN MARKET RETAIL
 - 3. RESIDENTIAL LOBBIES
 - 4. HOTEL, LOBBY
 - 5. WATERFRONT RETAIL
 - 6. HOTEL, FUNCTIONS
 - 7. HOTEL, LOADING
 - 8. RESTAURANT
 - 9. RESTAURANT
 - 10. RAMP TO P1 PARKING
 - 11. RESIDENTIAL & RETAIL LOADING
 - 12. GARAGE ROOM
 - 13. FOUNTAIN FEATURE
 - 14. URBAN GARDEN
 - 15. SKATING RINK / POND

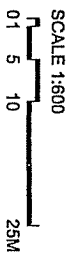


GROUND FLOOR PLAN

CENTENNIAL - UNIVERSAL
WZMH ARCHITECTS



- LEGEND:
- 1. RESIDENTIAL LOBBY
 - 2. HOTEL LOBBY
 - 3. RAMP TO GARAGE
 - 4. RETAIL / URBAN GARDEN ENTRANCE
 - 5. MECHANICAL / ELECTRICAL



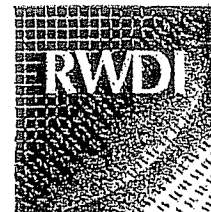
PARKING LEVEL P1

MARCH 28, 2007

SALTER STREET BLOCK

Schedule G
Parking Garage Plan

CENTENNIAL - UNIVERSAL
WZMH ARCHITECTS



CONSULTING ENGINEERS
& SCIENTISTS

Rowan Williams
Davies & Irwin Inc.
650 Woodlawn Road West
Guelph, Ontario
Canada N1K 1B8

*A member of the
RWDI Group of Companies*

March 12, 2007

Mr. David Nunn
Centennial Group Limited
1601 Lower Water Street
P.O. Box 1074
Halifax, NS
B3J 2X1

**Re: Pedestrian Wind Assessment
Salter Street – Waterfront Development Site
Halifax, Nova Scotia
RWDI Project #06-1298**

Email: dnunn@centennialhotels.com

Dear David,

Further to our recent discussions, it is our experience that when we conduct a detailed pedestrian wind study in our wind tunnel facility, we are able to work with the Project Architect to come up with a product that will achieve suitable wind conditions on and around the site. In order to establish a design that produces suitable wind conditions we would recommend that the RWDI pedestrian wind criteria be adopted for your project. That criteria is summarized as follows:

Sitting: Wind speeds up to 10 km/h - Low wind speeds during which one can read a newspaper without having it blown away. Suitable for outdoor cafes and other sitting areas. This condition would apply to the following areas associated with this project:

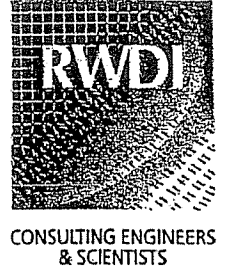
- Restaurant Terrace
- Urban Garden

Standing: Wind speeds up to 14 km/h - Slightly higher wind speeds that are strong enough to rustle leaves. These wind speeds are appropriate at major building entrances, bus stops or other areas where people may want to linger but not necessarily sit for extended periods of time. This condition would apply to the following areas associated with this project:

- Urban Plaza and Fountain Feature
- Main Residential Building Entrances
- Main Hotel Entrance
- Main Retail Entrance

March 12, 2007
Salter Street - Waterfront Development Site
Halifax, Nova Scotia

Page 2



Walking: Wind speeds up to 19 km/h - Winds that would lift leaves, move litter, hair and loose clothing. Appropriate for sidewalks, plazas, parks or playing fields where people are more likely to be active and receptive to some wind activity. This condition would apply to the following areas associated with this project:

- Skating Pond / Rink
- Boardwalk
- Sidewalks along Lower Water and Salter Streets
- Visitor Parking Lot
- Breezeway in Residential Building

Uncomfortable: Wind speeds greater than 19 km/h - The effects of wind speeds at this level range from small trees swaying and wind force being felt on the body to whole trees being in motion and inconvenience being felt when walking. An uncomfortable designation means that the criterion for walking is not satisfied. Winds of this magnitude are considered a nuisance for most activities, but can be acceptable depending upon the season and use of an area. For example, marginally uncomfortable winds on a terrace during the winter season or in a loading area throughout the year may be acceptable to the user.

Safety is also considered by the criteria. Excessive gust wind speeds in the range of 88 km/h can adversely affect a pedestrian's balance and footing. Winds such as this are sufficient to affect a person's balance and can be expected to occur two or three times per season in Halifax and are considered normal. Wind control measures are typically required at locations where winds are rated as uncomfortable or are abnormally strong.

We trust the above meets your current needs. If you have any questions or comments please feel free to contact us.

Yours very truly,

Rowan Williams Davies & Irwin Inc.

Harry A. Baker, C.E.T.
Project Director / Associate

HAB/kfr

Rowan Williams
Davies & Irwin Inc.
650 Woodlawn Road West
Guelph, Ontario
Canada N1K 1B8

A member of the
RWDI Group of Companies

SALTER STREET BLOCK
waterfront development site

January 10, 2007

RESIDENTIAL:

FLOOR	UNITS			TOTAL	GBA SQ.F.	SQ.M.
	1B	2B	3B			
Average Area	1010 SQ.F.	1150 SQ.F.	1480 SQ.F.	1780 SQ.F.		
GROUND	0	0	0	0	5,145	478
2ND	0	1	6	1	15,069	1,400
3RD	2	4	6	1	22,389	2,080
4TH	2	4	8	2	27,588	2,563
5TH	2	4	8	4	31,614	2,937
6TH	2	4	7	3	28,029	2,604
7TH	2	4	7	3	28,029	2,604
8TH	2	4	7	3	28,029	2,604
9TH	2	4	3	3	20,667	1,920
10TH	2	4	3	3	20,667	1,920
11TH	2	3	2	1	12,916	1,200
12TH	2	2	2	1	12,114	1,125
PENTHOUSE					4,741	440
TOTAL	20	38	59	25	256,996	23,875

PERCENTAGE 14% 27% 42% 16%

HOTEL:

FLOOR	KEYS	GBA SQ.F.	SQ.M.
GROUND		15,223	1,415
2ND	19	12,447	1,157
3RD	21	13,415	1,247
4TH	33	19,892	1,849
5TH	25	16,105	1,497
PENTHOUSE		3,034	282
TOTAL	98	80,115	7,447

note: G.B.A. indicated here includes balconies but excludes terraces

RETAIL:

URBAN MARKET PLACE	GBA SQ.F.	SQ.M.
GROUND	34006.038	3161
2ND	31327.296	2912
WATERFRONT RETAIL	9800.538	911
TOTAL	75133.872	6984

PARKING:	STALLS
GROUND	1775.07
P1 LEVEL	138401.67
TOTAL	140176.74

TOTAL GFA	GBA SQ.F.	SQ.M.
	552275.92	51336.3

Attachment E

**Public Information Meeting Minutes
Case 00745
October 20, 2005**

In attendance: Richard Harvey, Planner
Gail Harnish, Planning & Development Services
Councillor Sloane
Councillor Harvey
Ralph Medjuck, Centennial Group Limited
Medhat Abdou, WZMH Architects
Carl Blanchaer, WZMH Architects

Mr. Richard Harvey called the public information meeting (PIM) to order at approximately 7:05 p.m. at the Queen Elizabeth High School.

Mr. Chris Beaumont questioned whether there was a printed version of the proposal. Mr. Harvey responded this is a PIM to have a visual presentation.

Mr. Beaumont indicated there should be something in writing so they can share it. Mr. Harvey advised he would be pleased to do that but did not have anything to share in hard copy at the moment. That is not the format of tonight's meeting.

Mr. Eric Burchell, Acting Director of Planning & Development for the Waterfront Development Corporation (WDC), indicated he would be introducing the project and providing the background and history of the project.

Mr. Burchell advised the WDC is a Provincial Crown Corporation which was established in 1976 with a mandate to acquire, develop and manage lands around Halifax Harbour and subsequently around the Province. They are the owner of the subject property and other properties on the waterfront.

Mr. Burchell indicated in 2003, the WDC issued a two-stage RFP proposal inviting development proposals for the Salter's Block of the waterfront. The subject property will remain in the ownership of the WDC. The fundamental objective is to see a development of high quality infrastructure. The Corporation received three strong proposals. The Centennial project was selected, principally because of: its low density, the amount of quality open space, the interior and exterior access to the site, the high quality amenities, and the architecture.

Mr. Burchell advised they have been working with the Centennial Group since January of 2004.

Sites on the waterfront are a challenge. They pursued a variety of projects. The Centennial Group has asked for some design changes which have not yet been approved by the WDC, such as subgrade parking, the amount of overall parking space, and the removal of some commercial space which was originally proposed. The Corporation will continue to work with the developer to refine the project. The developer must obtain approval from the WDC before they proceed.

Mr. Burchell stated the WDC is pleased to be able to engage the public and they welcome comments on the information presented tonight.

Mr. Harvey indicated he would be giving an overview of how Planning & Development and the Municipality reviews projects for development agreements and in this particular case a proposal on the waterfront.

Referencing a site plan, Mr. Harvey pointed out the area of land in question, Lower Water Street, Salter Street, and Bishop's Landing. It consists of a land lot and a water lot which is proposed to be partially infilled.

Mr. Harvey advised that within our waterfront area, we pretty much only allow for development by way of development agreement. It is essentially a contract between the Municipality and a property owner over the form of development and it includes site plans and elevation plans. It is subject to the approval of Regional Council.

Mr. Harvey indicated we are at the beginning of the process - the public information meeting. Following this meeting, we will be drafting a proposed development agreement which will include a full staff review and recommendation. Our municipal planning strategy (MPS) has established policies under which we would evaluate any particular proposal such as this one. In the handout, there are series of objectives and policies which explain how that objective is to be fulfilled.

Mr. Harvey advised the report with the staff recommendation would be tabled with the District 12 Planning Advisory (PAC) and the Heritage Advisory Committee (HAC) for their review. Regional Council will be asked whether they want to hold a public hearing or they can refuse the application. If they wish to entertain it, they will schedule a public hearing and advertising and notification will occur. The decision of Regional Council is subject to appeal to the N.S. Utility and Review Board by the applicant and anybody aggrieved depending on the decision.

Referencing the handout, Mr. Harvey indicated it is these policies and objectives that are critical. It would be helpful if speakers could tie their recommendations or comments into a particular objective or policy.

Mr. Harvey said he would be highlighting the high level objectives.

Land/Water Edge

- create a dynamic focus to the renewal of the waterfront area
- provide a continuous visual and physical access to the water's edge along the entire waterfront

Land Use

- provide a mixture of residential, commercial, institutional, cultural and marine related uses (sometimes in one building or a mixture of buildings throughout the development area)

Conservation of Buildings and Special Features

- the conservation or rehabilitation of areas, streetscapes, buildings, features, and spaces which mark the historic and architectural character of Halifax

Circulation

- the street grid should be extended from Lower Water Street to the waterfront and minimize the penetration of vehicles

Civic Design

- provide a network of public open space which complements the existing and proposed developments, accommodates human activity, and encourages pedestrian circulation throughout the area (is meant to be a place for human interaction);
- the conservation and creation of a high standard of environmental quality

Views

- views are very important in this city. There should be views from the water and from the land that provide a connection between the land and the water.

Scale and Design Detail

- there is to be a high quality of design, and construction of buildings is to be of a human scale which is meant to reflect the architectural and topographical characteristics of the waterfront area and the CBD

Micro-climate

- we are meant to have spaces along the waterfront that are comfortable to be in

Public Utilities - Infrastructure

- the creation of an efficient and flexible underground infrastructure which will complement the existing and future systems of the CBD;
- underground wires should be provided verses aboveground

Phasing of Development

- there is to be a phasing of development so as to minimize the disruption or interference of the public's enjoyment of the waterfront

Mr. Ralph Medjuck introduced members of the Centennial Group in attendance as well as the architects: Medhat Abdou, Carl Blanchaer, and Richard Kassner.

Mr. Medjuck stated they knew it would not be easy when they responded to this proposal. Their objective was to do something they would be proud of. They have had a lot of history on the waterfront. They proposed Block M almost twenty years ago. Summit Place was built. Other features included a hotel and an aquarium which never got built. We know that times have changed. The mood is low density, low rise, relatively public and open space and high design and the challenge is to do all those things and at the same time make some money. They wanted to have something that would be a credit to the City to produce a substantial tax revenue.

Mr. Medjuck noted the project still needs some refined comments to be worked out, such as parking, but what you see is substantially the concept of 134 apartment units, an 82 unit boutique hotel, an urban garden of urban space, a one acre park with outdoor features, and a substantial amount of underground parking.

Mr. Medjuck indicated WZMH Architects are international architects who bring an international and a national design. They have done many buildings in Halifax which includes Summit Place, Garden Park Apartments, and the Prince George Hotel. Their designs are high quality and he was pleased to have them in attendance.

Mr. Medhat Abdou stated they were honored to come back to Halifax again. They have been doing work in Toronto and across the country. They are quite diversified in terms of their work across the country. This project presented to them a challenge. It had certain objectives they had to meet and it was a challenge to come up with a design that meets most of the criteria.

Mr. Abdou referenced Block M and indicated the entire hotel and office building were called the Summit building. It included office buildings, the museum, an aquarium, and major docking facilities associated with marine. This is the only building that was realized from that proposal ten years ago. As Mr. Medjuck mentioned, the objectives have changed.

Mr. Abdou said they go back a long time in Halifax. Spring Garden Road Apartments is one of the developments they did with the Centennial Group some time ago. It has a lot of open public space. This is what you call an urban garden. It is very much what they are proposing here on the waterfront. The WDC principles are: to maintain continuous public access to the waterfront and other parts of HRM; improve public street corridor views and connections to improve open

space; encourage mixed waterfront land uses; respect the character of the City; and development

should be fiscally responsible.

Mr. Abdou indicated they were told it had to be a tourist destination. A major element of the project which was a tower was deferred for now. It was to be a signature development and an anchor. The harbour is anchored by Historic Properties on the north. They believe this project will create that anchor.

Mr. Abdou stated that provision of a significant amount of open space has been achieved in the design as well as conductivity between the City and the harbour, and not blocking harbour views.

Mr. Abdou commented it is a quality development and it is financially responsible and feasible.

Mr. Carl Blanchaer indicated they have been working on this project for some time. What a project to work on! It is such a fabulous site, one of the few sites left on the downtown waterfront and to do what they believe is the right thing for the site. Here you have a view of the site (pointed out). They are looking at the edge of it with Bishop's Landing in the background. If they look down the boardwalk and the waterfront in the other direction from the north, they look towards Historic Properties which to them is quite a wonderful environment.

Mr. Blanchaer said that as an architect, when they start to design a project, they look for something that will help them create a vision for the project. As they initially walked the site over two years ago, they were walking along the water's edge. They were struck by the wonderful character of the water's edge. As a result, they conceived a couple of "wave" buildings that from the water's edge tickle the street's edge at Lower Water Street. It is a concept. Most buildings have four elevations but this one has a fifth which is the roof of the building. Because of the change in elevation as you move up in the downtown area, these buildings will be seen from the roof.

Mr. Blanchaer referenced the model, noting it was the one presented at the time of their proposal. They are looking at the water's edge here (pointed out). On the edge is the northern block of Bishop's landing. There are two "wave" buildings to the north, residential buildings in this location (pointed out) and a boutique hotel in this location. They are linked by a lower level retail element.

Mr. Blanchaer referenced another view, noting the other significant element in this project is the urban garden. It is in essence a winter garden at the intersection of Salter Street and Lower Water Street.

Mr. Blanchaer proceeded to describe how they believe it respects the principles that HRM has for the development of a project on the waterfront.

Mr. Blanchaer referred to the site plan. He pointed out the residential component, Salter Street, Lower Water Street, the hotel, and a significant park element. This project provides public elements

and it engages in the city by following the historical orientation of the wharf buildings. This orientation preserves the views up the hill, leaving a significant gap between these two buildings (pointed out). It also engages in the waterfront. He pointed out the boardwalk area. This project was also conscious of being a good neighbour to the existing development of Bishop's Landing. As a result of that, they set back the hotel building to allow views towards the waterfront.

Mr. Blanchaer indicated a significant component of the project was to create this public park as a terminus to Salter Street on the waterfront. Another initiative was the maintaining of a continuous public access to the waterfront along the boardwalk.

Mr. Blanchaer noted the residential building comprises 134 high end residential apartment units and a 82 unit boutique style hotel, with ground floor retail and the pond area as part of a one acre park facing onto the waterfront.

Mr. Blanchaer indicated there is a viewplane that crosses the site and the viewplane from the Citadel and it basically follows this line (pointed out). What it does is constrain the height of the building to the south of the line. The five storey height fits within the viewplane. He mentioned their sensitivity to the view of Bishop's Landing to the harbour which they maintain.

Mr. Blanchaer stated this project is about engaging the city to the waterfront. Bishop's Landing creates a setback from their property line to allow a view of the harbour. There is an archway on the Brewery building which is aligned with that which they maintained and widened that view corridor. The other thing they did was create an interior transparent roof. There is a connection as you move along Salter Street to the urban garden to the waterfront. A very significant part of the residential "wave" building is an archway which becomes a portal for the existing walkway. There is continuous boardwalk access. They have access into the park and back to the boardwalk. The boardwalk wraps around the site.

Mr. Blanchaer noted he mentioned the one acre park which has the pond area in the summer time but it becomes a skating rink in the winter time. They look at this development as a four seasons development so there will be activity taking place by virtue of the urban garden and also the exterior activity of a skating rink. Here we have an image from the waterfront showing the residential building and the fountain (pointed out). He also displayed an image showing a view of Georges Island and the continuous boardwalk access. They looked at City Hall in Toronto where there is a pond. Here we have an image of the winter time activity within the site, the archway, and the urban garden. In the summer time, they have the animation of the continuous boardwalk as it moves between the site and the waterfront.

Mr. Blanchaer indicated that in terms of the character, in terms of uses, they talked about it being a tourist destination. They expect to be sympathetic in character to those waterfront activities and referred to Boston as an example. They have heard from the WDC and HRM who desire to have a

mixture of uses and this does have uses that generate activity throughout by virtue of the hotel and residential.

Mr. Blanchaer noted that in terms of streetscape, they addressed paving, light standards, and bench treatments along the street and planters.

Mr. Blanchaer indicated that in terms of the waterfront environment along the boardwalk, they looked at: seating and a view of the park towards the water; the public access and boardwalk character; the engagement of the land side of the water side; and the opportunity within our urban garden style park to create interesting features. In terms of the urban garden space, they intend to have many paths in. They see the one acre park as an urban park so it will be structured in terms of landscaping.

Mr. Blanchaer noted that in terms of project components, he pointed out the 134 residential units, the ground floor, the urban garden centre in the corner, and the linkage which is clearly shown here. The hotel component has a drop off component with meeting rooms and a restaurant with an exterior patio (pointed out). He also pointed out the walkway from the boardwalk through the arch. What is also important is that they have a long walkway along the boardwalk, and within the park there are amenities with retail and would prefer café type of uses. He pointed out the location of the access to the parking, the services for the hotel, and access to some above-ground parking above the retail.

Mr. Blanchaer showed another view showing the parking level on the second level. He noted it is a similar type of plan up to the next level. Its highest point is approximately five storeys in height.

Mr. Blanchaer noted that once we move above, we have a full hotel floor with guest rooms that look towards the water. At this point (pointed out), we move above that opening above the fourth floor and we see the residential portion. He showed a plan showing some of the detail of the residential building. To give an indication of the quality of units above the gap, we are looking at very luxurious residential units. In terms of the hotel, they are looking at very large lavish suites. They are looking at the idea of having some pretty funky interiors. It will be a strong destination for tourists.

Mr. Blanchaer proceeded to show some views of a section through the hotel; one level of parking below grade; the view at Lower Water Street where you see the end of the hotel and the urban garden; and the arch through the residential building as you move along the boardwalk and the urban plaza. It steps up to six floors to ten floors and there is a mechanical penthouse at the top of the building. He further showed elevations showing the hotel in the foreground and a residential unit in the background. He noted they are very conscious of the fifth elevation.

Mr. Blanchaer said they looked at the architecture as being light and transparent. They looked for

inspiration on the water side. There is a very large cruise ship in the harbour tonight. This plan shows the one level parking at-grade.

Mr. Blanchaer indicated that in terms of statistics, the open space is about 60% of the site and they are looking at the density of residential being 134 units.

Mr. Blanchaer showed a view of the project in the skyline from across the harbour. His first question is "can you see it" but it is not too easy to see it. From an urban design scale point of view, it is sitting very comfortably in the skyline. He showed one last view of the model. Mr. Medjuck indicated they were looking at a 360 view of the model as you move around the project.

It was stated that the approximate value of the project will be between 65 to 70 million dollars. It will bring 3 to 3.5 million dollars in property tax value to the City.

The meeting was opened to questions and comments.

Mr. Alan Ruffman, Ferguson's Cove, indicated the diagram shows two lots and questioned whether the two lots have been consolidated. Mr. Harvey responded no.

Mr. Ruffman questioned whether the intention is to consolidate the two lots before entering into a development agreement or whether we are looking at two separate development agreements. Mr. Harvey responded there would be one development agreement and there would be some form of lot consolidation.

Mr. Ruffman questioned whether he was correct in saying the lot would remain in the ownership of WDC rather than being ceded to HRM. It was responded that it would remain in the control of WDC.

Mr. Ruffman commented it would basically be a privately owned park. He would recommend that we not have a public park over which the public does not have control through its council.

Mr. Ruffman questioned whether the park at the bottom of Sackville Landing was ceded to the City of Halifax or was owned by WDC.

Mr. Bill Campbell, WDC, responded a portion of it is but not the wharf.

Mr. Ruffman asked for confirmation that the land under the Maritime Museum is not owned by the Province, HRM, nor the Museum but rather is owned by WDC.

Mr. Campbell responded that was correct.

Mr. Ruffman stated they had two parks, a big chunk of them owned by WDC. He thought that would lead to a problem because of the commercial use of those lands. If it is a public park, it should be owned by the public. It is a trend we should reverse.

Mr. Phil Pacey, Halifax, commented the development they have seen has a good many positive features. There is one concern he would like to mention and that is immediately across Lower Water Street is the Brewery market which is a registered heritage property. It is a stone building and a building with relatively small Victorian type windows. The proposal in front of them would be described as having an international style, a building with strong horizontal lines, light colours, and a lot of exterior glass. He did not think it would be too expensive for the proponents to change the design so that it would be more in keeping with the Brewery. There is a policy in the handout which says the colour should reinforce the colours of adjacent heritage buildings. The colours should be similar to the Brewery. Also, they should see a lot of stone on the exterior building and vertical windows as opposed to horizontal. Those are design features that would not be terribly expensive. It would make it more compatible with the Brewery.

Mr. Greg Gosine, owner of a 190 year old registered property on Hollis Street, stated he totally disagreed with the previous speaker. He thought they need to look at cities like Philadelphia and Boston who do a better job of preserving heritage and use good architecture to attract more than just history. They cannot replicate or do justice to the heritage architecture that is hundreds of years old. It would not be affordable to do that. This proposal is innovative.

Mr. Ruffman indicated the height of the residential building was stated to be eleven storeys plus the mechanical room on top. He asked for them to point out where the top of the eleventh storey is on the residential structure.

It was responded that it is proposed to be eight to ten storeys plus the mechanical level. It was also confirmed that the top would be for a mechanical level only, and not living space. The tenth floor was pointed out, noting that it steps down.

Mr. Ruffman indicated all the speakers said the walkway comes down Salter Street and around the building but the drawings make it look like it is under it.

It was responded that this is the original rendering from November of 2003 but since then the comments from the WDC were to keep the boardwalk clear and it is not to be covered by the building.

Mr. Blanchaer advised that the WDC requested that the boardwalk not go under the building which necessitated them to move the residential closer to Lower Water Street and the boardwalk no longer goes under the building.

Mr. Ruffman indicated they are now building over the harbour which has been a problem with the Federal Government. He questioned whether the ownership of the waterfront assets has been cleared up and ownership is in fact clearly in the hands of WDC as opposed to the Federal government.

Mr. Bill Campbell, WDC, noted the areas totally owned by the WDC are shown on the dotted line. The portions out into the water are now under discussion between the Halifax Port Authority and the WDC.

Mr. Ruffman asked for confirmation that there is a formal application in front of the city. Mr. Harvey responded yes.

Mr. Ruffman said it was indicated that the tower originally put forward has been deferred. He questioned whether the application in front of staff includes a tower.

Mr. Harvey responded it does not include a tower. If we were to entertain the tower, it would be a separate application that would be considered under its own merits. The tower might require an amendment to the MPS because of its height.

Mr. Ruffman indicated that if the current application is approved, then there is the possibility of an application for that tower being contemplated.

Mr. Harvey responded there is no tower being analyzed by staff. We are aware of the height and simply observe that the height is contrary to the MPS.

Mr. Ruffman questioned whether regional planning staff has written into the revised MPS a provision for a tower of that size. Mr. Harvey responded not to his knowledge.

Mr. Ruffman questioned whether Mr. Blanchaer had a view from the residences from the boardwalk. He was shown an elevation of the building which also shows the boardwalk.

Mr. Ruffman indicated that as you walk down that boardwalk now, one of the losses as a result of Bishop's Landing is you no longer see cruise ships tied up. You have to walk out to the end of a wharf. This is a significant wall across the waterfront. They are allowed to walk along the outside and the interior but it is a wall across the waterfront. He was not sure they need a southern anchor to the waterfront. He was concerned that wall would function similar to the

Sheraton and Historic Properties. Despite bridges, more pedestrian traffic stops because you're not invited around. He was concerned about the wall across the waterfront.

Mr. Gosine concurred it creates a barrier. He walked with his wife to her office twice a day and it is a barrier because the hotel cuts off the waterfront right around there. This is at least putting retail

and an archway to get you through it. The biggest obstacle with the hotel is that there is a parking garage to come up across and nothing to attract you there.

Mr. Colin Whitcom, Halifax, questioned where the sidewalk is on Lower Water Street and how it relates to the hotel.

Mr. Blanchaer indicated one thing missing from the drawing is that the path to their site is hard paving. The sidewalk moves around that edge of the drop-off in front of the hotel. He pointed out the access to their receiving area to the hotel as well as the vehicle drop off area.

Mr. Ruffman stated he felt it is a great project for Halifax. He appreciated the diversity of design.

Mr. Mik Owen, Halifax, noted that Alan talked about how they are moving southward and come to that wall. Is that a turn-around where the fountain is and will it share the same hard surface? It was responded yes.

Mr. Owen indicated they also show diagonal access from the garden to the south exit and questioned whether that would have twenty-four hour access.

It was responded that they initially thought it would be open but there may be some security issues. Whoever manages the public open space will have the complete jurisdiction to have that open.

Mr. Owen questioned whether he could continue into the garden from the boardwalk. When could he walk there?

It was responded they thought all the time.

Mr. Owen questioned when the public garden would be open.

It was responded that the management of that area would have some type of control. It will have commercial spaces. Generally speaking, he thought it would be more open.

Mr. Owen indicated that none of the models have shown whether or not you can see the water through the arch. Is the view only of Bishop's Landing? Would he be able to see Georges Island?

Mr. Owen noted it is not the most attractive facade on Lower Water Street and questioned whether there was any way of having a residential or commercial scheme on Lower Water Street.

Mr. Blanchaer indicated that the cladding of the upper portion of the building is not intended to be an open parkade. It is intended to be treated as a building facade. You use glazing and make it look like a building as opposed to a parkade.

Mr. Owen commented that in general it is very positive.

Ms. Beverly Miller, Halifax, questioned whether there was access to Lower Water Street from this site other than going through the urban garden. She asked whether #18 was a roadway or a place where people could walk. It was responded it is an entrance to the underground park.

Ms. Miller commented there is no way for the pedestrians between Salter Street and Bishop's Landing to get there without having to go through the whole complex. That whole block is cut off from the rest of downtown.

It was responded that you would go through the urban garden or through the arch coming along the boardwalk.

Ms. Miller expressed concern that there is no direct connection from this project to the Brewery or the rest of downtown.

It was commented that the Brewery is just across the street.

Ms. Miller asked for clarification about what was being proposed for the urban garden. Will it be a garden or a retail place with trees? The only way you can get from Lower Water Street to the waterfront is through their project or all the way around. One of the things they often hear touted is the wonderful things it will do for the downtown. This will trap people in this area and keep them from moving into the rest of the downtown which she objected to. It is almost completely self-contained. The gentleman before her asked if that urban garden would be open twenty-four hours a day. If it is full of shops, she doubted that it would be so there really is no direct access to the downtown. From the point of the rest of the downtown, she did not think that was a good situation.

Ms. Miller indicated that in terms of building materials, while she could appreciate some of the comments that you wouldn't mimic historic architecture, to her this looks like a development that might be comfortable in Barbados or some place where it is very warm and all this white would be appropriate.

Ms. Miller said she was a little nervous about the terminology relative to the tower which was said to be deferred. She did not see any space here for the tower if it is being deferred. All this open public park space could be gone tomorrow if the tower structure was to be built on this property. She thought they need to clear up what they mean by deferred and where it would go if it comes back. Would it be in the park in the middle of the skating pond?

Ms. Miller stated she was always mindful that this property under the control of WDC was purchased with tax money. She believed WDC lands on the Halifax Harbour were purchased with about 80% Federal and 20% Provincial money. She knew there were no restrictions on WDC developing these areas. They hear a lot about how much the project is going to cost and have some estimates of the tax revenue but she has not heard anything about the terms of the lease and how much this will generate for the WDC and what they will do with that money.

Ms. Miller commented she did not see any place for motorcycles which has become a big feature of the waterfront.

Mr. Beaumont stated he wished to register his objection to the fact that the material for this information meeting is not here. He would request that it be sent to him and any other person who would like that material. That should be a regular policy.

Mr. Beaumont questioned whether flooding of the area would be the responsibility of the WDC. He saw nothing included in the objectives and policies which in any way addressed the prospect of flooding in this area. There are four factors contributing to the prospect of flooding of the site: the Bedford Basin is actually a lake which is only 6000 years old and this area has risen by six metres in the last 6000 years; climate change and melting of arctic ice and so the sea level will rise; storm surges; and cymomys. He questioned how high the grade is above the high watermark at this location.

Mr. Harvey responded he did not know. Staff has not raised that point.

Mr. Medjuck stated they design their buildings for hurricane force winds. The glass and cladding has to be able to withstand the force of a hurricane. It is not difficult to do that with today's technology.

Mr. Beaumont indicated the question is not whether the building can withstand the force of a hurricane but rather the problem of flooding. From his point of view, it would only take a storm surge of 1 to 1.5 metres before this site was under water.

Mr. Medjuck stated flood control measures would affect this site as they do other sites.

Ms. Harvey advised the concern is well noted and we will take a look at it. There is nothing in the

MPS to address that.

Mr. Beaumont commented he was surprised the City has not taken this into account.

Mr. Medjuck stated the building is 1.5 metres higher than Lower Water Street.

Mr. Campbell referenced the comment by Ms. Miller that the land was purchased with tax dollars, which he did not think was the case. The WDC purchased it with a loan and they pay that back through the revenue from the developments taking place such as this one and revenue from existing parking lots. It is not money coming from taxes. Initially when the WDC started in the early 1970s it was Federal tax dollars that put the original infrastructure material on the waterfront.

Mr. Campbell indicated that in terms of flooding, he was on the waterfront during Hurricane Juan. With the surge at peak tide, there were areas that were flooded but the buildings such as Bishop's Landing had little damage. The boardwalks had some damage but not a considerable amount. If you compare the height of this section of the waterfront to Historic Properties, the actual elevations have gone up considerably in recognition of that fact over the last number of years.

Councillor Sloane advised that Regional Council passed a motion the other evening indicating that the whole capital district would have underground wiring.

Councillor Sloane indicated it was said the boardwalk in the area of the fountain would also be used as an access way for vehicles. She questioned whether there would be a time limit or a certain schedule for people using that for vehicles. When people are walking on the waterfront, they hate to be interrupted by a vehicle. There should be some kind of schedule for delivery service or any type of maintenance.

Councillor Sloane referenced the proposed skating rink which would be next to the ocean and questioned whether it was feasible and would work. When you have mist you end up with frozen hair. Will that affect the ability to have a skating rink? In the summer time she would be concerned about the possibility of algae and the West Nile virus if there is still water which is not moving.

Councillor Sloane referenced the servicing of the hotel which was a concern for the people living in the area at Bishop's Landing. You have a berm that would be a square but this area has been

inundated with problems associated with noise. We end up changing the footpath for the individuals leaving the Brewery to the south. The individuals on that side of Bishop's Landing want to have some tranquility for a change. They bought their condominiums and are concerned about noise. They are aware of construction noise but when it comes to servicing, they are concerned about the schedule. When they are ready to go to work and taking their cars out and people are arriving, there could be a mess.

Councillor Sloane indicated they were explaining the surface parking but they were saying the ramp goes into a building that is camouflaged to look like a building. Will there be public parking or will it just be for the people living there and those who have businesses? Would you be coming from an elevator down or coming out by the actual garden or into this complex or building through a building?

Councillor Sloane commented she thought the idea of an urban garden was fine and it was nice that people are agreeing with that.

Councillor Sloane noted no one mentioned the view and the walkway through. It is further out into the water. She knew they have taken away the overhang over the boardwalk. Maritimers are a unique brand and do not like to impose on people and walk through backyards. If something looks like private property, they won't walk through there and would feel hesitant. When they come to that archway, they will go out where the proposed marina is but will be hesitant about the interior part and may not be involved in that spot. A suggestion would be to have more than one entrance. Maybe there should be one from Lower Water Street or close to Bishop's Landing. It would open up the space more and make it more inviting to the community. She did not know the dynamics of the urban garden and wanted more detail on the proposed marina site.

It was indicated that the skating rink would be under the jurisdiction of the WDC. They want it there and it will be up to them to manage.

Councillor Sloane said she was concerned about the technology. They know that it works at the Rockefeller Center in New York.

Mr. Blanchaer indicated it was a valid point. As they get into the detailed design, one of the things they will be doing is some computer modeling of the wind and sun around this site. That may affect how they look at the skating rink in particular.

Councillor Sloane noted that wind was another concern with a five storey opening. She was concerned that the wind might give a tunnel but as the tide changes, the wind changes.

Mr. Medjuck indicated that in terms of the cleanliness of the water, it would be filtered and chemically treated so algae should not be forming.

Mr. Medjuck advised that the garage is accessed from Lower Water Street. There are elevators in it to provide access to the hotel and the residences. Servicing of the residential buildings is through Salter Street. It is not the intention to have service vehicles going inside the garden or the urban park. In terms of monthly access that is a valid point which they will look at.

Councillor Sloane indicated the occupants of the residences, retail, and commercial are also going to have to have access to bring their goods in as well. Is the servicing area for the hotel also going to service the rest of the retail?

Mr. Medjuck pointed out the area of the loading docks. Some of the shops will be serviced from the front and some from the back.

Councillor Sloane indicated they have residents there already that will be disrupted with the construction but she was concerned that with the hotel there will be a lot of deliveries and back-ups next to a residential area. Yes, you have the trees but the servicing is an issue for the residents. She has heard from a few people wondering about the noise.

Mr. Ross Cantwell, Halifax, commented they have been waiting quite awhile for this proposal and overall he thought it has been worth the wait. The proposed uses are appropriate in terms of hotel, retail, and residential. He thought they spent quite a bit of time on accessibility of the site and quite a bit of land is being made available for public availability.

Mr. Cantwell indicated it was mentioned there is a pedestrian connection on the north side of Bishop's Landing to the waterfront. It is not all together clear. He thought that was an important connection so as to be able to get through the site. If you don't have that connection, the only way you can do it is through the middle of Bishop's Landing or around.

Mr. Cantwell noted the buildings elevate up a bit from grade at street and you start to disconnect with pedestrians. He suggested they should have a couple of shots taken from pedestrian level to show what you will see at ground level.

Mr. Paul Frank, Halifax, commented he purchased his waterfront cottage at Bishop's Landing. He was very pleased with the proposal and looked forward to having it as a neighbour. He said he wished to throw out a challenge - please try to find some other way to service the hotel. The people living there will have to put up with the construction and the ongoing servicing of the hotel. His office was at Historic Properties and you can see at the Casino Hotel there is a line up of service vehicles and taxis. Perhaps they could do it through the parkade. On the whole he was looking forward to having this proposal as a neighbour.

Mr. Brian Crocker, Bedford, questioned whether the MPS allows for modern architecture in the City or whether everything has to look 100 years old and be brick.

Mr. Harvey responded there are certain portions that require sensitivity towards heritage buildings and some of the traditional building stock. There is nothing that clearly articulates everything has to be red brick. We have a set of policies that have relationship to some of the historical buildings.

Mr. Crocker stated he would like to see a bit more modern architecture in the City.

Mr. Crocker indicated that in terms of density, he liked high rises because they do not use as much land. If you build horizontally, you save the sky. He would rather they go up and save the land.

Mr. Ruffman said he wished to emphasize that he did not want to see any rip rap along the waterfront. What about the north side? In terms of the archway, the planner should remember that a view of the water is required and to the arch to the north of Bishop's Landing. The present design does not show that section.

Mr. Ruffman indicated that corners are very important in the city. The corner that will be a signature is at the corner of Salter Street and Lower Water Street. They are showing a dotted line as a diagonal walkway and he has not been convinced that would be available to the public for the full day. He shared the concern that the walkway will be a little piece of urban garden grass and an interior mall.

Mr. Ruffman referenced the comments of Dr. Beaumont relative to the rising of the sea level and indicated they saw flooding and it was part way up Salter Street. What they have in the streets edge now is a dyke. He believed they would infill those two water lots up a significant level so they will be 1.5 meters high. The old ferry flooded all the time and they decided on a level which you see at the bottom of George Street and that is probably the level they are working towards. To not think about that will simply lead to certain developments putting in a lot of pumps which do not work if the power goes out.

Mr. Ruffman indicated he would like to see the detail because of his interest in Salter Street and what will happen on the north side of the walkway that runs along the north side of the wave building. They did not put this building in context with the buildings across the street or the wharfs to the north. That is a deficiency which should be corrected.

Mr. Ruffman commented he congratulated the developer on continuing the trends of putting in marinas that will probably never get built. None of the list of six or seven of them have ever gotten built.

It was responded that relative to the water lots, the WDC is in negotiation with the Port Authority. The Corporation is committed to further developing that water lot for the public.

Mr. Campbell advised they are working with Southwest Properties to include the marina port on the original plan. He expected that to be in place next summer.

Mr. Harvey indicated that in terms of the next steps, they will look at the MPS and draft a development agreement. They will see how it fits with the MPS policies and make a recommendation to Regional Council. The District 12 PAC and the HAC will look at this as well. Regional Council will hold a public hearing if they wish to entertain a development agreement. That will be an opportunity for the public to look at a firm proposal.

Councillor Sloane suggested having a package of information available at the Commissionaire's desk at City Hall. Mr. Harvey responded there is a thick package of drawings and he would rather people contact him because there may be questions.

The meeting adjourned at approximately 9:30 p.m.