

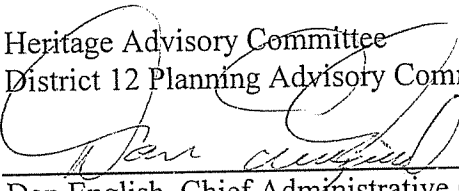


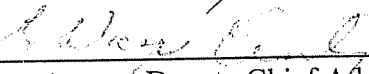
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Item No. 11.1.16 (i)

Heritage Advisory Committee - April 23, 2008
District 12 Planning Advisory Committee - April 21, 2008

TO: Heritage Advisory Committee
District 12 Planning Advisory Committee

SUBMITTED BY: 
Dan English, Chief Administrative Officer


Wayne Anstey, Deputy Chief Administrative Officer - Operations

DATE: April 2, 2008

SUBJECT: Case 00971 - MPS/ LUB Amendment and Development Agreement,
Halkirk (Keiths Brewery) lands, Lower Water, Bishop and Hollis
Streets, Halifax

ORIGIN

Request by Halkirk Properties Limited to amend the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law to permit a mixed-use development on the southern portion of the "Keith's Brewery" lands, bounded by Lower Water, Bishop, Hollis and Salter Streets, by development agreement.

RECOMMENDATION

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

1. Give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and Peninsula Land Use By-law as contained in Attachment A and schedule a public hearing;
2. Move Notice of Motion to consider the proposed Development Agreement as contained in Attachment B to allow for a mixed-use development and schedule a public hearing. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1;
3. Adopt the amendments to the Halifax Municipal Planning Strategy and Peninsula Land Use By-law as contained in Attachment A;

RECOMMENDATIONS CONTINUE ON NEXT PAGE.

Contingent upon the amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law being approved by Regional Council and becoming effective pursuant to the requirements of the *Municipal Government Act*, it is further recommended that the District 12 Planning Advisory Committee recommend that Regional Council

1. Approve the proposed development agreement as contained in Attachment B;
2. Require that the development agreement be signed and returned within 120 days, or any extension thereof granted by Regional Council on request of the Developer, from the date of final approval by Regional Council or any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end; and
2. Discharge an existing development agreement which applies to portions of the site identified as PID #s 00471078, 00471060 and 00003723, to take effect upon the registration of the new agreement.

EXECUTIVE SUMMARY

Site: The subject properties are located within the southern half of the block bounded by Lower Water, Bishop, Hollis and Salter Streets which contains the "Alexander Keith Brewery District", excepting the Benjamin Wier House at 1459 Hollis Street (refer to Map 1).

Proposal: The proposal includes amendments to the Municipal Planning Strategy and Land Use By-law as well as a development agreement to allow for a specific mixed-use development on the subject lands. The MPS/LUB amendments include:

- boundary changes to the Halifax Waterfront Development Area (HWDA) and Central Business District (CBD) in order to add the southern portion of the "Keith's Brewery" lands into the CBD and the "CBD Sub-Area" of the HWDA (refer to Map 2) as well as an associated change in land use designation;
- site specific policy to clarify building height, massing and setback requirements for the proposed development as well as provisions for the restoration of the exterior facade of Alexander Keith Hall (Civic 1471 Hollis Street).

The proposed development (see development agreement - Attachment B) consists of the following:

- *The Alexander* (Lot A-3) which includes a low-rise building base abutting Lower Water and Bishop Streets (height of 60 feet) and a recessed, slender high-rise component (21 floors above Lower Water Street) and contains approximately 110 dwelling units, commercial space (17,500 sq. ft.) along Lower Water Street, space for possible expansion of Farmer's Market, 232 parking spaces on four levels, courtyard and rooftop open spaces and the use of compatible exterior materials including stone, brick, factory cast concrete panels which will provide a sandstone appearance, clear glass and metal roofing;

- An alternate western tower elevation is provided for by non-substantial amendment should the Developer obtain ownership of the "Keith Lane" right-of-way;
- *Keith Hall* (Lot A-2), including extensive renovations to Keith Hall for residential use (5 units), a one- storey mansard roof addition with dormers and facade improvements;
- *Halkirk House* (Lot A-4 & a portion of lot A-2), a new 5-storey residential infill building (5 units) on Hollis Street which will be linked to and designed to look similar to Keith Hall.

History of Site/ CBD: A previous development agreement from 1981 is proposed to be discharged, a previous application from 2003 was refused by Peninsula Community Council and the approval and construction of Salter's Gate (Lot A-1) on the northern end of the block occurred between 2005 and 2007. Since the adoption of the MPS in 1978, there was one change to the boundary of the CBD, which occurred in 1983.

Rationale for Proposed MPS/LUB Amendments: The request to amend the MPS is reasonable. The proposal involves a comprehensive redevelopment of the subject lands which includes extensive renovations to Keith Hall, which is part of the historic Keith's Brewery complex. The site constraints include a viewplane which covers much of the block as well as its location within the Southern Sub-Area, which calls for predominantly low to medium rise development in that area. The high rise component is located outside of the viewplane while the low rise portion is located beneath the viewplane. As the current Keith's Brewery building and lands are bisected by the CBD boundary, it is reasonable for Council to consider amending the boundary. Council has amended the MPS in response to site-specific development proposals on numerous occasions, although this is the first such amendment in the HWDA. The development proposal employs design excellence in terms of architectural detailing, the use of materials, streetscape design, the landscaping of open spaces and building design, scale, orientation and setbacks.

Existing MPS and Regional Plan: The development proposal was reviewed against the objectives and policies of the Halifax MPS and Regional MPS, especially those which relate to heritage considerations/ scale and design detail, land use, micro-climate impacts such as wind and shadows, views, traffic and circulation, streetscape design and public infrastructure. With regard to these objectives and policies, the proposal is compatible with and reasonably carries out the intent of the MPS.

BACKGROUND

Site Description:

The subject properties are located within the southern half of the block bounded by Lower Water, Bishop, Hollis and Salter Streets which contains the "Alexander Keith Brewery District" (refer to Map 1). They include the following:

- Lot A-3, which has frontage on Lower Water and Bishop Streets, contains surface parking and a portion of the existing Keith's Brewery complex and is not a municipally registered heritage property;

- Alexander Keith Hall, at 1471 Hollis Street, which is located on a portion of Lot A-2, which contains the Brewery buildings and is a registered heritage property;
- Lot A-4, on Hollis Street south of Keith Hall, is currently vacant;
- 1451 Hollis Street, the former Longshoremen's Association building, recently demolished;
- Parcel G, at 1365 Hollis Street at the intersection of Bishop Street, contains surface parking;
- "Keith Lane" (PID# 00480418), a right-of-way to the rear of the Hollis Street properties which the Developer does not own but wishes to acquire.

The Benjamin Wier House, located at 1459 Hollis Street and owned by Sable Offshore House Limited, is not part of the proposal and is not affected by the proposed MPS policy amendments.

MPS Designation and Zoning:

The site is located within the "Southern Sub-Area" of the Halifax Waterfront Development Area (HWDA) and is designated for future residential development on the Generalized Future Land Use Map (refer to Map 1). The subject block which contains all of the Keith's Brewery lands, bounded by Lower Water, Bishop, Hollis and Salter Streets, is currently bisected by the Central Business District (CBD) boundary, which coincides with the boundary between the "Southern Sub-Area" and the "CBD Sub-Area" of the HWDA. Existing MPS policies require a development agreement for any development over 25 feet in height in the HWDA. These policies have been in place since the original MPS adoption in 1978.

The site is zoned C-2 (General Business) and C-2-V (General Business Within a Viewplane). Viewplane #6 covers a portion of the subject site and, therefore, restricts any development within that portion to heights which are below the Viewplane (approximately 5 storeys).

Synopsis of the Proposal:

The proposal includes amendments to the Municipal Planning Strategy and Land Use By-law as well as a development agreement to allow for a specific mixed-use development on the subject lands.

MPS/LUB Amendments:

Proposed amendments to the MPS and LUB (refer to Attachment A) include the following:

- Boundary changes to the Halifax Waterfront Development Area (HWDA) and Central Business District (CBD) in order to add the southern portion of the "Keith's Brewery" lands into the CBD and the "CBD Sub-Area" of the HWDA (refer to Map 2);
- Change in land use designation of the subject lands from Residential Environments to Commercial as a result of the boundary changes;

- New site specific MPS policy to clarify building height, massing and setback requirements for the proposed development as well as provisions for the restoration of the exterior facade of Alexander Keith Hall (Civic 1471 Hollis Street).

Development Proposal:

The proposed development, as reflected in the attached draft development agreement (Attachment B) consists of the following:

The Alexander (Lot A-3, Lower Water & Bishop Streets):

- A low-rise building base abutting Lower Water and Bishop Streets with a maximum height of 60 feet above Lower Water Street;
- A recessed, slender high-rise (tower) component with a total of 21 floors above Lower Water Street (excluding mechanical penthouse) and a building height of approximately 241 feet (to top of mechanical penthouse);
- An alternate western tower elevation, by non-substantial amendment, which includes changes to the architectural requirements, landscaping details and an addition to and articulation of the western residential tower façade should the Developer obtain ownership of the "Keith Lane" right-of-way (refer to Schedules A-3 to A-6 of Attachment B);
- 110 dwelling units (approx.);
- Commercial space (17,500 sq. ft. approx.) on ground level and second floors along Lower Water Street;
- Space for possible expansion of Farmer's Market in parking garage area;
- 232 parking spaces (approx.) on four levels;
- Courtyard and rooftop open spaces;
- The use of compatible exterior materials including iron stone or similar stone, brick, jointed factory cast concrete panels which will provide a sandstone appearance, clear glass and metal roofing;
- Demolition of a small, non-registered portion of the existing Keith's Brewery building along with the dismantling of an existing stone wall along Lower Water Street, which will be reconstructed and incorporated into the new development;

Keith Hall (Lot A-2):

- Extensive renovations to Keith Hall for residential use (5 units);
- One- storey addition to create 4th level above Hollis Street with new mansard roof and dormers;
- Facade improvements, including new/restored portico, windows, iron work;

Halkirk House (Lot A-4 & a portion of lot A-2):

- New 5-storey residential infill building (5 units) on Hollis Street linked to Keith Hall;
- Will be designed to look similar to Keith Hall - mansard roof with dormers, sandstone look with similar detailing, iron work, etc.

Although the proposed MPS/LUB amendments (Attachment A) include detailed height provisions for the former Longshoremen's Association site (1451 Hollis Street) and Parcel G at the corner of Bishop and Hollis Streets, there is no current development agreement application by Halkirk Properties for those parcels. The proposed height provisions, which specify a maximum height of 60 feet above Hollis Street, are intended to ensure that any future development proposal is compatible with heritage properties in the area, including the abutting Benjamin Wier House and the Lieutenant Governor's residence on the west side of Hollis Street.

Highlights of Proposed Development Agreement:

The draft development agreement (Attachment B) provides for all elements of the proposed development as outlined above, and specifically for the following:

- two design options for the tower portion of the building; the first, with a flat facade facing Hollis Street and the second, by non-substantial amendments which may be approved by resolution of Council, providing for an addition to and articulation of the western residential tower façade and changes to the architectural requirements, landscaping details in the event that the Developer obtains ownership of the "Keith Lane" right-of-way (refer to Schedules A-3 to A-6 of Attachment B);
- architectural details regarding building materials, colour and texture for new construction and detailed requirements for the exterior renovations to Keith Hall, including window repair/ replacement, work on the portico over the front entrance and stone and ironwork;
- detailed standards for landscaping of all open spaces, including the courtyard and rooftop areas as well as streetscape design; a detailed landscaping plan will be required at the permit stage and certification of completion of landscaping prior to occupancy of the building;
- certification from a professional Surveyor prior to the issuance of permits that the proposed development does not protrude through Viewplane #6 and is not visible from within the Citadel parade square;
- signage at ground floor / street level will meet heritage principles and be compatible with the Keith's Brewery signage;
- requirements for the design and treatment of the temporary retail space located in the parking level off Lower Water Street in the event that the Farmer's Market lease is renewed/extended;
- the undergrounding of utilities along Hollis Street;
- further examination of wind mitigation measures prior to the issuance of permits.

Previous Applications/ Development Agreements:

The following is a brief description of previous proposals for the Brewery lands:

- In June of 2005, an application by Salters Gate Developments Ltd. for a mixed-use development on the north portion of the block (lot A-1), consisting of a hotel, residential

units, commercial space, parking and landscaped open space, was approved by Regional Council. The project was completed in 2007.

- In August of 2003, an application by Halkirk Properties Limited to enter into a development agreement for a mixed residential / commercial development on the entire Brewery lands was refused by Peninsula Community Council. The Developer appealed the decision to the N.S. Utility and Review Board, but later withdrew the appeal. The proposed project includes a number of changes which are described in the Discussion section of this report.
- In 1981, an application by Clarence Investment Corp. was approved by the City of Halifax for a mixed use development of the block. The development agreement allows for a 200-car parking garage and 19 residential units on the southern site (lot A-3), one infill dwelling unit on lot A-4, renovations to Keith Hall, and small additions to the existing Brewery building which have been completed. The agreement from 1981 is still partially in effect and is proposed to be discharged if the current proposal is successful.

History of CBD / HWDA Boundary:

Upon the adoption of the MPS in 1978, the southern boundary of the CBD included Spring Garden Road and Maritime Centre (along its southernmost property line) and, from there, continued north along Hollis Street and then east along Salter Street to the harbour.

In 1983, the CBD boundary was expanded to include two waterfront sites just north of what is now Bishop's Landing (refer to Maps 1 and 2). These sites are now the location of the Centennial Group/ Waterfront Development Corporation mixed-use proposal which was approved by Regional Council in June of 2007. However, at the time, the sites were the location of the Marine Towers and Clarence Investment development proposals which had been previously approved by Halifax City Council but overturned by the N.S. Planning Appeal Board (now Utility and Review Board). The purpose of the boundary change was similar to that of the current Halkirk proposal, that is, to relocate the subject sites from the Southern Sub-Area to the CBD Sub-Area of the HWDA in order to accommodate future development proposals for those sites. The 1983 boundary amendment, which followed the southern property line of the Maritime Centre and its prolongation to the harbour, resulted in the Keith's Brewery building and site being equally divided into the two sub-areas.

Surrounding Land Uses:

The surrounding area contains a mix of heritage and contemporary buildings as well as buildings of varying heights. The following is a brief description of the physical setting of the subject property and its immediate environs:

- there are numerous heritage buildings which either abut or are in close proximity to the site. These buildings are generally in the range of three to five storeys in height and are generally located to the west and southwest of the site. The closest of these include the Keith Hall and Brewery buildings which are owned by Halkirk, the Benjamin Wier House at 1459 Hollis Street, the Lieutenant Governor's residence (across Hollis Street) at 1451 Barrington Street and the Black-Binney House at 1472 Hollis, across from Keith Hall;
- there are numerous modern/ contemporary buildings which are generally located to the northwest, south and east of the site. These include mixed-use and multiple-unit residential projects such as Bishop's Landing (3 to 7 storeys), 1360 Lower Water Street (5 storeys), Waterfront Place (8 storeys) and the Waterford at 1343 Hollis Street (8 to 10 storeys). Office and mixed-use projects to the northwest include Maritime Centre (23 storeys [offices] above Hollis Street), Four Points Sheraton (6 storeys) and Salter's Gate (6 to 8 storeys).

Comparison to former (2003) proposal:

There are a number of differences between the current proposal and that which was refused by Peninsula Community Council in August of 2003, in terms of both physical design changes and policy changes which have taken place since then. When compared against the former proposal, the design differences include the following:

Changes to the point tower (the Alexander):

- the tower is lower, by six storeys (although some storeys will be slightly higher than before), and overall height has reduced from approximately 283 feet to 240 feet above Lower Water Street;
- greater degree of building setbacks and articulation of the tower floor plates, especially at the top floors, resulting in a stepped appearance and a more visually attractive contribution to the skyline;

Other proposal changes:

- building height proposal (60 feet) for the former Longshoremen's property and Parcel G on Hollis Street, with detailed development proposal by agreement at a future date;
- Lot A-3 (the *Alexander*) will have a slight decrease in the number of residential units (population density) and a slight increase in the amount of commercial floor space and number of parking spaces;

The differences in policy context include the following:

- Adoption of the Regional Plan, which calls for an increase in residential population/ development on the Halifax peninsula, the undertaking of the Regional Centre Urban Design Study (HRM by Design) and the introduction of a detailed policy (CH-2), which provided clarification on how new buildings, including tall ones, can fit in and be compatible with abutting heritage properties;
- the current Halkirk proposal involves a change to the CBD boundary, which results in the proposal being reviewed under the "CBD Sub-Area" policies of the HWDA. In the former (2003) proposal, the site was in the Southern Sub-Area of the HWDA, which calls for lower building heights in that portion of the HWDA than in the CBD portion.

Process:

The proposed MPS/LUB amendments, along with the development agreement, are under the jurisdiction of Regional Council. A public hearing, which is required prior to a decision by Council, may be held at the same time for both the MPS/LUB amendments and development agreement. In the event that Council approves the MPS/LUB amendments, Council may only make a decision on the development agreement following the coming into effect of the MPS/LUB amendments.

DISCUSSION

The MPS is the expression of the Municipality's intent with respect to future land use patterns. Generally, amendments to the MPS should only be considered when there is a change in circumstance since the MPS was adopted or reviewed, or where circumstances are significantly different from the situations that the Plan anticipated. Council is under no obligation to consider such requests.

Rationale for Proposed MPS/LUB Amendments:

Staff feel that the request to amend the MPS is reasonable, and have the following comments:

- The Developer has obtained ownership of most of the properties on the subject block. The proposal represents the second and third phases of a comprehensive redevelopment of the subject lands which includes the historic Keith's Brewery/ Keith Hall complex (the first phase being the Salter's Gate development at the north end of the block which was completed in 2007). The proposal includes extensive interior and exterior renovation and rehabilitation of Keith Hall. The Developer contends that the investment required to do so, combined with the building height restrictions imposed by Viewplane #6 which covers over two thirds of the block, warrants additional development rights on the southern end of the block. The Southern Sub-Area of the HWDA, in which lot A-3 (the *Alexander*) is located, calls for predominantly low to medium rise development in that area, however, due to the approval of other projects in excess of those heights in the immediate area, lower building heights are not prevalent. Building heights of 21 storeys in that area were not envisioned by the policies when they were adopted in 1978;
- The proposed MPS/LUB amendments include a boundary change, resulting in a change in land use designation, accompanied by site-specific policy criteria. Council has amended the MPS in response to site-specific development proposals on numerous occasions, although this is the first such amendment in the HWDA;
- As the current Keith's Brewery building and lands are bisected by the CBD boundary, it is reasonable for Council to consider amending the boundary. There are no other locations

in which the CBD boundary bisects a building and/or property capable of being redeveloped (the northern boundary of the CBD, which includes a prolongation of Cogswell Street to the harbour, runs roughly between Purdy's Wharf towers I and II). The proposed boundary change represents a very limited expansion of the CBD, essentially to consider the subject proposal;

- The development proposal employs design excellence in terms of architectural detailing, the use of materials, streetscape design, the landscaping of open spaces and building design, scale, orientation and setbacks;
- The proposed amendments are intended to clarify building height, massing and setback requirements for the proposed development. The heights/ setbacks are very specific and tailored to the proposed development to ensure that the project cannot deviate beyond what is anticipated by the MPS amendments. This includes the former Longshoremen's site and Parcel G, at the corner of Hollis and Bishop Streets so that any future application for development (by agreement) is of a scale and mass which is appropriate for that site and its surroundings. Therefore, if Council wishes to approve the proposed development and not have the issues of building height, massing and setbacks be subject to appeal to the N.S. Utility and Review Board, then staff recommend the proposed amendments (Attachment A) as the means of doing so.

Existing MPS and Regional Plan

Staff have reviewed the proposal against the applicable objectives and policies of the Halifax MPS (Attachment C) as well as those of the Regional MPS (primarily those which deal with Cultural and Heritage resources - refer to Attachment D). Staff feel that the proposal is compatible with and reasonably carries out the intent of both the Halifax MPS and Regional MPS, and have the following specific comments:

Heritage Considerations/ Scale and Design Detail:

The proposed development is in keeping with the existing heritage and urban design related policies. In particular, staff note the following:

- Keith Hall: There will be substantial investment in and rehabilitation of this heritage building. The proposal also involves a rooftop addition which is similar to one which existed previously and which respects and is compatible with the heritage structure. The agreement requires the Developer to submit security to be held by HRM in order to ensure the completion of rehabilitation work;
- Halkirk House: Employs complementary architectural design and careful use of materials to ensure that the new building is compatible with Keith Hall and Benjamin Wier House;

- Alexander (Lot A-3): Includes a low-rise building base which provides architectural detailing and human-scaled building elements within the pedestrian realm (at ground level and along the first few storeys). The portion of the tower above the pedestrian realm is appropriately set back from abutting streets and heritage properties. The uppermost floors of the tower are stepped in and will not be visible from some locations at street level and in areas of private landscaped open space. The tower footprint is minimized and oriented to abutting streets. The exterior architectural design is complementary to the existing Brewery buildings, Keith Hall and the Benjamin Wier House. The rooftop of the podium/ base building will be landscaped, visually attractive and used as private open space while the roof design of the tower penthouse will be visually attractive from other buildings and parts of the city.

Land Use

The proposed project is mixed-use, with retail, office and residential uses and associated parking and landscaped open spaces. The land use policies support mixed-use development, but also allow for stand alone residential or commercial uses on individual sites which are part of a larger, comprehensive development. The Keith Hall and Halkirk House buildings are intended to be occupied for residential use, which is appropriate for that portion of Hollis Street.

Micro-Climate: Wind

The MPS calls for acceptable wind levels on sidewalks/ pedestrian routes and within public open spaces. A pedestrian wind study was prepared by RWDI Inc. on behalf of the Developer (copies are included in Council's report package and additional copies are available upon request). This study involved wind tunnel testing of scaled models of two configurations:

- Configuration A: the existing site and surroundings (with the removal of the small, non-registered portion of the Brewery building on lot A-3 which is to be demolished), and
- Configuration B: the site and surroundings with the proposed development in place. (The alternate western tower facade will not have an appreciable impact on wind conditions).

A total of 67 wind measurement sensor locations were tested, 55 of which were at ground level and 12 of which were on the (proposed) podium rooftop/ terraces. The wind tunnel data and local wind statistics were then compared against RWDI's pedestrian safety and comfort criteria. The study concluded that wind levels will be generally acceptable. The following is a summary of the test results:

- Impacts from the proposed development would be minimal. Of the 55 ground level locations, 32 of these exhibited similar wind conditions when comparing the proposed development wind results to that of the existing site/ surroundings. In 15 locations, there was a slight improvement in wind conditions for the proposed development over that of the existing site and in 7 locations, there was a slight worsening of conditions. In one

location, the sensor malfunctioned and no results were recorded. However, this location was beneath an arcade off Keith Lane and the consultant has indicated that conditions there are expected to be suitable;

- The northeast corner of the site, along Lower Water Street, would experience an improvement in conditions (in 3 locations). One location along each of the Bishop Street sidewalk and along Keith Lane, at the base of the tower, experienced slightly worsened conditions. The study recommends mitigation measures be carried out in these locations. However, these would be temporary, as the future development of the Longshoremen's site would likely improve the conditions at these locations. Similarly, one location along the west side of Hollis Street experienced slightly worsened conditions which are expected to improve with the addition of the Longshoremen's proposal;
- Of the 12 rooftop/ terrace locations, some had wind speeds which are somewhat higher than desired in summer. Therefore, wind mitigation measures are recommended. Three of the 12 locations also exhibited failure ratings in the safety category in winter. However, these terraces are not open to the public and will be used very infrequently in winter. As these are private open spaces, the Developer will decide on an appropriate level of mitigation based on the intended usage of these spaces.

The draft development agreement requires that the Developer consult with the HRM Development Officer and the wind engineering consultant prior to the issuance of any permits for the Alexander (lot A-3), that mitigation measures will be shown on the building plans and that the Development Officer may require additional wind tunnel testing to determine mitigation measures if necessary.

Micro-Climate: Shadow

With regard to the design of new developments in the HWDA, the MPS calls for "a minimal amount of shadow cast on public open spaces." A sun/ shadow study was prepared by Connor Architects and Planners Ltd. on behalf of the Developer (refer to Attachment F for the consultant's summary). The sun's path was modelled for the solstices (December 21st and June 21st) as well as the equinoxes (March 21st and September 21st). Staff reviewed the shadow effects on public open spaces such as the waterfront boardwalk, the public plazas which form part of Bishop's Landing and the (yet to be constructed) Centennial Group project just north of Bishop's Landing as well as the public library lawn on Spring Garden Road. Other sites reviewed which are public or quasi-public and not frequented as often include the lawns of the Lieutenant Governor's residence and the Old Burying Ground at Barrington and Spring Garden. The shadow

modelling illustrates that shadow impacts of the proposed development on public open spaces will be minimal¹ and, specifically, illustrates the following:

- On June 21st, shadows from the Alexander tower in the early morning leave the Old Burying Ground by approximately 7:30am and the back lawn of the Lieutenant Governor's residence by approximately 9:30am. During much of the day, shadows are confined to the subject block due to the tower's location at the southern end of the block. By approximately 5pm, shadows from the Alexander combine with shadows already present in the Bishop's Landing plaza at the foot of Bishop Street. These combined shadows reach the waterfront boardwalk area by approximately 6:30pm and continue southward through the evening until sunset at approximately 8pm;
- On March 21st and September 21st shadows from the tower in the early morning leave the public library lawn by approximately 8am, the Old Burying Ground by approximately 8:30am and the back lawn of the Lieutenant Governor's residence by approximately 8:45am. Between late morning and early afternoon, they are confined to the subject block. Shadows reach the public space and boardwalk in front of the north building of Bishop's Landing by approximately 4:45pm, combining with shadows already present from the Bishop's Landing buildings. These combined shadows continue into the plaza at the foot of Bishop Street shortly thereafter and continue into the early evening, reaching the waterfront boardwalk area to the south until sunset at approximately 6:30pm;
- On December 21st, the shadow from the tower in the late morning begins to cross the waterfront parking lot between Salter Street and Bishops Landing (site of the approved Centennial Group project). This shadow combines with shadows from Bishop's Landing and continues across the site, including the waterfront boardwalk, through early to mid afternoon. If the Centennial project is constructed, a portion of the parcel will be retained as public open space and may include a public skating pond. The Centennial buildings are expected to cast some shadows on this open space and the boardwalk. Shadow from the proposed Alexander tower will temporarily combine with these shadows and move across the site. The study conducted for the Centennial project, as well as the current (Halkirk) study, found that the impact of shadows would not be adverse.

With regard to the sidewalks which are adjacent to the site, the slender nature of the tower ensures that there will be minimal shadow impact upon sidewalks for relatively short periods of time. Shadows on sidewalks in a downtown setting, in which buildings are constructed up to or very near the sidewalk, are to be expected and are generally considered to be acceptable.

¹The alternate western tower facade will not materially affect shadow conditions.

Views

The Municipal Planning Strategy provides for certain views to be protected. These include views along east-west streets, views from within the Citadel parade square so that buildings will not be visible above the ramparts, and within established view planes from the Citadel. The proposal does not violate any of these protected views. A certification of this by a Surveyor with regard to the viewplanes and views over the ramparts is a requirement of the development agreement.

Circulation: Traffic and Parking

A traffic impact study was submitted as part of the previous (2003) proposal and was found by staff to be acceptable. The current proposal is similar to the previous one, with slightly fewer dwelling units, but additional commercial floor space and one additional parking level. The Developer's consultant has indicated that the minor changes to the proposal will have little effect on the results of the original study and that the additional parking will have added benefit. Staff concur with this. In the current proposal, the driveway on Lower Water Street will be slightly wider to accommodate the revised proposal.

Streetscape Design and Public Infrastructure

MPS policies call for the incorporation of high quality landscaping, streetscape furniture/design elements as well as the undergrounding of infrastructure in association with development projects in order to improve the physical and visual environment of the HWDA. Through the development agreement, the Developer will be responsible for sidewalk construction, planting, street lighting and site furnishings at ground/ sidewalk level, which will be in accordance with Capital District guidelines. Additionally, the Developer will assume the costs associated with the undergrounding of electrical and telecommunication utilities adjacent to the development.

Other Considerations

HRM by Design:

As indicated in the Background section and as was indicated in the staff report dated June 12, 2007, prior to Council's initiation of this process, the timing of this proposal coincides with the "HRM by Design" process (Regional Centre Urban Design Study). Throughout 2007, Council has incrementally approved in principle the findings of Public Forums 1, 2 and 3 ("Regional Centre Urban Design Vision and Principles", "The Urban Design Framework" and "The Reurbanization Strategy"). Most recently, on February 26, 2008, Council approved in principle the "Downtown Halifax Vision", requested that the Province enact legislative changes to enable a new planning process for the downtown and initiated planning and design work for the redevelopment of the Cogswell interchange. It is anticipated that HRM by Design will propose substantive changes to existing MPS policies and LUB regulations for the downtown area.

Council has continued to consider MPS amendments for site-specific development proposals on the Halifax peninsula while the HRM by Design process is underway. The Halkirk proposal is in keeping with the direction which HRM by Design is taking and the proposed building heights are similar to those proposed to date under HRM by Design.

Benjamin Wier House:

The proposal, if approved by Council, will place the Benjamin Wier House (1459 Hollis Street) within the CBD boundary (and the CBD Sub-Area of the HWDA). The owners of the Benjamin Wier House, Sable Offshore House Ltd., have stated their objection to being included within the CBD (see Attachments E and G) and have requested information on the implications of their property being included within the boundary. Staff have supplied Sable Offshore House with the following information:

- The proposed boundary change will have no negative impact on the land use or redevelopment potential of the Benjamin Wier property. The current zoning (C-2) of the property allows both commercial and residential uses. The property is a registered heritage property and any changes to the building would have to comply with HRM's heritage alteration guidelines. Furthermore, a development agreement is currently required for any building or addition which is greater than 25 feet in height and, as is the case with heritage properties, would be reviewed against MPS Policy 6.8 (Section II - Heritage) and the Regional MPS policy CH-1;
- There will be no new BID levies as a result of being included within the CBD. The property is currently included within the area represented by the Downtown Halifax Business Commission;
- There will be no direct property tax/ assessment implications. If property values were to increase in the area over time as a result of the proposed development, resulting in an increase in commercial rents, then property assessment and taxes could increase. This form of increase would be due to normal market conditions.

Alternatively, if Council is concerned that the proposed boundary change may have a negative impact on the Benjamin Wier property, Council could choose to change the proposed CBD boundary so that the line follows the rear property lines of the parcels fronting on Hollis Street, including the Benjamin Wier House. The result would be that those properties fronting on Hollis Street would remain within the Southern Sub-Area of the HWDA and the remaining properties, including lot A-3 (the *Alexander*) would be located within the CBD Sub-Area. Another alternative would be to not amend the boundary of the CBD, but include the new site-specific policy within the Southern Sub-Area of the HWDA, which clearly indicates that the proposed building heights apply only to the subject site under proposal and not the entire Southern Sub-Area (refer to no. 3 in the Alternatives section of this report).

Public Consultation

A Public Meeting was held by the District 12 Planning Advisory Committee on September 5, 2007 and the minutes are attached (Attachment E). The area of notification to be used should a Public Hearing be held is shown on Map 3. As a result of comments received at the meeting, the proposal was revised to remove a proposed arcade along Lower Water Street and enclose this area as additional retail space abutting the sidewalk.

The PAC discussed the possibility of holding a second public meeting, as comments received from the public seemed to focus more on the MPS amendment versus the particular development proposal. However, it has been Council's past practice to not hold additional public meetings unless there has been a significant change to the proposal or a significant passage of time (over 1 year) since the original meeting. In this case, the meeting included detailed presentations, by staff and the developer, and questions/ comments from the public regarding both the MPS amendments and the development proposal. In the six months following the meeting, the public had an opportunity to contact staff or the Committee with further questions/ comments. Therefore, a second public meeting to discuss the proposal in advance of the staff report was not warranted.

Written submissions are included as Attachment G.

BUDGET IMPLICATIONS

The development agreement requires that the developer assume the costs associated with the undergrounding of electrical and telecommunication utilities adjacent to the development and the costs of reconstructing the sidewalk in accordance with Capital District standards. Otherwise, there are no budget implications. The Developer will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this agreement and the work can be carried out within the approved budget with existing resources.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

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

ALTERNATIVES

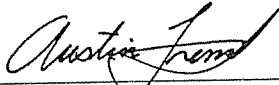
1. Approve the proposed amendments to the Municipal Planning Strategy and Peninsula Land Use By-law (Attachment A) and the proposed development agreement (Attachment B). This is the recommended course of action.
2. Refuse the requested amendments to the Municipal Planning Strategy and Peninsula Land Use By-law. Regional Council is under no obligation to consider a request to amend its MPS and a decision not to amend the MPS cannot be appealed.
3. Approve the proposed MPS/LUB amendments and development agreement with changes. This may require further negotiations between staff and the Developer.

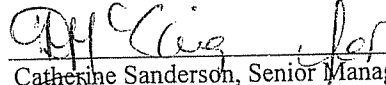
ATTACHMENTS

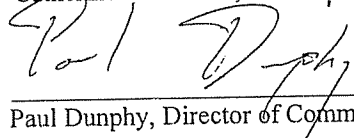
- Map 1 Location and Zoning
- Map 2 Proposed MPS Boundary Amendments
- Map 3 Area of Notification
- Attachment A Proposed Amendments to the Halifax MPS and LUB
- Attachment B Proposed Development Agreement with Schedules
- Attachment C Review of Most Relevant Policies/Objectives - Halifax MPS
- Attachment D Regional MPS Policies CH-1, CH-2
- Attachment E Minutes of the September 5, 2007, Public Meeting
- Attachment F Sun/ Shadow Study Summary
- Attachment G Written Submissions

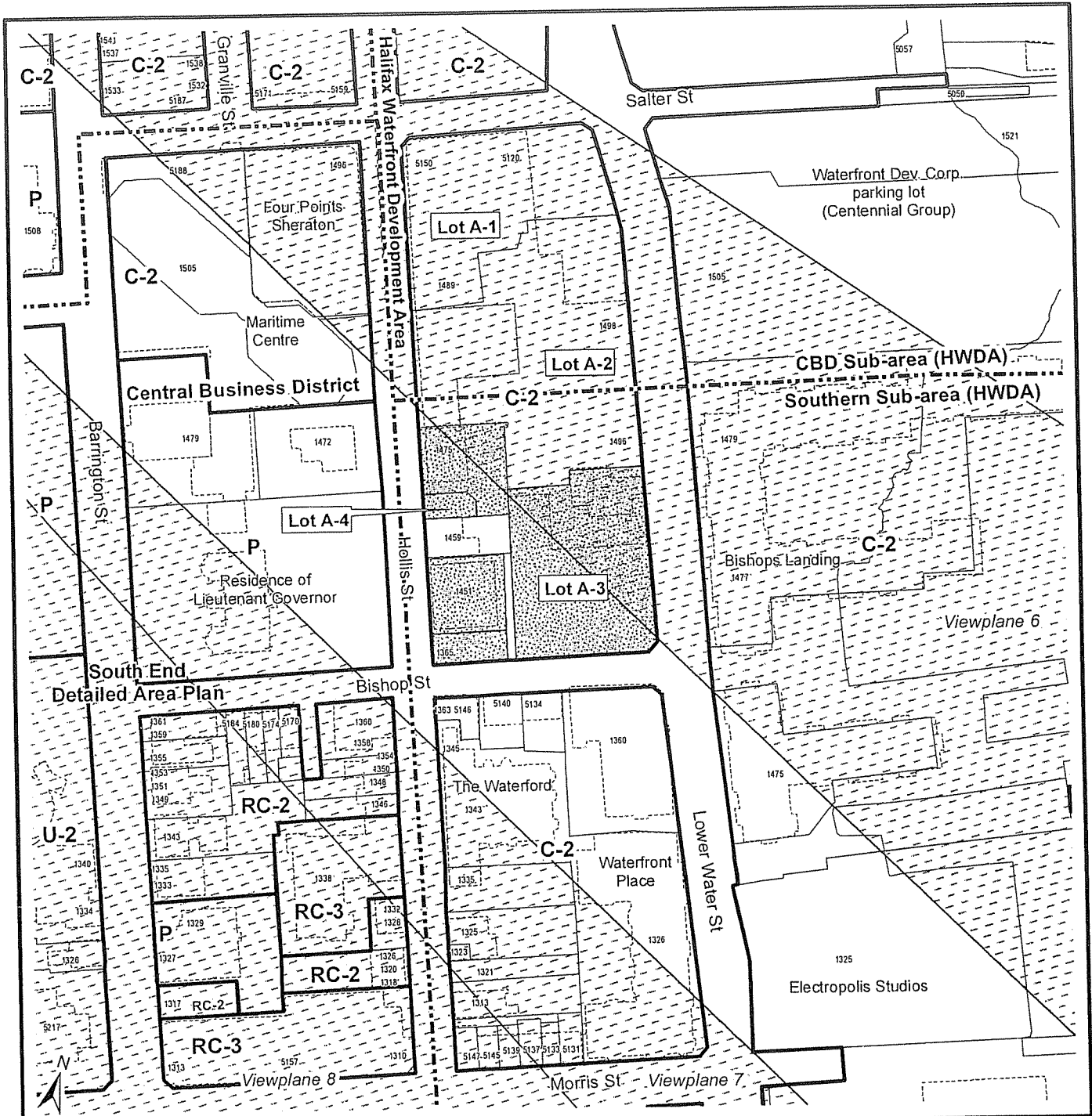
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Paul Sampson, Planner I, Community Development, 490-6259

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

Financial Approval by: 
Catherine Sanderson, Senior Manager, Financial Services, 490-1562

Report Approved by: 
Paul Dunphy, Director of Community Development



Map 1 - Location and Zoning

Keiths Brewery Site
Lower Water Street
Halifax

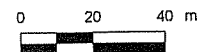
Subject area

Halifax Peninsula
Land Use By-Law Area

View plane
 Building footprint

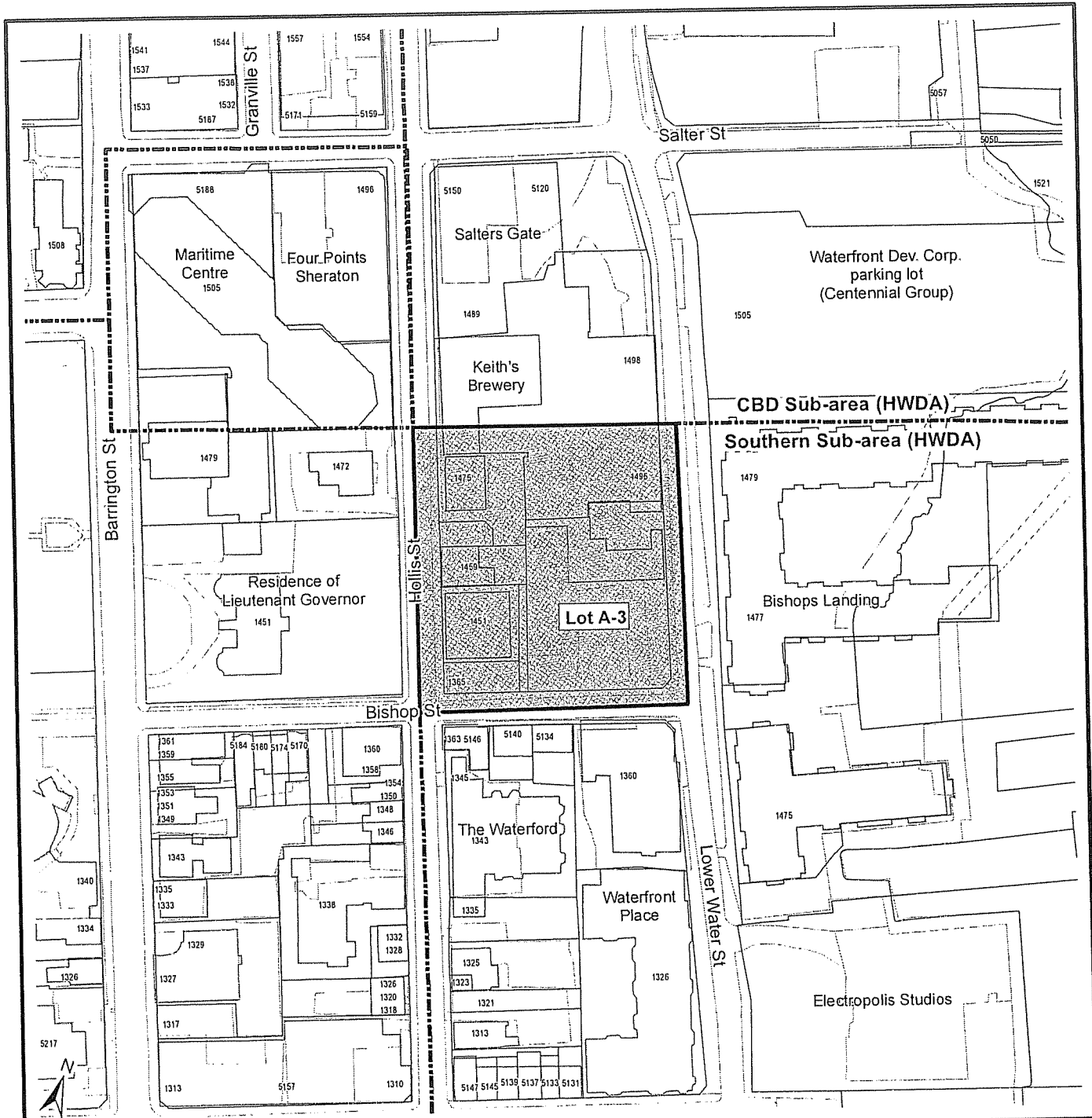
Zone (-V within viewplane)
 RC-2(-V) Residential Minor Commercial
 RC-3(-V) High Density Residential Minor Commercial
 C-2(-V) General Commercial
 U-2(-V) High Density University
 P(-V) Park and Institutional

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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 Land Use By-Law Area

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

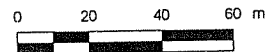


Map 2 - Proposed MPS Boundary Amendments

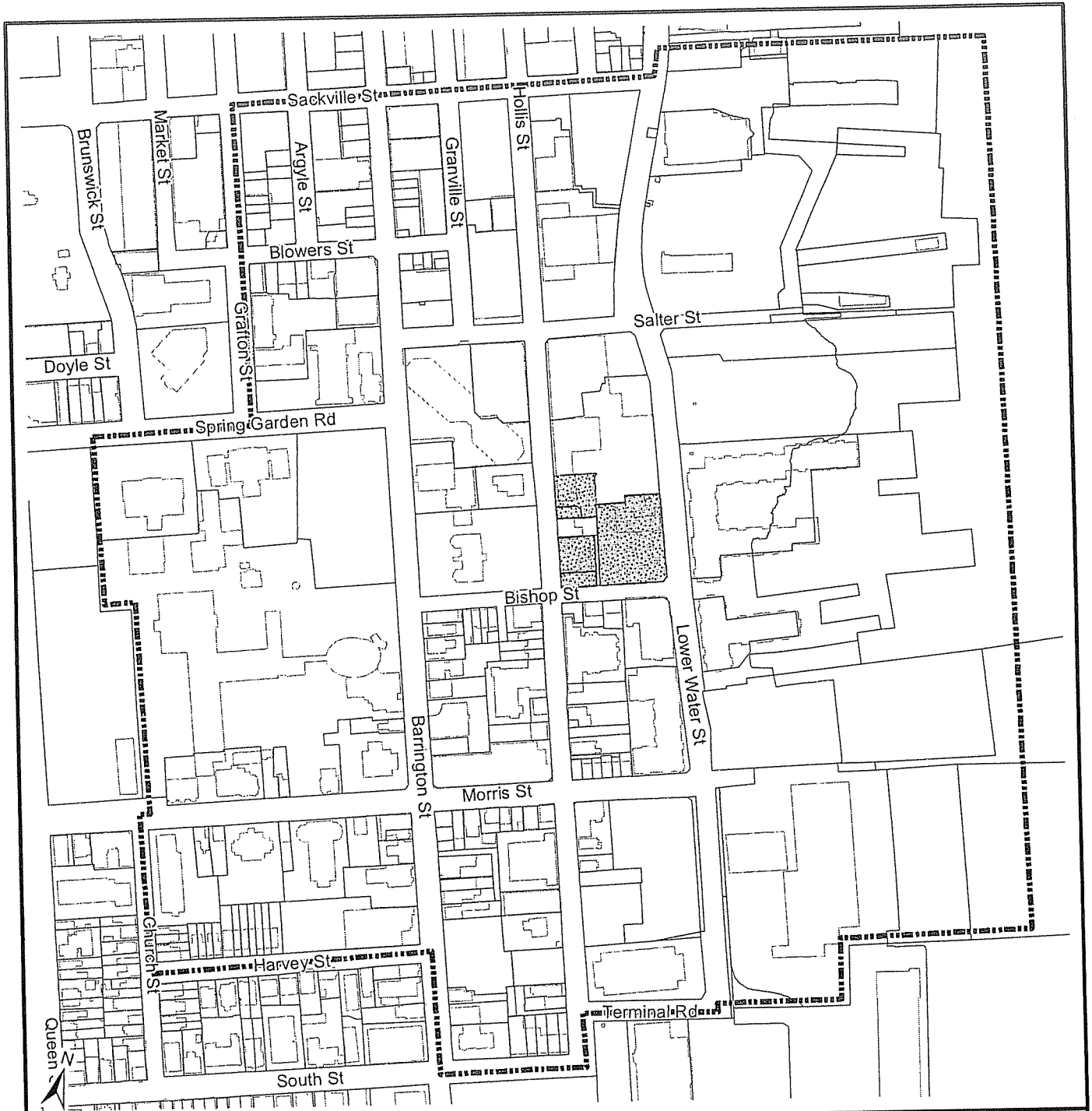
Keiths Brewery Site
 Lower Water Street
 Halifax



Area to be added to the Central Business District (CBD) on Map 9 of the Halifax MPS, and added to the CBD sub-area of the Waterfront Development Area





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



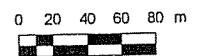
Map 3 - Area of Notification

Keiths Brewery Site
 Lower Water Street
 Halifax

 Subject area

 Area of notification

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 PLANNING SERVICES



Halifax Peninsula
 Land Use By-Law Area

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

ATTACHMENT A

PROPOSED AMENDMENTS TO THE HALIFAX MPS AND LUB

**HALIFAX REGIONAL MUNICIPALITY
A BY-LAW TO AMEND THE HALIFAX MUNICIPAL PLANNING STRATEGY
CASE #00971**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Municipal Planning Strategy of Halifax as enacted by City Council of the City of Halifax on the 30th day of March, 1978 and approved by the Minister of Municipal Affairs on the 11th day of August 1978 as amended, is hereby amended as follows:

1. Amend the Area Definition of the CBD (Section III) as follows:

AREA DEFINITION

For the purposes of this Plan, the Halifax Central Business District is as illustrated on Map 10 herein and includes all of the area bounded by the centre line of Brunswick Street, the center *centre* line of Cogswell Street, Halifax Harbour, the centre line of Spring Garden Road to Barrington Street, the western and southernmost boundary of the Maritime Centre, *the centre line of Hollis Street between the southernmost boundary of the Maritime Centre and Bishop Street, the centre line of Bishop Street between Hollis and Lower Water Streets, the centre line of Lower Water Street northerly to a prolongation of the southernmost boundary line of Maritime Centre, and easterly along a prolongation of* and the eastern extension of the southernmost boundary line of Maritime Centre to the Harbour.

2. Amend the HWDA sub-area description for the CBD Sub-Area (Section IV, page IV-1) as follows:
 - the CBD sub-area, which conforms to the Central Business District boundary and is coterminous with the Intergovernmental Waterfront Committee (IWC) conceptual plan, considered by City Council in March, 1976
3. Amend the following maps (attached) to reflect the above noted boundary changes:
 - Map 10 (Central Business District Boundary)
 - Map 11 (CBD Sub-Area Boundaries)
 - Map 12a (CBD Height Control Area)
 - Map 13 (HWDA Boundaries)
 - Map 14 (HWDA Sub-Area Boundaries)
4. Amend Map 9 (Generalized Future Land Use) to reflect the above noted boundary changes and to re-designate the subject lands from Residential Environments to Commercial;

5. Add the following policies to Section IV as follows :

- 2.4 For the southern half of the block bounded by Bishop, Hollis, Salter and Lower Water Streets, on lands known as the Alexander Keith's Brewery District (PID #s 00471078, 00471060, 00003749, 00003731, 00003723 and 00480418), Council may permit a predominantly mixed-use development, by development agreement, pursuant to Implementation Policy 3.5.3 and the Regional Municipal Planning Strategy Policy CH-2.**
- 2.4.1 Any development permitted pursuant to Policy 2.4 shall incorporate low to medium rise building elements abutting Lower Water and Hollis Streets and a recessed, high-rise component which includes adequate separation from, or modulation of building massing in relation to, abutting heritage properties and streets.**
- 2.4.2 Further to Policy 2.4.1, building heights and setbacks shall comply with the following:**
- (a) the height of any building abutting Lower Water and Hollis Streets shall not exceed 60 feet above the mean elevation of the street in front of the building;**
 - (b) the maximum height of the recessed tower component shall be 245 feet above the mean elevation of Lower Water Street;**
 - (c) the tower component shall be set back a minimum of 65 feet from the Hollis Street line and 50 feet from the Lower Water Street line.**
 - (d) minimum setbacks of the tower from the Bishop Street line shall comply with the following:**
 - (i) Zero feet, provided that the building width does not exceed 45 feet;**
 - (ii) 15 feet, provided that the building width does not exceed 90 feet;**
 - (iii) 25 feet, provided that the building width does not exceed 115 feet;**
 - (iv) 35 feet, provided that the building width does not exceed 140 feet;**
 - (e) the tower component shall be set back a minimum of 20 feet from the nearest property line of 1459 Hollis Street (PID# 00003756) and 60 feet from the nearest property line of Keith's Brewery (PID# 00003723);**

- (f) no portion of the building shall protrude through a viewplane or shall be visible above the Citadel Ramparts as specified by Sections 24 and 26B of the Land Use By-law.

2.4.3 The maximum gross floor area of the base floors of the tower (footprint) shall be 11,000 square feet each.

2.4.4 The development agreement for any mixed-use proposal as indicated in Policy 2.4 shall include provisions for the concurrent restoration/ rehabilitation of the exterior facade of Alexander Keith Hall (Civic 1471 Hollis Street, PID# 00003723).

**HALIFAX REGIONAL MUNICIPALITY
A BY-LAW TO AMEND THE HALIFAX PENINSULA LAND USE BY-LAW
CASE #00971**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Peninsula Area Land Use By-law of Halifax as enacted by City Council of the City of Halifax on the 30th day of March, 1978 and approved by the Minister of Municipal Affairs on the 11th day of August 1978 as amended, is hereby amended as follows:

1. Amend Zoning Map 2 (ZM-2: Schedules/ Plan Areas) as shown on Map 2;
2. Add section 100(1) to the Halifax Peninsula Land Use By-law as follows:

“100(1) HALIFAX WATERFRONT (HWDA) - DEVELOPMENT AGREEMENTS

In the Halifax Waterfront Development Area, Council may, by development agreement pursuant to Section IV of the Municipal Planning Strategy:

Alexander Keith's Brewery District (PID #s 00471078, 00471060, 00003749, 00003731, 00003723 and 00480418)

- (a) permit a mixed-use development in accordance with Policy 2.4.”

Map 10

Central Business District

Boundary

Approved: 11 August 1978

Amended:



This map is intended to replace existing Map 10 of the Halifax Municipal Planning Strategy and will reflect a new amended date if the proposed amendments are approved.



Map 11

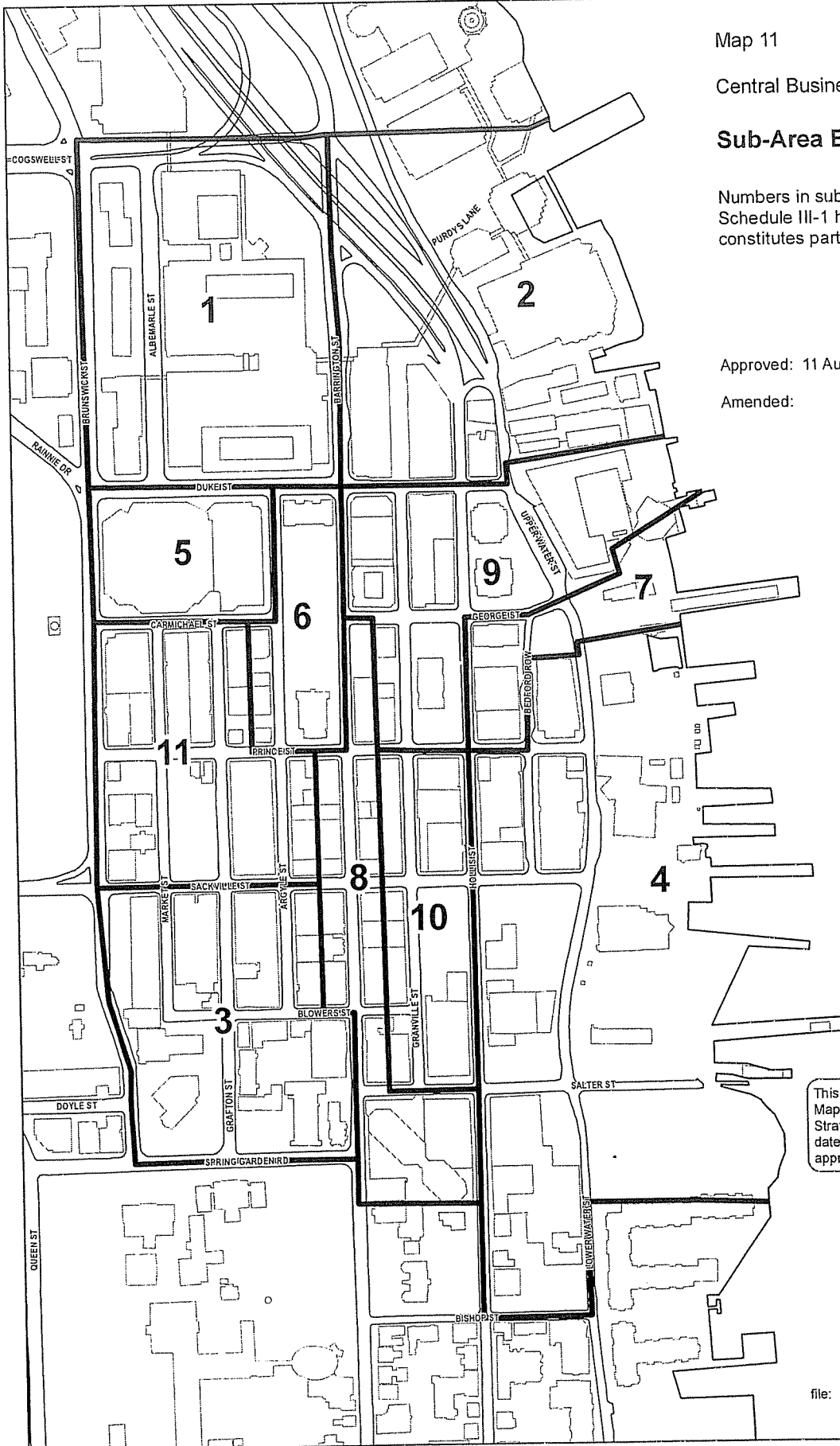
Central Business District

Sub-Area Boundaries

Numbers in sub-areas refer to Schedule III-1 herein, which constitutes part of this map.

Approved: 11 August 1978

Amended:



This map is intended to replace existing Map 11 of the Halifax Municipal Planning Strategy and will reflect a new amended date if the proposed amendments are approved.







Map 12a

Central Business District

Height Control Area

-  Central Business District
-  Band A

Approved: 14 April 1986

Amended:



This map is intended to replace existing Map 12a of the Halifax Municipal Planning Strategy and will reflect a new amended date if the proposed amendments are approved.



Map 13

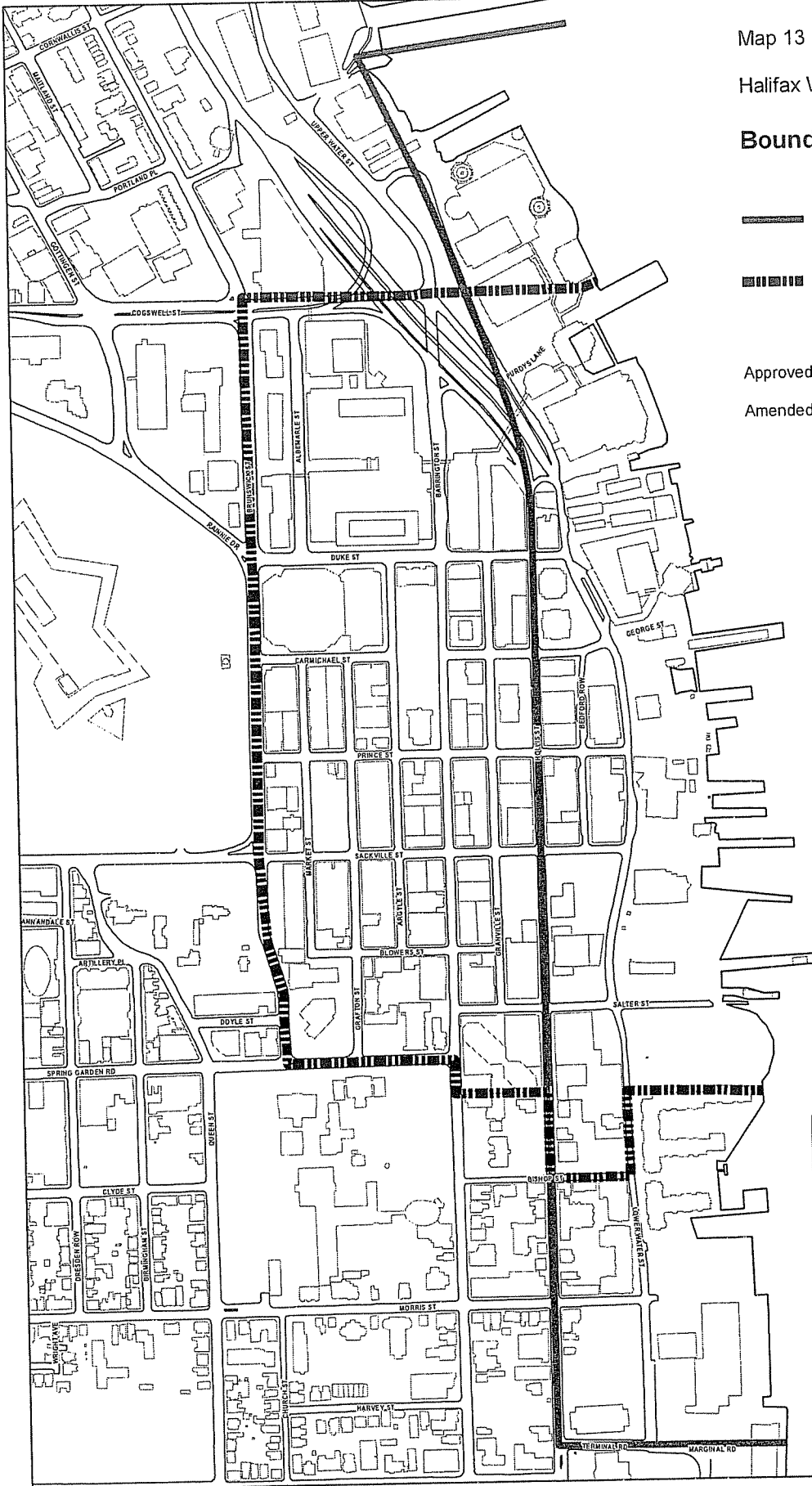
Halifax Waterfront Development Area

Boundaries

-  Halifax Waterfront Development Area
-  Central Business District

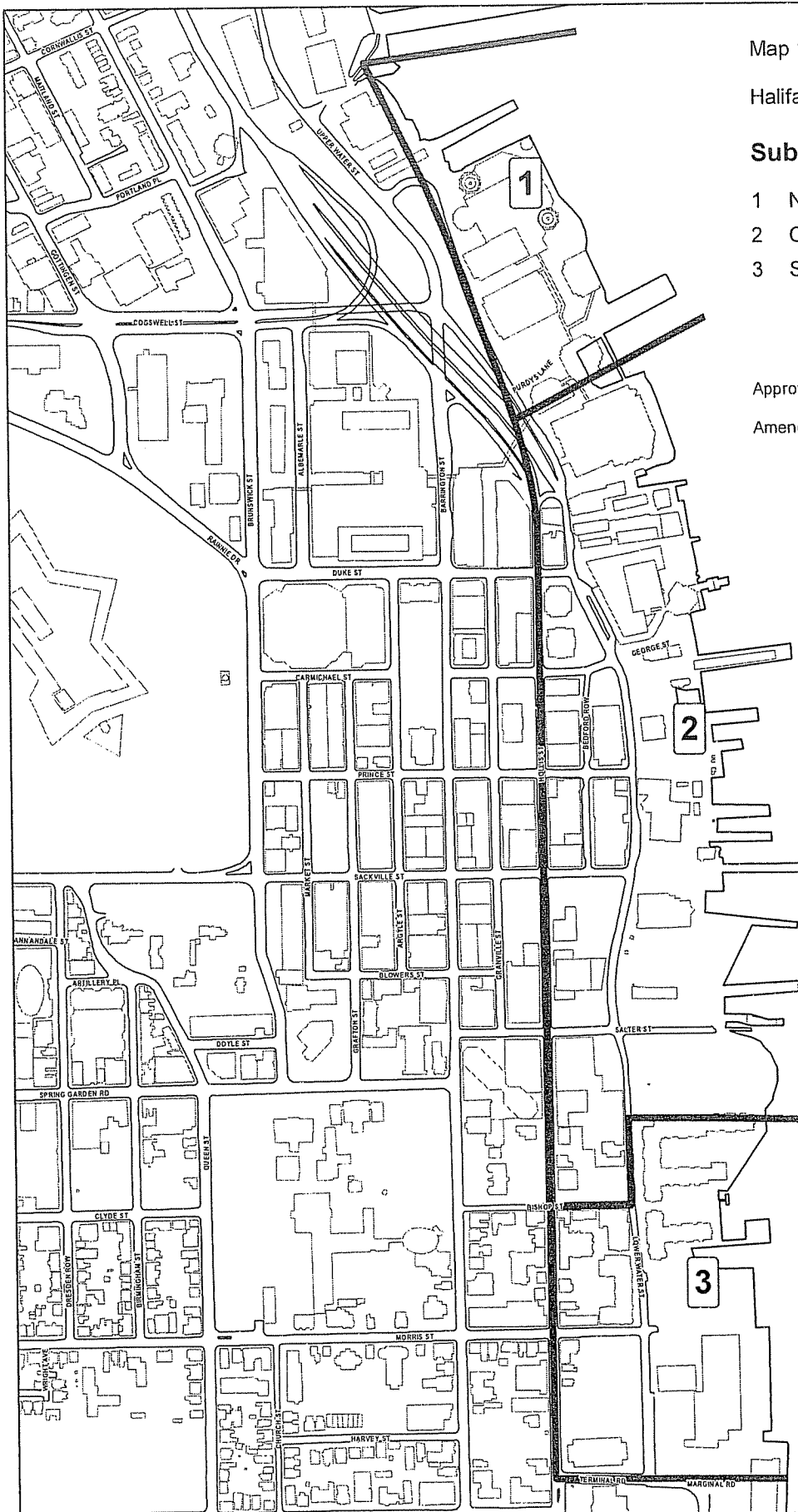
Approved: 11 August 1978

Amended:



This map is intended to replace existing Map 13 of the Halifax Municipal Planning Strategy and will reflect a new amended date if the proposed amendments are approved.





Map 14
Halifax Waterfront Development Area

Sub-Area Boundaries

- 1 Northern Sub-Area
- 2 CBD Sub-Area
- 3 Southern Sub-Area

Approved: 11 August 1978
Amended:

This map is intended to replace existing Map 14 of the Halifax Municipal Planning Strategy and will reflect a new amended date if the proposed amendments are approved.



PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

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

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

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

1.3 Applicability of Other By-laws, Statutes and Regulations

Further to Section 1.2, nothing in this Agreement shall exempt or be taken to exempt the Developer, lot owner or any other person from complying with the requirements of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law and the Subdivision By-law to the extent varied by this Agreement), or any statute or regulation of the Provincial/Federal Government and the Developer or 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

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 and the Subdivision 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.

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

1.5 Costs, Expenses, Liabilities and Obligations

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

1.6 Provisions Severable

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

PART 2: USE OF LANDS AND DEVELOPMENT PROVISIONS

2.1 Schedules

The Developer shall develop the lands for a mixed-use development in a manner, which, in the opinion of the Development Officer, is substantially in conformance with Schedules B to Z inclusive and Schedules A-1 and A-2 attached to this agreement (plans numbered 00971-001 to 00971-027 inclusive) filed in the Halifax Regional Municipality as Case Number 00971. Alternatively to Schedules B, O, P and Q, the Developer may, through a non-substantive amendment pursuant to section 4.2 (g), develop the lands substantially in conformance with Schedules A-3 through A-6 (Plans # 00971-028 through 031).

The schedules are:

Schedule A	Legal Description of the Lands	
Schedule B	Site / Landscape Plan	Plan # 00971-001
Schedule C	Parking Lower Level (Elev. -8.0')	Plan # 00971-002
Schedule D	Parking Lower Level (Elev. 2.0')	Plan # 00971-003
Schedule E	Entry/ Parking Level (Elev. 12.0')	Plan # 00971-004
Schedule F	Level 2 - Retail ((Elev. 24.0')	Plan # 00971-005
Schedule G	Entry/ Level 1 - Residential (Elev. 34.0')	Plan # 00971-006
Schedule H	Level 2 - Residential (Elev. 45.0')	Plan # 00971-007
Schedule I	Level 3 - Residential (Elev. 55.0')	Plan # 00971-008
Schedule J	Level 4 - Residential (Elev. 65.0')	Plan # 00971-009
Schedule K	Upper Levels (5-14) - Residential	Plan # 00971-010
Schedule L	Upper Levels (15-18) - Residential	Plan # 00971-011
Schedule M	Upper Levels (19 + pent.) - Residential	Plan # 00971-012
Schedule N	Elevation - Lower Water Street	Plan # 00971-013
Schedule O	Elevation - Bishop Street	Plan # 00971-014
Schedule P	Elevation - Hollis Street	Plan # 00971-015
Schedule Q	Elevation - Salter Street	Plan # 00971-016
Schedule R	Elevation (West) - Keith Hall/ Halkirk	Plan # 00971-017
Schedule S	Elevation (East) - Keith Hall/ Halkirk	Plan # 00971-018
Schedule T	Elevation (South) - Keith Hall/ Halkirk	Plan # 00971-019
Schedule U	Elevation (North) - Keith Hall/ Halkirk	Plan # 00971-020
Schedule V	Sub-Basement - Keith Hall/ Halkirk	Plan # 00971-021
Schedule W	Basement - Keith Hall/ Halkirk	Plan # 00971-022
Schedule X	Ground Floor - Keith Hall/ Halkirk	Plan # 00971-023
Schedule Y	Level 2 - Keith Hall/ Halkirk	Plan # 00971-024
Schedule Z	Level 3 - Keith Hall/ Halkirk	Plan # 00971-025
Schedule A-1	Level 4 - Keith Hall/ Halkirk	Plan # 00971-026
Schedule A-2	Level 5 - Keith Hall/ Halkirk	Plan # 00971-027
Schedule A-3	Alternate Site/ Landscaping Plan	Plan # 00971-028
Schedule A-4	Alternate Elevation - Bishop Street	Plan # 00971-029
Schedule A-5	Alternate Elevation - Hollis Street	Plan # 00971-030
Schedule A-6	Alternate Elevation - Salter Street	Plan # 00971-031

2.2 Requirements Prior to Approval

2.2.1 Prior to the issuance of a Development Permit, the Developer shall provide to the Development Officer, unless otherwise stated by the Municipality, the following:

- (a) a Landscaping Plan in accordance with Section 2.4 of this agreement;
- (b) surveyor certification in accordance with Section 2.8 of this agreement;
- (c) identification of wind mitigation measures / solution concepts in accordance with Section 2.15 of this agreement.

2.2.2 Prior to the issuance of any Occupancy Permit, the Developer shall provide to the Development Officer, unless otherwise stated by the Municipality, the following:

- (a) certification from a Landscape Architect or security deposit in accordance with Section 2.4.7;
- (b) surveyor certification in accordance with Section 2.8 of this agreement;
- (c) certification from the Project Architect confirming the substantial performance of work on Keith Hall in accordance with Section 2.11 of this agreement;
- (d) completion of wind mitigation measures in accordance with Section 2.15 of this agreement.

2.2.3 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Lands for any of the uses permitted by this Agreement unless an Occupancy Permit has been issued by the Municipality. No Occupancy Permit shall be issued by the Municipality unless and until the Developer has complied with all applicable provisions of this Agreement and the Land Use By-law (except to the extent that the provisions of the Land Use By-law and the Subdivision By-law are varied by this Agreement) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.

2.3 Architectural Requirements

2.3.1 **Materials and Colour:** Exterior materials for the Alexander building (lot A-3) will include a mixture of ironstone or materials of similar appearance to ironstone (similar to Salter's Gate cut stone at the lower floor), jointed architectural precast concrete with sandstone texture and colour (similar to Salter's Gate precast on the upper floors), clear glass as shown on the attached Schedules and brick on the upper podium floors. The precast shall be similar in colour to the sandstone found on Keith Hall and the ironstone or similar material shall be similar to the stone of the existing Brewery building. All glass shall be clear and untinted. The roofing material (aluminum or other metal) may be painted / finished, the colour of which shall be decided in consultation with the Heritage Planner.

2.3.2 **Texture:** The concept of texture for the project shall adhere to the following: Iron stone or similar materials shall form the elements close to the ground (lower walls and retaining

walls), deep rusticated jointing of panels, providing a cut stone pattern, shall form the arches and base portions of the building and the upper portions of the building shall include a finer, tool jointed pattern.

2.3.3 Keith Hall

2.3.3.1 Keith Hall will be restored back to its late 19th century appearance. The Hollis Street facade, including all detailing and decorative applications, will be restored or replaced using materials to match existing.

2.3.3.2 The portico over the front entrance will be repaired / replaced to match the existing in design, detail and material. All existing windows will be repaired or replaced with wooden windows to match the design and appearance of the existing ones. Should another style of window design (such as 2 over 2) be supported as an original feature, such a design may be approved by the Heritage Planner. Iron work will be constructed to replicate the cast look of the original building. Provided the design of the iron work can be supported as an original feature, it may be approved by the Heritage Planner.

2.3.3.3 A mansard roof designed to match the original feature will be added to a top level, one storey addition to the building. The materials used for the mansard roof will be made of slate, or a very high quality slate look-alike in consultation with the Heritage Planner. The flat roof component will be a modified bitumen type. The new dormer windows will match the original design, with wooden painted siding and the new windows will be made of wood. Sand stone will be used to cap the parapets on the two sides and the four chimneys will be restored to their previous appearance. The side walls of the roof addition will be made of brick to match the existing brick on the side facades.

2.3.3.4 The rear facade of the Keith Hall will remain brick with applied stucco. The design of the decking shall be reviewed as per the *Alteration Guidelines* of HRM's Heritage Property Program.

2.3.4 **Halkirk House:** Halkirk House will be designed to have a late 19th century appearance on Hollis Street. The Hollis Street facade, including all detailing and decorative applications, will be made of sand stone or a factory cast concrete which will be similar to the colour of the sandstone found on Keith Hall. All windows will be wood or aluminium clad single hung windows. Iron work will be constructed to replicate the cast look of Keith Hall. The materials used for the mansard roof will be made of slate or a very high quality slate look-alike. The flat roof component will be a modified bitumen type. The new dormer windows will be clad to provide a traditional Halifax dormer appearance. The side facades will be made of masonry or brick. The rear facade will be made of brick and/or pre-cast. The proposed concrete balconies will have glass and aluminum railings. The transition between the Halkirk House and the Keith Hall will be a glazed circulation core. The design will be similar to the appearance of the existing glazed link to the north side of Keith Hall.

2.3.5 **Relationship to Benjamin Wier House:** As a result of the Halkirk House proposal, the abutting Benjamin Wier House (1459 Hollis Street) may, if the chimneys are in use, require its two existing chimneys on its north facade to be altered. Given the Benjamin Wier House is both Municipally and Provincially registered, such alterations will require approval from both authorities as well as consent from the property owner. Should approval not be provided, the Halkirk House may require substantial modifications to its design. Given this property is a registered heritage property, such consideration could be given as per the *Alteration Guidelines* of HRM's Heritage Property Program. However, such modifications to Halkirk House which result in a reduction in height and/or floor area, if required, shall be considered, for the purposes of this agreement, to be non-substantive in accordance with Section 4.2 of this agreement.

2.4 Landscaping

- 2.4.1 The extent of the landscaping shall be as set out in Schedule B. Furthermore, a detailed landscaping plan prepared by a Landscape Architect shall be submitted with the application for Building and Development Permits. The landscaping plan shall provide details of all ground level open spaces, courtyards and rooftop gardens and open spaces as shown on Schedule B. The plan shall specify all model numbers, quantities and manufacturers of site furnishings as well as construction details of landscaping features (planters, walls, surfaces, etc.).
- 2.4.2 All landscaped areas, including rooftops and podiums above any structure, shall include a combination of deciduous and coniferous trees, shrubs, ground cover and site furnishings (including deck chairs, tables, benches, bicycle racks, pedestrian lighting and railings). Preference shall be given to evergreen ground cover as opposed to seasonal perennials. The Developer shall ensure that all plant material is to conform to the Canadian Nursery Trades Association Metric Guide Specifications and Standards and sodded areas are to conform to the Canadian Nursery Sod Growers' Specifications.
- 2.4.3 Planting at ground level shall include yew, boxwood, fern, hosta and other formal planting in keeping with the concept. Street trees (on private land) will be selected to provide shade in summer and colour in autumn. Ground level deciduous trees shall have a minimum of 60 mm caliper (2.4 inch diameter). Coniferous trees shall be a minimum of 1.5 m (5 ft.) high and upright shrubs shall have a minimum height of 60 cm. (2 ft.). Street level trees within a hard surface area shall be planted with a tree grate.
- 2.4.4 Planting on rooftops and podiums above structures shall be lighter in contrast, airy, compact and carefully selected for their ability to survive in rooftop environments. Deciduous trees shall have a minimum size of 45 mm caliper (1.8 inch diameter). Coniferous trees shall be a minimum of 1.5 m (5 ft.) high and upright shrubs shall have a minimum height of 60 cm. (2 ft.). Rooftop trees will be located in planting beds or containers.

- 2.4.5 It is the responsibility of the Developer to ensure that the underground parking structures or other structures are capable of supporting loads for all landscaping as well as the anticipated mature weight of the plant material on any rooftop and podium.
- 2.4.6 The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the interior and exterior of the building, fencing, walkways, recreational amenities, parking areas and driveways, and the maintenance of all landscaping including the replacement of damaged or dead plant stock, trimming and litter control, garbage removal and snow removal/salting of walkways and driveways.
- 2.4.7 No Occupancy Permit shall be issued for any building constructed on the lands until such time as the landscaping associated with that phase of development has been completed in accordance with Schedule B and Section 2.4. The 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. The security deposit shall be in the form of a certified cheque or letter of credit issued by a chartered bank to the Development Officer. 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 in Schedule B. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.
- 2.5 **Parking Area / Retail Space:** Subject to the renewal of the City Market of Halifax Co-operative Ltd. lease, the Developer agrees that at least one commercial parking level (Schedule E - Entry/ Parking Level, Elev. 12.0') will be designed for and intended to be used as temporary "spillover" retail/ market space and will incorporate the following features:
- (a) the floor to ceiling height will be approximately eleven feet;
 - (b) the floor will have a special treatment conducive to a retail market environment, and meet national Building Code requirements for salt protection of the concrete, and be acceptable to the Development Officer;
 - (c) columns will be treated as decorative elements incorporating features such as counters, signage and accent lighting;
 - (d) the required sprinkler, piping and ducts will be treated in a decorative manner to enhance the retail atmosphere; and
 - (e) indirect general lighting will be principally used in lieu of conventional sodium vapour lighting.

Failing the renewal of the City Market of Halifax Co-operative Ltd. lease, the Entry/ Parking Level, Elev. 12.0' would be of standard parking height without special finish.

2.6 Ground Floor Uses

Residential uses shall not be permitted at or below grade level (Entry/ Parking Level - Elev. 12.0') abutting Lower Water Street.

2.7 Signs

2.7.1 Exterior signs shall be generally limited to:

- (a) awning/canopy signs;
- (b) fascia and projecting signs located along the ground floor facade or other commercial level facades; and
- (c) other signs subject to the approval of the Development Officer.

2.7.2 The Developer agrees that all signs on non-registered properties indicated in section 2.7.1 be designed to generally follow the municipality's basic principles for signage on heritage properties and that municipal sign permit applications be approved by the Development Officer, in consultation with the Heritage Planner, to ensure that the building signs are generally in keeping with or complementary to those of the Alexander Keith's Brewery district.

2.8 Surveyor Certification re: Viewplanes

Prior to the issuance of both a Development Permit and Occupancy Permit for the Alexander (lot A-3), 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 sections 24 and 26B of the Halifax Peninsula Land Use By-law.

2.9 Variations

Notwithstanding section 2.1, the Development Officer may approve variations to the internal floor plans affecting the type and number of residential units, population count, internal floor layout of the commercial uses and parking levels provided that Section 2.6 is met and that the overall design is substantially in conformance with Schedules B through Z and A-1 and A-2.

2.10 Lot Consolidation

Lot A-4 may be consolidated with a portion of Lot A-2 in accordance with the Land Use By-law and Subdivision By-law requirements. The effect of this consolidation will be that the new lot will be registered as a municipal heritage property.

2.11 Completion of Keith Hall

- 2.11.1 No Occupancy Permit shall be issued for the Alexander until such time as the restoration and addition to Keith Hall has been completed in accordance with Section 2.3.3. The Developer shall provide written certification from the Project Architect to the Development Officer indicating that all restoration and addition has been completed in accordance with the above. However, where such building has been completed and all other terms of this agreement, except for the restoration and addition to Keith Hall, 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 restoration and addition to Keith Hall. The security deposit shall be in the form of a certified cheque or letter of credit issued by a chartered bank to the Development Officer. Should the Developer not complete the restoration and addition to Keith Hall within twelve months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the restoration and addition to Keith Hall as set out in Section 2.3.3. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.
- 2.11.2 The Municipality will permit the security deposit to be reduced from time to time based on certification from the Project Architect confirming substantial performance of a percentage of the restoration and addition work but at no time will the Municipality reduce the deposit to less than 110 percent of the estimated cost to complete the restoration and addition.

2.12 Maintenance

The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the interior and exterior of the building, fencing, recreational amenities, parking areas and driveways, and the maintenance of all landscaping including the replacement of damaged or dead plant stock, trimming and litter control, garbage removal and snow removal/salting of walkways and driveways.

2.13 Archaeological Monitoring and Protection

The lands fall within the High Potential Zone for Archeological Sites identified by the Province. The Developer shall contact the Curator of Special Places with Heritage Division of the Department of Tourism, Culture and Heritage of the Province of Nova Scotia prior to any disturbance of the site and the Developer shall comply with requirements set forth by the Province in this regard.

2.14 Environmental Remediation

The Developer agrees to comply with the legislation, regulations and guidelines of the Province of Nova Scotia with regard to the management of contaminated sites and environmental remediation of the lands.

2.15 Wind Mitigation

The Developer agrees to implement the recommendations contained within the Pedestrian Wind Study Final Report dated December 19, 2007. The Developer shall consult with the Development Officer and the wind engineering consultant prior to the issuance of a Development Permit for the Alexander (lot A-3). The Development Officer may, if deemed necessary, require additional wind tunnel testing to determine mitigation measures / solution concepts. These measures/ solutions shall be shown on the building plans submitted for Development Permit approval and completed prior to the issuance of an Occupancy Permit.

2.16 Encroachments

Any proposed building encroachments into the street rights-of-way, illustrated on the attached Schedules or otherwise, shall require HRM approval and a separate encroachment permit / license as per the requirements of the Encroachment By-law (By-law E-200).

3.0 STREETS AND MUNICIPAL SERVICES

3.1 General Provisions

- 3.1.1 All construction shall satisfy the Municipal Service Systems Specifications unless otherwise provided for in this Agreement and shall receive written approval from the Development Engineer prior to undertaking the work.
- 3.1.2 The Developer shall be responsible for securing all applicable approvals associated with the on-site and off-site servicing systems required to accommodate the development, including but not limited to sanitary sewer system, water supply system, stormwater sewer and drainage system, and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of HRM and other approval agencies. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer. All design drawings and information shall be certified by a Professional Engineer.
- 3.1.3 Any disturbance to existing off-site infrastructure resulting from the development, including but not limited to, streets, sidewalks, curbs and gutters, street trees, landscaped areas and utilities, shall be the responsibility of the Developer, and shall be reinstated, removed, replaced or relocated by the Developer as directed by the Development Officer, in consultation with the Development Engineer.
- 3.1.4 Solid Waste Facilities: The Alexander building (Lot A-3) shall include designated internal space for three stream (refuse, recycling and composting) source separation services. This designated space for source separation services shall be shown on the building plans and approved by the Development Officer and Building Inspector in consultation with Solid Waste Resources.

- 3.1.5 Underground Utilities/ Street Right-of-Way: The Developer agrees to place all primary and secondary utility services (electrical and communication distribution systems) underground. In addition to being responsible for the full cost of placing secondary services underground, the Developer agrees to pay for all infrastructure costs required to place the primary utility services underground that are currently above ground within those portions of Hollis and Bishop Streets which abut the site. It is expected that any cabling or pole removal costs associated with the placement of primary services underground will be borne by the respective utility. The Developer is responsible for ensuring that the requirements of the applicable utility companies are met.
- 3.1.6 Sidewalk construction, planting, street lighting and site furnishings at ground/ sidewalk level shall be the responsibility of the Developer and shall comply with HRM's Capital District Urban Design Project standards. The Development Officer shall consult with the HRM Streetscape Program's Senior Landscape Architect and the Development Engineer on the detailed design prior to the issuance of a Development Permit. The Developer agrees to provide streetscaping of a type consistent with the aforementioned municipal standards subject to detailed design and review.
- 3.1.7 Street lighting: The Developer shall install light poles and street lights for street lighting. These light poles and street lights shall have the ballast in the fixture, meet the illumination standards of the Municipal Service Systems Specifications and the design standards of the HRM's Capital District Urban Design Project and shall be approved by the Development Officer, in consultation with the Development Engineer and the HRM Streetscape Program's Senior Landscape Architect.

4.0 AMENDMENTS

4.1 Substantive Amendments

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

4.2 Non-Substantive Amendments

The following items are considered by both parties to be non-substantial matters and may be amended by resolution of Regional Council:

- (a) changes to the architectural appearance of the building or the design, layout and positioning of the building, 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 the architectural requirements / details as outlined in Section 2.3 and corresponding plans / Schedules which, in the opinion of Council and the Heritage Planner, are minor in nature;

- (c) changes to the landscaping measures as shown on Schedule "B" or as detailed in section 2.4 which, in the opinion of Council, are minor in nature;
- (d) the granting of an extension to the date of commencement of construction as identified in Section 6.3.1 of this agreement;
- (e) the length of time for the completion of the development as identified in Section 6.3.3 of this agreement;
- (f) changes to the parking area / retail space as outlined in section 2.5; and
- (g) inclusion of Keith Lane right-of-way (PID# 00480418) and a portion of the Longshoreman's property (PID# 00003749) into the agreement in the event that the Developer obtains ownership of the right-of-way and the extension of the parking garage levels into these lands and an addition to and articulation of the western residential tower façade, similar to the eastern facade, as shown on Schedules A-3 through A-6.

5.0 ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

5.1 Enforcement

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 Developer. The Developer further agrees that, upon receiving written notification from an officer of the Municipality to inspect the interior of any building located on the Lands, the Developer agrees allow for such an inspection during any reasonable hour within one day of receiving such a request.

5.2 Failure to Comply

If the Developer fail 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 Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defense based upon the allegation that damages would be an adequate remedy; and/or
- (b) the Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the 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 Lands and be shown on any tax certificate issued under the *Assessment Act*.

- (c) the Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; 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.

6.0 REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

6.1 Registration

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

6.2 Subsequent Owners

- 6.2.1 This Agreement shall be binding upon the parties thereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the lands which is the subject of this Agreement until this Agreement is discharged by the Council.
- 6.2.2 Upon the transfer of title to any lot, the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot.

6.3 Commencement of Development

- 6.3.1 In the event that construction on the Lands has not commenced within five years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office, 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.
- 6.3.2 For the purposes of this section, commencement shall mean the issuance of a Construction Permit, site excavation and substantial completion of the first underground parking level of the development (Schedule "C" - Parking Lower Level).
- 6.3.3 If the Developer fails to complete the development, or after ten years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office, whichever time period is less, 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.

6.4 Completion of development

Upon the completion of the development or portions thereof, or within/after ten years from the date of registration of this Agreement with the Registry of Deeds or Land Registration Office, whichever time period is less, 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 Developer's rights hereunder are preserved and the Council shall apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use By-law for Halifax Peninsula, as may be amended from time to time.

WITNESS that this Agreement, made in triplicate, was properly executed by the respective Parties on this _____ day of _____, A.D., 2008.

SIGNED, SEALED AND DELIVERED in
the presence of

HALKIRK PROPERTIES LIMITED

Per: _____

Per: _____

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

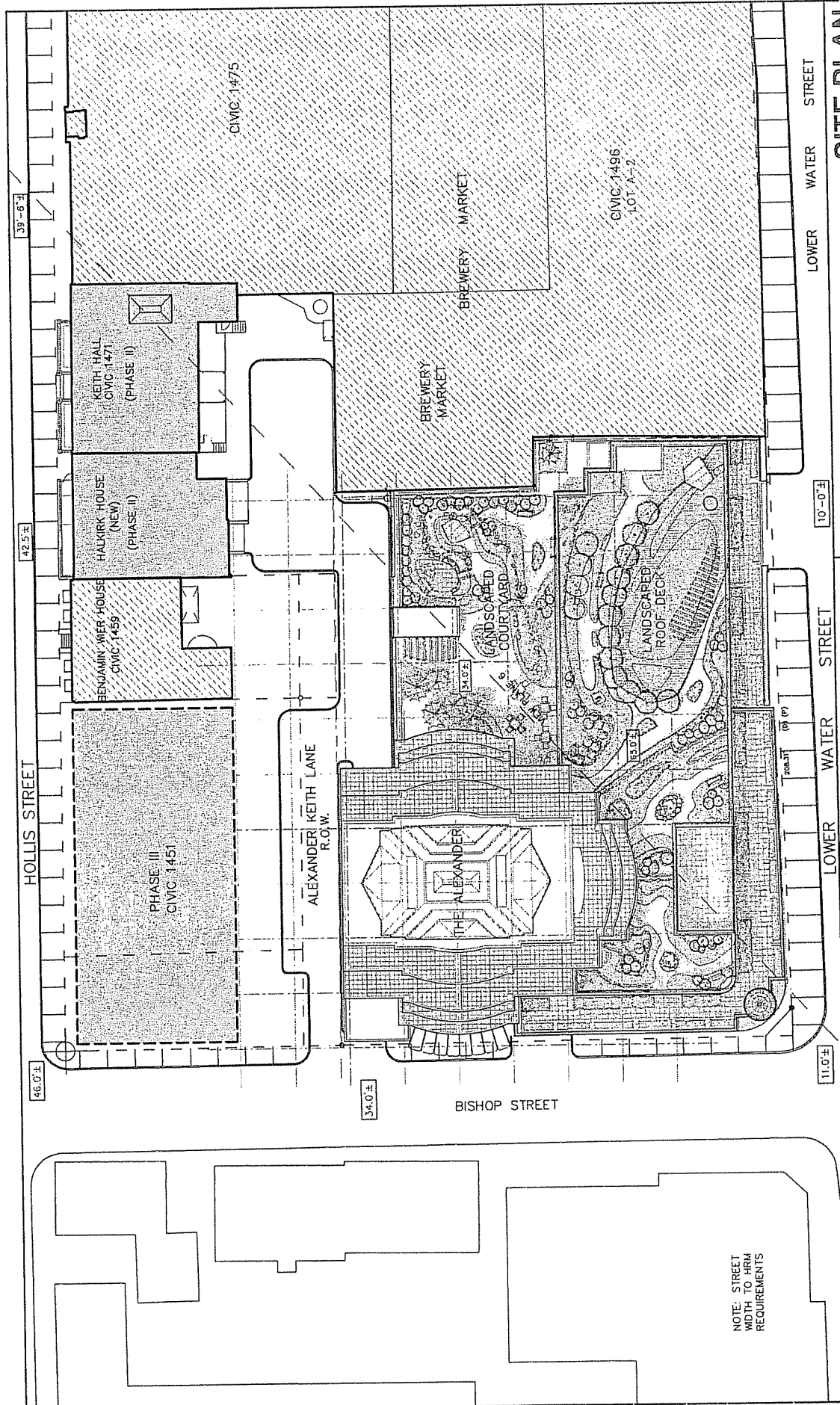
=====
HALIFAX REGIONAL MUNICIPALITY

Per: _____

Mayor

Per: _____

Municipal Clerk



NOTE: STREET WIDTH TO HRM REQUIREMENTS

THE BREWERY MARKET - PHASE II
HALKIRK PROPERTIES LIMITED
Duffus Romans Kundzins Rounsefell

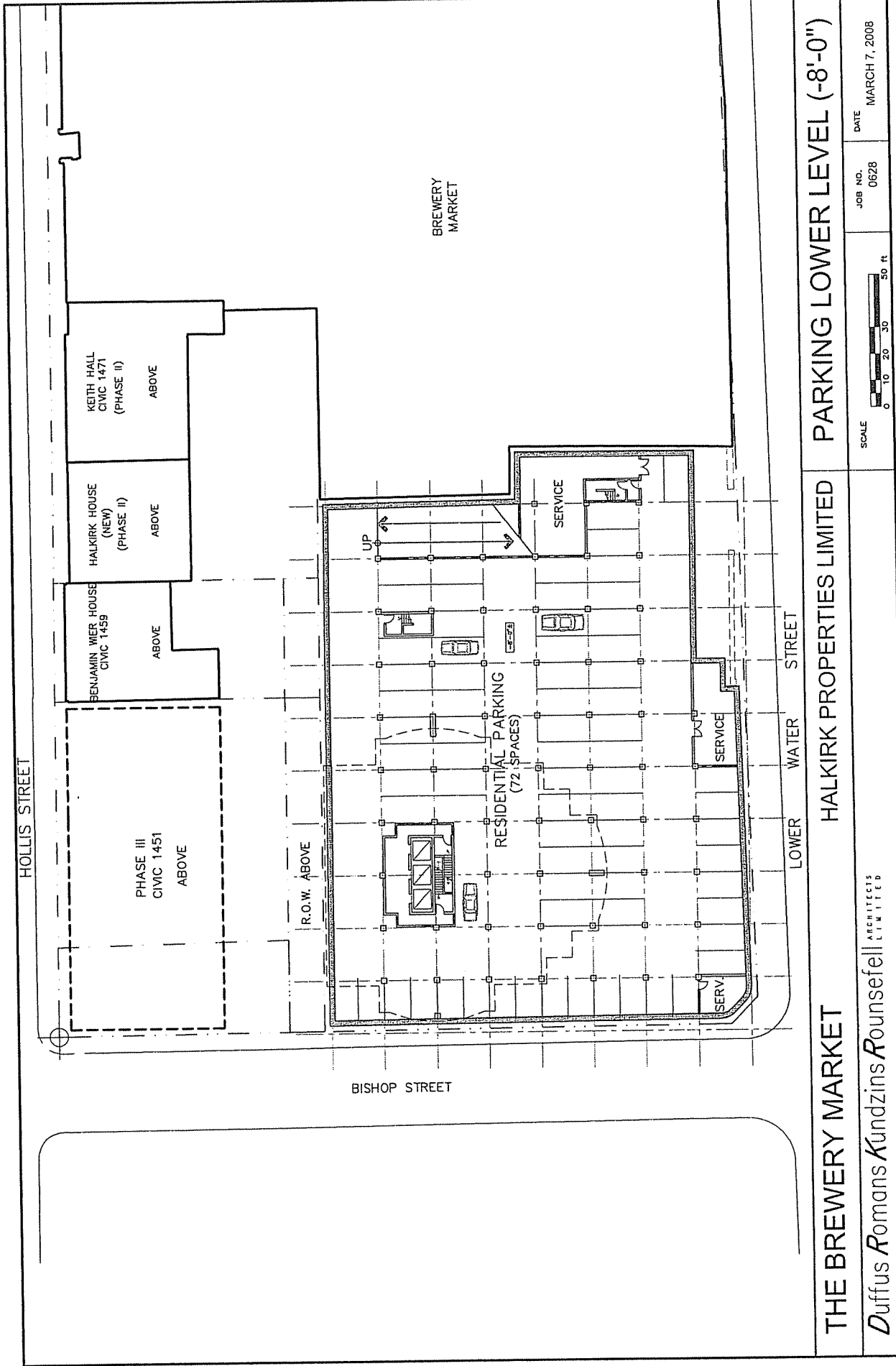
SITE PLAN

ISSUED FOR H.R.M. APPLICATION	SCALE 1" = 10' 0 10 20 40 ft	JOB NO. 0628	DATE MARCH 10, 2008
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Case 00971 - Schedule B

Site / Landscape Plan

Plan # 00971-001

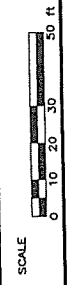


THE BREWERY MARKET

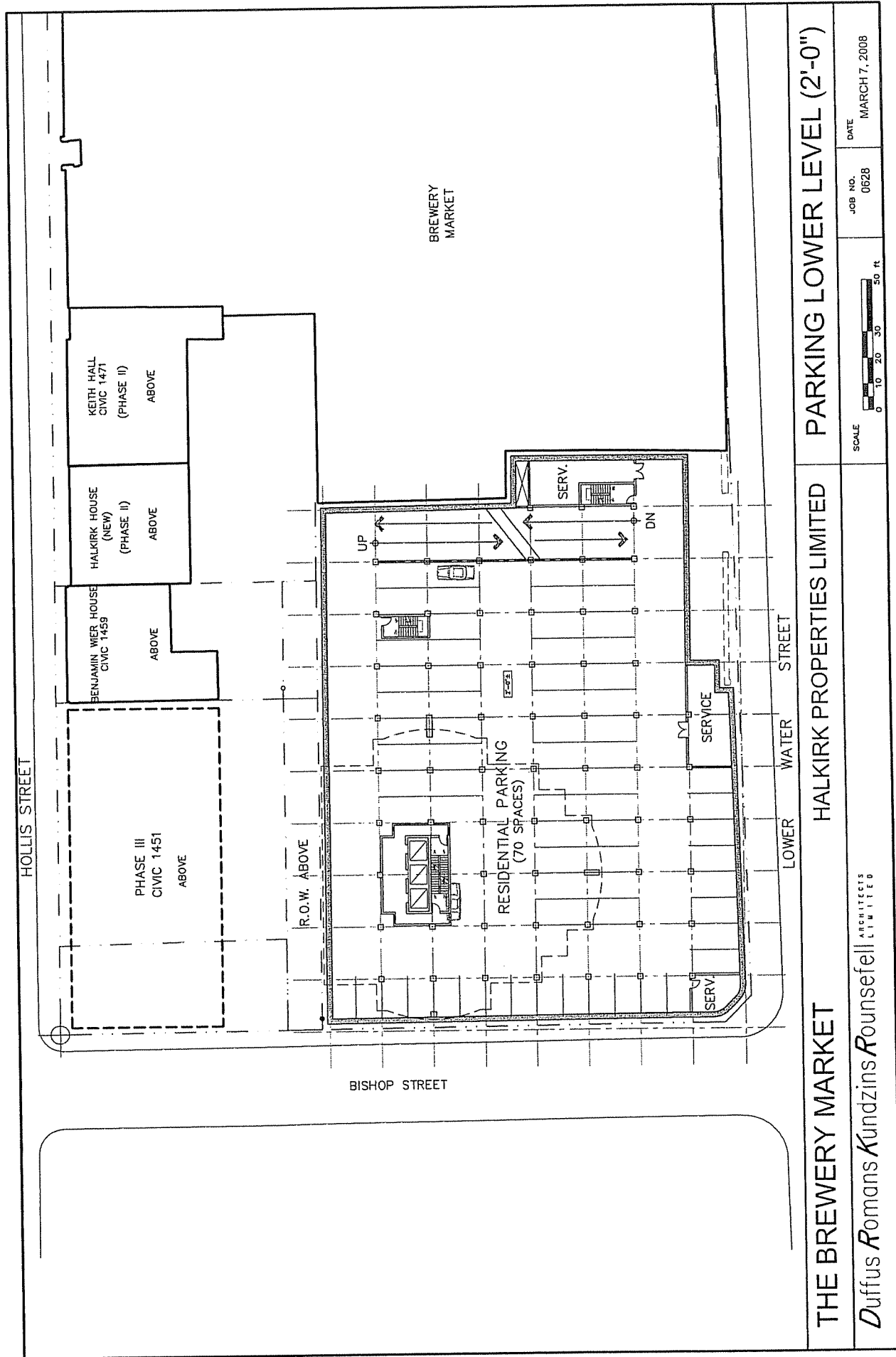
HALKIRK PROPERTIES LIMITED

PARKING LOWER LEVEL (-8'-0")

Duffus Romans Kundzins Rounsefell ARCHITECTS LIMITED



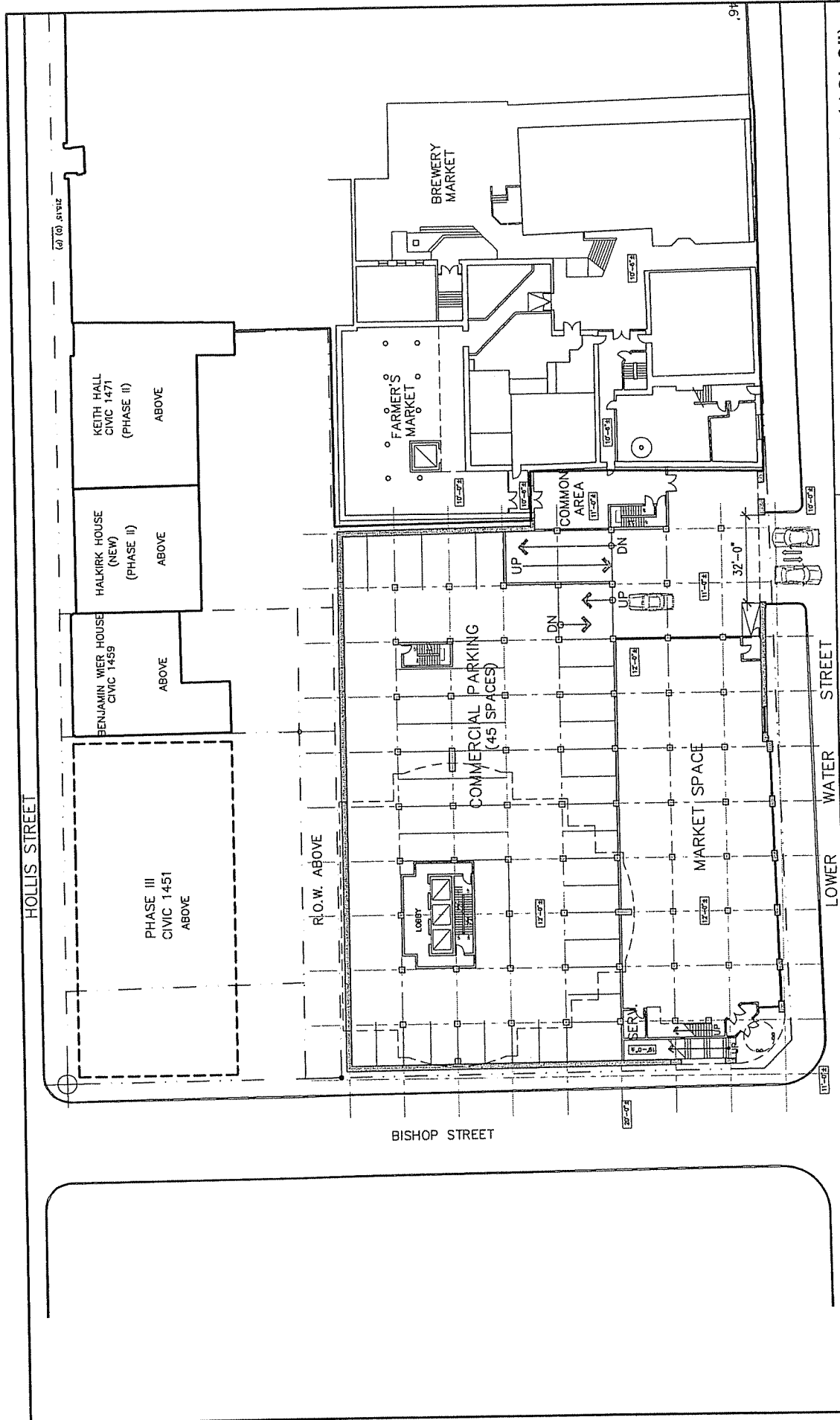
JOB NO. 0628
DATE MARCH 7, 2008



Plan # 00971-003

Parking Lower Level (Elev. 2.0')

Case 00971 - Schedule D

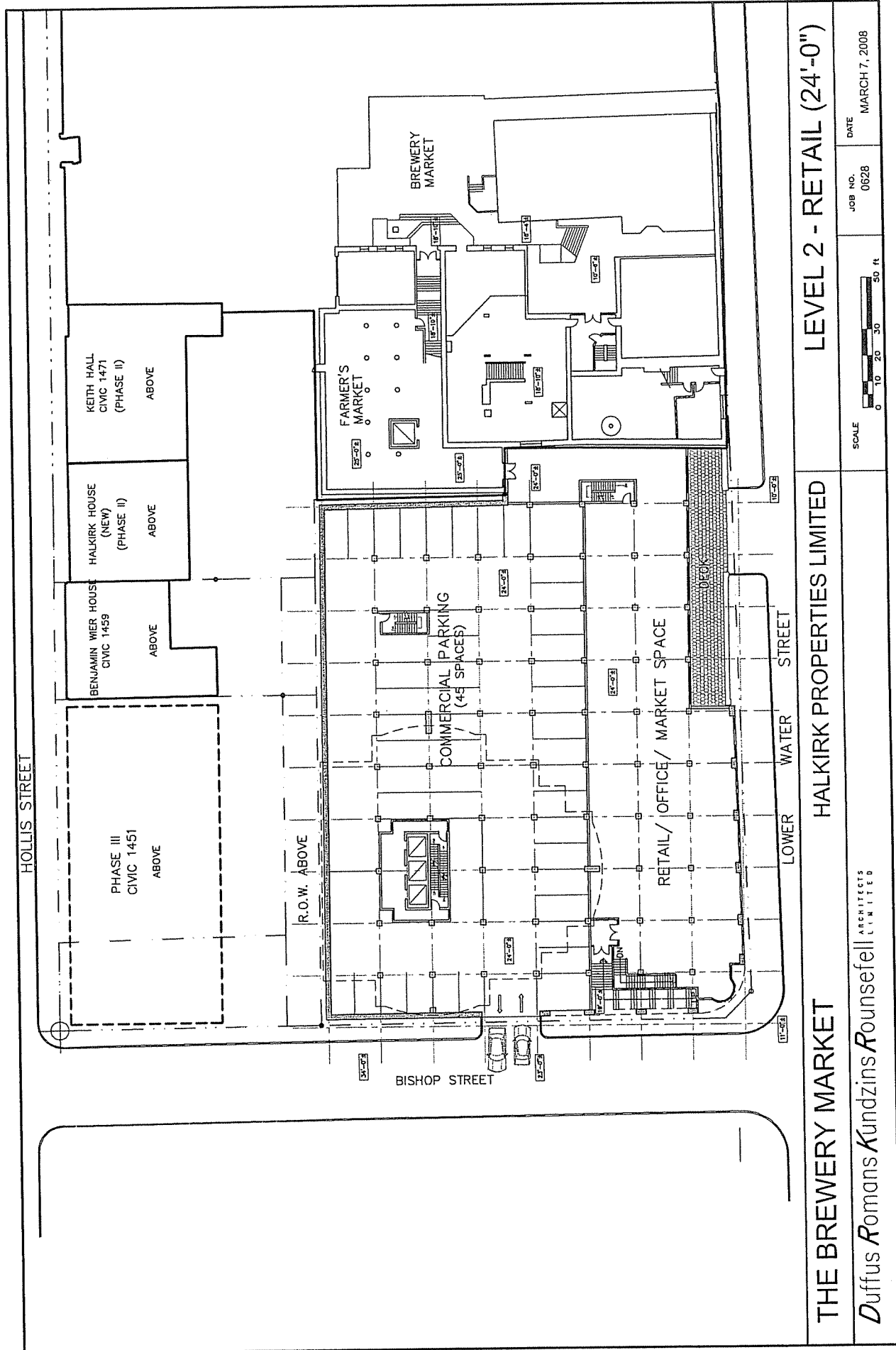


THE BREWERY MARKET
Duffus Romans Kundzins Rounsefell ARCHITECTS

HALKIRK PROPERTIES LIMITED
 ENTRY/ PARKING LEVEL (12'-0")

SCALE 0 10 20 30 50 ft
 JOB NO. 0628 DATE MARCH 7, 2008

Case 00971 - Schedule E
 Entry/ Parking Level (Elev. 12.0')
 Plan # 00971-004



THE BREWERY MARKET

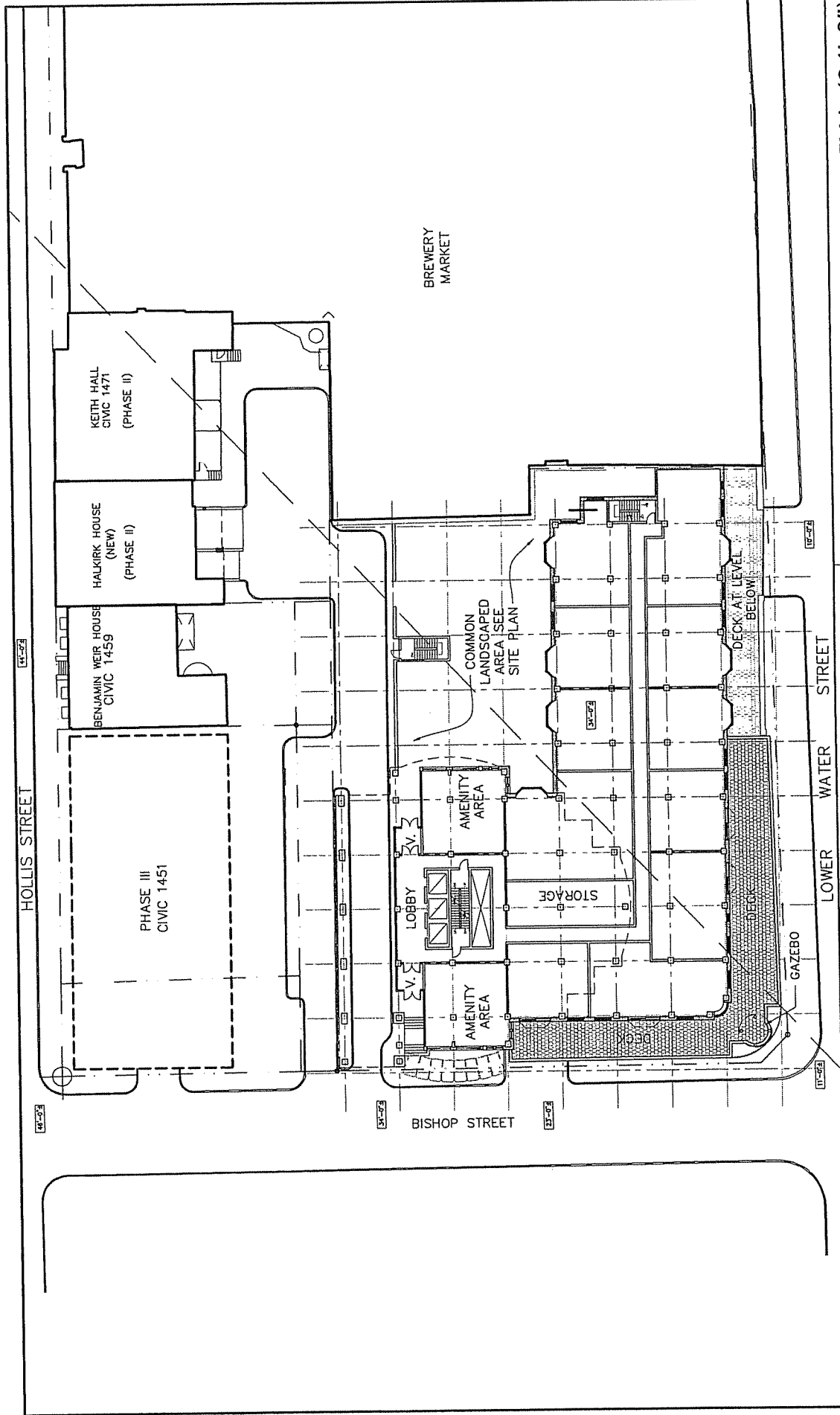
HALKIRK PROPERTIES LIMITED

LEVEL 2 - RETAIL (24'-0")

Duffus Romans Kundzins Rounsefell ARCHITECTS LIMITED



JOB NO. 0628 DATE MARCH 7, 2008



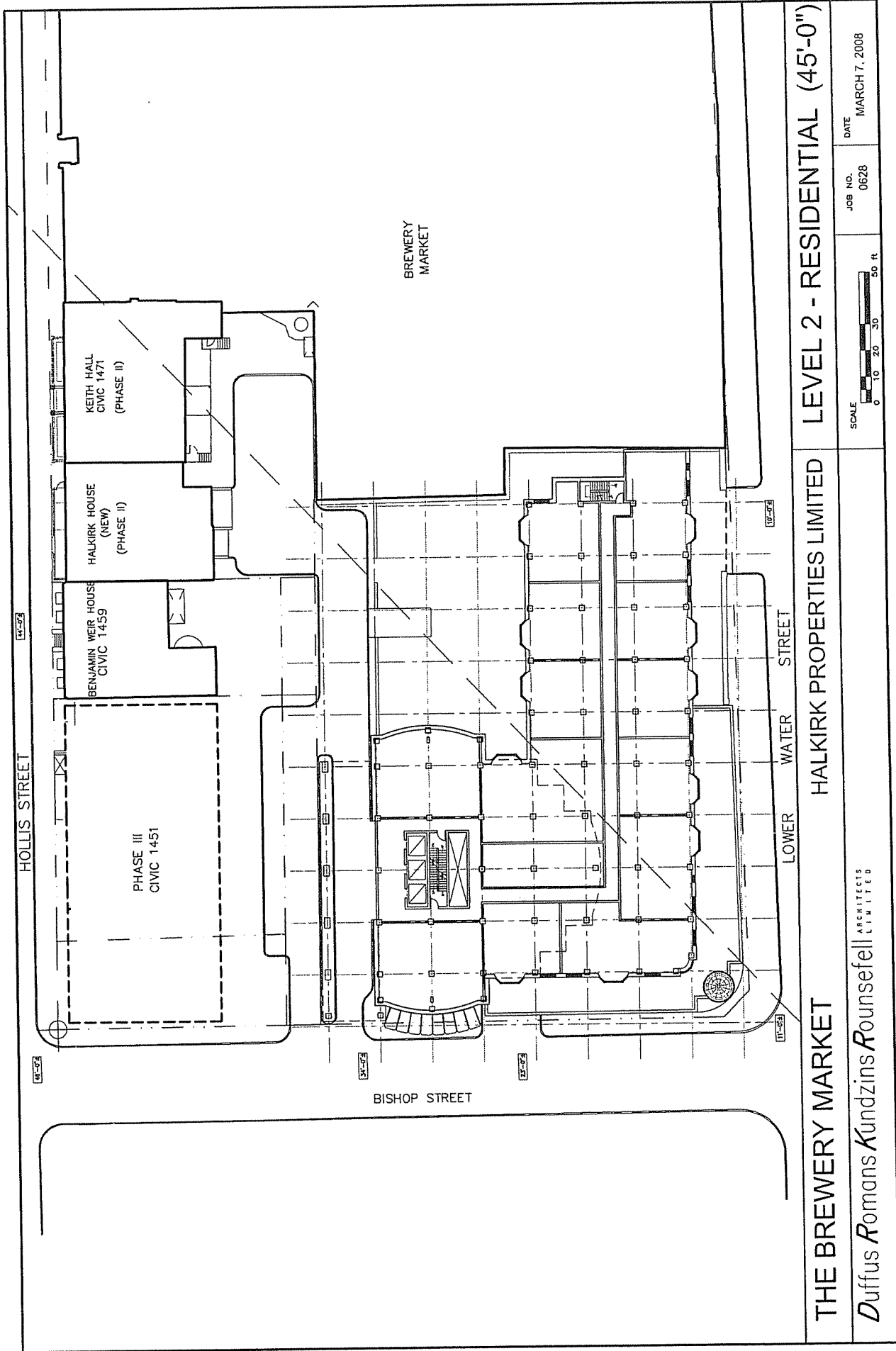
THE BREWERY MARKET HALKIRK PROPERTIES LIMITED **ENTRY / LEVEL 1 - RESIDENTIAL (34'-0")**

Duffus Romans Kundzins Rounsefell ARCHITECTS LIMITED

SCALE: 0 10 20 30 40 50 ft

JOB NO. 0628 DATE MARCH 7, 2008

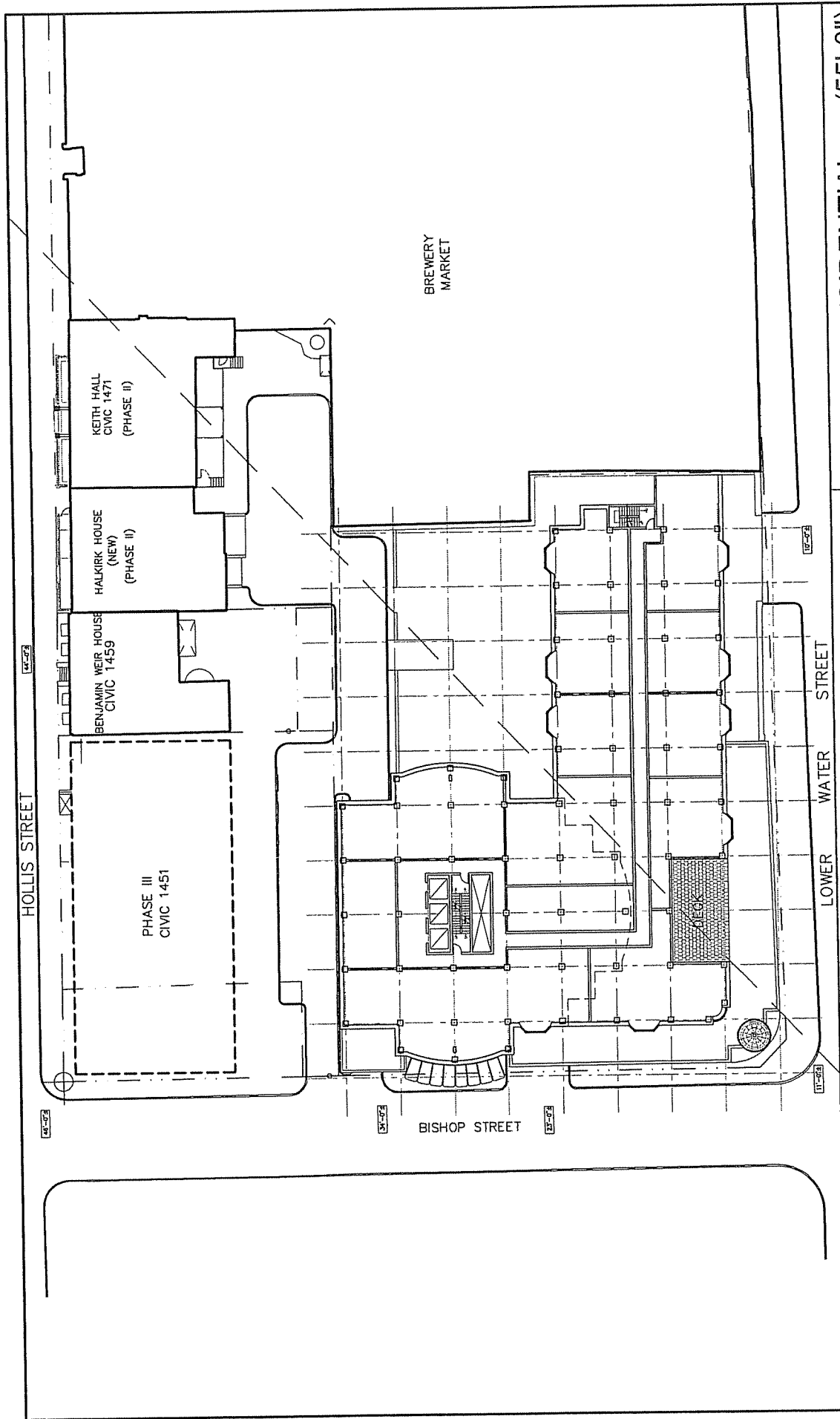
Case 00971 - Schedule G Entry/ Level 1 - Residential (Elev. 34.0') Plan # 00971-006



Plan # 00971-007

Level 2 - Residential (Elev. 45.0')

Case 00971 - Schedule H



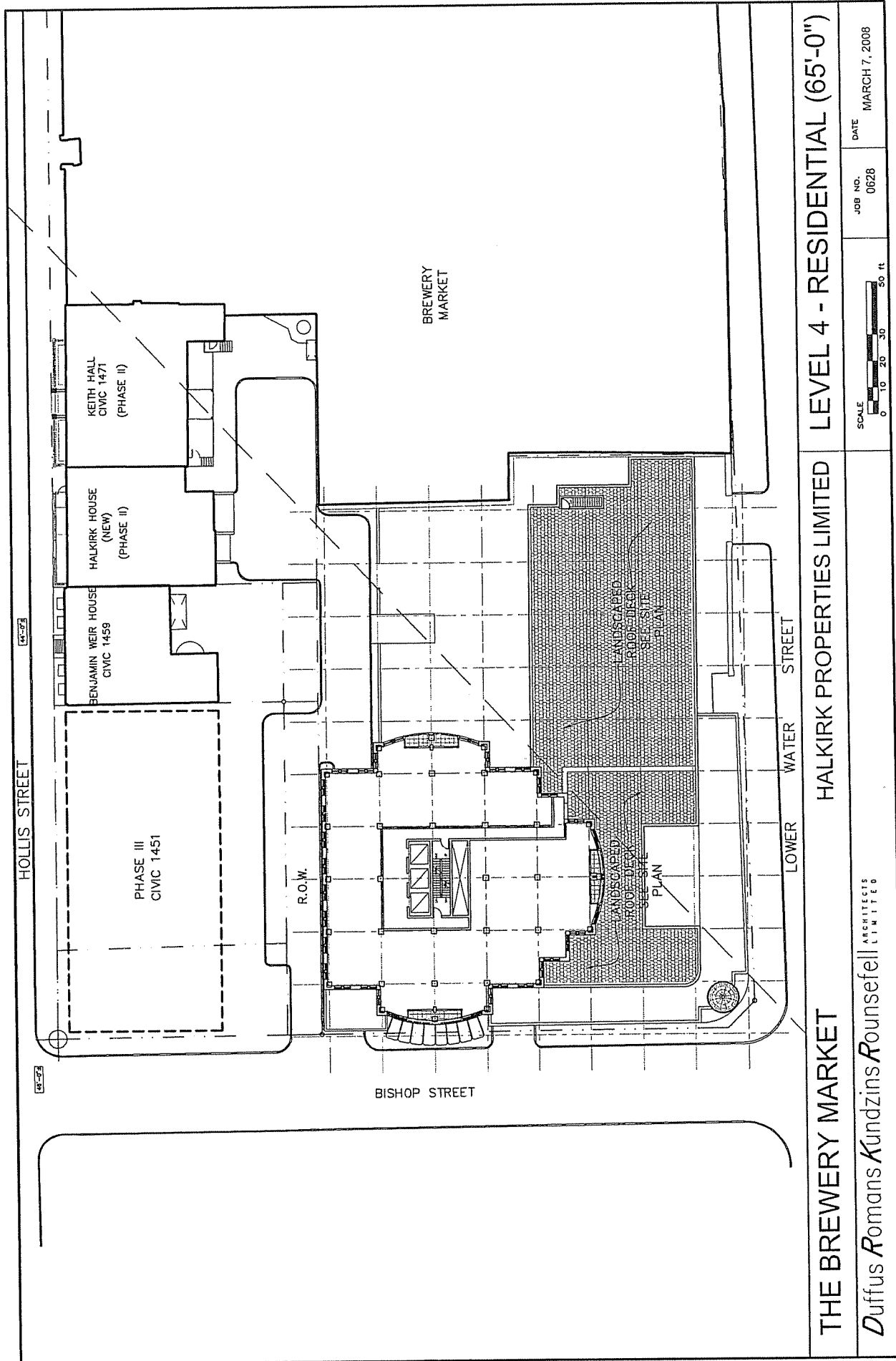
THE BREWERY MARKET HALKIRK PROPERTIES LIMITED **LEVEL 3 - RESIDENTIAL (55'-0")**

Duffus Romans Kundzins Rounsefell ARCHITECTS LIMITED

Case 00971 - Schedule I
 Level 3 - Residential (Elev. 55.0')
 Plan # 00971-008

SCALE
 0 10 20 30 50 ft

JOB NO. 0628
 DATE MARCH 7, 2008



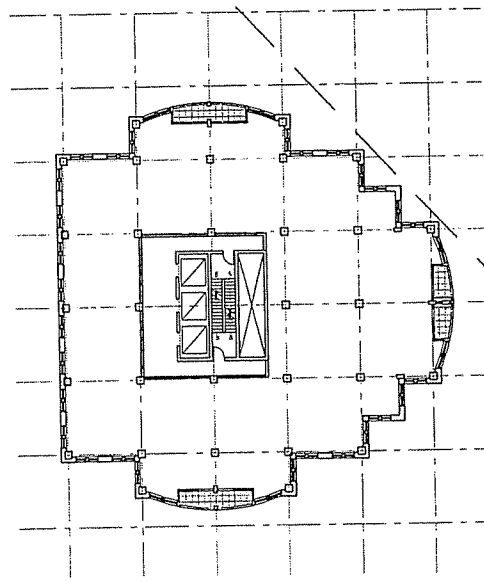
THE BREWERY MARKET **HALKIRK PROPERTIES LIMITED** **LEVEL 4 - RESIDENTIAL (65'-0")**

Duffus Romans Kundzins Rounsefell ARCHITECTS LIMITED

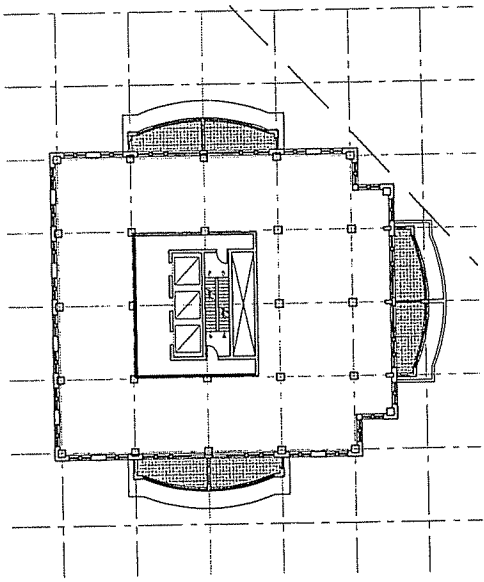


JOB NO. 0628
DATE MARCH 7, 2008

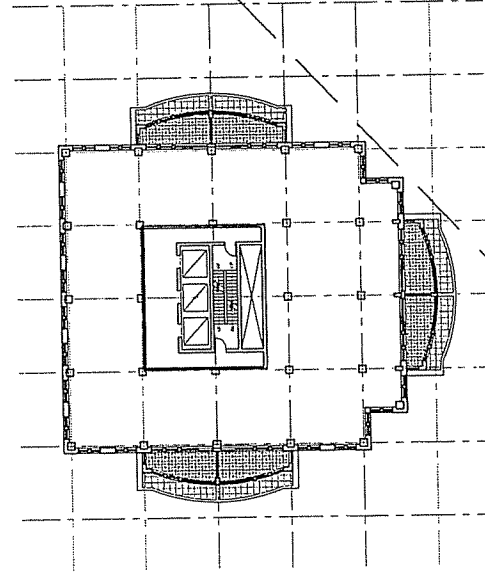
Case 00971 - Schedule J Level 4 - Residential (Elev. 65.0') Plan # 00971-009



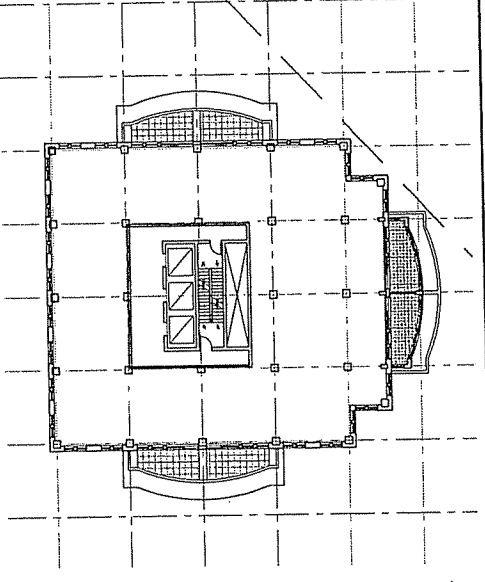
LEVEL 5 TO 11



LEVEL 13



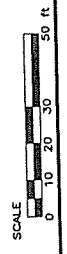
LEVEL 12



LEVEL 14

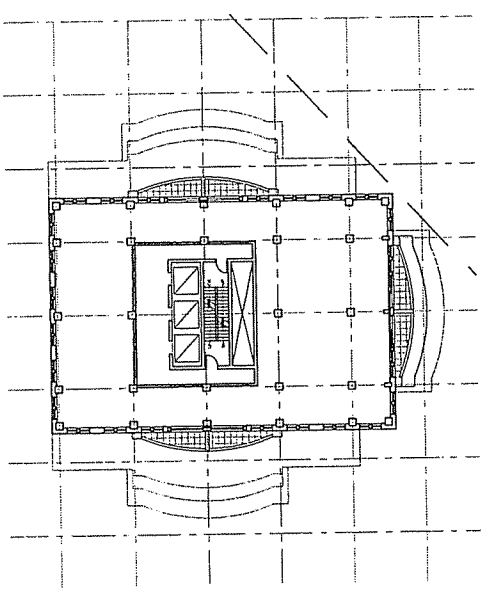
THE BREWERY MARKET **HALKIRK PROPERTIES LIMITED** **UPPER LEVELS (5-14) - RESIDENTIAL**

Duffus Romans Kundzins Rounsefell ARCHITECTS LIMITED

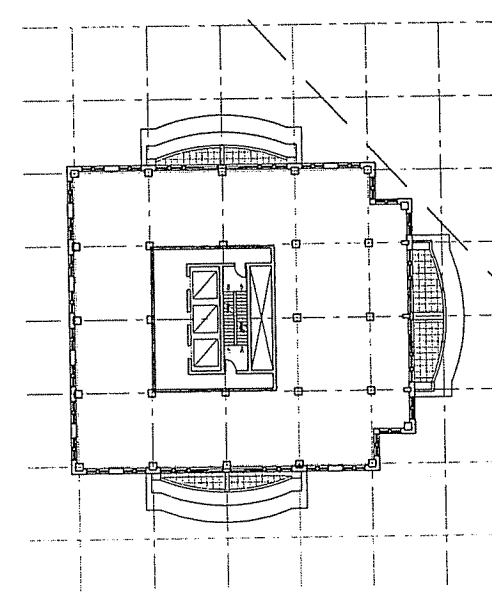


JOB NO. 0628

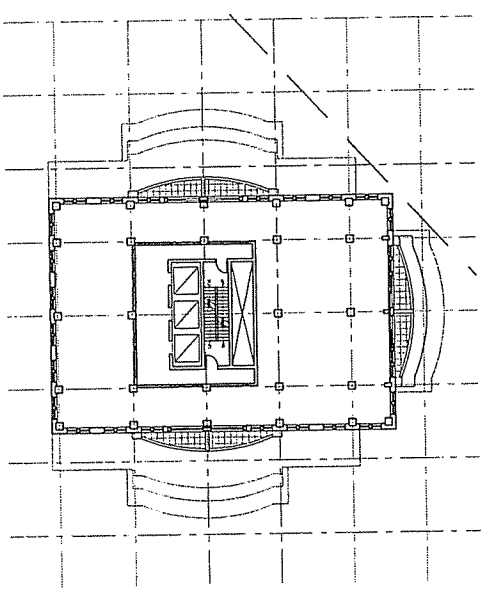
DATE MARCH 7, 2008



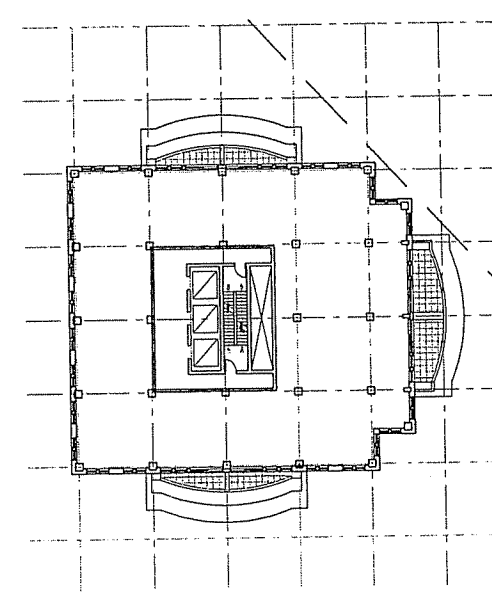
LEVEL 15



LEVEL 16



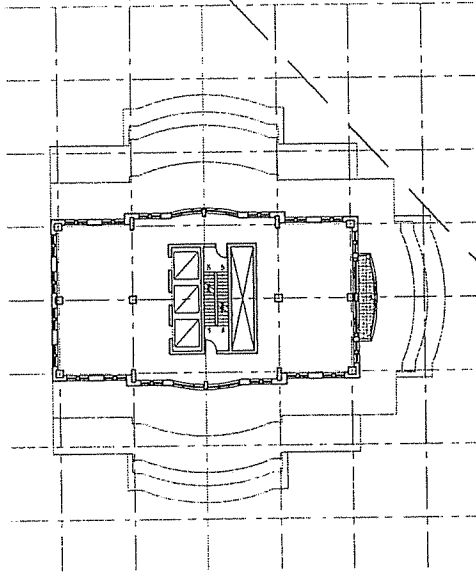
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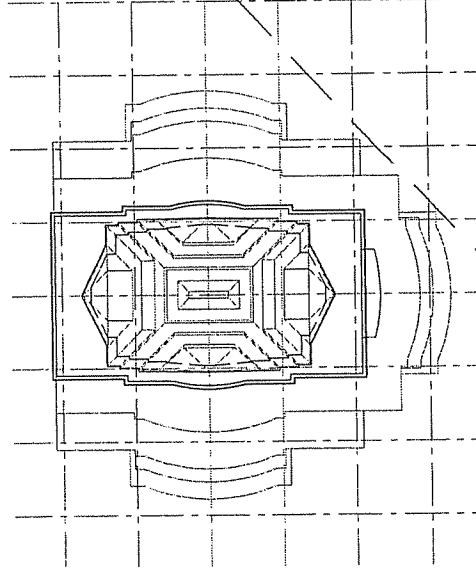
LEVEL 18

THE BREWERY MARKET HALKIRK PROPERTIES LIMITED UPPER LEVELS (15 - 18) - RESIDENTIAL

Duffus Romans Kundzins Rounsefell ARCHITECTS LIMITED
 SCALE 0 10 20 30 40 ft. JOB NO. 0628 DATE MARCH 7, 2008



LEVEL 19



LEVEL PENTHOUSE

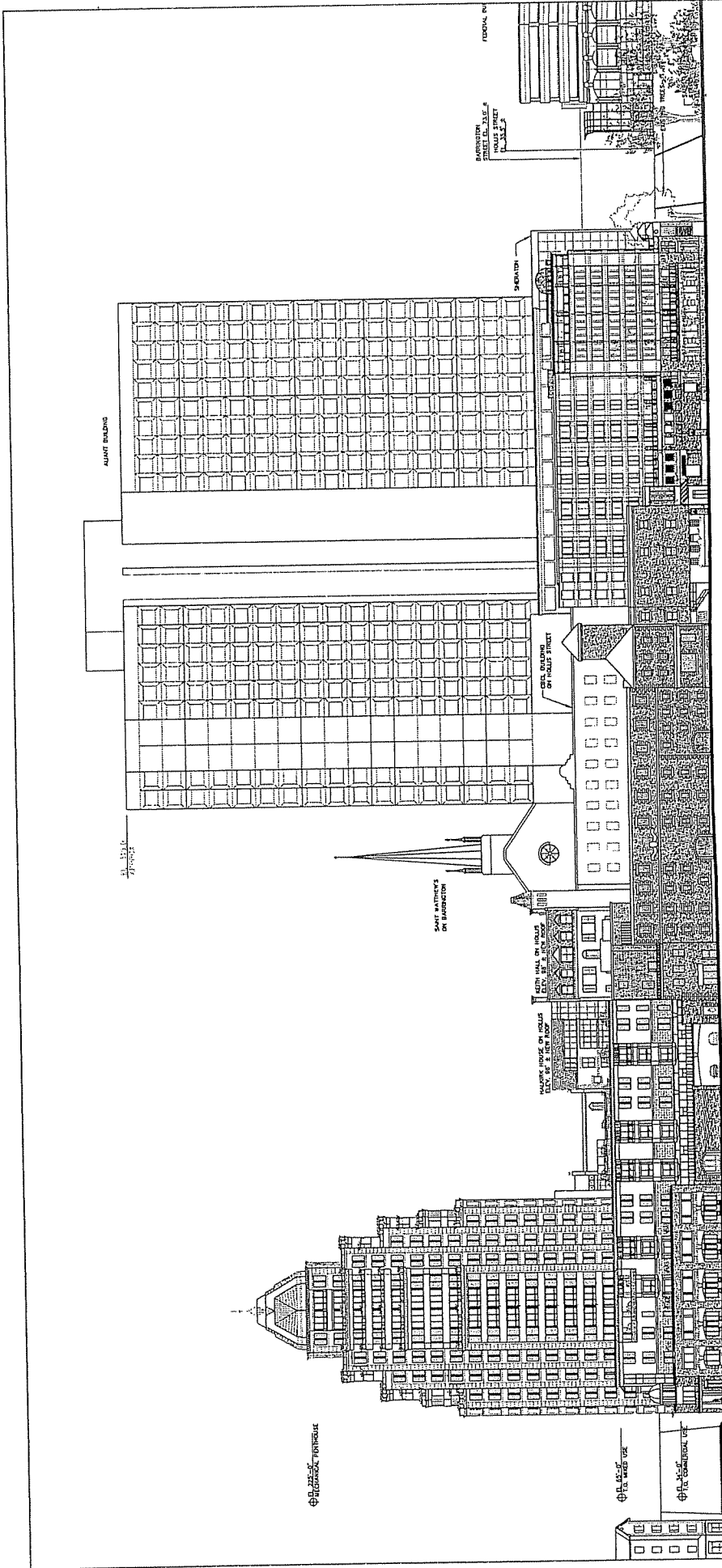
THE BREWERY MARKET HALKIRK PROPERTIES LIMITED UPPER LEVELS (19&Pent.) - RESIDENTIAL

Duffus Romans Kundzins Rounsefell ARCHITECTS LIMITED



JOB NO. 0628

DATE MARCH 7, 2008



LOWER WATER STREET ELEVATION

ISSUED FOR
H.R.M. APPLICATION

JOB NO.
0628

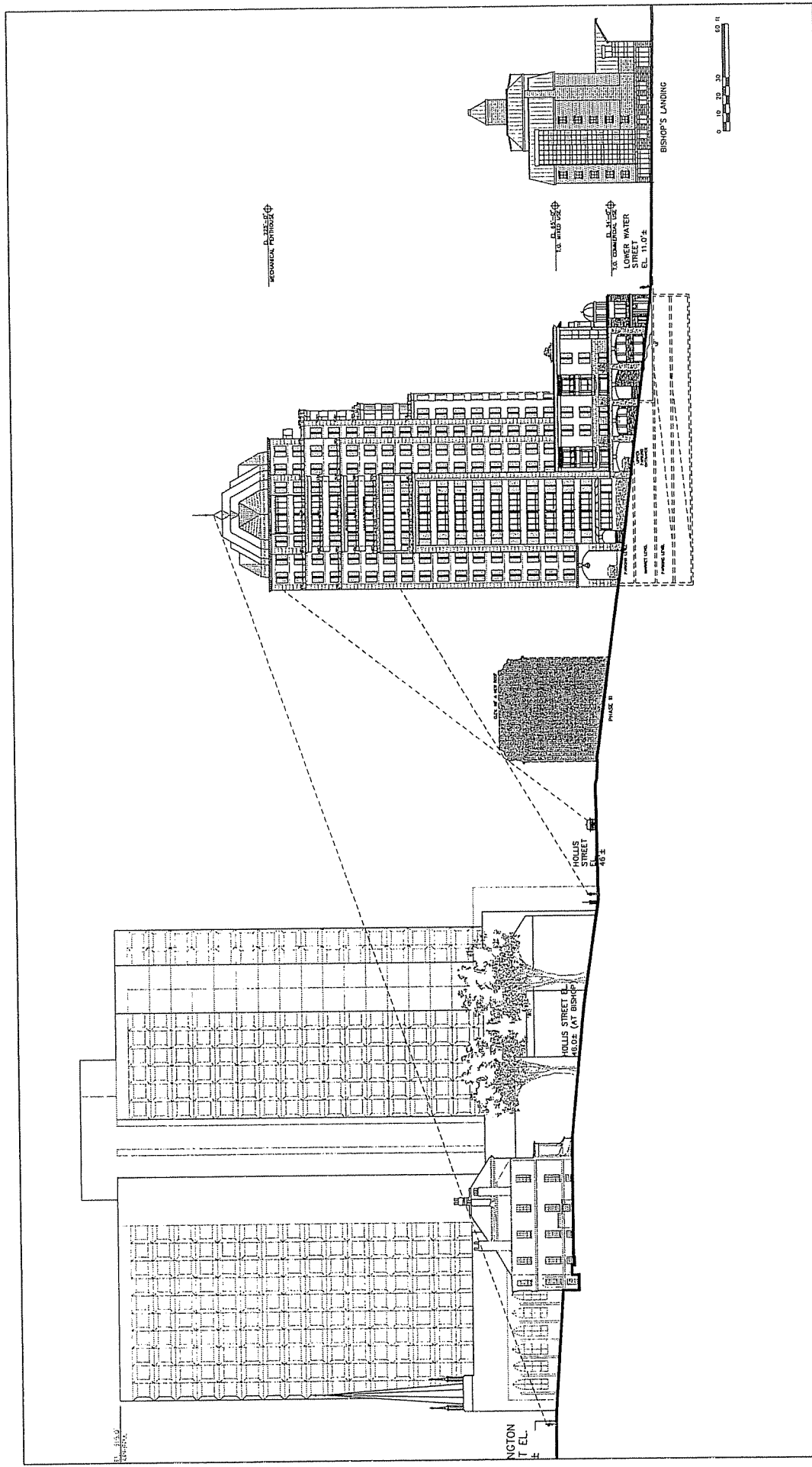
DATE
MARCH 4, 2008

THE BREWERY MARKET - PHASE II
HALKIRK PROPERTIES LIMITED
Duffus Romans Kundzins Rounsefell

Plan # 00971-013

Elevation - Lower Water Street

Case 00971 - Schedule N



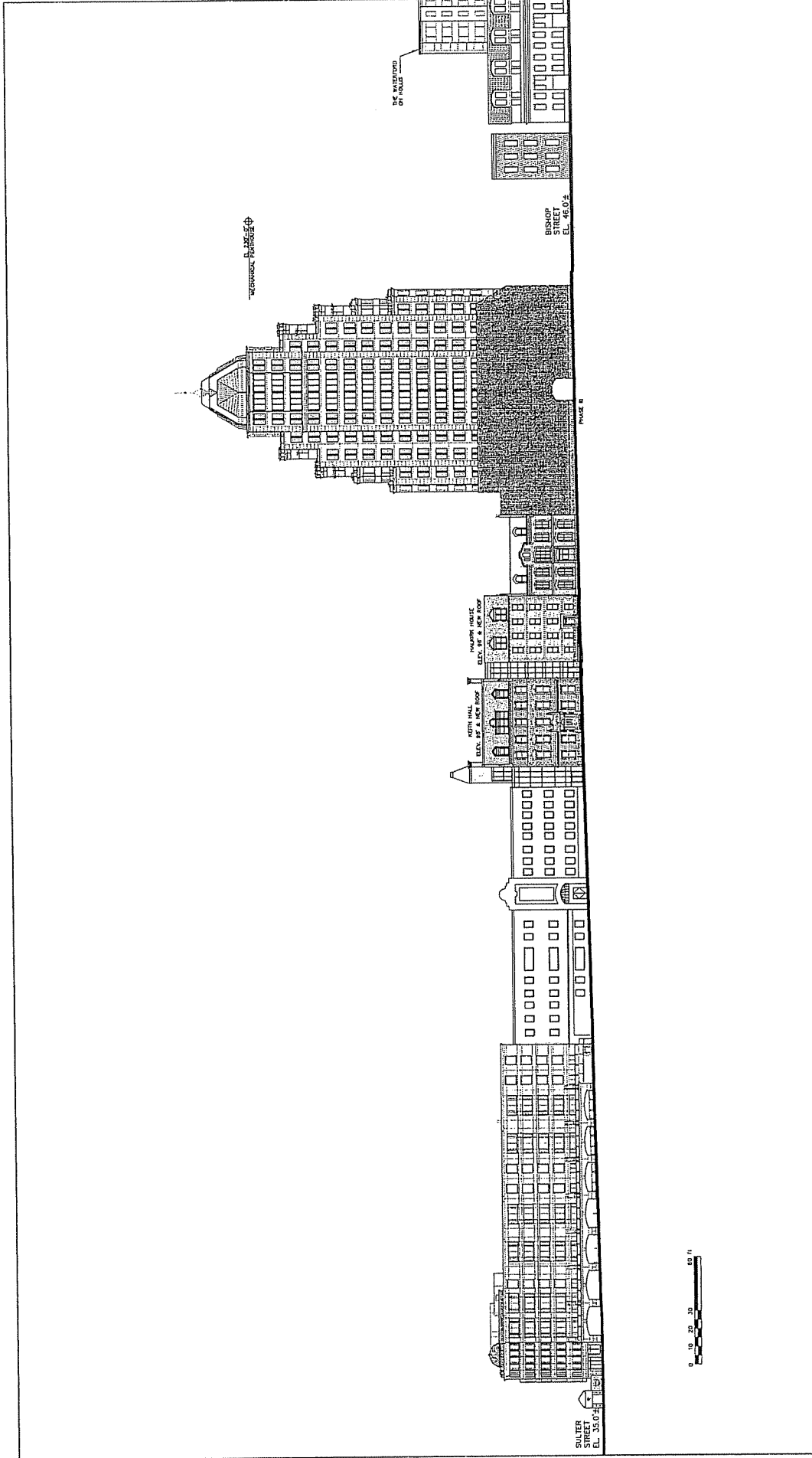
BISHOP STREET ELEVATION	
ISSUED FOR H.R.M. APPLICATION	JOB NO. 0628
DATE MARCH 7, 2008	

THE BREWERY MARKET - PHASE II
HALKIRK PROPERTIES LIMITED
Duffus Romans Kundzins Pounsefell

Elevation - Bishop Street

Case 00971 - Schedule O

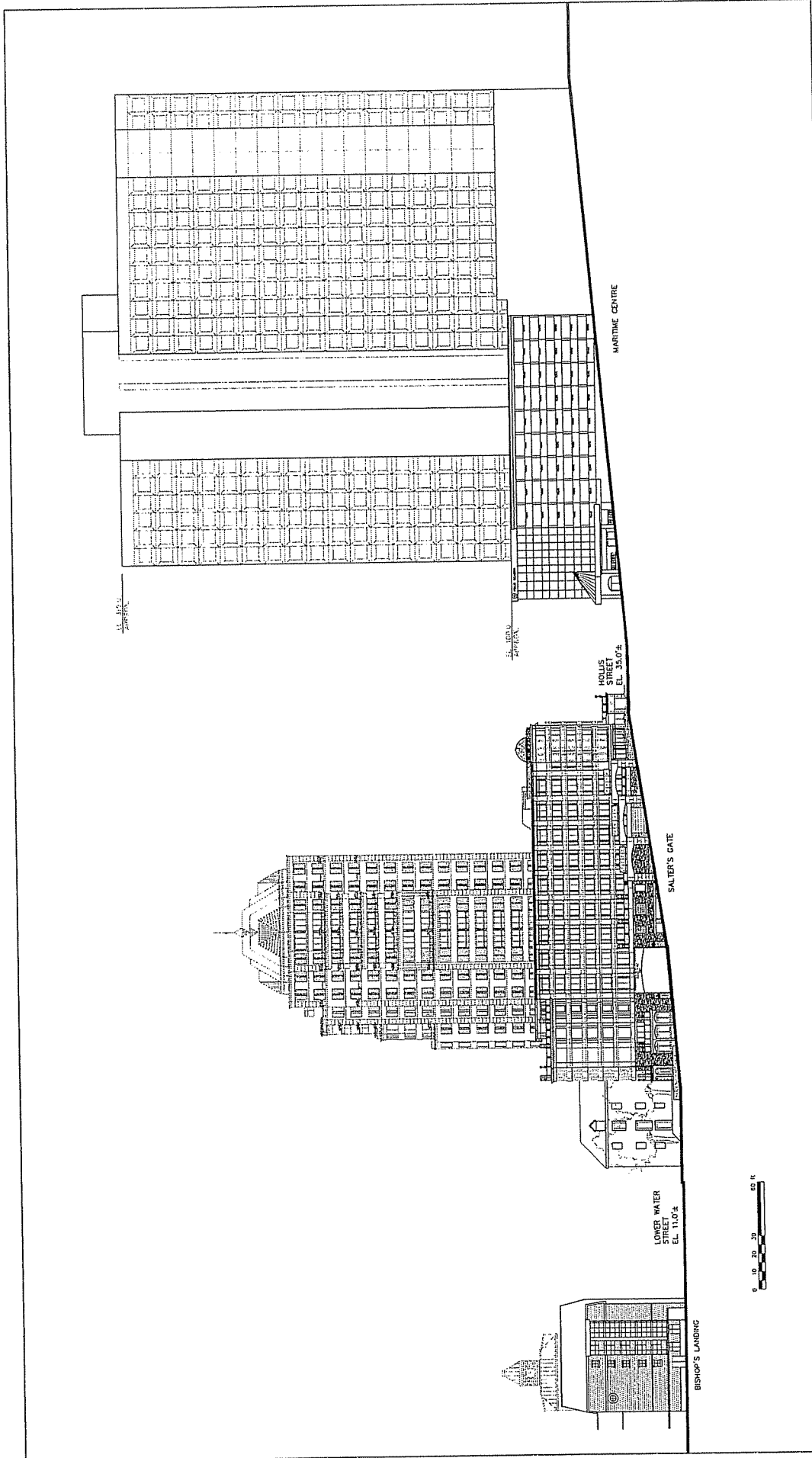
Plan # 00971-014



THE BREWERY MARKET - PHASE II
HALKIRK PROPERTIES LIMITED
Duffus Romans Kundzins Rounsefell

HOLLIS STREET ELEVATION

ISSUED FOR H.R.M. APPLICATION	JOB NO. 0628	DATE MARCH 7, 2008
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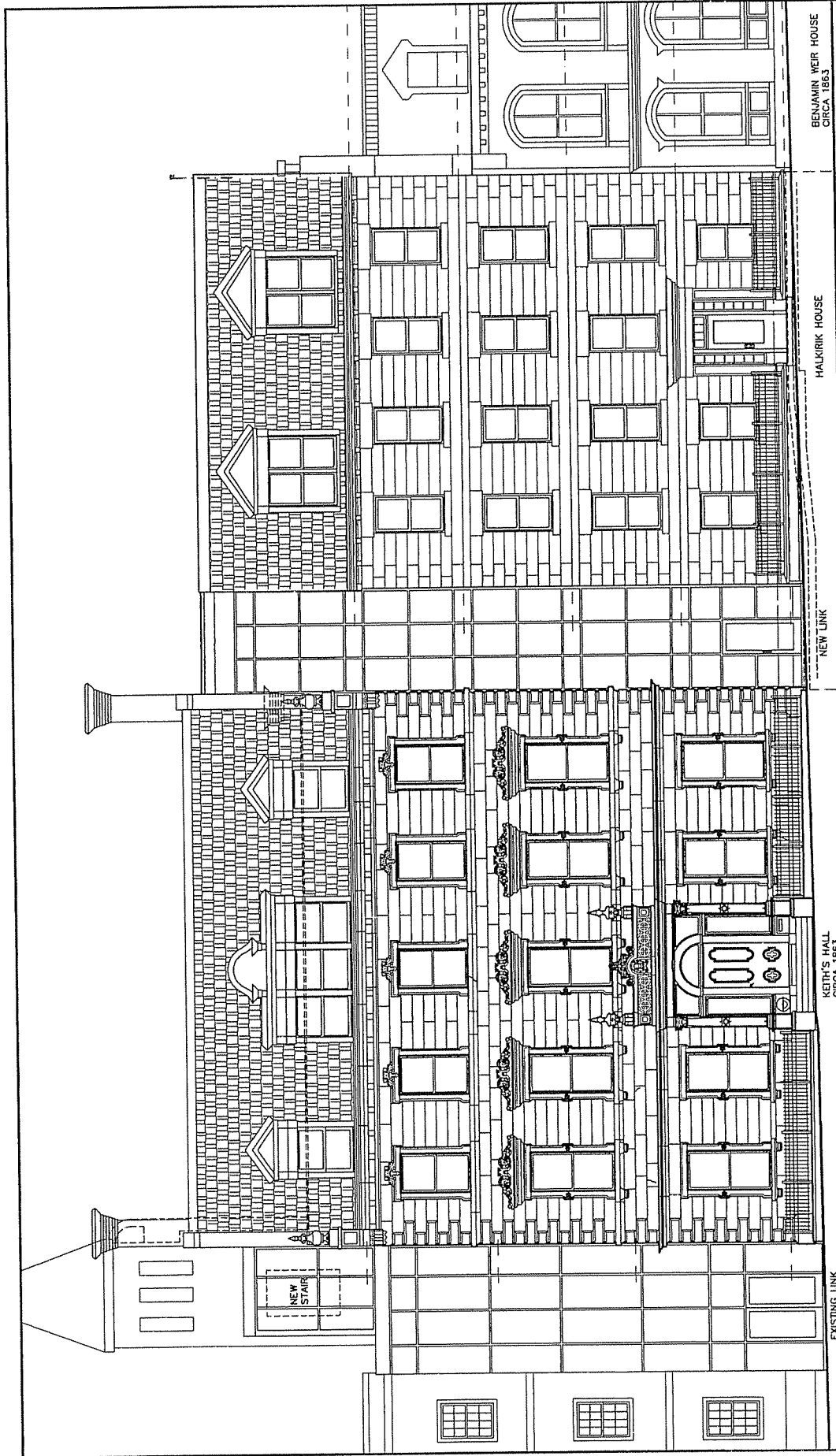
SALTER STREET ELEVATION	
ISSUED FOR H.R.M. APPLICATION	JOB NO. 0628
DATE MARCH 7, 2008	

THE BREWERY MARKET - PHASE II
HALKIRK PROPERTIES LIMITED
Duffus Romans Kundzins Rounsefell

Elevation - Salter Street

Plan # 00971-016

Case 00971 - Schedule Q



THE BREWERY MARKET - PHASE II
HALKIRK PROPERTIES LIMITED
Duffus Romans Kundzins Rounsefell

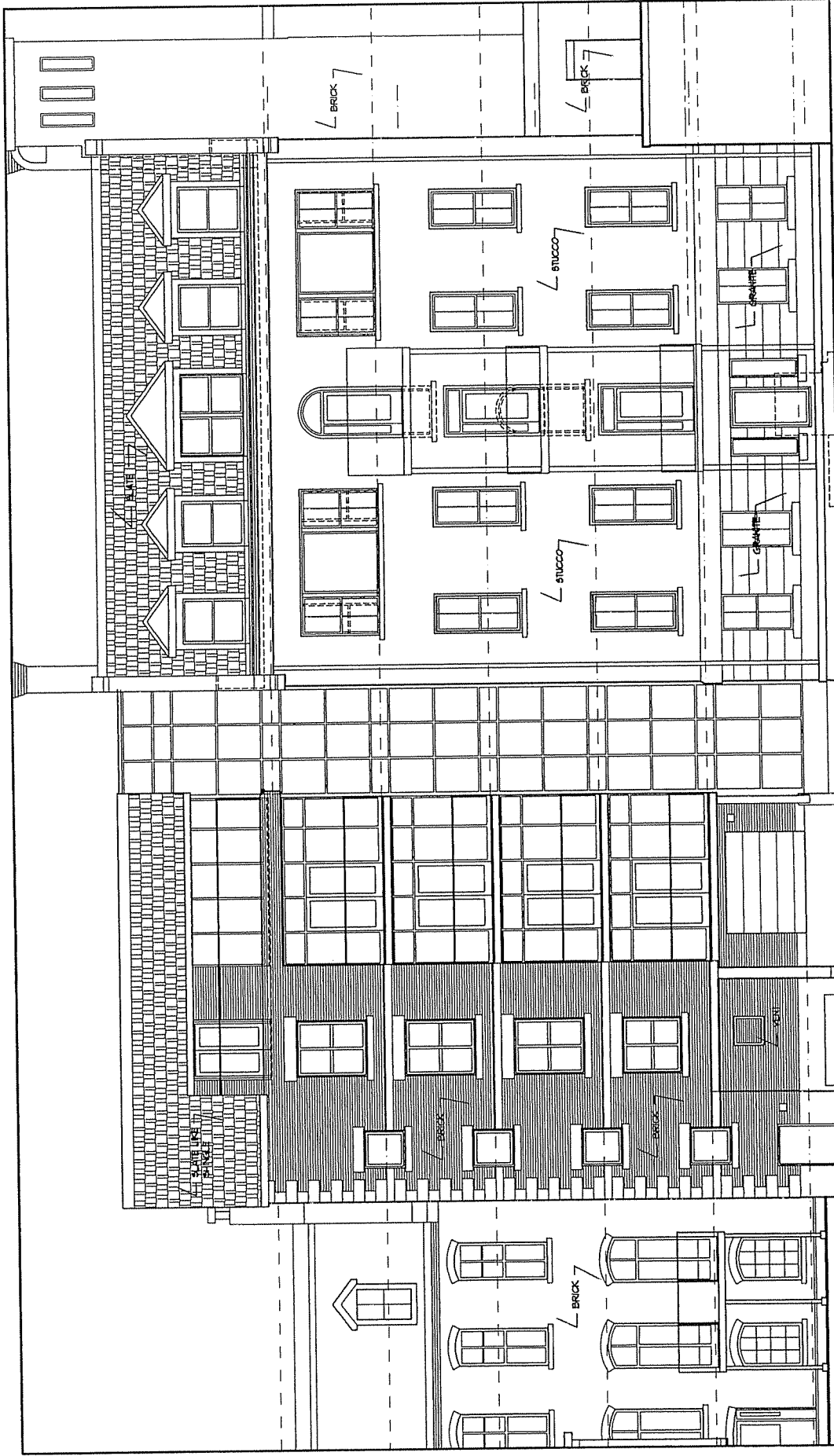
WEST (HOLLIS ST) ELEVATION

<p>ISSUED FOR H.R.M. APPLICATION</p>	<p>SCALE BAR SCALE</p>	<p>JOB NO. 0628</p>	<p>DATE OCTOBER 6, 2006</p>
<p>G F DUFFUS & CO LTD ARCHITECTS</p>		<p>BENJAMIN WEIR HOUSE CIRCA 1863</p>	

Plan # 00971-017

Elevation (West) - Keith Hall/ Halkirk

Case 00971 - Schedule R



EAST ELEVATION

ISSUED FOR H.R.M. APPLICATION

SCALE BAR SCALE

JOB NO. 0628

DATE OCTOBER 6, 2006

G F DUFFUS & CO LTD ARCHITECTS

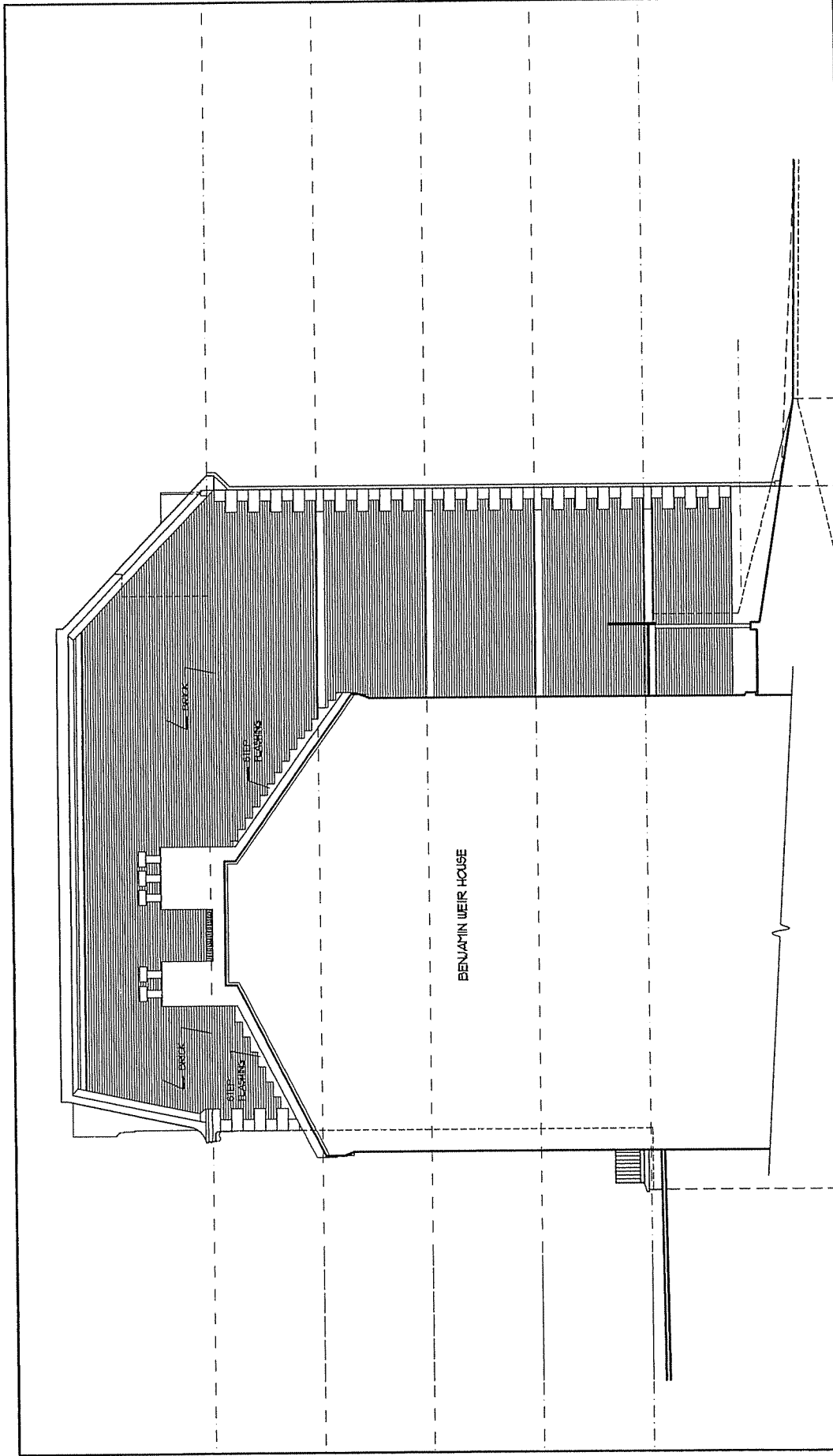
THE BREWERY MARKET - PHASE II

HALKIRK PROPERTIES LIMITED
 Duffus Romans Kundzins Rounsefell

Plan # 00971-018

Elevation (East) - Keith Hall/ Halkirk

Case 00971 - Schedule S



BENJAMIN WEIR HOUSE

SOUTH ELEVATION

THE BREWERY MARKET - PHASE II

HALKIRK PROPERTIES LIMITED

Duffus **Romans Kundzins** *Rounsefell*



G.F. DUFFUS & CO LTD
ARCHITECTS

ISSUED FOR
H.R.M. APPLICATION



SCALE
BAR SCALE

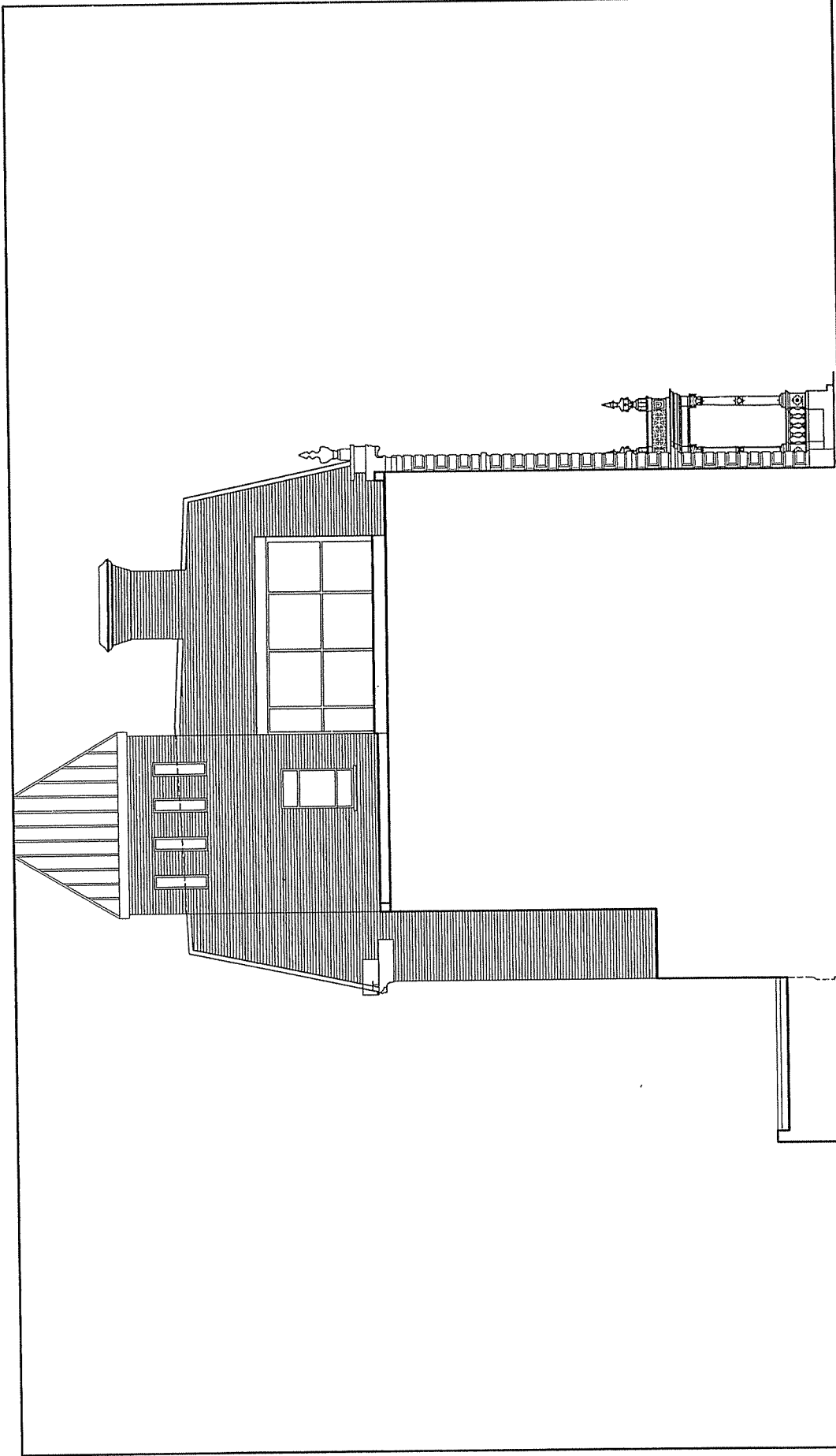
JOB NO.
0628

DATE
OCTOBER 6, 2006

Case 00971 - Schedule T

Elevation (South) - Keith Hall/ Halkirk

Plan # 00971-019



NORTH ELEVATION

THE BREWERY MARKET - PHASE II
HALKIRK PROPERTIES LIMITED
Duffus *Romans* *Kundzins* *Rounsefell* *****



G F DUFFUS & CO LTD
 ARCHITECTS

ISSUED FOR
 H.R.M. APPLICATION

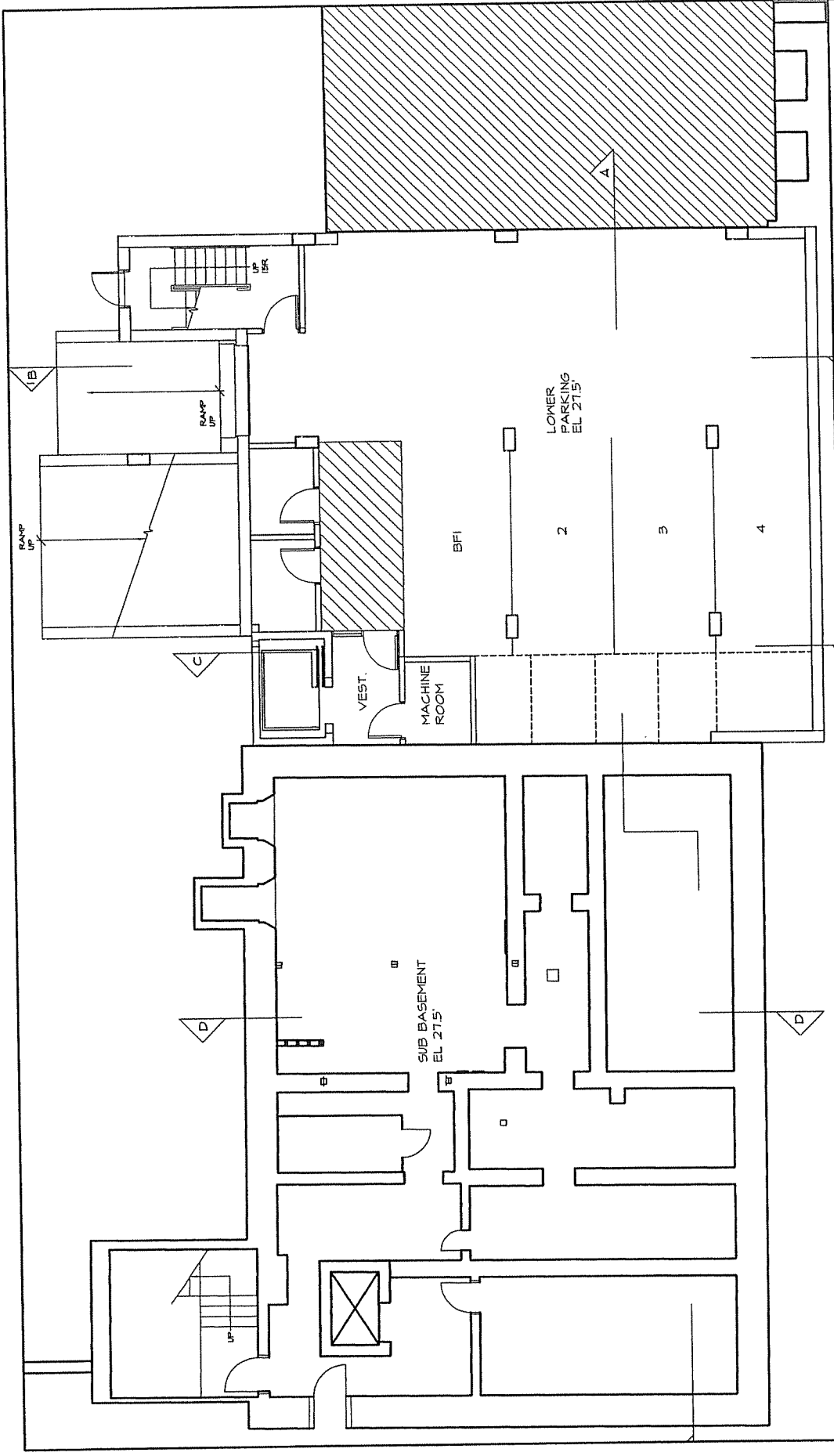




SCALE
 BAR SCALE

JOB NO.
 0628

DATE
 OCTOBER 6, 2006

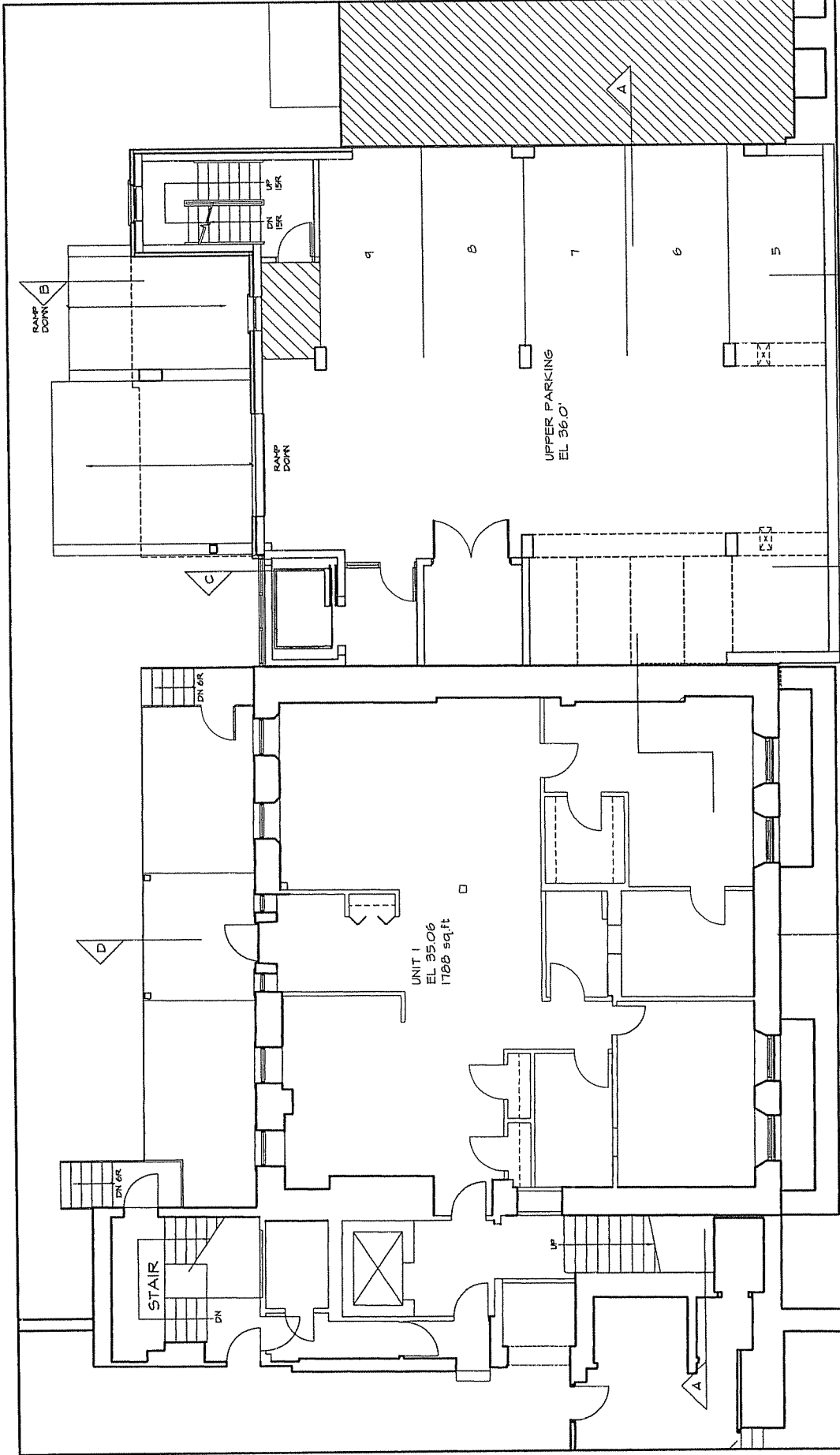
Case 00971 - Schedule U Elevation (North) - Keith Hall/ Halkirk Plan # 00971-020



SUB BASEMENT PLAN	
 G F DUFFUS & CO LTD ARCHITECTS	ISSUED FOR H.R.M. APPLICATION
SCALE  BAR SCALE	JOB NO. 0628
DATE OCTOBER 6, 2006	

THE BREWERY MARKET - PHASE II
HALKIRK PROPERTIES LIMITED
 Duffus Romans Kundzins Rounsefell

Case 00971 - Schedule V
 Sub-Basement - Keith Hall/ Halkirk
 Plan # 00971-021

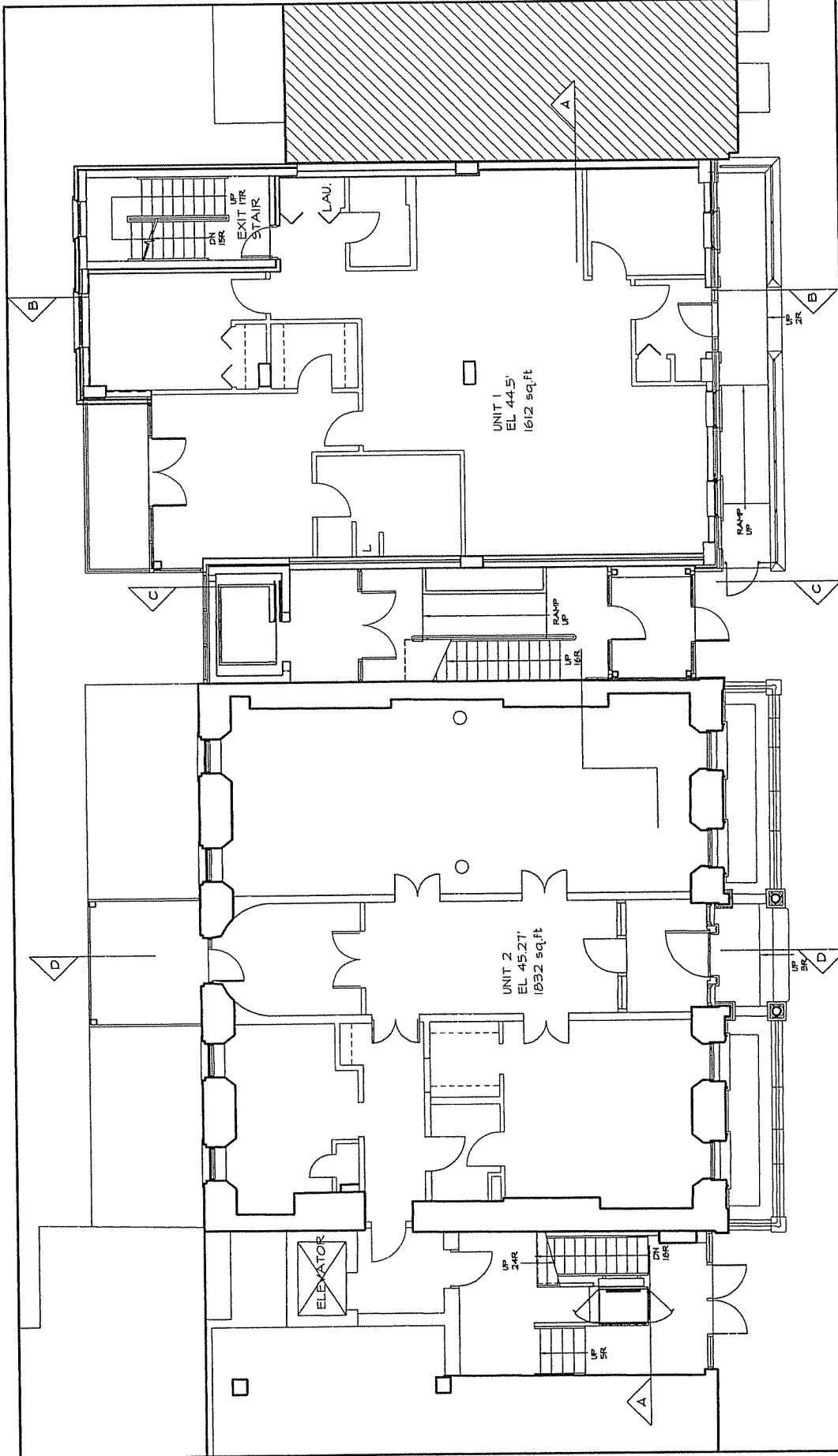


BASEMENT PLAN		DATE OCTOBER 6, 2006
ISSUED FOR H.R.M. APPLICATION		JOB NO. 0628
G F DUFFUS & CO LTD ARCHITECTS		SCALE BAR SCALE
THE BREWERY MARKET - PHASE II HALKIRK PROPERTIES LIMITED <i>Duffus Romans Kundzins Rounsefell</i>		

Case 00971 - Schedule W

Basement - Keith Hall/ Halkirk

Plan # 00971-022

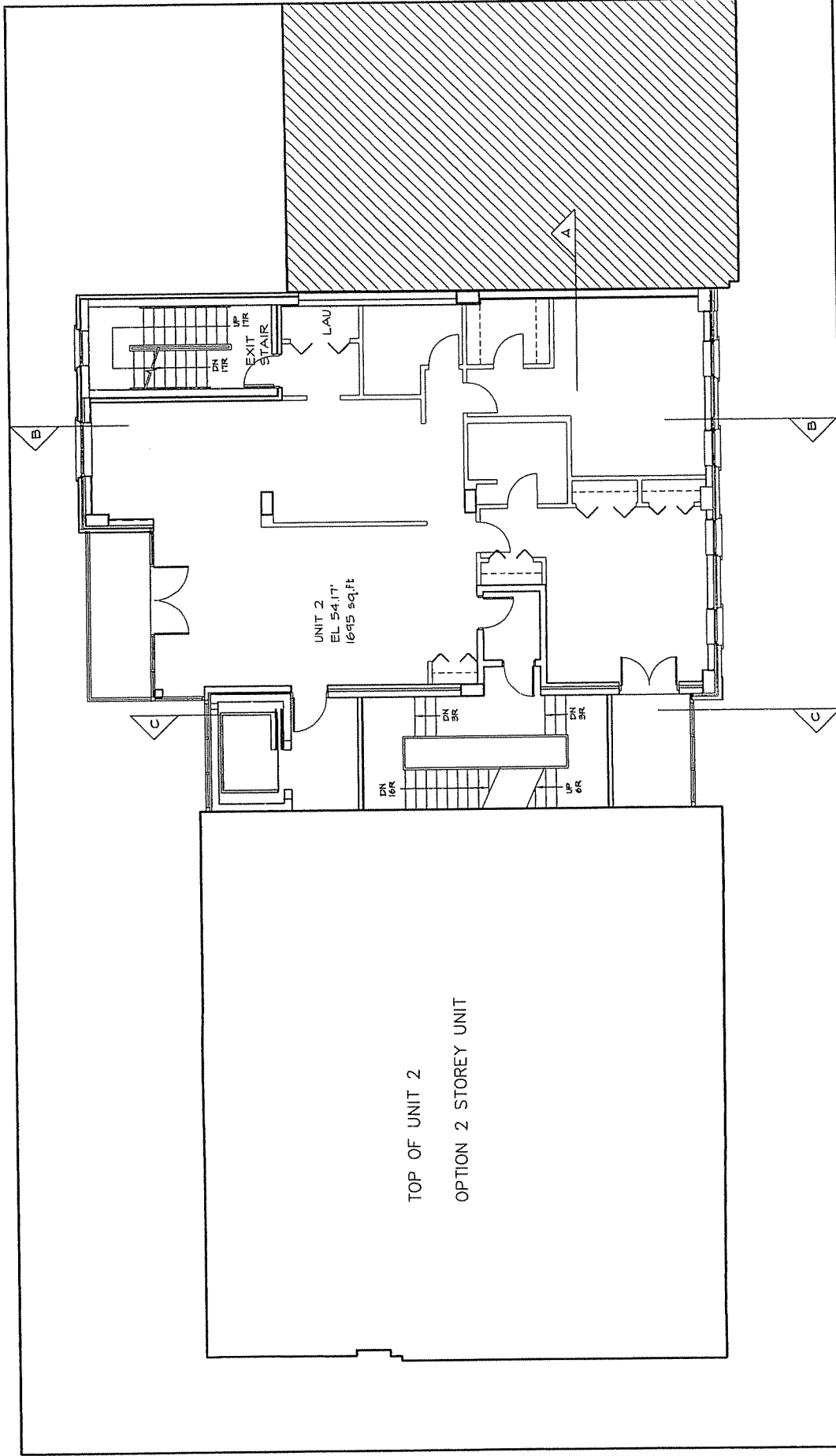


GROUND FLOOR PLAN		DATE OCTOBER 6, 2006
ISSUED FOR H.R.M. APPLICATION		JOB NO. 0628
SCALE BAR SCALE		
G F DUFFUS & CO LTD ARCHITECTS		
THE BREWERY MARKET - PHASE II		
HALKIRK PROPERTIES LIMITED		
Duffus & Mansfield Architects		

Case 00971 - Schedule X

Ground Floor - Keith Hall/ Halkirk

Plan # 00971-023



TOP OF UNIT 2
 OPTION 2 STOREY UNIT

UNIT 2
 EL 54.17'
 1695 sq.ft

PLAN - KEITH HALL LEVEL 2

THE BREWERY MARKET - PHASE II

HALKIRK PROPERTIES LIMITED
 Duffus Romans Kundzius Rounsefell ARCHITECTS

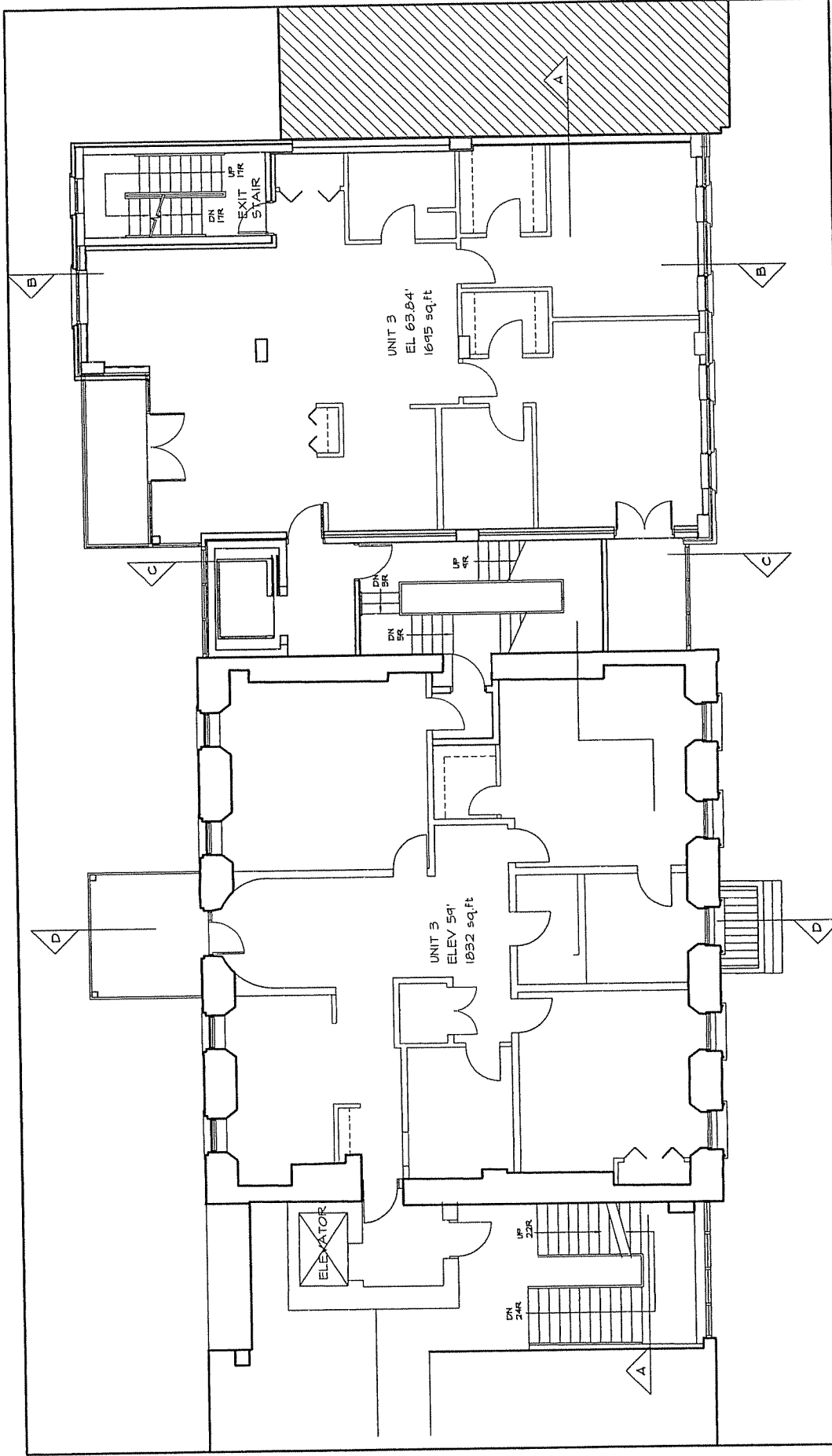


ISSUED FOR
 H.R.M. APPLICATION



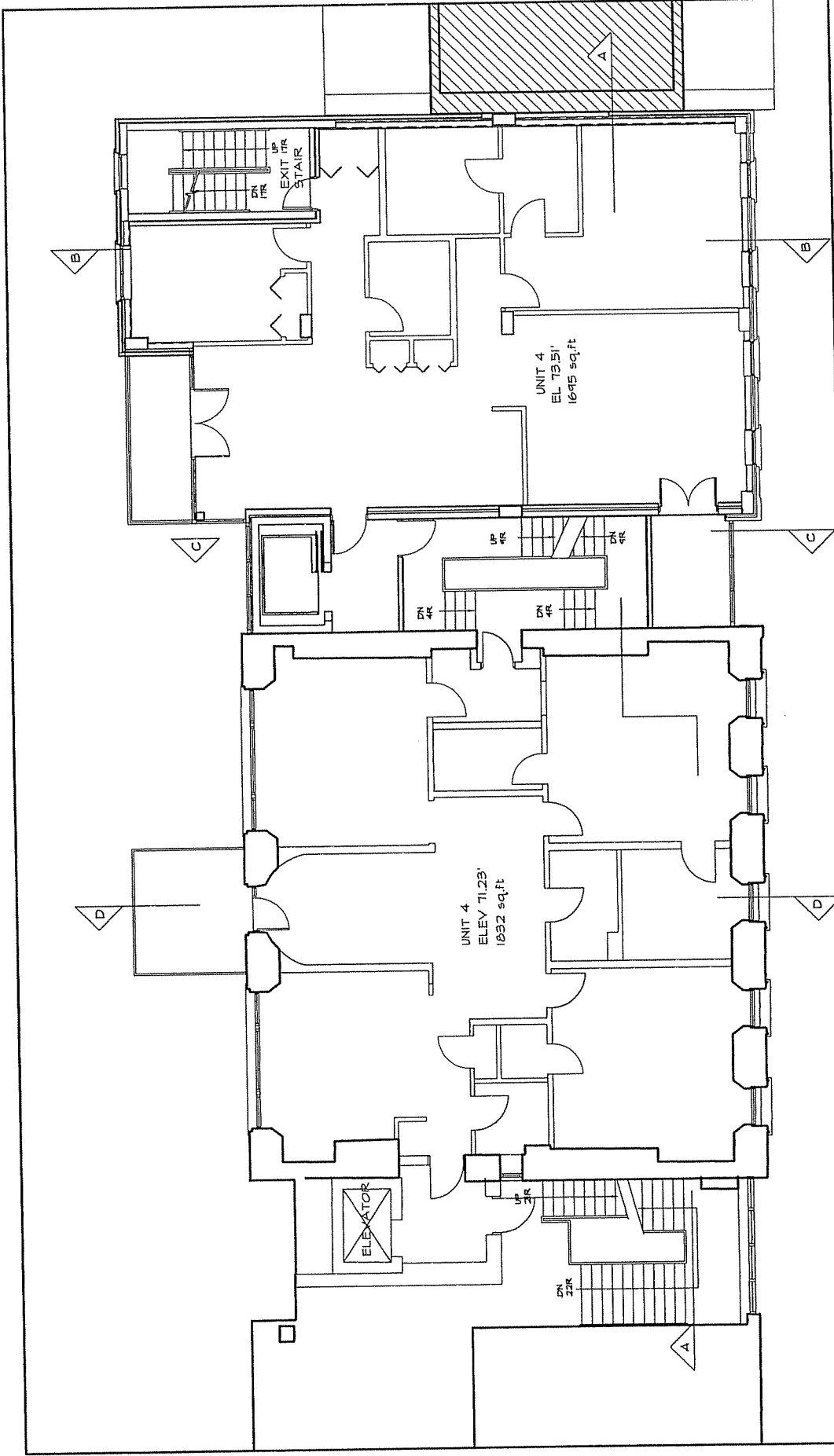
JOB NO.
 0628
 DATE
 OCTOBER 6, 2006

Level 2 - Keith Hall/ Halkirk
 Case 00971 - Schedule Y
 Plan # 00971-024



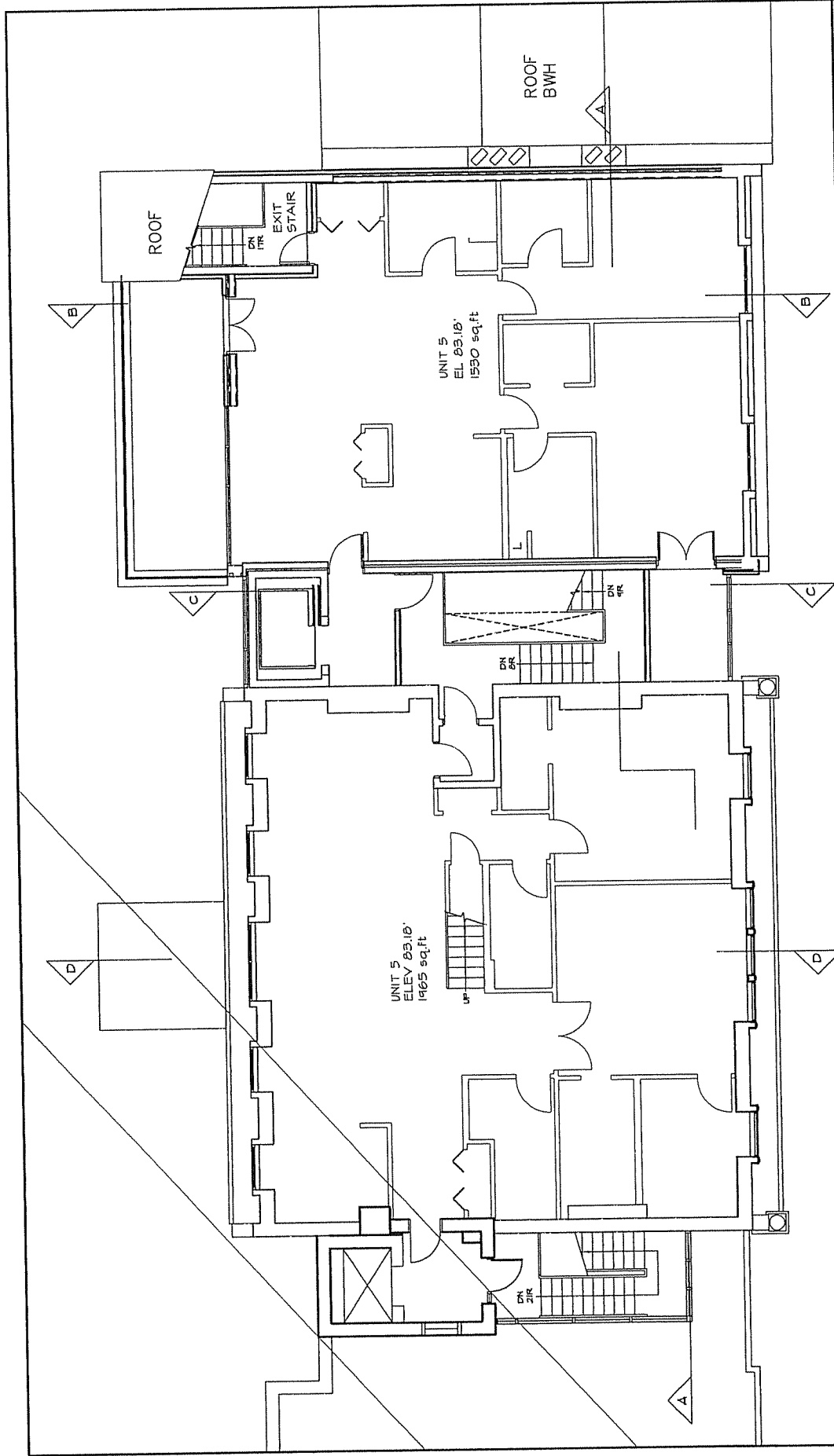
PLAN - LEVEL 3		DATE OCTOBER 6, 2006
ISSUED FOR H.R.M. APPLICATION	SCALE BAR SCALE	JOB NO. 0628
THE BREWERY MARKET - PHASE II HALKIRK PROPERTIES LIMITED Duffus Romans Kundzins Rounsefell		G F DUFFUS & CO LTD ARCHITECTS

Level 3 - Keith Hall/ Halkirk
 Case 00971 - Schedule Z
 Plan # 00971-025



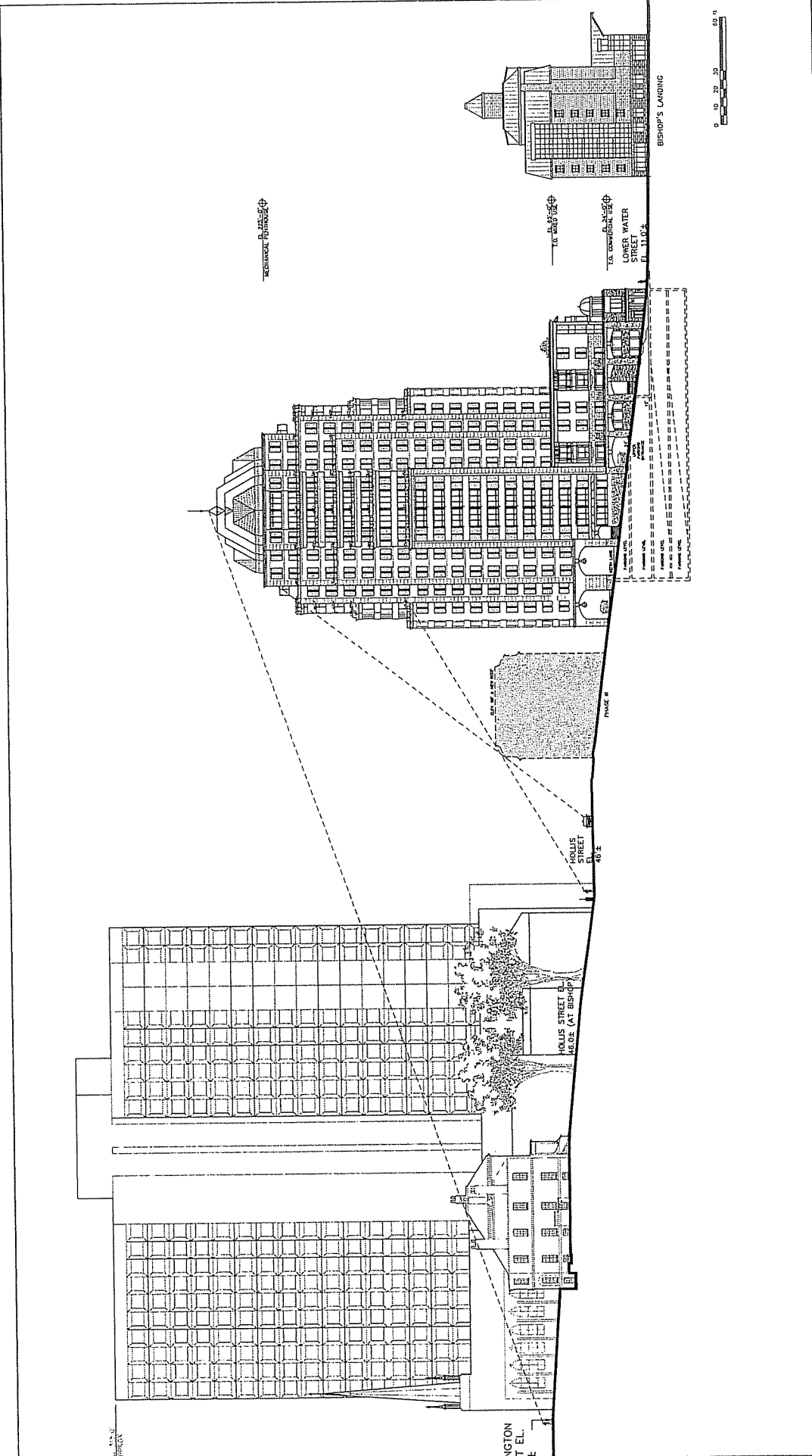
PLAN - LEVEL 4		DATE OCTOBER 6, 2006
ISSUED FOR H.R.M. APPLICATION	JOB NO. 0628	SCALE BAR SCALE
G F DUFFUS & CO LTD ARCHITECTS		Level 4 - Keith Hall/ Halkirk
THE BREWERY MARKET - PHASE II HALKIRK PROPERTIES LIMITED Duffus Romans Kundzins Rounsefell		Plan # 00971-026

Case 00971 - Schedule A-1



<p>PLAN - LEVEL 5</p>	<p>ISSUED FOR H.R.M.I. APPLICATION</p>	<p>SCALE BAR SCALE</p>	<p>JOB NO. 0628</p>	<p>DATE OCTOBER 6, 2006</p>
<p>THE BREWERY MARKET - PHASE II HALKIRK PROPERTIES LIMITED Duffus Romans Kundzins Counsefell</p>	<p>G.F. DUFFUS & CO LTD ARCHITECTS</p>	<p>Level 5 - Keith Hall/ Halkirk Plan # 00971-027</p>		

Case 00971 - Schedule A-2



BISHOP STREET ELEVATION

INCORPORATING FLOOR EXTENSION

THE BREWERY MARKET - PHASE II
HALKIRK PROPERTIES LIMITED
Duffus Romans Kundzins Rounsefell

ISSUED FOR
H.R.M. APPLICATION

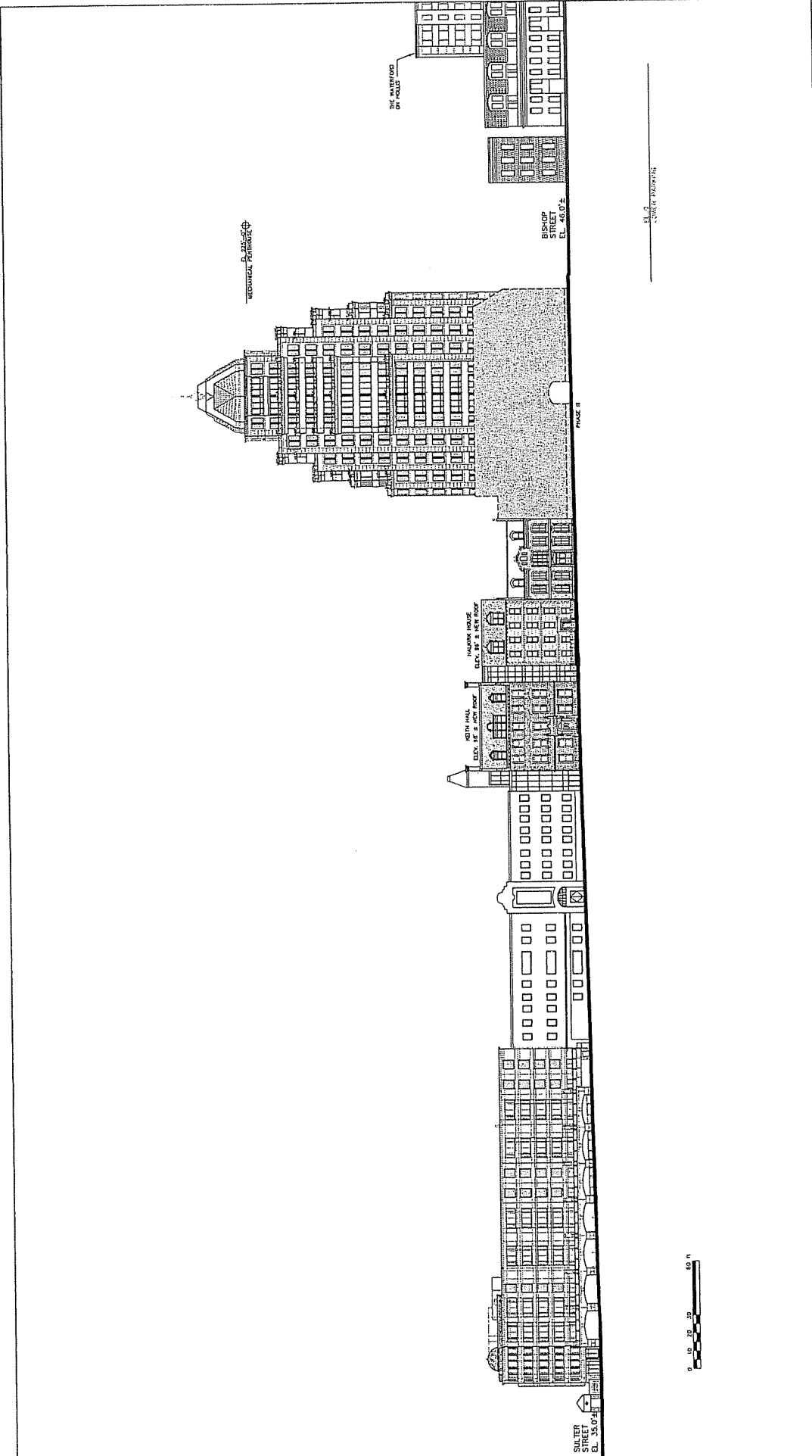
JOB NO.
0628

DATE
MARCH 4, 2008

Case 00971 - Schedule A-4

Alternate Elevation - Bishop Street

Plan # 00971-029

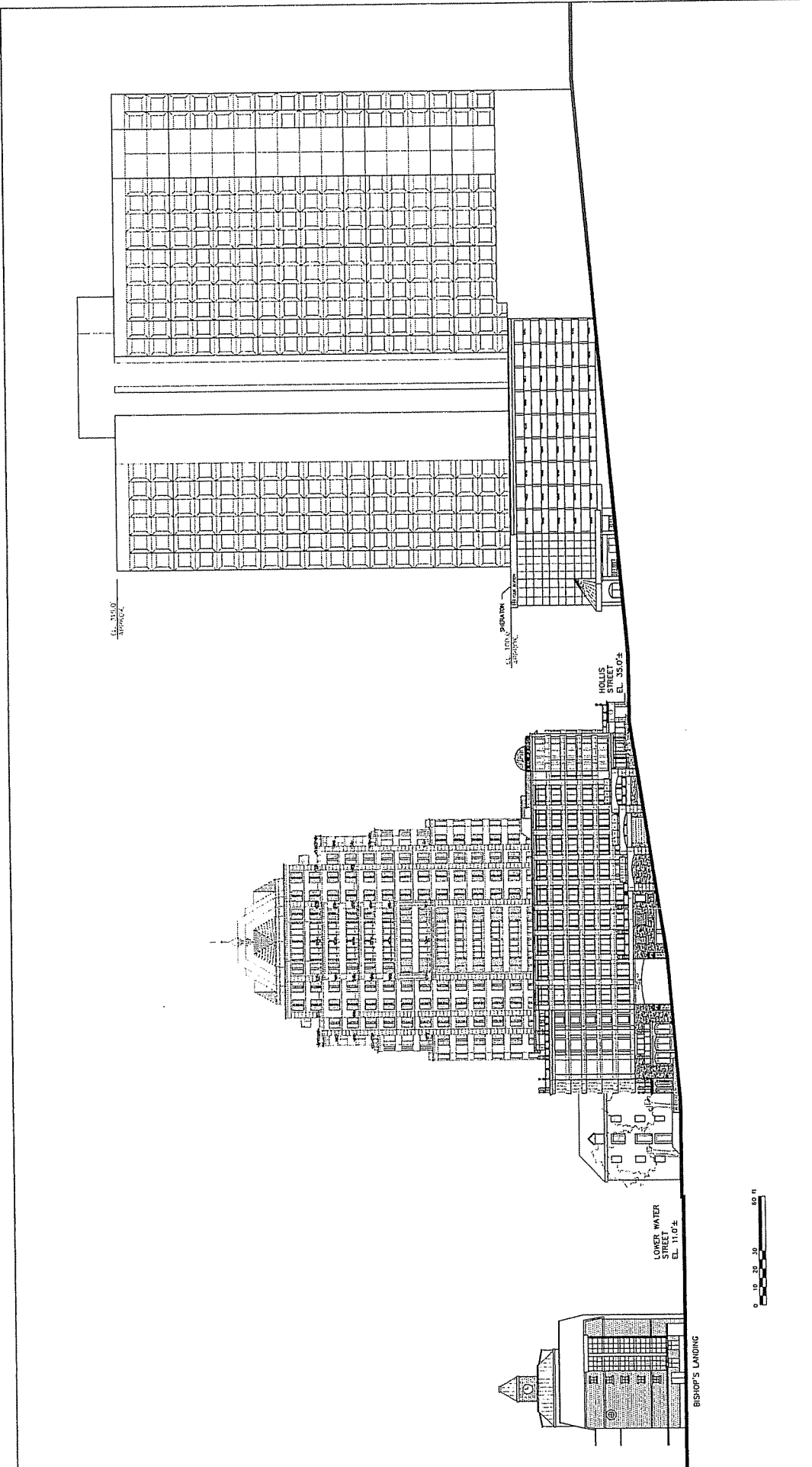


<p>THE BREWERY MARKET - PHASE II HALKIRK PROPERTIES LIMITED <i>Duffus Romans Kundzins Rounsefell</i></p>	<p>HOLLIS STREET ELEVATION</p>	<p>ISSUED FOR H.R.M. APPLICATION</p>
<p>INCORPORATING FLOOR EXTENSION</p>	<p>JOB NO. 0628</p>	<p>DATE MARCH 4, 2008</p>

Plan # 00971-030

Alternate Elevation - Hollis Street

Case 00971 - Schedule A-5



<p>SALTER STREET ELEVATION</p>	<p>ISSUED FOR H.R.M. APPLICATION</p> <p>JOB NO. 0628</p> <p>DATE MARCH 4, 2008</p>
<p>INCORPORATING FLOOR EXTENSION</p>	
<p>THE BREWERY MARKET - PHASE II HALKIRK PROPERTIES LIMITED <i>Duffus Romans Kundzins Rounsefell</i></p>	

Case 00971 - Schedule A-6

Alternate Elevation - Salter Street

Plan # 00971-031

ATTACHMENT C

Review of Most Relevant Policies/ Objectives - Halifax MPS

SECTION IV - HALIFAX WATERFRONT DEVELOPMENT AREA, OBJECTIVES AND POLICIES

2. LAND USE

Objective Development of the waterfront area to include a mixture of residential, commercial, institutional, cultural and marine-related uses.

Policy	Staff Comments
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.	As a whole, this is a mixed-use proposal which includes retail, office and residential uses and includes parking for both commercial and residential uses. There may be varying intensities of each of these categories of land use.
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 proposed development is primarily residential, but includes office and retail uses. The existing Brewery development on the north half of the block also includes retail, office, hotel and residential. As the proposal includes retail and residential entrances/ exits onto abutting streets/sidewalks, the intent of this policy is met.
2.1.3 The southern sub-area of the HWDA shall be developed primarily for residential and related uses.	The proposal is to relocate the site from the southern sub-area to the CBD sub-area.
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.	Retail is proposed for the ground floor along Lower Water Street, with office or retail on the second floor as well.
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:	Residential uses are encouraged in both of these sub areas.

<p>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 by-laws of the City, or they may be freestanding.</p>	<p>The Alexander site (lot A-3) proposes a mixed residential-commercial building which will be located on a separate property, but will be integrated with the existing Brewery development. The Keith Hall and Halkirk House buildings are proposed to be used for residential purposes and will be linked via a proposed glass addition.</p>
<p>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.</p>	<p>This policy calls for development which is either low-rise or, in the case of mixed-use buildings, of a height which is compatible with those of the southern sub-area of the HWDA and its surroundings. The intent was for building heights in the southern sub-area to be somewhat lower than those in the CBD. As the subject site abuts the boundary between the two areas, it is reasonable to consider a higher building on this site.</p>

3. CONSERVATION OF BUILDINGS AND SPECIAL FEATURES

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.

Policy	Staff Comments
<p>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 Set 6).</p>	<p>The proposal includes substantive restoration of the exterior facade of, and interior renovations to, Keith Hall, a registered heritage property. The new Alexander and Halkirk buildings are designed to be compatible with and complementary to the Keith Hall, Keith's Brewery and Benjamin Wier buildings.</p>

<p>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.</p>	<p>The proposed development agreement is the method of securing the maintenance and enhancement of Keith Hall. The agreement (Section 2.11) ties completion of the restoration work on Keith Hall to the occupancy of the Alexander and requires the Developer to submit security in the event that this work is not completed prior to the occupancy of the Alexander.</p>
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4. CIRCULATION

Objective The creation of a safe, comfortable and pedestrian-oriented environment which provides a choice between outdoor and weather-protected routes.

Policy	Staff Comments
<p>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.</p>	<p>The Salter's Gate development includes arcades along Hollis and Salter Streets which provide weather protection. Similarly, the initial proposal for the Alexander included an arcade along Lower Water Street. However, at the public meeting for this proposal, there was concern with having too many arcades as part of this development, so the Developer amended the proposal to remove the arcade. The existing Brewery complex has an internal atrium with seating. There is also opportunity for the inclusion of canopies or awnings at street level during the detailed design (permitting) stage.</p>
<p>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.</p>	<p>The proposal includes parking for both commercial and residential uses.</p>
<p>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).</p>	<p>Surface parking currently exists on the site. Future parking will be below grade and incorporated into the new development.</p>

5. CIVIC DESIGN

Objective The conservation and creation of a high standard of environmental quality.

Policy	Staff Comments
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.	The Alexander will include a private courtyard open space off Keith Lane and landscaped open space on the rooftop adjacent to Lower Water Street. With regard to streetscape design, the Developer will be responsible for sidewalk construction, planting, street lighting and site furnishings at ground/ sidewalk level
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 agreement requires a detailed landscape plan at the permitting stage. For the private rooftop space, the wind study recommends mitigation measures be built into the design.
5.3 The City should encourage the incorporation of vegetation and landscaping as essential elements in the design of the HWDA.	As above. The agreement requires a detailed landscape plan at the permitting stage and includes detailed landscaping requirements (see Section 2.4).
5.3.1 A landscape plan for off-street open spaces should form part of any proposal within the HWDA.	As above.

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.

Policy	Staff Comments
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 will be retained along Bishop Street through the Bishop's Landing buildings.

<p>5.4.3 Views of the Harbour from Citadel Hill shall be preserved as specified in the Views By-law.</p>	<p>This will be achieved through the agreement, which requires certification by a surveyor.</p>
<p>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.</p>	<p>As above. The agreement requires a detailed landscape plan at the permitting stage and includes detailed landscaping requirements (see Section 2.4). The proposal does not include public open space.</p>

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.

Policy	Staff Comments
<p>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.</p>	<p>These details are controlled through both the proposed MPS policy and agreement.</p>
<p>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.</p>	<p>The proposal reinforces those elements of the existing heritage buildings. The project makes use of stone, clear glass, metal roofing and concrete which is coloured and tooled to resemble sandstone. The proportion and rhythm are reflected in the project's window and door size and placement and the use of arches in the design. The height/ proportion of the building base along Lower Water is in keeping with that of the existing Brewery building.</p>
<p>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:</p>	

<p>5.6.2.1 Freedom from pedestrian hazards, including the provision of ramps, curbs, and access for strollers, wheelchairs, etc.;</p>	<p>This will be achieved through the development agreement, which requires that the Capital District streetscape standards be followed for sidewalk construction, etc. National Building Code requirements will apply to the building's construction.</p>
<p>5.6.2.2 Easy access for the blind with recognizable paving textures;</p>	<p>As above.</p>
<p>5.6.2.3 Quiet and protected areas for resting and sheltering from inclement weather;</p>	<p>There will be building entrances off each street. The existing Brewery complex has an internal atrium with seating.</p>
<p>5.6.2.4 Protection for pedestrians from nearby vehicles;</p>	<p>Driveways will comply with municipal standards. The existing driveway entrance off Lower Water Street will be widened to improve sight lines/ safety.</p>
<p>5.6.2.5 Convenient drop-off and pick-up points for vehicles and taxis;</p>	<p>Keith Lane will service the Alexander for drop-off/ pick-up so that this traffic is removed from Bishop Street.</p>
<p>5.6.2.6 Sunlight penetration into pedestrian routes;</p>	<p>The slender nature of the tower ensures that there will be minimal shadow impact upon sidewalks for relatively short periods of time. Shadows on sidewalks in a downtown setting, in which buildings are constructed up to or very near the sidewalk, are to be expected and are generally considered to be acceptable.</p>
<p>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.;</p>	<p>The Capital District streetscape standards will be followed for sidewalk construction and amenities. Exterior signs will be reviewed by the Heritage Planner and will conform to HRM's basic principles for signage on heritage properties.</p>
<p>5.6.2.8 Access for services, including cables, ducts, water lines, and eliminating overhead wires from public circulation and traffic areas.</p>	<p>Existing utilities which are currently above ground on Hollis Street will be placed underground as part of the agreement.</p>

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.

Policy	Staff Comments
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 Pedestrian Wind Study indicated that wind levels will be acceptable.
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).	The shadow study indicated that there will be minimal shadow impact on public open spaces.

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.

Policy	Staff Comments
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.	Existing utilities which are currently above ground on Hollis Street will be placed underground as part of the agreement.
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 proposed development.

SECTION III - CENTRAL BUSINESS DISTRICT, OBJECTIVES AND POLICIES

1. ECONOMIC

Objective The strengthening of the Halifax CBD as a dynamic focus of governmental, commercial, retail, residential, recreational, and entertainment uses, and the appropriate development of the waterfront to promote the City as the major business and cultural centre of Atlantic Canada.

Policy	Staff Comments
1.1 It shall be the City's policy to strengthen the development of the specific desirable characteristics of identified sub-areas of the CBD, as defined on Map 11 and in Schedule III.1 to provide the impetus necessary to ensure the viability of all parts of the CBD. The City shall accomplish the intent of this policy and all policies in Part II, Section III, Subsection I of this Plan, by Implementation Policy 3.5.	The proposed boundary change would result in the subject site being located within the CBD Sub-Area of the HWDA and within Sub-Area 4 of the CBD ("Waterfront Development Area"). Sub-Area 4 calls for mixed-use activity. Therefore, the proposal strengthens this characteristic by providing additional mixed-use development which helps to ensure the viability of the area.
1.4 The CBD should be strengthened as a principal shopping centre in the region, through the development of a substantial increase in retail and commercial floor space, and the provision of a wide range of consumer facilities.	The proposed development will add retail and office space to the existing Brewery complex.

2. SOCIAL

Objective The creation of a lively, vibrant environment throughout the CBD which promotes and supports a wide variety of living, leisure, and working activities throughout the day and evening.

Policy	Staff Comments
2.1 The City shall seek and encourage appropriate non-office land and water uses which will generate human activity in the CBD area throughout the day and evening.	The proposed retail and residential uses will generate additional activity in the area and will provide additional support / vitality to the Brewery complex.

<p>2.1.1 The construction of office and retail buildings in the CBD should be those which reinforce the image of the City as the regional centre of activity, and should generate the need for services and amenities (hotels, entertainment, restaurants, etc.) which will provide an active CBD.</p>	<p>As above. The proposal will contribute additional activity to the Brewery, the immediate area and CBD/HWDA as a whole.</p>
<p>2.2 The City shall promote the development of mixed-use residential and commercial areas which are appropriate to the varied scale and character of the sub-areas of the CBD.</p>	<p>As the scale of buildings and character of the area, which includes historic and contemporary buildings, varies widely, the proposal is appropriate for the area. The scale, massing and setbacks of the project, including the Alexander's low and high rise elements, deals with the abutting/ adjacent buildings in an appropriate fashion.</p>
<p>2.2.1 In the CBD, residential uses shall be encouraged within the same building envelope as office uses provided the commercial potential of the site is not displaced.</p>	<p>The proposed residential uses will contribute to the vitality of the commercial uses contained in the Alexander and of the Brewery complex as a whole.</p>

7. SCALE AND DESIGN DETAIL

Objective A high quality of design and construction of buildings to reflect the architectural, heritage and topographical characteristics of the CBD.

Policy	Staff Comments
<p>7.1.2 The City shall encourage the architectural form and scale of new developments to be compatible with the block pattern, and shall discourage those developments which do not respect it.</p>	<p>As above. The scale of buildings and character of the area varies widely and the proposal is appropriate for the area and is compatible with and respects the block pattern.</p>

SECTION II - CITY-WIDE OBJECTIVES AND POLICIES

3. COMMERCIAL FACILITIES

Objective The provision of commercial facilities appropriately located in relation to the City, or to the region as a whole, and to communities and neighbourhoods within the City.

Policy	Staff Comments
3.2 The Halifax Central Business District shall be regarded as the principal business centre in the Halifax-Dartmouth region, and shall include office, shopping, finance, government, residential, recreation, and entertainment facilities as well as desirable types of harbour-related businesses and industries.	The proposal, along with the Brewery complex as a whole, contains many of the uses indicated in this policy.
3.2.1 Major office projects, hotels, cultural facilities and government office activities, which would strengthen and enhance Halifax as the dominant centre of Atlantic Canada, should be induced to locate in the Central Business District. This policy shall remain in effect until City Council determines that the Central Business District is self-sustaining.	The Brewery complex, with the proposed development included, contain a hotel and a substantive office component. Including the entire block within the CBD is reasonable.
3.2.3 Section IV of this Plan shall constitute the basis for decision-making by the City in the Waterfront Development Area. For clarity, Section IV may be interpreted by reference to Section III where appropriate.	Illustrates the existing overlap between the HWDA and the CBD boundaries.

6. HERITAGE RESOURCES

Objective The preservation and enhancement of areas, sites, structures, streetscapes and conditions in Halifax which reflect the City's past historically and/or architecturally.

Policy	Staff Comments
6.2 The City shall continue to make every effort to preserve or restore those conditions resulting from the physical and economic development pattern of Halifax which impart to Halifax a sense of its history, such as views from Citadel Hill, public access to the Halifax waterfront, and the street pattern of the Halifax Central Business District.	Restoration of Keith Hall is proposed. The Alexander will help contribute economically to the viability of the Brewery complex. Existing views and street pattern are to be maintained.
6.3 The City shall maintain or recreate a sensitive and complimentary setting for Citadel Hill by controlling the height of new development in its vicinity to reflect the historic and traditional scale of development.	The site of the Alexander is <u>not</u> in the vicinity of the Citadel as intended by this policy.
6.3.2 Within the area bounded by North Street, Robie Street and Inglis Street, no development shall be permitted that is visible over the top of the reconstructed earthworks on the Citadel ramparts, from an eye-level of 5.5 feet above ground level in the Parade Square of the Citadel.	The proposed Alexander will not be visible over the top of the ramparts. The development agreement requires certification of this by a surveyor.
6.4 The City shall attempt to maintain the integrity of those areas, sites, streetscapes, structures, and/or conditions which are retained through encouragement of sensitive and complementary architecture in their immediate environs.	The proposal is complementary to abutting heritage properties. Refer to HWDA policy 5.6.1.

<p>6.8 In any building, part of a building, or on any lot on which a registered heritage building is situated, the owner may apply to the City for a development agreement for any development or change in use not otherwise permitted by the land use designation and zone subject to the following considerations:</p> <p>(i) that any registered heritage building covered by the agreement shall not be altered in any way to diminish its heritage value;</p> <p>(ii) that any development must maintain the integrity of any registered heritage property, streetscape or conservation area of which it is part;</p> <p>(iii) that any adjacent uses, particularly residential use are not unduly disrupted as a result of traffic generation, noise, hours of operation, parking requirements and such other land use impacts as may be required as part of a development;</p> <p>(iv) that any development substantially complies with the policies of this plan and in particular the objectives and policies as they relate to heritage resources.</p>	<p>This policy applies to the renovations and addition to Keith Hall on Hollis Street. The proposed renovation work to Keith Hall and top floor addition meet the intent of this policy. The proposed residential use will not impact adjacent land uses in the area.</p>
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ATTACHMENT D

REGIONAL MPS - CULTURAL AND HERITAGE RESOURCES

6.1 BUILT HERITAGE

Built heritage includes structures which contribute to an understanding of heritage and may reveal architectural, cultural, or social-political patterns of local history. Our built heritage is an integral part of the landscape. Heritage structures require recognition, special status and regulations to protect, maintain and restore or rehabilitate them for continued use. HRM will encourage this protection by adopting an expanded region-wide model for heritage protection, by strengthening heritage protection provisions at the community level, and by using a streetscape and district approach to heritage protection rather than looking only at individual buildings.

CH-1 When considering a development agreement application in connection with any municipally registered heritage property, a lot on which a municipally registered heritage building is situated, or a building, part of a building or building site within a heritage conservation district, HRM shall, in addition to the criteria established under the appropriate policies guiding the development agreement under the applicable secondary planning strategy, also give consideration to the following:

- (a) that any municipally registered heritage property covered by the agreement is not altered to diminish its heritage value;
- (b) that the development maintains the integrity of any municipally registered heritage property, streetscape or heritage conservation district of which it is part;
- (c) that significant architectural or landscaping features are not removed or significantly altered;
- (d) that the development observes, promotes and complements the street-level human-scaled building elements established by adjacent structures and streetscapes;
- (e) that the proposal meets the heritage considerations of the appropriate Secondary Planning Strategy as well as any applicable urban design guidelines;
- (f) that redevelopment of a municipally registered heritage property, or any additions thereto shall respect and be subordinate to any municipally registered heritage property on the site by:
 - (i) conserving the heritage value and character-defining elements such that any new work is physically and visually compatible with, subordinate to and distinguishable from the heritage property;
 - (ii) maintaining the essential form and integrity of the heritage property such that they would not be impaired if the new work was to be removed in the future;
 - (iii) placing a new addition on a non-character-defining portion of the structure and limiting its size and scale in relationship to the heritage property; and
 - (iv) where a rooftop addition is proposed, setting it back from the wall plane such that it is as inconspicuous as possible when viewed from the public realm; and

- (g) any other matter relating to the impact of the development upon surrounding uses or upon the general community, as contained in Policy IM-15.

6.1.1 Development Abutting Registered Heritage Properties

The Halifax Secondary Planning Strategy contains criteria that new development adjacent to heritage properties must meet. While these criteria apply only within the Halifax Plan Area, the development of properties which abut federally, provincially or municipally registered heritage properties in all areas of HRM also warrants consideration. Policy EC-3 requires HRM to prepare a Regional Centre Urban Design Study that will be coordinated with the Heritage Functional Plan required in Policy CH-13. Once completed these plans will, among other things, address and clarify issues surrounding heritage protection and new development. In the interim, Policy CH-2 will provide guidance for development abutting heritage properties. It is not the intent of this policy to require that new development replicate the appearance of abutting federally, provincially or municipally registered heritage structures, but rather to require innovative design solutions that incorporate architecture, place-making, and material selection of the highest quality that are appropriate in relation to their abutting neighbours.

CH-2 For lands abutting federally, provincially or municipally registered heritage structures, HRM shall, when reviewing applications for development agreements, rezonings and amendments pursuant to secondary planning strategies, or when reviewing the provision of utilities for said lands, consider a range of design solutions and architectural expressions that are compatible with the abutting federally, provincially or municipally registered heritage structures by considering the following:

- (a) ensuring that new developments respect the building scale, massing, proportions, profile and building character of abutting federally, provincially or municipally registered heritage structures by ensuring that they:
 - (i) incorporate fine-scaled architectural detailing and human-scaled building elements within the pedestrian realm;
 - (ii) consider, within the pedestrian realm, the structural rhythm (i.e., expression of floor lines, structural bays, etc.) of abutting federally, provincially or municipally registered heritage structures; and
 - (iii) any additional building height proposed above the pedestrian realm mitigate its impact upon the pedestrian realm by incorporating design solutions, such as setbacks from the street wall and modulation of building massing, to help reduce its apparent scale;
- (b) the siting of new developments such that their footprints respect the existing development pattern by:
 - (i) physically orienting new structures to the street in a similar fashion to existing federally, provincially or municipally registered heritage structures to preserve a consistent street wall; and
 - (ii) respecting the existing front and side yard setbacks of the street or heritage conservation district including permitting exceptions to the front yard

- requirements of the applicable land use by-laws where existing front yard requirements would detract from the heritage values of the streetscape;
- (c) minimizing shadowing on public open spaces;
 - (d) complementing historic fabric and open space qualities of the existing streetscape;
 - (e) minimizing the loss of landscaped open space;
 - (f) ensuring that parking facilities (surface lots, residential garages, stand-alone parking and parking components as part of larger developments) are compatible with abutting federally, provincially or municipally registered heritage structures;
 - (g) placing utility equipment and devices such as metering equipment, transformer boxes, power lines, and conduit equipment boxes in locations which do not detract from the visual building character or architectural integrity of the heritage resource;
 - (h) having the proposal meet the heritage considerations of the appropriate Secondary Planning Strategy, as well as any applicable urban design guidelines; and
 - (i) any other matter relating to the impact of the development upon surrounding uses or upon the general community, as contained in Policy IM-15.

For the purposes of Policy CH-2, the following definitions apply:

1. "Abutting" means adjoining and includes properties having a common boundary or a building or buildings that share at least one wall. Properties are not abutting where they share only one boundary point as opposed to a boundary line.
2. "Building scale" means a building's size relative to another building's size, or the size of one building's elements relative to another building's elements.
3. "Massing" means the way in which a building's gross cubic volume is distributed upon the site, which parts are higher, lower, wider, or narrower.
4. "Proportion" means the relationship of two or more dimensions, such as the ratio of width to height of a window or the ratio of width to height of a building or the ratio of the height of one building to another.
5. "Profile" means a building's cross-sectional shape or the shape of its outline.
6. "Building character" means the combined effect of all of the architectural elements of a building or a group of buildings.
7. "Human-scaled building elements" means a range of building details from small (masonry units, doorknobs, window muntins, etc.) to medium (doors, windows, awnings, balconies, railings, signs, etc.) to large (expression of floor lines, expression of structural bays, cornice lines, etc.).

8. "Street wall" means the vertical plane parallel to the street in which the front building facades of the majority of the buildings along a street are located.
9. "Pedestrian realm" means the volume of space enclosed by the horizontal plane of the street and sidewalks, and the vertical planes of the facing streetwalls. The height of this volume is determined by the height of the base of the adjacent buildings as defined by a major cornice line or by the point at which a building's massing is first stepped-back from the streetwall. Where cornice lines or setbacks do not exist, the height will be generally two to five stories, as appropriate.

ATTACHMENT E

MINUTES OF THE SEPTEMBER 5, 2007, PUBLIC MEETING

HALIFAX REGIONAL MUNICIPALITY

DISTRICT 12 PLANNING ADVISORY COMMITTEE
SEPTEMBER 5, 2007
PUBLIC MEETING MINUTES

PRESENT: Ms. Heather Ternoway, Chair
Ms. Beverly Miller, Vice Chair
Mr. Clary Kempton
Councillor Dawn Sloane

ABSENT: Ms. Lucy Trull
Mr. Graeme Gunn
Ms. Katherine Perrot

STAFF: Mr. Paul Sampson, Planner I
Mr. Luc Oullett, Planner 1
Ms. Sheilagh Edmonds, Legislative Assistant

1. CALL TO ORDER

The Chair called the meeting to order at 7:04 p.m. in Halifax Hall, 2nd Floor, City Hall, 1841 Argyle Street, Halifax.

2. **CASE 00971- APPLICATION BY HALKIRK PROPERTIES LIMITED TO AMEND THE HALIFAX MUNICIPAL PLANNING STRATEGY AND HALIFAX PENINSULA LAND USE BY-LAW to Include the Southern Portion of the "Keith's Brewery" Lands, Bounded by Lower Water, Bishop, Hollis and Salter Streets, Within the Central Business District and CBD Sub-area of the Halifax Waterfront Development Area and to Enter into a Development Agreement for a Mixed-use Development**

A staff report dated June 12, 2007, originally submitted at the July 3, 2007 Regional Council meeting, was submitted.

The following correspondence was submitted:

- A letter dated August 30, 2007 from Michael S. Ryan, Q.C., Cox & Palmer.
- An E-mail letter dated September 4, 2007 from David Mercer, Halifax.
- An E-mail letter dated September 5, 2007 from Judith Fingard, Halifax.

Paul Sampson, Planner 1 advised that this meeting was an opportunity for the public to hear and provide feedback to the request by Halkirk Properties Limited for proposed amendments to the Halifax Municipal Planning Strategy and Land Use Bylaw and to enter into a Development Agreement of the southern portion of their lands. Mr. Sampson added that staff was looking for feedback on the overall broad proposal to amend the planning strategy, specifically the boundary by the Central Business District (CBD) and Waterfront Development area. As well, he advised that staff would like to receive comments on the particulars of the development proposal.

Additional points noted by Mr. Sampson were as follows:

- the process was initiated by Regional Council in early July.
- the zoning of the properties is C2.
- there is a view plane which runs across most of the property with the exception of a small part in the southern portion; the proposal does not affect the view plane in terms of building heights.
- staff have put forward the suggestion to amend the Central Business District (CBD) boundary, the result of which will enable Council to consider proposals of greater height
- the staff report also recommended that if Council wished to consider approval of the application, then it should also consider moving the boundary

Mr. Sampson advised that the process for this application is as follows:

- Peninsula Community Council will be responsible for approving the Development Agreement, but Regional Council will have to approve a boundary change first

- Regional Council and Community Council would first make a decision whether or not to hold a public hearing; and Council is under no obligation to hold a public hearing when it comes to amendments to Planning Strategy.
- If a public hearing date is set, it will be a joint public hearing of Regional Council and Community Council, and if the amendment to the Planning Strategy is approved then the amendment goes to the Province for review.
- A decision of Council to amend the Planning Strategy is not appealable--the appeal process applies to the Development Agreement and Community Council's decision.

Mr. Bill Campbell addressed those in attendance and advised that he was representing Halkirk Properties this evening. Mr. Campbell elaborated on the proposal, noting:

- this is a revised proposal from what Council dealt with in 2003.
- the development proposal is predominately residential, and the CBD allows for residential development.
- there is a lot of emphasis on the street, and it is well mannered to heritage properties and the pedestrian environment.
- the site is within the Brewery District; the intent of the proposal is that the architectural detailing will read as one unit in the district.
- there will be substantial renovation to Keith Hall, and this will be subject to review by the Heritage Advisory Committee.
- views from Citadel Hill or from high elevations will see a landscaped roof.
- an archeological investigation of the site will occur, similar to what took place in the Salter's Gate development.
- Phase 3 of the proposal which involves the longshoremen's building is not included in this application.
- the proposal, which includes three buildings will have 119 dwelling units; parking is under-building with access from Lower Water Street, and Bishop Street; there will be 140 resident parking spaces and 93 commercial spaces.
- density is 100 persons per acre.
- the current building is 21 stories high as opposed to the 27 story building presented in 2003; 130 units were proposed in 2003, and now they were proposing 119.
- in 2003 the proposal was more tower shaped, whereas, the current proposal has the building articulated on the corners and stepped back--this will have less implication on wind and design.
- there is provision for both permanent and temporary market use in the building
- the street wall on Lower Water street matches up with Bishops Street and the Bishops Landing development.
- the completion of the development will better define the views on Lower Water Street and up Bishop Street.
- materials that will be used include: ironstone, granite, sandstone, and brick
- Keith's Hall will see restoration with sandstone and an additional storey; this will be a substantial alteration to a heritage structure, therefore, this will go to the Heritage Advisory Committee.
- one portion of the site will be under demolition, but it is not a registered building.
- an updated wind analysis, to reflect the new building, has been done and this information will be supplied to staff; wind tunnel tests will be carried out on the new plan and this will also be submitted to staff; a shadow analysis has been completed and submitted to staff.

The Chair pointed out that, within the site under discussion this evening, there is one property that is not owned by Halkirk and, therefore, is not part of the proposal.

Mr. Campbell responded to questions from the Committee.

The Chair then invited any members of the public who wished to speak on this matter, to come forward at this time.

The following persons spoke:

Louis Lemoine, Spryfield. Mr. Lemoine spoke in support the development, advising that it should have been approved five years ago. He added that this was the kind of development Halifax needs, and that it has been successful in other big cities. Mr. Lemoine also advised that he did not think that the proposal to extend the CBD went far enough.

Alan Ruffman, Ferguson's Cove. Mr. Ruffman questioned what staff saw as the advantage in proposing the change to the CBD.

In response, Mr. Sampson clarified that the staff proposal was to change a boundary, which currently runs through the middle of the property, to follow the streets. He explained that the boundary runs down Hollis Street, to Bishop Street, and along Lower Water Street and back. The change would, essentially, include the southern portion of the site in the boundary. He pointed out that this option was put forward by Halkirk, but it is not the only option that Council could consider.

In response to further questions by Mr. Ruffman, Mr. Sampson clarified the following points:

- the development agreement process is in place;
- the staff suggestion to Council, as contained in the report is that, if Council wishes to consider the Development Agreement, then it should consider amending the boundary of the CBD.
- the CBD and the Halifax Waterfront Development area overlap, and it is the policies of the Waterfront Development area that take precedence
- the proposed change would place the whole property within the CBD south area of the Waterfront Plan, instead of the southern sub area of the Waterfront Plan.
- the use will be primarily residential.

Frank Metcalf, Halifax, indicated that his firm was the principle tenant in the Benjamin Weir House, which is owned by Sable Offshore House Limited. He advised that the house is located within the proposed development area but is not owned by Halkirk. Mr. Metcalf added that it came as a surprise to him that the Benjamin Weir House would be included in the application to amend the CBD. He indicated that he was speaking on behalf of Sable Offshore House Limited and they do not want to be included in the CBD. He also expressed concern that this change would result in an increase in taxes or levies and that his building would be dwarfed by the proposed development. Mr. Metcalf questioned if he could receive a copy of the Shadow Study.

Mr. Sampson noted that any studies that are submitted in relation to this application are available to the public, and may require a small fee to cover photocopying charges.

Councillor Sloane referred to Mr. Metcalf's concern about a possible increase in taxes and suggested that, if he wished, she could send his information to staff, and they could provide him any information on the financial implications.

Jill Robinson, Halifax. Ms. Robinson expressed concern about CBD 'creep' and the impact on taxation, noting that she already has a heavily taxed building.

Marsha Parker, Halifax. Ms. Parker read and submitted her presentation. In her submission she expressed concern that the proposed development would have on an area of such historical significance as Bishop's Street and the residence of the Lieutenant Governor. She also expressed concern that the amendment to the CBD would result in further southward extension of commercialism into residential neighbourhoods. Ms. Parker noted that the downtown streets receive very little sunlight due to their north/south configuration, and ensuring that residences do not have sunlight blocked is another reason for placing limits on the height of buildings. She concluded her remarks by advising that something interesting and sympathetic could be built on the land in question without the need for extending the CBD.

In response to further questions from the Committee, Mr. Sampson provided the following clarification:

- staff is of the opinion that the proposal did not meet the policies, specifically those of the southern sub area. An application can be made through the development agreement process, under current policies, and if Council were to approve it under existing policies, it would be subject to the appeal process.
- an application for Development Agreement can be made today without the amendment—and this would be subject to the appeal process. In the staff report, staff recommend that Council consider amendments to the planning strategy if they want to consider approval of this project—this is not to say that it could not go forward under the current MPS.

To further clarify, the Chair explained that, whether the Plan Amendment goes ahead or not, the applicant can still apply for a development agreement.

Howard Epstein, MLA, Halifax Chebucto addressed the Committee and noted that, only if the CBD boundary is changed, then the developer might be able to meet plan policies. Mr. Epstein provided the following comments:

- the development application approved in 1981 is still in force and he requested the Planning Advisory Committee recommend to Regional Council to discharge the 1981 Development Agreement.
- suggested the Planning Advisory Committee give consideration to the criteria that should be used when considering whether to change the Plan. Recommended they use the test the Ontario municipal board uses, which is the following question: '*is the proposal good planning in the public interest?*'
- suggested that crucial information was missing, such as the Utility and Review Board's comment on the result in the United Gulf case and the Halifax by Design

project. This proposal is premature and should not be considered until the result of these planning projects are known.

- market studies to determine if there is a preference for residential or commercial are missing.
- there is an abundance of available spots currently available for commercial and residential development in the CBD already without altering the boundaries.

Alan Ruffman addressed the Committee once again and made the following points:

- the 1983 boundary change had the boundary going through the middle of St. Matthews Church but staff did not think to change this.
- it appears the boundary change staff was recommending with this project was only to facilitate the development proposal.
- questioned whether this was going to be the only public meeting on this matter, suggesting that another meeting for the Development Agreement proposal should be held.
- staff said the CBD amendment was something that Regional Council would approve, but that the DA would be approved by Community Council. He questioned whether this was correct adding that it was his understanding that Regional Council took away Peninsula Community Council's ability to make these approvals.

A brief discussion ensued concerning whether both aspects of the application would be dealt with by Regional Council or whether Peninsula Community Council would be dealing with either part or the entire application. Mr. Sampson advised that he would check and clarify the correct process. With regard to an additional public meeting, Mr. Sampson advised that usually only one public meeting is held prior to the public hearing, and that generally a second one is only held if the proposal changes substantially.

Elizabeth Pacey, Halifax. Ms. Pacey provided a presentation on the historic aspects of the streetscape and neighbourhood which surrounds the property in question, noting in particular the many examples of Georgian Architecture. She expressed concern about the impact of the proposed tower on the neighbourhood, which includes Government House, and suggested that a proposal needs to be more sympathetic to the area.

Michael Goodyear, Halifax. Mr. Goodyear advised that he lived in the neighbourhood and was concerned about the impact the development would have on the sensitive streetscape. He suggested that consideration needs to be given to the impact it will have on the overall neighbourhood.

Colin Whitcombe, Halifax. Mr. Whitcombe referred to the arcades used in the design of the proposal and suggested they were not successful in creating an intensification of commercial uses of the streetscape. He questioned what purpose they serve adding that they do not create a good urban fabric.

In response, Mr. Campbell advised that the arcade in the proposal on Lower Water Street has a commercial street behind it, and parking behind the street.

The Chair noted that there is a policy in the MPS which states that weather protection should be provided for pedestrians at street level. She suggested that the arcades may be one solution to this.

Sonya Salisbury Murphy, Halifax, advised that she did not like the arcades as she felt they were unsafe, and suggested that increasing them is not a good idea in the downtown.

Linda Frank, Halifax, expressed concern that changing the CBD would lead to other high rise buildings.

Phil Pacey, President of Heritage Trust. Mr. Pacey suggested that consideration be given to dealing with the two aspects of the application separately in order that the public would have a full opportunity to comment on both. He noted that the amendment to the CBD is a legislative matter and that the Development Agreement is a quasi-judicial matter. Mr. Pacey went on to add that he did not support the boundary change and that the request appears to be driven by a private property owner. He added that this was not good public policy and the proposal was out of scale with the neighbourhood. He cited the Bishop's Landing development as an example of a proposal that is in scale with the neighbourhood; is less expensive; and is an environmentally friendly development.

David Murphy, Halifax. Mr. Murphy indicated that he supported Halkirk's idea of including a market place and creating something that will encourage people to move downtown. He added that the downside of the proposal was its bulk and that he was opposed to a change in the CBD.

Steve Lockyer addressed the Committee and advised that he was a partner in Halkirk Properties Limited. Mr. Lockyer noted that when Halkirk bought the Brewery property, it brought it back into Nova Scotia hands. He indicated that they have gone out of their way to ensure this proposal complements the area and are aware of the heritage aspects of the neighbourhood. Mr. Lockyer also pointed out that the renovations planned for Keith Hall will be very expensive and the proposed development will make this economically feasible.

In response to questions by Alan Ruffman, Mr. Lockyer clarified the following points:

- Keith Hall will be one floor higher - the same as it was in the 1950's.
- Keith Hall will not be public space.
- The public space for this development is removed from the street.

Councillor Sloane pointed out that there have been very few comments on the development and she suggested that the Planning Advisory Committee could work on setting up another meeting to get feedback on this part of the application.

Tony Thompson, Halifax asked if changing the boundary would "take the lid off" for other development.

In response, Mr. Sampson advised that, currently, the Development Agreement process is available to any building up to 25 ft. in height. To date, there is no staff recommendation on this proposal; and that staff have only recommended initiating the process.

Jim Lawley addressed the Committee advising he was with Halkirk Properties Limited. Mr. Lawley emphasized that he has a great respect for the architecture of this area, and he pointed out that the restoration of Keith Hall will cost millions of dollars. In addition, he noted that Halkirk intends to use materials that are in keeping with the neighbourhood, but this will be very expensive and the development, as proposed, will offset these costs.

Tia Tsu Thompson addressed the Committee and indicated that she operated store of Chinese products at the intersection of Bishop Street and Lower Water Street. Ms. Thompson advised that her business has been established for five years but that she sees almost no one in her shop from the surrounding developments. She suggested that many of the residents in the surrounding condominiums are people who are affluent and live elsewhere for extended periods of time. She added that the prices of the units preclude a lot of local people from buying and living there full time.

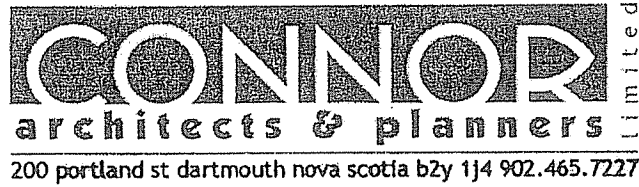
3. CLOSING COMMENTS

The Chair thanked everyone for coming out this evening and providing their comments.

4. ADJOURNMENT

There being no further business, the meeting adjourned at 9:20 p.m.

Sheilagh Edmonds
Legislative Assistant



Case 00971
Attachment F

DRKR
1498 Lower Water Street
Halifax, Nova Scotia
B3J 1R9

Attn: Chris Young

February 27, 2008

Re. Halkirk Sun Study Explanatory Note

The times indicated on the following tables are approximate and illustrative of moving shadows. The tables should be read while viewing the moving animations of the shadows. These moving shadows are a dynamic entity and are generally not covering all of an area for the times, durations and locations listed on the tables.

The durations should be considered in the context of hours of illumination for each of the four dates shown on the tables. The four dates on the tables are 21 March and 21 September which are days with approximately equal hours of daylight and darkness, the 21 June which is the day of the longest daylight period of the year and 21 December which is the shortest daylight period of the year. Days falling between two successive dates can be interpolated.

Regards;

Peter Connor, Principal
Connor Architects and Planners Limited



Name/Date	Time(s)	Shadow location/ Characteristics
Spring & Fall Equinoxes	6:15	Sunrise.
	7:30	Halkirk Alexander shadow discernible.
21 March & Sept.	7:30	Across Spring Garden Rd. to Doyle St.
	7:30-8:00	Across Spring Garden Rd. to Market St. sidewalk at edge of Public Library.
	8:00-8:30	Recedes down Spring Garden Rd. to Barrington St. and across n.e. corner of Lt. Governor's res.
	10:30	Crosses Hollis St. onto Brewery Market Complex.
	10:45-1:45	Remains within Brewery Market Complex.
	1:45-2:15	Crosses Lower Water St.
	3:45	Crosses into Bishop's Landing courtyard.
	4:45	Joined by Bishop's Landing shadow in courtyard.
	5:15	Remains on Bishop's Landing courtyard.
	6:00-6:30	Cast on east end of Bishop St. and onto Harbourfront boardwalk, stays until sunset.
	6:29	Sunset (total hours of illumination - Sunrise to Sunset: 12.23 March 21 and 12.21 September 21)

N.B. Subtract approximately 15 minutes from the above times for the Fall Equinox, 21 September.

Name/Date	Time(s)	Shadow location/ Characteristics
Summer Solstice	4:29	Sunrise.
	6:00	Halkirk Alexander shadow discernible.
	6:00	Cast along Bishop St. to middle of Dalhousie Sexton campus.
21-Jun	6:00-10:00	Moves through Sebastobol Cemetery and Lt. Governor's residence to n.e. yard on Hollis St., crosses Barrington St. at Sebastobol monument at 7:40.
	10:00	Cast onto Hollis St.
	10:30-2:30	Remains within midblock of Brewery Market Complex.
	2:30-3:30	Cast onto Lower Water St. and onto Bishop's Landing courtyard.
	5:15/6:30	Onto Bishop's Landing Parking lot at east end of Bishop St. / harbourfront boardwalk.
	6:30-7:30	Onto Electropolis Complex parking.
	7:30-8:05	Joined with shadow from maritime Centre.
	8:05	Sunset (total hours of illumination - Sunrise to Sunset: 15.6)

Name/Date	Time(s)	Shadow location/ Characteristics
Winter Solstice	7:50	Sunrise.
21-Dec	8:45	Halkirk Alexander shadow discernible
	8:45	Top of shadow touches Barrington St. near Sackville St.
	9:45	Crosses Salter St at Hollis St.
	10:00-11:00	Remains on Brewery Market Complex.
	11:15-11:45	Crosses Lower Water St. at Salter St.
	11:15-3:30	On Centennial Universal property with shadow on proposed skating rink and harbourfront boardwalk at 2:00.
	3:30	Halkirk shadow no longer discernible.
	4:37	Sunset (total hours of illumination - Sunrise to Sunset: 8.78)

COX & PALMER

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August 30, 2007

BY HAND AND BY FAX (490-6323)

Wayne Anstey Q.C.
Deputy Chief Administrative Officer - Operations
Halifax Regional Municipality
City Hall
Halifax, NS

Dear Mr. Anstey:

RE: Case 00971- MPS and LUB Amendments for the Halkirk

I write on behalf of Sable Offshore House Limited, the owner of Benjamin Weir House, 1459 Hollis Street, Halifax, designated as a historic property by Province of Nova Scotia and HRM. The building is occupied principally by Metcalf and Company, Barristers.

My client has received notice of a public meeting scheduled for September 5, 2007 at 7pm in Halifax Hall, but had no opportunity for any input before your submission to Regional Counsel.

The documents provided by the applicant, Halkirk Properties Limited, in support of its application are inaccurate and misleading in a number of respects. The application, if granted, will prejudice my client.

The site information on the Proposal Fact Sheet does not indicate that Lot A-1A is owned by a company and/ or shareholders related to Halkirk nor does it indicate that the lot at the corner of Hollis and Bishop Streets was and may still be owned by the wife of one of the principals of Halkirk and also that the lot immediately to the North (the Longshoremen's property) is owned by either Halkirk or a related company. Effectively Halkirk, a related company or individual owns the entire block, save for 1459 Hollis Street. My client has every expectation that Halkirk will want to build on the Longshoremen's property and the lot

Michael S. Ryan, Q.C.

Peritor

Main Line 902 421 6262 Direct 902 491 4221

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Corporate Box PO Box 2380 Central Halifax NS B3J 3E5

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August 30, 2007

directly to the south of it. Effectively my client will be isolated on the block. Any suggestion which Halkirk may have made to HRM staff that there are active negotiations between my client and Halkirk for the sale of 1459 Hollis Street or that there is any agreement between the parties to the proposal to extend the boundary of the CBD south would be inaccurate.

Map 2 prepared by Halkirk's architects shows my client's property as included in the CBD if the application is granted. My client opposes the inclusion of its property in the CBD. My client has no knowledge of the implications of being included in the CBD and my client's tax rate may increase. Map 2 gives the impression that my client has no objection to this and in fact acquiesces. However, the reality is that my client has not had the opportunity to make representations to HRM staff before the submission of the report authored by you and Mr. English dated June 12, 2007.

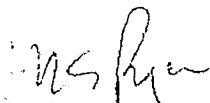
Attachment "A" is misleading since it gives the impression that my client's property is owned by Halkirk. There are no suggestion to the contrary in the notice or in the June 12 submission.

My client wants to make representations so that Staff is fully aware of its position before the Public Meeting and we insist that Chair of the Meeting makes this clear to the attendees and moreover that all documentation to be disseminated at the Public Meeting makes this clear. If this can't be accomplished before the Meeting then we urge that it be adjourned.

I left a message this morning on your voice mail but as of yet have not heard from you.

I would be grateful for a prompt response considering the timing of the Public Meeting.

Yours very truly,


Michael S. Ryan

MSR/sw

From: "David Mercer"
To: <clerks@halifax.ca>
Date: 04/09/2007 11:00:52 pm
Subject: Mayor Kelly, Members of Council and Members of District 12 Planning and

Mayor Kelly, Members of Council and Members of District 12 Planning and Advisory Committee,

I am concerned about the proposed 21-storey building at the corner of Bishop and Lower Water Streets. I understand that it is to be built in the shadow of the Aliant building, thus circumventing the sight-lines by-law. There is more to consider than just the view of Georges Island from the Citadel.

Government House is one of the most beautiful Georgian buildings on the continent. Although originally meant to be the rear of the building, the side facing Barrington Street, with its rounded wings, is particularly beautiful. The view from Barrington Street of this magnificent building will be spoiled by any building tall enough to be seen above the roofline of Government House.

I live on Hollis Street, and must frequently battle the winds swirling around the Aliant building. Perhaps it is these winds that make the Renaissance of Barrington Street so painfully slow. I do not want to have to face similar winds at the corner of Bishop and Lower Water.

Although I agree that more people must be encouraged to live downtown, they do not have to live in buildings completely out of scale with their neighbours. A building, yes, but of moderate size.

One more thought: once the inhabitants realize how plagued the area is by truck and bus traffic they might move to Hammonds Plains. Many are those who would prefer to cause traffic problems rather than endure them.

I urge you to accept this building but at a height that will not destroy the view of Government House from the sidewalks of Barrington Street.

Sincerely,
David Mercer
504-1343 Hollis Street
Halifax NS B3J 1T8

Former Police Officer Paul Gillespie's TAKE BACK THE INTERNET tips and tricks, watch the video now <http://safety.sympatico.msn.ca/>

Jennifer Weagle - Fwd: Proposed Halkirk Tower

From: Clerks Office
To: Jennifer Weagle
Date: 05/09/2007 9:00 AM
Subject: Fwd: Proposed Halkirk Tower

Please forward these comments re the proposed Halkirk Tower to the Mayor, Members of Regional Council, Members of District 12 Planning Advisory Committee, and Members of HRM Staff.

As I am unable to attend the public meeting on this matter on September 5, I am asking you to consider five questions with respect to this proposal. My answer to each of them is 'no'. I also stand behind the Municipal Planning Strategy which protects the majority of citizens against insensitive development schemes.

- 1) Is it politic to destroy the outlook, surrounding views, and privacy of Government House, one of our historic jewels of architecture?
- 2) Is it appropriate to eliminate the afternoon sun currently enjoyed by residents to the east of the proposed tower, citizens who pay hefty property taxes or rents?
- 3) Is it reasonable to destroy yet another harbour view from Citadel Hill and infringe on important views of city landmarks from the harbour?
- 4) Is it desirable allow a tower of this massive scale when residents and visitors alike have already to endure the nearby eyesore known as the Aliant Tower?
- 5) Is it fair that some developers follow the Municipal Planning Strategy and others are allowed to violate it?

I hope you will protect the citizens of peninsular HRM against such an edifice and abide by the guidelines we have relating to the protection of heritage areas and vistas. _

Sincerely,
Judith Fingard
6061 Jubilee Road
Halifax B3H 2E3.

From: "Philip Pacey" <philip.pacey
To: <sampsop@halifax.ca>
Date: 05/10/2007 1:25:30 pm
Subject: Proposed CBD boundary change

Mr. Paul Sampson
Planning Services
Halifax Regional Municipality

Dear Mr. Sampson:

I am writing on behalf of the board of the Heritage Trust of Nova Scotia with some comments on the proposal by Halkirk Properties Limited to amend the Halifax Municipal Planning Strategy (MPS) and Land Use By-law to include the southern portion of the Keith's Brewery lands in the Central Business District and CBD Sub-Area of the Halifax Waterfront Development Area.

The Trust believes it would be preferable to treat the expansion of the CBD and a development agreement for a specific building proposal as separate items by staff, by the District 12 Planning Advisory Committee and by Regional Council. The expansion of the CBD would be a legislative change. The development agreement would be a quasi-judicial matter. These two matters are clearly different, and would be difficult to combine on the same agenda.

Different sets of policies would apply to the development agreement if the boundary change is approved or not approved. Combining the matters on the same agenda would create a confusing situation. Only when it is known how Council and the Province deal with the boundary change, would it be possible to turn with clear minds to a development agreement.

As you know, council rules limit each speaker at a public hearing to five minutes. In that time, it would be very difficult for a member of the public to comment both on the boundary change and on the development agreement. With respect to the development agreement, it would be necessary for a speaker to comment on the policies applicable if the boundary is changed, and also on the policies applicable if the boundary is not changed.

I hope you will accept this separation. This letter will comment on the boundary change alone. The Trust would like the opportunity to comment further on the development agreement as well, if and when this is considered.

Here are some reasons why the boundary change is undesirable:

1. The MPS is a public document and should only be amended when there is a good public purpose. It ought not to be amended for the private purposes of one landowner. The change to the boundary would appear to benefit Halkirk at the expense of the neighbours. There are many other places where boundaries pass through a property holding or do not coincide with streets. There is not a good public policy or planning reason for this change.
2. The boundaries of the CBD have historical significance. Halifax was originally a palisaded, garrison town. The southern palisade roughly corresponded to the current position of Salter Street. Within the palisade the town plan consisted of small, regular blocks. Outside the palisade the lots were larger and the land use differed. Different planning regulations are needed today for the small blocks than are needed for larger blocks.
3. Amending the CBD boundary to include this site would create a geometrical oddity. In effect a tongue of new CBD land would extend south from the present CBD.

4. The Heritage Trust proposed in 2002 that the Old South Suburb, the area to the south of the original palisade, be officially protected as a heritage conservation district under the Heritage Property Act. Keith Hall and the Brewery were specifically included in the proposed district. In 2003, the Heritage Advisory Committee endorsed this idea. On March 18, 2003, HRM Regional Council requested staff to investigate this proposal. This is an extremely important heritage district. These blocks contain fine Scottish Georgian Houses, including the Rupert George and Gate Young houses, Prior Terrace and the Morris Streetscape. A number have five-sided oriel dormers, and are the earliest examples of this building type in North America. This area uniquely says "Georgian Halifax" to the world. The request to establish a heritage conservation district should be given priority over the later request by Halkirk.

5. The area affected by the proposed change has more in common with the residential areas to the east (Bishops Landing), south and west (Government House) than it does with the CBD. Expanding the CBD would open up this land to several other CBD uses. These uses would be inappropriate in the midst of a Georgian residential neighbourhood.

If you have any questions, please do not hesitate to call me at 494 3334. I hope you will recommend rejection of the CBD boundary change.

Yours sincerely,
Philip Pacey
President
Heritage Trust of Nova Scotia
PO Box 36111, RPO Spring Garden
Halifax, B3J 3S9



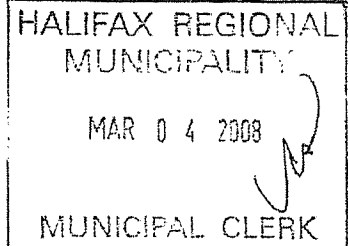
GEOMARINE ASSOCIATES LTD.

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phone (902) 477-5415

REF. NO.

Brewery
Lands

February 27, 2008



Clerk
Halifax Regional Municipality
P.O. Box 1749
Halifax, Nova Scotia B3J 3A5

Dear Ms./Sir

The enclosed letter of September 7, 2007 was sent to Ms. Ternoway and to the Members of the District 6, Planning Advisory Committee, c/o your office. Could I please verify that this letter did get distributed to Ms. Ternoway and to members of the P.A.C.? I have had no acknowledgement or reply to this letter, and I am concerned that it may have gone astray and/or may now be forgotten. On p. 3 I specifically requested an acknowledgement of the letter's receipt.

I am afraid my requests on p. 2 and p. 3 are as yet unfulfilled and may devolve onto your office as a result of the apparent inaction by the Vice-Chair of the P.A.C. Could I please ask you and your office to look into this matter?

Regards,

Alan Ruffman, P. Geo
President

encl



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phone (902) 477-5415

REF. NO.

Brewery Lands

September 7, 2007

Heather Ternoway, Vice-Chairperson
and Members
District 6, Planning Advisory Committee
c/o City Clerk for distribution
Halifax Regional Municipality
P.O. Box 1749
Halifax, Nova Scotia B3J 3A5

Re: Case 00971, the proposed "Alexander" tower and podium on the Halkirk
Brewery lands at Bishop Street end of the property, downtown Halifax

Dear Heather,

The mailed notice re the Wednesday, September 5, 2007 public information meeting on Case 00971 re Halkirk's plans for a portion of the southern end of their lands emphasised the proposed amendment to the Halifax Municipal Planning Strategy to expand the Central Business District (CBD). And indeed Mr. Paul Sampson's opening presentation concentrated on the mechanics of this possible CBD boundary change, and he freely admitted that it was the staff that proposed this CBD change -- and indeed your minutes of this meeting should show this statement which was made several times during the meeting. In fact I believe that Mr. William Campbell who spoke for Halkirk also indicated this and, if he did, then the minutes should also reflect this.

There was considerable confusion over the reason for, and possible value of, the possible CBD boundary change. The division of a property under single ownership was given as one reason by Mr. Sampson. Really! Yet 1479 Barrington Street and 1479 Lower Water Street are intersected by the CBD boundary right now, and would remain so.

There have only been two adjustments to the CBD. The first occurred prior to the 1978 plan being approved, and was the inclusion of the Maritime Centre. Thus prior to the three successful appeals that Milo Riding and I (and the Ecology Action Centre on one occasion) took to the then-Nova Scotia Planning Appeal Board to defend the Municipal Development Plan, I think I am correct in recalling that the southern boundary of the CBD, hence the northern boundary of the Southern Subarea of the Halifax Waterfront Development Area to the east of Hollis Street, ran down Spring Garden Road to Barrington Street and then ran through 1429 Barrington Street to Hollis Street where it jogged to the north and then ran down the middle of Salter Street to the Harbour. Am I correct here? I distinctly recall Frank Medjuck and Peter McDonough leading the Planning Appeal Board through a long discussion as to whether their Marine Towers property at 1521 Lower Water Street was "immediately adjacent" to the CBD. It wasn't, because their lands were separated by a narrow sliver of the south half of Salter Street from Lower Water Street to the Harbour, and the Board rejected this argument of Marine Towers.

Milo and I won those appeals because we were correct, and the Municipal Development Plan of the day did not allow all-commercial, or mainly commercial, buildings south of Salter Street in the Southern Subarea of the Halifax Waterfront Development Area.

Staff and Council of the day recovered from their three successive defeats at the hands of the N.S. Planning Appeal Board by changing the plan to alter the CBD boundary to run right to the harbour as an eastward prolongation of the southern property boundary of the MT&T property, thus bisecting two other properties to the east. Actually I suspect that they bisected three properties, since I believe that then, and perhaps even now, the old brewery lands comprised at least six different properties.

Is my recollection correct? Could I please request through you a copy of the staff reports, attached maps and text that accompanied the 1983 presentation(s) to Council prior to their enthusiastic acceptance of the CBD boundary change to get around the Riding/Ruffman successful planning appeals? Yes, they neatly included the Clarence Investments Corp. (ManuLife) and the Marine Towers Ltd. (Medjuck) properties at 1521 and 1505 Lower Water Street (respectively) in the CBD. Council then fell over itself to approve the exact same buildings defeated at the Planning Appeal Board but a year or two earlier. Subsequent Councils then extended and reapproved several buildings for the Marine Towers lands but, despite the CBD boundary change in 1983 "to relocate the reapproved subject sites from the Southern Sub-Area to the CBD Sub-Area of the Halifax Waterfront Development Area in order to accommodate future development proposals for those sites" (an exact quote from the July 3, 2007 staff report prepared by Mr. Paul Sampson to justify the proposed 2007 CBD changes 24 years later), neither Clarence Investments Corp. or Marine Tower Ltd. were able to get their towers and commercial ventures off the Bloor Street architect's page! ←

Mr. Sampson's staff report of July 3, 2007 on p. 2 notes under the "Synopsis of the Proposed Development" that the CBD boundary change "would also entail a change in land use designation from residential to commercial (p. 2) ... The purpose of the boundary change is to enable consideration of a development agreement for a specific mixed use development on the lands, ..." (p. 3). Well, as numerous people noted on Wednesday past, and as Mr. Sampson himself agreed, the present zoning already "enables [the] consideration" of such a "specific mixed use development on the lands" -- Just as Mr. Spatz did across Lower Water Street, as did Mr. Ryan to the south at Morris Street, and as did the two owners directly across from Halkirk's lands on Bishop Street to the south. Now isn't that interesting? Not one of these four owners, all of whom have built and have occupied, leased, rented or sold their components quite well, came to the City to get a CBD change in the development approval process -- and nor did staff suggest it as a vehicle to get the proposals through, as far as we know.

Towards the end of the meeting on September 5th as you attempted to interpret what Mr. Sampson gave as an explanation of the result of the possible CBD change to put all the Hollis/Bishop, Lower Water Street lands in the altered and expanded CBD, you forgot to mention, as did he, the fact that "This would also entail a change in land use designation from residential to commercial." (p. 2, cited above). His "Synopsis" should have said more correctly, "This would also entail a change in land use designation from 'primarily' residential to commercial." You did not explain to the audience, and perhaps you did not fully appreciate, that when a Phase III is eventually proposed, it can be all

commercial, or all hotel, and certainly need not have any residential in it at all.

Indeed, the moment these lands are put in the CBD, the lands under application, Lot A-3, possibly a tiny portion of Lot A-2?, 1475 Hollis Street (Keith Hall), and Lot A-4 (the proposed 'Halkirk House') could be legitimately converted to all-commercial purposes or to hotel uses. If one were Machiavellian in one's thinking, the development proposal could quickly be withdrawn the moment the CBD change is made, and resubmitted with the 'Alexander' floor plans altered to change the building to a commercial office tower. "Ridiculous" you say -- "a developer would not ever do that" -- Well, I think that I can with very, very little work point you to condominium residential buildings in Calgary's CBD that have been converted to *de facto* all-commercial office buildings because more revenue could be made by renting them as commercial office space. If it were to happen on the southern end of this property, the C-2 zoning would prevail because, after all, "it is in the CBD"!

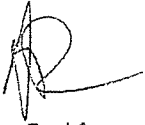
You are right, I do not think nearly enough thought has gone into the proposed CBD boundary change, or should I say that perhaps some rather devious, focused thought has prevailed? The CBD change in 1983 was, to say the least, 24 (and counting) years premature. Convince me that we have not used the same thinking again this time for the 'Alexander' proposal?

Will you please acknowledge the receipt of this letter, and please circulate it to all members of the District 6 Planning Advisory Committee? I would also appreciate the staff reports re the 1983 CBD change and to see if my memory is correct.

"Yes" I would like a copy of the draft Minutes of the September 5, 2007 public information meeting prior to the PAC approving the minutes so as to be able to let you know in writing whether I see any errors, or omissions. ←

"Yes", as the July 3, 2007 staff report states at the bottom of p. 2, I also recommend again that there be a public information meeting where the emphasis in the notices and presentations is not on the CBD boundary change, but rather on the proposed three buildings and the large podium on which the 'Alexander' is proposed to sit at Bishop and Lower Water Streets. The staff report says on p. 2 (bottom), "The proposed project includes a number of changes which will be brought out in subsequent public meetings and staff reports." There has been one public meeting and one staff report to date, and both focused on the CBD. In fact, the July 3, 2007 staff report contains zero discussion of the proposed new, or renovated, structures, and only the maps attached to the report give one any idea of these proposals. In fact, the staff report as given out to the public on September 5, 2007 nowhere gives the height of the 'Alexander', save to say that it is "lower in height ... than that proposed in 2003"! Or the number of units, or the number of parking spaces, or their location, etc. etc. The staff report of September 5, 2007 does not even mention the proposed renovation of Keith Hall and the addition of a fourth storey. I must ask, "What kind of a staff report is that for public distribution at a public information meeting?"

Regards,



Alan Ruffman, P. Geo.
President

- cc HRM Clerk, for distribution to all signees on the July 3, 2007 staff report on Case 00971, to District 6, PAC members, to HAC members, and to members of HRM Council as an attachment to the Minutes of the September 5, 2007 public information meeting once approved
- cc Milo Riding
- cc Heritage Trust of Nova Scotia, President and Board Members
- cc MLA Howard Epstein
- cc Ms. Amy Pugsley, *The Chronicle Herald*
- cc News Department, *The Daily News*
- cc Andy Fillmore, for distribution to the members of the Halifax By Design Task Force
- cc Jennifer Keesmaat, Consultant Team Leader, Halifax By Design
- cc Harold Madi, Consultant Team Leader, Halifax By Design