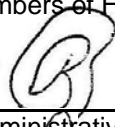


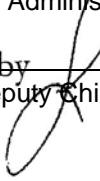


P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 17.1
Halifax Regional Council
December 8, 2015

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original signed by 
Richard Butts, Chief Administrative Officer

Original Signed by 
Mike Labrecque, Deputy Chief Administrative Officer

DATE: December 7, 2015

SUBJECT: **Encroachment Agreement – Proposed Pedway over Lower Water St.
between 1223 Lower Water St. & 5151 Terminal Rd., Halifax**

ORIGIN

Application by WSP Canada Inc. on behalf of Emera Inc.

LEGISLATIVE AUTHORITY

- *Halifax Regional Municipality Charter:*
 - subsection 324 (2) "The Council may, by by-law, regulate encroachments upon, under or over streets, including stipulating the period of time an encroachment may remain and the entering into of agreements, including terms and conditions, for particular encroachments."
 - subsection 232 (1) "The Municipality may not act in a manner that is inconsistent with a municipal planning strategy."
- By-law E-200, *Encroachment By-Law*
- *Administrative Order 15*, License Permits and Processing Fees Administrative Order
- *Downtown Halifax Secondary Municipal Planning Strategy*

RECOMMENDATION

It is recommended that Halifax Regional Council refuse to approve an Encroachment Agreement to permit the construction of a pedway across Lower Water Street, Halifax as shown on Attachment A.

BACKGROUND

WSP Canada Inc., on behalf of the property owner, Emera Inc., is seeking Regional Council approval to enter into an Encroachment Agreement to enable the construction of a new 85M (279ft) long elevated pedway across Lower Water Street between 1223 Lower Water Street and 5151 Terminal Road in Halifax (Map 1). Under the *Encroachment By-law*, Regional Council approval is required for any encroachments located upon, under or over the HRM street right-of-way. Encroachment Agreement annual fees are established by Administrative Order 15.

Proposal

The proposed pedway would connect the newly renovated and repurposed Nova Scotia Power Inc. (NSPI) office headquarters at 1223 Lower Water Street to Emera's new office headquarters at 5151 Terminal Road. These two office buildings employ approximately 1,200 staff who may travel between the two buildings as a regular course of their workday. Both office buildings contain publically accessible ground floor/atrium space, with a portion of 1223 Lower Water Street slated to become the new home of the Discovery Centre. The applicant's vision for integrating the proposed pedway with the overall NSPI/Emera/Discovery Centre development and the surrounding area is outlined on Attachments, B, C, and D.

Site Plan & Design Approval

The design of the pedway and associated exterior alterations to the buildings at 5151 Terminal Road and 1223 Lower Water Street were recently considered by the Development Officer and the Design Review Committee (DRC) through a Substantive Site Plan Application. The application was found to meet the requirements of the *Downtown Halifax Land Use By-law* (DHLUB) which include the provisions of the Design Manual, which calls for pedways to be highly transparent, low in profile and align with the east-west street pattern so as not to block views of the harbour. It is important to note that this component of the process did not consider planning policy and only reflected on the limited test of whether the pedway proposal met the built-form and design standards of the DHLUB, not the overall question on consistency with Regional Council's approved plan policies.

Engineering Context

The preliminary drawings of the pedway structure have been reviewed from an engineering perspective relative to HRM's operation and maintenance of the public thoroughfare and in particular, clearances and setbacks from the Lower Water Street right-of-way. In this regard, there are specifications that no supporting columns be present within the right-of-way. In addition, the vertical clearance of the pedway is to be a minimum of 5.3 metres and no less than the lowest clearance of the two existing pedways along the Lower Water Street corridor (includes Upper Water St. and Cogswell St.). Provided that these requirements are met, there are no engineering related issues with the pedway design at this stage. Further information about some of the key elements of the Encroachment Agreement is found in the Encroachment Agreement section of this report.

DISCUSSION

The Downtown Halifax Secondary Municipal Planning Strategy (DHSMPs) sets out the relevant planning policy and provides context for assessing the proposed pedway and related encroachment. The location of the proposed pedway and the lack of connectivity with the existing pedway system are concerns and the introduction of a pedway at this location would not be consistent with the vision for Precinct 1 of the Downtown as established by plan policy.

The DHSMPs addresses pedways through Policy 25 and in the corresponding preamble (Attachment E). It identifies the existence of a pedway system in Downtown Halifax, which provides year round interior connections between major downtown destinations such as shopping districts, office towers, hotels, and convention facilities. It also identifies that future pedestrian connections will be encouraged at the street level, with an exception provided for the continuation of the pedway system in conjunction with major

developments. While the proposed pedway will provide some connectivity, it is not an extension of the existing pedway system¹.

An emphasis on supporting pedestrian activity upon sidewalks and within other open spaces is also expressed in other sections of the DHSMPS, particularly within Precinct 1, which includes the subject site. The DHSMPS's vision for Precinct 1 states that the area is poised to become one of the downtown's most desirable neighbourhoods with exceptional street level vibrancy. It also identifies that Lower Water Street is to have great sidewalks, landscaping and a streetwall that emphasizes its meandering qualities. Further, the vision for Precinct 1 points to the creation of a strong linkage between the Halifax Harbourwalk and Cornwallis Park in concert with open space and streetscape improvements (Attachment E). The proposed pedway is not supportive of this vision.

If the proposed pedway were to be compared against design standards of other cities where this type of infrastructure is more commonly adopted into downtown streetscapes, there are a number of elements which would benefit from significant change or redesign. First and foremost within this list is the length of the connection. The pedway as proposed extends a total of 85 metres in length. Part of the issue is that the connection is not made between the portions of the building which are closest to one another, thereby extending the span longer than it needs to be. This also creates a need for support pylons to ground the span within the streetscape – an element of the design prohibited in cities like Calgary which have adopted a pervasive '+15 system'. These other cities also mandate public access to the bridges, direct entry from the street, as well as architecture which complements or highlights that of the principle building. Pedways of this nature can have a detrimental impact on the keys goals of maintaining desirable view corridors and activating the streets with pedestrians, and as such should be implemented only to the extent where they are of an outstanding standard of design and would provide a clear benefit to the public. While it is felt that the proposal could be improved upon, this is not currently assessed to be the case in the present design.

Conclusion

The substantive site plan application considered and approved by the Development officer and the DRC, was based on the limited consideration of whether the proposal was in keeping with the requirements of the DHLUB. The site plan approval process does not provide for the Development Officer or the DRC to make decisions or provide advice to Regional Council on the appropriateness of the pedway as an encroachment within the public street right of way. Regarding the appropriateness of the encroachment request, staff's advice to Council is based on the provisions of the *HRM Charter*, the Encroachment By-law and the Downtown Halifax Secondary Municipal Planning Strategy.

The DHSMPS envisions future pedways as an extension of the existing pedway system and places an emphasis on promoting pedestrian activity and connectivity at street level. As such, staff advise that the proposed pedway is inconsistent with the statements contained in the DHSMPS and therefore recommend that the proposed encroachment for the pedway should not be approved.

Encroachment Agreement

If Regional Council were to direct staff to consider approval of the Encroachment Agreement to facilitate the proposed pedway, staff would develop has prepared a proposed Encroachment Agreement (Attachment A), as per the *Encroachment By-law*. It contains requirements that:

- a) construction and maintenance of the encroachment are to comply with the Streets By-law, S-300;
- b) the encroachment is required to meet current HRM Municipal Design Specifications;
- c) the licensee is to be responsible for ownership and maintenance of the approved encroachment;
- d) if requested by HRM, the encroachment would be removed or relocated by the licensee and the area within the rights-of-way reinstated at their expense; and

¹ The existing pedway system in downtown Halifax connects the TD and CIBC towers to the Delta Barrington, which is connected by pedway to Scotia Square and Purdy's Wharf. Scotia Square is connected by pedway to the Trademart building and residential towers along Brunswick Street. Purdy's Wharf is connected by pedway to Casino Nova Scotia and the Marriott hotel.

- e) following construction, record drawings and related information are to be provided to HRM.

The Encroachment Agreement would be effective concurrent with the approval of Streets and Services permit. Design and construction details are to be finalized prior to the issuance of the Streets and Services permit for this pedway, however, the Encroachment Agreement may be approved with the information included in this report.

Annual Fee

The encroachment area of the pedway crossing over Lower Water Street is 107.5 square metres. In accordance with the *Encroachment By-law*, the encroachment would be subject to an annual encroachment fee of \$1,075.00 (\$10.00 per square metre).

FINANCIAL IMPLICATIONS

There are no financial implications related to the staff recommendation. Should Regional Council decide to approve the encroachment, cost centre R112-4912, Right-of-Way Approval – Signs and Encroachments will be used to record this new annual revenue.

COMMUNITY ENGAGEMENT

Community Engagement, as described by the Community Engagement Strategy, is not applicable to Regional Council's consideration of encroachment agreements.

ENVIRONMENTAL IMPLICATIONS

No implications identified.

ALTERNATIVES

1. Regional Council may choose to allow for the proposed pedway and approve the Encroachment Agreement, as provided in Attachment A to this report, to permit the construction of a pedway across Lower Water Street, Halifax.
2. Regional Council may choose to allow for the proposed pedway and approve the Encroachment Agreement, as provided in Attachment A, subject to modifications as per clause 10(a) of Encroachment By-law. Such modifications may require further discussion with the applicant and the preparation of a supplementary staff report.

ATTACHMENTS

Map 1	Location
Attachment A	Draft Encroachment Agreement
Attachment B	Site Plan
Attachment C	South Elevation
Attachment D	Emera Inc. Encroachment Request
Attachment E	Downtown Halifax Secondary Municipal Planning Strategy Excerpts

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

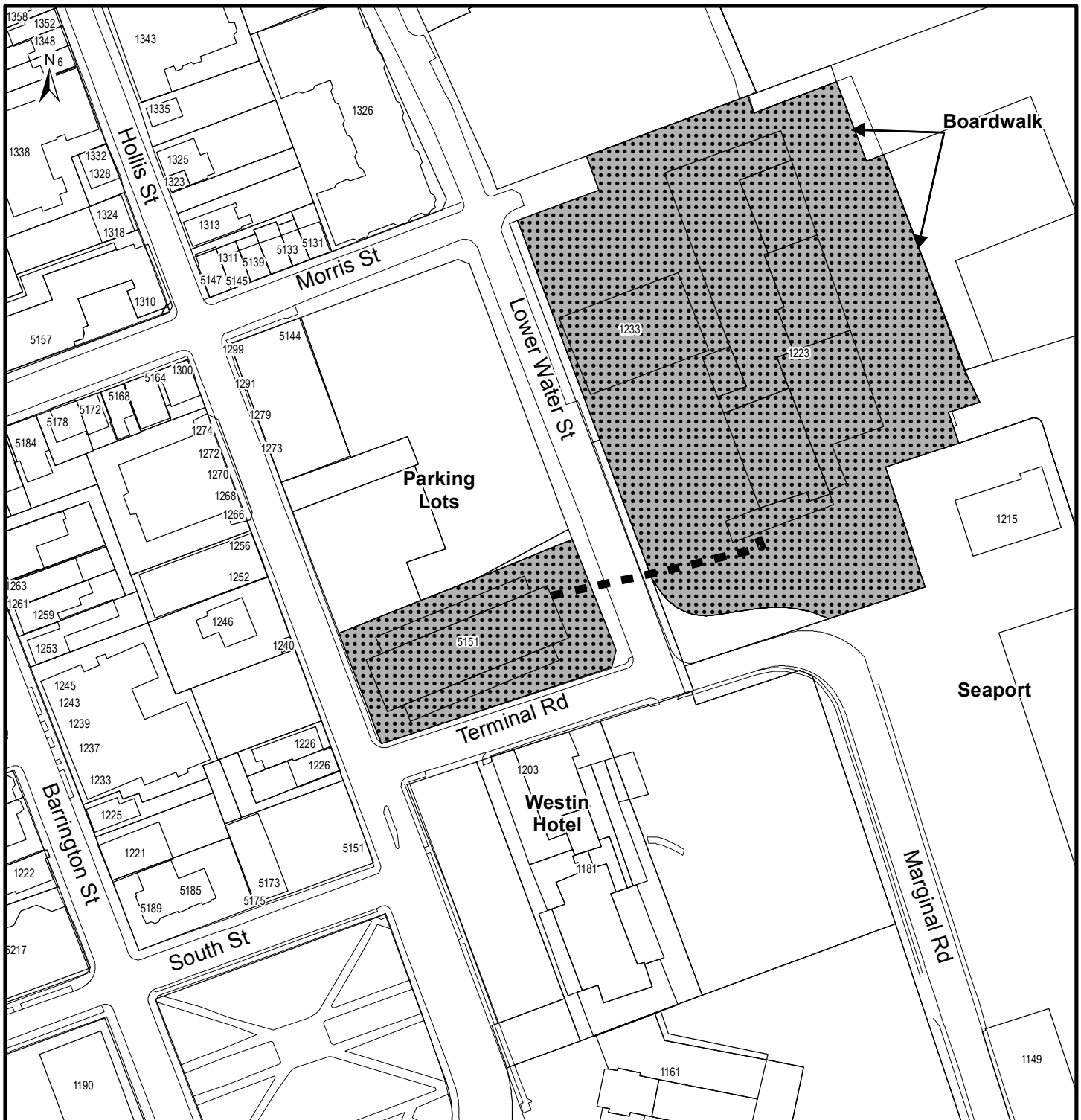
Report Prepared by: Richard Harvey, LPP, Major Projects Planner, 902-490-6495
Hugh Morrison, Development Engineer, 902-490-6848

Report Approved by: _____
Kelly Denty, Manager, Development Approvals, 902-490-4800

Financial Approval by: _____
Amanda Whitewood, Director of Finance & FICT/CFO, 902-490-6308

Report Approved by: _____
Bob Bierke, Director, Planning and Development, 902-490-1627

Report Approved by: _____
Bruce Zvaniga, Director, Transportation & Public Works, 902-490-4855



Map 1 - Location

HALIFAX

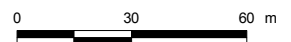


Subject Properties



Proposed Pedway

Downtown Halifax Plan Area



The accuracy of any representation on this plan is not guaranteed.

Attachment A: Draft Encroachment Agreement

This **Encroachment License Agreement** made this _____ day of _____, 20____.

BETWEEN:

HALIFAX REGIONAL MUNICIPALITY, a body corporate
(“HRM”)

and

EMERA INC., a body corporate
(the “Licensee”)

Recitals

- A. **Whereas** the Licensee owns property at 1223 Lower Water Street and 5151 Terminal Road, Halifax, Nova Scotia (“properties”) and wishes to install a pedway connecting the two properties across Lower Water Street (the “Encroachment”) within the HRM street right of way as shown and described in Schedule “A”;
- B. **And Whereas** by resolution of the Halifax Regional Municipal Council on _____, 20 , the HRM agreed to give the Licensee an encroachment license in accordance with the terms and conditions set out in Halifax Regional Municipality By-law E-200, being the *Encroachment By-law*, and as contained in this license agreement.

In consideration of the mutual promises contained in this agreement the parties agree as follows:

License

1. Subject to the terms of this encroachment license agreement (“license agreement”), HRM hereby grants to the Licensee, its officers, servants, agents and contractors, the non-exclusive right at all times to enter on, over and under that portion of Lower Water Street to maintain the Encroachment shown and described in Schedule “A”.

Ownership

2. The Licensee retains ownership of the Encroachment.

Relocation

3. (1) If the Encroachment must be relocated for HRM purposes, as determined at the sole discretion of HRM, such relocation shall be at the sole expense of the Licensee. Should the Licensee wish to relocate the Encroachment, such relocation shall be done only upon receipt of the written consent of HRM, which may be withheld at the sole discretion of HRM, and said relocation shall be at the sole expense of the Licensee.

Permits

4. (1) The Licensee agrees to comply with all municipal By-laws including the Streets By-law, By-law S-300, for the original construction and maintenance of the Encroachment and all subsequent work which involves the excavation of the street.

(2) The application for a Streets & Services permit shall include an engineering plan and profile of the Encroachment stamped by a professional engineer. The engineering plan shall clearly indicate area (in square metres) of the Encroachment proposed over, on, or under the HRM street right of way.

(3) The final location of the Encroachment shall be subject to the approval of the Engineer of the HRM as defined by the *Halifax Regional Municipality Charter*, SNS 2008, c 39, (the "Engineer").

(4) For the purposes of the construction of the Encroachment, the Licensee agrees:

(a) to engage the services of a professional engineer, licensed to practice in the Province of Nova Scotia;

(b) to file with the Engineer a written undertaking stating that the professional engineer has been engaged by the Licensee to supervise and set out the Encroachment;

(c) that the Encroachment will be done in accordance with the approved plans;

(d) that the project shall be subject to full time inspection and approval by the professional engineer or his representative; and

(e) that information regarding the location, depth, and condition of existing pipe infrastructure be gathered and provided to the HRM, at no cost, upon the completion of the work related to this license agreement.

(5) For the purposes of the construction of the Encroachment, the Licensee agrees to arrange a preconstruction meeting with HRM staff.

(6) Upon completion, the Licensee shall provide HRM with a certificate from a professional engineer certifying that the Encroachment was completed according to the approved drawings, any applicable municipal services specifications and standard drawings, and approved changes.

Record Drawings

5. The Licensee shall provide to HRM a copy of the record drawings immediately upon completion of the Encroachment, and immediately upon completion of any temporary or minimal relocation.

Maintenance

6. The Licensee agrees, at its sole expense, to maintain the Encroachment in a safe condition and so that it is not dangerous or hazardous to traffic, pedestrians or the public at large.

7. HRM may at any time and without notice inspect the Encroachment and, to the extent required to inspect the Encroachment, enter upon the Licensee's land.

8. If HRM determines in its sole discretion that the Encroachment is unsafe or dangerous, HRM may:

(1) Notify the Licensee that the Licensee, at its sole expense, shall repair or alter the Encroachment in any manner that HRM determines in its sole discretion is necessary to make it safe; and

(2) If the Licensee does not, within 15 business days of receiving notice to repair or alter the Encroachment under subsection 1, begin the repair or alteration, HRM may cause the work to be done and the Licensee shall be fully responsible for all costs of the repair, alteration and restoration of the street right of way, and for all expenses incurred by HRM for the work.

9. If HRM determines in its sole discretion that the Encroachment is an immediate safety issue, danger or hazard, HRM may without notice and without compensating the Licensee remove the Encroachment and restore the street right of way or remedy the safety issue in any manner.

10. (1) The Licensee agrees to reimburse HRM for the cost of all work done by HRM and all expenses incurred by HRM under sections 8 and 9 within 15 business days of receiving notice of the costs of the work or expense incurred.

(2) HRM may, in addition to any other remedies available at law, lien the Licensee's property for any of the costs or expenses owed to HRM for the work.

Street Maintenance

11. HRM shall not be responsible for any loss or damage to the Encroachment, however caused, occurring as a result of required street maintenance, snow and ice removal, and street cleaning.

Indemnity

12. (1) The Licensee agrees to indemnify and save harmless HRM, its Mayor, Councillors, employees, agents, contractors and volunteers from all claims, including actions for negligence, death, and injurious affection, liabilities, damages and expenses of any kind in any way related to or connected with the grants of the rights set forth in this license agreement or from the existence or operation of the Encroachment however caused, except to the extent that the loss arises out of the gross negligence of HRM.

(2) This section shall survive the termination of this license agreement.

Insurance

13. A Licensee that is not a natural person shall purchase and maintain, during the term of this license agreement, commercial general liability insurance in the amount of not less than \$2 million in a form and with an insurer acceptable to HRM and with HRM named as an additional insured with respect to any claim arising out of the maintenance or use of the Encroachment or out of this license agreement. Evidence of such insurance shall be provided to HRM at the time of applying for this license and at any renewal of the insurance.

Fees

14. The Licensee shall be invoiced for, and shall pay, the fees set out in By-law E-200, the Encroachment By-law, and Administrative Order 15, the Permits and Processing Fees Administrative Order, as amended, and for the purpose of the calculation of said fees, it is agreed that the space occupied by the Encroachment is 107.5 square metres.

15. The Licensee acknowledges that the fee prescribed by Administrative Order 15, the Permits and Processing Fees Administrative Order, is subject to review by HRM Council and may be increased at any time by HRM Council.

Occupational Health and Safety Act, SNS 1996, c 7

16. The Licensee agrees to comply with the requirements of the *Occupational Health and Safety Act* and all regulations enacted pursuant thereto. Specifically, the Licensee agrees to exercise the due diligence required by the Act in ensuring that to the extent possible the requirements of the *Occupational Health and Safety Act* and its regulations are followed by its employees, contractors or

agents.

Termination

17. (1) HRM may terminate this license agreement, in writing, at any time. Upon receipt of notice that HRM intends to terminate this license agreement, the Licensee shall:
- (a) pay to HRM all encroachment fees owing;
 - (b) pay to HRM the cost of all work done by HRM and all expenses incurred by HRM under sections 8 and 9; and
 - (c) at its sole expense, remove the Encroachment and restore the street right of way to the satisfaction of HRM within sixty (60) calendar days, unless otherwise agreed to between the parties.
- (2) The Licensee may terminate this license agreement under the following conditions:
- (a) notification to HRM in writing of its intention to terminate this licence agreement;
 - (b) payment to HRM of all encroachment fees owed ;
 - (c) payment to HRM for the cost of all work done by HRM and all expenses incurred by HRM under sections 8 and 9;
 - (d) at the Licensee's sole expense, removal of the Encroachment and restoration of the street right of way to the satisfaction of HRM within sixty (60) calendar days of notice to HRM, unless otherwise agreed to between the parties; and
- any other terms and conditions as may be necessary in the opinion of the Building Inspector for HRM , (the "Inspector"), or the Engineer for the restoration of the street.
- (3) If the Licensee does not, within the sixty (60) calendar days or such other time agreed to between the parties, remove the Encroachment and restore the street right of way, HRM may cause the work to be done and the Licensee shall be fully responsible for all costs and expenses of the work. HRM may, in addition to any other remedies available at law, lien the Licensee's property for any of the costs or expenses owed to HRM.
- (4) The termination of this License Agreement shall not relieve the Licensee from any obligations under this License Agreement including:
- (a) paying all fees, costs and expenses owed to HRM under this License Agreement; and
 - (b) restoring the street right of way to the satisfaction of HRM

Notices

18. Any written notice or communication relating to the administration of this license agreement to be given or delivered by one party to the other shall be deemed to be duly given or delivered by hand, by fax or by courier to the following addresses or such other address that may subsequently be provided:

Halifax Regional Municipality
Director of Transportation & Public Works
P.O. Box 1749 Halifax,
N.S. B3J 3A5

and

Emera Inc.
5151 Terminal Road

Halifax, NS B3J 1A1

19. This license agreement shall not be assigned without the written permission of the Engineer. Where the Engineer grants such permission, the assignee takes the place of the Licensee under this license agreement.

20. This license agreement shall enure to the benefit of and be binding upon the parties hereto, their heirs, executors, administrators, successors in title and permitted assigns.

21. The Licensee shall not acquire any right, title or interest in or to HRM property or HRM's public road allowance, or the portion thereof affected by the Encroachment, except the right to maintain the Encroachment in accordance with this license agreement.

22. This license agreement shall be construed according to the laws of the Province of Nova Scotia.

23. The parties agree this is a public document within the meaning of Part XX of the *Municipal Government Act*, SNS 1998, c 18.

24. If the Licensee is not a natural person the signatory declares that he or she has the authority to bind the corporation or organization.

IN WITNESS WHEREOF the parties hereto have executed this license agreement as of the day and year first above written.

SIGNED, SEALED AND DELIVERED in

The presence of:

EMERA INC.

Witness

Name:
Title:

Witness

Name:
Title:

I/We have authority to bind the Licensee

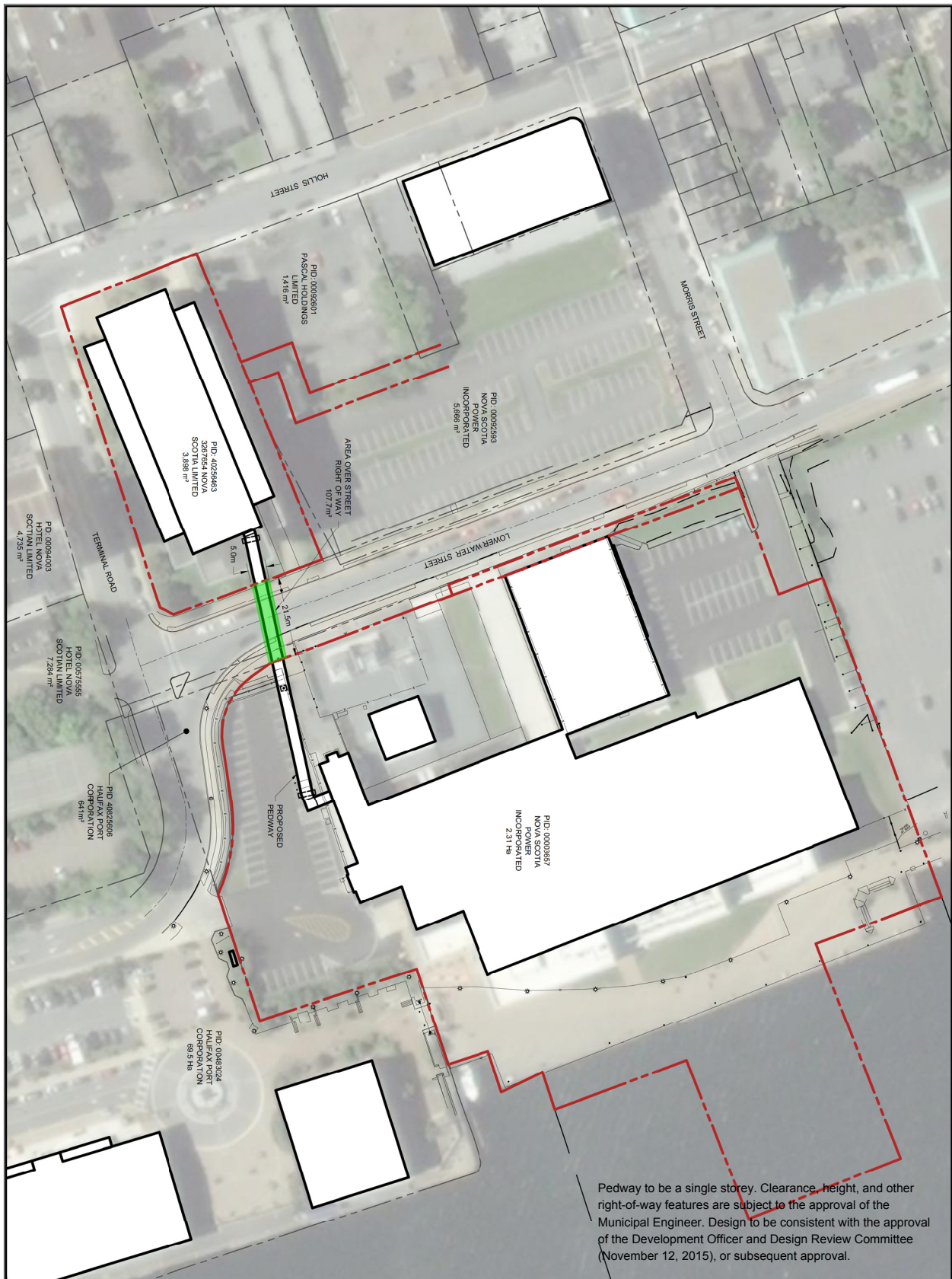
HALIFAX REGIONAL MUNICIPALITY

Witness

Mayor

Witness

Municipal Clerk



Pedway to be a single storey. Clearance, height, and other right-of-way features are subject to the approval of the Municipal Engineer. Design to be consistent with the approval of the Development Officer and Design Review Committee (November 12, 2015), or subsequent approval.

KEY PLAN

LEGEND

- Site Boundary
- Adjacent Property Boundary

SOURCES:

- BASE PLAN OBTAINED FROM TERRAIN
- BASE PLAN DATED JANUARY 2009
- WSP SURVEY CAD FILE: 159-0023-580.dwg
- A49 CAD FILE: 159-0023-101-Pedway.dwg

DESIGNER: KVALTERS

PLANNER: JHAGGELL

VERSION: 105

DATE: JULY 31, 2015

SCALE: 1:1000

NORTH

EMERA

WSP

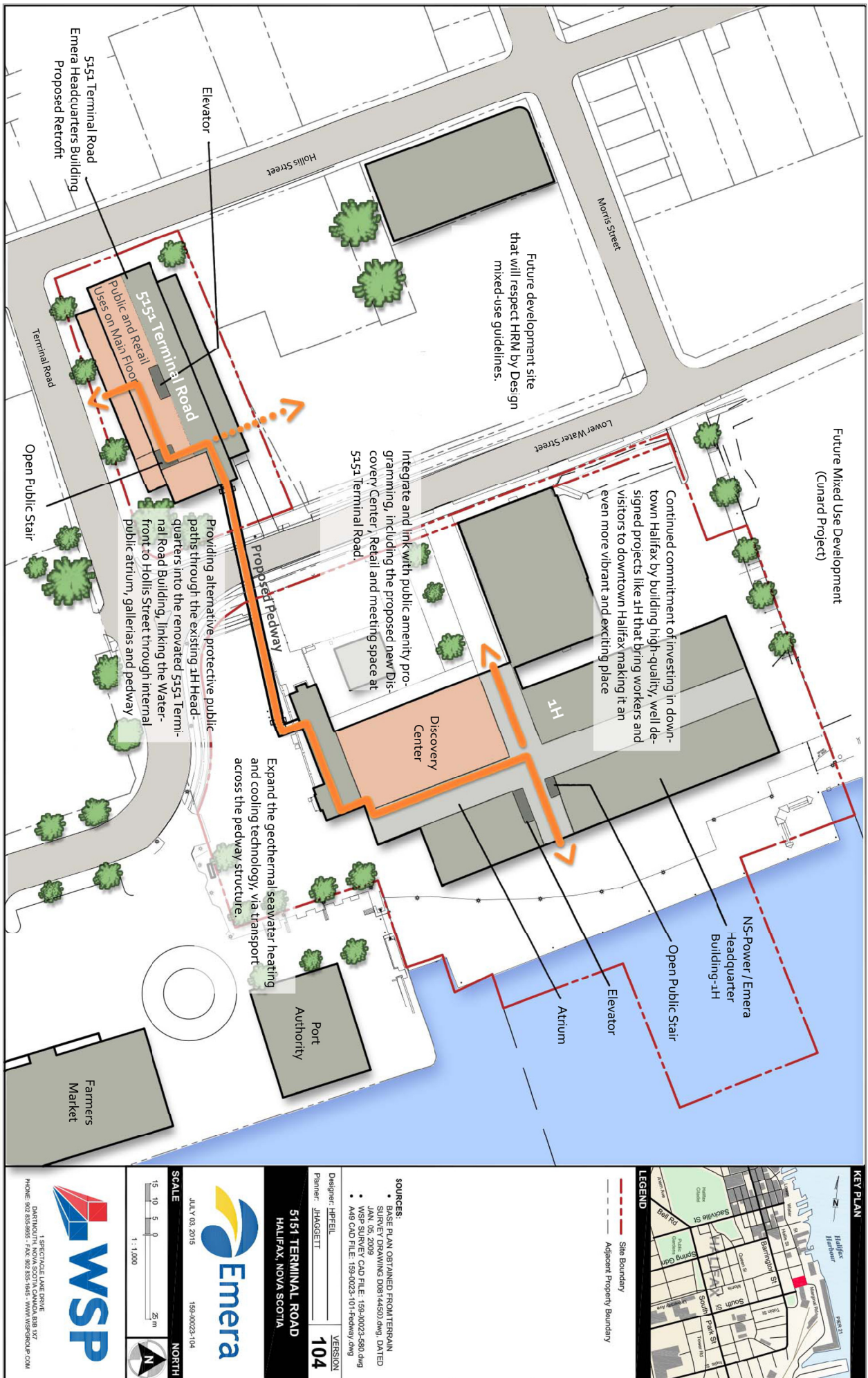
1 SHEET/4 LANE DRIVE

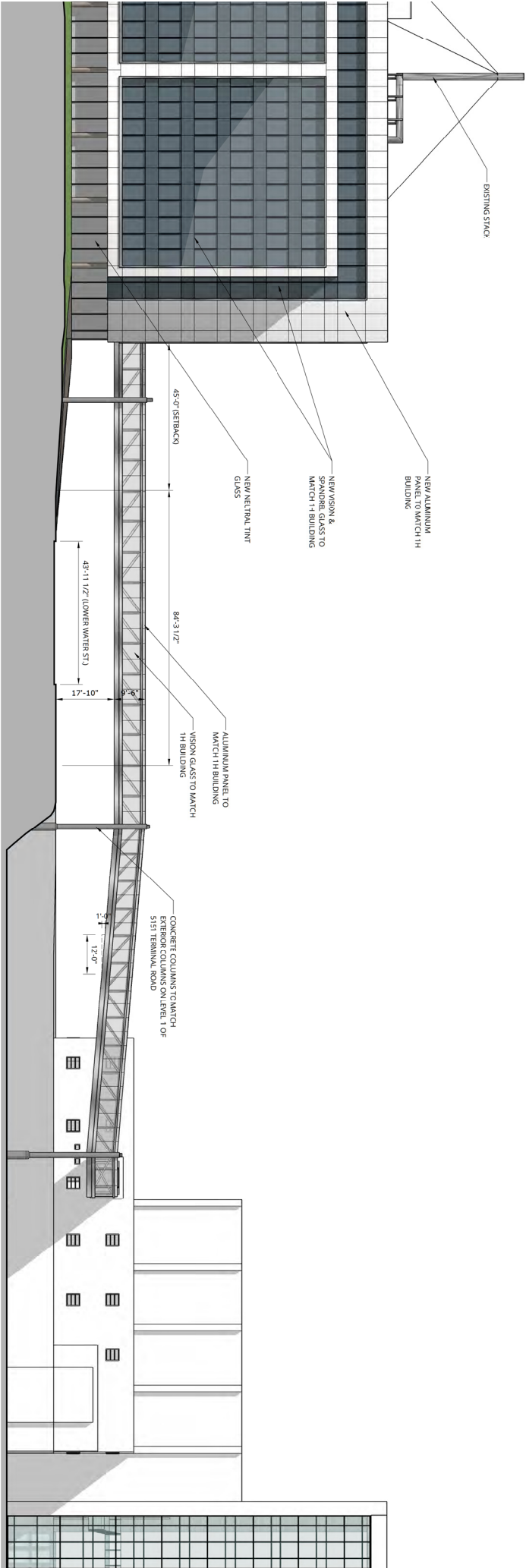
DATE: JANUARY 2009

PHONE: 902-555-1500

WWW.WSPGROUP.COM

PRELIMINARY







159-00023-00

September 2, 2015

HALIFAX

Planning & Development Services
Bayers Road
Halifax, NS B3J 3A5

Attn: Richard Harvey
Major Projects Planner

**Subject: Design and Policy Information Report - Encroachment Permit
Application for 5151 Terminal Road (PID: 40256463)**

Dear Mr. Harvey:

On behalf of our client, Emera Inc., WSP Canada Inc. (WSP) and Architecture49 (A49) are pleased to submit an application for an Encroachment Permit for the above referenced property. The proposed encroachment is in the form of an elevated pedway structure connecting Emera's office headquarters at 5151 Terminal Road (PID 40256463) to Nova Scotia Power's office headquarters at 1223 Lower Water Street (PID 00003657): PID 40256463 will take responsibility for the encroachment. The area of encroachment within the public right-of-way is approximately 107.7 square metres (1,159.3 square feet) as shown in **Appendix A – Preliminary Design Drawings**, and on **Figure 3** later in this Report.

The following letter provides you with additional policy and design rationale in support of the Encroachment Permit application.

1. PRELIMINARY DESIGN

The proposed pedway is approximately 85 metres (279 feet) long, 5 metres (16.4 feet) wide, and 2.9 metres (9.5 feet) tall and elevated 5.4 metres (17.8 feet) above the street. The portion of the pedway which is above the street right-of-way is approximately 21.5 metres (70.5 feet) long consisting of 107.7 square metres (1,159.3 square feet) in total surface area. The pedway is supported by three concrete columns that match the exterior columns on the first floor of 5151 Terminal Road and glazed with transparent 'Vision' glass to match the exterior finishing of 1H. Similarly matching 1H, aluminum panels frame the pedway.

The design accommodates the present truck traffic associated with the Port. The pedway's clearance follows guidelines of the Transportation Association of Canada (TAC) and exceeds the recommended minimal clearance of 5.3m (17.4 feet). Please refer to **Appendix A** for more information.

2. POLICY SUPPORT

The following sections outline WSP's and A49's understanding of existing policies, regulations and design criteria as they relate to elevated pedestrian crossings (pedways) in Downtown Halifax.

WSP Canada Inc.
1 Spectacle Lake Drive
Dartmouth, NS B3B 1X7

Phone: +1 902-835-9955
Fax: +1 902-835-1645
www.wspgroup.com

2.1. **Downtown Halifax Secondary Municipal Planning Strategy (SMPS)**

According to SMPS Policy 25, pedways are permitted where they meet the guidelines set out in the *Design Manual* (the *Design Manual* guidelines concerning pedways are provided in **Section 2.3** below):

POLICY 25: HRM may permit pedways to be constructed in conjunction with development projects provided they meet the guidelines set out in the Design Manual.

Furthermore, the policy preamble stipulates that pedways must conform to the guidelines set out in the Land Use By-Law (LUB), and that they cannot obscure east-west window views of the Harbour: the proposed pedway conforms to LUB guidelines (or lack thereof: see **Section 1.2** below) and does not obscure east-west views of the Harbour.

Additionally, the policy preamble enables pedways that provide pedestrian connections between major downtown destinations, including office towers and convention facilities. The proposed pedway will connect the newly renovated and repurposed Nova Scotia Power Inc. (NSPI) Office Headquarters (1223 Lower Water Street or '1H') to Emera's Office Headquarters (5151 Terminal Road or '5151'): two office towers employing approximately 1200 downtown staff, many of whom will travel back and forth between the two buildings as a regular course of their workday. The two office towers also contain publically accessible atrium/galleria spaces which may be used for conventions and meetings. The atrium space/galleria in 1H, in conjunction with the proposed pedway, will also connect to the proposed Discovery Centre, an inevitable major downtown destination for tourists, students and children.

Furthermore, 1H is specifically referenced under Section 2.3.1 of the SMPS as a "defining landmark development of signature architectural quality" located within Precinct 1: Southern Waterfront. 1H is already a recognized Downtown landmark destination, which will be expanded via the connection and renovation to 5151.

The proposed pedway is also a contiguous continuation of the existing pedway system. In 2008, construction began at 1H where the design included a publically accessible atrium/galleria space. Opened in 2011, this space currently provides a permeable¹ indoor public route connecting the general public and staff to a variety of other pedestrian linkages and future destinations. For all intents and purposes, the atrium/galleria space was conceptualized, and currently acts, as a pedway system. The pedway will be open to the public and will provide a convenient point for pedestrians who are walking between the Halifax Harbour Walk and Cornwallis Park to cross the heavily travelled Lower Water Street, thereby promoting one of the visions for this precinct as set out in the SMPS (Section 2.3.1).

With the advent of 1H, together with the proposed redevelopment of 5151 and the Discovery Centre, a new downtown 'node'² is being created, containing offices, cultural uses and pedestrian linkages. Additionally, the vacant lot adjacent to 5151 (PID: 00092593; Owner: NSPI), which is currently used for surface parking, is ideally

¹ Permeability: "The degree to which an area has a variety of pleasant, convenient and safe routes through it." *Design Manual*, p. 73.

² **Node:** "A place where activity and routes are concentrated often used as a synonym for junction." *Design Manual*, p. 72.

situated as a future development site, adding to the development of the new node. The proposed pedway connects to a system of pedestrian linkages between existing and proposed major downtown developments, a civic/cultural site, office towers, atrium spaces, the waterfront boardwalk, sidewalks, and other downtown destinations. **Figure 1** below (see also **Appendix B – Annotated Site Plan**) highlights the connectivity resulting from the proposed pedway between 5151 and 1H.

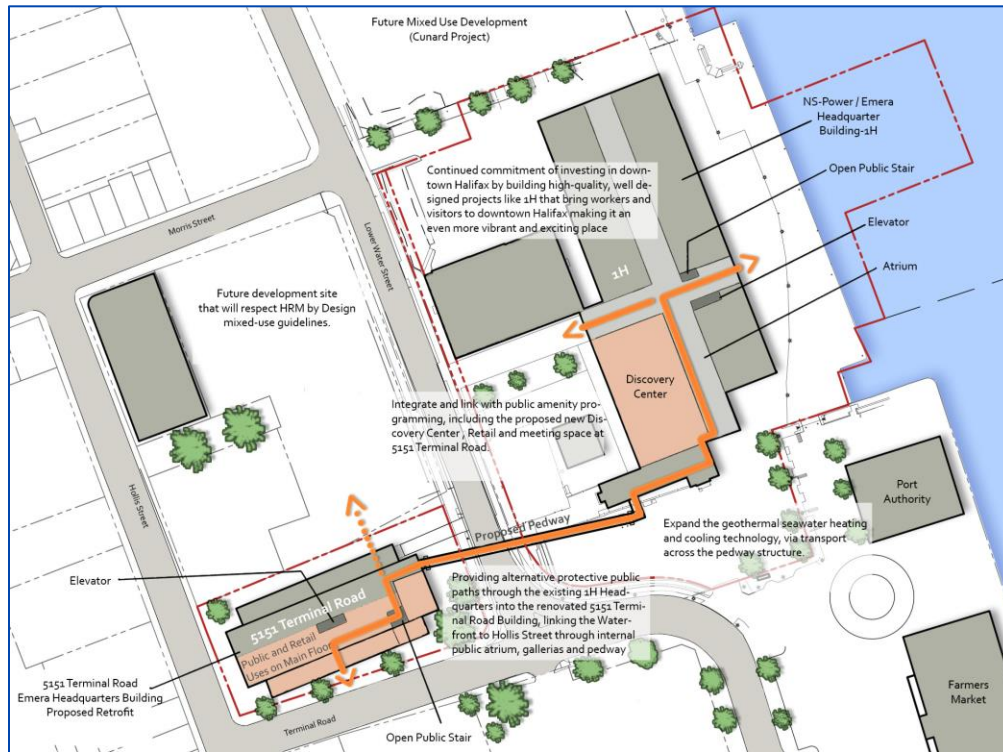


Figure 1: Pedway Connectivity (see also Appendix B)

2.2. Downtown Halifax Land Use By-Law (LUB)

According to the LUB, there are no references to a pedway system nor are there any regulations restricting or prohibiting a pedway of any kind.

2.3. Schedule S-1: Design Manual (Design Manual)

The *Design Manual* recognizes that pedways may be appropriate in some cases. The principle intent of the Design Guidelines pertaining to pedways is to focus pedestrian activity at the sidewalk level. The proposed pedway does this as its purpose is to provide a safe and comfortable means for pedestrians to cross a busy street which handles a large volume of heavy truck traffic. The proposed pedway will enhance rather than detract from street level pedestrian traffic by allowing easy passage of pedestrians to and from the Halifax Harbour walk.

According to Design Guideline 3.2.6, the proposed pedway connection can be considered because it is located on an east-west roadway and will not obstruct views

of the harbour. In addition, the proposed pedway design positively responds to the following design parameters:

- The proposed pedway is not more than a single storey in height;
- It is designed to have as low a profile as possible;
- It is comprised of highly transparent materials; and,
- It responds in an elegant and minimal manner to its context.

The proposed pedway is designed to be as visually light a structure as possible. It is essentially a truss bridge with clear glazing on both sides. The pedway design incorporates the materiality of 5151 Terminal Road including its glazing, aluminum and concrete. To minimize the visual impact on the street, the glazing used will be the same highly transparent panels as proposed for the ground floor of 5151 Terminal Road. The pedway further respects the design guidelines and will be built using high quality materials (see Section 3 below).

The pedway is an integral element to the expansion of the Emera Head office and the creation of a new downtown business mode. The revitalization of this area and the reinforcement of Halifax as the head office for a major corporation are consistent with the vision for this precinct and the intent of the SMPS. By strengthening the safe pedestrian connection between Cornwallis Park and the Halifax Harbour Walk the proposed pedway also reinforces the vision for this precinct.

The proposed pedway must be viewed in this context and therefore considered to be both appropriate and necessary.

3. **PUBLIC SAFETY**

The existing intersection at Terminal Road and Lower Water Street is not designed for pedestrians: the intersection configuration favours the transport trucks that frequent the South End Container Terminal. **Figure 2** below, taken from Google Street View, illustrates the characteristic situation. In fact, the Halifax Port Authority owns a portion of the intersection as shown on **Figure 3** below. The transport trucks require this high-frequency turning ramp, currently crossing a pedestrian sidewalk, in order to make the right turn onto Lower Water Street, eventually exiting the Peninsula. Furthermore, this turning ramp, or 'sweep lane', does not have a stop sign. Available traffic studies indicate continued increase in commerce-related truck traffic along the streets surrounding the two buildings.

Safety concerns at this intersection are likely to heighten with the increased foot traffic resulting from employees between 1H and 5151, tourists and school children frequenting the new Discovery Centre, and a general increase in pedestrian foot traffic resulting from several new and proposed Downtown residential developments. The proposed pedway offers an alternative, safe, walkable³, pedestrian-friendly⁴ street-crossing via a visually interesting and transparent structure.

³ **Walkable:** "Refers to a single route, or a system of routes, between points that is relatively short, barrier free, interesting, safe, well-lit, comfortable and inviting to pedestrian travel." *Design Manual*, p. 78.

⁴ **Pedestrian Friendly:** "A built environment that emphasizes and is conducive to walking between destinations. A pedestrian-friendly environment may include sidewalks, street trees, benches, fountains, transit stops, pedestrian-oriented signs and lighting, public art, and buildings that are visually interesting with high levels of transparency and articulation." *Design Manual*, p. 73.

In addition to the above, WSP Traffic Engineering has included a 'Pedestrian/Traffic Circulation Review' letter (see **Appendix C - Pedestrian/Traffic Circulation Review**) in support of the proposed pedway for the following reasons:

- It would effectively integrate 5151 with 1H, improving daily operations between the two buildings and providing marginal improvements to vehicular circulation and safety in the area; and,
- Due to its limited functionality as a thoroughfare for the general public, it is not expected that the pedway would result in any significant impact on existing pedestrian realm activities in the area.



Figure 2: Transport Trucks turning on Lower Water Street from terminal Road, Google Street View (website visited on: 8/14/2015)

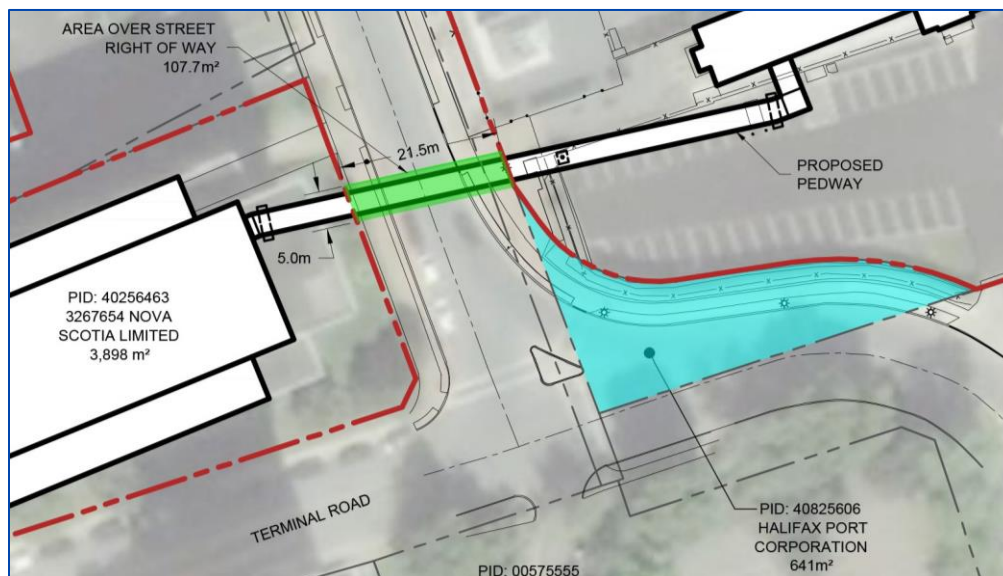


Figure 3: Port Authority Property, represented in blue (PID: 40825606); Area of Proposed Encroachment, represented in green



4. **CONCLUSION**

Thank you for giving WSP and A49 the opportunity to provide you with this letter on Emera's behalf. Should you have any questions or comments, please do not hesitate to contact the undersigned.

Yours truly,
WSP Canada Inc.

Original Signed

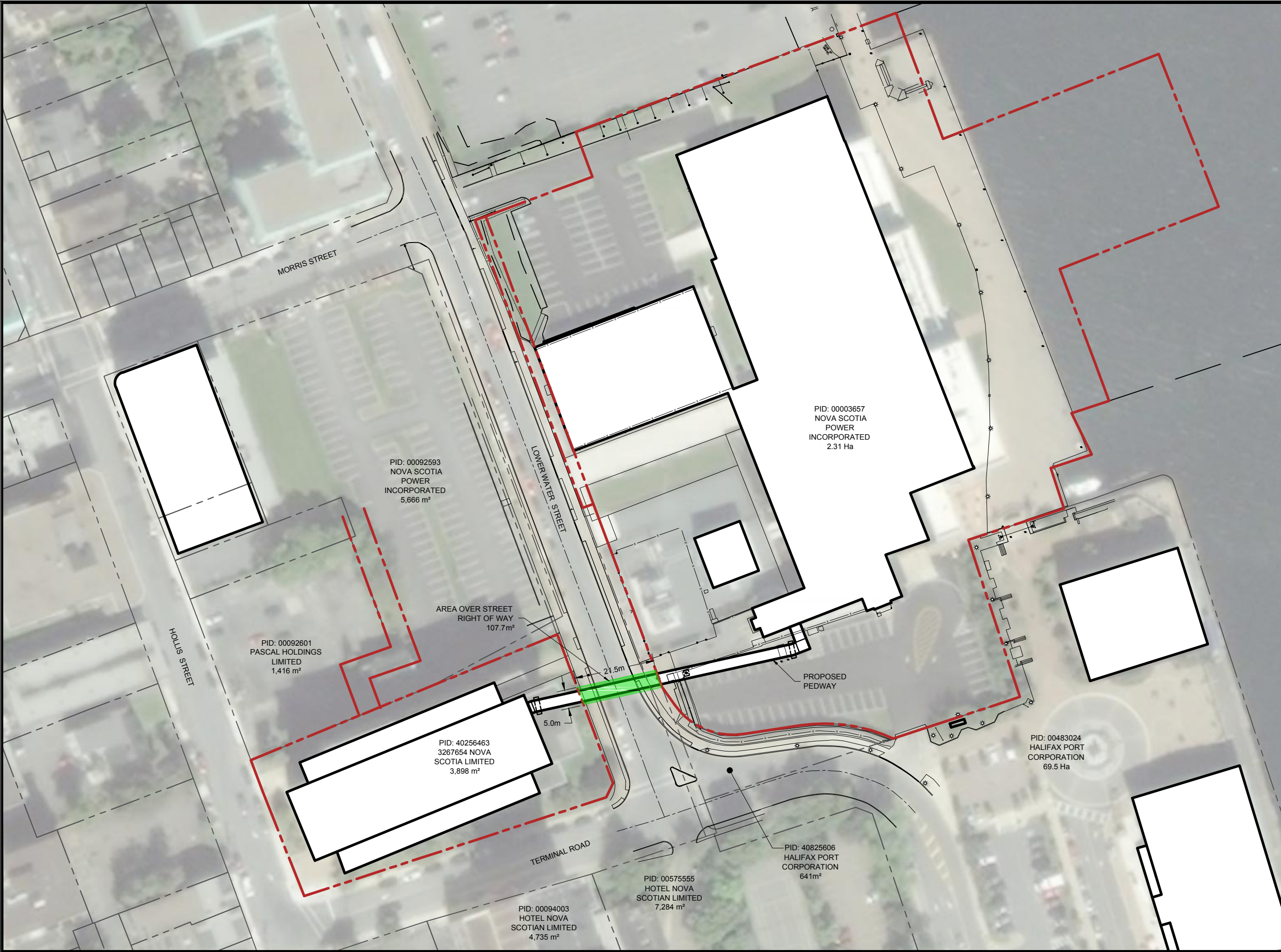
Blaise Morrison, MCIP, LPP
Manager, Planning – Nova Scotia
T +1 902-835-9955
[Redacted Signature]

cc. Ron Burdock, Architecture49
Paul Currie, Emera Inc.
Miles Agar, HALIFAX
Hugh Morrison, HALIFAX

Appendices

Appendix A

Preliminary Design Drawings



LEGEND

--- Site Boundary

--- Adjacent Property Boundary

PRELIMINARY

SOURCES:

- BASE PLAN OBTAINED FROM TERRAIN SURVEY DRAWING D08144500.dwg, DATED JAN. 05, 2009
- WSP SURVEY CAD FILE: 159-00023-580.dwg
- A49 CAD FILE: 159-0023-101-Pedway.dwg

Designer: KWATTERS	VERSION
Planner: JHAGGETT	105


5151 TERMINAL ROAD
HALIFAX, NOVA SCOTIA


JULY 31, 2015 159-00023-105

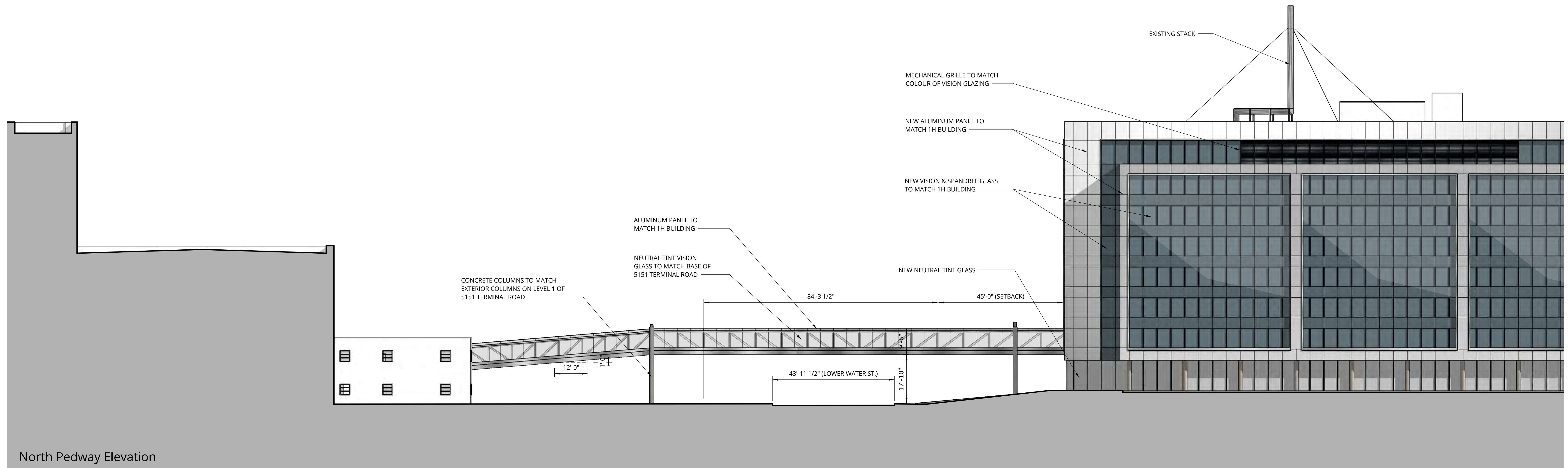
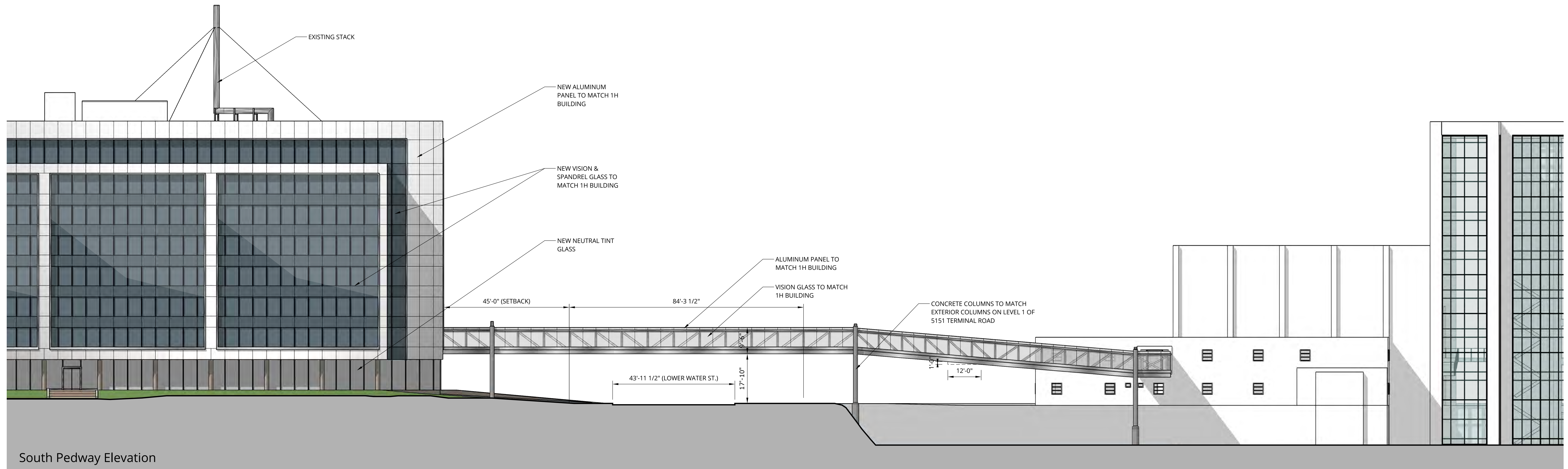
SCALE **NORTH**

15 10 5 0 25 m

1 : 1,000




1 SPECTACLE LAKE DRIVE
DARTMOUTH, NOVA SCOTIA CANADA, B3B 1X7
PHONE: 902 835-9955 - FAX: 902 835-1645 - WWW.WSPGROUP.COM

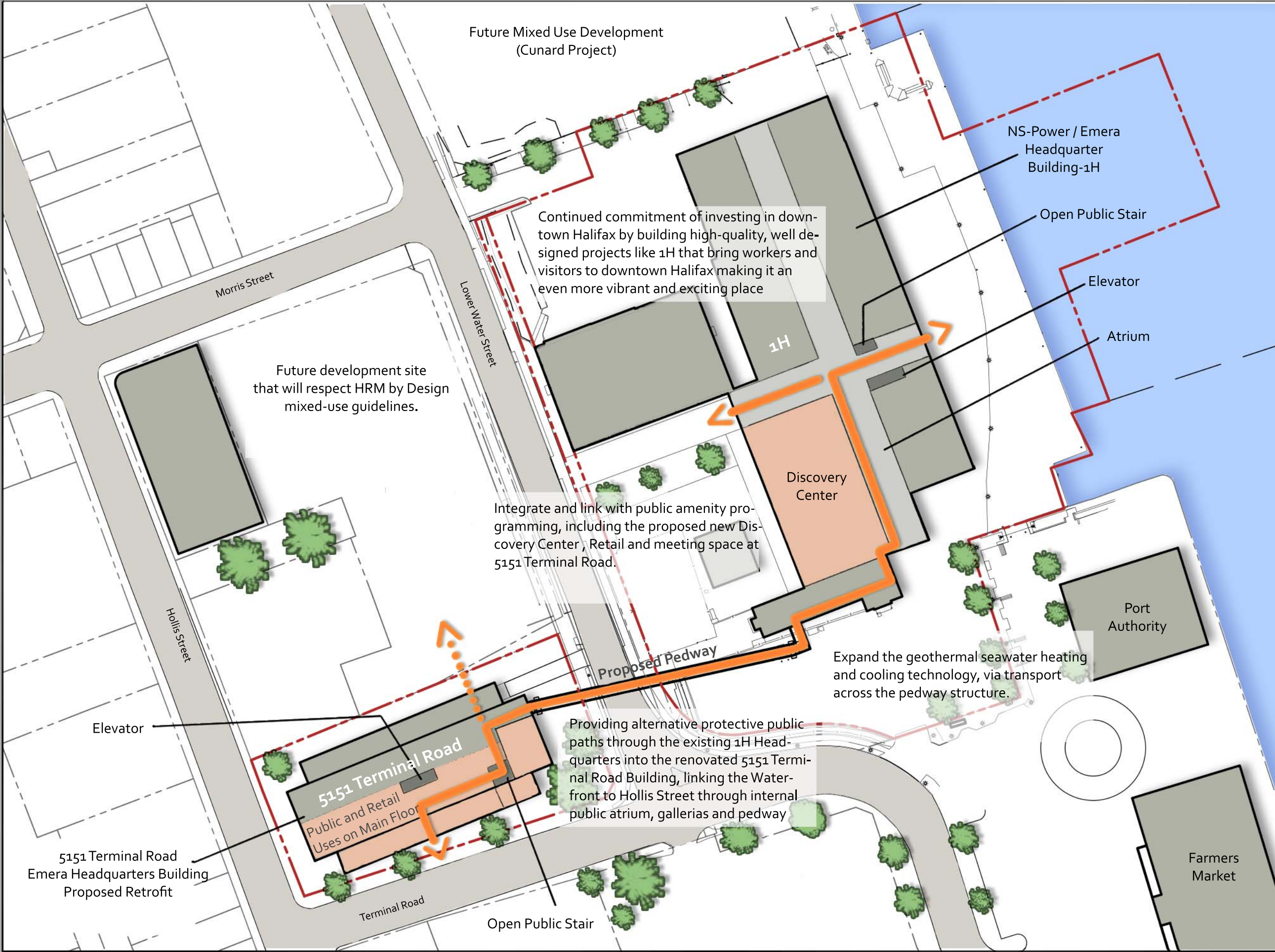




5151 Terminal Road - Emera Renovation
3D Render
May 4, 2015

Appendix B

Annotated Site Plan



KEY PLAN

LEGEND

- Site Boundary
- - - Adjacent Property Boundary

SOURCES:

- BASE PLAN OBTAINED FROM TERRAIN SURVEY DRAWING D08144500.dwg, DATED JAN. 05, 2009
- WSP SURVEY CAD FILE: 159-00023-580.dwg
- A49 CAD FILE: 159-0023-101-Pedway.dwg

Designer: HPFEIL	VERSION
Planner: JHAGGETT	104

**5151 TERMINAL ROAD
HALIFAX, NOVA SCOTIA**

Emera

JULY 03, 2015 159-00023-104

SCALE **NORTH**

15 10 5 0 25 m

1 : 1,000

WSP

1 SPECTACLE LAKE DRIVE
DARTMOUTH, NOVA SCOTIA CANADA, B3B 1X7
PHONE: 902 835-9955 - FAX: 902 835-1645 - WWW.WSPGROUP.COM

FILE: \\SV201DATA\01\SHARED\159-00023-00 EMERA RENOVATION 5151 TERMINAL RD, HALIFAX NS\10 PLANNING\11_DWG\11.1_CONCEPT_PLANS\159-00023-104.DWG Sheet:Standard 11x17 L

Appendix C

Pedestrian/Traffic Circulation Review



Ref. No. 159-00023-00

September 2, 2015

Mr. Paul W. Currie, P. Eng.
Senior Project Manager

Halifax, NS Canada

**RE: Pedestrian / Traffic Circulation Review, Proposed Pedway Structure
Lower Water Street, Halifax, Nova Scotia**

Dear Mr. Currie:

Emera Inc. is currently planning for renovations to 5151 Terminal Road, an existing office building that will be converted into the organization's headquarters and integrated with Nova Scotia Power (NSPI)'s headquarters at 1223 Lower Water Street. In addition to revitalization of the interior and exterior of the 8-storey building, a pedway structure has been proposed that will provide a grade separated link across Lower Water Street connecting directly with the NSPI facility. As part of the planning process, Emera has retained WSP to complete a review of the proposed pedway structure in terms of its anticipated impact on pedestrian and traffic circulation in the immediate vicinity.

Description of Streets and Intersections-

Lower Water Street is a one-way arterial street that runs from south to north approximately 1.0km between Terminal Road and George Street, where it transitions to Upper Water Street and continues north to Barrington Street. Lower Water Street has one northbound traffic lane, a reserved bicycle lane, and on-street parking along the left curb lane. The posted speed limit is 50km/h. Lower Water Street was converted to its current one-way configuration in 2011, previous to which it operated with 2-way flow. Conversion of the street to one-way vehicle flow was completed along with several other downtown streets as part of an overall effort to more efficiently utilize the street space for non-traffic uses including bike lanes, on-street parking, and sidewalk cafes.

Traffic counts completed by HRM Traffic Management¹ during October 2013 at the Lower Water Street – Morris Street intersection (approximately 180m north of Terminal Road) indicate a peak hourly volume of 529 vehicles. Based on a typical assumption that 10% of daily traffic volumes occur during the peak hour, it is expected that the Annual Average Daily Traffic Volume (AADT) on Lower Water Street would be in the range of 5,300 vehicles per day (vpd). Though vehicle classification data were not available, it is expected that a relatively high percentage of truck traffic is present on Lower Water Street as it serves as the primary road connection from the Halterm shipping terminal.

¹ Traffic count data provided by Leonard Bugbee, Traffic Analyst, HRM Traffic Management Division

Terminal Road is a local street that runs east-west approximately 100m between Hollis Street and Lower Water Street. It has two traffic lanes (two way flow), with metered on-street parking on both sides.

Marginal Road is a local street that runs approximately 2.1km between Lower Water Street and Point Pleasant Drive. Marginal Road also accesses key destinations including Halterm, Halifax Seaport Farmers' Market, Garrison Brewery, Pier 21, Nova Scotia College of Art and Design (NSCAD), and the Cunard Centre.

The intersection of Lower Water Street and Terminal Road / Marginal Road is unsignalized, with no approaching traffic on Lower Water Street (one way northbound). The Terminal Road westbound approach has a channelized right turn movement, which is controlled by a yield condition. Marked crosswalks – all of which converge at the curbed right turn channel island – are present on Terminal Road (east of intersection), Lower Water Street (north of intersection), and across the channelized westbound right turn movement.

Proposed Emera Headquarters-

Emera Inc. is currently planning for renovations to 5151 Terminal Road, an existing office building that will be converted into the organization's headquarters and integrated with NSPI's headquarters at 1223 Lower Water Street. Upgrades to the existing building will provide a revitalization of the interior and exterior of the structure. It is expected that up to 600 Emera Staff will be situated in the building when it is completed. Approximately the same number of employees will be situated in the NSPI headquarters.

Proposed Pedway Structure-

Emera Inc. is NSPI's parent company, and as a result, daily operations include frequent in-person meetings and resource sharing. With a total of approximately 1,200 Staff employed between the two facilities, a significant amount of pedestrian crossing demand is expected.

As part of the extensive renovations to 5151 Terminal Road, installation of a pedway structure between the office building and the NSPI Headquarters has been proposed. Approximately 85m in length, the pedway structure would provide a grade separated crossing of Lower Water Street and enable direct pedestrian access between the two headquarters. The pedway would link the second floor of the Emera building with the annex building adjacent to the proposed 'Discovery Centre' (planned opening 2016), and form part of an approximately 170m pedestrian route connecting the two facilities. The proposed pedway is illustrated in renderings in Figure 1 and Figure 2.

The pedway crossing will act as a safer travel route across Lower Water Street, easily accessible both for the public and the hundreds of employees who will pass between the two buildings on a regular basis. The pedway may be considered to offer less benefit as a public thoroughfare for a majority of origins and destinations outside of the Emera / NSPI facilities, as the street-level route is more direct and connected to existing pedestrian facilities including the Halifax Waterfront Boardwalk. However, all pedestrian safety and traffic flow is particularly important and, with opening of the new Discovery Centre, hundreds of children will be arriving into the area each day as a result of school group and family visits.



Figure 1: Rendering of Proposed Pedway

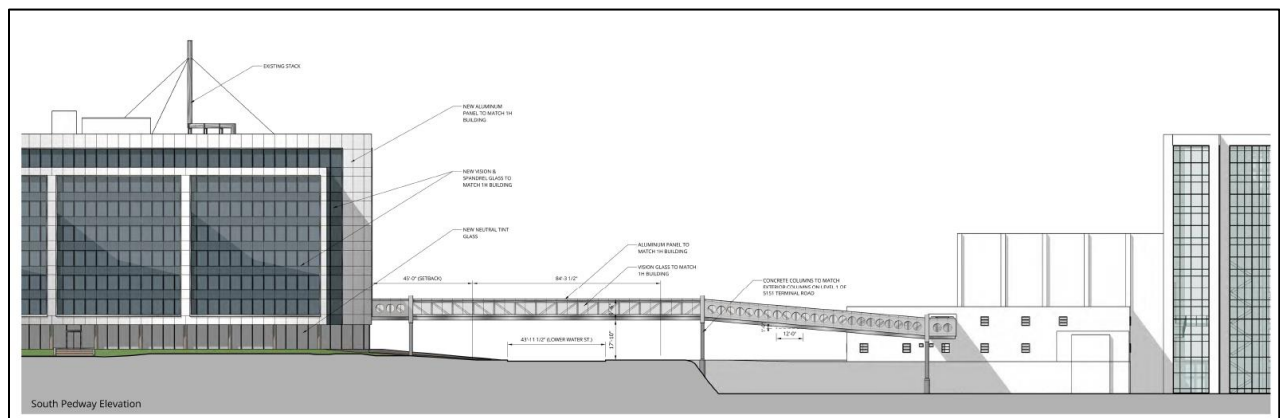


Figure 2: South Elevation of Proposed Pedway Structure

Operational Review-

The addition of a pedway structure would enable grade separated pedestrian crossings of Lower Water Street between the proposed Emera and NSPI Headquarters. The implications associated with its installation are expected to include the following:

- Pedestrian Circulation: Pedestrian movements between the two facilities will be safer, more efficient, and more convenient;
 - Pedestrians would be expected to experience modest decreases in delay;
 - Pedestrians would avoid exposure to vehicular traffic (including heavy truck traffic) that they would otherwise be subject to at the two-stage crossing currently in place across Lower Water Street and the Terminal Road westbound movement. Although Lower Water Street has only northbound traffic, pedestrian crossings at this location would conflict with vehicles turning left from Terminal Road and right from Marginal Road. Both left and right turning traffic must wait for an acceptable gap before proceeding through the intersection. The right turn movement is channelized, which can be conducive to higher speeds;
 - The pedway would provide shelter from the outdoor elements for pedestrians and employees (and enable employees to conveniently move between the buildings without seasonal outdoor attire).
- Vehicular Circulation: Removal of Emera and NSPI employees from the pedestrian crosswalks at the Lower Water Street – Terminal Road / Marginal Road intersection would be expected to provide benefit to intersection performance. Since pedestrian traffic is uncontrolled, there is potential that random pedestrian arrivals during peak periods could increase delays. Although daytime crossings would occur primarily during off-peak periods, NSPI employees commuting to/from the west (where transit service and parking are concentrated) during AM and PM peak periods would likely use the pedway.

Summary and Recommendations–

1. Proposed renovations to Emera Inc.'s future headquarters at 5151 Terminal Road include the installation of a pedway structure between the building and Nova Scotia Power's existing facility at 1223 Lower Water Street.
2. The proposed pedway structure is approximately 85m in length, and would cross Lower Water Street as part of a 170m pedestrian route connecting the two headquarters. The pedway will be accessible both for the public and the hundreds of employees who will pass between the two buildings on a regular basis. The pedway may be considered to offer less benefit as a public thoroughfare for a majority of origins and destinations outside of the Emera / NSPI facilities, as the street-level route is more direct and connected to existing pedestrian facilities. However, it will be available to the public as an alternative to the at-grade crossing.
3. The connection between the two facilities would be expected to provide improvements in safety, efficiency, and convenience for the hundreds of patrons moving between the proposed Emera building and NSPI Headquarters.
4. Modest improvements to traffic operations on Lower Water Street and its intersection at Terminal Road / Marginal Road are expected due to the anticipated reduction in pedestrian crossings.
5. It is recommended that the pedway structure be incorporated in the design of proposed renovations to the future Emera Headquarters at 5151 Terminal Road. It would effectively integrate the building with NSPI's Headquarters, improving daily operations between the two

facilities and providing modest improvements to vehicular circulation and safety in the area. It is not expected that the pedway would result in any significant impact on existing pedestrian realm activities in the area, as the on-street alternative is more direct and advantageous for the majority of origins and destinations in the area.

If you have any questions or comments, please contact me by email at [REDACTED] or by telephone at 835-9955.

Sincerely:

Original Signed

Mike Connors, P. Eng.
Traffic Engineer
WSP Group Inc.

Attachment E: Downtown Halifax Secondary Municipal Planning Strategy Excerpts

3.4.6 Pedestrian Weather Protection

Through design review, this Plan will encourage development that incorporates provisions for weather protection such as canopies or awnings at the street level. Throughout downtown Halifax a system of pedways provides year round interior connections between major downtown destinations such as shopping districts, office towers, hotels, and convention facilities. Although future pedestrian connections will be encouraged at the street level, this Plan enables the continuation of the pedway system in conjunction with major developments provided the design conforms with the design guidelines set out in the Land Use By-law, and that they do not obscure east-west window views of the Harbour.

Policy 24 HRM shall establish provisions in the Design Manual section of the Land Use By-law to encourage development to incorporate features such as canopies and awnings to provide weather protection for pedestrians at the street level.

Policy 25 HRM may permit pedways to be constructed in conjunction with development projects provided they meet the guidelines set out in the Design Manual.

2.3.1 Vision for Precinct 1: Southern Waterfront

Centred on the southern end of Lower Water Street and anchored by the Halifax Harbourwalk, Cornwallis Park, and the seawall, the southern downtown waterfront is poised to become one of the downtown's most desirable neighbourhoods. Building on the existing residential area, significant residential intensification alongside a mix of other compatible civic and commercial uses can serve to create both a great new destination and a splendid place to live overlooking the Harbour and within enviable proximity to all the amenities that downtown living has to offer.

New mixed-use, mid-rise buildings and strategically placed signature point-towers will be the emphasis of the new infill, which will serve to introduce a significant critical mass of people while closing the gaps in the southern waterfront streetscape. These developments will solidify the link between the central downtown and its southern extent anchored by the train station. Building on the existing residential character and heritage resources, new developments will create an integrated and harmonious high density neighbourhood with an exceptional street-level vibrancy including convenience retail outlets, sidewalk cafes, specialty shops, end of street plazas and grade-access residential units.

Defining landmark developments and improvements will include the adaptively reused and integrated power plant facility, a landmark development of signature architectural quality at the southern terminus of Lower Water Street, and new waterfront plazas framed by new potential cultural attractions at the foot of Morris Street and Marginal Road. In concert with open space and streetscape improvements, a strong linkage will be established between the Halifax Harbourwalk and Cornwallis Park to complete the connection between the downtown's southern destination anchors and further stimulate pedestrian movement throughout the area. The southern waterfront is a precinct defined by the Harbour, with open spaces along the Halifax Harbourwalk, at the end of the streets leading to the Harbour. New buildings will fill in existing gaps along the streetscape. Lower Water Street will have great sidewalks, landscaping and a streetwall that emphasizes its meandering qualities. Pedestrian-oriented retail shops and services will frame open spaces.

Map 2 Downtown Precincts

