

**REVISED**

Halifax Regional Council  
May 10, 2005

*June 14, 2005*

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**

*fu* *Stephane* *fu*  
\_\_\_\_\_  
Tom Creighton, Chair  
Heritage Advisory Committee

**DATE:** May 2, 2005

**SUBJECT:** Case 00743 - Application for Development Agreement Lot A-1 Hollis,  
Salter and Lower Water Streets Halifax

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**ORIGIN**

April 27, 2005 Heritage Advisory Committee meeting.

**RECOMMENDATION**

The Heritage Advisory Committee **recommends** that Regional Council:

1. Give Notice of Motion to consider an application by Salters Gate Developments Limited for a development agreement at Lot A-1 Hollis, Salter and Lower Water Streets, Halifax and schedule a public hearing;
2. Approve the development agreement, included as Attachment 1 of the staff report dated April 14, 2005, to permit a 125 - room hotel, 38 residential units and associated parking and commercial floor space;
3. Require that the development agreement be signed within 120 days , or any extension thereof grand by Regional Council on request of the applicant, from the date of final approval by Regional Council and any other bodies as necessary whichever is later; otherwise this

- approval will be void and obligations arising hereunder shall be at an end.
4. Subject to signing of the new agreement, discharge that portion of the existing development agreement as it applies to Lot A- 1 (PID#00471086), to take effect upon the registration of the new agreement.

### **BACKGROUND**

See staff report to Regional Council dated April 14, 2005.

### **DISCUSSION**

See attached minute extracts.

### **BUDGET IMPLICATIONS**

There are no budget implications for this application.

### **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:**

There are no alternatives proposed.

### **ATTACHMENT**

- 1) Draft minute extract - April 27, 2005, Heritage Advisory Committee

Additional copies of this report, and information on its status, can be obtained by contacting the office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Stephanie Parsons, Legislative Assistant

Report Approved by: Tom Creighton, Chair, Heritage Advisory Committee

## **HALIFAX REGIONAL MUNICIPALITY**

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### **HERITAGE ADVISORY COMMITTEE EXTRACT OF MINUTES April 27, 2005**

#### **4.3 Case 00743 - Application for Development Agreement Lot A-1 Hollis, Salter and Lower Water Streets Halifax**

- A staff report dated April 14, 2005, was before the Committee for its consideration.
- A letter labelled as attachment III was circulated to the Committee.

Mr. Paul Sampson reviewed the application of Salters Gate Developments as per the staff report.

It was noted that :

- it allows for additional parking
- demolition of two vacant, non -registered warehouse structures
- the relevant policies to base judgment on are 5.6 and 5.6.1
- the materials will complement adjacent heritage buildings
- the use of ironstone or a similar material in the retaining walls of the new building will be similar to that found on the Brewery building and the walls surrounding the Lieutenant Governors residence
- the main level and arcades would consist of deep rusticated jointing and finer tool jointing of the precast concrete panels which will resemble cut sandstone, which resembles the Lieutenant Governors residence and Keith Hall.

Ms. Maggie Holm advised the Committee that staff suggested that the developers continue the window sills across the entire front and that ironstone on the lower two levels be continued, to provide an element of more cohesiveness to each other. Overall staff was pleased with the proposal.

Mr. Paul Sampson commented that section 2.1.0 allows for changes without public hearings, and noted that the proposal includes detailed landscaping and signage at the ground floor. The signs must go through Heritage for review and they have agreed to that

The Market Plaza runs across the Brewery Market property. This land is not subject to the agreement but they will be working with the owners of the Brewery in order to be consistent in the development of the plaza. There is a clause in the agreement to address that. As per (page 13 section (i)). He also advised that there is an existing development agreement that applies to the property which is 10 years old, so just a portion of that agreement will be discharged. He also advised that the wind study done

for the previous proposal is consistent.

In response to Mr. Bill Mont, Mr. Paul Sampson clarified that the warehouse buildings are being demolished and that Lot A-1 is a stand alone lot, there is no consolidation of lots.

Mr. Roy Willwerth, Architect, Duffus Romans, also clarified for Mr. Bill Mont that the Brewery can be accessed externally from the new building and maybe internally through a stair case. He also referenced the carriageway into the hotel parking lot and service area.

Mr. Bill Campbell, Consultant, advised the Committee that a archeological study has been done. The archaeologist indicated there is a 30 foot set back from Hollis Street to allow them to look for materials while construction is going on. He also advised that it should take approximately 12 months to complete construction at a cost of 20 million dollars.

Councillor Sloane indicated her main concern was the trees, and asked how far they would be going down. Mr. Bill Campbell advised that the entire site will be investigated for archaeological reasons and that there is a retention of tree clause in the proposal.

In response to Mr. Clarence Butler, Mr. Bill Campbell advised that the site will be secured for safety and archaeological finds. Any findings will be sent to the Nova Scotia Museum.

Councillor Sloane asked if the developers were incorporating any of the finds into the hotel Mr. Campbell indicated there would be a good opportunity to do that.

Mr. Bill Mont advised Mr. Roy Wentworth that ironstone maybe available at Dalhousie Quarry in Purcells Cove.

Mr. Mark Pothier commented that it is not necessary to replicate the stone of the Brewery. Ms. Maggie Holm commented that they have already implemented some suggestions from staff. Staff is only suggesting that they replicate a few more elements at the lower portion, not necessarily use stone. Mr. Bill Placket commented that, although we want to separate the old from the new, staff is suggesting a gradual progression from old to new.

In response to the Chair Mr. Bill Campbell commented that the eastern deck can be accessed from the hotel and that they are limited as to what they can do with the roof.

In response to Councillor Sloane, Mr. Roy Willwerth indicated that there would be a separate elevator from the hotel and residential unit.

**MOVED by Councillor Sloan, seconded by Mr. Caley MacLennan, that the Heritage Advisory Committee recommend that Regional Council**

- 1. Give Notice of Motion to consider an application by Salters Gate Developments Limited for a development agreement at Lot A-1 Hollis, Salter and Lower Water Streets, Halifax and schedule a public hearing;**
- 2. Approve the development agreement, included as Attachment 1 of the staff report dated April 14, 2005, to permit a 125 room hotel, 38 residential units and associated parking and commercial floor space;**
- 3. Require that the development agreement be signed within 120 days , or any extension thereof grand by Regional Council on request of the applicant, from the date of final approval by Regional Council and any other bodies as necessary whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**
- 4. Subject to signing of the new agreement, discharge that portion of the existing development agreement as it applies to Lot A- 1 (PID#00471086),to take effect upon the registration of the new agreement.**

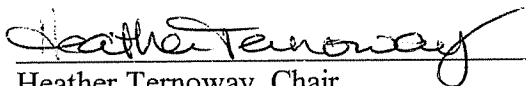
**MOTION PUT AND PASSED UNANIMOUSLY.**



Halifax Regional Council  
May 10, 2005

*June 14, 2005*

**TO:** Halifax Regional Council

**SUBMITTED BY:**   
Heather Ternoway, Chair  
District 12 Planning Advisory Committee

**DATE:** May 3, 2005

**SUBJECT:** Case 00743: Application for development agreement, Lot A-1, Hollis,  
Salter and Lower Water Streets, Halifax

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**ORIGIN**

District 12 Planning Advisory Committee meeting - May 2, 2005

**RECOMMENDATION**

The District 12 Planning Advisory Committee recommend that Regional Council:

1. Give Notice of Motion to consider an application by Salters Gate Developments Limited for a development agreement at Lot A-1, Hollis, Salter and Lower Water Streets, Halifax, and schedule a public hearing.
2. Approve the development agreement, included as Attachment 1 of the report dated April 14, 2005, to permit a 125-room hotel, 38 residential units and associated parking and commercial floor space.
3. Require that the development agreement be signed within 120 days, or any extension thereof granted by Regional Council on request of the applicant, from the date of final approval by Regional Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.
4. Subject to signing of the new agreement, discharge that portion of the existing development agreement as it applies to Lot A-1 (PID# 00471086), to take effect upon the registration of the new agreement.

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report prepared by: Gail Harnish, Admin/PAC Coordinator, 490-4937

## **EXTRACT - DRAFT MINUTES - DISTRICT 12 PAC - MAY 2, 2005**

### **5.1 Case 00743: Application for Development Agreement - Lot A-1, Hollis, Salter and Lower Water Streets, Halifax**

- A staff report dated April 14, 2005 was before the Committee for consideration.

Mr. Paul Sampson, Planner, briefly reviewed the proposal by Salters Gate Developments Ltd. for a mixed use, residential/commercial development consisting of a 125 room hotel, 38 residential units and associated parking and commercial floor space, Lot A-1, Hollis, Salter and Lower Water Streets, Halifax.

Mr. Sampson advised that should the proposal be approved, the existing agreement for Lot A-1 will be discharged upon registration of the new agreement. He further indicated that the Heritage Advisory Committee has recommended in favour of the proposal. Mr. Sampson made the following key points regarding the proposal:

- architectural materials are in keeping with heritage buildings in area
- the scale of the project is in keeping with the area
- signage will be reviewed by the Heritage Planner and fall within the Heritage Guidelines
- the Market Plaza will be designed and coordinated with the owners of the Brewery Market

At the request of Mr. Sampson and with agreement from the Committee, Mr. Bill Campbell and Mr. Roy Willworth, utilizing poster board depictions of the development, made a brief presentation relative to the proposal. The presentation included the following key points:

- a description of the design palette which will be carried out through the development
- demolition of the warehouses was undertaken to allow an opportunity for a timely archaeological review of the site and to determine what may be needed in terms of structural support
- a review of the components of the development including pedestrian entrances and parking (not visible from the street or on the surface)
- the view of the Brewer is maintained through the creation of the Market Plaza and the proposed set back along Lower Water Street
- an important corner is to be created mirroring the Metro Park and the Sheraton Hotel (Hollis and Salter)
- the proposal includes three carriage ways
- the general shape of project is compatible with those in the area
- the building material palette has been taken from the surrounding buildings (ironstone, glass, sandstone) and creates a quiet neutral backdrop to the brewery buildings
- the proposal falls under the viewplane
- a wind and shadow study has been completed which meets HRM's requirements



Mr. Campbell and Mr. Willworth then responded to questions from members of the Committee.

**MOVED by Councillor Sloane, seconded by Clary Kempton that the District 12 Planning Advisory Committee recommend that Regional Council:**

- 1. Give Notice of Motion to consider an application by Salters Gate Developments Limited for a development agreement at Lot A-1, Hollis, Salter and Lower Water Streets, Halifax, and schedule a public hearing.**
- 2. Approve the development agreement, included as Attachment 1 of the report dated April 14, 2005, to permit a 125-room hotel, 38 residential units and associated parking and commercial floor space.**
- 3. Require that the development agreement be signed within 120 days, or any extension thereof granted by Regional Council on request of the applicant, from the date of final approval by Regional Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**
- 4. Subject to signing of the new agreement, discharge that portion of the existing development agreement as it applies to Lot A-1 (PID# 00471086), to take effect upon the registration of the new agreement.**

**MOTION PUT AND PASSED UNANIMOUSLY.**





PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Halifax Regional Council**

**May 10, 2005**

*June 14, 2005*

**TO:**

Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**

  
\_\_\_\_\_  
Dan English, Acting Chief Administrative Officer

**DATE:**

April 14, 2005

**SUBJECT:**

**Case 00743: Application for Development Agreement, Lot A-1,  
Hollis, Salter and Lower Water Streets, Halifax**

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**ORIGIN**

Application by Salters Gate Developments Limited for a mixed use, residential/commercial development consisting of a 125-room hotel, 38 residential units and associated parking and commercial floor space.

**RECOMMENDATION:**

It is recommended that Regional Council:

1. Give Notice of Motion to consider an application by Salters Gate Developments Limited for a development agreement at Lot A-1, Hollis, Salter and Lower Water Streets, Halifax, and schedule a public hearing;
2. Approve the development agreement, included as Attachment 1 of this report, to permit a 125-room hotel, 38 residential units and associated parking and commercial floor space;
3. Require that the development agreement be signed within 120 days, or any extension thereof granted by Regional Council on request of the applicant, from the date of final approval by Regional Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.
4. Subject to signing of the new agreement, discharge that portion of the existing development agreement as it applies to Lot A-1 (PID# 00471086), to take effect upon the registration of the new agreement.

## **BACKGROUND**

### **Site Description:**

The subject property is lot A-1, which lies just north of the existing Alexander Keith's Brewery District complex. This lot is bounded by Hollis, Salter and Lower Water Streets and the northern boundary line of lot A-2 which contains most of the brewery market building (refer to Map 1).

Lot A-1 comprises an area of approximately 35,000 square feet. It is currently used for surface parking and also contains two vacant warehouse buildings which are attached to the Keith's Brewery complex and which are substantially underground. Lot A-1 is not registered as a heritage property.

### **The Proposal:**

Salters Gate is a stand-alone development proposal for lot A-1 which is under separate ownership from the remaining Brewery development but has been designed to blend with the current and future development of the rest of the block.

The following is a detailed breakdown of the proposed Salters Gate mixed-use development:

- proposed building heights of 6 storeys above Hollis Street and 8 storeys above Lower Water Street;
- 125-room hotel accessed primarily off Salter Street by a "carriageway" through the building, with secondary access off Lower Water Street and pedestrian access at Hollis and Salter Streets, and containing associated lobby/ reception space and restaurant/ lounge/ meeting space;
- 38 residential units, with pedestrian access at the corner of Hollis and Salter Streets;
- approximately 10,500 square feet of commercial space along Hollis Street and at Lower Water Street and Salter Streets;
- Market Plaza, a multi-purpose exterior open space and circulation area (for vehicles and pedestrians) suitable for market space, performances, public gatherings and special events (Note: The portion of Market Plaza on Lot A-2 (containing the main Brewery building) will be part of a future development phase. Clause 2.3 (i) of the draft agreement addresses this);
- 58 underground parking spaces, accessed off Salter Street and through Market Plaza, off both Lower Water and Salter Streets. 38 spaces are devoted to the residential use and 20 spaces to the hotel;

- internal pedestrian linkages from the residential portion of the building into the Brewery District buildings and external connections via pedestrian arcades providing weather protection along Salter and Hollis Streets;
- demolition of the two vacant, non-registered warehouse structures.

**Previous 2003 Proposal:**

An application for development agreement by Halkirk Properties Limited, proposing to develop lots A-1 through A-4, was refused by Peninsula Community Council in August of 2003. The current proposal for Salters Gate on lot A-1 only is very similar to and proposes virtually the same building envelope as the previous proposal for this lot in 2003. The primary difference is the proposed hotel use of the current application versus the primarily residential use proposed in 2003.

**Existing Development Agreement:**

A development agreement application by Clarence Investment Corporation Ltd. for the Keith's Brewery lands (lots A-1 through A-4) was approved in 1981. The existing agreement does not stipulate an expiry date (sunset clause) and permits a 5-storey office building above Hollis Street and 2-level parking for 110 cars on Lot A-1. Subject to approval of the current application by Council, staff recommend that the existing development agreement as it pertains to lot A-1 be discharged upon registration of the attached agreement (Attachment 1).

**Highlights of Proposed Development Agreement:**

The draft development agreement attached to this report provides for all elements of the proposed development as outlined above, and specifically for the following:

- detailed standards for landscaping of all open spaces, including the plaza / courtyard and rooftop areas; 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 Salter's Gate development does not protrude through Viewplane #6;
- signage at ground floor / street level will be compatible with and complementary to the Keith's Brewery signage;
- non-substantial amendments which may be approved by resolution of Council, including changes to the architectural requirements or appearance and landscaping details.

**Zoning and Enabling Policy:**

This application is made pursuant to Implementation Policy 3.5.3 of the Halifax Municipal Planning Strategy (MPS) and Section 85 of the Peninsula Land Use By-law, which enables Council to consider any development, provided it is consistent with the Municipal Planning Strategy and the Citadel Viewplane regulations in the Land Use Bylaw. These policies and regulations along with all other relevant policies related to urban design, heritage and land use, etc., are contained in Attachment II.

The site is under Viewplane #6 and therefore restricts any development heights to the ones proposed. The subject property is zoned C-2-V (General Business - Within a Viewplane) Zone and falls within the Halifax Waterfront Development Area (HWDA)(refer to Map 1). It is designated for commercial development on the Generalized Future Land Use Map . The Central Business District boundary bisects the block. The northern half of the block, lying within the CBD Sub-Area of the HWDA, is designated Commercial, and the southern half, lying within the Southern Sub-Area of the HWDA, is designated Residential.

**Surrounding Land Uses:**

Following is a brief description of the physical setting of the subject property within the Waterfront Development Area and its immediate environs.

- Land uses immediately to the north of the site include the Ralston Building, containing federal government offices and an adjacent parking lot, situated at Hollis and Salter Streets. To the northwest, on the opposite side of Salter Street is the MetroPark (HRM) parking facility;
- Immediately west, on the opposite side of Hollis Street, is the Four Points Sheraton hotel and the Maritime Centre office and retail complex abutting the Sheraton;
- Immediately to the south is lot A-2, a municipally registered heritage property containing most of the existing Alexander Keith's Brewery complex, including Keith Hall on Hollis Street. There are a number of other heritage properties in the immediate area, including the Black-Binney House across from Keith Hall at 1472 Hollis, Government House at Hollis and Bishop, Benjamin Weir House at 1459 Hollis Street and others along Bishop and Hollis Streets. To the southeast is the Bishop's Landing multiple-unit residential development on Lower Water Street;
- To the east and northeast lie the Waterfront Warehouse and parking lots on opposite sides of Salter Street and off Lower Water Street on lands owned by the Waterfront Development Corporation. The municipality currently has on file an application by the Centennial Group Limited for development of the vacant lot to the east, directly across Lower Water Street,

which proposes a mixed use development containing hotel, retail and multi-unit residential uses.

**Public Comment and Meeting Notification:**

A public information meeting was held on February 10, 2005. The area of property owner notification (by mail) is shown on Map 2. The minutes of the meeting are attached as Attachment IV. One written submission was made following the public meeting and this is provided as Attachment III. Comments received at the information meeting and in the submission focussed on the adequacy of proposed parking and safety issues associated with pedestrian and vehicular movement within Market Plaza. These matters are addressed later in this report and in the proposed development agreement.

**DISCUSSION:**

Staff has evaluated the subject development proposal in relation to the applicable policies of the Halifax Municipal Planning Strategy (Attachment II). The evaluation is detailed below.

**Compatibility with Heritage Buildings /Properties:**

MPS policies related to heritage properties call for the exterior architectural design of new buildings to be sensitive and complementary to any adjacent ones of historic or architectural significance (see Policy 5.6.1, Attachment II). The proposal includes the following design elements in response to MPS policies:

- The treatment and colour of materials in the Salters Gate proposal will complement adjacent heritage buildings. The use of ironstone or a similar material in the lower walls and retaining walls of the new building will be similar to that found on the Brewery building and the walls surrounding the Lieutenant Governor's residence. The buff colour and combination of deep rusticated jointing and finer tool jointing of the precast concrete panels will resemble the colour and texture of the cut sandstone of the Lieutenant Governor's residence and Keith Hall. Clear, untinted glass will be used;
- the proportion / scale of the Salters Gate development is consistent with heritage buildings in the immediate area.

The proposed development meets the heritage related policies and objectives of the MPS.

**Conformity with Land Use By-law Requirements:**

- Viewplane Requirements

Section 24 of the Land Use By-law restricts buildings from protruding through a Viewplane. This requirement cannot be altered by a development agreement. The applicant is required, through the agreement, to provide certification from a land surveyor at the permitting stage that this section of the By-law will be met. The submitted plans show that the proposed development does not protrude through Viewplane #6.

- Parking

Parking garages are not permitted as-of-right in order to ensure they are properly designed. Parking within this project is properly concealed within the building and the attractive building facades satisfy the relevant MPS policies. The provision of one parking space for each of the dwelling units and 20 spaces for the hotel appears to be adequate given the close proximity of the MetroPark facility and other parking facilities in the CBD. Within the CBD sub-area, there are no minimum requirements for parking associated with development proposals.

- Population Density and Angle Controls

As the density and angle control requirements of the by-law do not apply within the CBD sub-area due to the traditional building form and historical pattern of development, these aspects of the by-law do not apply to the Salters Gate proposal.

**Landscaping, Open Space and Circulation:**

The Salters Gate proposal includes abundant, high quality landscaped open spaces through the provision of Market Plaza and rooftop open spaces and proposes weather-protected pedestrian arcades along Salter and Hollis Streets. The draft agreement contains detailed requirements for landscaping (Section 2.3) including the submission of a plan and related information at the permitting stage and requirements for its completion within a reasonable time frame.

Market Plaza has been designed as a multi-purpose open space and circulation area for pedestrians as well as to allow vehicles to enter and exit the site via Salter and Lower Water Streets. The applicant has indicated that vehicular movement will primarily be valet controlled and closely monitored and that there will be clearly defined separation between pedestrians and vehicles in the detailed design of the plaza area.



**Shadow, Wind and Traffic Studies:**

The above noted studies were submitted and reviewed by staff with regard to the previous proposal in 2003. Staff have reviewed the current Salters Gate proposal and have determined that the current proposal is supported by the findings of the studies. In particular:

- Shadow impact from the proposed development will be minimal. There is no shadow impact on public (HRM owned) open spaces. Generally, shadows will occur on the abutting streets and sidewalks during different parts of the day, which is common in a downtown setting. Shadowing of Market Plaza will be minimal in the summer months, with the remainder of the year seeing the plaza shadowed by the Maritime Centre more so than by the proposed building.
- Wind impacts from the proposed building will be minimal. The study found that, in some locations, the presence of the proposed building will improve wind conditions over the existing situation.
- The increase in traffic resulting from the proposal is acceptable. The existing driveway on Salter Street near the intersection of Lower Water Street will be moved slightly uphill, further away from the intersection, which will improve the situation.

**Conclusion:**

Staff are of the opinion that the proposal is in keeping with the policies and objectives of the Halifax Waterfront Development Area (HWDA) and the Municipal Planning Strategy as a whole. The proposal is both appropriate for the site and surrounding area and is compatible with and complimentary to the adjacent heritage properties, primarily the existing Brewery complex.

**BUDGET IMPLICATIONS**

None

**FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN**

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

**ALTERNATIVES**

1. Council may approve the development agreement. If this course of action is taken, Council would be required to discharge that portion of the existing development agreement as it pertains to the property (lot A-1 only). This is the recommended course of action.

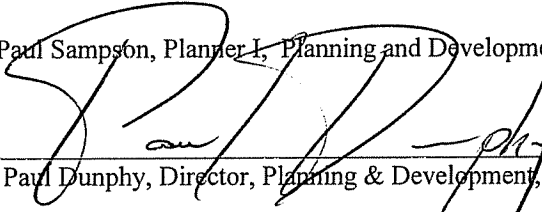
2. Council may refuse to enter into the development agreement and, in doing so, must provide reasons based on conflict with existing MPS policy. This alternative is not recommended for the reasons described above.
3. Council may choose to approve the development agreement with modifications which are acceptable to the applicant. Such modifications may require further negotiations with the applicant and/or revisions to the schedules attached to the agreement.

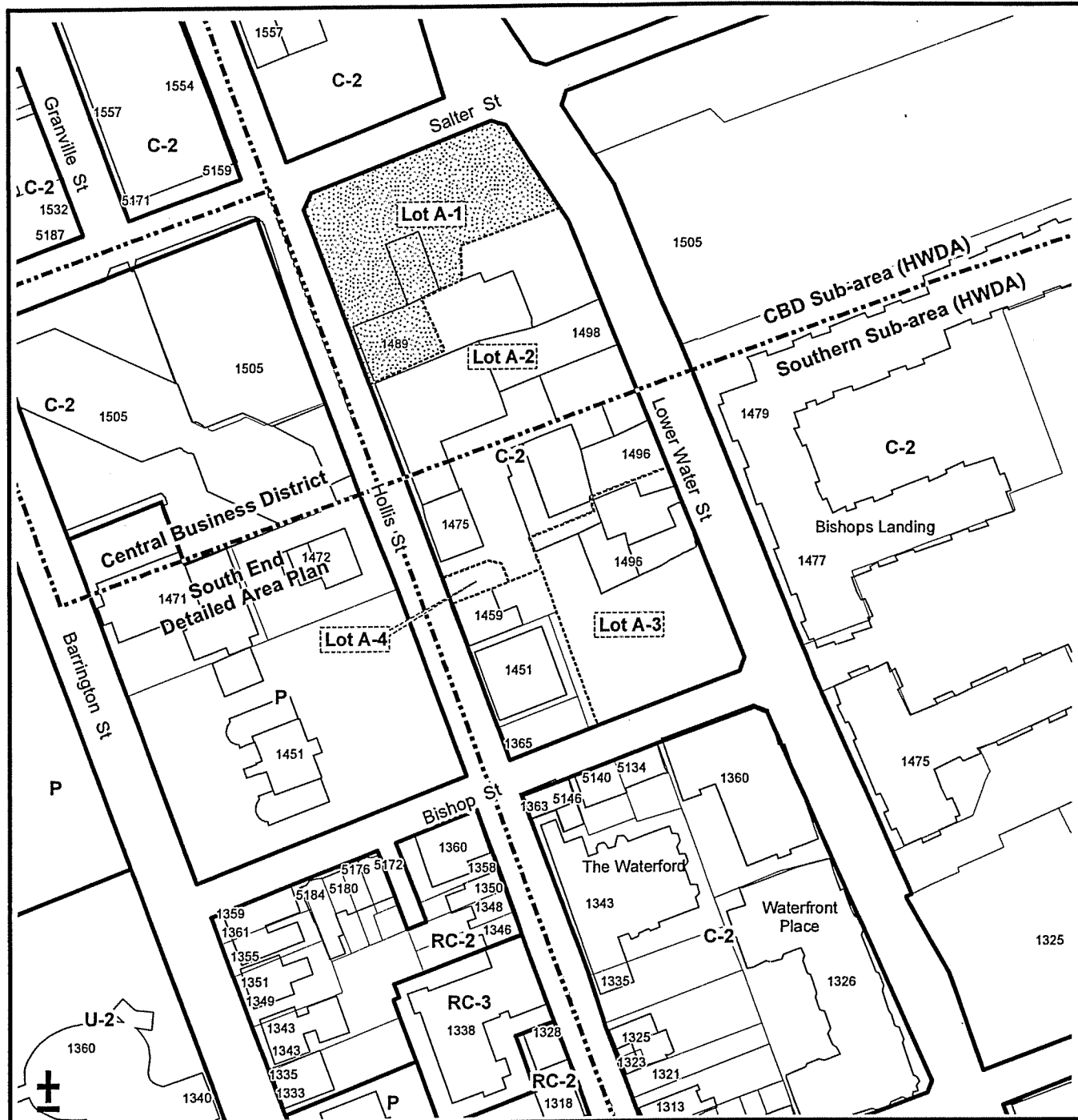
**ATTACHMENTS**

Map 1	Zoning and Location
Map 2	Area of Notification
Attachment I	× Draft Development Agreement with <u>Schedules</u>
Attachment II	Relevant Sections of the Municipal Planning Strategy / Land Use By-law
Attachment III	× Written Submission
Attachment IV	Public Information Meeting Minutes

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.


Report Prepared by: Paul Sampson, Planner I, Planning and Development Services, ph.490-6259

Report Approved by:   
Paul Dunphy, Director, Planning & Development, 490-4933



### Map 1 - Zoning and Location

Keiths Brewery Site  
Lower Water Street  
Halifax

 Subject area

Halifax Peninsula By-Law Area

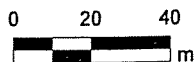
## Zone

RC-2	Residential Minor Commercial
RC-3	High-Density Res. Minor Commercial
C-2	General Business
P	Park and Institutional
U-2	High-Density University



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 - Notification Area

Keiths Brewery Site  
Lower Water Street  
Halifax



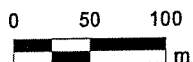
Subject area



Area of notification

**HALIFAX**  
REGIONAL MUNICIPALITY  
PLANNING AND  
DEVELOPMENT SERVICES

Halifax Peninsula By-Law Area



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

THIS AGREEMENT made this       day of                          , 2005,  
BETWEEN:

**SALTERS GATE DEVELOPMENTS LIMITED,**

a body corporate, in the Halifax Regional Municipality, Province of Nova Scotia (hereinafter called the “Developer”)

OF THE FIRST PART

- and -

**HALIFAX REGIONAL MUNICIPALITY,**

a municipal body corporate,  
(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the developer wishes to obtain permission to construct a mixed use development including hotel, commercial and multiple-unit residential uses on lot A-1, bounded by Hollis, Lower Water and Salter Streets, Halifax (PID# 00471086) pursuant to Implementation Policy 3.5.3 of the Halifax Municipal Planning Strategy and Section 85 of the Halifax Peninsula Land Use By-law;

AND WHEREAS the Developer warrants that it is the registered owner of the lands described in Schedule A hereto (hereinafter called the "Lands")

AND WHEREAS a condition of the granting of approval of Council is that the Developer enter into an agreement with the Halifax Regional Municipality;

AND WHEREAS the Regional Council of Halifax Regional Municipality, at its meeting on the day of 2005, approved the said agreement to allow for a mixed use development on the lands subject to the registered owner of the lands described herein entering into this agreement, and at the same meeting, approved the discharge of that portion of the existing development agreement as it applies to Lot A-1 (PID# 00471086) and filed in the Registry of Deeds in Book No. 3518, Pages 60-73, said discharge to take effect upon the registration of this agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the granting by the Municipality of the development agreement requested by the Developer, the Developer agrees as follows:

## **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 Bylaws, 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 to the extent varied by this Agreement), or any statute or regulation of the Province of Nova Scotia, and the Developer or lot owner agrees to observe and comply with all such laws, by-laws and regulations in connection with the development and use of the Lands.

### **1.4 Conflict**

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

### **1.5 Costs, Expenses, Liabilities and Obligations**

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

### **1.6 Provisions Severable**

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 / Use of Lands**

The Developer shall develop and use the lands for a mixed use, commercial / residential development which, in the opinion of the Development Officer, is substantially in conformance with Plans No.001 - 009 filed in the Halifax Regional Municipality Planning and Development Services as Case 00743 and are attached as the following Schedules to this Agreement:

Schedule "A"	Legal Description of the Lands
Schedule "B"	Site / Landscape Plan
Schedule "C"	Main Floor Plan
Schedule "D"	Salter Street - Level 2
Schedule "E"	Hollis Street - Level 3
Schedule "F"	Typical Floor Plans - Levels 4, 5, 6, 7
Schedule "G"	Top Floor Plan - Level 8
Schedule "H"	Lower Water Street Elevation
Schedule "I"	Salter Street Elevation
Schedule "J"	Hollis Street Elevation

### **2.2 Architectural Requirements**

#### **(a) Materials and Colour**

Materials for the building will include a mixture of ironstone or materials of similar appearance to ironstone, jointed architectural precast concrete with sandstone texture and colour and clear glass as shown on the plans noted in Section 2.1 (Schedules B to J). 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.

#### **(b) 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.

#### **(c) Mechanical Ventilation Grills**

The mechanical ventilation grills shall be designed and treated / finished in such a way as to minimize their overall impact and blend in with the building design and materials.

### **2.3 Landscaping**

- (a) 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.).
- (b) 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 developers 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.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) Every effort is to be made to ensure the preservation of the existing trees on site. The landscape plan shall identify the limit of disturbance, the hoarding fence location and the stockpile location. Proper arboricultural practices shall be undertaken and shall include such activities as the erection of tree protective hoarding fence (orange snow fencing) located as close to the dripline of the trees to be preserved as possible for the duration of construction. No stockpiling of soil or materials shall be placed within the hoarded area or against the fencing. No pruning, damage to limbs or roots, or excavation shall occur within the hoarded areas, with the exception of surface grading requirements necessary for the correct and proper placement of unit pavers and sidewalks. Any trees to be preserved that are damaged shall be replaced, two new trees for each damaged tree, with trees of the same type and with minimum sizes of 100 mm caliper (4 inch diameter) for deciduous trees and coniferous trees a minimum of 2 metres (6.5 ft.) high.



- (g) 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.
- (h) 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 2.3 (b through g). 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.
- (i) The Developer agrees to coordinate the detailed design and landscaping of Market Plaza, as shown on Schedule B, with the property owner of lot A-2 (PID # 00003723) to ensure a consistent overall design of the plaza and coordination of its construction with future phases of development on lot A-2. Every effort will be made to complete the full extent of Market Plaza as shown on Schedule B within a reasonable time.

## **2.4 Solid Waste Facilities**

The proposed building shall include designated space for three stream (refuse, recycling and composting) source separation services for the multiple-unit residential uses proposed. This designated space for source separation services shall be shown on the building plans and approved by the Development Officer and Building Inspector in consultation with the General Manager of Solid Waste Resources.

## **2.5 Commercial Uses**

The commercial retail spaces shown on Schedules C, D and E abutting Hollis Street and at the corner of Salter and Lower Water Streets shall not be converted to residential uses. The Development Officer may permit the residential uses shown on Schedule E adjacent to the commercial space to be converted to commercial uses.

## **2.6 Signs**

- (a) Signs for the hotel use shall generally be limited to:
  - (i) on awnings in the hotel portion of the development;
  - (ii) one sign at any elevation (floor level) on the corner of Hollis and Salter Streets;
  - (iii) one signature sign on each of the north and south elevations on the upper portions of the walls at the east end of the building, and
  - (iv) one sign on each of the north and south elevations on the street level at the east end of the building.
- (b) Signs for commercial uses shall generally be limited to:
  - (i) fascia and projecting signs located along the ground floor or other commercial level facades;
  - (ii) on awnings in the commercial portions of the development.
- (c) Signs for residential uses shall generally be limited to:
  - (i) one sign at any elevation (floor level) on the corner of Hollis and Salter Streets, and
  - (ii) one symbol type sign on awnings in the residential portions of the development.
- (d) The developer agrees that all signs indicated in sections 2.6 (a), (b) and (c) which are located at ground or street level 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.

## **2.7 Surveyor Certification**

Prior to the issuance of a Development Permit for Salter's Gate, the Developer shall provide to the Development Officer written certification from a professional surveyor that the development does not violate section 24 of the Halifax Peninsula Land Use By-law.

## **2.8 Variations**

The Development Officer may approve variations to the internal floor plans affecting the type and number of residential units and population count, internal floor layout of the hotel and additional underground parking provided that the overall population density does not exceed 250 persons per acre and that the design is substantially in conformance with Schedules B through J.

## **2.9 Servicing and Street Right-of-Way**

The Developer agrees that all servicing shall be designed and constructed in accordance with the Municipal Service System guidelines and the Streets By-law (S-300) and be compatible with the proposed Harbour Solutions project (separate sanitary and storm sewer connections). It is the responsibility of the Developer or the Developer's consultant to confirm municipal service sizes for the property. Any work associated with underground utilities shall be the responsibility of the Developer. Municipal sidewalks abutting the site shall be designed and constructed in accordance with the Capital District Urban Design Project and shall be the responsibility of the Developer.

## **2.10 Non-Substantial 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 2.2 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 2.3 which, in the opinion of Council, are minor in nature;

## **2.11 Substantial Amendments**

Amendments to any matters not identified under section 2.10 shall be deemed substantial and may only be amended in accordance with the approval requirements of the Municipal Government Act.

# **PART 3: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE**

## **3.1 Registration**

A copy of this Agreement and every amendment and discharge of this Agreement shall be recorded at the office of the Registry of Deeds at Halifax, Nova Scotia and the Developer shall pay for the registration cost incurred in recording such documents.

## **3.2 Subsequent Owners**

This Agreement shall be binding upon the parties thereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the land which is the subject of this Agreement.

### **3.3 Commencement of Development**

In the event that construction of the project has not commenced within four years from the date of registration of this Agreement at the Registry of Deeds, the Municipality may, by resolution of Council, either discharge this Agreement whereupon this Agreement shall have no further force or effect, or upon the written request of the Developer, grant an extension to the date of commencement of construction. For the purpose of this section, commencement shall mean the issuance of a building permit and the pouring of the footing and foundation of the building.

### **3.4 Completion of Development**

Upon the completion of the development or portions thereof, or within eight years from the date of registry of this Agreement with the Registry of Deeds, 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, as may be amended.

### **3.5 Issuance of Permits**

The Municipality shall issue the necessary permits for the development upon the expiration of the fourteen day appeal period under Section 249 of the Municipal Government Act, as the same may be amended from time to time, or upon the withdrawal or dismissal of any appeal which may be taken; provided, however, that the Municipality shall not issue any occupancy permit for the development unless and until the development specified in the plans referred to in Part 2 hereof has been completed substantially in accordance with the said plans and the requirements of this Agreement have been met.

## **PART 4: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT**

### **4.1 Access**

The Developer agrees 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 to allow for such an inspection during any reasonable hour within seven (7) days of receiving such a request.

### **4.2 Failure or Default**

If the Developer fails to observe or perform any covenant or condition of this Agreement after the Municipality has given the Developer thirty (30) days written notice of the failure or default, 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 defence based upon the allegation that damages would be an adequate remedy;
- (b) the Municipality may enter onto the Property and perform any of the covenants contained in this Agreement whereupon all reasonable expenses whether arising out of the entry onto the lands or from the performance of the covenants may be recovered from the Developer by direct suit and such amount shall, until paid, form a charge upon the Property and be shown on any tax certificate issued under the Assessment Act.
- (c) the Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; and/or
- (d) in addition to the above remedies the Municipality reserves the right to pursue any other remediation under the Municipal Government Act or Common Law in order to ensure compliance with this Agreement.

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

**SIGNED, SEALED AND DELIVERED**

) **SALTERS GATE DEVELOPMENTS LTD.**

)

)

)

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) Per \_\_\_\_\_

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) **HALIFAX REGIONAL MUNICIPALITY**

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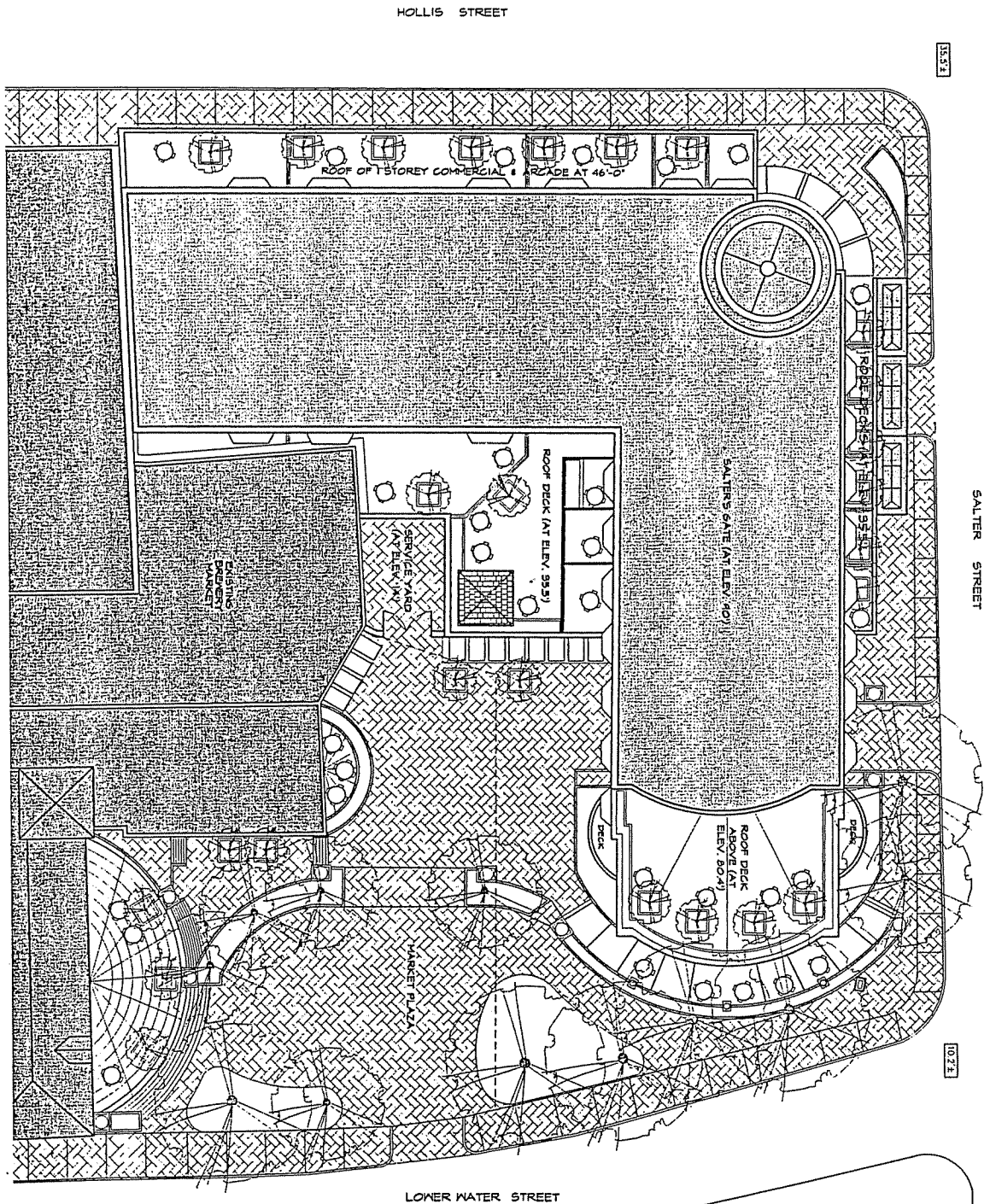
Mayor

)

)

) Per \_\_\_\_\_

Municipal Clerk



SITE / LANDSCAPE PLAN

Schedule B / Plan # 00743-001

ALKIRK PROPERTIES

Plus Romons Kundzins Rounseil



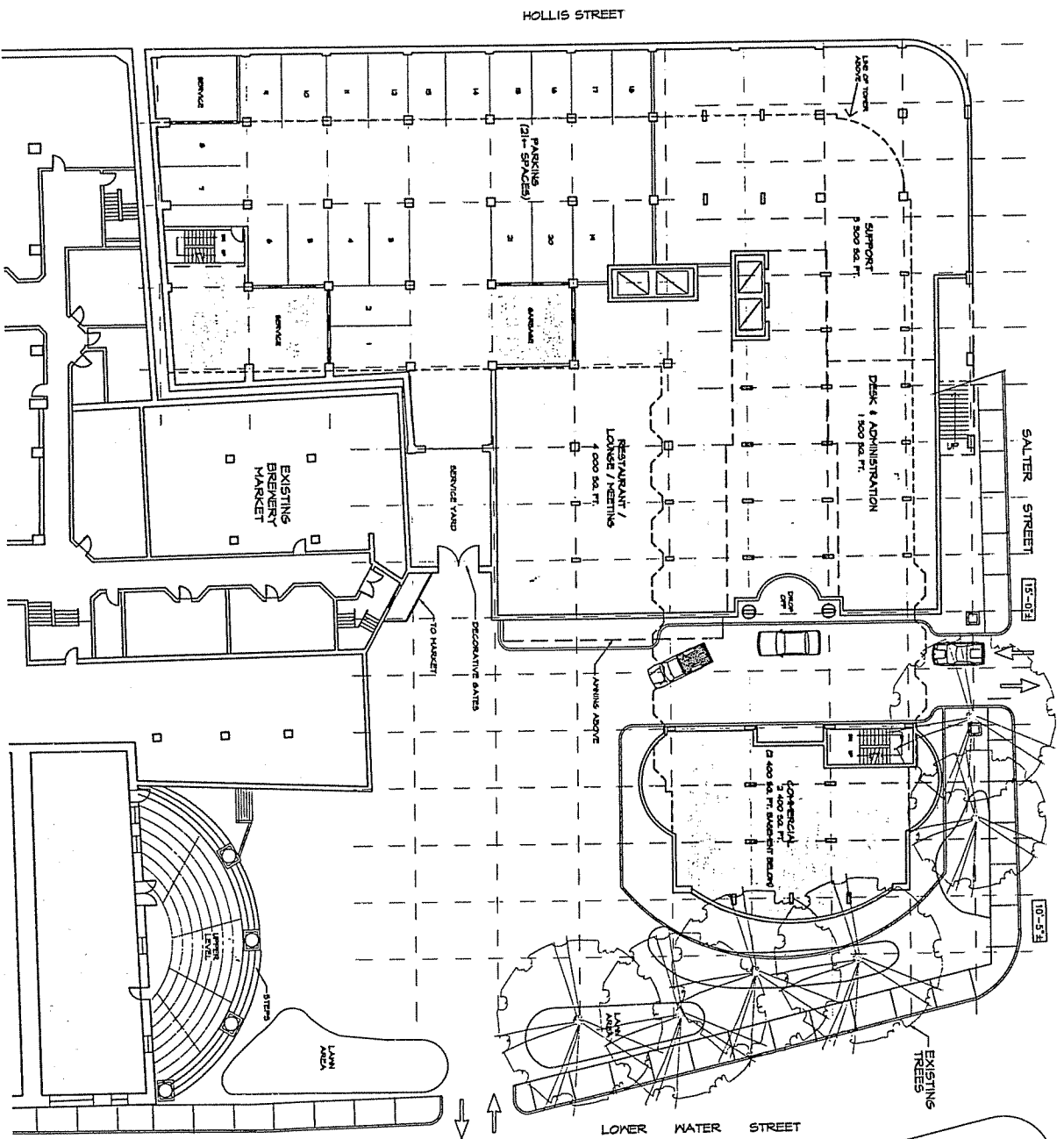
ROOM 2422

Schedule C / Plan # 00743-002

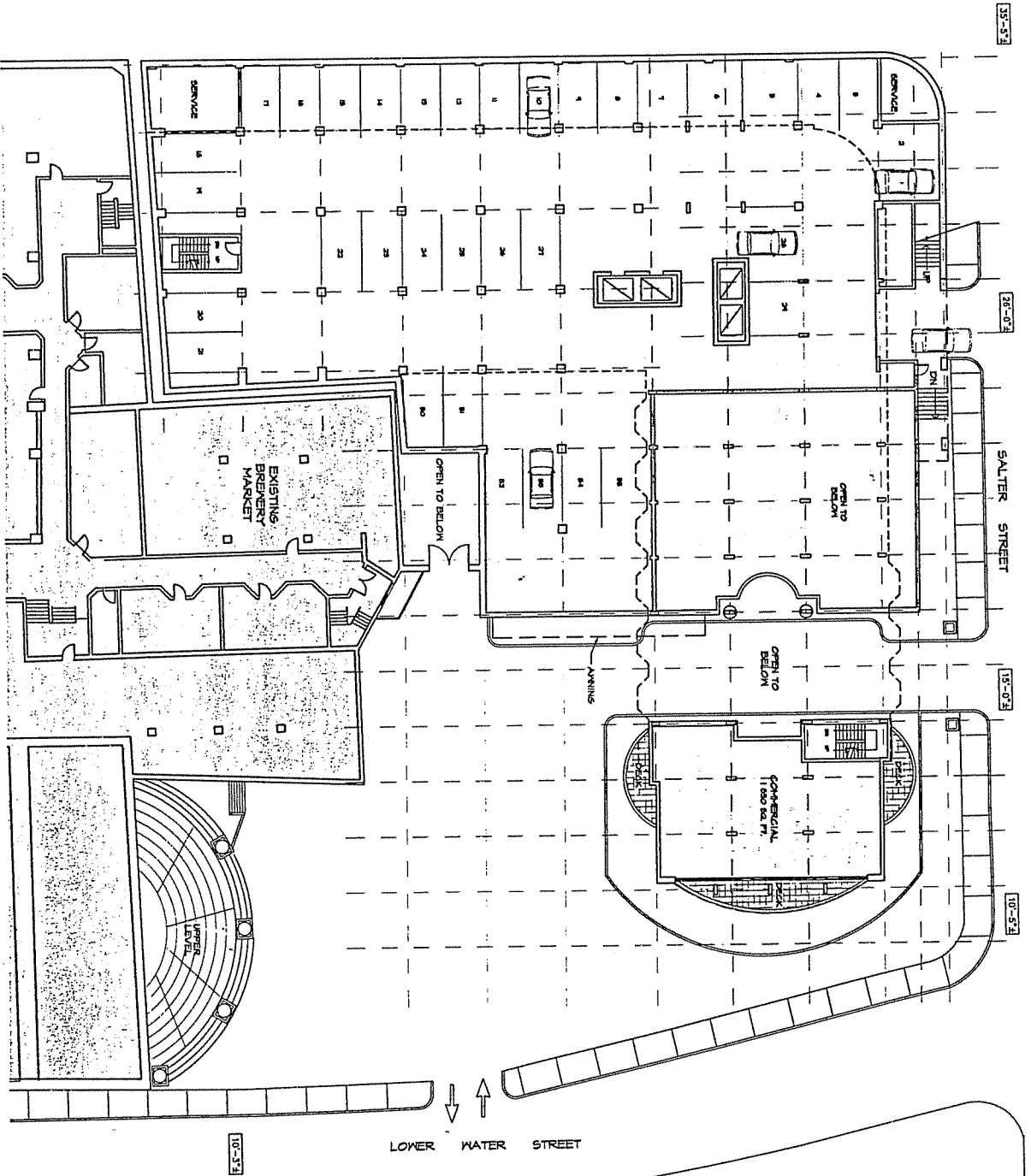
HALKIRK PROPERTIES

*Duffus Romans Kundzins Rounsefell* :::::

SALTER'S GATE







# SALTER STREET - LEVEL 2

HALKIRK PROPERTIES

Schedule D / Plan # 00743-003

SALTER'S GATE

Dufus Romans Kundzins Rounselle :::::



Architectural floor plan of a building, likely a residential or commercial structure, showing various rooms and outdoor areas. The plan includes the following labeled areas:

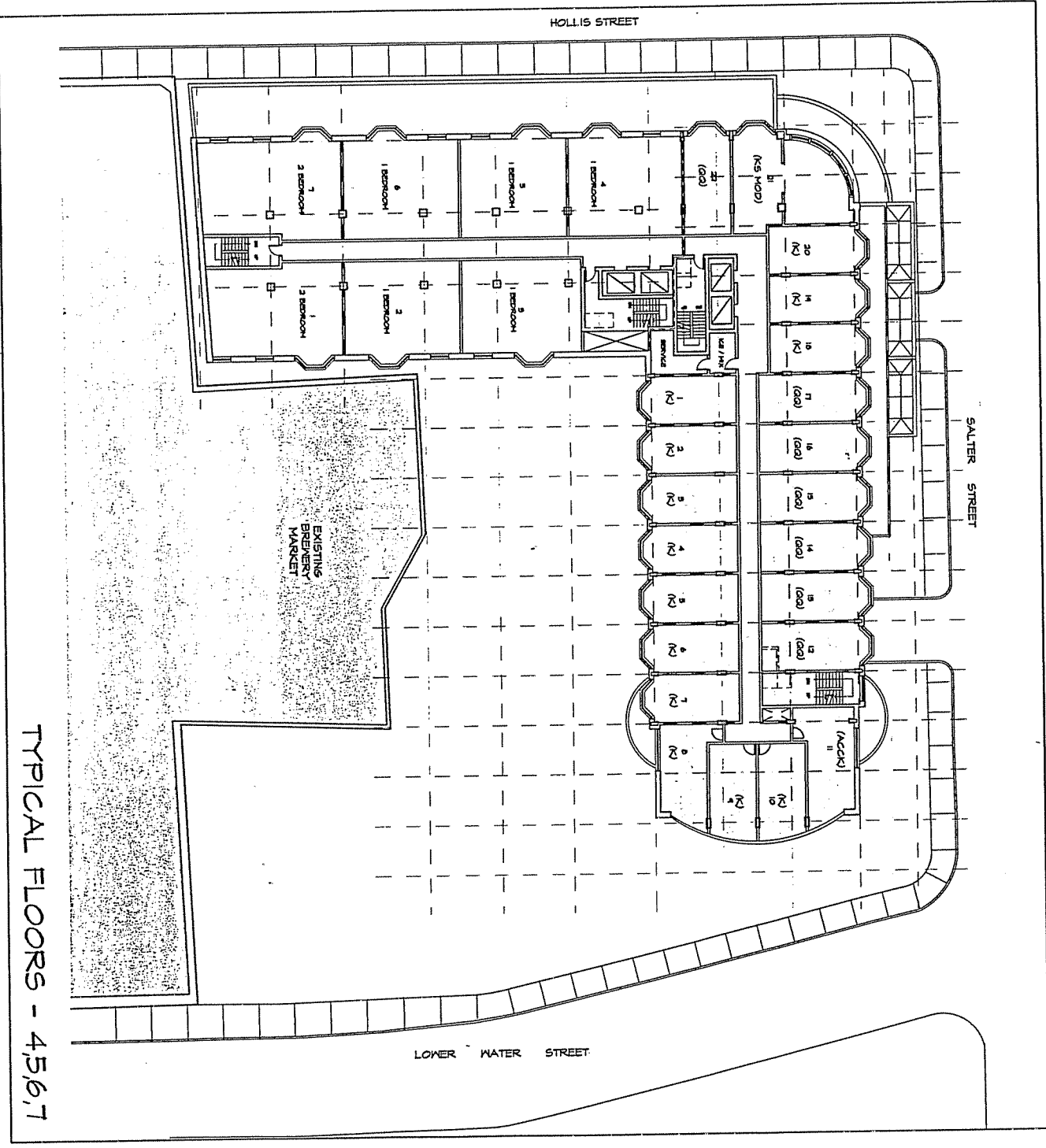
- Rooms:** 1 BEDROOM, 2 BEDROOM, 3 BEDROOM, 4000 B'VD. (4000 Broadway), KITCHEN, BATH, and a large central hall.
- Outdoor Areas:** SERVICE YARD (AT ELEV. 14'), ROOF DECK (AT ELEV. 33.5'), and an EXISTING BREWERY MARKET area.
- Structural Features:** Multiple columns and walls are shown, along with a large open area labeled "OPEN SPACE".
- Orientation:** The plan is oriented with "SALTER STREET" at the top and "LOWER WATER STREET" at the bottom.
- Other Labels:** "ROOF DECKS (A) ELEV. 33.5'", "SERVICE", "STAIRS", and "ELEVATOR" are also indicated.

LOWER WATER STREET

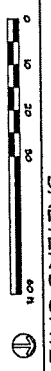
HOLLIS STREET - LEVEL 3

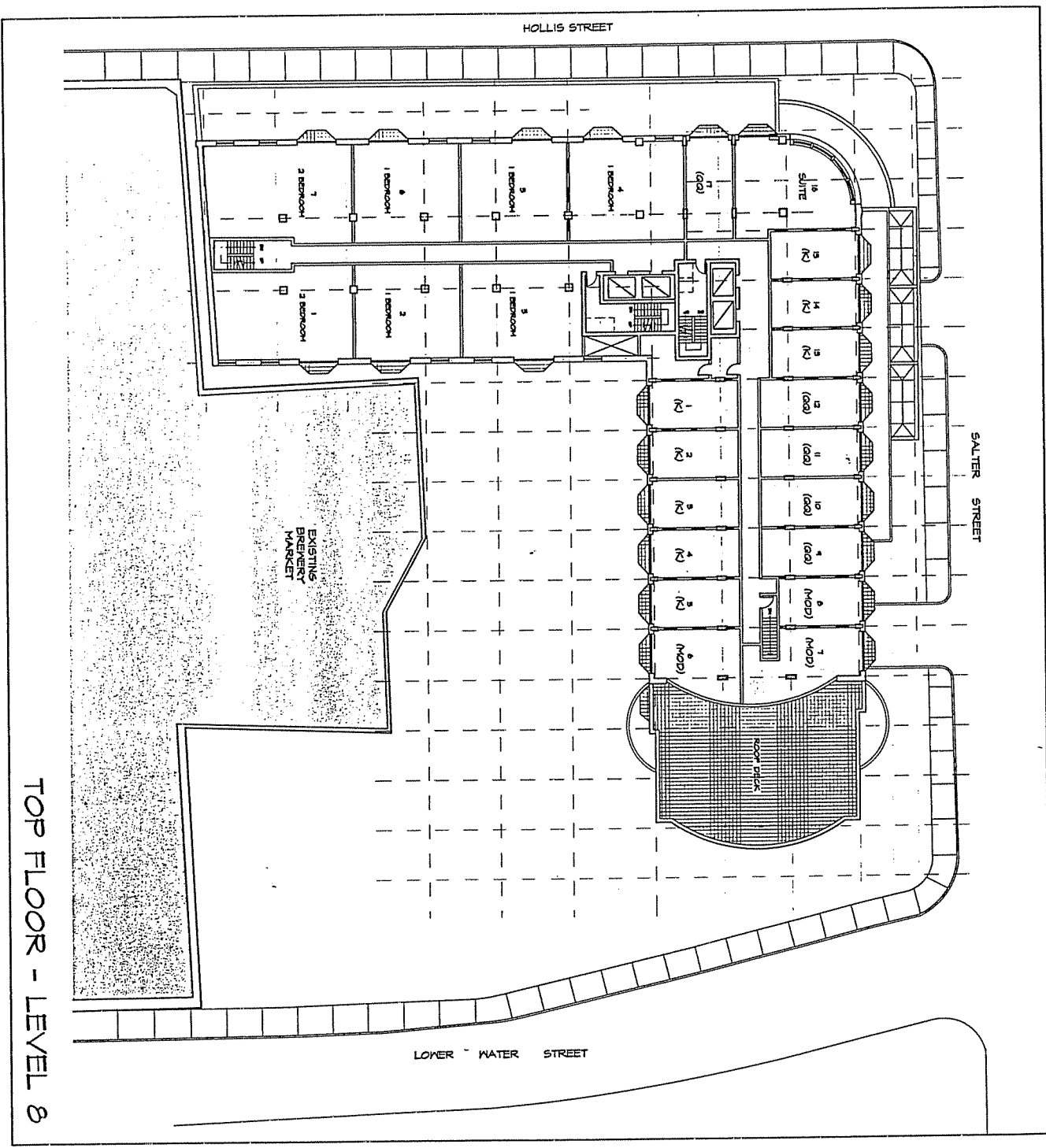
**Schedule E / Plan # 00743-004**

## SALTER'S GATE



TYPICAL FLOORS - 4,5,6,7





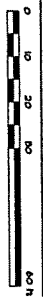
TOP FLOOR - LEVEL 8

HALKIRK PROPERTIES

Schedule G / Plan # 00743-006

Duffus Romans Kundzins Rounsefell

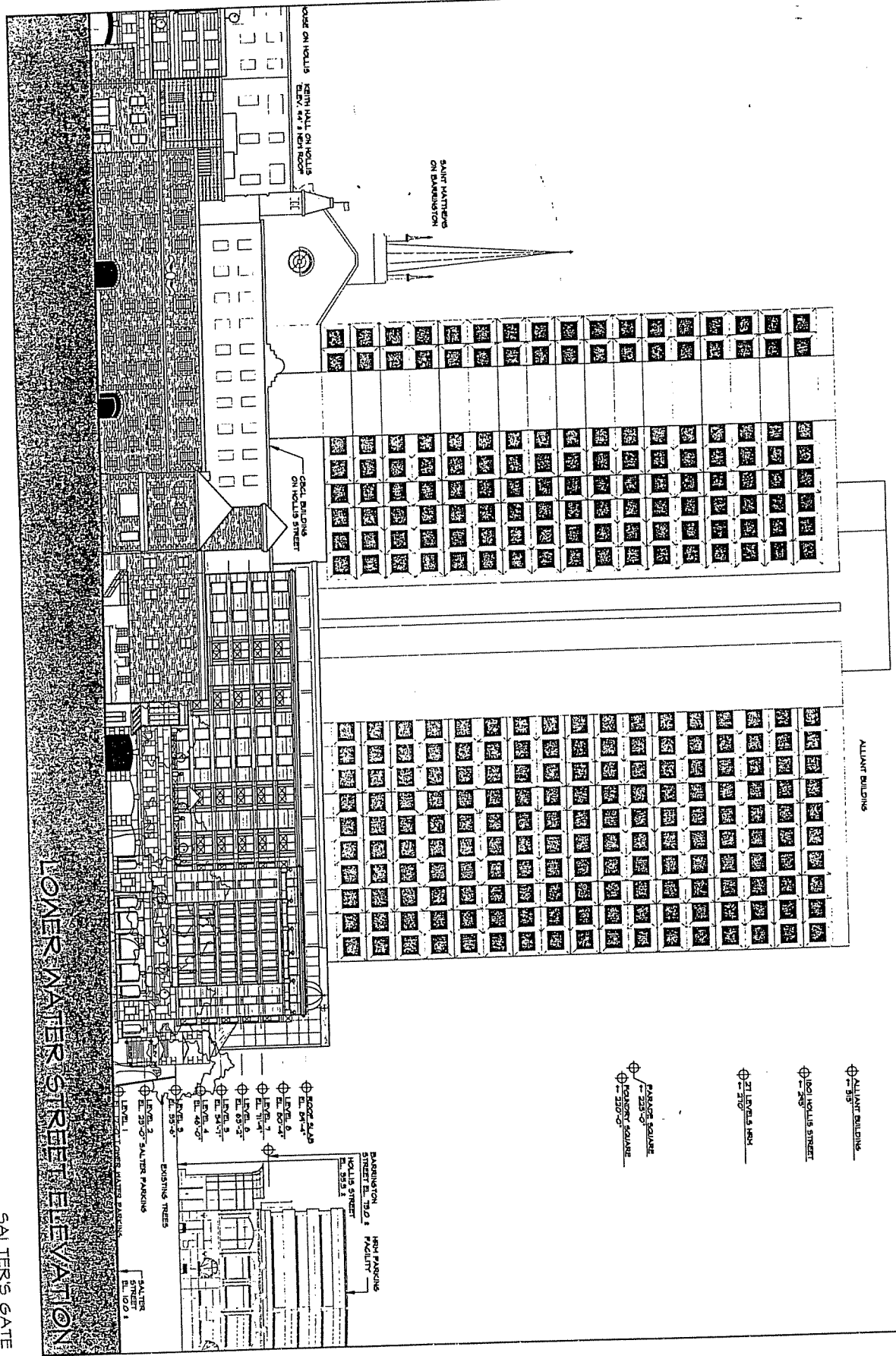
SALTER'S GATE



HALKIRK PROPERTIES  
 Dufus Romans Kundzins Rounsellell

Schedule H / Plan # 00743-007

SALTER'S GATE



PARKING SQUARE  
 STREET EL. 22.0 ±  
 POLARITY SQUARE  
 EL. 22.0 ±

21 LEVELS HIGH  
 EL. 22.0 ±

1501 HOLLS STREET  
 EL. 22.0 ±

ALLANT BUILDING  
 EL. 22.0 ±

BARBINGTON  
 STREET EL. 72.0 ±  
 HOLLS STREET  
 EL. 55.0 ±  
 NEW PARKING  
 FACILITY  
 EL. 55.0 ±

EXISTING TREES

LEVEL 1

LEVEL 2

LEVEL 3

LEVEL 4

LEVEL 5

LEVEL 6

LEVEL 7

LEVEL 8

LEVEL 9

LEVEL 10

LEVEL 11

LEVEL 12

LEVEL 13

LEVEL 14

LEVEL 15

LEVEL 16

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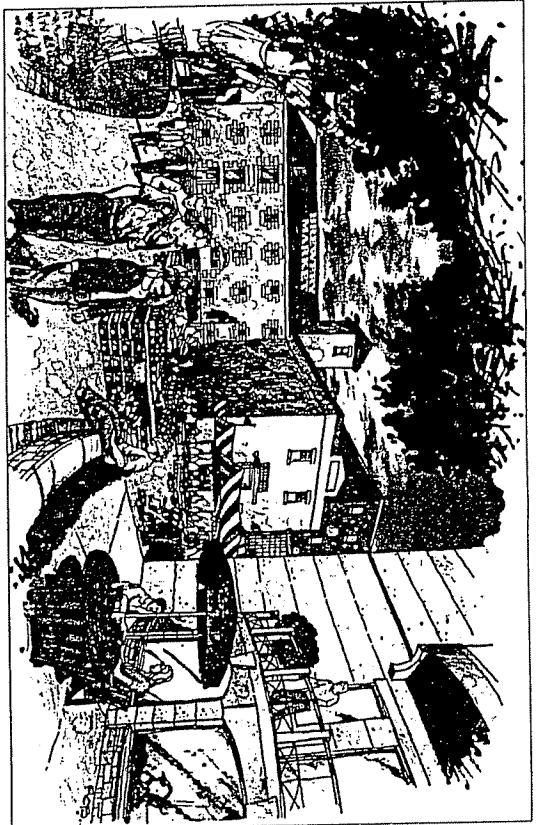
LEVEL 96

LEVEL 97

LEVEL 98

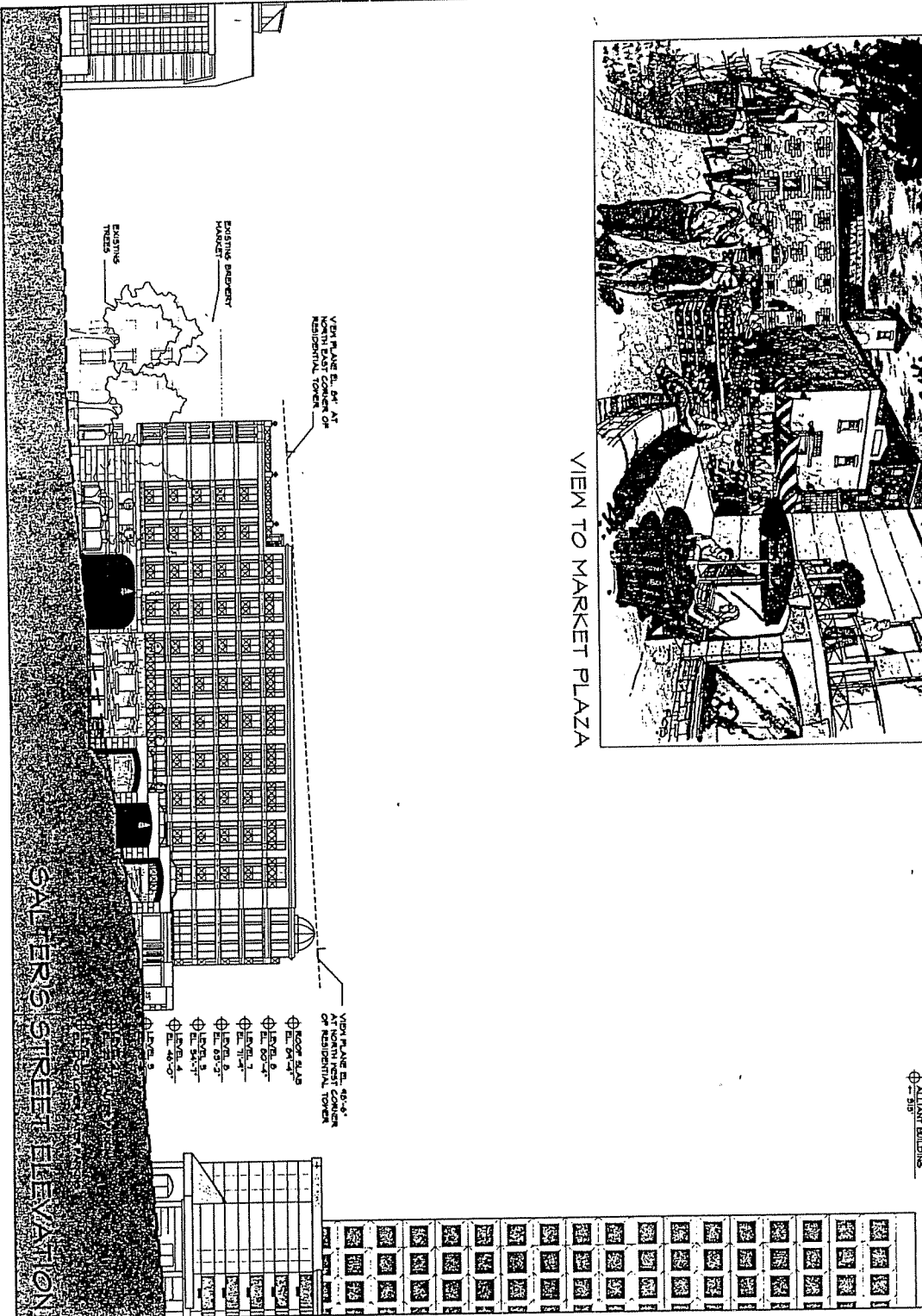
LEVEL 99

LEVEL 100



VIEW TO MARKET PLAZA

ALLIANT BUILDING  
← 313'



ITALYAN PROPERTIES

*Duffus Romans Kundzins Rounsefell* ..... 11

**Schedule I / Plan # 00743-008**

SALTER'S GATE

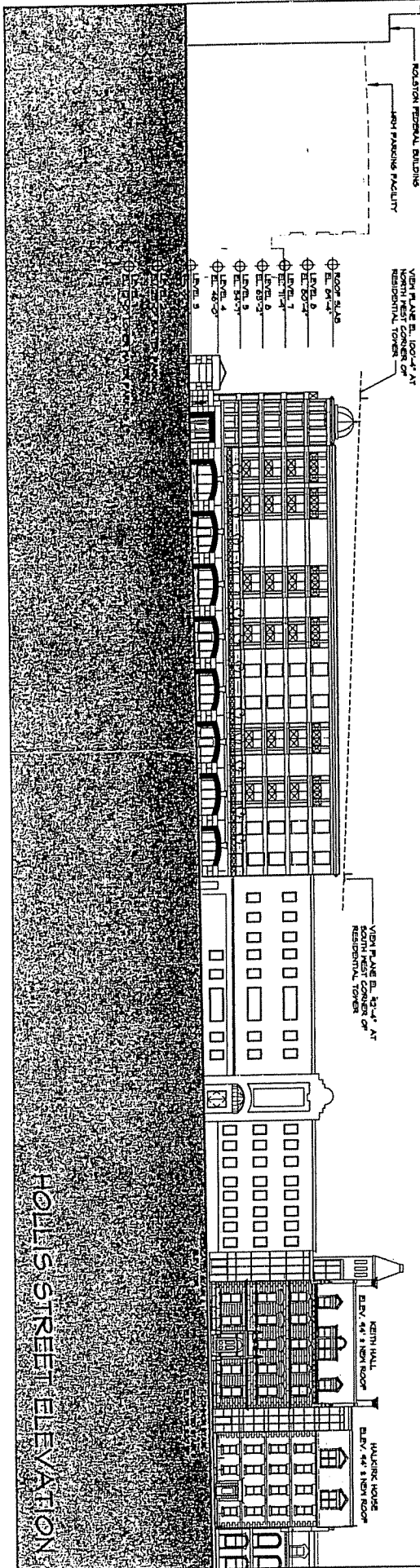


HALKIRK PROPERTIES  
 Duffus Romans Kundzins Rounsefell :::::

Schedule J / Plan # 00743-009



SALTER'S GATE



## **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

- 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.
- 2.2.1 The amount of commercial development permitted in the CBD area of the HWDA shall conform to the objectives and policies pertaining to the CBD, and the rate of development within the HWDA should not create adverse effects on the rate of development in that part of the CBD outside the HWDA.
- 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.
- 2.3.3 Residential uses may be developed within the CBD area of the HWDA, and shall be the primary use within the southern sub-area subject to the following:
  - 2.3.3.1 In the CBD sub-area, residential uses may be added to commercial developments, within the constraints of the design policies as established by this Section of the Plan, any subsequent standards and procedures adopted by the City, and all other applicable bylaws of the City, or they may be freestanding.

### **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.

- 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).
  - 3.1.1 The criteria by which the City shall continue to identify such areas, streetscapes, buildings, features and spaces in the HWDA are set out in the official City of Halifax report entitled "An Evaluation and Protection System for Heritage Resources in Halifax (City Council, 1978)."



#### **4. CIRCULATION**

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

- 4.1 The City shall seek to ensure that there is comfortable and convenient pedestrian access from all parts of the HWDA to the CBD and to transit routes.
- 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.
  - 4.1.2.1 Priority should be given to the provision of weather-protected pedestrian routes in an east-west direction, including safe and comfortable pedestrian connections across Water and Hollis Streets.
- 4.3 Parking within the CBD area of the HWDA shall adhere to the policies for the CBD in Section III of this Part. Within the northern and southern sub-areas, parking should accord with the zoning bylaw.
  - 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.
  - 4.3.2 Pursuant to Part II, Section III, Policy 3.3.1, long-term parking facilities in the CBD area of the HWDA should be discouraged.

#### **5. CIVIC DESIGN**

##### **Open Space**

Objective: A network of public open space which complements the existing and proposed developments, accommodates human activity, and encourages pedestrian circulation throughout the area.

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

- 5.2 Open spaces between, over and around buildings should be designed to have contrasting characteristics; some narrow spaces with detailed architectural treatment, some taking advantage of views along the Harbour, and some very open spaces with panoramic views.
  - 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.
- 5.3 The City should encourage the incorporation of vegetation and landscaping as essential elements in the design of the HWDA.

- 5.3.1 A landscape plan for off-street open spaces should form part of any proposal within the HWDA.

### **Views**

Objective: The preservation of existing views of the HWDA from both land and water, through the HWDA to the Harbour and from the HWDA in all directions and, where possible, the creation of new views.

- 5.4 Views of the Harbour and of the Citadel along the east-west streets and open space elements of this Plan within the CBD should be opened up as redevelopment provides opportunity. No part of any proposed new building should block these views.
- 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.

### **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.

- 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.
- 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.

### **Micro-Climate**

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

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

## **6. PUBLIC UTILITIES - INFRASTRUCTURE**

Objective: The creation of an efficient and flexible underground infrastructure which will complement the existing and future systems of the CBD.

- 6.1 The City should require the undergrounding of electricity and telephone cables, etc., particularly in new developments, and in areas or streets of identified historic or architectural merit.

February 23, 2005

Halifax Regional Planning  
Western Regional Office  
6960 Mumford Road  
Halifax, N.S.  
B3L 4P1

Dear Paul Sampson,

I wanted to thank you for hosting the public meeting February 10<sup>th</sup>, 2005 at the Brewery Market for the unveiling of the proposed Salter's Gate development plan for the north site of the Market Plaza. I'd like to congratulate the architect Roy Willwerth for his consistent devotion to the historic design within Halifax.

Recognizing that the historical significance of the Farmers Market and waterfront region of Halifax is paramount in the planning of new developments in the area, I hope that the proposed parking and open pavilion of the Salter's Gate are reconsidered before implementation. Having an open pedestrian/market area for public events and market spill out is a fantastic way of promoting market business, cultural events, and waterfront liveliness. However, by studying the space and considering the prevailing molds that be, it is not hard to predict the power struggles between the residents and the vendors/buskers/pedestrians/shoppers which would develop. Not to mention the safety concerns associated with such a space. Why create a beautiful, welcoming space only to fill it with cars? By the reception of this plan at the public meeting, it is apparent that the parking situation needs to be explored. Not only does the hotel require more parking, but the public, and vendors for both the market and the business' within the new development.

With regards to the arcades which provide pedestrian protection from rain and storefront unity. Consider consulting the business' in Bishops Landing. Many of them are suffering because of lack of street front space and promotion. Business' will create a sense of vitality to the complex. If they suffer, so to will the strength of the complex.

Finally, given the proximity of this complex to the farmers market it would be appropriate for urban agriculture to be incorporated into the plans for the roof top landscape which is projected. This could act as a selling feature for the apartment complex for seniors who enjoy gardening but like the simplicity of apartment living, as well as promoting sustainable living in the HRM.

Thank you for your time and consideration,

Heather McKibbin  
(902) 431-8934

**Public Information Meeting Minutes**

In attendance: Paul Sampson, Planner  
Councillor Sloane  
Councillor Murphy  
Bill Campbell, Consultant  
Roy Willwerth, Duffus Romans

Mr. Paul Sampson called the public information meeting (PIM) to order at approximately 7:00 p.m. in the Inner Courtyard of the Keith's Brewery. The meeting tonight is to discuss an application for a development agreement for the development of the northern portion of the lands known as the Keith's Brewery lands.

Mr. Sampson briefly reviewed the development agreement process:

- the purpose of the PIM is to give you an idea of what the proposal is about and also to allow you to provide comments and your first reaction to the proposal;
- staff will do a detailed review of the application. The plans are circulated to different departments in HRM and agencies for comment.
- Planning staff prepares a staff report and a development agreement. The report goes to various committees including the Heritage Advisory Committee and the District 12 Planning Advisory Committee for comment and a recommendation to Regional Council.
- The report is tabled with Regional Council, who would set a date for the public hearing.
- Regional Council would hold the public hearing and make a decision on the application.
- There's a mechanism for an aggrieved person to appeal Council's decision. That appeal would be heard by the N.S. Utility and Review Board.

Mr. Bill Campbell stated they are very pleased to see the crowd tonight. He indicated he would give a high level description of the Salter's Gate development.

Mr. Campbell advised the owner is Salter's Gate Limited. They are a Halifax firm. There is some cross-ownership with the balance of most of the property being owned by Halkirk Properties Limited. This development is not going to be built in isolation. It is going to be very conscious and respectful of the urban design elements.

Mr. Campbell indicated the architect is Duffus Romans. Roy Willwerth is here and will make a presentation. CBCL are the engineers for landscaping, traffic, and underground servicing. Graehme Duffus is the conservation architect on the project. Peter Connor Architects prepared the shadow analysis for the project and RWDI did the wind analysis.

Mr. Campbell advised they are within the Halifax Waterfront Development Area (CBD Sub-Area). Regional Council will look at those policies when they are reviewing this proposal.

Mr. Campbell indicated the property is designated as Commercial, which also permits residential and mixed use development. The property is zoned C-2-V (General Business - Within a Viewplane) and falls within Viewplane 6.

Mr. Campbell noted that detailed area planning for the Halifax Waterfront is now underway in cooperation with Waterfront Development Corporation (WDC) and HRM. It's a detailed plan but not a basis for decision-making.

Mr. Campbell indicated there are three essential design principles for the project. One is the concept of the Brewery District; the CBD pattern which they are maintaining; and the municipal planning strategy (MPS) policies.

Mr. Campbell advised the lot is about 35,000 sq.ft. He pointed out the lot in question for the application. When you calculate the population density, it is approximately 80 persons per acre (ppa). It's a mixed use zoning. Approximately half the building is residential, so it's a fairly light density development in terms of residential.

Mr. Campbell indicated in terms of height, the building is six storeys above Hollis Street and eight storeys above Lower Water Street and is under Viewplane #6.

Mr. Campbell referenced a sketch which shows the building, noting that the viewplane flies over the building. He pointed out the location of Bishop's Gate as well as the Four Points Sheraton. The building matched up pretty well in height.

Mr. Campbell indicated that in terms of urban design, the architect has copied the prominence of Hollis Street and Salter Street. The corner of Hollis Street and Salter Street is becoming quite a friendly place now and this will add to it so it picks up on the Four Points Sheraton corner. That'll be a nice space.

Mr. Campbell referenced the height of surrounding buildings - Bishops Landing and the Four Points Sheraton. The traditional building line has been maintained so that the building lines of both Salter Street and Hollis Street are maintained and the building is nicely placed under these slopes.

Mr. Campbell indicated that on Hollis Street and Salter Street there is wet weather protection for pedestrians and also the commercial space provides visual interest at grade. He then pointed out the features on a sketch.

Mr. Campbell noted that what the design team put together is complementary in terms of material, colour, and proportion.

Mr. Campbell commented the exterior face he was most excited about is the market plaza. The market plaza is this inner courtyard is bounded by Water Street and the hotel link of the building, the existing Keith's Brewery courtyard, and the residential link of the building. It is a nice tight urban space and will be a great opportunity for the Farmers Market to go out to that space as well as an urban area for entertainment for things such as buskers, and a place for sitting. He felt it was important to provide a public node along Lower Water Street to enjoy.

Mr. Campbell displayed a shot taken from standing near the corner of Lower Water Street and Salter Street looking into the Brewery. The building is pulled back a little bit so it is a view of the Brewery

plus the shot of a space for an outdoor urban activity.

Mr. Campbell noted the building is under Viewplane #6. The building is configured so that it is confined to Hollis Street and Salter Street.

Mr. Campbell indicated that in terms of pedestrian circulation, there's a pedestrian arcade along Hollis Street and Salter Street and steps have been introduced into the Salter Street space which is quite a steep slope. There's also access to the Farmer's Market through the residential complex. There's a real attempt to integrate all these on the site. Also, they are conscious of and exploring the alternatives for connections through from Spring Garden Road to the waterfront and using the Brewery property as much as possible.

Mr. Campbell noted there's parking access on Salter Street and Lower Water Street. There's hotel access via a covered carriageway. All the hotel deliveries and services will be done off-street. He referenced a landscape plan, noting there's an entrance here (pointed out on map) to the underground parking that is under the building parking garage. The other entrance to the parking garage is through the courtyard in here (pointed out on map). This is the service delivery entrance off-street and quite an interesting feature which is this carriageway that goes underneath the building. This will be where you enter the hotel and come into this covered tight space and do drop offs and pick ups at the hotel. There's a set of gates on Salter Street now which will be moved to the carriageway, and that will be Salter's Gate.

Mr. Campbell advised there was a wind study done for the previous proposal two years ago. The mapping of this proposal is essentially the same, so they submitted that to HRM for review. The shadow study was done for the previous proposal and that was also submitted with the application.

Mr. Campbell said they understood the need to consider archeological investigation of the property because it is an area identified by HRM and the Nova Scotia Museum as being of potential interest. They'll give as early notice as possible to get a proper archeological investigation done.

Mr. Campbell indicated it's likely there will be blasting. They know there will be slate on the site which will be disposed of according to regulation and any other disposal regulations required for what is found on the site.

Mr. Campbell advised the development can be developed on HRM water and sewer. There's no infrastructure required, excepting to connect into the infrastructure in the street.

Mr. Campbell noted there's demolition required of the two non-registered buildings which he pointed out.

Mr. Campbell indicated there are two existing post-war gates on Salter Street which will be used as a feature as part of the carriageway. There are trees along Salter Street and Water Streets that will remain.

Mr. Campbell advised the approximate value of construction is \$20,000,000.

Mr. Campbell indicated that Roy Willwerth would give more details on the architectural aspects of the proposal.

Mr. Roy Willwerth pointed out Salter Street, Lower Water Street, and Hollis Street as well as the buildings in the surrounding area.

Mr. Willwerth referenced the Brewery building which represents a significant part of history, as well as what he called the allee along Salter Street leading to the waterfront - a very important access point, and of course we have viewplane over the site. As a result, the building that was designed is very contextual in nature. In the design and organization of the site, they placed a great deal of attention on the exterior spaces so they are not left over spaces that surround a building and are in fact exterior rooms that augment the interior spaces.

Mr. Willwerth referenced the market plaza which is visible in the traditional view along Lower Water Street. He then referenced the proposed arcades along Salter Street and Hollis Street. Along Salter Street, they portray a small mini plaza from a residential entrance which is essentially flat so one can actually walk down a set of steps and avoid the steep grades.

Mr. Willwerth indicated they are creating plazas and decks where the opportunity has presented itself, so that there's a complete relationship between interior building spaces and exterior decks and more public exterior space. They've created a deck over part of the parking area which serves both the hotel and the residential. Each will have their own private spaces. There is a deck on the roof portion of the hotel. There's a deck for the residential units on the arcade and decks above the projecting lobby area of the hotel. As one looks around the street, one gets a sense of animation of the building.

Mr. Willwerth indicated the building is split between the hotel and residential and commercial on Hollis Street at the intersection of Salter Street and Lower Water Street. As you come down Salter Street and turn right under the carriageway, you get dropped off at the hotel public space. They got that off the street so people can arrive in a comfortable environment. At the same time

it also helps animate the market plaza. It's an obvious spot for an outdoor market. We see that as a very large space and being part of the exterior space.

Mr. Willwerth said it is important to have an entrance to the Brewery building, which he pointed out from the hotel as well as from the residential.

Mr. Willwerth referenced the Salter Street level where they have the space open to the lower level of the hotel lobby. One can walk from the sidewalk to the lobby of the hotel so that the hotel is very much a part of the sidewalk. There are stairs going up to Hollis Street and what is essentially the residential parking area.

Mr. Willwerth referenced Hollis Street, where you see the arcade with the retail space. Because the retail space is under an arcade, they can be quite liberal in terms of allowing for a variety of storefronts.



Mr. Willwerth said they very much like adoption of a corner. The Four Points has a corner entrance and Metro Park would also have a corner entrance here. Perhaps when the Federal government develops their lot, they too will reflect a corner entrance.

Mr. Willwerth indicated they have created a flat area here (pointed out on map) - an area for the entrance to the residential part of the project, and there are stairs going down if people don't want to negotiate the steep area.

Mr. Willwerth pointed out what a typical floor would look like - very similar to the entrance level at Hollis Street.

Mr. Willwerth indicated that in terms of the exterior building to orient you, we have the Salter Street elevation with the commercial space, the hotel lobby with the carriageway, and the arcade comes down Salter Street off an entrance to the upper level parking area. From Lower Water Street, this includes a building up here. In the background is the Maritime Tel & Tel building, the Brewery building, and the CBCL building. Along Hollis Street, we have the CBCL building, the Salter's Gates, and you can see the viewplane falling away.

Mr. Willwerth noted that in terms of the palette material, they have taken our cues from what they find on the site. It's very robust and very inviting. They introduced it in the lower walls and walls running through here (pointed out on map), so that stonework runs through the whole site. You can see it in the landscaped area. In areas where they have retaining walls and low walls, they used that material. As one comes up out of the ground, they move to architectural precast material the same colour as sandstone. That same material was used for the Kings College Library. As one moves up the building, we can see the architectural precast, also formulated to look like sandstone but with a finer looking hue to it so it also becomes quite a strong material almost equal to the stone of the Brewery. That material goes from heavy to lighter.

Mr. Willwerth indicated the building is very much designed down at the bottom and the top. The bottom is the heavier texture material, the middle is the major portion of the hotel with bay windows. They dropped the bay windows from the top floor, both for the residential and the hotel. This continues to line it with the CBCL building so there is continuity of lines through the top, and rather than using the bay windows they put in what is a french door balcony.

Mr. Willwerth noted that the colours for the project are the buff sandstone colours, largely so that it forms a background to the robust stone of the Brewery. That's why it's so important to provide a dash of colour.

Mr. Willwerth referenced the landscaped decks that have been introduced wherever appropriate. In terms of the proportions, it's really a vertical proportion. The reason being is they wanted to see traditionalism in the area and they are looking at a french window. Where they have bays, they introduced vertical lighting. They picked up the rivets with the arcade, and were looking at a rather prominent corner feature.

Mr. Alan Ruffman, 202 Fergusons Cove Road, thanked Bill Campbell for taking the trouble to come out and find him and provide him with a package. Back in about 1982, there was a fully approved

commercial building of about the same size on the site, and I think this building albeit residential shows a lot more imagination and tradition and thought the architect should be congratulated. This is very similar to what didn't go to a public hearing. Community Council was much chastised for not holding a public hearing but he did not think the concern at the time was in any way related to this part of the development.

Mr. Ruffman referenced the sketch and asked if they were somewhat discoloured trees. It was indicated they are plum trees.

Mr. Ruffman indicated one of the things that he did not see very well on this diagram is how the gates are fitted in and asked for an explanation.

Mr. Willwerth pointed out the location of the gates and indicated what they have done is simply moved them along to the area of the carriageway. They are two entrance gates.

Mr. Ruffman indicated that across the street, as you walk along Lower Water Street on the Brewery side, the sidewalk does not continue. The sidewalk coming southward is oriented to in effect guide you into the present gates with the little island of planting. That won't be the case any more. He would suggest the City look at making the sidewalk work a little better along the opposite side, just to the north of their gates on the opposite side of Salter Street. The other place that does not work very well is the top end of Salter Street as you're trying to get an automobile out onto Hollis Street. The Feds were going to put a planting in there and the City said they couldn't because it really defeats your view.

Mr. Ruffman asked if he was correct in saying the steps would be for under the arcade.

Mr. Willwerth responded that's correct. They stayed away from messing with the sidewalk grades. They'd very much like to see the sidewalks resurfaced and would be discussing that with staff during the development agreement process.

Mr. Ruffman referenced the entrance to the parking. He was uneasy about how well the market plaza would work. Sixty-five spaces seems like a lot. There will be a lot of people at odd times throughout the day going to the hotel. There may be a very large departure in the morning. He was uneasy about cars wanting to come in and out of that market plaza. He hoped the only cars that would be coming into the market plaza would be those who come through the carriageway, unload, and then pull away, and get back onto Lower Water Street. That lovely picture of the market square does not show any automobiles.

Mr. Ruffman indicated that if they are going to have busses in there, he suggested they speak to WDC because they do not allow busses to go onto WDC property.

Mr. Hugh Pullen, 6262 Oakland Road, questioned if they would expect an airport bus to fit under the carriageway.

Mr. Pullen indicated that on the other side of Lower Water Street, they show a parking lot but he believed there is a competing hotel that is slated to go on that property. When that happens, the last big parking lot on the waterfront will disappear. The Farmers Market uses that parking lot on Saturday mornings. He questioned if they have spoken with the Farmers Market and what the

farmers think of their project.

Mr. Sampson advised that the waterfront plan for that area does not encourage parking lots to remain as they are. It encourages development of these sites along the waterfront. From a policy perspective, parking will be supplied and they will define on-street parking as well. They also have a municipal parking garage near the site so that should provide quite a bit of ample parking. He did not believe that garage is full on Saturday mornings.

Mr. Pullen commented he admired his faith. While not many people may walk to the market, very few people will walk away from the market carrying what they bought. Think very carefully. Once you have this thing built, it's going to be pretty hard to correct any errors.

Mr. Sean Tobin, 405-1360 Lower Water Street, indicated they only have eighteen parking spaces for 125 room hotel and questioned whether that was logical.

Mr. Willwerth commented in an urban situation, no one really knows how many parking spaces you really need. Diagonally across from the project is Metro Park. They have two residential entrances which would be card operated so a resident of the hotel would come out of the elevator through the lobby and across the street to the Metro Park. Any parking they need in addition to those spaces that can be provided within the hotel, will in fact be appreciated by Metro Park as a better usage. Ideally the parking structure is operating twenty-four hours a day so that office workers are in the parking structure during the day and other people are using it at night. In larger cities, it is not uncommon to have a parking space quite a distance from the hotel. He referenced the hotel in Scotia Square where the parking is, and indicated that parking is probably further from the Delta than Metro Park is from this hotel. He felt this is quite a safe arrangement and a reasonably comfortable one.

Mr. Sampson advised there are no parking requirements for commercial uses in the downtown. Parking in the downtown is provided for in various ways. It's not necessary that every development provide enough parking to meet those needs. Part of that is onstreet parking and over the years that is what brought on the construction of the Metro Park. Over the long term, there may be more parking garages constructed either by the private sector, by HRM or other groups. Some developments that happen downtown don't provide any parking whatsoever.

Mr. Alan Parish, 6517 Coburg Road, President of Heritage Trust of Nova Scotia, commented this is a very important place in downtown Halifax and very important to the Heritage Trust. They've watched with interest the previous proposals for the site and the developments brought forward and watched this one with interest. Mr. Greenwood and his whole team have spent a lot of time and have been very good to the Heritage Trust. For the last one, they came to them and presented and took a lot of time with them, which they appreciated. They opposed the large project, as did City staff, because of the height of the tower on the south end of the project. The Heritage Trust at the time was very much in favour of the proposal for the north end of the project which is not very different from what we see here tonight. The Board of the Trust has not met to review this proposal but from what he saw so far, it looks like it was last time and something they would support. At the last public information session, the point was made about not getting advance notice until the meeting. He got a package a few days ago from Bill which was very helpful in determining what comments to make before he got here tonight. He wanted to congratulate the developers for that.

Mr. Ruffman asked for confirmation that the application was for a development agreement and that no change was needed to the MPS. Mr. Sampson confirmed that.

Mr. Ruffman commented he felt it would be prudent for them to look at parking requirements when staff did their analysis of this proposal.

Ms. Beverly Miller, 6182 South Street, thanked them for not developing another icon.

Councillor Sloane thanked everybody for attending the meeting.