

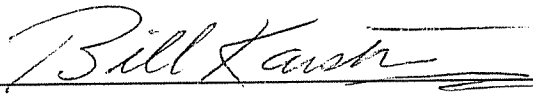


PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

Item No. 9.2 (ii)

Halifax Regional Council  
June 17, 2008  
July 8, 2008

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

**SUBMITTED BY:**   
Councillor Bill Karsten, Chair  
Harbour East Community Council

**DATE:** June 6, 2008

**SUBJECT:** Case 00798 - Dartmouth Marine Slips Re-development

#### ORIGIN

The June 5, 2008 meeting of Harbour East Community Council.

#### RECOMMENDATION

That Harbour East Community Council recommend Halifax Regional Council:

1. Give First Reading to consider the proposed amendments to the Dartmouth Viewplane and View Corridor Policy of the Regional Municipal Planning Strategy as provided in Attachment A of the staff report dated May 16, 2008, and schedule a joint Public Hearing with Harbour East Community Council.
2. Approve the proposed amendments to the Dartmouth Viewplane and view Corridor Policy of the Regional Municipal Planning Strategy as provided in Attachment A of the staff report dated May 16, 2008;
3. Give First Reading to consider the proposed amendment to the Viewplane Policy of the Dartmouth Municipal Planning Strategy as provided in Attachment B of the staff report dated May 16, 2008 and schedule a joint Public Hearing with Harbour East Community Council;
4. Approve the proposed amendment to the Viewplane Policy of the Dartmouth Municipal Planning Strategy as provided in Attachment B of the staff report dated May 16, 2008;
5. Give First Reading to consider the proposed amendments to the Dartmouth Viewplane and View Corridor Policy of the Downtown Dartmouth Secondary Planning Strategy (SPS) and Land Use By-law and the addition of site specific policy as provided in Attachments C, D and E of the staff report dated May 16, 2008, and schedule a joint Public Hearing with Harbour

Recommendations Continued.....

East Community Council.

6. Approve the proposed amendments to the Viewplane and View Corridor Policy and the addition of new site specific policy in the Downtown Dartmouth Secondary Planning Strategy to permit Council to consider a mixed-use redevelopment project on the former Dartmouth Marine Slips property, as provided in Attachments C, D and E of the staff report dated May 16, 2008.

## **DISCUSSION**

Harbour East Community Council considered this matter at their June 5, 2008 meeting and approved the recommendation as noted in the staff report dated May 16, 2008, Attachment 1 of this report.

## **BUDGET IMPLICATIONS**

See staff report dated May 16, 2008, Attachment 1 to this report.

## **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**

N/A

## **ATTACHMENTS**

1. Staff report dated May 16, 2008 - Case 00798 - Dartmouth Marine Slips Re-development

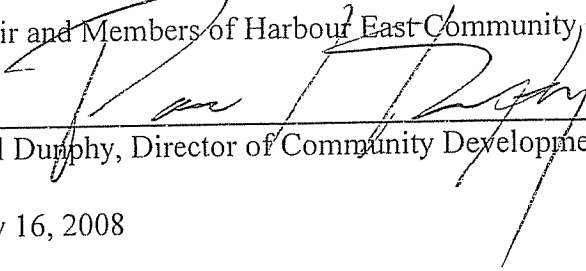
Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.  
Report Prepared by: Melody Campbell, Legislative Assistant



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

Harbour East Community Council  
June 5, 2008

TO: Chair and Members of Harbour East Community Council

SUBMITTED BY:   
Paul Murphy, Director of Community Development

DATE: May 16, 2008

SUBJECT: Case 00798 - Dartmouth Marine Slips Re-development

### ORIGIN

Application by EDM Limited to amend the Downtown Dartmouth Secondary Planning Strategy and Land Use By-law to permit the construction of a mixed-use development by development agreement on the former Dartmouth Marine Slips property, Alderney Drive, Dartmouth.

At the November 22, 2005 meeting of Regional Council, Council requested staff to initiate a process to consider the amendments for the development.

### RECOMMENDATION

It is recommended that Harbour East Community Council recommend that Halifax Regional Council:

1. Give First Reading to consider proposed amendments to the Dartmouth Viewplane and View Corridor Policy of the Regional Municipal Planning Strategy as provided in Attachment A of this report and schedule a joint Public Hearing with Harbour East Community Council;
2. Approve the proposed amendments to the Dartmouth Viewplane and View Corridor Policy of the Regional Municipal Planning Strategy as provided in Attachment A of this report;
3. Give First Reading to consider the proposed amendment to the Viewplane Policy of the Dartmouth Municipal Planning Strategy as provided in Attachment B of this report and schedule a joint Public Hearing with Harbour East Community Council;
4. Approve the proposed amendment to the Viewplane Policy of the Dartmouth Municipal Planning Strategy as provided in Attachment B of this report;

**RECOMENDATIONS CONTINUED ON PAGE 2**

5. Give First Reading to consider the proposed amendments to the Dartmouth Viewplane and View Corridor Policy of the Downtown Dartmouth Secondary Planning Strategy (SPS) and Land Use By-law and the addition of site specific policy as provided in Attachments C, D and E of this report and schedule a joint Public Hearing with Harbour East Community Council;
6. Approve the proposed amendments to the Viewplane and View Corridor Policy and the addition of new site specific policy in the Downtown Dartmouth Secondary Planning Strategy to permit Council to consider a mixed-use redevelopment project on the former Dartmouth Marine Slips property, as provided in Attachments C, D and E of this report.

It is recommended that Harbour East Community Council:

1. Move notice of motion to consider the proposed Stage I development agreement as provided in Attachment F of this report to permit a mixed-use development, and schedule a joint Public Hearing with Regional Council;
2. Approve the proposed Stage I development agreement as provided in Attachment F of this report for the former Dartmouth Marine Slips property, Alderney Drive, Dartmouth; and
3. Require the development agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval of said agreement by Council and any other bodies as necessary, whichever is later, including applicable appeal periods. Otherwise this approval shall be void and any obligations arising hereunder shall be at an end.

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## EXECUTIVE SUMMARY

EDM Limited, on behalf of The Anchorage at Dartmouth Cove Property Development Incorporated and Olivia Ferris Limited, have submitted an application to amend the Downtown Dartmouth Secondary Planning Strategy to establish site specific policy that enable a mixed-use residential, commercial and institutional development on the site known as the former Dartmouth Marine Slips property, Alderney Drive, Dartmouth (See Map 1).

In addition to the initial request for a site specific plan amendment to the Downtown Dartmouth Secondary Planning Strategy (SPS), the proposal also requires amendments to the viewplane and view corridor policies contained in the Regional Municipal Planning Strategy (RMPS), the Dartmouth Municipal Planning Strategy (MPS) and Downtown Dartmouth SPS to accommodate proposed building heights and an elevated access road to the site.

### **Proposal**

The Developer wishes to create a mixed-use development that consists of 1,292 residential units proposed as a mix of townhouses and mid and high rise units (Attachment F, Schedule B). Non-residential uses include 159,660 square feet of office space and 70,488 square feet of at grade retail space dispersed throughout the site among the 12 proposed buildings, plus a 200 room hotel. The development may also contain approximately 75,000 square feet of institutional space and a private marina and cruise ship docking facility.

Due to the scale and time frame of the development proposal, a two-stage development agreement (D.A.) process is proposed. The stage one D.A. will provide the overall master plan for the lands and will include a public hearing. The stage two D.A. process will provide details of the phases of the development requiring resolution of Council for approval. The two-stage development agreement process is a new approach for Dartmouth but has been used in the past in both Halifax and Bedford.

### **Conclusion**

Staff recommend that Council approve the proposed amendments and development agreement to permit the creation of a mixed-use development on the former Dartmouth Marine Slips site for the following reasons:

- The property has not been utilized as an industrial use for the past seven years;
- The closure of the Dartmouth Marine Slips marine industrial activity was not anticipated by the Plan;
- The property is in the vicinity of the Downtown Dartmouth community residential/commercial core and other commercial uses;
- The property's waterfront vantage and downtown location offers a unique opportunity for mixed-use transit oriented development, improved public access to Halifax Harbour and increased cultural and recreational opportunities;

- The proposal is consistent with the intent of the Downtown Dartmouth SPS which attempts to encourage a mix of land uses;
- The proposed development agreement provides the mechanism to implement the requested site specific plan amendment, and viewplane and view corridor amendments.

## **BACKGROUND**

The subject lands are situated on Alderney Drive and were the site of the former Dartmouth Marine Slips in Dartmouth (Map 1). Since the adoption of the Downtown Dartmouth Secondary Planning Strategy (SPS) in 2000, the former Dartmouth Marine Slips property has been vacated and the marine industry operations have ceased. The lands have been sold to the Developer (The Anchorage at Dartmouth Cove Property Development Inc. and Olivia Ferris Ltd.). The Developer wishes to re-develop the property for a mixed-use development consisting of primarily residential uses; but also commercial, office, hotel, institutional and park/open space uses.

### **Lands/Designation/Zoning**

- **Lands:** consists of 6 lots, including pre-confederation water lots, covering a total area of 30 acres (9 acres of land). Under the project, 8.2 acres of the water lots will be in-filled for a total land area of approximately 17 acres.
- **Designation:** The lands are designated “Waterfront” which permits a broad mix of land uses, with a special emphasis on public and water related uses that are dependent, related or enhanced by a waterfront location (Map 2). The designation is split into two distinct areas the “Alderney Landing and West Waterfront Areas” and “Dartmouth Cove - East Waterfront Areas” (Map 3). The subject lands are located within the Dartmouth Cove - East Waterfront Areas which are intended to provide for the continued operation of marine industry in this area.
- **Zoning:** lands are zoned “Marine Business” which permit the development of a limited range of low impact marine businesses, commercial, recreation, and light industrial uses compatible with the adjacent residential neighbourhoods.

### **Existing Policy**

The Waterfront designation did not anticipate the closure of the shipyards and disposal of the lands. Therefore, the Waterfront designation and Marine Business Zone applied to the lands no longer reflects its present or intended future use. Therefore, the Developer is requesting a change to the Waterfront designation and the creation of site specific policy that would enable Council to consider the proposed mixed-use project by development agreement.



The lands are situated within an area of Dartmouth that are covered by Viewplane and View Corridor policies. These policies are contained within the Regional Municipal Planning Strategy (RMPS), Dartmouth Municipal Planning Strategy and the Downtown Dartmouth Secondary Planning Strategy and Land Use By-law (Attachments G, H and I).

#### Viewplanes

The Dartmouth MPS and Downtown Dartmouth SPS contain policy protecting certain viewplanes from the Brightwood Golf Course and the Dartmouth Common. Protection of the viewplanes is achieved through building height maximums above sea level. However, neither document protects all views of the harbour, nor do they protect private views.

Under the viewplane policies and regulations, all proposed buildings on the lands are subject to a maximum height restriction of 150 feet above sea level. The lands are in close proximity of a three-block section of Downtown Dartmouth bounded by the rear of lands fronting on Portland Street and north of Alderney Drive, and extending east to Wentworth Street permits buildings up to 200 feet in height (Attachment H, Map 7a)). To date, no buildings have been constructed within this block to the permitted height maximum.

#### View Corridors

The Downtown Dartmouth SPS contains policy preserving the street corridor views of the Halifax Harbour and Halifax skyline on those street oriented towards the harbour (Map 4). Three view corridors are oriented toward the proposed development and the harbour including Prince Street, Alderney Drive, and King Street.

The Regional Municipal Planning Strategy requires Council to support the view corridors and viewplane policies and regulations adopted under Dartmouth's planning documents and further prohibits relaxation of these provisions through the development agreement process. Any alteration of the established viewplanes and viewcorridor policies and regulations requires an amendment to the Regional MPS, the Dartmouth MPS, and the Downtown Dartmouth SPS and Land Use By-law.

#### **Proposal**

The Developer wishes to create a mixed-use development on the former Marine Slips lands consisting of 1,292 residential units proposed as a mix of townhouses and mid and high rise units (Attachment F, Schedule B). Non-residential uses include 159,660 square feet of office space and 70,488 square feet of at grade retail space dispersed throughout the site among the 12 proposed buildings, plus a 200 room hotel. The development may also contain approximately 75,000 square feet of institutional space, a private marina and cruise ship docking facility.

The main access point to the Development will be achieved through the extension of King Street. To create the mandatory second access, a grade-separated vehicular access is proposed over the Canadian National Rail line which separates the site from Alderney Drive. This access is required

for emergency services in the event the at-grade King Street access becomes inaccessible. Parking will be accommodated through underground parking facilities intended to create a predominately car-free pedestrian environment at ground level.

The proposal places emphasis on maintaining the traditional fabric of development in Downtown Dartmouth by extending the street grid layout and view corridors with the exception of the Prince Street and Alderney Drive view corridors which will be impacted by the development (Attachment F, Schedule F). Further, the development is subject to viewplane policies that restrict the height of buildings to a maximum of 150 feet above sea level. A portion of the lands are within a view plane shadow of a taller viewplane (maximum height of 200 feet) which raises the issue of taller buildings within the view shadow. Therefore, the applicant is requesting amendments to Dartmouth's viewplanes and view corridors policies and regulations.

The proposal features an extension of Ferry Terminal Park to the Lands facilitating public waterfront access along the majority of the perimeter of the property via a waterfront promenade. Linkages to the Harbourfront Trail and Trans-Canada Trail are proposed. Parks are featured throughout the development and accessible via a waterfront promenade and the public road network.

#### **Public Information Meetings:**

Public information meetings (PIMs) were held on February 20, 2006, July 5, 2006 and September 19, 2007. Three meetings were required as the re-development proposal was substantially revised in response to feedback from the public and staff. Main issues of concern raised at the meetings included:

- Ensuring public access to the waterfront;
- Restricting the in-filling of Dartmouth Cove; and
- Compatibility of the scale of development with Downtown Dartmouth.

The minutes of the meetings are included in this report as Attachments "J", "K", and "L".

Should Council agree to schedule a public hearing for this application, public notices advertising the hearing will be placed in the Chronicle Herald newspaper. Written notification will be provided to property owners within the notification area as shown on Map 1, as well as attendees of the PIMs who provided contact information.

#### **DISCUSSION**

In order for the proposed mixed use development to proceed, Council must consider:

- i) new site specific policy for the lands;
- ii) changes to Dartmouth's Viewplane /View Corridor policies and regulations; and
- iii) a two stage development agreement.

### Site Specific Plan Amendment

Amendments to a municipal planning strategy should be considered by Council when circumstances change that impact the direction or the intent of plan policy. Downtown Dartmouth SPS did not anticipate the closure of the Dartmouth Marine Slips, change in ownership, nor a change in market demand. There is no enabling policy within the SPS allowing Council to consider a development of this nature on the lands. In light of the land's location, environmental sensitivity, access, and size, staff recommend that a site specific policies be established that guide the various aspects of the development via the development agreement process. The proposed policy encourages development that is:

- in keeping with the desire of the community;
- appropriate to the growth of the Plan area;
- pedestrian oriented;
- encouraged to demonstrate a high quality of urban design (address microclimate issues, and demonstrate quality in architecture and public spaces, etc.); and
- compatible with existing adjacent residential, business retail, marine business and community uses.

In order for Council to have control over the nature, scale, design, use, etc. for an urban village concept at this location, staff recommends that such a project only be considered by a two-stage development agreement.

The Stage I development agreement shall generally show the concept of the proposal including the land uses, site plan, access and street layout, servicing capability, parks and open space, and phasing of the development. In addition to the site specific policy criteria, the Stage I development agreement shall establish further specific requirements of any Stage II development agreement. Council shall hold a public hearing prior to the approval of any Stage I development agreement.

Stage II development agreements shall be generally consistent with the intent of the Stage I development agreement, through the provision of fine grain details of a phase as outlined under the Stage I development agreement. Stage II development agreements shall be approved by a resolution of Council.

Attachment D contains the proposed site specific policies for the development of the lands as a mixed-use development. However, the proposal by the Developer requires additional policy changes than envisioned under the site specific policies such as changes to Dartmouth's Viewplane and View Corridor policies and regulations.

### Dartmouth's Viewplanes and View Corridors

The proposed development is situated within an area of Dartmouth that contains policy on both municipal viewplanes and view corridors. Further, all municipal viewplanes and view corridors

are also addressed under the Regional MPS. The Developer is requesting all three documents be amended to address:

Viewplanes: - buildings situated in the shadow of a larger building above pre-set height restrictions

View Corridors - impact on Alderney Drive and Prince Street corridors  
- establishment of new view corridors

### Viewplanes

The Dartmouth viewplanes restrict the height of buildings within the development to 150 feet above sea level across the entire site. As shown on Map 7a of Attachment I, a portion of the development is situated within the shadow of a block that permits up to a maximum height of 200 feet above sea level. Currently, no buildings within the 200 foot block have been constructed, but could occur in the future.

Due to the proximity of the 200 foot block to the subject lands, a view shadow is cast over a portion of the lands. The view shadow is that portion of the viewplane that extends beyond the 200 foot block, towards the harbour, where buildings can be constructed higher than 150 feet, but do not encroach into the viewplane because the building(s) are within the shadow of the 200 foot block. The ability to construct a building within the shadow of a larger building above a pre-set height restriction is a common design practice. This approach has been used in Halifax, where provisions have been made in the Halifax Peninsula Land Use By-law to address this practice for downtown Halifax.

The applicants have requested that 3 buildings within the shadow be permitted to exceed the 150 foot height restriction, but at no time would the buildings encroach into the viewplanes. With no reduction in the viewplanes from Brightwood, staff recommend that the viewplanes policies be amended to permit larger buildings than the permitted maximum height in situations where a larger building or maximum height restriction does not impact the existing viewplanes penetration. The amendments required to implement the change is contained in Attachments A, B and C and will impact other areas of Downtown Dartmouth which experience similar conditions.

During the evaluation of the proposal to the viewplanes policies, staff identified aspects with the approach to viewplanes used in Dartmouth which need to be improved or clarified. One such issue is that Dartmouth's viewplane approach establishes height restrictions above sea level (a large portion of Downtown Dartmouth has a 150 foot restriction) regardless of its location to the harbour and its elevation. Therefore, staff will be reporting back to Council at a later date to request an initiation of a project that reviews the objectives of Dartmouth Viewplanes, impact of current height restrictions, and to investigate options to improve the viewplanes.

Until the study is completed, the proposed development shall comply with the existing height limitations, except within shadows of larger buildings or greater height restrictions.

#### View Corridors

Of the three view corridors extending across the lands, the proposed development will impact the Alderney Drive and Prince Street corridors (Attachment F, Schedule F). The Prince Street corridor will be impacted by a grade separated vehicular access ramp which is required for safety reasons. The ramp does not block the entire view corridor and the development extends the view corridor beyond the ramp to ensure a view of the harbour within the development.

The Alderney Drive view corridor is also impacted by the proposed grade separated ramp and proposed buildings and pedway which will significantly impact the view of Halifax and the harbour. Due to the existing vegetation, grade, and alignment of Alderney Drive, the corridor only provides a brief view when driving southbound on Alderney toward the harbour.

Under the proposed development, views along Alderney Drive, across from Admiralty Place, have been minimally impacted through the design of the proposed grade separated vehicular access ramp instead of a long "S" curve ramp blocking views. Further, the development expands upon Downtown Dartmouth's grid pattern which has resulted in the creation of new view corridors of Halifax and harbour (Attachment F, Schedule F). In addition, the development provides further opportunities for the public via a new waterfront promenade which extends along the vast majority of the waters edge (Attachment F, Schedule E).

Due to the impact on existing view corridors and the creation of new view corridors and new opportunities to view Halifax harbour, staff recommend that the Prince Street and Alderney Drive view corridors be amended and the new corridors be established under the development agreement.

#### Plan Amendment Process

Dartmouth's viewplanes and view corridors are referenced within the Regional MPS, the Dartmouth MPS, and Downtown Dartmouth SPS and Land Use By-law. Therefore, Regional Council must consider amendments to all four documents when amending the viewplanes and view corridors.

#### **Proposed Development Agreement**

Staff reviewed the submitted proposal relative to the proposed site specific policies, the amendments requested to Dartmouth's viewplanes and view corridors, and applicable plan policy and determined that the proposed development agreement is consistent with applicable and proposed policy. During the policy review and the creation of the proposed development agreement a number of issues were highlighted for further discussion as outlined below:

1. Land Use

The intent of the site specific policies (Policies W-9A and W-9B) and the proposed Stage I development agreement is to allow for a high quality designed mixed-use development on the lands. The agreement contains provisions that ensure a mixed-use development (containing residential, commercial, office, institutional, parks and open space uses and a hotel) is created with residential being the primary land use. Under the Stage I development agreement, Council will approve the overall mix of uses, as well as the layout of the buildings. Under the Stage II development agreements Council will be considering, by resolution, the detailed mix of uses and possible variations in the mix of uses and their location on a phase by phase basis.

2. Phasing

The proposed development consists of 6 phases due to the size of the development and that construction will occur over the next 10+ years. Each phase will be developed under a separate Stage II agreement and Council will have to approve each phase/agreement of the development by resolution of Council. In addition to Policy W-9A and W-9B, the Stage I development agreement outlines additional evaluation criteria for each phase of the development to ensure consistency.

3. Urban Design

The Stage I development agreement and the proposed site specific policy places strong emphasis on the establishment of a high quality development. To achieve this objective, staff recommend a two stage development agreement process. Under the Stage II development agreement process, Council will be required to evaluate the detailed design of the buildings and open space areas (such as architecture of the buildings, streetscapes, etc.) when approving each Stage II development agreement.

4. Parkland

A key component of this development is the combination of public and private parks proposed for the development (Attachment F, Schedule E). As part of the development agreement process the Developer will deed ownership by easement to HRM the five parks identified on Attachment F, Schedule E. The easements shall only apply to the public parkland and not the underlying parking facility which will remain in private ownership. HRM has the option not to take a deeded easement on the applicable lands (park) under the Stage II development agreements.

The development provides connectivity of the proposed parkland to existing parkland including the Trans-Canada Trail, Harbour Front Trail and Ferry Terminal park to ensure recreational and active transportation opportunities are preserved and created. Further, the Stage I development agreement establishes new park and open space areas for the public and residents of the new development to utilize, and specifically, to provide access to the water's edge through a waterfront promenade (Attachment F, Schedule E). Further, Stage II agreements will define the features/elements of the park/open space areas to be established.

In regard to the waterfront promenade, staff have held discussions with the Waterfront Development Corporation to develop a strategy for managing the promenade. Upon approval of the development, staff will continue to investigate management options for the promenade.

5. Vehicular access

The scale of the proposed development requires two points of vehicular access. The location of the site on the harbourside of the CNR rail line further complicates the property regarding emergency access. In addition to the existing at-grade King Street access, a grade-separated access is required to ensure access to the site can be maintained in the event of a blockage of the rail crossing at the King Street access (Attachment F, Schedule B).

Several grade separated access options have been proposed by the applicant. The “helix” design was ultimately submitted to minimize impact on the existing HRM owned parkland, a portion of which will be lost to accommodate the access. The applicant will be required to acquire the necessary area from HRM. Compensation for this loss of an estimated 30,000 square feet (sq. ft.) of parkland is provided by 168,226 sq. ft. of public parkland proposed within and adjacent the development including a perimeter promenade along the majority of the water’s edge.

Detailed design of the grade separated access will be required after the approval of the Stage I development agreement. At that stage, staff will deal with the functional design of the structure, as well as addressing the appearance of it from an urban design point of view.

6. Traffic Study

A traffic study was submitted in support of the development as outlined in the Stage I development agreement. The Study indicates that the existing road network can handle the additional traffic generated by the proposed development. HRM staff have reviewed the Study and concur with its findings. In light of the development being constructed over an extended period of time, any changes in land use or the mix of uses will require that an updated traffic study be prepared to ensure traffic circulation and safety.

7. Parking

The proposed development is to be marketed as a pedestrian oriented development supported by the alternative transportation synergies available in Downtown Dartmouth such as walking, biking, and transit (bus & ferry). Consequently, the Stage I development agreement allows for a reduction in the number of required parking spaces as per Downtown Dartmouth’s Land use By-law. A minimum of 1,155 parking spaces are proposed to be located in a five-storey parking structure and underground parking facilities (Attachment F, Schedule G).

8. Compatibility

The location of the mixed-use proposal provides the potential for the development of a unique neighbourhood that contains key elements of Downtown Dartmouth, such as the extension of the

grid pattern. Further, it provides a transition from the existing downtown and limits the direct impact of the development on adjacent properties.

9. Environmental Impacts

Given the property's long industrial history, the results of detailed analysis of the property's environmental and geotechnical conditions need to be provided to demonstrate the property's ability to support the proposed mixed use development. The Stage II development agreement process addresses this issue prior to any construction occurring on the lands.

10. Infill of Pre-Confederation Waterlots

The applicant must obtain applicable federal and provincial government approvals as required to infill water lots to create additional land and/or wharfage. While HRM planning documents apply zoning to the water lots, these documents can only regulate the use (and not the creation) of infilled lands.

For the purposes of this application development of the water lots is to be limited to the identified infill areas in the development agreement proposal, with the remaining portions of the water lots to be conserved and not in-filled. Further, the Applicant will be required to infill a small portion of a HRM owned water lot to create the waterfront promenade extension of Ferry Terminal Park to the lands.

**Conclusion**

Staff recommend that Council approve the proposed amendments and development agreement to permit the creation of a mixed-use development on the former Dartmouth Marine Slips site for the following reasons:

- The property has not been utilized as an industrial use for the past seven years;
- The closure of the Dartmouth Marine Slips marine industrial activity was not anticipated by the Plan;
- The property is in the vicinity of the Downtown Dartmouth community residential/commercial core and other commercial uses;
- The property's waterfront vantage and downtown location offers a unique opportunity for mixed-use transit oriented development, improved public access to Halifax Harbour and increased cultural and recreational opportunities;
- The proposal is consistent with the intent of the Downtown Dartmouth SPS which attempts to encourage a mix of land uses; and
- The proposed development agreement provides the mechanism to implement the requested site specific plan amendment, and viewplane and view corridor amendments.



### **BUDGET IMPLICATIONS**

The Developer will be responsible for all costs, expenses, liabilities, and obligations imposed under or incurred in order to satisfy the terms of this Agreement. The administration of the agreement can be carried out within the approved budget with existing resources.

The proposed public streets, associated service infrastructure, parks and proposed Waterfront Promenade will require budgetary considerations as they are deeded to the Municipality.

### **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 choose to approve the proposed amendments to the Regional Municipal Planning Strategy, the Dartmouth Municipal Planning Strategy and the Downtown Dartmouth Secondary Planning Strategy and Land Use By-law provisions and the proposed Stage 1 development agreement. This is the recommended course of action for the reasons stated in this report.
2. Council may choose to refuse the proposed amendments to the Regional Municipal Planning Strategy, the Dartmouth Municipal Planning Strategy and/or the Downtown Dartmouth Secondary Planning Strategy and Land Use By-law provisions. This alternative is not recommended as it would mean the proposed development agreement would not be enabled.
3. Community Council may choose to refuse the proposed development agreement, and in doing so, must provide reasons based on a conflict with SPS policies. This alternative is not recommended as Staff are satisfied that the proposed agreement is consistent with the proposed policies and intent of the SPS.
4. Community Council may choose to approve the proposed development agreement subject to modifications. This may necessitate further negotiation with the applicant and may require a second public hearing.

### **ATTACHMENTS**

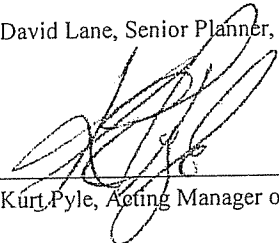
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| Map 1 | Location and Zoning         |
| Map 2 | Generalized Future Land Use |

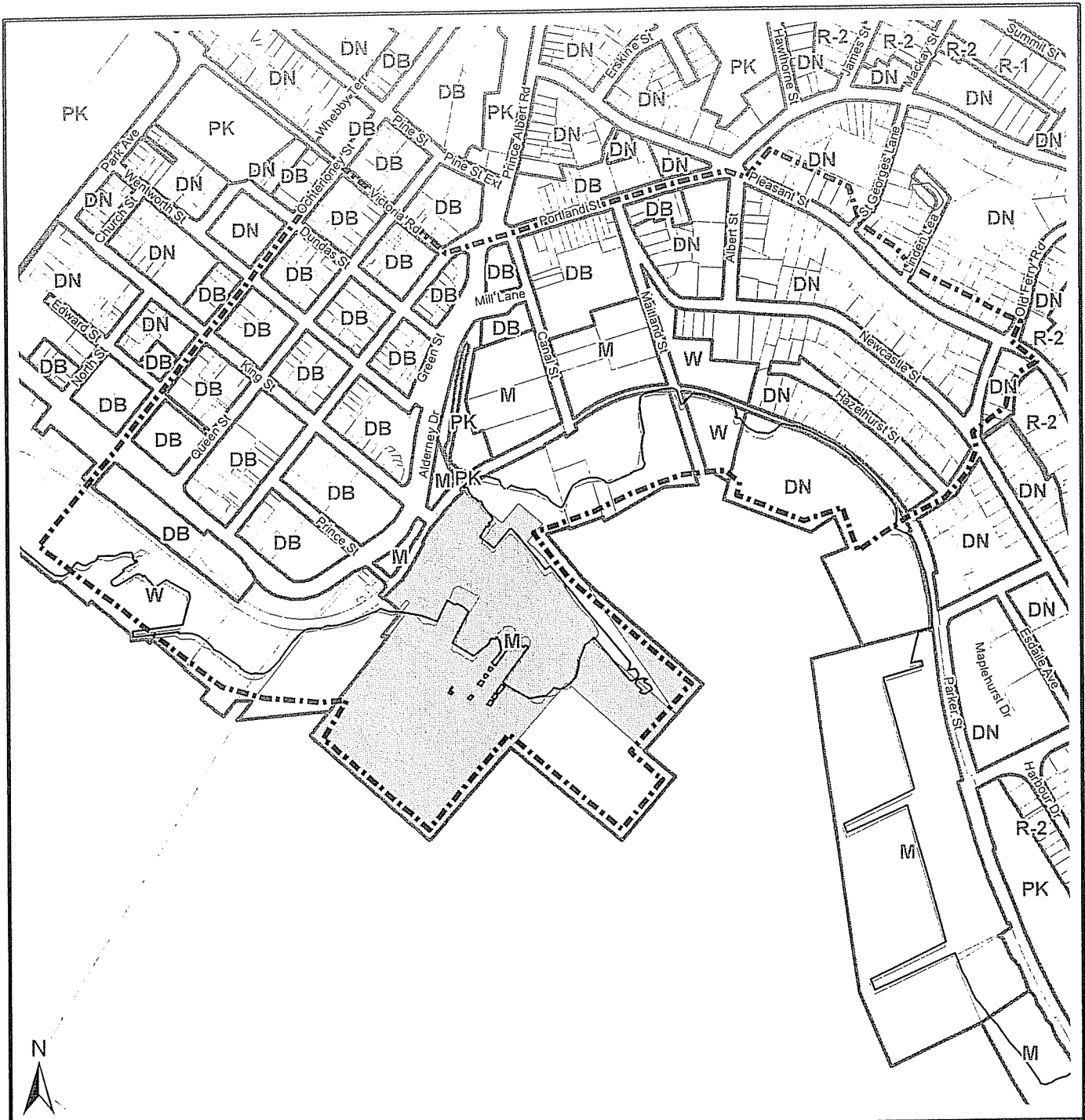
Map 3            Waterfront Areas  
Map 4            Viewplanes and View Corridors

Attachment A	Proposed Amendment to the Regional MPS
Attachment B	Proposed Amendment to the Dartmouth MPS
Attachment C	Proposed Amendment to the Downtown Dartmouth SPS
Attachment D	Proposed Site Specific Amendment to the Downtown Dartmouth SPS
Attachment E	Proposed Amendment to the Downtown Dartmouth LUB
Attachment F	Proposed Stage Excerpts - RMPS
Attachment H	Policy Excerpts I Development Agreement
Attachment G	Policy- Dartmouth MPS
Attachment I	Policy Excerpts - Downtown Dartmouth SPS
Attachment J	Public Information Meeting Minutes: February 20, 2006
Attachment K	Public Information Meeting Minutes: July 5, 2006
Attachment L	Public Information Meeting Minutes: September 19, 2007

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

Report Prepared by :            David Lane, Senior Planner, 490-5719

Report Approved by:              
Kurt Pyle, Acting Manager of Planning Services, 490-7066



## Map 1 Zoning and Location

### Dartmouth Marine Slips



Subject Lands



Proposed Notification  
Boundary

Downtown Dartmouth &  
Dartmouth By-law Area

### Zone

DB	Downtown Business District
DN	Downtown Neighbourhood
PK	Park and Open Space
W	Waterfront
M	Marine Business
R-1	Single Family Residential
R-2	Two Family Residential

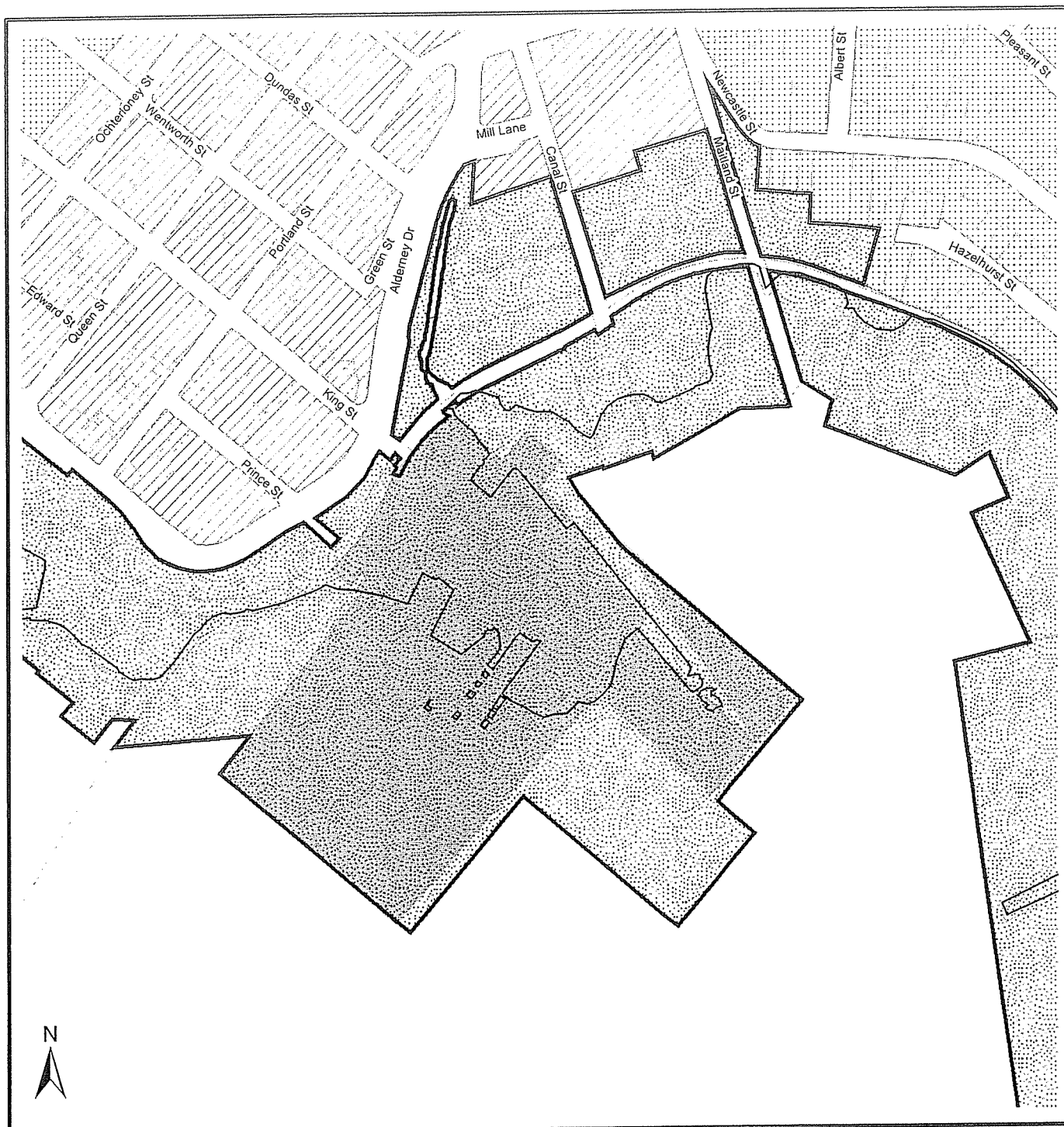
**HALIFAX**  
REGIONAL MUNICIPALITY

COMMUNITY DEVELOPMENT  
PLANNING SERVICES

250 125 0 250 500 750 Feet


This map is an unofficial reproduction of a portion of the Zoning Map for the Downtown Dartmouth & Dartmouth Land Use By-law area.

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






## Map 2 Generalized Future Land Use

Dartmouth Marine Slips

 Subject Lands

### Designations

 Downtown Business District  
 Downtown Neighbourhood  
 Waterfront

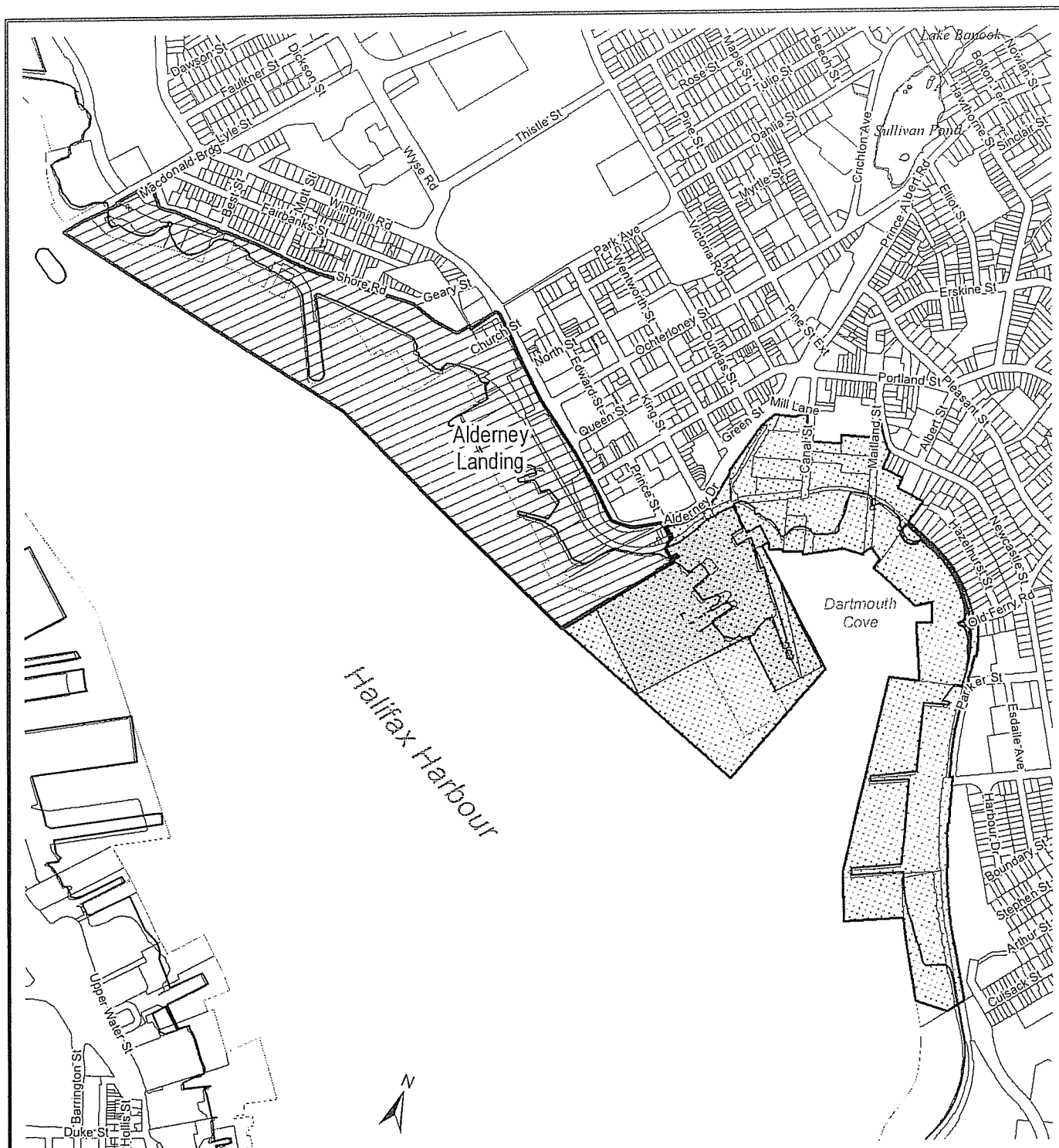
Downtown Dartmouth By-law

**HALIFAX**  
 REGIONAL MUNICIPALITY  
 COMMUNITY DEVELOPMENT  
 PLANNING SERVICES

150 75 0 150 300 450 Feet

This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Downtown Dartmouth MPS area.

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

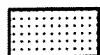


### Map 3 Waterfront Areas

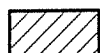
Dartmouth Marine Slips



Subject Lands



Dartmouth Cove -  
East Waterfront Areas



Alderney Landing and  
West Waterfront Areas

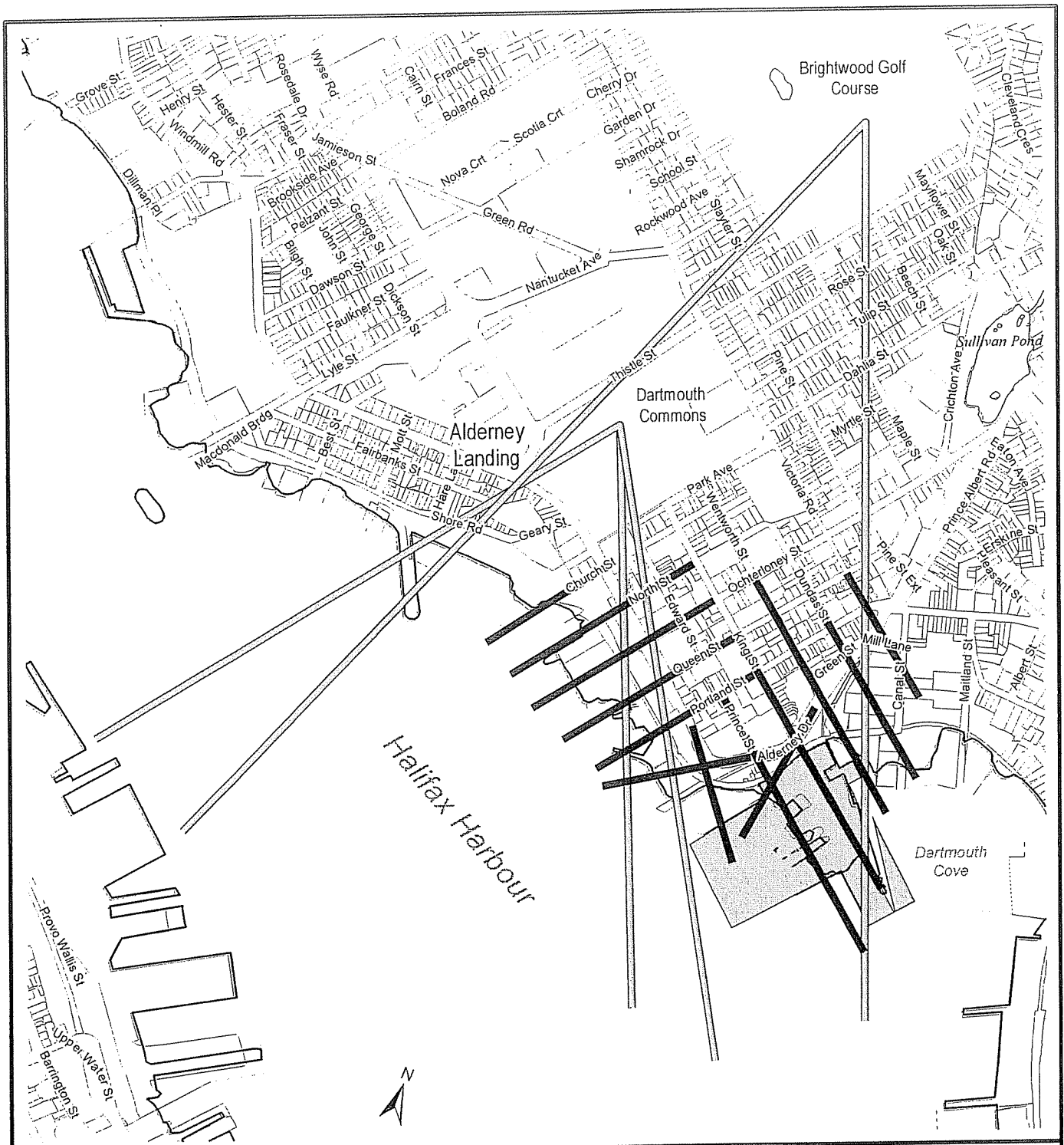
Downtown Dartmouth By-law

**HALIFAX**  
REGIONAL MUNICIPALITY  
COMMUNITY DEVELOPMENT  
PLANNING SERVICES

0 140 280 560 840 Mtes

This map is an unofficial reproduction of a portion of the Zoning Map for the Downtown Dartmouth Land Use By-law area

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



## Map 4 Viewplanes and View Corridors

### Dartmouth Marine Slips



Subject Lands



View Corridors



Viewplanes

Downtown Dartmouth By-law

**HALIFAX**  
REGIONAL MUNICIPALITY  
COMMUNITY DEVELOPMENT  
PLANNING SERVICES

0 170 340 680 1,020  
Miles

This map is an unofficial reproduction of a portion of the Zoning Map for the Downtown Dartmouth Land Use By-law area

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

Attachment A  
Proposed Amendment to the Regional MPS

1. The Regional Municipal Planning Strategy is hereby amended by adding the following new policies immediately after Policy CH-5:

- “CH-5a**            **Notwithstanding Policy CH-5, lands within the Brightwood Viewplane and Dartmouth Common Viewplane where the potential for downstream views are negated by existing structures or policy permitted building height, may be developed in a manner where the building height does not further impact the existing Viewplane penetration.**
- CH-5b**            **Notwithstanding Policy CH-5, a reduction in a view corridor(s) may be permitted where it is demonstrated that additional view corridors will be created and/or an overall net gain of the intended protected view is achieved.”**

THIS IS TO CERTIFY that the amendments to the Regional Municipal Planning Strategy, as set out above, were passed by a majority vote of the Halifax Regional Council on the \_\_\_\_ day of \_\_\_\_\_, 2008.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Julia Horncastle  
Acting Municipal Clerk

**Attachment B**  
**Proposed Amendment to the Dartmouth MPS**

1. The Municipal Planning Strategy for Dartmouth is hereby amended by adding the following new policy immediately after Policy Ea-3:

**“Ea-3a            Notwithstanding Policy Ea-3, lands within the Brightwood Viewplane and Dartmouth Common Viewplane where the potential for downstream views are negated by existing structures or policy permitted building height, may be developed in a manner where the building height does not further impact the existing Viewplane penetration.”**

THIS IS TO CERTIFY that the amendments to the Municipal Planning Strategy for Dartmouth, as set out above, were passed by a majority vote of the Halifax Regional Council on the \_\_\_\_ day of \_\_\_\_\_, 2008.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Julia Horncastle  
Acting Municipal Clerk



Attachment C  
Proposed Amendment to the Downtown Dartmouth SPS

1. The Secondary Planning Strategy for Downtown Dartmouth is hereby amended by adding the following new policies immediately after Policy D-5:

**“D-5a**            **Notwithstanding Policy D-5, lands within the Brightwood Viewplane and Dartmouth Common Viewplane where the potential for downstream views are negated by existing structures or policy permitted building height, may be developed in a manner where the building height does not further impact the existing Viewplane penetration.**

**D-5b**            **Notwithstanding Policy D-5, a reduction in a view corridor(s) may be permitted where it is demonstrated that additional view corridors will be created and/or an overall net gain of the intended protected view is achieved.”**

THIS IS TO CERTIFY that the amendments to the Secondary Planning Strategy for Downtown Dartmouth, as set out above, were passed by a majority vote of the Halifax Regional Council on the \_\_\_\_ day of \_\_\_\_\_, 2008.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Julia Horncastle  
Acting Municipal Clerk

Attachment D  
Proposed Site Specific Amendment to the Downtown Dartmouth SPS

1. The Secondary Planning Strategy for Downtown Dartmouth is hereby amended by adding the following new preamble immediately preceding Policy W-8:

**“Since the adoption of this plan, the former Dartmouth Marine Slips property has been vacated and industrial marine operations have ceased on the property. The closure of the shipyards and disposal of the lands was not anticipated by this Plan.**

**In recent years, the potential for alternative uses on lands surrounding Dartmouth Cove has come to the forefront especially on the former Dartmouth Marine Slips property. With striking views of the harbour, convenient access to public transit, employment centres throughout the capital district, services, and recreational facilities, the former marine slip property is an ideal location for a high quality mixed-use development on the waterfront. Re-development of this nature could further the objectives of this plan for the business district and alleviate resident concerns expressed towards nuisances associated with marine related industry on the lands.**

**The Municipality may therefore consider a mixed use development proposal on the former Dartmouth Marine Slips property through the development agreement process.”**

2. The Secondary Planning Strategy for Downtown Dartmouth is hereby amended by adding the following new policies immediately after Policy W-9:

**“Policy W-9A**

**Notwithstanding policies W-8 and W-9, HRM may consider permitting a mixed use development on the former Dartmouth Marine Slips property (identified as PID Nos. 00130286, 00130419, 00130278 and 41164278) by approval of a two-stage development agreement.**

**The Stage I development agreement shall generally show the concept of the proposal including the land uses, site plan, access and street layout, servicing capability, parks and open space, and phasing of the development. Notwithstanding the development agreement criteria of Policy W-9A, the stage I agreement shall establish further specific requirements of any Stage II development agreement. Council shall hold a public hearing prior to the approval of the Stage I development agreement.**

**Stage II development agreements shall be generally consistent with the intent of the Stage I development agreement, through the provision of fine grain details of a phase**

under the Stage I development agreement. Stage II development agreements shall be approved by a resolution of Council.

Any development agreement application shall conform with the following criteria:

1. The development shall consist of a mix of land uses (residential, commercial, office, institutional, and park and open space uses) with residential land uses that contain a mix of unit types being the primary land use.
2. Residential proposals should incorporate adequate soundproofing measures to buffer residents from nearby waterfront events and activities.
3. A high quality of urban design is encouraged and adequate consideration is given to Policy W-9B.
  - a) Special consideration should be given to building materials in proximity to the water's edge.
  - b) The proposal should impart a sense of history to the area and contribute to the area's evolving history.
  - c) Proposals should respect that the waterfront is a pedestrian precinct. Wherever possible, buildings should be designed to create public spaces, and appropriate consideration should be given to weather protection for pedestrians.
4. Visual access to the harbour shall be provided through the incorporation of street corridor views leading to the water and through the use of urban design features. The height of any proposed building should respect the viewplanes from the Dartmouth Common as shown on Map 7.
5. The Development should address public accessibility the water's edge.
6. Special consideration shall be given to parking to ensure that proposals are designed with pedestrian orientation in mind rather than cars. Where parking is needed it should be situated below finished grade or enclosed within the core of a building with other uses wrapping the core to render the parking invisible. Surface parking is strongly discouraged, but when deemed absolutely necessary surface parking areas are to be strictly limited in size and duration.

7. An internal street may be needed to provide emergency and delivery access to the development. Alternative street design standards should be considered for any new streets which are in keeping with the historical grid and pedestrian character of the downtown.
8. The Development shall minimize the amount of infilling that occurs on the water lots to ensure the character of Dartmouth Cove is not significantly altered.

**Policy W-9B**

Notwithstanding Policy D-1, HRM should ensure that a high quality of urban design is provided for the development. To achieve this objective Council shall adopt the following design guidelines for the former Dartmouth Marine Slips property:

- a) The traditional street grid pattern and grain of development of Downtown Dartmouth should be maintained and re-established in the new development;
- b) Microclimate issues such as wind, solar orientation, and shadowing should be considered, with positive impacts capitalized upon, and negative impacts minimized.
- c) Pedestrian street level activity shall be encouraged in all development through the incorporation of outdoor cafes, ground floor uses, and uses that are open beyond daytime hours of operation. Consideration should be given to weather protection for pedestrians through use of decorative canopies and awnings.
- d) Proposals should respect that the waterfront is primarily a pedestrian precinct, and pedestrian circulation should be an important consideration of all development. Buildings should be designed to create attractive and functional public spaces and pedestrian routes. Active ground level uses shall be encouraged adjacent to public access points and public open spaces.
- e) Public art should be provided on or adjacent to buildings throughout any proposed development, commensurate with HRM's Cultural Plan.
- f) Important views from parks and streets should be respected in the design and configuration of development, especially harbour and street corridor views as shown on "Map 7 - Public Views."

- g) A high quality of design should be required for streetscape elements and furniture.
- h) Public safety should be a consideration in the design of new buildings and public spaces to ensure the design of public spaces does not create opportunities for crime at any time, with special attention paid to placement and intensity of lighting, visibility, directional signage, and land uses which will provide opportunities for eyes on the street through incorporation of residential development and street level activity after normal working hours.
- i) A high level of refinement in the architectural details shall be provided to provide visual interest, both in the upper stories, and in particular at pedestrian level.
- j) The waters edge should be designed for unrestricted public access by either public ownership and/or perpetual easement.”

THIS IS TO CERTIFY that the amendments to the Secondary Planning Strategy for Downtown Dartmouth, as set out above, were passed by a majority vote of the Halifax Regional Council on the \_\_\_\_ day of \_\_\_\_\_, 2008.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_\_, 2008.

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Julia Horncastle  
Acting Municipal Clerk

**Attachment E**  
**Proposed Amendment to the Downtown Dartmouth Land Use By-law**

The Downtown Dartmouth Land Use By-law is hereby amended by:

1. Inserting a new sub-section, in Part 12, immediately following sub-section 13 as follows:

**“(14) Uses Which May be Considered by Development Agreement:**  
**Notwithstanding Part 12, Subsection 13 above, a mixed-use development containing residential, commercial, office, hotel, institutional, and park and open space uses on the Lands known as the former Dartmouth Marine Slips property, identified as PID Nos. 00130286, 00130419, 00130278 and 41164278.”**

THIS IS TO CERTIFY that the amendments to the Downtown Dartmouth Land Use By-law, as set out above, were passed by a majority vote of the Halifax Regional Council on the \_\_\_\_ day of \_\_\_\_\_, 2008.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_\_, 2008.

---

Julia Horncastle  
Acting Municipal Clerk

**Attachment F**  
**Proposed Stage 1 Development Agreement**

THIS AGREEMENT made this      day of                      , 2008,

BETWEEN:

**THE ANCHORAGE AT DARTMOUTH COVE  
PROPERTY DEVELOPMENT  
INCORPORATED**

a body corporate, in the Halifax Regional Municipality,  
Province of Nova Scotia

-and-

**OLIVIA FERRIS LIMITED**

a body corporate, in the Halifax Regional Municipality,  
Province of Nova Scotia

(The Anchorage at Dartmouth Cove Property Development  
Incorporated and Olivia Ferris Limited are hereinafter jointly  
referred to as 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 is the registered owner of certain lands located at Alderney Drive, Dartmouth, (PID Numbers 00130286, 00130419, 00130278, 41164286 and 40943730) and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a Stage 1 development agreement to allow for a mixed-use development (consisting of residential, commercial, office, institutional and park and open space uses) on the Lands pursuant to the

provisions of the Municipal Government Act and pursuant to Policy W-9A of the Downtown Dartmouth Secondary Planning Strategy;

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 Harbour East Community Council approved this request at a meeting held on [INSERT - Date], referenced as Municipal Case Number 00798;

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

**PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION**

**1.1 Applicability of Agreement**

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 Downtown Dartmouth Land Use By-law and the Regional Subdivision By-law, as may be amended from time to time.

**1.3 Applicability of Other By-laws, Statutes and Regulations**

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

The Developer shall be responsible for securing all applicable approvals associated with the on-site and off-site servicing systems required to accommodate the development, including but not limited to sanitary sewer system, water supply system, stormwater sewer and drainage system, and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of HRM and other approval agencies. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer. All design drawings and information shall be certified by a Professional Engineer.

**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.

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

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

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

### **1.6 Provisions Severable**

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

## **PART 2: DEFINITIONS**

- 2.1** All words unless otherwise specifically defined herein shall be as defined in the Downtown Dartmouth Land Use By-law and the Regional Subdivision By-law.

## **PART 3: USE OF LANDS AND DEVELOPMENT PROVISIONS**

### **3.1 Subdivision of the Lands**

- 3.1.1** Unless otherwise acceptable to the Development Officer, as part of a Stage II development agreement process, subdivision applications shall be submitted to the Development Officer in accordance with the Phasing Plan presented as Schedule D to this Agreement and the Development Officer shall grant subdivision approvals for the phase for which approval is sought.
- 3.1.2** Notwithstanding sub-section 3.1.1, Schedules B, C and H to this Agreement shall constitute the Concept Plan of Subdivision for the streets and related servicing infrastructure of the Development.
- 3.1.3** All parcels shall have frontage on a public street in accordance with the Regional Subdivision By-law and Downtown Dartmouth Land Use By-law.
- 3.1.4** Notwithstanding subsection 3.1.3, the minimum width and depth requirement of Section 33 of the Regional Subdivision By-law may be waived at the discretion of the Development Officer for the purpose of subdividing the Promenade as per Schedule E.

- 3.1.5 Notwithstanding subsection 3.1.3, the minimum frontage requirement of Section 32 of the Regional Subdivision By-law may be waived at the discretion of the Development Officer for the purpose of subdividing the Promenade as per Schedule E.

### 3.2 Schedules

- 3.2.1 The Developer shall not develop or use the Lands, for any purpose other than a mixed use development consisting of residential, commercial, office, institutional and park and open space uses which, in the opinion of the Development Officer, is substantially in conformance with Schedules B to I inclusive filed in the Halifax Regional Municipality Planning Services Department as Case 00798.
- 3.2.2 Development permits shall only be granted for the Lands after approval of Stage II Development Agreements and execution of the documents by the Developer.
- 3.2.3 The Schedules to this Agreement are:

Schedule A:	Legal Description of the Lands
Schedule B:	Site Plan
Schedule C:	Servicing Plan
Schedule D:	Phasing Plan
Schedule E:	Parks and Open Space Plan
Schedule F:	View Corridors Plan
Schedule G:	Parking Plan
Schedule H:	Street Cross Section
Schedule I:	Attachment "A"

### 3.3 Land Use Controls

- 3.3.1 The Parties agree that Schedules B to I inclusive of this Agreement contain the proposed land uses, preliminary design schematics and servicing schematics for the development of the Lands and further agree that the aforementioned uses and schematics shall form the basis for negotiation and approval of any Stage II Agreement.
- 3.3.2 The Development will consist of a mix of land uses with the primary use being for residential development. In addition to a mix of residential uses and unit types (1, 2 and 3 bedroom units) the development may contain office, commercial, institutional and park and open space uses and a hotel.

3.3.3 Further to sub-section 3.3.2 the uses shall include:

- (a) 1,800,000 square feet of residential space (maximum of 1,292 units);
- (b) 159,660 square feet of office space;
- (c) 70,488 square feet of commercial space;
- (d) 65,000 square feet of hotel space (maximum of 200 rooms within a building);
- (e) park and open space uses as per section 3.7 of this Agreement; and
- (f) Accessory uses to the foregoing.

3.3.4 Notwithstanding sub-section 3.3.3, the Developer shall be permitted through the Stage II development agreement process to vary the mix of land uses by a maximum of 20% based upon floor area, except park and open space, but at no time shall the mix of uses exceed the overall floor area indicated in sub-section 3.3.3.

3.3.5 Further to sub-section 3.3.4 a traffic study shall be submitted to the Development Engineer demonstrating any potential impacts and proposed mitigative measures resultant of the change in the mix of uses. Acceptance of the findings of the traffic study shall be at the discretion of the Development Engineer.

3.3.6 Further to sub-section 3.3.4, any variation to the mix of land uses shall not result in the number of residential uses exceeding 1,500 units or replace residential as the primary use within the Development.

3.3.7 The residential density is to be calculated by the theoretical population generated on the basis of: 1.0 person per bachelor unit; 2.0 persons per one bedroom unit; 2.25 persons per other apartment type units; and 3.35 persons for townhouse units.

3.3.8 Notwithstanding sub-section 3.3.3, institutional land use can be permitted up to a maximum of 75,000 square feet of space with a corresponding reduction in the square footage of the office and/or commercial uses and the submission of a traffic study. Acceptance of the findings of the traffic study shall be at the discretion of the Development Engineer.

3.3.9 Notwithstanding sub-section 3.3.3, a cruise ship docking facility shall be a permitted use in the Development as part of a Stage II development agreement.

3.3.10 Development on the Lands shall be in conformance with Schedules B and I to this Agreement. The Development Officer may permit modifications to the area and location of the Lands intended for any land use provided the changes are minor, in the opinion of the Development Officer, and serve to maintain or enhance the intent of this Agreement.

## Architectural Guidelines

- 3.3.11 The Developer agrees that an objective of this development is to provide elements of the streetscapes which exhibit a complementary variety of architectural designs on all buildings and open spaces/parkland. The architectural design of the buildings, particularly with respect to the front elevation designs, shall be varied and have a strong street presence. Architectural detailing shall be encouraged on all buildings in order to add variety to the streetscape appearance.
- 3.3.12 Further to sub-section 3.3.11, facade descriptions of each Building shall generally be in conformance with Schedule I to this Agreement.
- 3.3.13 Architecturally, the development is intended to reflect a modern community, mixing traditional and contemporary styles. The overall form is intended to reflect the surrounding landform, sloping down to the water with variations in height reflecting the established form of the downtown area. The development will incorporate varying architectural expressions in materials ranging from stone, brick, and concrete to glass and steel. The core buildings on the site between the King and Prince Street corridors will reflect more traditional building materials and forms (e.g., brick or stone style surfacing, pitched roofs, etc.), while buildings on the waters' edges will be more contemporary, with metal or concrete framing and high proportions of glass cladding to reflect surrounding waters.

## 3.4 Phasing

- 3.4.1 No Occupancy Permit shall be issued for a building until all pertinent infrastructure applicable to the Lands is complete, subject to the appropriate sections of the applicable Stage II development agreement.
- 3.4.2 The location and timing of phases for the development shall be undertaken as identified on Schedules D and E, and shall consist of:

### Phase 1:

- Construction of King St. Extension
- Buildings "I & L"
- King's Wharf Park; and
- Associated section of the Waterfront Promenade

### Phase 2:

- Buildings "A, B, C & D" and associated private parks
- Construction of "Anchorage Lane"
- King Street park; and
- Transfer of ownership of Shubenacadie Canal Park.

Phase 3:

- Buildings “G & J” and associated private parks
- Prince Street Park
- Marina Park; and
- Associated sections of the Waterfront Promenade including the extension from Ferry Terminal Park to Prince Street Park.

Phase 4:

- Buildings “H & K”; and
- Associated section of the Waterfront Promenade.

Phase 5:

- Buildings “E & F ” and associated private park

Phase 6:

- Marina; and
- Waterfront Promenade.

- 3.4.3 Further, to sub-section 3.4.2, as part of a Stage II agreement process, construction of the grade separated access from Alderney Drive at Prince Street to the development and Prince Street Extension shall be during Phase 2, or when the development exceeds a maximum of 300 units; whichever occurs first. The Developer may, at anytime, before either threshold is reached construct the grade separated access and/or Prince Street Extension.
- 3.4.4 Data calculation tables shall be provided with each Stage II Agreement for each phase of the Development. The data tables shall contain unit, population counts and floor area.
- 3.4.5 Any Stage II development agreement shall consist of an entire phase as per sub-section 3.4.2.
- 3.4.6 The Development Officer shall be satisfied of the completion of any permitted phase prior to the granting of approvals for any subsequent phase.

### **3.5 Environmental**

- 3.5.1 The Department of Environment may require a remedial action plan by an environmental site professional to address the contamination on the Lands, as identified in the Modified Phase I Environmental Site Assessment, as part of any development of the Lands for residential purposes. Approval of the action plan by the Department of Environment and documentation verifying remediation of the Lands is to be provided to the Development Officer prior to the issuance of construction permits.

- 3.5.2 In conjunction with any Stage II or Final Plan of Subdivision application and prior to the issuance of development permits, a master grading and drainage plan prepared by a professional engineer is to be completed which indicates the measures to be taken to manage any surface runoff from the Lands.
- 3.5.3 No work on any phase or lands will be permitted until an Erosion Plan and Sediment Control Plan, Site Disturbance Plan and Stormwater Management Plan are submitted and approved by the Development Officer in consultation with the Development Engineer.
- 3.5.4 The areas to be in-filled shall be restricted to those generally shown on Schedule "D" of this Agreement. The remaining area of the water lots of the Lands shall not be in-filled.
- 3.5.5 Notwithstanding sub-section 3.5.4, the Development Officer may approve changes to the amount of applicable in-fill as long as the changes are minor in nature, in the opinion of the Development Officer.
- 3.5.6 The Developer shall provide an approved in-fill plan, from the applicable approval agency for the in-filling of the water lots shown on Schedule "D" prior to the Development Officer issuing approval for any construction permit within the applicable phase.
- 3.5.7 Within the applicable phase of a Stage II development agreement, the Municipality shall provide the Developer with a temporary right of use agreement to enable the required partial in-filling of the Municipality's water lot (PID No. 40509549) for the extension of Ferry Terminal Park to the Lands at the Developer's cost, as shown on Schedule E. The Municipality shall also obtain all required permits on the Developer's behalf for the required in-filling.
- 3.5.8 All development on the Lands shall incorporate provisions that mitigate potential damages from coastal flooding and storm surge events.

### **3.6 Roads and Services**

- 3.6.1 The Developer shall be responsible for securing all applicable approvals associated with the on-site and off-site servicing systems required to accommodate the development, including sanitary sewer system, water supply system, stormwater sewer and drainage systems, and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of HRM and other approval agencies, except as provided herein. All roads and services within the development shall be designed and constructed in conformance with all applicable regulations and specifications of the Municipality, or as otherwise

approved by the Development Engineer, and any other approvals as required by any applicable agency. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer. All construction shall be in accordance with Municipal Specifications and By-laws.

- 3.6.2 The Municipality agrees to allow the Developer to make application on their behalf to Canadian National Rail for the required rail crossing. The Developer shall assume all costs for such application with the understanding that the Municipality will assume ownership of the crossing.
- 3.6.3 Notwithstanding sub-section 3.6.2, in the event of the removal of the CN Rail line from the area located between the Development and the Alderney Drive right-of-way, an at-grade crossing shall be permitted in-lieu of the grade separated crossing.
- 3.6.4 The road pattern for the Development shall generally be as shown on Schedules B and H and may be altered only with agreement from the Development Officer provided that Municipal Services Specifications are followed. The Development Officer may approve development of the road system as part of a Final Plan of Subdivision only after the approval of the Stage I Development Agreement. All roads and driveways are to be designed to accommodate emergency vehicle weight, access and turning requirements as per HRM Fire Services Skyarm vehicle 95-93P.
- 3.6.5 Further to sub-section 3.6.4, the Developer shall establish a grade separated access ramp at the intersection of Prince Street and Alderney Drive that extends to the Lands as shown on Schedule C. The Developer shall provide the Development Engineer with all necessary information prior to receiving approval for the access.
- 3.6.6 Further to sub-section 3.6.5, prior to obtaining approval of the grade separated access as per Schedule B, the Development Officer shall approve the exterior appearance of the ramp structure and the immediate surrounding environment to ensure that structure is consistent with the intent of the design guidelines as per Policy W-9A of Downtown Dartmouth Secondary Planning Strategy.
- 3.6.7 Municipal infrastructure shall generally not encumber any Public Parkland or Municipally owned lands. Adequate allowance for storm water management facilities shall be made and shall not compromise Public Parkland without the approval of the Development Officer in consultation with Parkland Planning.
  - 3.6.7.1 Notwithstanding subsection 3.6.7, municipal infrastructure shall not apply to streets and related infrastructure and the location of stormwater infrastructure through the Waterfront Promenade.

- 3.6.8 Utility easements shall be provided as necessary, but the use of easements shall be limited to locations where construction within street rights-of-way is not feasible.
- 3.6.9 All utility services including, but not limited to, sewer, water, gas, power and telecommunications shall be underground. All services within the street rights-of-way shall be conveyed to the appropriate utility.
- 3.6.10 All services to be generally as shown on Schedule C. Exact sizes and grades to be determined at the time of detailed design.
- 3.6.11 All driveways shall meet the requirements of the Streets By-law (S300).
- 3.6.12 Parking spaces for the Development may be provided at a rate of 75% of the requirements of the Downtown Dartmouth Land Use By-law.
- 3.6.13 Further to sub-section 3.6.12, at the discretion of the Development Officer, the Developer may be permitted to further reduce parking spaces pursuant to the submission of a study of parking space utilization to the Development Engineer. Acceptance of the findings of the parking study shall be at the discretion of the Development Engineer.
- 3.6.14 Surface parking may be provided within 300 metres of any associated building to accommodate parking requirements in advance of construction of the above grade parking structure on a temporary basis.
- 3.6.15 All parking areas, driveways and circulation aisles shall be asphalt, concrete, pavers, cobblestone, or similar materials acceptable to the Development Officer.

### **3.7 Parks and Open Space**

- 3.7.1 The Developer shall construct all public and private parkland and open spaces as shown on Schedules D and E of this Agreement under the specified development phase.
- 3.7.2 Upon completion of the public parks and facilities as shown on Schedule E the Developer shall deed said lands to HRM upon completion of the phase.
- 3.7.3 Further to sub-section 3.7.2, these lands shall be free of legal, environmental, or physical encumbrances. "Encumbrances" mean, for the purposes of Park Dedication, legal, environmental, or physical constraints on the property that may limit its use and management or present an unreasonable development or remediation costs to the Municipality.



- 3.7.4 Notwithstanding subsection 3.7.3, existing infrastructure related to the Harbour Solutions project shall be exempt on the Lands.
- 3.7.5 All public and private parkland and open space shall be constructed in accordance with the HRM Park Planning and Development Guidelines and shall be approved by the Development Officer in consultation with Parkland Planning under the Stage II development agreement process.
- 3.7.6 Building grounds and surrounding public areas will be finished to the Municipality's standard including the hard surfaced Waterfront Promenade along the water's edge, sheltered urban green spaces, and a public waterfront park on the northwestern corner of the property. These private park spaces will be equipped by the Developer, which will be defined under the applicable Stage II development agreement.
- 3.7.7 The park uses within the development shall be deemed to meet all of the requirements of the Regional Subdivision By-law with respect to required park dedication. These uses and associated area shall not be removed.
- 3.7.8 Proposed streetscape landscaping shall be identified on the required Landscaping Plans as part of the Stage II Development Agreement applications.
- 3.7.9 During the Stage II agreement process, the Developer shall provide the Municipality with a deeded easement for King Street Parks A, B and C, Kings Wharf Park and Marina Park as identified on Schedule E of this Agreement.
- 3.7.9.1 Notwithstanding sub-section 3.7.9, the Municipality shall be responsible for the maintenance of the parks and associated park amenity features only. The Municipality shall be indemnified from any responsibility for any maintenance or liability related to the parking structure located under the parks.
- 3.7.9.2 During the Stage II agreement process, Council may exercise their discretion to not acquire easements for King Street Parks A, B and C, Kings Wharf Park and Marina Park as identified on Schedule E.
- 3.7.9.3 All Public Access parkland areas shall be designed and constructed to be Useable for Passive Recreation purposes and at a minimum, be finished with grass sod underlain by a minimum 150mm of topsoil.

#### **Amenity Space**

- 3.7.10 The Developer shall receive amenity space credit for the privately owned parks as shown on Schedule E towards the calculation of amenity space as per the Regional Subdivision By-law for any building/unit/population as required during the Stage II agreement process.

- 3.7.10.1 During any Stage II agreement process, should Council exercise their discretion to not acquire the easements for the parks as identified in sub-section 3.7.9, the amenity space credit of subsection 3.7.10 shall remain applicable for any amenity space requirement, as long as it is retained as a park use.
- 3.7.10.2 Notwithstanding subsection 3.7.3, and in accordance with sub-section 3.7.10 the Developer shall receive amenity space credit for any encumbrance of existing infrastructure.

### **Waterfront Promenade**

- 3.7.11 All sections of the Waterfront Promenade shall satisfy the following requirements:
- (a) All surfaces shall be designed with Universal Design Principles to accommodate pedestrians as well as disabled persons in wheelchairs or similar conveyances compatible with the safety and enjoyment of pedestrians.
  - (b) All travel way surfaces shall, at the minimum, be 4.5 metres wide and asphalt paved.
  - (c) All hard surfaces shall be separated from any embankment or wall leading to the water's edge by a grassed or suitably landscaped strip approximately 1 metre wide.
  - (d) The aforesaid 1-metre strip shall not be required in any location on the Promenade where the slope of land between the travel way and the water's edge does not exceed 3:1, or where an appropriate railing has been provided between the travel way and the water's edge.
  - (e) The Promenade corridor along the water's edge shall be designed and constructed to withstand oceanwave action, and at the minimum, be finished with armour stone.
  - (f) All portions of the travel way shall be illuminated to levels and standards set by HRM for Local Streets in the Urban Core.
- 3.7.12 Notwithstanding sub-section 3.7.11, recreation related facilities that complement the appeal of the waterfront and use of the water such as beach areas, wharves, and boat and kayak launches may be constructed between the travelway of the Waterfront Promenade and the water's edge.

### **3.8 Barrier Free Access**

- 3.8.1 The use of the principles of Universal Access shall be incorporated where possible, thereby encouraging the integration of non-vehicular access opportunities throughout the Development.
- 3.8.2 A minimum of three barrier free accesses shall be constructed, at the time of the applicable phase, providing access from the sidewalks of the internal street network to the waterfront promenade walkway system as shown on Schedule E.

### 3.9 Viewplanes

- 3.9.1 The height of all buildings within the development shall comply with the viewplane policies and regulations, as amended from time to time, as contained in the Regional Municipal Planning Strategy, Dartmouth Municipal Planning Strategy and Downtown Dartmouth Secondary Planning Strategy and Land Use By-law.
- 3.9.2 Notwithstanding sub-section 3.9.1, the height of buildings above sea level within the viewplanes may be increased where the potential for downstream views are negated by existing structures or policy permitted building height, lands may be developed in a manner where the building height does not further impact the existing viewplane penetration. The Developer shall provide the necessary information at the Stage II Development Agreement application that verifies the increase in building heights.

### 3.10 View Corridors

- 3.10.1 The Development shall be constructed in accordance with the view corridor policies and regulations, as amended from time to time, as contained in the Regional Municipal Planning Strategy, Dartmouth Municipal Planning Strategy and Downtown Dartmouth Secondary Planning Strategy and Land Use By-law.
- 3.10.2 Notwithstanding sub-section 3.10.1, the view corridors for Alderney Drive and Prince Street shall be reduced as shown on Schedule F.
- 3.10.3 Notwithstanding sub-section 3.10.1, two new view corridors shall be created as identified on Schedule F and shall maintain a minimum of 50 feet in unobstructed width.

### 3.11 Stage II Development Agreements

In accordance with Policy W-9A of the Downtown Dartmouth Secondary Planning Strategy and as referenced in this Agreement the following information at a minimum shall be submitted as deemed appropriate by a HRM Planner with any Stage II Development Agreement:

- a) proposed building design plans, exterior appearance including architectural detailing and all construction materials, elevation drawings and signage;
- b) site plans showing building footprints, lot coverage, yard dimensions, and land use buffers with their dimensions and or specifications;
- c) vehicular access/egress points, parking area layout, number of spaces (underground and surface) and driveway widths and radii;
- d) provision and identification of useable amenity areas (indoor and outdoor, private and public) and features, facilities and site furnishings;

- e) municipal services including but not limited to schematic plans for sanitary sewer, storm sewer and water supply, required easements (location, size and purpose), utilities (power, gas, propane, lighting, etc.) and street designs;
- f) site disturbance plan and preliminary grading plan;
- g) Environmental Protection information, preliminary site drainage plan, preliminary erosion and sediment control plans and preliminary stormwater management plans;
- h) location and treatment/screening of loading/unloading service areas, mechanical units, fuel storage tanks, air conditioning units, refuse and recyclable storage facilities and utility supply facilities;
- i) location of bicycle access routes and bicycle parking;
- j) park site development plans (public and private) identifying general spatial arrangements and layouts of the proposed parks and associated park amenities/infrastructure;
- k) landscaping plans;
- l) land use/floor area tracking calculations; and
- m) the impact of winds at the pedestrian level

#### PART 4: AMENDMENTS

4.1 The provisions of this Agreement relating to the following matters are identified as and shall be deemed to be not substantial and may be amended by resolution of Harbour East Community Council:

- (a) Approvals of any Stage II Development Agreement;
- (b) Changes in the road network, except major changes to the design of the grade separated access;
- (c) Increase in the mix of land uses;
- (d) Phasing schedule;
- (e) The location of land uses;
- (f) Changes to the waterfront edge necessitated by land ownership limitations or changes, as required to facilitate sound engineering of the marine structures, or as advantageous to incorporate the existing shoreline and additional features that may enhance public use of the waterfront.
- (g) Variation of the exterior appearance of the buildings contained in Schedule I, Attachment A; with the exception of the maximum permitted building height.
- (h) The granting of an extension to the date of commencement of construction as identified in Section 6.3 of this agreement; and
- (i) The length of time for the completion of the development as identified in Section 6.4 of this agreement.

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

**PART 5: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT**

- 5.1 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 one day of receiving such a request.
- 5.2 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, except that such notice is waived in matters concerning environmental protection and mitigation, then in each such case:
- (a) the Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defense based upon the allegation that damages would be an adequate remedy;
  - (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.

**PART 6 REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE**

- 6.1 A copy of this Agreement and every amendment and discharge of this Agreement shall be recorded at the office of the Registry of Deeds at Halifax, Nova Scotia, and the Developer shall pay or reimburse the Municipality for the registration cost incurred in recording such documents.
- 6.2 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 until this Agreement is discharged by the Council.
- 6.3 In the event that the Developer has not entered into a Stage II Development Agreement or construction on the Lands has not commenced within 3 (three) years from the date of registration of the Stage I Agreement at the Registry of Deeds, as indicated herein, the

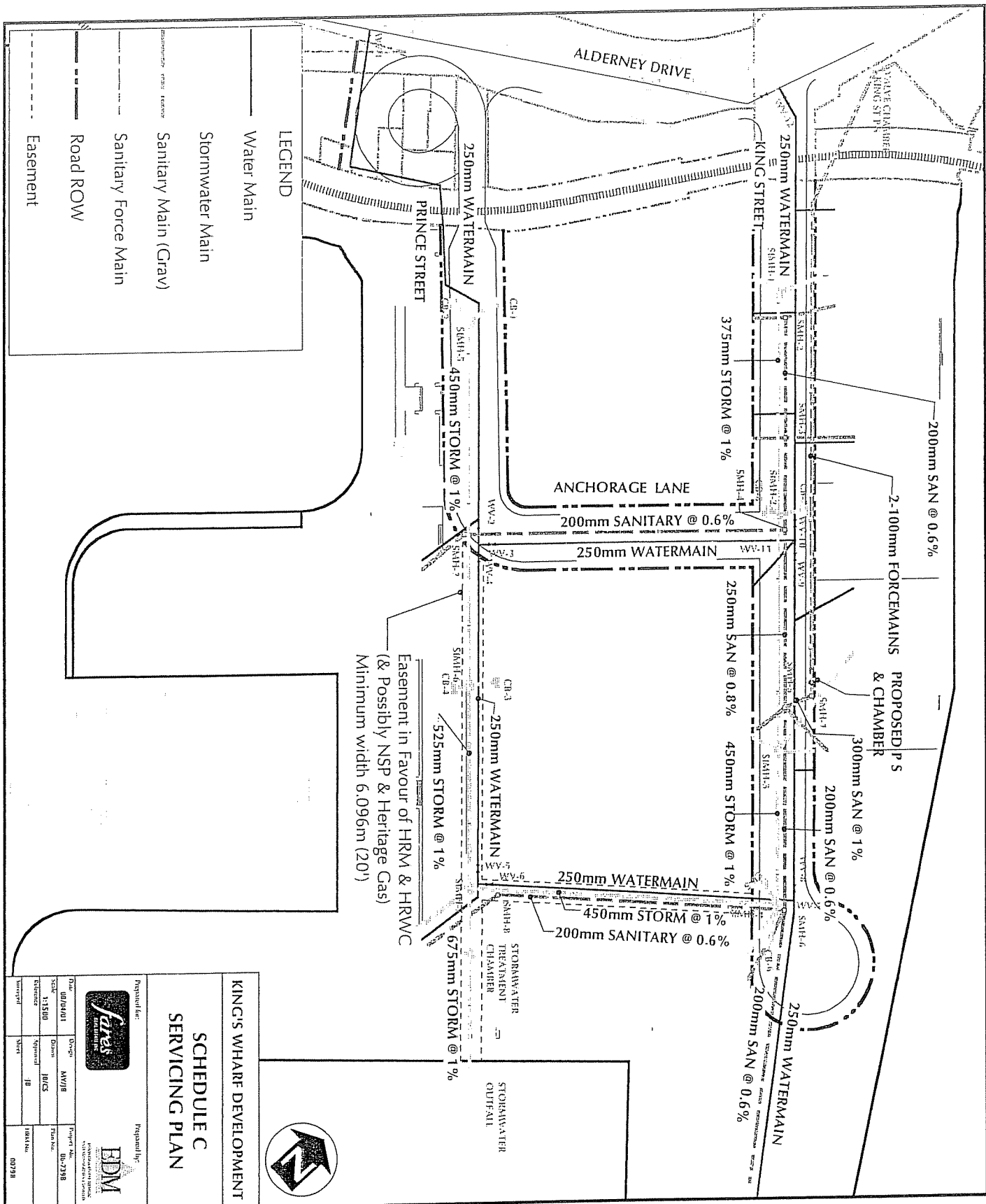
Municipality may, by resolution of Council, either discharge this Agreement, whereupon this Agreement shall have no further force or effect, or upon the written request of the Developer, grant an extension to the date of commencement of construction. For the purposes of this section, "commencement of construction" shall mean the pouring of the footings for the foundation of any of the buildings or the acceptance of a street, whichever happens first.

- 6.4 Upon the completion of all development on the Lands, or after 20 (twenty) years from the date of registration of this Agreement at 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; or
  - (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.

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

SIGNED, SEALED AND DELIVERED	) THE ANCHORAGE AT DARTMOUTH COVE PROPERTY DEVELOPMENT INCORPORATED
	)
in the presence of	)
	) Per: _____
_____	)
	)
	) OLIVIA FERRIS LIMITED
	)
	)
	) Per: _____
SEALED, DELIVERED AND	)
ATTESTED to by the proper	)
signing officers of Halifax Regional	) HALIFAX REGIONAL MUNICIPALITY
Municipality duly authorized	)
in that behalf in the presence	) Per: _____
of	) MAYOR
_____	)
	) Per: _____
	) ACTING MUNICIPAL CLERK





KING'S WHARF DEVELOPMENT

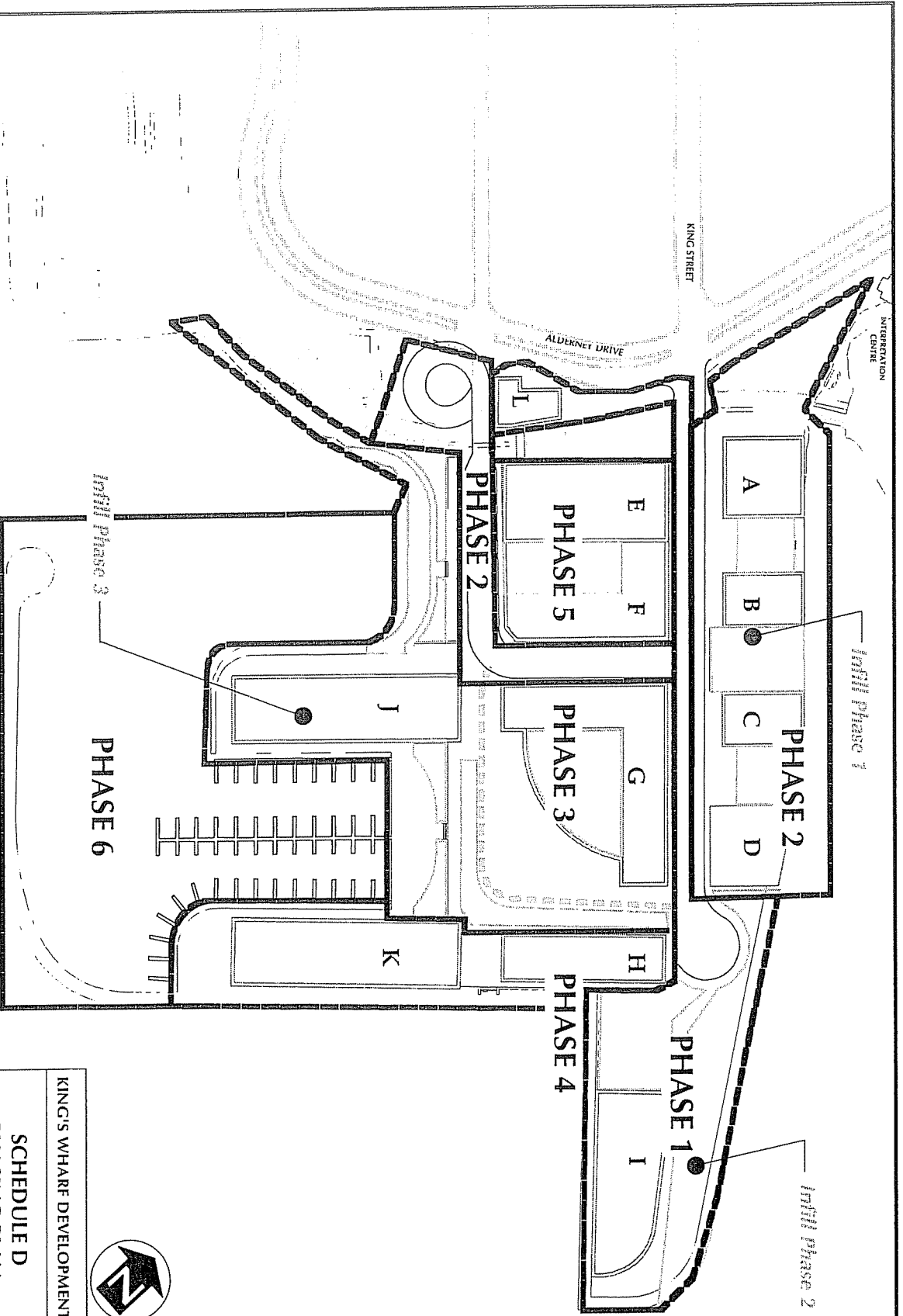
# SCHEDULE C SERVICING PLAN



Drawn by	08/04/01	Design	AM/18	Project No.	18-738
Scale	1:1500	Drawn	JR/CS	File No.	
Reference		Revised	18	Drawn by	
Issued		Drawn		Drawn by	

00738



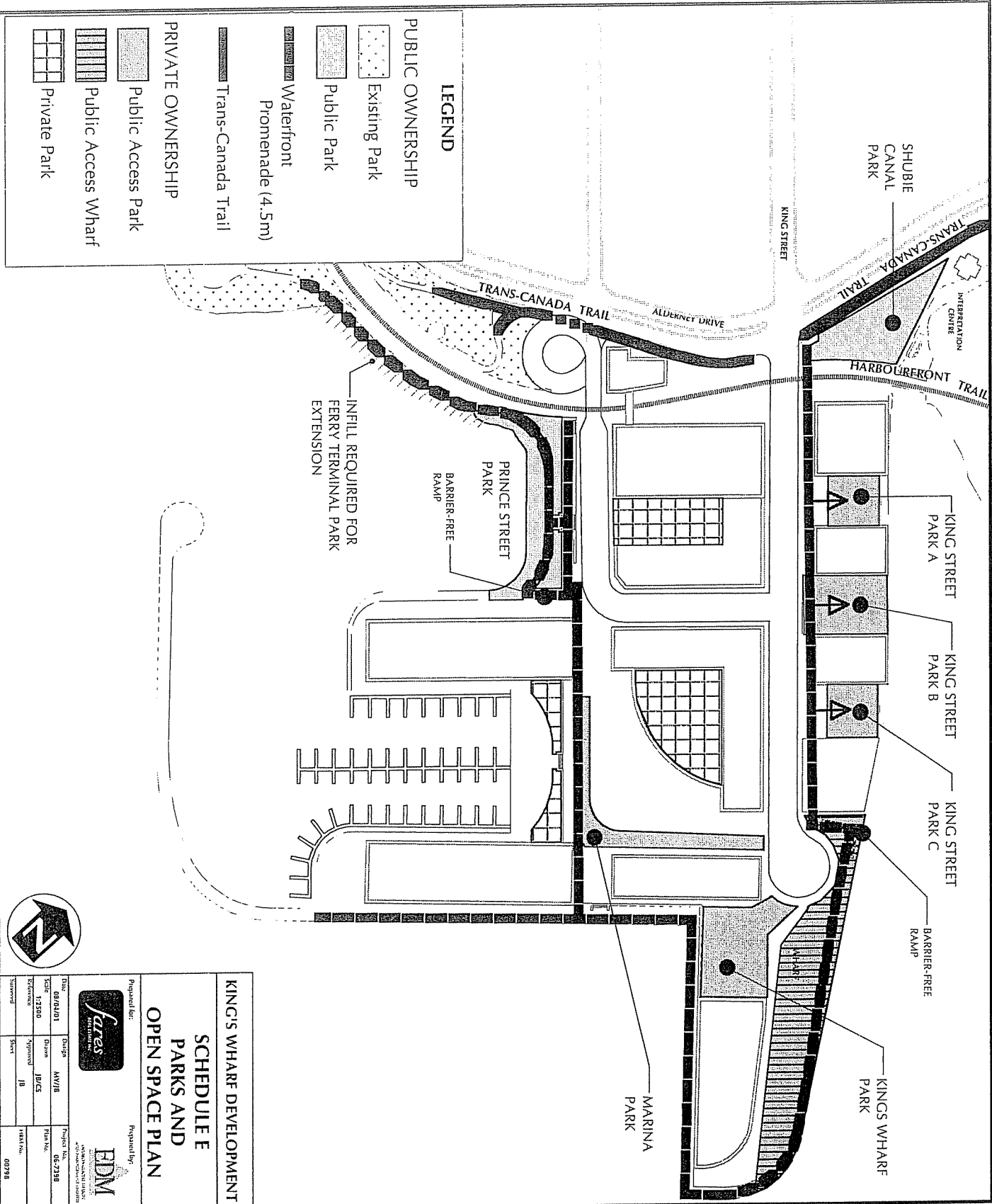


KING'S WHARF DEVELOPMENT

SCHEDULE D  
PHASING PLAN



Prepared by:		Prepared for:	
Date: 08/04/2011		Project No: 06/238	
Scale: 1:2500		Plan No: JB/C5	
Reference: 13550		Version: JB	
Copyright: 2001		Sheet: 00798	



**KING'S WHARF DEVELOPMENT**

**SCHEDULE E**

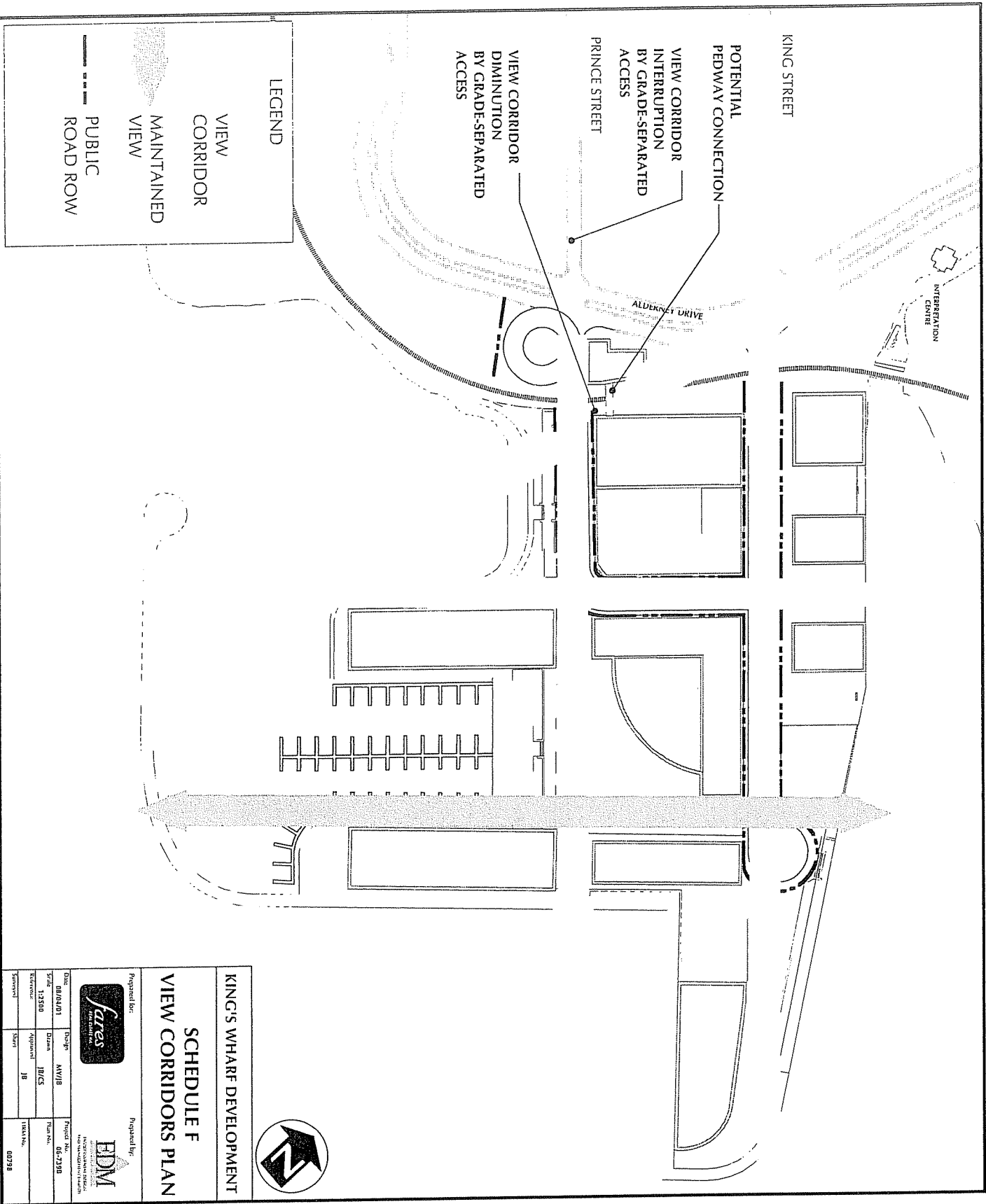
**PARKS AND OPEN SPACE PLAN**

Prepared by: **fares**

Project No.: **66-7338**

EDM

Date:	08/04/01	Design:	AW/B	Plan No.:	66-7338
ICR:	13150	Drawn:	JB/CS		
Reviewed:		Approved:	JB		
Submitted:		Stamp:		1883 No.:	00798



**LEGEND**

ABOVE GROUND  
PARKING

UNDER GROUND  
PARKING

MINIMUM 1155 SPACES

BLDG-E L1

BLDG-E L2-15

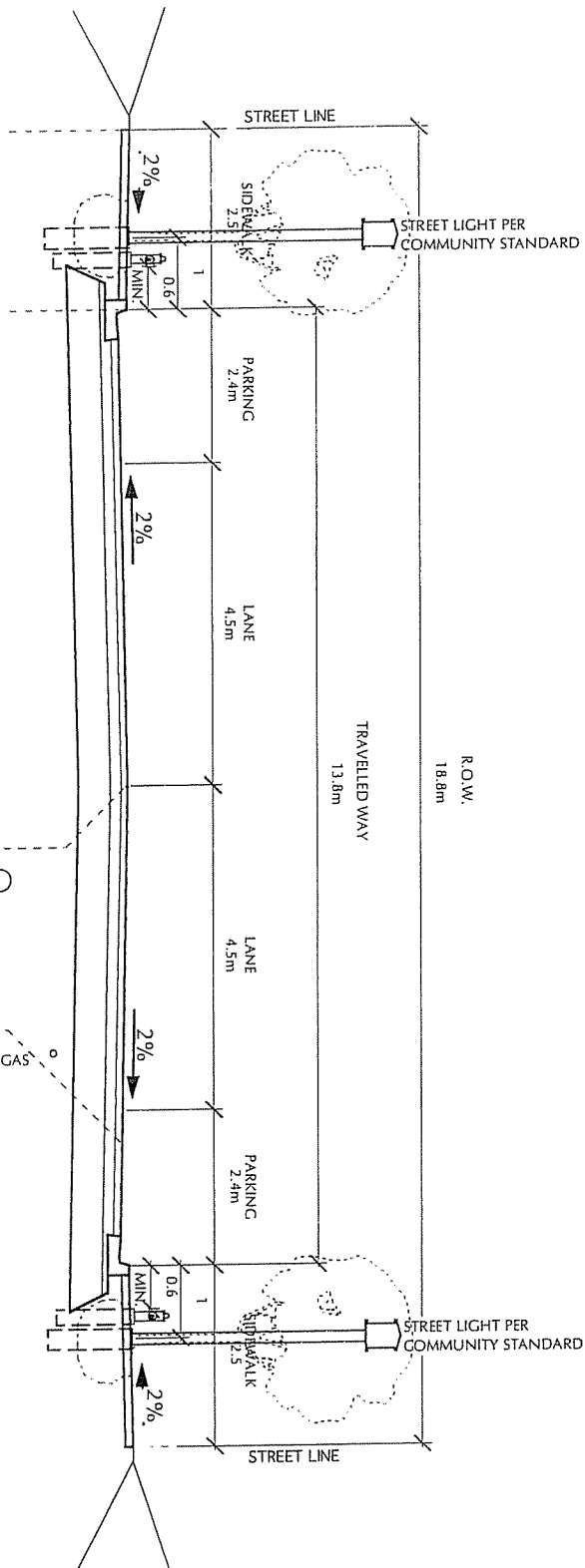


**KING'S WHARF DEVELOPMENT**

**SCHEDULE C  
PARKING PLAN**



Designed by:		Prepared by:	
The Curve		EDM	
Title:	08/05/01	Project No.:	06-2198
Scale:	1:2500	Revision:	1/01/01
Reference:	1/01/01	Sheet:	08/201



## MODIFIED URBAN MINOR COLLECTOR

**NOTES:**  
1. BURIED SERVICE LINES ARE SHOWN FOR INFORMATION/CLEARANCE PURPOSES ONLY. SPECIFIC LINES AS SHOWN NOT NECESSARILY PRESENT AT ALL LOCATIONS.

KING'S WHARF DEVELOPMENT

SCHEDULE H  
STREET CROSS SECTION

Prepared for:

Prepared by:



Date	08/04/01	Stage	REVISED	Project No.	06-739B
Scale	1:100	Drawn	JB/CS	Plan No.	
Reference		Approved	JB	Sheet No.	00790
Revised		Sheet			

Schedule I  
Attachment "A"

Building "A" – A building built with predominantly contemporary materials (glass with steel and/or concrete) setback a minimum of 10 feet from King Street and incorporating an open space area abutting the southeast side of the building. Maximum building height of 150 ft. above sea level.

Building "B" – A building built with predominantly contemporary materials (glass with steel and/or concrete) setback a minimum of 20 feet from King Street, including a streetfront pedestrian realm, and incorporating King Street Park. King Street Park shall provide a view from King Street through to water to the east and shall incorporate appropriate equipment. Maximum building height of 150 ft. above sea level.

Building "C" – A building built with contemporary materials (glass with steel and/or concrete) setback a minimum of 20 feet from King Street, including a streetfront pedestrian realm, and incorporating an open space area abutting the southeast side of the building. Maximum building height of 150 ft. above sea level.

Building "D" – A building built with contemporary materials (glass with steel and/or concrete) with no setback from King Street. The building shall abut the street right-of-way and should incorporate a clock tower or other architectural feature to be visible down King Street. Maximum building height 150 ft. above sea level.

Building "E" – A predominantly masonry building incorporating some glass components, extending from King Street to Prince Street with primary entrance on Prince Street. The building shall incorporate a parking structure accessible from King Street. Maximum building height 150 ft. above sea level. The building facade shall enable an interactive pedestrian environment and streetscape on King Street with an emphasis on opportunities for physical and visual pedestrian access to the building.

Building "F" – A predominantly masonry building extending from King Street to Prince Street with primary entrance on Prince Street and incorporating a private rooftop open space. The building shall be built in conjunction with Prince Street

Park, which shall be located on the immediate opposite side of the Prince Street extension and shall provide direct access to the water via a central staircase and wheelchair-accessible ramp. Maximum building height 150 ft. above sea level. The building facade shall enable an interactive pedestrian environment and streetscape on King Street with an emphasis on opportunities for physical and visual pedestrian access to the building.

Building “G” – A stepped building with ground floor commercial built predominantly with masonry but incorporating contemporary materials, and incorporating a private rooftop open space. Maximum building height 150 ft. above sea level.

Building “H” – Medium rise masonry building with a publicly accessible pedestrian plaza allowing for the Prince Street view corridor. Maximum building height 130 ft. above sea level.

Building “I” – A high profile building on a podium and comprised of a glass and steel exterior incorporating Kings Wharf Park, a green area to the north of the podium through which the public will be able to view the water to the east and west, and a pedestrian plaza to the north and east to be developed as part of Kings Wharf. Maximum building height 360 ft. above sea level.

Building “J” – Medium-rise apartment building lined by townhouse units built with contemporary materials incorporating physically accessible open space areas stepping down to the Waterfront Promenade. Maximum building height 130 ft. above sea level.

Building “K” – Medium-rise apartment building lined by townhouse units built with contemporary materials. Maximum building height 130 ft. above sea level.

Building “L” – Medium-rise commercial/office structure positioned as a gateway structure at the entry to King’s Wharf. Maximum building height 75 ft. above sea level.

**Attachment G**  
**Policy Excerpts - RMPS**

6.2.2 Scenic Views

Scenic resources are an important component of the cultural and heritage values of HRM. Significant views such as those from Citadel Hill and the Dartmouth Common to Halifax Harbour are of regional significance, and are already protected at the community planning level. Additional scenic views of Halifax Harbour will be considered through secondary and other associated planning processes. This Plan reinforces the importance of these views to the cultural identity of HRM, and seeks to extend these protections to other regionally significant views throughout HRM as identified through the Cultural Landscape Model for HRM.

Scenic views also include the gateways to HRM communities, often described as "the view from the road". These scenic entry routes should encompass the outstanding natural features and picturesque landscape qualities of the area. To retain scenic views and culturally significant landscapes, such as the Northwest Arm of Halifax Harbour, prominent coastal headlands and coastal villages, HRM will consider identifying and preserving views as a component of cultural landscapes. In these areas, measures will be taken to preserve the integrity of the scenic views and cultural landscapes of a community.

- CH-5 HRM shall support views and viewplane policies and regulations adopted under the Halifax Secondary Planning Strategy and Halifax Peninsula Land Use By-law and the Downtown Dartmouth Secondary Planning Strategy and Downtown Dartmouth Land Use By-law. These shall not be relaxed by way of any land use regulation or development agreement process. Any alteration shall only be considered as an amendment to this Plan.
- CH-6 HRM shall, when considering any alteration to the Armdale Rotary, consider maintaining the current views of the Northwest Arm from St. Margaret's Bay Road, Chebucto Road and Joseph Howe Drive.



Attachment H  
Policy Excerpts - Dartmouth MPS

(3) Views

*NOTE: For information on views within the Downtown Dartmouth Plan Area, please refer to the Downtown Dartmouth Secondary Planning Strategy.*

Since 1974, Dartmouth City Council has been dealing with a variety of views and their protection ranging from window views to the panoramic views from Brightwood.

In a report to Council dated December 5, 1974, the views to be protected were outlined and policies were established. These views included:

- (i) *Deleted (RC-Jul 11/00; E-Sep 2/00)*
- (ii) *Deleted (RC-Jul 11/00; E-Sep 2/00)*
- (iii) *Deleted (RC-Jul 11/00; E-Sep 2/00)*
- (iv) views from Brightwood Golf and Country Club

*Deleted (Preamble) (RC-Jul 11/00; E-Sep 2/00)*

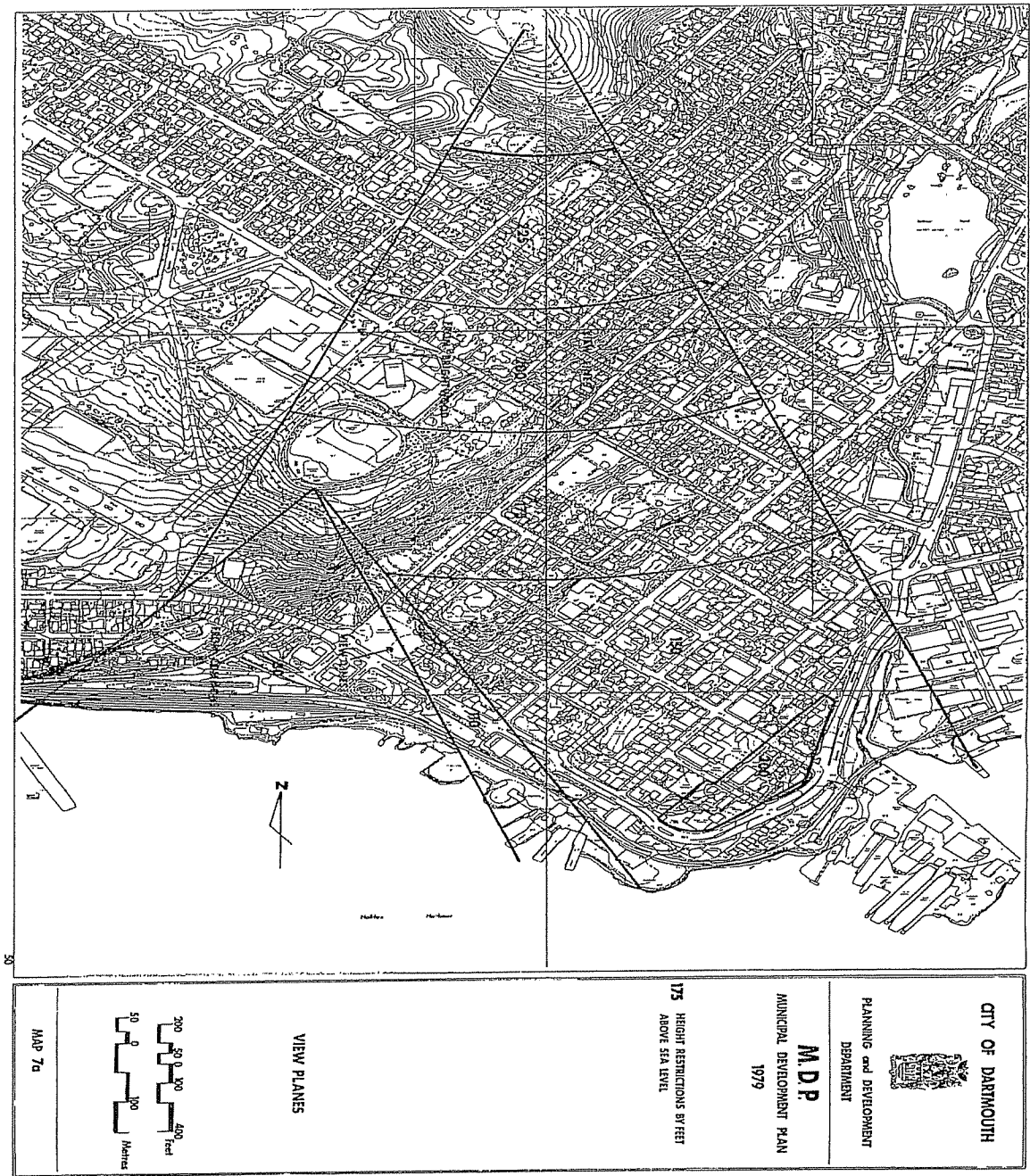
- (a) *Deleted (RC-Jul 11/00; E-Sep 2/00)*
- (b) *Deleted (RC-Jul 11/00; E-Sep 2/00)*
- (c) *Deleted (RC-Jul 11/00; E-Sep 2/00)*
- (d) Under the category of semi-public views, there are the panoramic views of the Halifax skyline, the harbour, and approaches to the harbour as seen from the Brightwood Golf and Country Club. These views, although not available to the general public year round, at present, are among the most magnificent of all views available in Dartmouth.

The Zoning of the area affected should be such as to protect these panoramic views. In areas where the existing zones may permit development to pierce this view, a height limitation should be applied (Map 7a, Policy Ea-3).

Policy Ea-3

It shall be the intention of City Council to protect the panoramic views of the Halifax Skyline and the harbour as seen from the Brightwood Golf and Country Club. Map 7a identifies a maximum height permitted above the mean sea level necessary to protect this view.

Map7a of the Dartmouth MPS



**Attachment I**  
**Policy Excerpts - Downtown Dartmouth SPS**

**Views**

One of the key physical attributes of the downtown community is its ties to the harbour. Dartmouth was founded largely because of its waterfront location, and much of its history is tied to the harbour. The preservation of important public views of the harbour is an important aspect of its community identity. Past studies have identified the most significant views as those from key points on the Dartmouth Common, the Brightwood Golf Course which is located adjacent to the Downtown community, Geary Street Cemetery, and views of the harbour from street corridors.

*Policy D-4*

*The 1988 Viewplanes Study should be considered by Council in determining the significance of various public views and assessing the impact of future development within the downtown. The criteria set out in this document should be referenced in considering the designation of any additional views.*

*Policy D-5*

*Council should seek to protect important public views within the downtown from encroachment of development including views of the harbour, street corridor views, and views from the Dartmouth Common, Brightwood Golf Course, and Geary Street cemetery. The Land Use Bylaw shall regulate the height of buildings through zoning to prevent encroachment on key public views. If deemed necessary land acquisition may be used as a means to protect important views.*

**Policy W-8**

In recognition of the long history of industry and more recent growth in marine based activities in the Cove, Council shall establish a Marine Business Zone which applies to the majority of water based properties within this area. The Marine Business Zone shall permit the development of a limited range of low impact marine business, commercial, recreation, and light industrial uses compatible with the adjacent residential neighbourhood.

**4.4 Urban Design**

A common theme which emerged during the planning process is the need to ensure attractive, high quality developments which complement existing architecture and blend into the character of the area.

One of the defining characteristics of the commercial core is the small scale, fine grain, traditional development pattern. For the most part, the original block pattern is intact, and most development consists of older two and three level buildings. The community has expressed a strong desire to retain this character and pattern, while at the same time promoting revitalization and business and housing development,. Clearly, major redevelopment projects like Queen's Square are not successful catalysts of downtown revitalization.

A more human scale of development will enhance the public's sense of safety and comfort, and therefore encourage more people to use the downtown area. Downtown Dartmouth's success will therefore be closely related to the ability to achieve a welcoming and comfortable pedestrian oriented environment.

**Policy D-1**

HRM should ensure that a high quality of urban design is provided for all major developments in the downtown area. To achieve this objective Council shall adopt the following design guidelines for consideration in the design and renovation of buildings and spaces in the downtown area:

- a) The scale, massing, and grain of future development should reflect the downtown's role as a "people place" and respect its historic, small town character. While specific direction is provided in each of the various policy sections within this plan, in general three to five storeys is the desired scale of development.
- b) The traditional street grid pattern and grain of development should be maintained and re-established in new and existing development.
- c) Building facades should maintain a consistent street edge except to provide access to rear parking areas. The use of interesting colour for building facades should be encouraged where it is complementary to the streetscape to add a sense of vibrancy to the area.
- d) The exterior architectural design of new buildings should be complementary to adjacent buildings of historic or landmark significance in terms of the building height and materials, rhythm, colour, and proportion of the building design elements. Traditional building materials such as wood shingle and brick are preferred. Architectural design details should be provided to encourage visual interest.
- e) Development should be oriented to pedestrians rather than cars. Surface parking areas should be designed to minimize the visual impact on the streetscape.
- f) Microclimate issues such as wind, solar orientation, and shadowing should be considered and capitalized upon in all new development or major renovation projects.
- g) Pedestrian street level activity should be encouraged in all development through the incorporation of outdoor cafes, ground floor uses, and uses that are open beyond daytime hours of operation. Consideration should be given to weather protection for pedestrians through use of decorative canopies and awnings.
- h) Public art should be provided on or adjacent to buildings.

- i) Opportunities to experience nature should be provided to soften the urban setting through the incorporation of roof top gardens, flower boxes, community gardens for vacant lots, and through the use of greenways through the business core.
- j) Important views from public parks and streets should be respected in the design and configuration of development, especially harbour and east-west street corridor views.
- k) Pedestrian circulation and access should be an important consideration of all development. In particular, public access to the water's edge should be protected and enhanced where possible.
- l) A high quality of design should be required for streetscape elements and furniture.
- m) Public safety should be a consideration in the design of new buildings to ensure the design of public spaces does not create opportunities for crime at any time, with special attention paid to placement and intensity of lighting, visibility, directional signage, and land uses which will provide opportunities for eyes on the street through incorporation of residential development and street level activity after normal working hours.

*These guidelines shall be administered by Council through its planning approval processes and through agreements for the disposition of public land. In general, these guidelines shall be used to provide general guidance to business operators and developers about public objectives with respect to urban design. The land use bylaw shall set out mandatory design controls for certain aspects of these guidelines.*

Attachment J  
PIM Minutes February 20, 2006

HALIFAX REGIONAL MUNICIPALITY  
HARBOUR EAST PLANNING ADVISORY COMMITTEE  
PUBLIC MEETING  
MINUTES  
February 20, 2006

**COMMITTEE AND COUNCIL MEMBERS:** Ray DeRoche, Chair  
Toby Balch  
Norman Weichert  
Councillor Becky Kent  
Councillor Andrew Younger  
Councillor Gloria McCluskey

**STAFF:** Mr. John MacPherson, Planner  
Hanita Koblents, Planner  
Roger Wells, Planner  
Sherryll Murphy, Legislative Assistant

**REPRESENTATIVES OF THE DEVELOPER:** Mr. Frances Fares, President and CAO  
Mr. Andy Lynch, Architect  
Ms. Sheila Keating, Architect

**1. CALL TO ORDER**

Mr. Ray DeRoche, Chair, called the meeting to order at 7:00 p.m. and briefly reviewed the process to be followed. Mr. DeRoche then called on staff to present the proposal.

**2. CASE 00798 PROPOSED AMENDMENTS TO THE DOWNTOWN DARTMOUTH SECONDARY PLANNING STRATEGY AND LAND USE BYLAW TO PERMIT A MIXED USE RESIDENTIAL/COMMERCIAL REDEVELOPMENT OF THE FORMER DARTMOUTH MARINE SLIPS PROPERTY, ALDERNEY DRIVE, DARTMOUTH**

A staff report dated November 10, 2005 was before the Committee.

**Staff Presentation:**

Mr. John MacPherson, Planner, briefly reviewed the application by Fares & Co. Development Inc. to amend the Downtown Dartmouth Secondary Planning Strategy and Land Use Bylaw to permit a mixed used redevelopment of the former Dartmouth Marine Slips property, Alderney Drive, Dartmouth, as contained in the November 10, 2005 staff report.

**Mr. MacPherson's presentation included the following highlights:**

- The Dartmouth waterfront lands are resource for all residents of HRM,
- This application proposes an amendment to the policy,
- This meeting is the initial step in a process that will take approximately one year,
- A description of the Dartmouth waterfront and in particular the lands being discussed this evening,
- A review of the West and East Dartmouth Waterfront uses,
- The application area is comprised of seven parcels of land, encompassing nine acres of land and 21 acres of pre-confederation water lots,
- Technical matters to be considered include view planes and the requirement to maintain visual connection with the waterfront from Prince Street, King Street and Alderney Drive.
- The purpose of this meeting is a high level review with more technical information being provided at future public consultation opportunities,
- The public is being asked if it is appropriate to consider this use for these lands, how do residents see this land developed, what would you envision on this site,
- The Dartmouth Secondary Planning Strategy did not envision a change in use from marine industrial of the East Waterfront Area in which the Dartmouth Marine Slips property is located, The situation has changed since the adoption of the Secondary Planning Strategy in 2000,
- The Marine Slips property has been vacated,
- A study of the economic potential of Halifax Harbour recommends that the marine slips land be considered for non-industrial uses,
- An opportunity exists to consider redevelopment of the marine slips property concurrently with a detailed study of the Dartmouth Cove and the Canal,
- Consequently an amendment is being requested to enable a commercial/residential redevelopment of these lands,
- Technical challenges to be resolve include safe and appropriate access, analysis of environmental and geotechnical conditions, and demonstrate ability to infill water lots
- There is recognition that it is important to encourage development which is in keeping with the desires of the community, is appropriate to the growth of Downtown Dartmouth area, demonstrates a high quality of urban design and is compatible with existing adjacent uses,
- A brief review of the HRM Plan amendment process and note that there is no appeal of a decision of Council regarding an MPS amendment.

Presentation by Applicant:  
Mr. Francis Fares, President and CAO

Mr. Fares welcomed members of the community and indicated his pleasure that they were present to share in his company's vision for this property. Mr. Fares gave a presentation including the following information:

- His company acquired the land approximately 15 months ago,
- The site is neglected and there is a great deal of room for improvement,
- The site is located in Halifax Harbour and the Halifax waterfront has evolved to one of the nicest in any city,
- One-half of the harbour is owned by Dartmouth and this development will allow Dartmouth to evolve and develop to its maximum potential,
- This proposal includes the best ideas of development around the world,
- HRM is very fortunate to have one of the nicest natural harbours around the world and we want to make the Dartmouth marine slips and the waterfront parallel to the Halifax experience,
- It has been determined that the proposal will be named Kings Wharf in recognition of the history of the area,
- Consultation has been held with community groups over the last 15 months with an attempt to address the needs of the community being made,
- The proposal is a \$300 million investment consisting of 1200 residential units, a 200 room hotel and convention centre, 40,000 square feet business centre, and 100,000 square feet of mixed retail shops,
- Studies done by the Greater Halifax Partnership indicate that the Kings Wharf project would create \$300 million in construction spending over the next five years, 675 jobs every year, \$24.5 million in annual household income and \$29 million in annual GDP,
- The tax base generated will be in the vicinity of five (5) million annually,
- Features of the proposed development include allowances for kayaking and canoeing from the harbour, creates green space which is accessible to the whole community, shops and fine dining, and hopefully a gathering place for many people,
- It is intended that there will be a link from Kings Wharf to downtown Halifax by providing private water taxi,
- The proposal provides that the water edge be pedestrian friendly, with the site surrounded by walking trails

In response to a question from a member of the public regarding access from the Harbour by boat, Mr. Fares indicated that the project would include a marina and some docking would be available at the condos.

**Mr. Andy Lynch, Lydon Lynch, Architect**  
**Mr. Lynch addressed the meeting noting the following:**

- Lydon Lynch was established especially to undertake private development and waterfront planning,
- Lydon Lynch has been involved in a number of Halifax Waterfront projects including Bishops Landing which has received a number of urban design awards, the Lieutenant Governors award



- for architecture, and the Award of Excellence from the Waterfront Centre in Washington for the best waterfront project submitted in the world,
- Lydon Lynch is currently working on the Seawall Project for the Halifax Port Authority,
  - The architect has to look at relevant projects all over the world,
  - Planning cues for the development have been taken from the Regional Plan and the Dartmouth Plan,
  - The site is being developed in such a way as to utilize the existing infrastructure,
  - The project continues the grid pattern in the existing southerly direction,
  - The project maintains the view corridors down Prince and King and diagonal view corridors from Alderney, and maintains the view plane for Brightwood,
  - The proposal is essentially the same height as Admiralty Place and steps down to three stories at waters edge,
  - Recently a decision was made to bury the parking, there will be no vehicles on the site except those required for service and emergency,
  - In essence a ten (10) acre pedestrian precinct has been created,
  - Underground parking connects all buildings so that you can move from one end of the development to the other underground or enjoy the landscaping on the ten (10) acres,

**Sheila Keating, Architect, Lydon Lynch:**

**Ms. Keating presented additional details regarding the development as follows:**

- There are ten (10) buildings proposed for the site,
- The 200 room hotel is located at the entrance to the site addressing the street side of the development,
- Three condominium buildings are located on the upper portion of the site bordering the entrance to the Shubie Canal,
- These buildings are smaller in form and each one steps down to the other to the waters edge,
- Three wharf-like condominium buildings are located on the opposite side,
- These buildings are oriented to maximize the views from the other buildings from the other buildings on the site, and to maximize the view for the pedestrians that are moving through the site,
- These three buildings step down towards the waters edge and will have large terraces on the upper floors,
- Another condominium is located at the center of the site,
- Directly below the central condominium is a lower rise townhouse-like residential building, the three storey commercial component is focused on the waters edge, bordered on three sides by the water and has an office component,
- Emphasis is placed on the street level interests and pedestrian oriented pathways throughout the site,
- The intent is to integrate the project with the Dartmouth waterfront and make it fully accessible to the greater community and to extend the Trans Canada Trail and the Dartmouth Loon Lake system through the entire site.
- An emphasis on building materials and detail is intended to create a dynamic aesthetic, Green building initiatives are being considered to provide sustainable energy solutions including district heating, sea water cooling and this project being a pilot project for natural gas,

- The emphasis is on a unique urban lifestyle with pedestrian, human scale and street level activity,
- Quality retail would include European style restaurants, small shops and boutiques and market type facilities,
- The existing wharf is proposed to remain a public facility with a proposal to retain marina facility, marina services and a docking site for the high speed ferry.

**The presenters provided the following information in response to questions/ Concerns:**

- Confirmed that when looking from Alderney Drive a person would see a 12 storey building stepping down to the water,
- The cost of the condominiums has not yet been determined and will depend upon the market,
- One main entrance with a separate exit is being considered,
- There are two parking areas, one underground parking area with 1100 spots and one above ground parking area with 400 spaces. The HRM standard is one parking space per unit. Indications are that 1500 spaces will be adequate.

Mr. Fares addressed the Community indicating that he intended to establish a Community Enrichment Advisory Board to receive input from the community. He went on to note that there is a suggestion sheet available this evening and encouraged those present to complete to submit their suggestions. He further indicated that he and his team would be happy to meet with any group and incorporate any vision that fits with and can benefit the development and the community.

**Presentations/questions/comments by Members of the Public:**

Margaret MacInnis, Dartmouth

In response to Ms. MacInnis who asked whether permission has been received for access to the site, Mr. Fares indicated that he did not have a finalized answer. He indicated that a traffic engineer has been engaged to develop a solution which will be acceptable to and for Canadian National Railroad (CNR), the community and the development. He indicated that contacts with CNR have been positive. Mr. Fares further indicated that he would be consulting with Fire Service relative to emergency access to the site.

Ms. MacInnis indicated that with the increase in traffic, there will have to be a signal for train movement. She noted that at the present time there is no signal.

Walter Regan, Sackville

In response to questions from Mr. Regan the following information was provided:

- Mr. Fares indicated that if this development could assist in any way to daylight Sawmill River (redirect into an aboveground channel a body of water which was previously covered by a culvert, pipe, or drainage or sewer system), he would be happy to consider the possibility. Mr. MacPherson went on to note that it may be appropriate through the development process to provide resources in this regard,

- Mr. MacPherson further noted that a canoeing/caching launch on the harbour is another opportunity which can be considered through the process,
- Mr. MacPherson indicated that there were greenway exercises underway looking at connecting the lake system to the existing trail and there are initiatives relative to the harbourfront trail also in process. The intention is that the gap in the trail will be constructed,
- Mr. MacPherson noted that the removal of any contaminated soil on the site will be an issue to be dealt with by the Department of Labor and Environment.

Ross Armstrong, Dartmouth

Referring to the creation of green space, Mr. Armstrong requested clarification of where this would be located. Mr. Fares advised that the proposal is to infill a portion of the harbour to create more pedestrian areas and by incorporating the parking underground all the areas between the buildings will be landscaped. Additionally, there will be limited vehicle access to the site.

Neil Young, Dartmouth Curling Club

Mr. Young asked, given the density of this development, if any consideration had been given to recreational impact in the metro downtown development area. Mr. Fares noted that this discussion would fit under the Enrichment Program and requested that Mr. Young provide his contact information with a view to meeting with the Curling Club in this regard.

Frank Rizzo, Dartmouth

Mr. Rizzo asked if boaters in the harbour would be able to dock up and visit the shops, restaurants, etc without paying marina fees. Mr. Fares indicated that this possibility will be considered as the development proceeds.

Tony Caruso, Dartmouth

Noting that he was pleased with what he has heard tonight relative to the development, Mr. Caruso pointed out that some of the neighbouring properties in Dartmouth Cove are not very attractive. Mr. Caruso asked what impact this will have on this development.

Mr. Fares indicated that this issue has been considered and the property owners involved are aware of this proposal. He went on to note that there is mounting pressure on these property owners to clean up their properties. Mr. Fares noted that should this development proceed, the value of these properties will no doubt increase. Noting that the owners are aware of the potential, Mr. Fares indicated that there is some interest in talking about a plan for whole area.

Mr. MacPherson indicated that as Council has requested staff to move forward on this proposal there is another initiative ongoing to look more closely at the whole of Dartmouth Cove. The intent is to look at potential development for the Cove and possible synergies with this proposal.

Valerie Bradshaw, Dartmouth

Ms. Bradshaw addressed the meeting representing a small non profit project who's interest is in developing a boardwalk along the whole of the waterfront. Ms. Bradshaw expressed concern that the development would be located on the wrong side of Alderney Drive. Ms. Bradshaw suggested

that this was simply an extension of the Halifax waterfront and indicated that one of the most important features is the ability to walk along the Dartmouth waterfront. Ms. Bradshaw indicated that she would like to see the property developed as a landscaped public park.

Mr. Fares indicated that residents of Dartmouth will have access to the site and be able to walk through the site and along the waterfront. He noted that there would be no gates to keep residents out as there is now.

Helen Anstey, Dartmouth

Ms. Anstey addressed the meeting indicating that Dartmouth needs vibrant beautiful projects like this one in order to bring people and businesses back downtown. She noted that there are a great number of cities in the world where people living in the downtown do not have cars.

Catherine Craig, Dartmouth

Ms. Craig indicated that she was thrilled with the project and encouraged Dartmouthians to support the proposal.

In response to a question from Ms. Craig regarding the average size of the condominiums, Mr. Fares indicated 1000 square feet. He noted that there will smaller units and there will also be penthouse units

Nick Pryce, Dartmouth

Mr. Pryce indicated that it was very exciting to see a development like this in Dartmouth.

Jim Cahill, Dartmouth

Mr. Cahill asked if staff and developer believes this project will contribute to the revitalization of the rest of downtown Dartmouth.

Mr. MacPherson indicated that this certainly a possibility and that is one of the reasons for the more detailed look at Dartmouth Cove. He went on to note that the market at the time of the plan was adopted would not have envisioned this type of development for the Dartmouth waterfront but that situation has changed. Mr. MacPherson noted that this development could potentially set the tone for development of the Dartmouth waterfront.

A resident of Admiralty Place expressed concern regarding the units proposed for the pre-confederation lots. The resident indicated that this project would alter the coastline with the location of large structures on small pieces of land. He went on to express concern regarding the loss of view from the building to the rear of this proposal.

In response to additional questions from Mr. Walter Regan, Mr. Fares advised as follows:

At this point whether there will be sewage pump out facilities for boats docking at the marina has not been decided, but this can be considered as the development proceeds. Green roofs (sod roofs) are still quite expensive, however, given that many of the roofs are steep down they

will have planters. Oil grit separators will be included as part of the infrastructure for the parking garages.

Marjorie Gibbons, Dartmouth

Ms. Gibbons thanked Mr. Fares for his project and indicated she was pleased that development of the waterfront was moving in a different direction.

Paul Boudreau, Dartmouth

Noting the number of additional units proposed for the downtown of Dartmouth, Mr. Boudreau asked if HRM has done any review of the overall traffic patterns to determine if this and the other proposals can be accommodated.

Mr. MacPherson noted that anything in the greater downtown which is more than 24 units is by Development Agreement and HRM Traffic Services would review those developments.

Mr. Boudreau indicated that traffic should be reviewed looking at the whole of development in the downtown of Dartmouth.

A resident asked if the amendments being proposed were complete and documented and whether or not they applied to only this one site or to Dartmouth Cove as well.

Mr. MacPherson indicated that the amendments have not yet been created. Reiterating that this meeting is the first step in the process the end result of which may be the development of proposed amendments to the Secondary Planning Strategy for downtown Dartmouth and the Land Use Bylaw. Mr. MacPherson indicated that the public will have an opportunity to review those amendments. He further indicated that this amendment is site specific and noted that this proposal may set the tone for future development of Dartmouth Cove including the preconfederation water lots, and lands that abut Dartmouth Cove extending back to Alderney Drive including the Value Village property.

Paul Embridge, Dartmouth

Mr. Embridge noted that during the Canal Greenway presentation last week, the presenters indicated that this project was not taken into consideration. Mr. Embridge noted that the Canal Greenway project proposed that the entrance to Marine House be narrowed to three lanes and the intersection near the gas station at Sullivan's pond would be altered. He expressed concern that a bottle neck in traffic would be created.

Mr. MacPherson noted that the studies are still ongoing and an opportunity remains to evaluate these proposals comprehensively.

At the request of Mr. MacPherson, Ms. Hanita Koblents, Project Coordinator, Canal Greenway responded that the Canal Greenway study does consider the Alderney, Portland Prince Albert intersection. She went on to indicate that the project does propose the elimination of the right turn lane from Portland back onto Alderney. Ms. Koblents noted that only existing traffic counts for this site were given consideration in the plan, however, she would be requesting the

consultants to factor in a component for this development. Ms. Koblents noted, however, that if a vehicle was going to this development from Portland, it would be more likely to use King Street.

Mr. Embridge suggested that vehicles accessing the development at Dartmouth Crossing would travel up Alderney Drive along Prince Albert Road. He expressed concern that narrowing of the roadway would cause a bottle neck.

Sean MacPhail, Operations Manager, Dominion Diving

Mr. MacPhail indicated that he was one of 12 companies on Canal Street. He indicated that he was neither in favour or opposed to the proposal, however, no one had approached him to discuss this project. He noted that his was a 24 hour service company. He went on to ask how the developer proposed to deal with these light marine commercial operations next door to residential.

Mr. MacPherson, noting that this is an ongoing concern, and asked that Mr. Roger Wells, Manager, Harbour Plan, speak to the matter.

Mr. Wells advised that concurrent with the planning for this project a review is being done of the Dartmouth Cove and how the uses can coexist over the longer term.

In response to a concern Mr. Fares indicated that his company would like the opportunity to discuss these issues with Dominion Diving.

Dave McDonald, Dartmouth

Mr. McDonald indicated that he owned the property next door to Dominion Diving and two acres adjacent to this project. He went on to note that speaking as a long term resident, he welcomed the project.

Mr. Barry Lampier, Dartmouth

In response to Mr. Lampier, Mr. Fares indicated there would be in the area of 3000 people living on the site. Mr. Lampier noted that the hotel and commercial complex would also bring people to the site. He went on to ask if there was an intent to have a focal area where this and the surrounding community could gather.

Mr. Fares indicated that this question is the center of the Enrichment Program. The intent is to provide opportunity for all these people to use and enjoy this development. He went on to explain that plans for such a focal area are preliminary and anyone having ideas should make them known.

Mary Shannon, Dartmouth

In response to a question from Ms. Shannon regarding the phasing of the project, Mr. Fares indicated that the project was proposed to be developed over five stages and five years. The

phases are planned based on market absorption and complementary construction (building of residential component hinges on commercial component).

Ms. Shannon further asked what the anticipated level of revenue from taxation would be from this development. Mr. Fares indicated that the projected annual property tax revenue would be \$5 million.

In response to a resident, Mr. MacPherson indicated that there would likely be two to three more consultation meetings and more information will be available at those meetings.

Mr. Fares and Mr. MacPherson indicated, in response to a question regarding how fire vehicles would access the wharf, that engineering experts are working to resolve this issue. Fire Services will review any plan for access to determine the viability of the solution.

A resident asked, in light of recent extreme weather patterns, would the condominiums be built to withstand being hit by a large ship that had pulled free of its moorings.

Mr. MacPherson, noting that it is early in the process to have any details in this regard, confirmed that this was the type of issue which would be part of the review process in terms of safety.

An area resident commended Fares and Company for the vision illustrated in this proposal and suggested that the project will be more excellent than Bishop's Landing. The resident expressed concern that the project is based upon the assurance that infilling will be permitted.

Mr. Fares responded that if infilling is not permitted, the development will have to be downscaled. However, there is precedence that would indicate that infilling will be permitted.

Lindsay Roderick, Dartmouth

Ms. Roderick indicated that she was very excited to see this type of upscale development in Dartmouth. She suggested that this will make Dartmouth a more desirable place to live and work.

Margaret MacInnis, Dartmouth

Mr. Fares clarified in response to a question from Ms. MacInnis, that the underground parking would not increase the height of the buildings. Ms. MacInnis went on to comment that she had not been aware of the true height of the buildings following the preliminary consultation with the residents of Admiralty Place.

Mr. MacPherson noted that the renderings presented this evening are conceptual and an extensive development agreement process will have to be undertaken if the policy change is approved.

A resident of Halifax congratulated Mr. Fares on his project noting that urban sprawl cannot be allowed to continue. He suggested that projects of this type have to go forward if HRM does not want to become Toronto.

Deanni Fraser, Dartmouth

Ms. Fraser thanked Mr. Fares for consulting with the residents of Dartmouth Cove and noted that she was pleased to see this development. Ms. Fraser noted that the residents of Dartmouth Cove will live with the construction over the five years and asked that every effort be made to interfere as little as possible with the people who live next to the project.

Kayleigh Gildart, Bedford

Ms. Gildart noted that she lived on the waterfront in Bedford and indicated that living on the waterfront is a very positive experience.

In response to a further question from Mr. Walter Regan, Mr. Fares indicated that once the development is built he would consider turning over his remaining waterlots.

Mary Brook, Dartmouth

Ms. Brook expressed concern that the view from Admiralty Place would be spoiled.

Marilyn Smallman, Dartmouth

Ms. Smallman indicated that the view from North Street has almost completely been lost.

Tim Olive, Downtown Dartmouth Business Commission

Mr. Olive indicated that this project is a catalyst to rebuild Dartmouth. Referring to the other development which will impact this project including the Nova Scotia Community College, Mr. Olive suggested that this marks the beginning of economic growth for Dartmouth. Mr. Olive indicated that this is a good project and that it is needed in Dartmouth for economic survival.

A resident noted that the waterfront is priceless and once it is lost it cannot be retrieved.

A resident noted that the downtown of Dartmouth needs destination developments.

Mr. Ray DeRoche made brief closing remarks and advised that if anyone has further questions they should contact members of the Planning Advisory Committee or staff.

There being no further business, the meeting adjourned at 9:00 p.m.



Attachment K  
Public Information Meeting  
Case 00798 July 5, 2006

In attendance: Councillor McCluskey  
John MacPherson, Planner  
Frances Fares, Applicant

**Councillor McCluskey** called the public information meeting (PIM) to order at approximately 7:00 p.m. at Alderney Landing Theatre.

**Mr. John MacPherson** indicated the proposal was initiated by Regional Council at the request of Fares Real Estate to redevelop the Dartmouth Marine Slips' property. This forms part of the Downtown Dartmouth plan area. For the purposes of planning, there are two distinct districts. The green area on the map is referred to as the western portion of the waterfront and the yellow portion which includes the Dartmouth Marine Slips' property is referenced as the eastern region. These areas are clearly distinct based on the future land use for those sites. The green area carries a Waterfront zone and designation which permits a range of uses, waterway to commercial and residential related type uses. The yellow area, including the Marine Slips, has a Marine Business zone which permits the type of uses that you see there today which are marine oriented uses. The current zoning does not permit residential uses, so the application is to amend policy in the Downtown Dartmouth plan to redevelop this property for mixed residential, commercial, and recreation type of uses.

Mr. MacPherson noted the first PIM was held on February 20<sup>th</sup>. Since that time, the application has been circulated to internal HRM departments and external review agencies to review the development proposal at a higher level with regards to making policy changes.

Mr. MacPherson indicated tonight is the second PIM. The intention following this meeting would be to draft policy for Council's consideration. It is a two-phased approach. We have the adoption of the policy which sets the foundation for a more detailed development proposal for Council's consideration as part of the second stage of the process.

Mr. MacPherson advised the feedback at the February 20<sup>th</sup> meeting was tremendous. The meeting was overwhelmingly supportive in terms of the redevelopment of the site to residential and commercial development. There was a lot of enthusiasm for the proposal.

Mr. MacPherson noted that because this particular property is bound on three sides by water, with the CN rail line and running along Alderney Drive which will require a crossing, there are several technical issues which have been there since day one. A number of the issues are still there and have to be resolved prior to any development occurring on the property. They include the access to the property with a safe, efficient and appropriate means of vehicular access, as well as pedestrian access to the site. Environmental and geotechnical conditions is also a challenge. It is a former industrial site surrounded on three sides by water. There are pre-confederate water lots on the perimeter of this property with the potential to infill. The

proposal being considered proposes to infill a portion of those lands. HRM has jurisdiction over regulation of land use but that jurisdiction does not extend to the infill of pre-confederate water lots. Any development to infill has to be approved by other levels of government prior to development occurring.

Mr. MacPherson indicated the purpose of tonight's meeting is twofold: to make a staff presentation on the regulatory process and the approach staff is looking to take; and to receive feedback with regard to what people would like to see on the property. Most people have seen images of this particular proposal and he would appreciate some feedback.

Mr. MacPherson advised the plan amendment component is the first stage of this development proposal and it is creating a framework for future land use in a more detailed proposal for this property to help generate the shape the proposal will take. It will also provide the opportunity to meet some of the objectives within the Downtown Dartmouth plan. Some of the objectives are:

- there is a strong desire during the formulation of the Downtown Dartmouth plan to reinforce the connection with the downtown business core in relationship to the waterfront
- to break the industrial focus to the waterfront
- there is some trail development occurring and there are plans to provide a pedestrian-oriented trail program, and in terms of downtown Dartmouth, to provide pedestrian linkages to Dartmouth Cove extending up the Canal Greenway towards the lake system such as Sullivan's Pond and as well continuing along the waterfront towards the Woodside Ferry Terminal
- there is also a strong desire for development to keep the desires of the overall community
- enhance any qualities of the Dartmouth harbourfront. There a number of them and this a real important opportunity to look at formulating provisions to make sure we create the best possible development
- there is a strong desire to encourage a high quality of urban design, especially given this is a highly visible resource, the harbourfront being the heart of the community

Mr. MacPherson noted following tonight's meeting, staff will be finalizing draft policy to put forward to Council. The report would be tabled with Harbour East Community Council and then onto Regional Council for consideration. Regional Council will make a decision following the public hearing to approve or reject the proposed amendments. The proposed amendments would set the stage for what would be a more publicly involved consultation process to help define a realistic concept plan for this site.

Mr. MacPherson indicated the *Municipal Government Act* gives the Municipality its regulatory jurisdiction. However, the jurisdiction does not fully encompass everything this proposal entails. HRM has the ability to regulate land use on matters such as traffic and transportation, public safety related issues, and services such as sewer and water. External agencies involved in this process are a number of departments at the Provincial level,

Transport Canada, CN Rail, and Halifax Regional School Board. They will continue to be involved in this process.

Mr. MacPherson advised the areas of jurisdiction beyond the scope of HRM would be matters such as environmental considerations by the Department of the Environment & Labor; and harbour infill where there a number of interests in terms of navigation, marine life, and the health of the water system overall.

Mr. MacPherson indicated in terms of the regulatory approach to policy, there are a number of tools available to guide this development. If the policy is adopted by Council, there are number of ways to implement that policy. The policy will enable Council to consider development in a more detailed manner. The tools are a rezoning, site plan approval, and a development agreement. They all have varying degrees of control in terms of ensuring the proposed development is in keeping with the policy and is the best development that could be negotiated.

Mr. MacPherson advised the approach staff wish to take is to look at applying a new waterfront related zone to this property that would allow Council to consider land uses other than what are permitted on the property today. Also we have identified this property as an opportunity site. Opportunity sites in Downtown Dartmouth are designated on properties which for one reason or another may have more development potential in terms of intensity or use. Nothing could happen on this property without negotiating a development agreement.

Mr. MacPherson indicated the proposal is to develop mixed use commercial, residential, cultural and recreation opportunities on the property, which would be clearly identified in the policy. There appears to be some support towards redeveloping the site with those particular uses. With regard to the framework, the Downtown Dartmouth Secondary Planning Strategy is strongly focused on quality urban design, so the plan itself is in pretty good shape to help guide a development of this nature and would ensure it is the best possible development.

Mr. MacPherson noted some of the policies staff would look to incorporate for this particular proposal are:

- there is a height precinct from the Dartmouth Common which would require that building heights stay below a certain level and is based on height of sea level
- the architecture and building layer. They are looking for some adversity with regards to height and also with regard to layout for a number of reasons. The mass and scale should be appropriate in terms of pedestrian orientation to make sure it is of human scale.
- a high quality of urban design
- interest in maintaining a visual access to the harbourfront in terms of height precincts and also from the street corridors such as King Street, Prince Street, and Alderney Drive, to maintain a visual presence
- unrestricted public access to the waters edge is a common theme throughout the existing plan, not only around the perimeter of the development on Alderney Drive but within the development itself

- ensure the micro-climatic issues such as wind to ensure it is a comfortable place to be since we are encouraging people to come down and use this particular resource

Mr. MacPherson displayed an image illustrating the height precincts at 150' and 200'. The black lines shown on the image are the street corridors and there is a requirement they remain unobstructed so you have visual contact from perhaps the corridor of Portland Street and King Street or Portland Street and Prince Street to the harbourfront.

Mr. MacPherson concluded the next step in the process is to forward enabling policy to Council to negotiate or work towards a final concept plan for the site. If the policy is approved by Council, a development agreement with detailed public consultation would follow. The objective tonight is to help with the formulation of the policy and encourage additional comment and feedback with regard to people's perception of the site, and what people's vision would be for projects of this nature given that we have a proposal on the table.

The meeting was opened for public participation.

**Mr. Brian Kasouff** stated he was a senior citizen living in downtown Dartmouth who worked here for forty-five years of his life, and was thinking about where things are going to go. In downtown Dartmouth they need some development for senior citizens and low income families. We are talking about development, which is fine, but for senior citizens like himself there is nowhere to shop in downtown Dartmouth for groceries. They have to take a taxi. It is about time they look at where they are going to go with development. He had nothing against what was said but they have to look at low income families and retired people. It is about time they look at the whole perspective of this whole area.

Mr. MacPherson responded the Secondary Planning Strategy has been in place for about six years and it does encourage a mix of residential opportunity, as well as a variety of commercial development. The opportunity is there and the land use by-law does not preclude that from happening. There are a number of exercises HRM is involved with right now for the Capital District.

**Mr. Bev MacInnes** said he was a little surprised at the comment that there was approval at the last meeting but it certainly was not unanimous. He thought the proposal where the existing rotting docks are is admirable and would improve the area. What concerned him was the extension of the huge peninsula that you have to build out into the harbour to build those condominium towers. Is Fisheries & Oceans or the Coast Guard or some Federal body dealing with that because it is into the ocean? When will there be an environmental study on that and when will they consider whether these towers would interfere with navigation? It seemed to him it would and that it would fundamentally alter the whole of the downtown Dartmouth and Halifax area. It is extraordinary that anyone would even consider taking in thousands and thousands of cubic meters of landfill way out into the harbour to build towers. He thought the project should confine itself to the area of the rotting docks.

Mr. MacPherson referenced the comment about the February 20<sup>th</sup> meeting and noted it was not unanimous by any means, but there was a lot of enthusiasm and general support for the development and the minutes reflect that. HRM does not have authority over infilling. We have the authority over what can occur in terms of use of land. There was a presentation made at the February 20<sup>th</sup> meeting which showed one scenario of what could occur on the property and tried to convey the developer's early vision for the property. It does not mean the end result will reflect that. With regard to water lots, they are under private ownership and the other levels of government would have to review this for navigation purposes where they are in the harbour, and whether or not that will trigger an environmental impact assessment.

**Mr. Todd Keith** questioned the purpose of the pre-confederate water lots.

Mr. MacPherson responded they extend back to preconfederation. They were rights granted to individuals who owned those parcels.

Mr. Keith questioned whether it was anticipated at the time they would be infilled to be built upon.

Mr. MacPherson responded he suspected that since the ability exists to infill, that it would have been considered but could not comment beyond that.

Mr. Keith noted the water lot extends quite far into the harbour and he would be concerned if that was developed to its full extent, thereby removing the harbour views that exist now from the Peace Pavilion and the little waterfront park in Dartmouth. That would pretty much cut off the existing harbour views from the little park which is precious and which has a great view down the harbour to Georges and McNabs Island, and it would be a shame for Dartmouth to lose that. He questioned if it was possible to rezone only a portion of that property and maintain the outermost portion of it as a water lot that would not be built upon.

Mr. MacPherson responded there is some potential to split zone. In downtown Dartmouth it is a little different because the pre-confederate water lots carry on. As you get into Dartmouth Cove, there is some privately owned pre-confederate water lots which carry the rights. If these lots were approved for development, the Municipality does have the ability to control the types of uses that would occur on the property.

Mr. Keith said he recalled from the February meeting, that the early design for the property does not realize the whole water lot. That kind of development was generally supported by the people. He would be interested in seeing a portion of that remain undeveloped to maintain some of those viewplanes.

**An individual** questioned how many viewplanes there are.

Mr. MacPherson, referencing the map, pointed out the viewplanes as well as the corridors. There is a requirement in the policy to make sure the visual aspect is protected.

The individual questioned if that meant the view along Prince Street has to be maintained.

Mr. MacPherson responded it does. If you were standing at Portland Street, for example, looking down Prince Street or King Street, you would be following one of these black lines. A design scenario would have to take into consideration those view corridors.

**An individual** questioned the age of the structures that exist.

Mr. MacPherson responded the infrastructure is in the process of being upgraded. People who live down in the Newcastle neighbourhood area would know that.

The individual questioned if that is being improved at a cost to the taxpayer to accommodate this development.

Mr. MacPherson responded there are infrastructure improvements underway now which do not involve this development. The infrastructure would be reviewed to ensure it is capable of accommodating this particular proposal.

The individual asked if that cost would be borne by the taxpayer.

Mr. MacPherson responded no. If the infrastructure is in good form and able to accommodate this development, it would be the same as tying in any property to the municipal services.

The individual countered the work is being done prior to this to accommodate that development.

Mr. MacPherson advised the work underway right now along Alderney Drive had been planned for some time. The infrastructure required on this property to realize this development is done privately and is not a taxpayer expense. The ability for the infrastructure to accommodate the development is something that has to be reviewed as part of this review process. If there is a need to upgrade the infrastructure, Council would have to take that into consideration at the time they consider the proposal. The development agreement provides the opportunity to negotiate for improvements.

**Mr. Trevor Parsons** stated the HRM taxpayers have been paying for infrastructure for what he referred to as urban sprawl for years. They have closed schools in the core of the city and built new schools in far off suburban areas at the expense of the taxpayer. He did not think that should be a big concern at this point because he thought what they have here is a site that is an eyesore and the sooner it is developed into something credible and user-friendly, the better.

Mr. Parsons indicated he attended a meeting of the Harbour Planning Committee about two years ago. At that meeting, the Committee suggested this site should be residential or possibly a residential and commercial mix, which is what Mr. Fares is proposing. The Regional Planning Committee still has this tagged as light marine industrial. At the Harbour Plan

Committee meeting two years ago, he said they should approach Council to get that rezoned if they believed it should be residential and commercial which would attract developers and get rid of this eyesore which has been sitting there for at least twenty years. The chair said that was a good idea. He did not know if Council was ever approached, but certainly they did not rezone it because we are here today.

Mr. Parsons noted he attended the meeting about a year ago where Mr. Fares presented his plan for the first time and most people were very excited about the proposal. Since that time, there has been a process ongoing. Mr. Fares, based on the response, bought the property from the Irvings, probably near the asking price of \$10,000,000, and has been paying the carrying cost of that as well as the taxes. From looking at the outline of the procedures and the process, it looks like it will be five years before Mr. Fares gets the permission to do what he wants to do. If these planning committees have a vision and are going to make recommendations, then they should proceed as quickly as possible so something can get done.

Mr. MacPherson responded in terms of the Harbour Plan, there was to be a study on the harbour to determine whether or not as a finite resource they are dependent on that as a city and a region for water marine related uses and whether that had to be protected for marine related uses. That took some time.

Mr. MacPherson noted there are a number of stakeholders, and processes can take some time. It was mentioned there was perhaps some disagreement between the approach recommended in the Harbour Plan versus the Regional Plan. It is essentially the same thing as the Harbour Plan is part of the Regional Plan. This process was initiated by Council on the basis that these particular lands were reviewed and, for a number of reasons, proximity to residential being one of them, they were slated as being appropriate for residential/commercial development. The first public meeting for this application was held on February 20<sup>th</sup> and we are preparing to move forward to Council.

Mr. MacPherson advised these processes take a certain length of time. Development agreements are a process that can take six to eight months to complete. He could not speak for the other regulatory approvals. There are some Federal and Provincial approvals that would have to occur before something can be built on the site. That does not mean that HRM in its consideration of this proposal is going to wait for other levels of government to make their decision. The development agreement could be approved and perhaps not struck until infill approvals are granted, but it is certainly the intent of staff to ensure that our process proceeds.

**An individual** asked how long would it take in terms of the timeline if everything went well,.

Mr. MacPherson responded a plan amendment would set the stage for a detailed concept plan to be adopted. The next stage is the development agreement. While some are interested in seeing something happening here, we are also interested in making sure there is appropriate consultation to ensure the project proceeds the way the community wishes it to. Six to eight months is a typical timeline for a development agreement. It also depends on how quickly the

developer submits the information for the application in order to get it circulated. Permits can be issued after the development agreement is approved and the appeal period has elapsed.

**Mr. Armstrong** asked for clarification on the terminology on the Brightwood viewplanes.

Mr. MacPherson responded they are referred to as height precincts. He further explained them from various points.

Mr. Armstrong referenced two red lines on the map.

Mr. MacPherson responded everything within those two lines are within the Brightwood height precinct. To the left, you will see additional red lines which are part of the Dartmouth Common height precinct. At the time they were adopted, those were seen as important views to protect.

**An individual** questioned whether the height level of 150' to 110' anticipate the shore lot.

Mr. MacPherson responded it would extend out at least to this point (pointed out) but was not sure whether or not it touches. The purpose is to help protect the visual connection to the water, so you are not looking at development and not able to see Halifax harbour. Further, he has seen this post-confederate water lot (pointed out) in writing from the Province.

**Mr. Dusam Soudek** said he welcomed the proposal in principle but he was concerned because of the size and height. He was most concerned about the mouth of the Shubenacadie Canal which is very close to the development. Right now it is a nice little park which is a little hidden away. He was concerned this proposal would block it off even more physically and visually. He questioned if anything was being done to make sure the proposal matches the little park and the mouth to the Canal.

Mr. MacPherson responded there are a couple of sites within downtown that have some historical importance with regard to industry and the Shubenacadie Canal plays a role in that, as does this particular property. There is policy in the Secondary Planning Strategy to ensure they look at this in terms of park and trail resource, as well as an opportunity to provide for additional resources to fulfill the development potential of that property. In terms of the historical importance of the site, there is a key opportunity for staff to reiterate the plan and reflect upon the historical importance of those sites, which can be done in a number of ways. In looking at perhaps the metaphorical relation back to the history of the site through architecture and design, first and foremost we would want to see a pedestrian-oriented development. That is clear in the current plan and is not proposed to be amended in any fashion. In terms human scale, human scale does not necessarily have to relate to the height of a project. If people travel to projects that are higher than three or four storeys and feel quite comfortable, it is in large part because the design elements can make a project feel to human scale.



Mr. Soudek said he was pretty happy with what is being proposed visually. Right now we have the CN bridge which is quite low so sailboats cannot get there. Sometimes small craft and motor craft are blocked by the shipping barges.

Mr. MacPherson stated there is a real opportunity here to enhance that existing condition.

**An individual** asked about the proposed height of the buildings.

Mr. MacPherson noted what she previously saw was a high level concept which conveys a vision for redevelopment of that property. In terms of height along Alderney Drive, what was proposed to be the tallest building was in the range of fifteen storeys. If you go towards the water and follow a straight line through the Marine Slip lands, there is a three storey building which is proposed to be of a commercial/retail orientation. The average height of the buildings would probably be in range of eight to ten storeys with some six storey buildings.

An individual said they talk about pedestrian-friendly, yet she could not walk comfortably because of the wind.

Mr. MacPherson noted the point is well taken. There is policy in place to ensure this development is considered in terms of a wind study, shadow study, and looking at solar so there is access to sunlight, so when you are in the space it is comfortable. Walking by Queen Street at Alderney Gate is a wind tunnel and we would not want to repeat that effect. It will have to be demonstrated through design that those concerns will be mitigated.

**Mr. Toby Balch** indicated they are now at the policy stage and people want to see the detailed stage and it is hard to talk to the policy stage. He referenced the meeting held on February 20<sup>th</sup> and what they thought this development was going to look like. People would like to see development and he would agree but the side of caution is the scale and size of the development, not only there but on all the other potential sites. That is a fundamental shift in the way Dartmouth will be. There may not be much they can do about it but a lot of attention should be paid to the design. He referenced Bishop's Landing which had some 260 units. This is 1200 units just on the residential side so they are not really the same thing. It is fifteen storeys versus two to three and six to eight storeys at the back of Bishop's Landing. They are fundamentally different. Everybody wants to see this happen and not get it bogged down so whatever works best in terms of breaking up the zoning or making sure it is set up in a development agreement.

Mr. MacPherson noted in terms of the community enrichment program, the developer owns the property now so there is an investment there but the investment is yet to come. It is much more heavily involved at the development agreement stage in terms of the public consultation program. Policy will provide for that clearly and does now in large part.

Mr. MacPherson referenced the relationship between Bishop's Landing and this particular property, noting potentially it will not be the same. He did not know if it was the vision of the developer to have a copy of Bishop's Landing on their property. He was not sure what the

density of Bishop's Landing is but it is probably 250 units spread over five acres. He would argue the density is higher to this particular property. Admiralty Place is probably in the range of 125 to 150 units per acre.

Mr. MacPherson noted that if you are looking at any property to densify, this is probably it. Your downtown walkability is incredible and there is the waterfront and the ability to support a range of commercial uses, so the building is a draw to have people living downtown. There has to be a balance and policy does provide in large part for that balance. It speaks to form and a certain promotion of the human scale to development. The proposal in February, although conceptual in terms of form, appears to be a logical extension of the downtown. How the buildings are laid out, given they are viewplane corridors, makes it much more logical in terms of an extension. This meeting is being held tonight in large part to talk about those form issues.

**Mr. Kevin Gilbark**, Bedford, said he would like to see this development proceed because he could want to live there. He lived on the Bedford waterfront and thought there are some excellent parallels. The gentleman who spoke first talked about seniors and fixed incomes. He would guess that 70% of the people who used the walkway around his residence in Bedford are aged 65 years and older. He would also guess that those who are not of that age, are 25 years old with strollers and children. It seems that people of all ages, in particular seniors and younger families, like walking around waterfronts. He thought this development lends itself to that and would be a plus for anybody who will live there. The other interesting thing is that to access the Bedford waterfront, you have to go over a set of train tracks and prior to that development nobody used what was a scrubby little park because it was an intimidation factor to cross the tracks. For the people in Dartmouth who do not even live within close proximity, this will really become a whole City of Dartmouth project as opposed to just a project for those who happen to live there.

Mr. Gilbark commented in terms of density, in his neighbourhood there are some buildings that are ten storeys high. He happened to live in a low rise townhouse, but he did not even notice those ten storey buildings because of the way it was designed. They are part of the landscape and streetscape and are not intrusive. If that same degree of care that was provided in Bedford is done here, he thought they would really enhance this whole community for everybody who lives here.

Mr. MacPherson noted in terms of density, it is difficult to talk about the number of units per acre. For a well designed development, you cannot tell what the unit count is per acreage. Of more concern is the form of development and what can they put here that is a real asset to downtown Dartmouth. A place to live, a place to shop, and a place for recreation. There is a threshold.

Mr. Gilbark said from his perspective, when he had people come to visit, they have a preconceived notion they are going to be in a fish bowl or in some kind of urban ghetto but it is surprising when they get there, having the expanse of water around you tends to mitigate or soften whatever density is there. He tells people he had the biggest backyard in metro. It

happens to be the Bedford Basin. He certainly did not own it but he had visual access to it and for those who live there, the density is not really an issue.

**An individual** questioned how the overall traffic flow of downtown Dartmouth fit in with the overall process. There are a number of issues. The main routes now in downtown Dartmouth in terms of traffic are Alderney Drive, Victoria Road, and one or two roads going over to Five Corners. He would like to see a traffic plan.

Mr. MacPherson noted we are at the conceptual stage now. It is a fundamental part of the planning review to ensure the roads are capable of accommodating the traffic. At the development agreement stage, that would be looked at in detail likely through a detailed analysis from traffic studies which will form a fundamental part of considering a proposal of this scale.

Mr. MacPherson advised the parameters of the traffic study would be set, such as how far away from this particular piece of property the traffic study would entail and how many intersections it would look at. The parameters are generally set now in all the planning strategies. In most cases, there is a general statement which says "in considering development agreements, Council shall have regard to the appropriateness or the ability for infrastructure to accommodate a development", whether that be services for sewer or water or the road network.

In response to an individual talking about water lots, Mr. MacPherson indicated it was his understanding there are legal rights attached to pre-confederate water lots. HRM does not have jurisdiction over the infilling of water lots. He did not know the basis for their original use. The Federal government will be responsible for issuing approvals related to water lot development. HRM only has the ability to regulate the use of land.

In response to the same individual, Mr. MacPherson said we are at a conceptual level and the developer has conveyed nothing more than a vision at this point. It has to be determined whether or not this development can be serviced by Fire Services. Public safety is of primary importance and will be evaluated.

In response to the same individual, Mr. MacPherson stated this is a Brownfield site. The property has long been used for industrial and it would have to be remediated for future residential/commercial/recreation type uses to the satisfaction of the agencies that regulate.

**An individual** questioned whether they would have one or two exits; one on King Street and one on Prince Street.

Mr. MacPherson responded that has not been determined yet but it will be as part of the detailed review. They are going to have to demonstrate access for public safety which meets the provisions of traffic and transportation.

An individual referenced the parking lot on Prince Street next to the railway track.

Mr. MacPherson noted access has been looked at to some level and the applicants will have to generate sufficient points of access as part of their proposal. CN Rail also has to be satisfied. There is a rail line and the potential to service upwards of 1200 units plus the need to service commercial development. That is one of the challenges that lies ahead which has been a challenge since day one.

**An individual** suggested it would be more helpful for those who are geographically or architecturally or dimensionally challenged, if they had some more visuals of what is being proposed. It appears there may be considerable fill. He understood computer perspectives are not difficult and suggested they could put on the web site what is being proposed.

Mr. MacPherson indicated he understood the developer has a web site. When you refer to panoramic, are you talking about a rendering you can look at from the water or the skyline?

The individual responded they would like to see the streetscapes so the people living in the neighbourhoods would have some idea of what is being proposed.

Mr. MacPherson noted we are at the conceptual stage and are simply looking at policy to set the stage for further discussion. With regards to infill development, the potential may exist but what actually results from public consultation and the detailed analysis of the proposal may be much less than what was conveyed in February. It could be more or less depending on the merits of the proposal but that is yet to be determined. Perhaps the developer could give contact information with regard to the web page. There were a few perspectives given.

**Mr. Troy Scott** said he supported the development even though he would lose his view across to the harbour. There are break-ins and thievery happening in the downtown. He questioned what policies would be in place to ensure this does not become a gated community and try and cut itself off from this downtown.

Mr. MacPherson responded one of the themes in the downtown plan is unrestricted public access to the waterfront. In moving forward with our recommendation, staff would be looking at unrestricted residential access to the waterfront. In terms of crime, there is expertise with regard to looking at design in the development by employing crime prevention through environmental design principles. We are looking at the design of the property in terms of architecture, vegetation, and access control and employing those principles as part of the development.

**An individual** said he had a question about the principle of parkland dedication. He questioned whether that principle would apply to this development and, if so, what percentage of value would be in cash.

Mr. MacPherson responded there are a couple of ways HRM acquires land for park purposes. Either lands or cash-in-lieu of property has to be dedicated. Subdivision is one trigger. Lands are subdivided and we take in 10% dedication. It is at the determination of the Development Officer in consultation with Parkland Planning as to whether or not it is cash or land. It

depends on what the necessity is for that particular area. When you get involved with a development agreement, the potential is greater for parkland dedication because it is a process of negotiation. Often HRM goes after parkland improvements for justification of development.

**An individual** stated there has been a lot of discussion about the waterlot and some discussion about the adjacent park. It was made clear there was nothing they could say about the water lot. Once it is infilled, it becomes land and is subject to HRM control. Why can you not define a viewplane from that waterfront park essentially at sea level covering the area of that water lot which is of great concern to many people?

Mr. MacPherson asked for clarification he was talking about the Ferry Terminal Park.

The individual responded yes, and pointed out from the marine pavilion all the way around is a park area.

Mr. MacPherson clarified he was looking to preserve the views to McNabs Island to the MacDonald Bridge from anywhere in the park.

The individual questioned why they could not do that.

Mr. MacPherson responded it is a possibility.

The individual questioned why we are not proposing to do so.

Mr. MacPherson responded some of the pre-confederate water lots are in public ownership. The potential is there to formulate policy to refine the development to ensure that public views are protected. At the time the views were identified from the Common, those were two views that were seen of importance to the residents of Dartmouth. Perhaps this is another one to be looked at. He suggested we could look at the suggestion in terms of a view corridor or under development agreement to limit the amount of development that could be built on that portion.

In response to an individual, Mr. MacPherson responded there are a couple of levels of government involved with water lots. He was not sure if it was at the Federal level only. There is a submerged lands working group that involves HRM and different Federal and Provincial departments. They have been providing feedback and looking at our regulations to see if certain aspects of their Acts are triggered for environmental impact assessments. He received feedback from a couple of them. Transport Canada has an interest as does the Halifax Port Authority, the Department of the Environment, and Environment Canada. They are all examining their own Acts to see if environmental impact assessments are triggered.

The individual questioned who would approve the development once they are given clear title.

Mr. MacPherson responded it was his understanding there is a pre-confederate right conveyed to those lands to infill. In terms of actual approvals and when infill can commence, he did not have the answer.

In response to an individual, Mr. MacPherson advised the developer would contact those agencies on their own. Staff did circulate the proposal to them in February. He did not have feedback from every department. The ones he did have feedback from are acknowledging they do have acts in place and this may trigger an environmental impact assessment.

**An individual** referenced the previous suggestion that the process was too lengthy. He wanted to counter on that and said he really appreciated having the opportunity to come and provide input, and looked forward to future opportunities on this proposal once it gets a little more solidified. He encouraged staff to take all the time they need to get this right for the future of their community.

Mr. MacPherson thanked him for his comments. He noted however the developer has expectations and we have timelines which are important to meet but not at the expense of not having public consultation.

**An individual** commented she has lived in Dartmouth since she was a teenager and has waited decades to see downtown Dartmouth come alive. She encouraged them to hurry up.

**An individual** noted there is industry in the area where the condominiums are being planned and asked if there are any provisions in place for future complaints or consultation between the condominium residents and the industries, or would they try to push the industries out of there.

Mr. MacPherson responded that would be a challenge. There is existing industry in the area and residential development is being introduced. There has been residential in this area for a long time, acting as neighbours with industry, whether on a good basis or not. We are introducing additional residential development and would be looking at mitigation controls for the residential development to ensure the quality of the building and designing the buildings to mitigate the effects of noise, dust and those types of things. There is no program in place for communication between future residents and industry.

**An individual** questioned if there is a plan underway to have a blueprint or a scaled model of what development would be there for the next general meeting.

Mr. MacPherson responded the next meeting would be the public hearing. There could be elements of the concept presented at the hearing but, in terms of the scale, that would be the level of detail you would expect to see as part of the development agreement process. There would be public consultation involved with that at a later date. The development agreement process would be in the fall.

An individual questioned whether there was any opportunity for the public to be involved once the federal departments are involved.

Mr. MacPherson responded the Federal government is doing their internal review process based on their own Acts. He could not speak to their process.

Mr. MacPherson thanked everyone for attending. Everyone who has signed the attendance sheet will receive notification of the upcoming public hearing.

The meeting adjourned at approximately 8:30 p.m.

Attachment L  
PIM Minutes - Sept. 19, 2007

PUBLIC INFORMATION MEETING  
CASE 00798 - DARTMOUTH MARINE SLIPS - KINGS WHARF  
DOWNTOWN DARTMOUTH PLAN AREA

7:00 p.m. September 19, 2007  
Dartmouth High Auditorium  
95 Victoria Rd., Dartmouth

STAFF IN

ATTENDANCE:

David Lane, Senior Planner  
Tim Burns, Planning Technician  
Samantha Charron, Administrative Support

APPLICANT:

Margo Young, EDM Ltd.  
Jillanna Brown, EDM Ltd.

DEVELOPER:

Francis Fares, Fares Real Estate Inc.  
Sarah Porter, Fares Real Estate Inc..

OTHER:

Councillor Gloria McCluskey

MEMBERS OF

THE PUBLIC:

Approximately 150 people

**INTRODUCTION:**

Councillor McCluskey welcomed residents to the meeting and thanked them for attending. She introduced David Lane, HRM Planner assigned to the case and the applicant, Margot Young of EDM Ltd.

**STAFF PRESENTATION:**

Mr. Lane provided a brief history of the application indicating this was the third public information meeting held as the proposal has been substantially revised by the applicant.

With the aid of a slideshow presentation and hardcopy hand-outs of Plan policy excerpts and a comment sheet, Mr. Lane provided an overview of the existing Municipal Planning Strategy (MPS) policies and development agreement criteria and Land Use By-law (LUB) requirements applicable to adjacent lands to assist in the discussion of the issues presently addressed by the planning documents. Mr. Lane explained the application is for site specific policy that would enable a development agreement for a mixed-use residential commercial development on the former Dartmouth Marine Slips lands. Mr. Lane further explained the



formulation of any new plan policy for the site will consider comments from the public as to how re-development of the site should occur.

Mr. Lane indicated the applicant has a concept proposal presentation this evening that illustrates the desired re-development of the lands, however the focus of tonight's meeting should be to provide staff with input as to the generic community issues/values for evaluation of any re-development proposal of the site.

Mr. Lane concluded his presentation with a review of the steps of the planning approvals process and opportunities for further public input.

**APPLICANT PRESENTATION: Margot Young, EDM Ltd.**

Ms. Young thanked everyone for attending and provided a slideshow presentation detailing the features of the proposed development including a conceptual site plan, architectural building renderings and the identification of land uses for the site.

**PUBLIC COMMENTS/QUESTIONS**

Linda Forbes, resident of Pleasant Street indicated she is pleased that Plan policy for the site is being revisited. She expressed concerns of Brightwood's future plans, changes to the viewplanes from the Common and a suggested consideration of creating a viewplane for Evergreen House on Newcastle St.

Kevin Hall, Tulip Street resident, indicated the Applicant complied with his request to demonstrate the impact of the proposed development on his private view.

Allan Ruffman, Halifax resident, expressed concern regarding protection of the Dartmouth viewplanes and restricting the amount of land to be in-filled for the development.

Kevin Gilgard stated existing policy would allow some unsightly marine use as-of-right, almost anything would be more attractive than what is existing there. He suggested he lives on an infilled property, where there is a wonderful public space. He is in support of the proposal.

Mr. MacKinnon, Admiralty Place resident suggested infilling water lots is inappropriate. He suggested some infilling of water lots is acceptable and he is in support of the modifications of the proposal but he is still unhappy with the proposed 21 acres of water lots. He suggests lowering the proposed 150' buildings.

Ms. Mason expressed concern of increased traffic on Alderney Dr. resultant from the proposed re-development.

David Lane stated the planning strategy does address traffic issues regarding existing and new development proposals. Our Development Engineers review projects of this nature and

traffic studies are required. He indicated HRM staff is already looking into traffic studies for the proposal.

Mike Savage, MLA, expressed concern regarding the length of the planning approval process. He is supportive of the re-development proposal and believes the Applicant has the support of the majority of area residents.

Unidentified resident expressed concern regarding adequacy of parking for the development.

Mr. Lane suggested existing policy supports pedestrian oriented development, hidden parking structures, and limiting surface parking lots.

Unknown resident asked if the developer would be requested to meet minimum parking requirements?

Mr. Lane suggested the Downtown Dartmouth LUB will be used as a guideline for considering any re-development proposal. The parking issue will be negotiated during the development agreement process. Planning staff will encourage planning for alternative modes of transportation and the integration of the synergies offered by the site's proximity to public transit facilities.

Barb Currie, reviewed current policies for clarification Will the policy changes apply to all of Dartmouth cove, is this proposal precedent setting and will we see this type of re-development around all of Dartmouth cove.

David Lane reviewed the site's current policy and designation and explained the process of a site specific amendment.

Residents asked Mr. Lane for an explanation of the previous zoning map outlined in the presentation.

Sherry Spicer, Dartmouth resident for many years, is in full support of redevelopment of the marine slips area.

Kelvin Sams, Hazelhurst neighbourhood resident asked what the height restrictions were for his area. He suggested the proposal is appealing to him but he is worried a precedent would be set for future development of the entire Dartmouth Cove. He would like to see greenspace additions and less infilling of water lots.

Admiralty Place resident, expressed concern of sea level rise and the possibility of the contaminated site polluting the cove.

George Hood, Downtown Dartmouth resident and Ross Armstrong, both support the existing policy for the site.

David Lane clarified in order to entertain any re-development of the site for a mixed use proposal the new policy is required. Staff are using the waterfront designation policies as a starting point for public discussion as to how they wish to see the site re-develop.

Margo Young suggested the previous site re-development proposal of a year ago, met the 150 ft. viewplane height restriction, but resulted in buildings that were relatively all the same size. The revised proposal incorporates a variety of structure heights including smaller buildings.

Betsy Whalen, Prince Street resident, stated she treasures the character of Downtown Dartmouth, she asked if staff considered the demographic of the area relative to this policy.

David Lane suggested that policy can guide staff, he further suggested private development proposals are encouraged to provide for all demographics, particularly in regard to mixed use developments to provide for a variety of housing/working/recreation/leisure opportunities for the population.

Betsy Whalen, suggested the proposal does not fit in to the rest of the surrounding neighbourhood.

Francis Howard, North Street resident, suggested the proposed development is too large a scale and building heights are too tall. She feels it will intrude on residents' views no matter where the buildings are located on the site. She feels the taller structures are inappropriate for the site and too much of the water lots are proposed to be in-filled.

Clive Mason, Admiralty Place resident, spoke to waterfront development heights, he suggested the structures proposed are too tall. Proposed heights make a mockery of the planning strategy height restrictions.

Mr. Ruffman would like to see public access to 100% of the water around the site and incorporation of policy accordingly. He further cautioned that a planning strategy policy change should be considered plan area wide and not site specific.

Phil Pacey, Heritage Trust, expressed concern regarding viewplane encroachments. There are a number of historic sites in this area that are one and two stories in height, he is concerned for the future of the historic character of the community.

## MEETING ADJOURNMENT

Meeting adjourned at 9:50pm