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Item No. 9.1 (v)

District 12 Planning Advisory Committee - May 25, 2009
Heritage Advisory Committee - May 27, 2009

Halifax Regional Council

August 11, 2009

September 15, 2009

TO: Chair and Members of District 12 Planning Advisory C
Chair and Members of Heritage Advisory Committee

SUBMITTED BY:

Dan English, Chief Administrative Officer

Wayne Anstey, Deputy Chief Administrative Officer - Operations

DATE: May 13, 2009

SUBJECT: Case 01162 - Development Agreement, Hollis & Morris Streets

ORIGIN

Application by Dixel Developments Limited

RECOMMENDATION

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

1. Move Notice of Motion to consider the development agreement, as contained in Attachment A of this report, to allow for a ten storey, mixed-use building at 1267-1285 Hollis Street and 5142-5144 Morris Street, Halifax, and schedule a public hearing.
2. Approve the development agreement, as contained in Attachment A.
3. Require that the development agreement be signed and returned within 120 days, or any extension thereof granted by Regional Council on request of the Developer, from the date of final approval by Regional Council or any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

EXECUTIVE SUMMARY

This development agreement application is for the construction of a ten storey residential and commercial building at the south-west corner of Hollis and Morris streets. This is one of the projects which Council has included provision for in the proposed HRMbyDesign documents to grandfather under the existing planning objectives and policies of the Halifax Municipal Planning Strategy. The building will have underground parking, pedestrian-oriented ground floor commercial uses, and upper storey residences. The development will result in the demolition of buildings with noteworthy historical associations but which are not registered heritage properties.

The site is located in Schedule G of the Halifax Peninsula Land Use By-law, where any development that is greater than 25 feet in height or which otherwise does not conform with the Land Use By-law, is to be approved by development agreement. Such development is to be reviewed against the Halifax Municipal Planning Strategy.

This report highlights policy considerations from the Municipal Planning Strategy including residential form and compatibility, adjacent heritage properties, adherence to Citadel View Planes, the undergrounding of wiring, and environmental conditions stemming from shade impacts and wind impacts. The proposal is found to be consistent with objectives and policies of the Municipal Planning Strategy and it is therefore recommended that Council enter into the proposed development agreement.

BACKGROUND

Proposal

Dexel Developments Limited proposes to construct a ten storey residential and commercial building at the south-west corner of Hollis and Morris streets. It is to include:

- two levels of underground parking for 64 vehicles, accessed off Hollis Street;
- ground floor commercial uses with individual accesses that are directly off Hollis and Morris streets, with the potential to establish commercial uses on the second storey; and
- upper storeys comprised of up to 85 dwelling units.

The building design is shown on the Schedules of the proposed development agreement attached to this report. It includes:

- a base that is a mixture of stone veneer, brick, concrete that is to be covered with vegetation, and shingle siding, with clear storefront windows and doors;
- a middle section comprised of aluminum cladding or precast concrete with glass balconies that have a red tint; and
- a top portion that is clear glass curtain wall and a butterfly shaped roof.

One of the intents of the building design is to provide varying levels of scale, so that the base has a streetwall height that relates favourably to the height of lower surrounding buildings.

Although not required by the policies of the Halifax Municipal Planning Strategy, the Developer has noted that, "The building will incorporate the latest technologies in regards to energy conservation and green building practices. A few highlighted features are:

- Geothermal: a geothermal system uses the earth's constant thermal energy to produce domestic hot water for the entire building.
- Grey-water: All water from the showers and tubs is filtered and re-used for the toilets.
- Rainwater: The architectural sloped roof also has a function to collect rainwater to be used for the toilets and watering of landscaped areas.
- Condensing Boilers: With the use of natural gas, 95% efficient condensing boiler will be used to provide heating for the building
- Heat Pump Air Conditioning: All AC units will be internal Heat Pumps that cool the space and provide energy to produce domestic hot water (no exterior cooling towers or noisy condensers).
- Foam Insulation: provides the most air tight and a high R value to reduce energy consumption.
- Controls: A central computerized control to manage all building systems to optimize energy consumption. (Application Letter from Dixel Developments Limited, May 16, 2009)

Site

The site is comprised of two abutting properties, one at corner of Morris and Hollis streets and the other facing Hollis Street (Map 1). They are occupied by buildings that have notable historic associations, but which are not registered heritage properties. The house at 1273 Hollis Street is thought to have been owned by Charles Morris I, who was responsible for the laying out of the "town of Halifax." Also, on this property is the Victoria Apartment building, originally a hotel, which is notable for its verandah. The building on the property facing Hollis Street is thought to have been constructed around the time of confederation. The buildings are to be demolished to accommodate the proposal.

Surroundings

Aside from the site, the only developed property on the block is an eight storey office building that fronts onto Terminal Road (Map 1). The remainder of the block is comprised of vacant lands that are being used for parking.

The following characteristics are found across from the site on Morris and Hollis streets:

1. Opposite the site on Morris Street there are six 2 ½ storey row houses, all of which are registered heritage properties (civic nos. 5131 through 5147). The one at the corner of Hollis Street contains a ground floor coffee shop. Further to the west, at the corner of

Lower Water Street there is an apartment building that is five storeys in height facing Morris Street.

2. Diagonally across the site, on the north-west corner of Morris and Hollis streets, there is a commercial and residential building that is five storeys in height.
3. Opposite the site on Hollis Street, extending from the corner to the south, there is:
 - a two storey office building that is a registered heritage property (1300 Hollis Street);
 - a six storey apartment building with ground floor commercial uses (1266 through 1274 Hollis Street); and
 - a three storey building with ground floor commercial uses and upper storey apartments (1252 through 1256 Hollis Street).

The larger surrounding area has a similar character of mixed use development with a range of building heights of between two and eight storeys.

Planning Context

The site is located in Schedule G of the Halifax Peninsula Land Use By-law, where any development that is greater than 25 feet in height or which otherwise does not conform with the Land Use By-law, is to be approved by development agreement. Such development is to be reviewed against the Halifax Municipal Planning Strategy and in particular, the objectives and policies of the Halifax Waterfront Development Area, within which the site is located.

While Schedule G sets out that Council may consider any development that it would not otherwise be permitted by the Land Use By-law, there is a proviso that the View Plane and Rampart requirements are to be met. The entire site is impacted by View Plane No. 8, which limits building height on the site to approximately 110 feet.

Development Agreement

A proposed development agreement has been devised in consideration of the site, its surroundings, and applicable municipal planning strategy objectives and policies. It has specifications relating to matters such as:

- the height of the building, with specific conditions that the development meet the View Plane requirements;
- the design of the building;
- parking;
- land use, including restrictions over hours of operation for restaurants;
- the type of commercial space facing adjoining streets, so that it is comprised of retail and other uses that have a high degree of pedestrian interface;
- the number of dwelling units;

- an allowance for the second floor to be used for commercial uses;
- on-site landscaping; and
- the undergrounding of above-ground wires.

The development agreement requires that the development commence within three years and be complete within six years from the date of Council's approval.

HRMbyDesign

This proposal does not conform to certain requirements of the proposed HRMbyDesign planning documents. Council has included provision in the proposed documents to grandfather this application, thereby allowing it to be considered pursuant to the planning objectives and policies of the Halifax Municipal Planning Strategy, even after the effective date of the HRMbyDesign amendments, should Council choose to adopt them.

DISCUSSION

Halifax Municipal Planning Strategy

The Halifax Municipal Planning Strategy in its entirety is to be considered in reviewing this proposal. However, the objectives and policies found in the Halifax Waterfront Development Area (a secondary plan) are of particular relevance in considering this development agreement application. A review of these is found in Attachment B. Many of the policies in the Halifax Waterfront Development Area relate to development next to the Harbour and are therefore not material in the assessment of this proposal. Of those policies that are relevant, certain of them warrant particular discussion, as follows.

Form of Residential Development

The site is in the Southern Sub-area of the Halifax Waterfront Plan Area. Policy 2.3.3 states that residential uses are to be the primary use in this sub-area, subject to conditions, including:

- “2.3.3.2 In the southern sub-area, residential uses shall be developed consistent with the policies for residential development in Part II, Section II of this Plan.
- 2.3.3.3 Residential development in the southern sub-area should be in either low-rise, high-density buildings, or in mixed use with commercial services related to, or compatible with, the residential uses intended for that area. Innovative housing forms, which would digress from the existing character of the area, should be considered on their merits in terms of their ability to meet the Part II, Section II objectives and policies.”

Part II, Section II refers to the “city-wide” residential objectives and policies in the Halifax Municipal Planning Strategy, which places an emphasis on maintaining the character of residential neighbourhoods. How this proposal relates with the neighbourhood is therefore an important consideration. The character of this neighbourhood is mixed use with a variety of dwellings, of both houses and apartments, stand-alone commercial buildings, and mixed use buildings that typically have ground floor retail uses. The buildings also vary in height and overall scale of development, from house forms to larger office and apartment buildings.

The proposed development, with its pedestrian-oriented ground floor commercial uses and upper storey residences conforms with the character of the neighbourhood. While it will be among the tallest of the buildings in the immediate area, it will be consistent with the varied scale of development found there. In addition, the proposal has a streetwall followed by stepped back middle and top segments, establishing a transition to lower surrounding buildings (Attachment D, Building Scale Comparison).

Policy 2.3.3.3 offers two options for the form of development in the Halifax Waterfront Development Area. The proposed development is in keeping with the second option, that being, “Residential development. . . in mixed use with commercial services related to, or compatible with, the residential uses intended for that area.” Mixed-use development is defined in the Halifax Waterfront Development Area plan as:

“The physical integration of three or more identifiable uses (such as retail, office, residential, hotel, recreation, etc.) or differing intensities of uses in a development which demonstrates significant functional components including pedestrian connections in accordance with the policies of this Plan to surrounding uses.”

Part II, Section II is again to be considered in assessing a mixed use proposal, but with particular regard to compatibility. As noted above, the proposal is found to be consistent with the surrounding neighbourhood both with regard to building form and land use. In addition, there are requirements in the development agreement to further address potential issues with adjacent residential uses. Uses such as adult entertainment uses and lounges are prohibited and restrictions are placed on the hours of operation for restaurants, requiring them to be closed by 12:00 a.m..

Circulation

The HWDA Secondary Plan places an emphasis upon the pedestrian realm with policies that call for pedestrian comfort and an appropriate interface between pedestrians and vehicles. As noted above the proposed development makes a positive contribution to vitality of its abutting sidewalks with its storefronts. However, another consideration is the parking garage entrance, located off Hollis Street, and its relationship to the sidewalk. Rather than being a prominent feature, the entrance is relatively small in scale and recessed from the facade, thereby reducing its impact upon the pedestrian realm and meeting the intent of the Municipal Planning Strategy.

Heritage

The HWDA Secondary Plan specifies that the relationship between the proposed development and adjacent heritage properties be considered through the following policy:

- “5.6.1 The exterior architectural design of new buildings should be complementary to any adjacent ones of historic or architectural significance, or important to the character of Halifax. In such instances, the careful use of materials, colour, proportion, and the rhythm established by surface and structural elements should reinforce the similar aspects of the existing buildings.”

In past development agreement deliberations there has been significant importance placed upon this policy and the notion that, “. . .the careful use of materials, colour, proportion, and the rhythm established by surface and structural elements should reinforce the similar aspects of the existing buildings.”

The weight and application of this policy depends upon individual circumstances and an understanding of what is in fact of heritage significance at varying scales or perspectives. The proposed site is across the street from heritage buildings. From a streetscape perspective, the importance of these heritage buildings is that they each relate to the public realm of the street with individual doorways, steps, and front building walls that have fine-grained details, which are immediately upon the sidewalk and are of an interest to the pedestrian. It is this same type of relationship that is presented with the proposed development, with its front wall and individual entrances that provide direct access to the sidewalk.

There are other features of the proposal, such as the front wall of the proposed building facing the Morris Street which is comprised of shingles, that further serves to establish a relationship with adjacent heritage buildings.

View Planes and Ramparts

The site is impacted by View Plane No. 8. The plans for the development show that the building does not penetrate it and the proposed development agreement requires that this be confirmed by a Land Surveyor.

Underground Wiring

Policy 6.1 of the HWDA Secondary Plan states that, “The City should require the undergrounding of electricity and telephone cables, etc., particularly in new developments, and in areas or streets of identified historic or architectural merit.” The proposed development agreement specifies that the developer place overhead wires abutting the site underground. This requirement can be waived or altered by the Municipal Engineer if further upgrades, that are above and beyond those abutting the site, are required.

Environmental: Sun/Shade and Wind

The Municipal Planning Strategy requires consideration of the shadowing that a proposal may have on civic spaces, namely parks and other open spaces. A shadow analysis was prepared by the proposal's architect. Given the location and the size of the proposed building, the only open space that could be impacted by the proposal is the part of waterfront boardwalk that is in the vicinity of the former Nova Scotia Power plant. The power plant building already casts a shadow on the boardwalk in this area. Therefore, it is found that the shadowing in this area will not worsened by the proposed building.

The Municipal Planning Strategy also has policies about potential wind impacts upon pedestrian areas such as sidewalks. The proposal is not of a such a substantial size and shape that wind testing was warranted. The proposal's architect provided a statement about impacts of the building relating to wind. It concluded that the building will contribute little additional negative effects to the existing area.

Public Information Meeting

A public information was held on June 25, 2008, the minutes of which are attached (Attachment D). Many of issues that were raised at the meeting, such as the form of residential development in the Southern Section of the Waterfront Plan Area, are addressed in the Background section of this report. Should Regional Council decide to proceed with a public hearing on this application, in addition to published newspaper advertisements, property owners will be individually notified as shown on Map 1.

Conclusion

In evaluating the proposal, Council is to consider it against the objectives and policies of the both the Halifax Municipal Planning Strategy and the Regional Municipal Planning Strategy. The proposal relates positively to these and it is therefore recommended that the development agreement be approved.

BUDGET IMPLICATIONS

There are no budget implications. The Developer will be responsible for all costs, expenses, liabilities, and obligations imposed under or incurred in order to satisfy the terms of this Agreement. The administration of the Agreement can be carried out within the approved budget with existing resources.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

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

ALTERNATIVES

1. Regional Council could approve the proposed development agreement. This is the recommended alternative.
2. Regional Council could refuse the proposed development agreement. Pursuant to subsection 6 of Section 254 of the Halifax Regional Municipality Charter, Council must provide reasons for this refusal based on the policies of the MPS.
3. Regional Council could approve the proposed development agreement with changes. This alternative would require concurrence with the developer and would need to be consistent with the objectives and policies of the Halifax Municipal Planning Strategy and the Regional Municipal Planning Strategy. An additional public hearing may also be required.

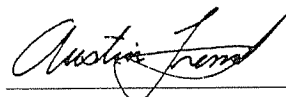
ATTACHMENTS

Map 1	Location, Zoning, and Registered Heritage Properties
Attachment A	Proposed Development Agreement
Attachment B	Review of the HWDA Secondary Plan Objectives and Policies
Attachment C	Review of Most Applicable Section II City-Wide Objectives and Policies
Attachment D	Building Scale Comparison
Attachment E	Public Information Meeting Minutes

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

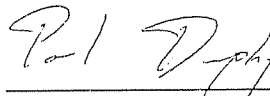
Report Prepared by: Richard Harvey, Senior Planner, 490-5637

Report Approved by:



Austin French, Manager, Planning Services, 490-6717

Report Approved by:



Paul Dunphy, Director, Community Development



Map 1 - Location, Zoning and Registered Heritage Properties

1267-1285 Hollis Street
5142-5144 Morris Street
Halifax

Zone

R-2A	General Residential Conversion
RC-2	Residential Minor Commercial
RC-3	High Density Residential Minor Commercial
C-2	General Business
C-2A	Minor Commercial
HZ	Hotel
P	Park and Institutional
U-2	High-Density University

Halifax Peninsula
Land Use By-Law Area

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES

0 20 40 m

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

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

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

- 1.2.1 Except as otherwise provided for herein, the development, subdivision, and use of the Lands shall comply with the requirements of the Halifax Peninsula 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

- 1.3.1 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 and Federal Governments and the Developer and/or lot owner agree to observe and comply with all such laws, by-laws and regulations in connection with the development and use of the Lands.
- 1.3.2 The Developer shall be responsible for securing all applicable approvals associated with the on-site and off-site servicing systems required to accommodate the development, including but not limited to sanitary sewer system, water supply system, stormwater sewer and drainage system, and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of the Municipality 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 or appropriate professional as required by other approval agencies.

1.4 Conflict

- 1.4.1 Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail.
- 1.4.2 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

- 1.5.1 The Developer shall be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this

Agreement and all federal, provincial and municipal laws, by-laws, regulations, and codes applicable to the Lands.

1.6 Provisions Severable

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

PART 2: DEFINITIONS

2.1 Words Not Defined under this Agreement

- 2.1.1 All words unless otherwise specifically defined herein shall be as defined in the applicable Land Use By-law and Subdivision By-law.

2.2 Definitions Specific to this Agreement

- 2.2.1 The following words used in this Agreement shall be defined as follows:

- (a) **“Building”** means the building that is the subject of this Agreement and as shown in its Schedules.
- (b) **“Information sign”** means a sign providing information, including a sign guiding vehicular or pedestrian traffic, that is generally for safety or directional purposes.
- (c) **“Landscape Architect”** means a professional, full member in good standing with the Canadian Society of Landscape Architects.
- (d) **“Living Wall”** means vegetation that is installed upon the wall of a building.
- (e) **“Personal service use”** means a business that is associated with the grooming or health of persons or the maintenance or repair of personal wardrobe articles and accessories, and may include a hair salon, beauty parlor, tailor, self service laundry, or depots for collecting dry cleaning and laundry.

PART 3: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS

3.1 Schedules

- 3.1.1 The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, is generally in conformance with the Schedules attached to this Agreement, unless further specified under the Agreement, and filed in the Halifax Regional Municipality as Case Number 01162:

Schedule A	Legal Description of the Lands
Schedule B	Site Plan
Schedule C	Landscaping Plan
Schedule D	Building Elevation (North)
Schedule E	Building Elevation (South)
Schedule F	Building Elevation (East)
Schedule G	Building Elevation (West)
Schedule H	P2 Parking Level
Schedule I	P1 Parking Level
Schedule J	Floor Plan - 1 st Level
Schedule K	Floor Plan - 2 nd Level
Schedule L	Floor Plan - 3 rd Level
Schedule M	Floor Plan - 4 th Level
Schedule N	Floor Plan - 5 th Level
Schedule O	Floor Plan - 6 th Level
Schedule P	Floor Plan - 7 th Level
Schedule Q	Floor Plan - 8 th Level
Schedule R	Floor Plan - 9 th Level
Schedule S	Floor Plan - 10 th Level
Schedule T	Roof Level

3.2 Permitted Land Uses

- 3.2.1 The following uses shall be permitted on the lands:

- (a) banks;
- (b) commercial recreation uses;
- (c) daycares;
- (d) offices;
- (d) personal service uses;

- (e) schools;
- (f) stores for retail trade;
- (g) residential uses; and
- (h) restaurants.

3.2.2 For greater certainty, in no case shall adult entertainment uses be permitted.

3.3 Land Use Requirements

3.3.1 Changes in the interior arrangement of floor space shown on 1st Level (Schedule J) shall be permitted provided that the "Commercial Space" is in general conformance with said schedule.

3.3.2 The uses permitted in the floor area generally identified on the 1st Level (Schedule J) as "Commercial Space" shall be restricted to:

- (a) banks;
- (b) commercial recreation uses;
- (c) daycares;
- (d) personal service uses;
- (e) restaurants;
- (f) schools; and
- (g) stores for retail trade.

3.3.2 The primary entrances for the uses identified in 3.3.2 shall be directly from Hollis and Morris streets, in general conformance with the Schedules.

3.3.3 A maximum of 1 dwelling unit shall be permitted on the 1st Level (Schedule J).

3.3.4 The 2nd Level through the 10th Level (Schedules K through S) shall be comprised of residential uses to a maximum of 84 dwelling units.

- 3.3.5 Changes in the interior arrangement of dwelling units shown on the 2nd Level through the 10th Level, (Schedules K through S) shall be permitted provided that the maximum number of the dwelling units specified in clause 3.3.3 is not exceeded and that such changes comply with all other requirements of Agreement including the parking space requirements.
- 3.3.6 Notwithstanding clause 3.3.4, the 2nd Level (Schedule K) may be used, in whole or in part, for non-residential uses that are permitted by this Agreement. Such a change in use shall not reduce the maximum number of dwelling units specified in clause 3.3.3.
- 3.3.7 The hours of operation for restaurants shall be between 7:00 a.m. and 12:00 a.m..

3.4 View Plane Requirements

- 3.4.1 For greater certainty, with regard to clause 3.1.1 (the Schedules of this Agreement), and notwithstanding any other provision of this Agreement, no element of the building, including any fixture which is to be attached to the building, shall violate the view plane requirements of the Land Use By-law.

3.5 Awnings

- 3.5.1 Where fixed or retractable awnings are shown on the Schedules as encroaching into the Municipal right-of-way, such encroachment shall be subject to separate Municipal approval pursuant to 1.3.1.
- 3.5.2 Where such awnings are permitted pursuant to 3.5.1, they shall be comprised of fabric material and any signage upon them shall be subject to the signage requirements of this Agreement.

3.6 Roof Mounted Mechanical and Telecommunication Equipment

- 3.6.1 Roof mounted mechanical equipment shall be as generally shown on the Schedules. Changes to the number, placement, size, and type of mechanical equipment shall be permitted where said equipment is visually concealed in a manner that is consistent with that which is shown on the Schedules.
- 3.6.2 Roof mounted telecommunication equipment shall be integrated into the roof design of the building.

3.7 Functional Elements

- 3.7.1 Other than roof mounted mechanical equipment, pursuant to 3.6.1, mechanical equipment, exhausts (except exhausts for individual dwelling units), propane tanks, electrical transformers, and other utilitarian features shall be visually concealed from abutting properties, including municipal rights-of-way.

3.8 Parking

- 3.8.1 The following parking requirements shall apply:
- (a) The minimum size of a parking space shall be 8 feet in width and 16 feet in length;
 - (b) The minimum width of driveways between parking spaces shall be 20 feet; and
 - (c) Parking shall be provided at a rate of:
 - (i) 1 parking space for every 4 bachelor dwelling units or 1 bedroom units, or part thereof; and
 - (ii) 1 parking space for every dwelling unit that is not a bachelor dwelling unit or 1 bedroom unit;
- 3.8.2 In addition to the vehicular parking shown on P2 Parking Level (Schedule H) and P1 Parking Level (Schedule I), bicycle parking shall be provided in accordance with the requirements of the Land Use By-law.
- 3.8.3 The parking space arrangement shown on P2 Parking Level (Schedule H) and P1 Parking Level (Schedule I) may be modified provided that the requirements of 3.8.1 and 3.8.2 are met.

3.9 Landscaping

- 3.9.1 Prior to the issuance of a Development Permit and Building Permit for the construction of the building, the Developer shall provide the Municipality with a detailed landscape plan, prepared by a Landscape Architect, which shall include design specifications and cost estimates for landscaping on the Lands. Landscaping shall be in general conformity with the Landscaping Plan (Schedule C) and shall be subject to the approval of the Development Officer.

- 3.9.2 Prior to issuance of the first Occupancy Permit, the Developer shall submit to the Development Officer a letter prepared by a Landscape Architect or other qualified professional certifying that all landscaping has been completed on the Lands according to the terms of this Agreement.
- 3.9.3 Notwithstanding clause 3.9.2, the first Occupancy Permit may be issued provided the Developer supplies a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the work as described herein, and as approved by the Development Officer. Should the Developer not complete the landscaping within 12 months of issuance of the first Occupancy Permit, the Municipality may use the deposit to complete the landscaping as set out in this Section of the Agreement. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification by a Landscape Architect.
- 3.9.4 It is the responsibility of the Developer to ensure that the underground parking structure and rooftop terraces are capable of supporting the loads from all landscaping as well as the anticipated mature weight of the plant material.

3.10 Building Lighting

- 3.10.1 This Agreement shall not oblige the Developer to illuminate the building, but where the building is illuminated, such illumination shall generally comply with the Schedules.
- 3.10.2 Lighting for signage, walkways, patios, balconies, and entrances shall be permitted and is not subject to 3.10.1.
- 3.10.3 The lighting pursuant to 3.10.1 and 3.10.2 shall be directed away from surrounding properties, including municipal right-of-ways except to the extent as shown on the Schedules.
- 3.10.4 Lighting shall be white in colour and shall not include illumination that flashes, moves, or varies in intensity.

3.11 Signage

- 3.11.1 Signs, excepting information signs, shall be related to businesses within the building.
- 3.11.2 Signs shall be externally illuminated, excepting that signage comprised of individual lettering may be backlit.
- 3.11.3 Signs shall not include any animation or illumination that flashes, moves, or varies in intensity.
- 3.11.4 Signs are permitted on the following parts of the building:
 - (a) upon awnings, in general compliance with the Schedules;
 - (b) above storefront windows and entrances, as fascia signs, upon the band above the first floor, to a maximum height of 3 feet; and
 - (c) upon or behind 1st floor windows provided they occupy a maximum of 30 percent of that window's area.
- 3.11.5 Information signs are permitted on all parts of the building.

3.12 Outdoor Storage and Display

- 3.12.1 No outdoor storage or outdoor display shall be permitted.

3.13 Solid Waste

- 3.13.1 Unless otherwise agreed to or required by the Municipality pursuant to 1.3.1, the Developer shall be responsible for solid waste collection from the building.
- 3.13.2 Unless otherwise agreed to or required by the Municipality pursuant to 1.3.1, the building shall include a designated space for four stream (refuse, recycling, cardboard, and composting) source separation services. This designated space for source separation services shall be shown on the building plans and approved by the Development Officer and Building Official in consultation with Solid Waste Resources.

3.14 Deliveries and Solid Waste Collection

- 3.14.1 Unless otherwise agreed to or required by the Municipality pursuant to 1.3.1, the private collection of refuse and recyclables and deliveries shall occur between the hours of 7:00 a.m. and 9:00 p.m..

3.15 Construction/Sales Structure

- 3.15.1 A temporary structure shall be permitted on the Lands for the purpose of housing equipment, materials and office related matters relating to the construction and sale of the development. The structure shall be removed from the Lands prior to the issuance of the last Occupancy Permit.

3.16 Maintenance

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

3.17 Requirements Prior to Approval

- 3.17.1 Unless otherwise agreed to or required by the Municipality pursuant to a separate regulation or by-law, prior to the application for any municipal permits for the building, the Developer shall complete the MICI (Multi-unit/Industrial/Commercial/Institutional) process, as outlined by the Municipality.
- 3.17.2 Prior to the issuance of a Development Permit and a Building Permit for the building, the Developer shall provide the following to the Development Officer:
- (a) Written certification and plans from a Professional Surveyor that the proposed development conforms with the view plane requirements of the Land Use By-law;
 - (b) A detailed Landscape Plan prepared by a Landscape Architect in accordance with Section 3.9 of this Agreement; and

- (c) Confirmation of the undergrounding arrangement in accordance with Section 4.2 of this Agreement.
- 3.17.3 Prior to the issuance of a Development Permit and a Building Permit for the construction of the building, the Developer shall consolidate the lands into 1 lot.
- 3.17.4 Prior to the issuance of an Occupancy Permit for any of the components of the development on the Lands, the Developer shall provide the following to the Development Officer:
 - (a) Written certification and plans from a Professional Surveyor that the completed building complies with the view plane requirements of the Land Use By-law; and
 - (b) Certification from a Landscape Architect that the Developer has complied with Section 3.8 of this Agreement.
- 3.17.5 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Lands for any of the uses permitted by this Agreement unless an Occupancy Permit has been issued by the Municipality. No Occupancy Permit shall be issued by the Municipality unless and until the Developer has complied with all applicable provisions of this Agreement and the Land Use By-law (except to the extent that the provisions of the Land Use By-law are varied by this Agreement) and with the terms and conditions of all permits, licences, and approvals required to be obtained by the Developer pursuant to this Agreement.

PART 4: STREETS AND MUNICIPAL SERVICES

4.1 General Provisions

- 4.1.1 All construction shall conform to the Municipal Services Specifications unless otherwise varied by this Agreement and shall receive written approval from the Development Engineer prior to undertaking any work.
- 4.1.2 Any disturbance to existing off-site infrastructure resulting from the development, including streets, sidewalks, curbs and gutters, street trees, landscaped areas and utilities, shall be the responsibility of the Developer and shall be reinstated, removed, replaced, or relocated by the Developer as directed by the Municipal Engineer.

4.2 Underground Services

- 4.2.1 The Developer agrees to place all primary and secondary utility services (electrical and communication distribution systems) underground. In addition to being responsible for the full cost of placing secondary services underground, the Developer agrees to pay for all infrastructure costs required to place the primary utility services underground that are currently above ground within those portions of Morris Street and Hollis Street which abut the Lands. The Developer is responsible for meeting the requirements of applicable utility companies.
- 4.2.2 The Municipal Engineer may waive or alter the requirements of 4.2.1 where improvements to utility services are necessary that are beyond the obligations of the Developer as specified in clause 4.2.1 and the Developer is unable to secure such improvements from an applicable utility provider.

4.3 Proposed Encroachments

- 4.3.1 Any proposed building encroachments into the street rights-of-way, illustrated on the attached Schedules or otherwise, shall be subject to separate Municipal approval pursuant to 1.3.1.

PART 5: ENVIRONMENTAL PROTECTION MEASURES

5.1 Archaeological Monitoring and Protection

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

5.2 Sulphide Bearing Materials

- 5.2.1 The Developer agrees to comply with the legislation and regulations of the Province of Nova Scotia with regards to the handling, removal, and disposal of sulphide bearing materials, which may be found on the Lands.

PART 6: AMENDMENTS

6.1 Substantive Amendments

- 6.1.1 Amendments to any matters not identified under Section 6.2 shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Halifax Regional Municipality Charter*.

6.2 Non-substantive Amendments

- 6.2.1 The following items are considered by both Parties to be non-substantive and may be amended by resolution of Council:
- (a) Changes to the exterior materials and colours of the building as shown on the Schedules;
 - (b) Changes to the land use requirements specified in Section 3.3;
 - (c) Changes to the awning provisions specified in Section 3.5;
 - (d) Changes to the roof mounted mechanical and telecommunication equipment provisions specified in Section 3.6;
 - (e) Changes to the functional elements provisions specified in Section 3.7;
 - (f) Changes to the parking provisions specified in Section 3.8;
 - (g) Changes to the landscaping provisions specified in Section 3.9 and including the Landscaping Plan (Schedule C);
 - (h) Changes to the building lighting provisions specified in clauses 3.10.1, 3.10.2, and 3.10.4.
 - (i) Changes to the signage provisions specified in Section 3.11, including the Schedules;
 - (j) Changes to the requirements prior to approval specified in Section 3.17;

- (k) Changes to the requirements for underground services specified in Section 4.2;
- (l) Changes to the date of commencement of development specified in Section 8.3; and
- (m) Changes to the date of completion of development specified in Section 8.4.

PART 7: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

7.1 Enforcement

- 7.1.1 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 twenty four (24) hours of receiving such a request.

7.2 Failure to Comply

- 7.2.1 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 Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the Agreement, whereupon all reasonable expenses whether arising out of the entry onto the Lands or from the performance of the covenants or remedial action, shall be a first lien on the Lands and be shown on any tax certificate issued under the *Assessment Act*;

- (c) The Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; and/or,
- (d) In addition to the above remedies, the Municipality reserves the right to pursue any other remedy under the *Halifax Regional Municipality Charter* or Common Law in order to ensure compliance with this Agreement.

PART 8: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

8.1 Registration

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

8.2 Subsequent Owners

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

8.3 Commencement of Development

- 8.3.1 In the event that development on the Lands has not commenced within 3 years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the 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.
- 8.3.2 For the purposes of Subsection 8.3.1, commencement of development shall mean the installation of the foundation for the building.
- 8.3.3 For the purpose of Subsection 8.3.1, Council may consider granting an extension of the commencement of development time period through a

resolution under Section 6.2.1, if the Municipality receives a written request from the Developer at least 60 calendar days prior to the expiry of the commencement of development time period.

8.4 Completion of Development

8.4.1 Upon the completion of the development or portions thereof, or after 6 years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office for Halifax County, Nova Scotia, 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 Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law, as may be amended from time to time.

WITNESS that this Agreement, made in triplicate, was properly executed by the respective Parties on this _____ day of _____, A.D., 2009.

SIGNED, SEALED AND DELIVERED
in the presence of

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

) ROCKSTONE INVESTMENTS LIMITED

)

) Per: _____

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HALIFAX REGIONAL MUNICIPALITY

Per: _____

MAYOR

Per: _____

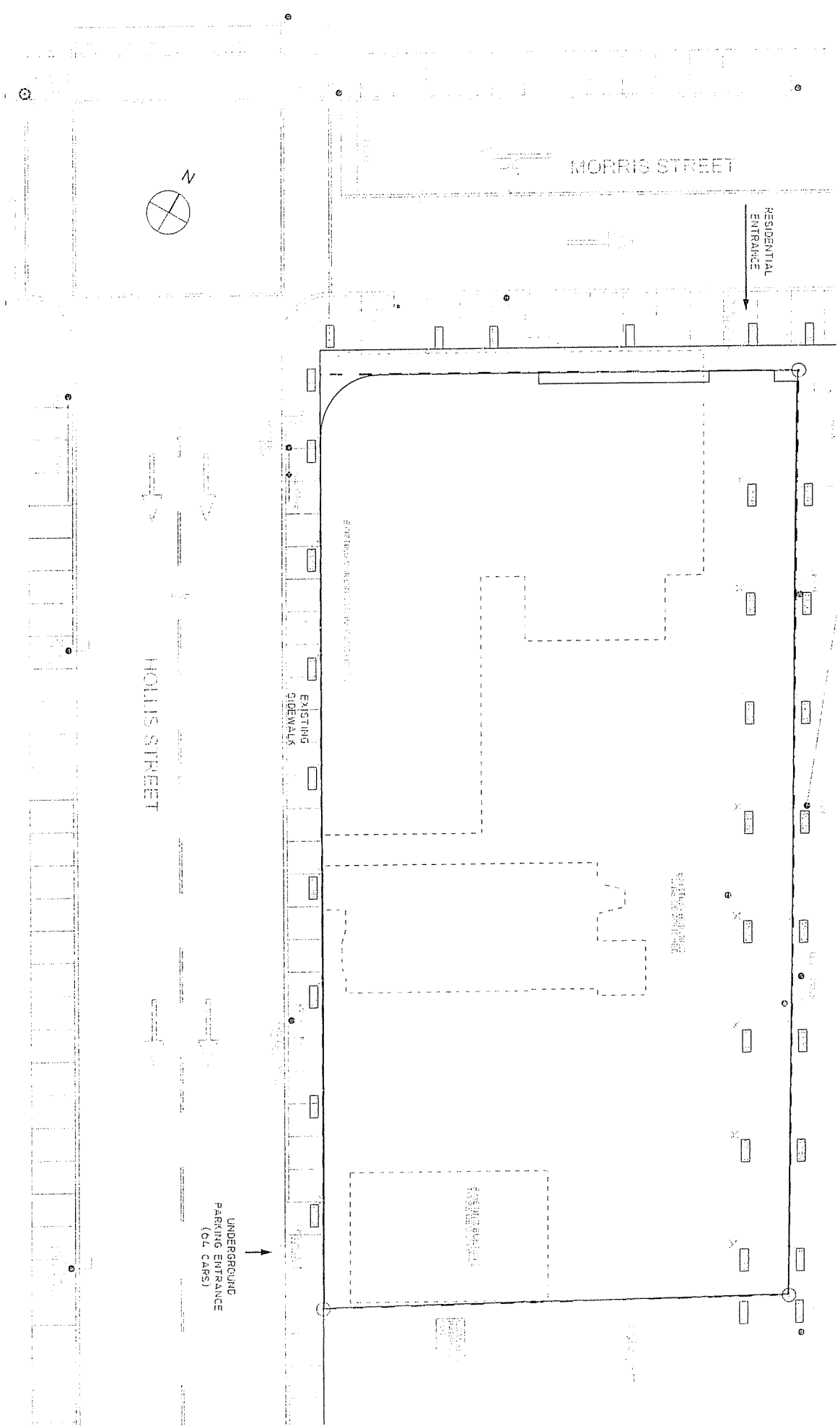
MUNICIPAL CLERK

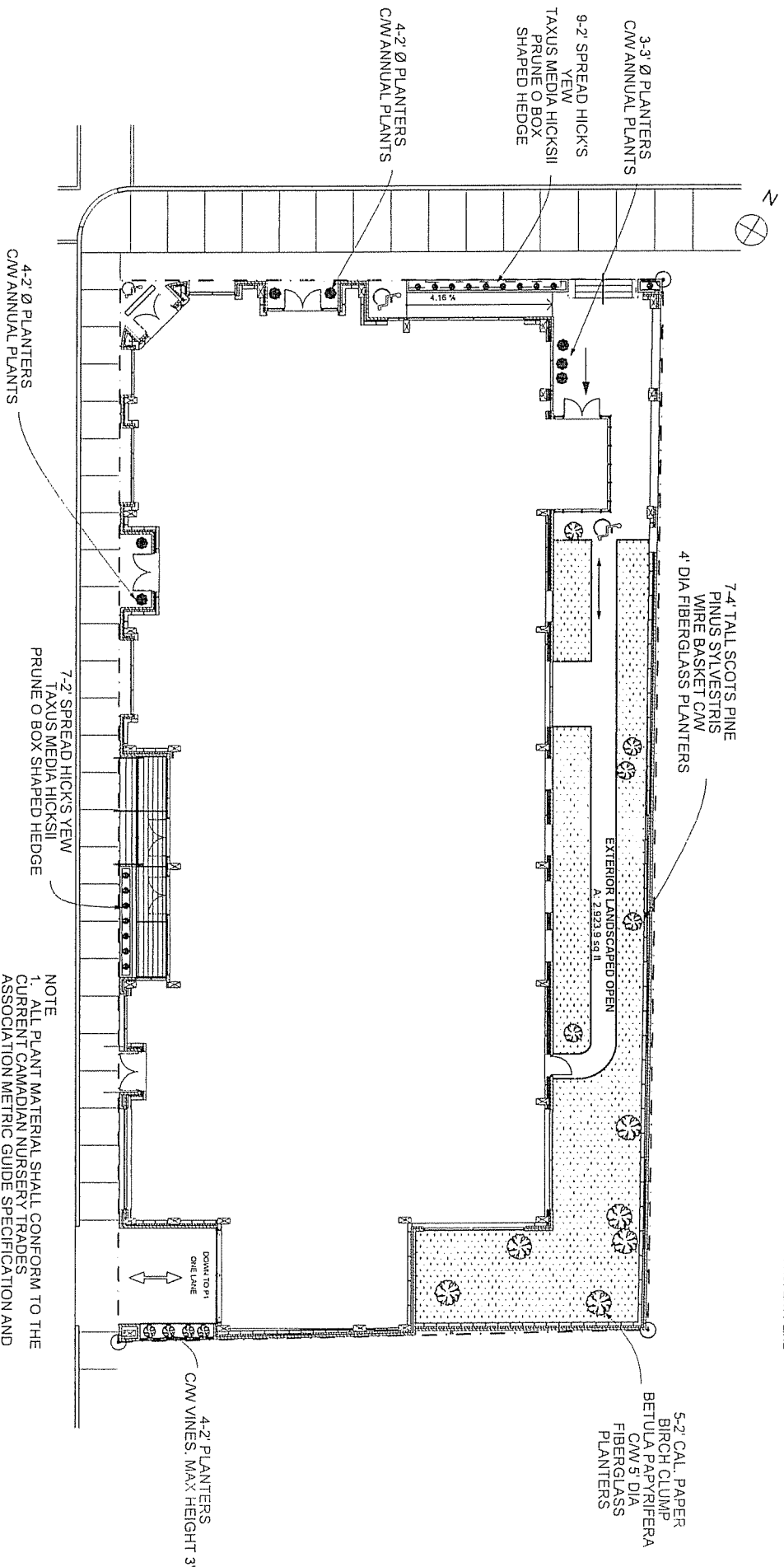
1/16" = 1'-0"

SITE PLAN

SCALE IF PRINTED ON 11X17 PAPER
Plotted on 3/25/2009 at 10:35 AM

SCHEDULE: B





NOTE

1. ALL PLANT MATERIAL SHALL CONFORM TO THE CURRENT CANADIAN NURSERY TRADES ASSOCIATION METRIC GUIDE SPECIFICATION AND STANDARDS. SODDED AREAS TO THE CURRENT CANADIAN NURSERY SOD GROWERS SPECIFICATIONS.
2. PLANT SIZES SHALL BE MINIMUM SIZE SPECIFICATIONS UNLESS OTHERWISE SHOWN.

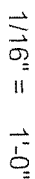
1/16" = 1'-0"

1ST LEVEL PLANTING PLAN

SCALE IF PRINTED ON 11X17 PAPER
Plotted on 3/25/2009 at 10:35 AM

SCHEDULE: C

NOTE: GLASS CURTAIN WALL, WINDOWS AND DOORS SHALL BE COMPRISED OF TRANSPARENT GLASS.



SCALE IF PRINTED ON 11X17 PAPER
Plotted on 4/2/2009 at 2:48 PM

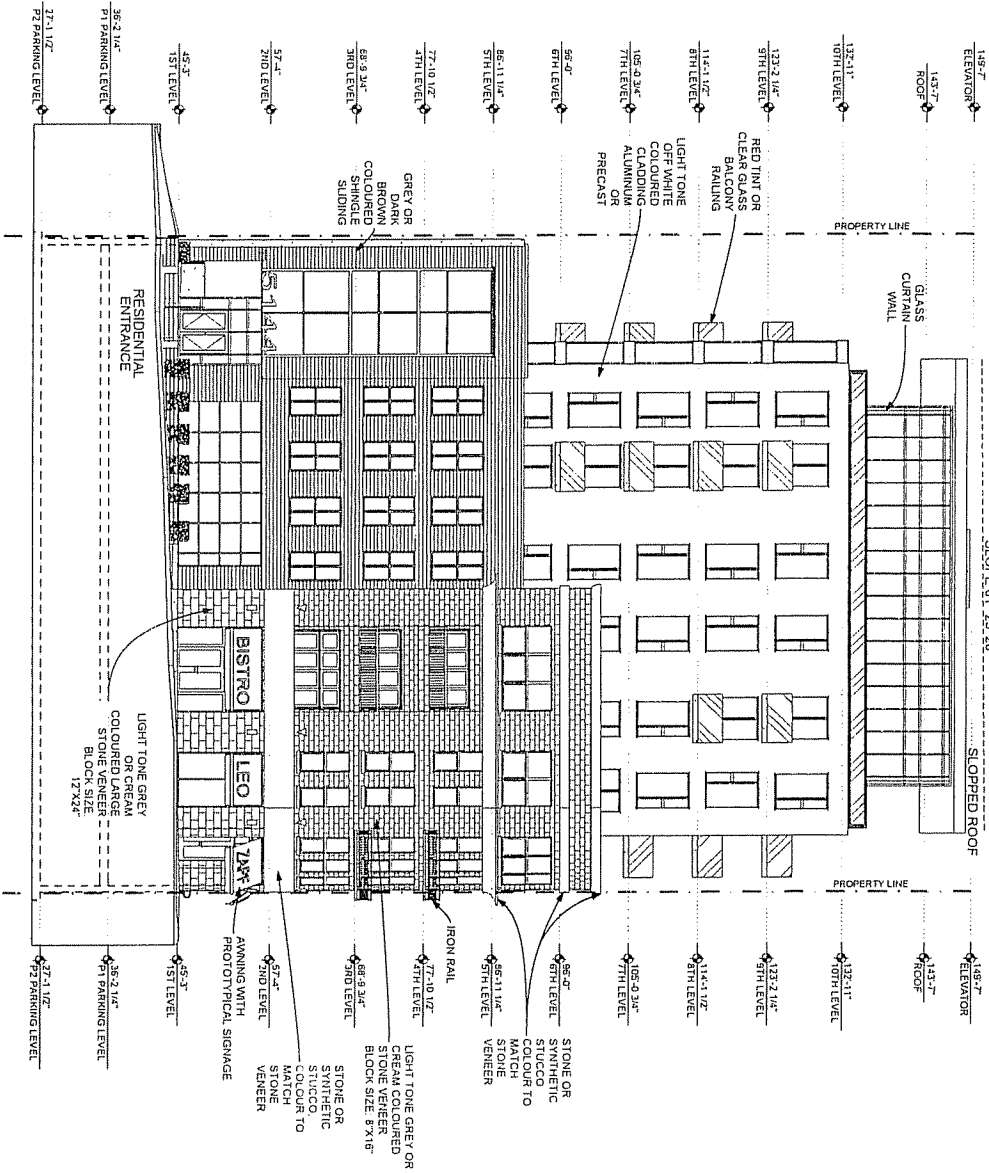
SCHEDULE: D

1/16" = 1'-0"

BUILDING ELEVATION (MORRIS STREET)

SCALE IF PRINTED ON 11X17 PAPER
Plotted on 4/12/2009 at 2:49 PM

SCHEDULE: E



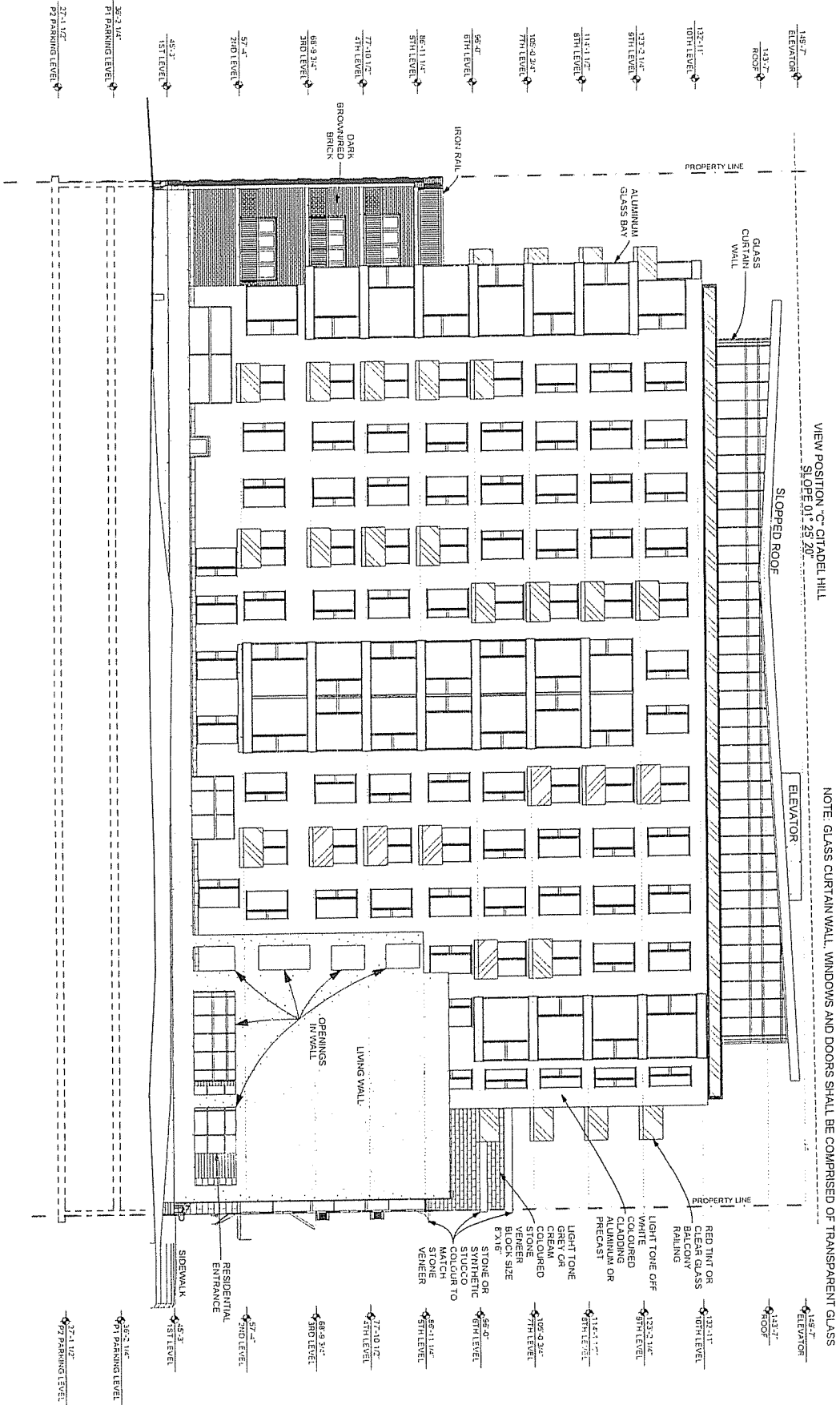
VIEW POSITION - C7 CITADEL HILL
SLOPE 01' 23.20"

NOTE: GLASS CURTAIN WALL, WINDOWS AND
DOORS SHALL BE COMPRISED OF
TRANSPARENT GLASS

1/16" = 1'-0"

BUILDING ELEVATION (LOWER WATER STREET) SCALE: IF PRINTED ON 11X17 PAPER
Plotted on 4/2/2009 at 2:49 PM

SCHEDULE: F

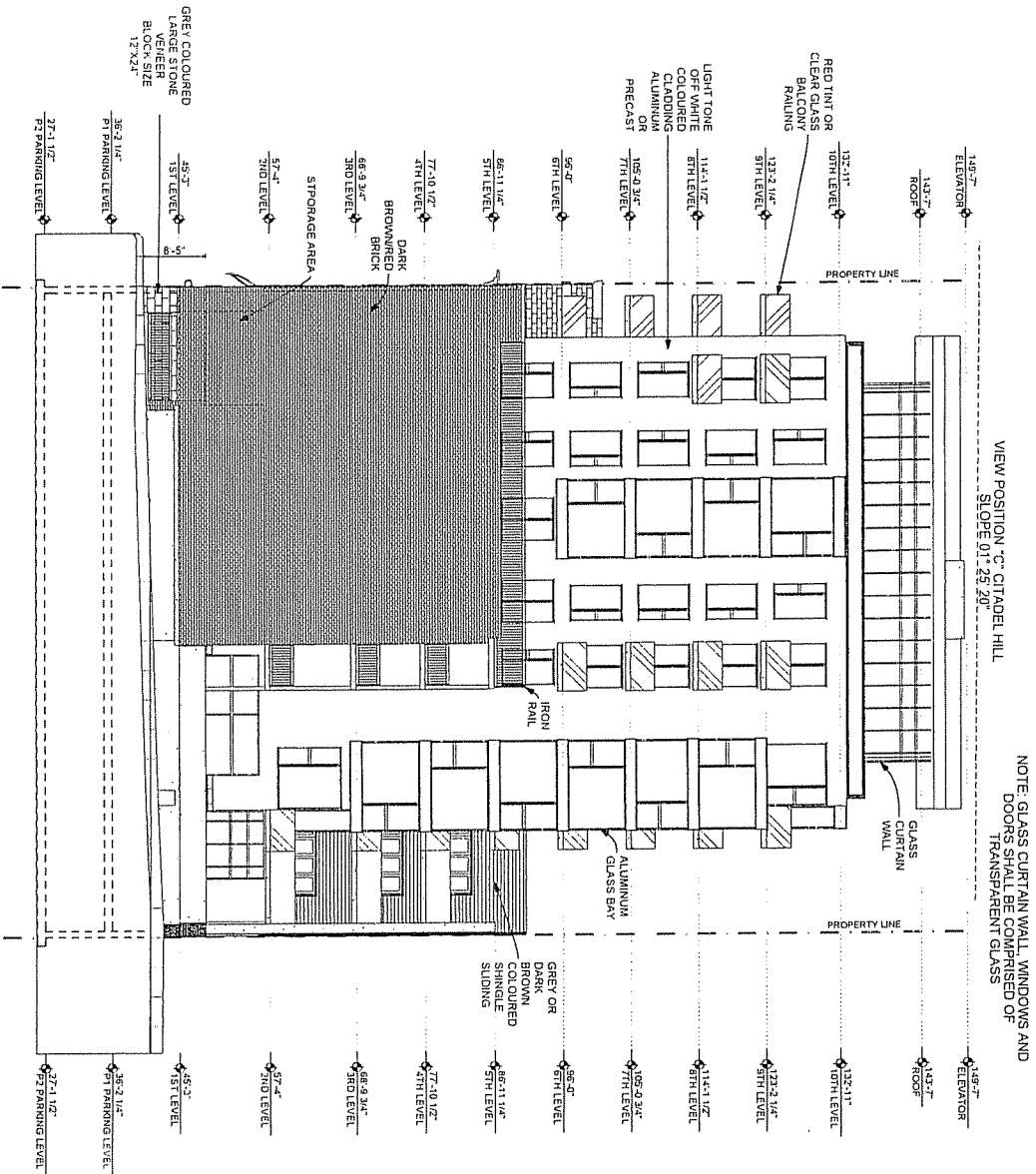


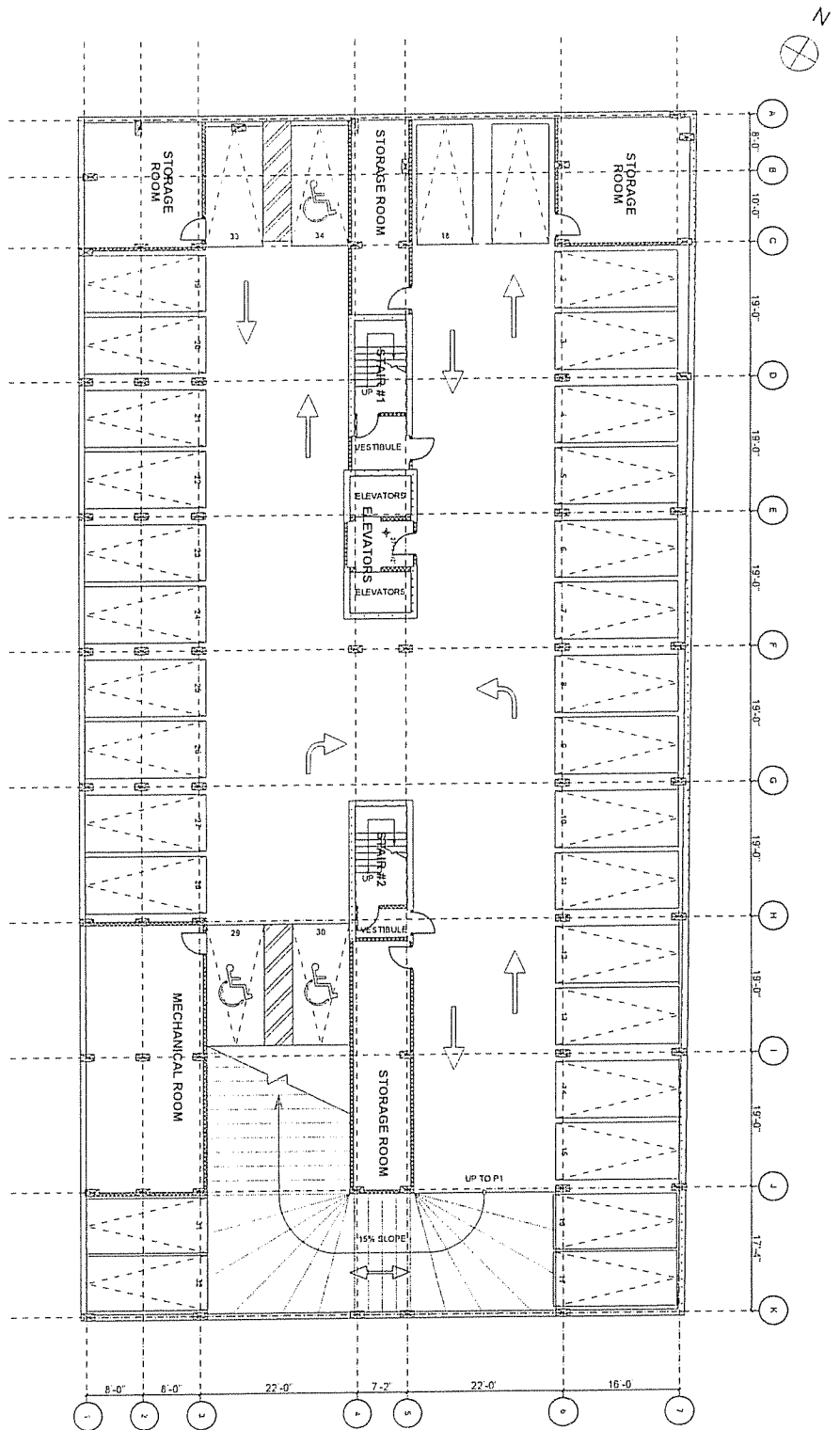
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BUILDING ELEVATION (TERMINAL ROAD)

SCALE IF PRINTED ON 11X17 PAPER
Plotted on 4/2/2009 at 2:49 PM

SCHEDULE: G



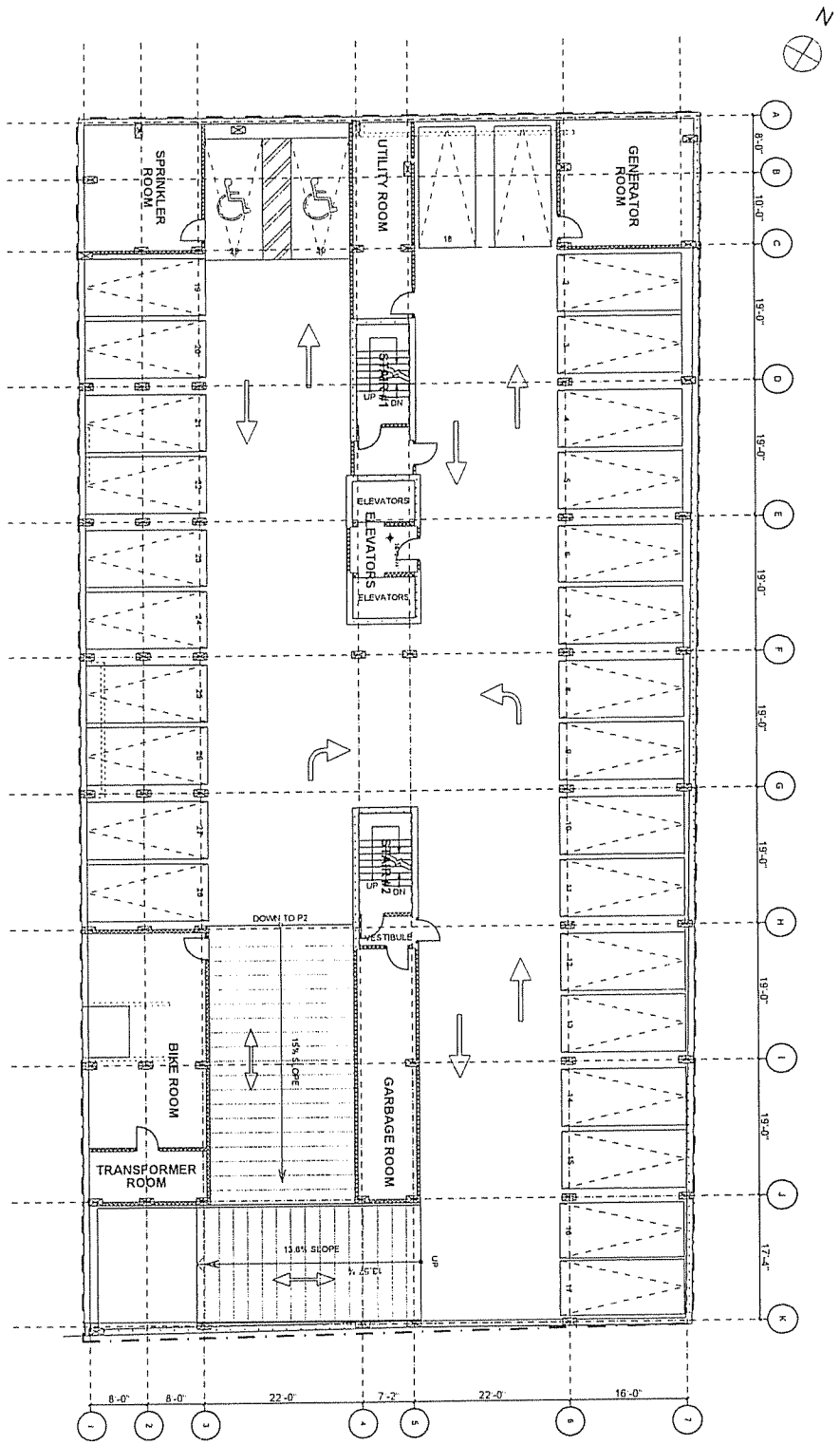


1/16" = 1'-0"

P2 PARKING LEVEL (EL. 27'-1 1/2")

SCALE IF PRINTED ON 11X17 PAPER
Plotted on 3/25/2009 at 10:36 AM

SCHEDULE: H

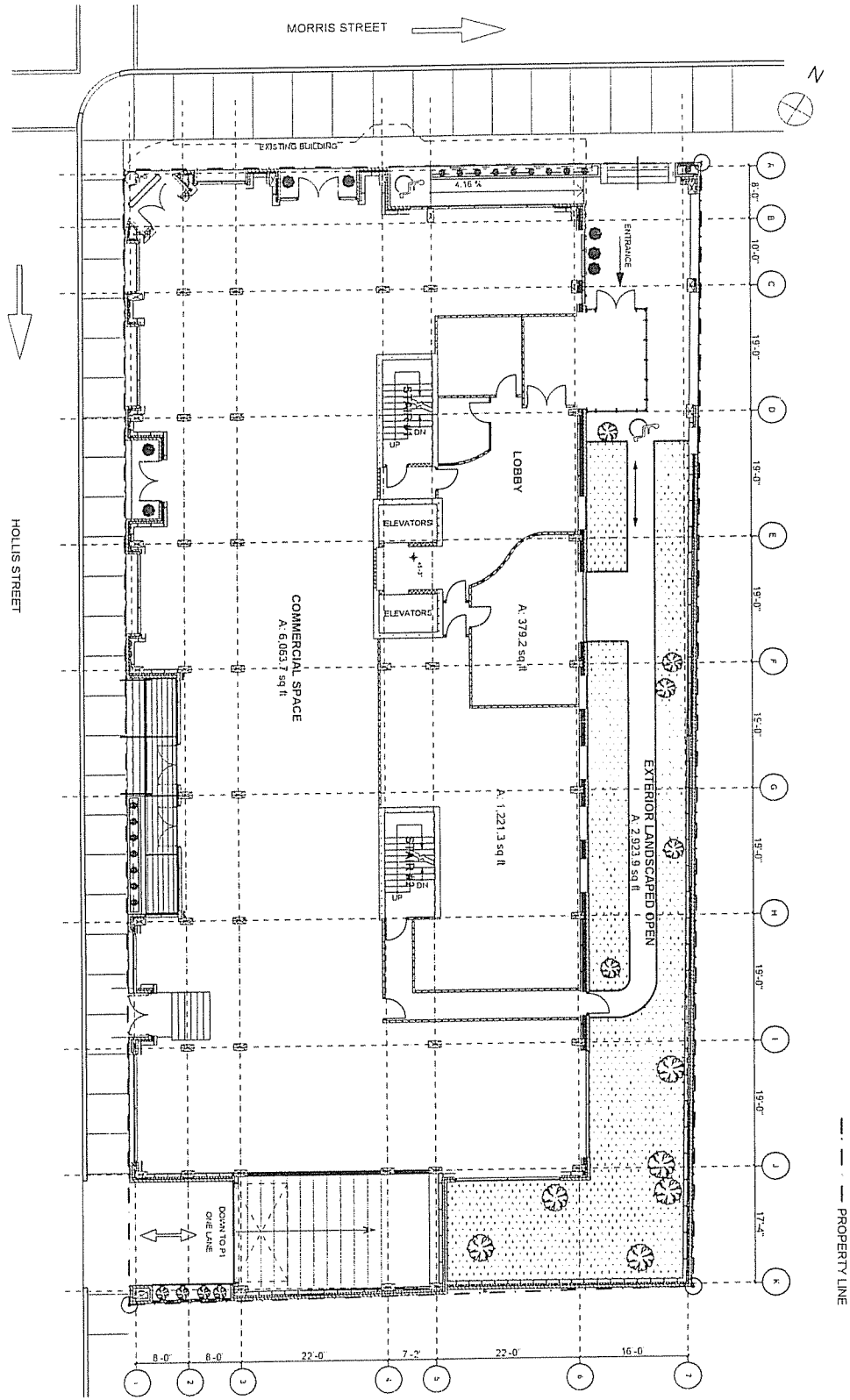


1/16" = 1'-0"

P1 PARKING LEVEL (EL. 36'-2 1/4")

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Plotted on 3/25/2009 at 10:36 AM

SCHEDULE: 1

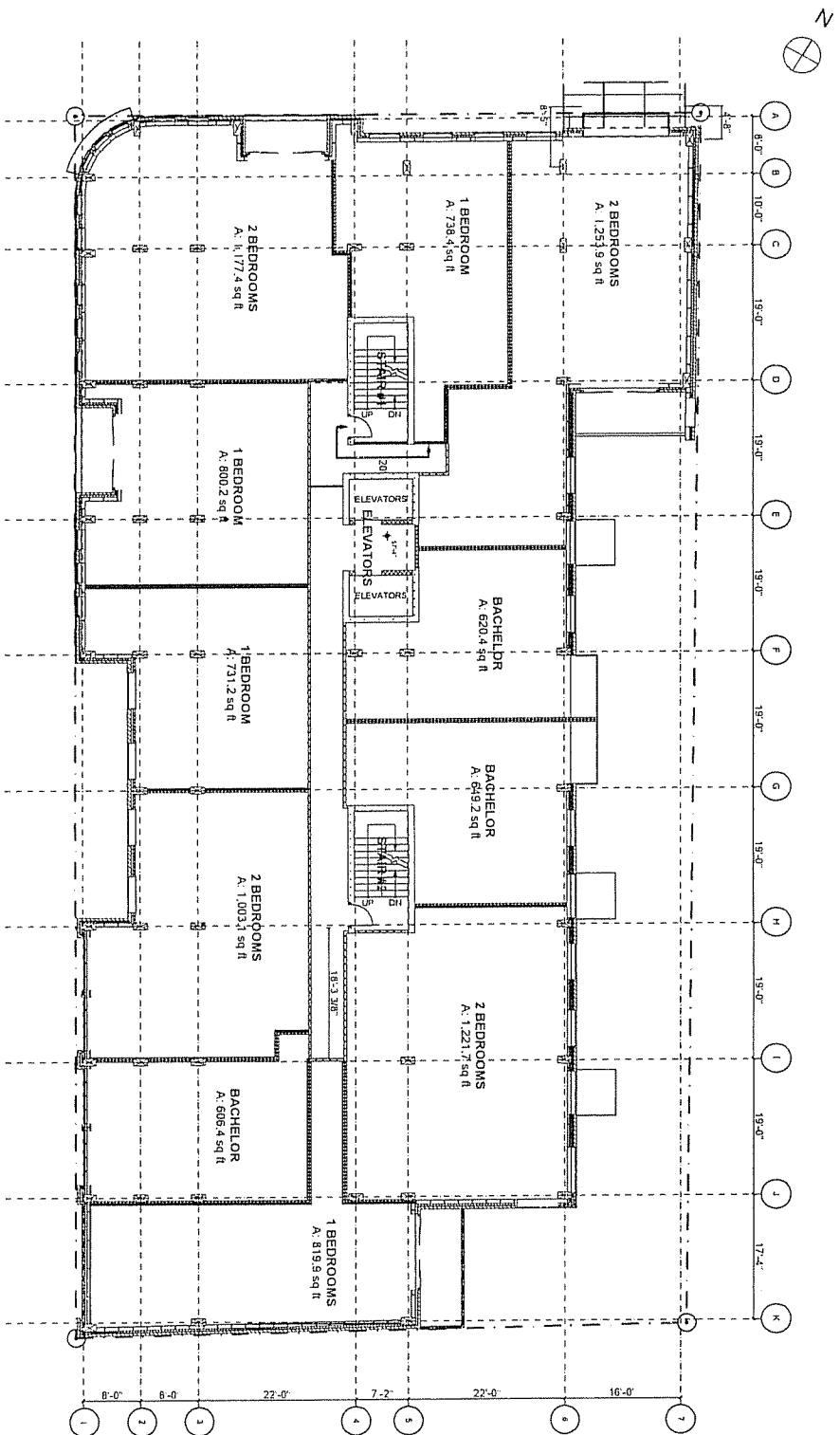


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1ST LEVEL (EL. 45'-3")

SCALE IF PRINTED ON 11X17 PAPER
Plotted on 3/25/2009 at 10:36 AM

SCHEDULE: J

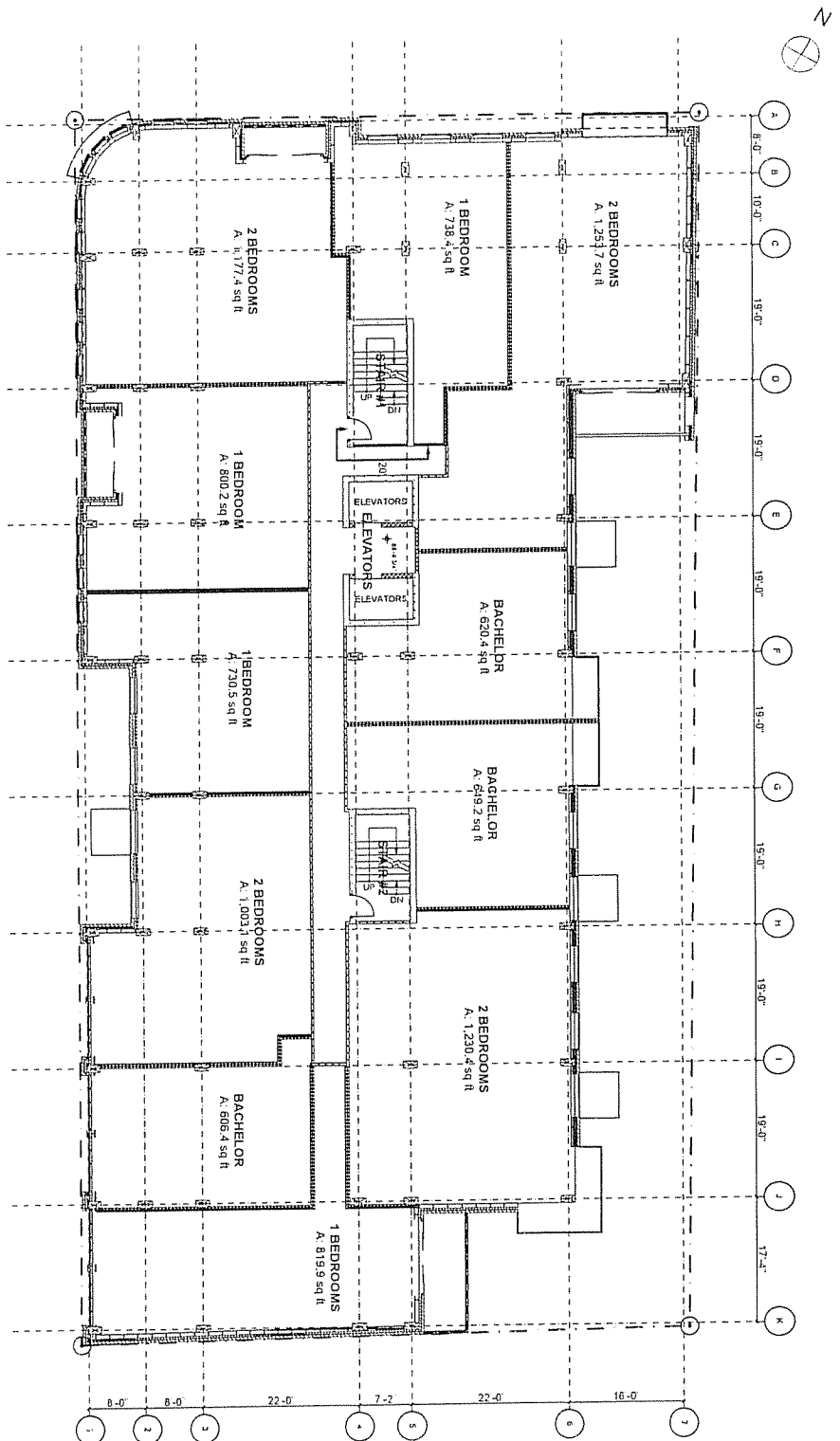


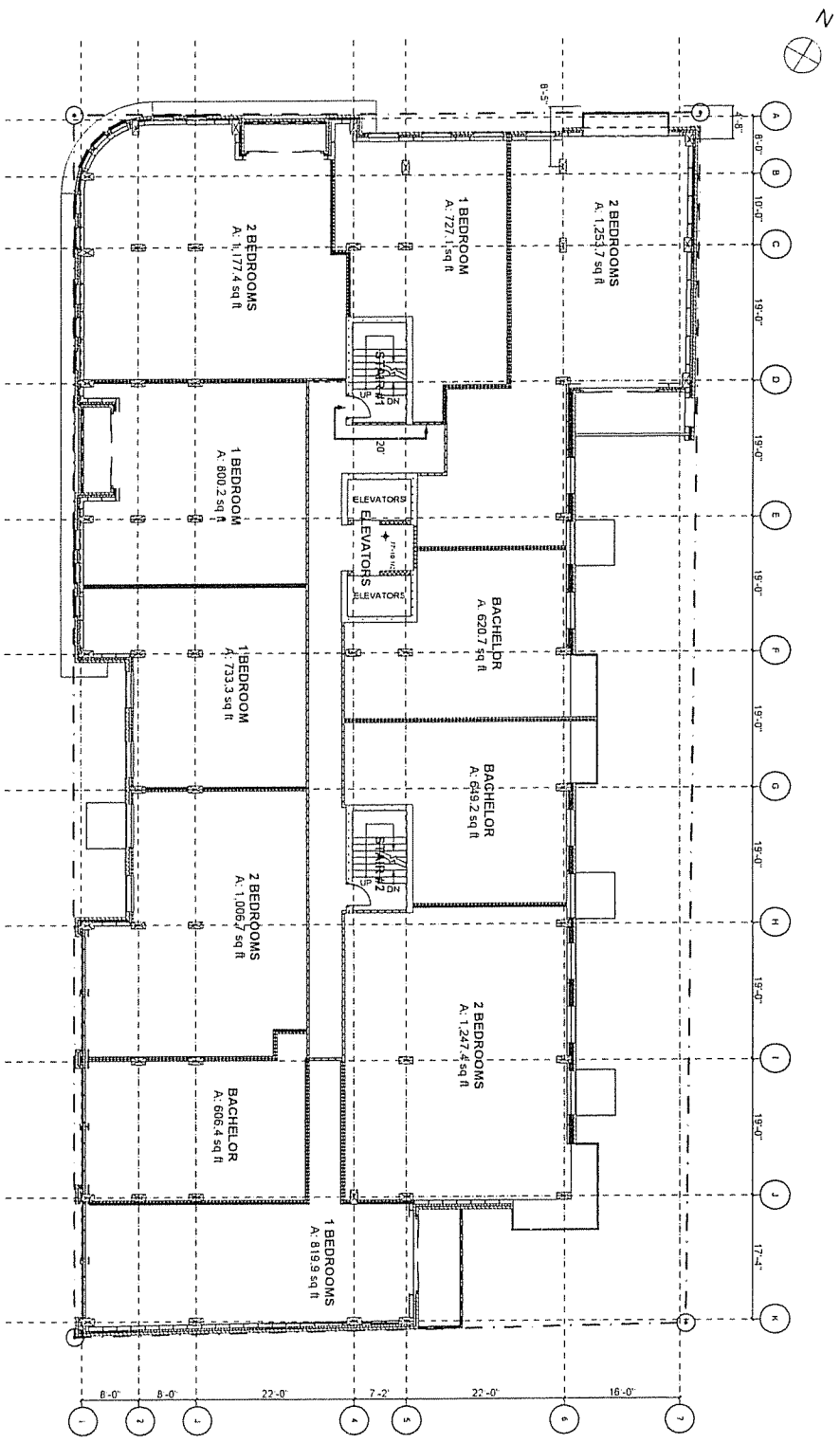
1/16" = 1'-0"

2ND LEVEL (EL. 57'-4")

SCALE IF PRINTED ON 11X17 PAPER
Plotted on 3/29/2009 at 10:36 AM

SCHEDULE: K



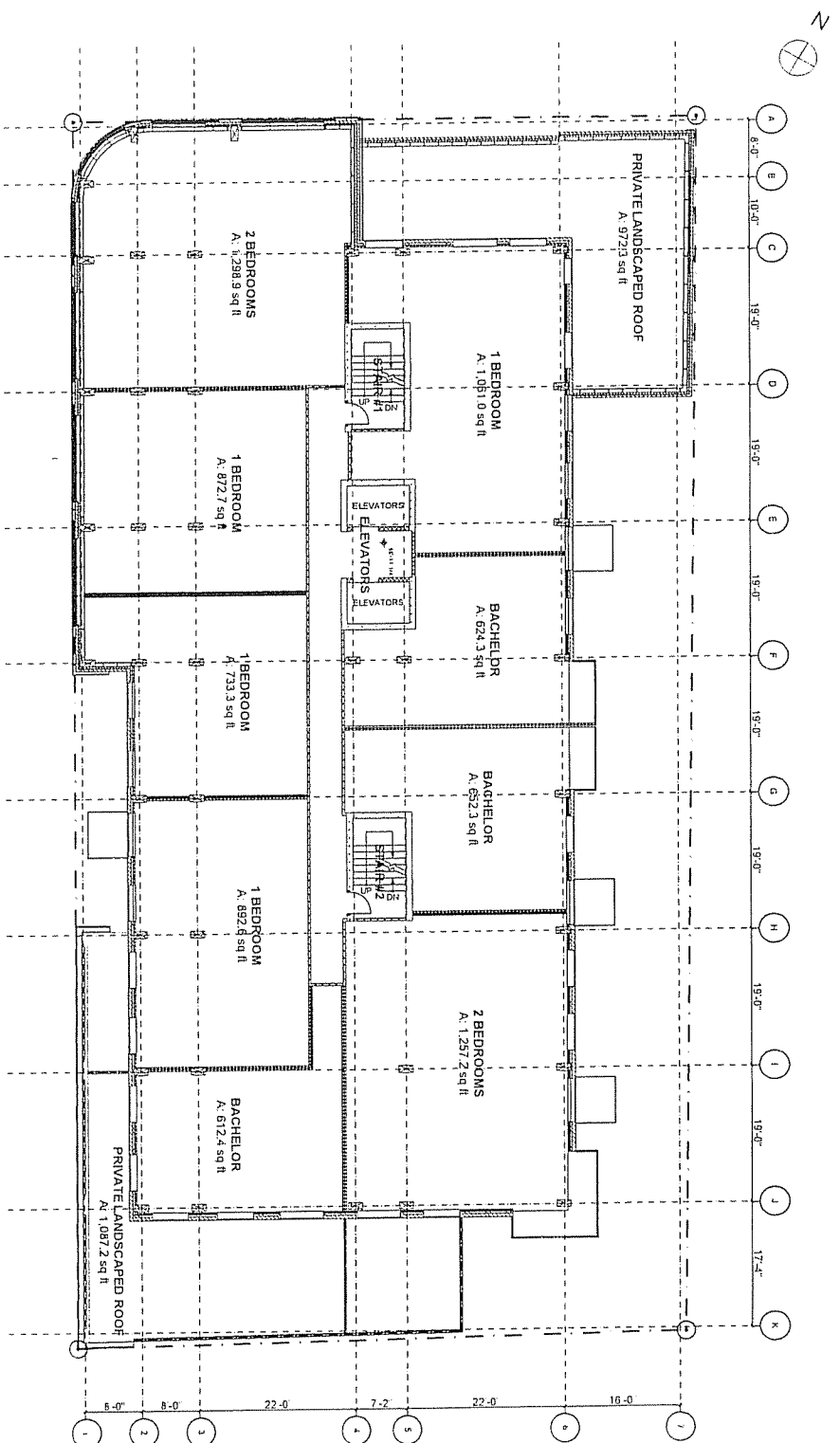


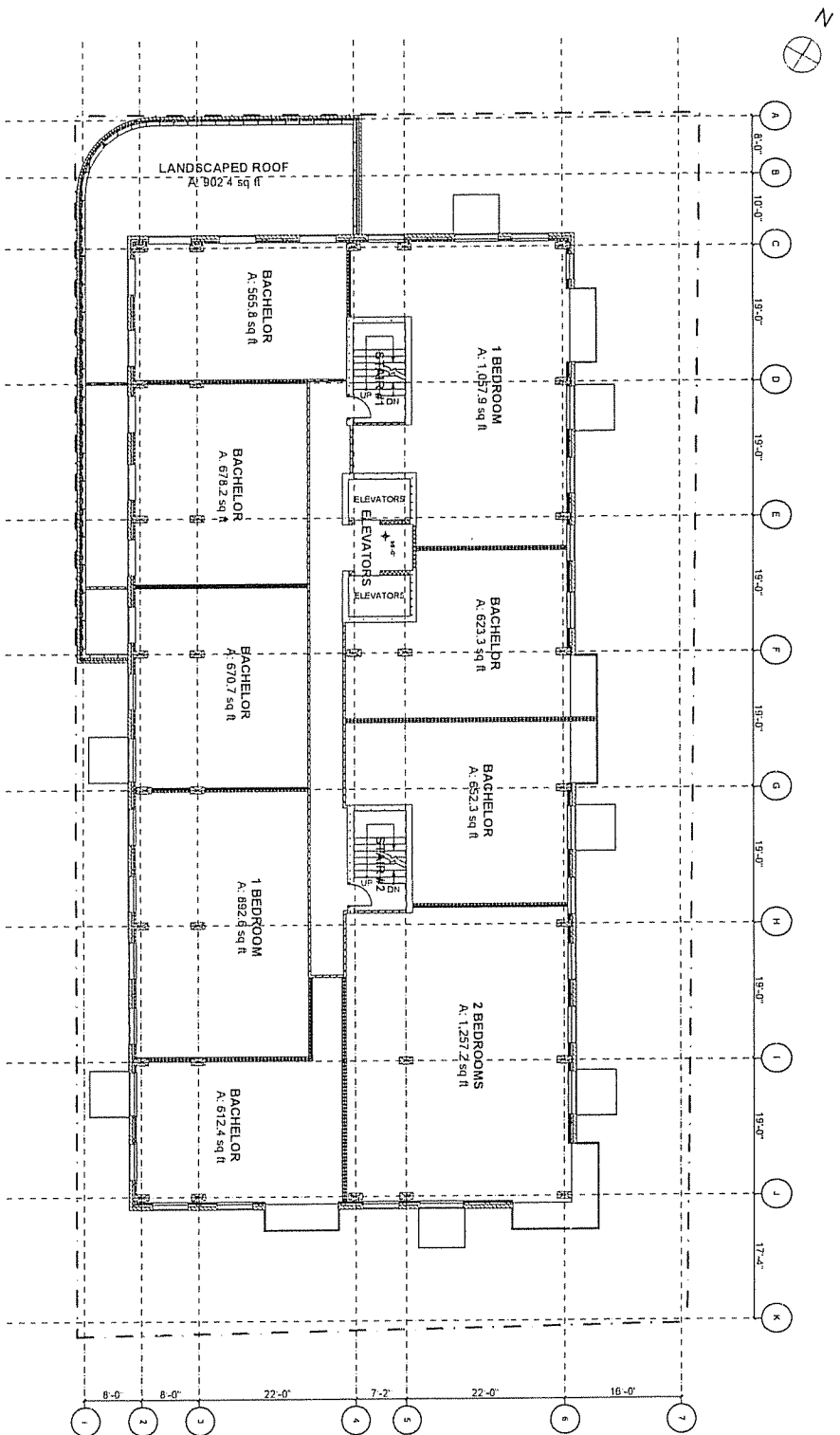
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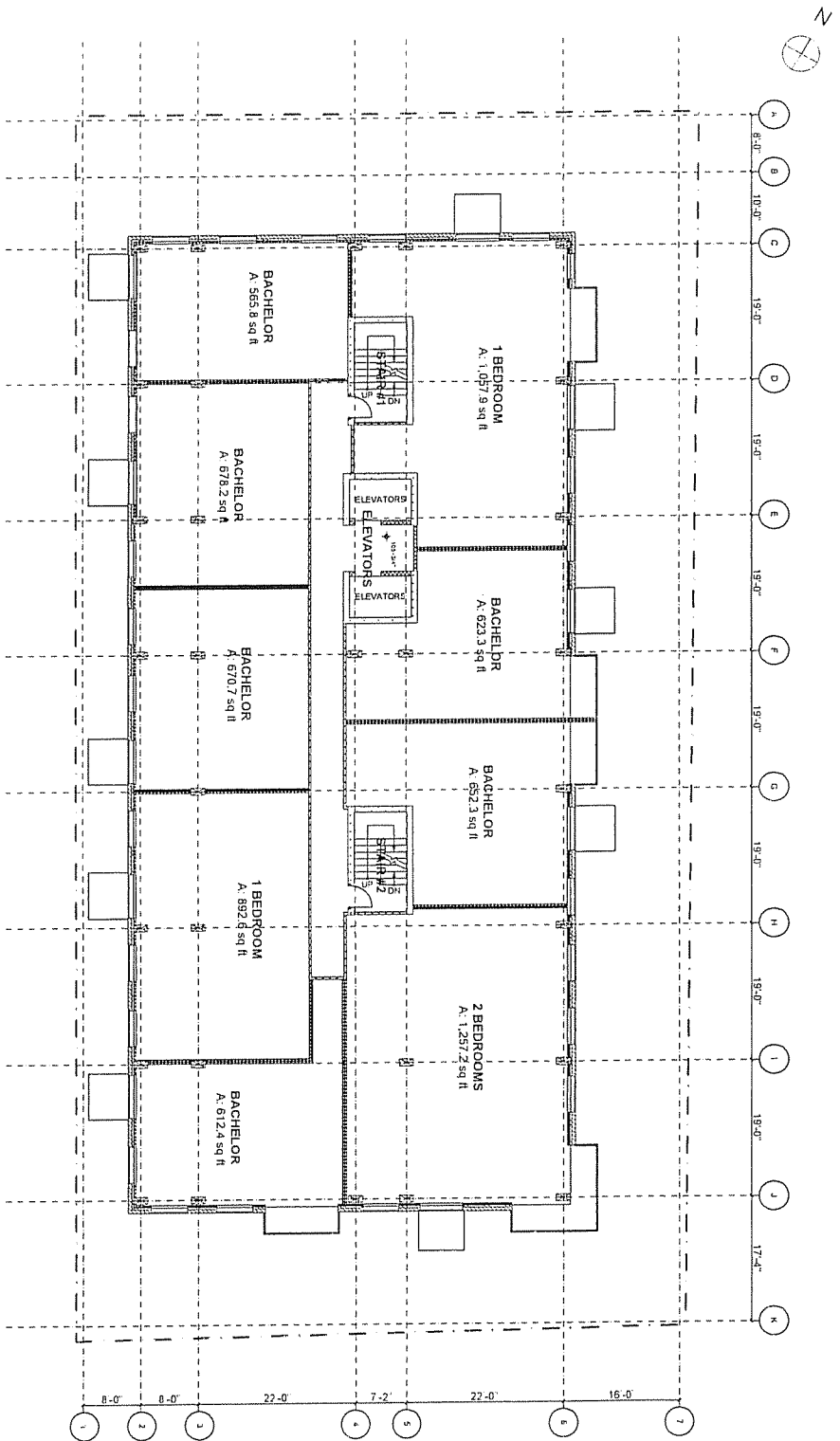
4TH LEVEL (EL. 77'-10 1/2")

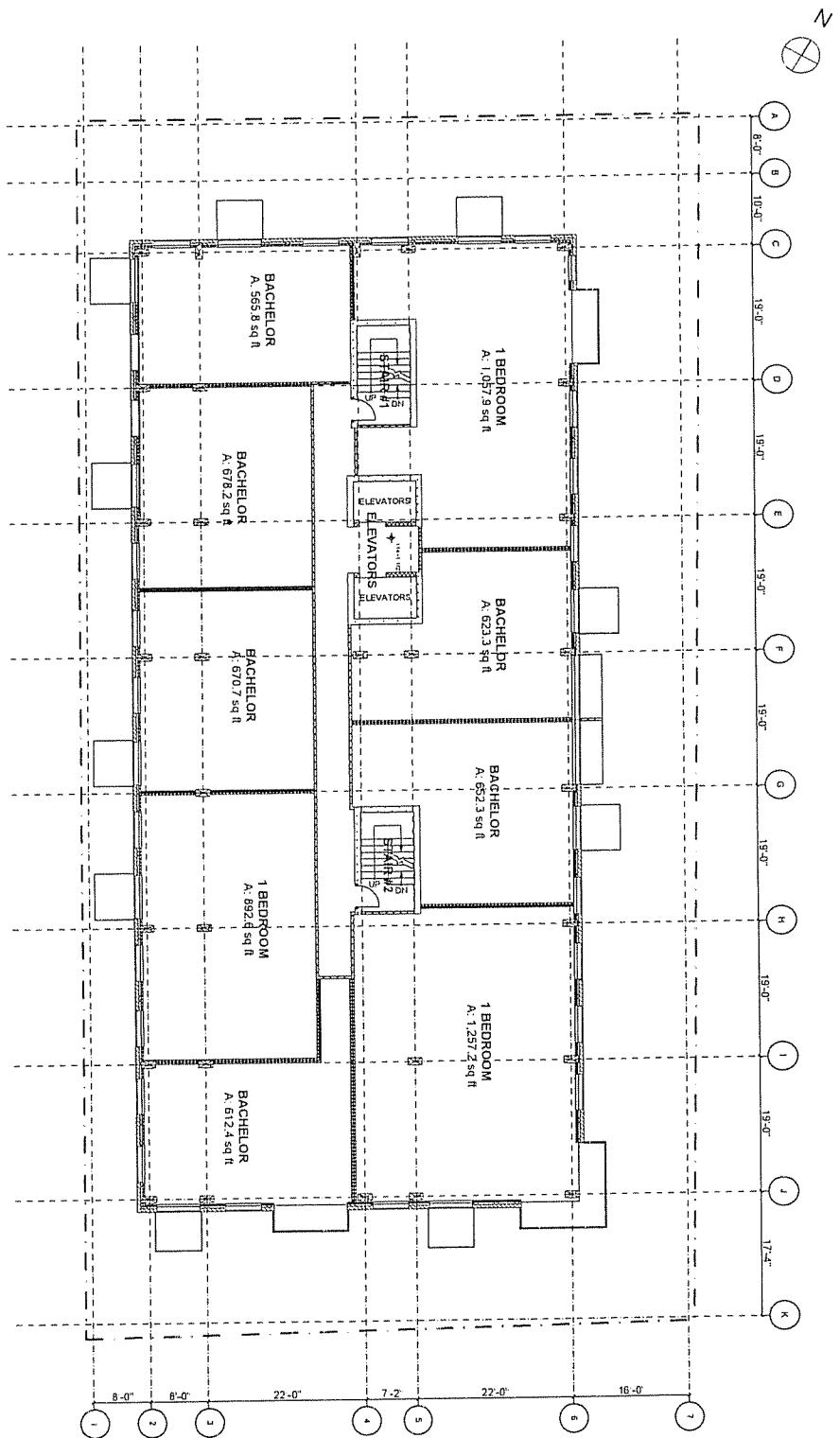
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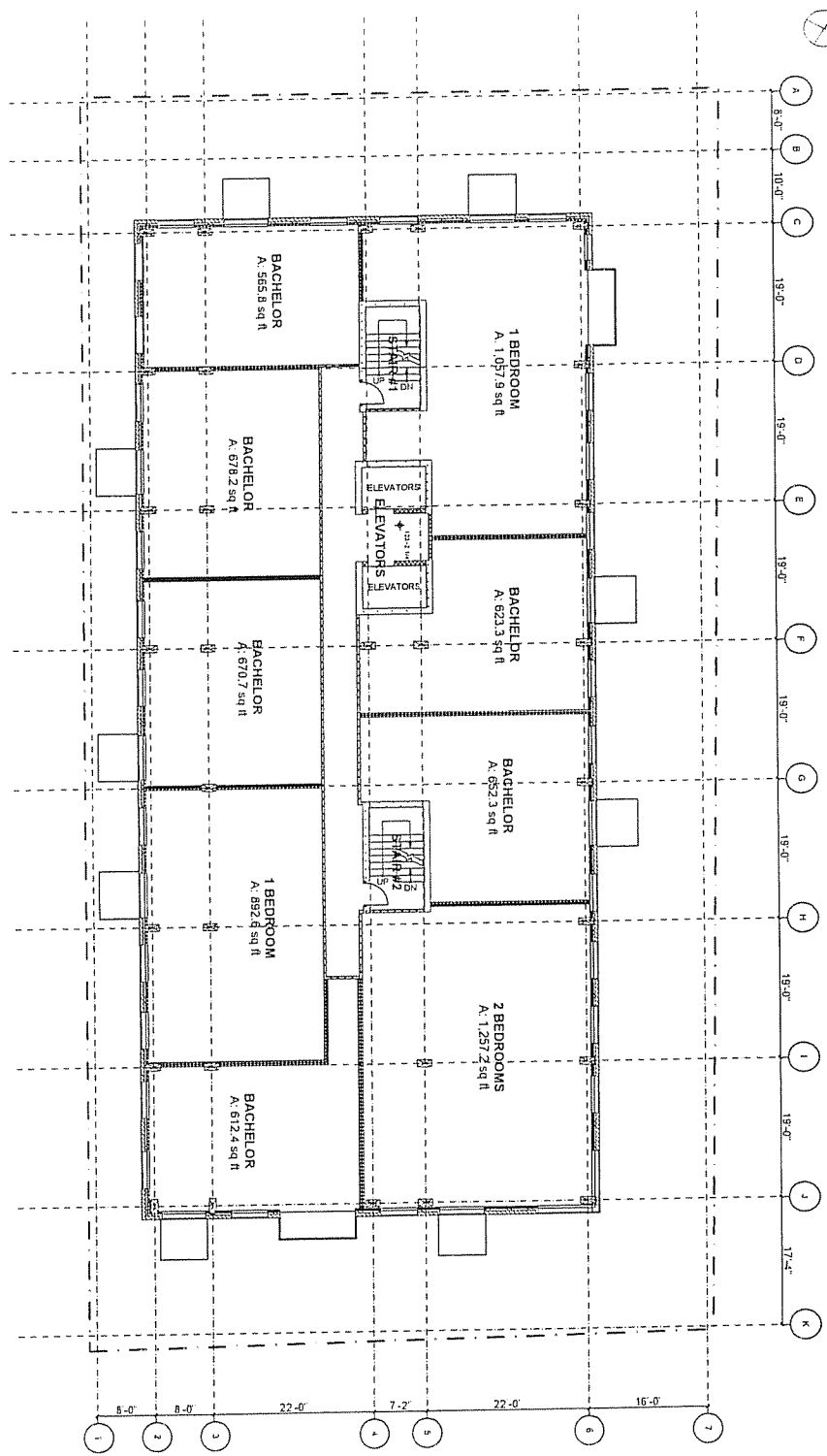
SCHEDULE: M









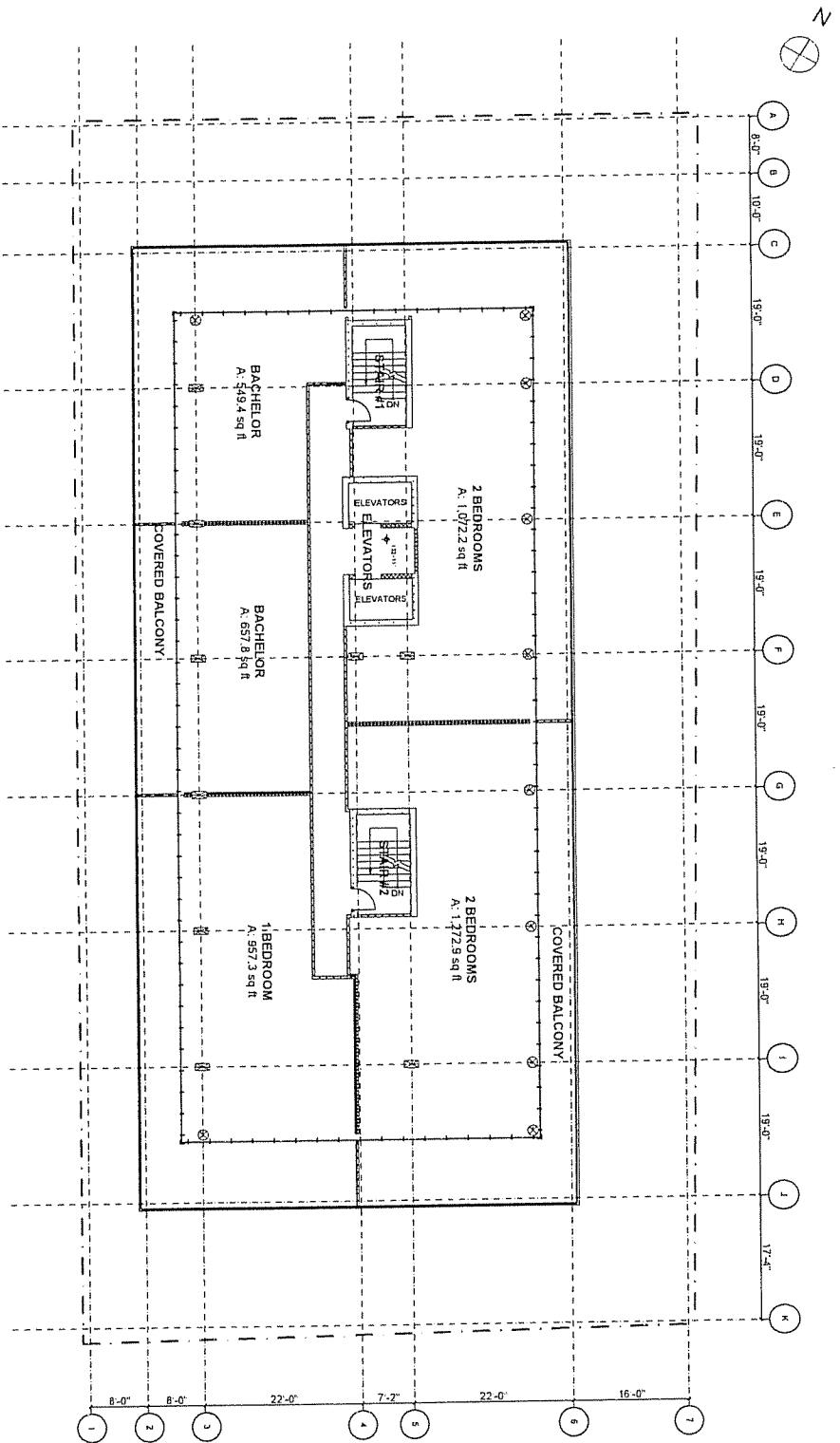


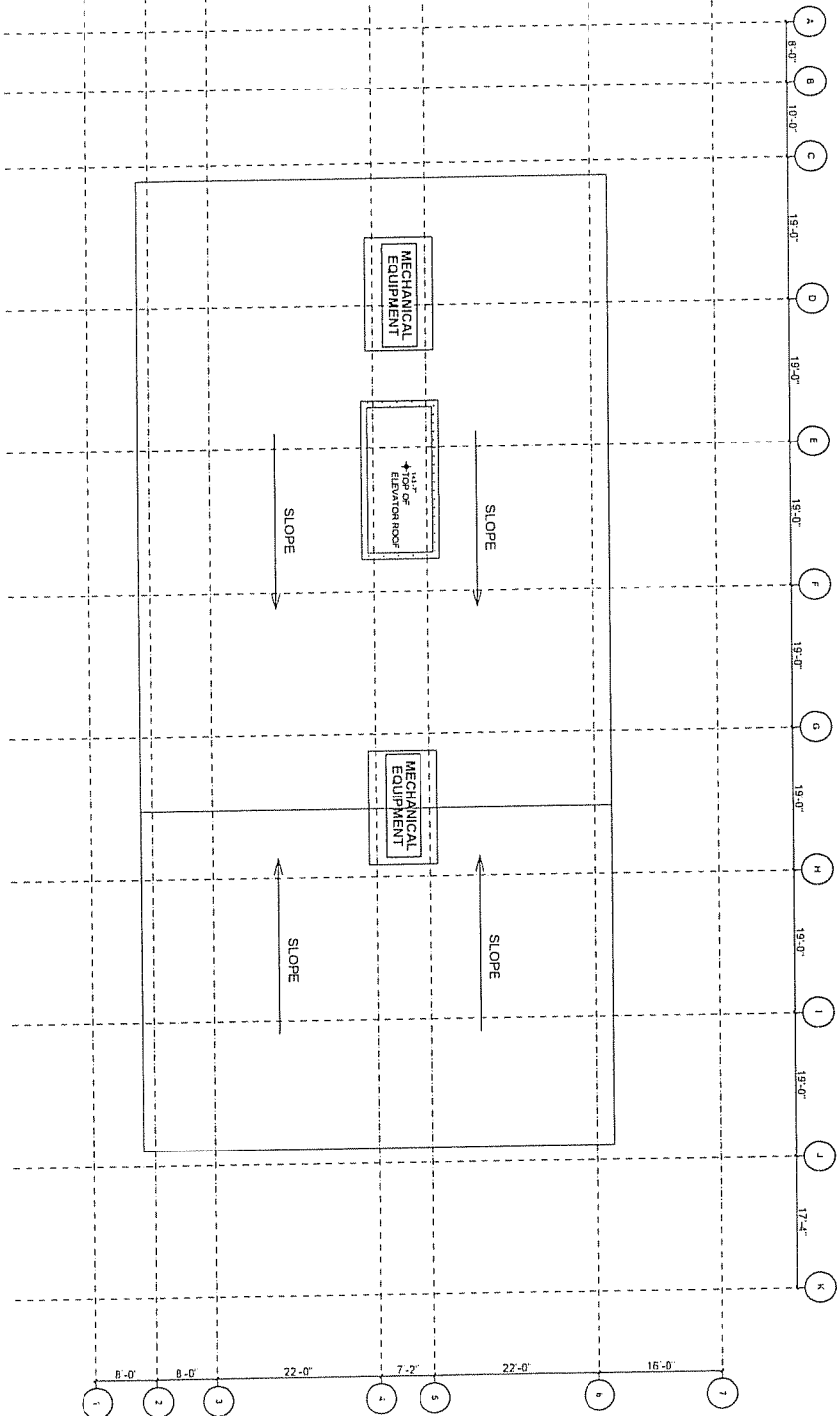
1/16" = 1'-0"

9TH LEVEL (EL: 123-2 1/4')

SCALE IF PRINTED ON 11X17 PAPER
Plotted on 3/25/2009 at 10:37 AM

SCHEDULE: R





1/16" = 1'-0"

ROOF LEVEL (EL. SLOPPED)

SCALE IF PRINTED ON 11X17 PAPER
Plotted on 3/25/2009 at 10:37 AM

SCHEDULE: T

Attachment B Review of Review of the HWDA Secondary Plan Objectives and Policies	
Policy	Comment
<u>1. LAND / WATER EDGE</u> The policies relating to the Land/Water Edge are not applicable to this application as the subject site is not located next to the Harbour.	
<u>2. LAND USE</u> Objective: Development of the waterfront area to include a mixture of residential, commercial, institutional, cultural and marine-related uses.	
2.1 The uses within each of the sub-areas should reflect the objectives of mixed use development; the balance between uses should differ, giving each sub-area a distinct identity.	This is a mixed use development. Note that it is in the Southern Sub-area of the Halifax Waterfront Development Area.
2.1.1 Before any specific allocation of use to the northern sub-area of the HWDA, its function in the context of the CBD and the surrounding area should be considered; notwithstanding this, further development in this area should adhere to the objectives and policies detailed in this section.	This is not applicable as the site is in the Southern Sub-area.
2.1.2 The CBD sub-area of the HWDA should be developed primarily for office and retail uses, but should incorporate residential development; the location of retail and residential uses should generate pedestrian circulation throughout the area and to the water's edge.	This is not applicable as the site is in the Southern Sub-area.
2.1.3 The southern sub-area of the HWDA shall be developed primarily for residential and related uses	The proposal is to develop the site primarily for residential uses.

Attachment B Review of Review of the HWDA Secondary Plan Objectives and Policies	
Policy	Comment
2.1.4 Notwithstanding the provisions of 2.1.1, 2.1.2 and 2.1.3, the portion of the HWDA immediately adjacent to the water's edge should be reserved for marine-related uses and public open space.	This is not applicable as the site is not immediately adjacent to the water's edge.
2.2 The amount of commercial uses permitted in the HWDA shall be consistent with, and limited to, the amounts anticipated for the CBD in the <u>Halifax-Dartmouth Regional Development Plan</u> and the analysis upon which that Plan was based.	The <u>Halifax-Dartmouth Regional Development Plan</u> is no longer applicable.
2.2.1 The amount of commercial development permitted in the CBD area of the HWDA shall conform to the objectives and policies pertaining to the CBD, and the rate of development within the HWDA should not create adverse effects on the rate of development in that part of the CBD outside the HWDA.	This is not applicable as the site is in the Southern Sub-area.
2.3 The following principles for the location of, and types of, uses cited shall be adhered to:	
2.3.1 Marine-related uses may locate anywhere within the CBD area of the HWDA, or along the water's edge throughout the HWDA.	This is not applicable as the site is not immediately adjacent to the water's edge.
2.3.1.1 Finger piers should be retained as functional wharves for marine uses or for commercial uses	This is not applicable as the site is not immediately adjacent to the water's edge.

Attachment B Review of Review of the HWDA Secondary Plan Objectives and Policies	
Policy	Comment
<p>2.3.2 Retail services, including entertainment and other retail activities, should be located on the ground floor of buildings and at other levels where such activities would generate movement for the pedestrian walkways.</p>	<p>The proposed development agreement contains requirements that the ground floor be comprised of commercial uses. However there not specific requirements that the ground floor must be limited to retail or entertainment uses as Hollis or Morris are not viewed as being high-traffic pedestrian streets.</p>
<p>2.3.3 Residential uses may be developed within the CBD area of the HWDA, and shall be the primary use within the southern sub-area subject to the following:</p>	
<p>2.3.3.1 In the CBD sub-area, residential uses may be added to commercial developments, within the constraints of the design policies as established by this Section of the Plan, any subsequent standards and procedures adopted by the City, and all other applicable bylaws of the City, or they may be freestanding.</p>	<p>This is not applicable as the site is in the Southern Sub-area.</p>
<p>2.3.3.2 In the southern sub-area, residential uses shall be developed consistent with the policies for residential development in Part II, Section II of this Plan.</p>	<p>The proposal is consistent objectives and policies in Part II, Section II. See the main part of the report for detailed discussion.</p>
<p>2.3.3.3 Residential development in the southern sub-area should be in either low-rise, high-density buildings, or in mixed use with commercial services related to, or compatible with, the residential uses intended for that area. Innovative housing forms, which would digress from the existing</p>	<p>The proposal is for a mixed uses development that is compatible with the uses intended for the area. See the main part of the report for detailed discussion.</p>

Attachment B Review of Review of the HWDA Secondary Plan Objectives and Policies	
Policy	Comment
character of the area, should be considered on their merits in terms of their ability to meet the Part II, Section II objectives and policies.	
2.3.4 Cultural uses should locate in the CBD sub-area, but may locate anywhere in the HWDA within the constraints of the policies in this Section.	No cultural uses are being proposed.
<u>3. CONSERVATION OF BUILDINGS AND SPECIAL FEATURES</u> Objective: The conservation or rehabilitation of areas, streetscapes, buildings, features, and spaces which mark the sequence of development in Halifax, and which demonstrate the historic and architectural character of the City.	
3.1 The City shall continue to seek the retention, preservation, rehabilitation and restoration of areas, streetscapes, buildings, features and spaces in the HWDA consonant with the City's general policy stance on Heritage Preservation (see Section II, Policy Set 6).	This policy relates to HRM's intent to continue to seek the registration of heritage properties and other related initiatives. The lands are not registered heritage properties.
3.1.1 The criteria by which the City shall continue to identify such areas, streetscapes, buildings, features and spaces in the HWDA are set out in the official City of Halifax report entitled " <u>An Evaluation and Protection System for Heritage Resources in Halifax</u> (City Council, 1978)."	This policy is not applicable in evaluating the suitability of the proposed development.
3.1.2 The City should designate those properties which meet the adopted criteria as registered heritage properties or registered heritage	The lands are not registered heritage properties.

Attachment B Review of Review of the HWDA Secondary Plan Objectives and Policies	
Policy	Comment
conservation areas and protect them within the terms of the Heritage Property Act.	
3.1.3 The City shall regulate demolition and external alterations under the provisions of the Heritage Property Act, and should secure inducements for retention, maintenance and enhancement of registered heritage properties within the HWDA.	This policy is not applicable in evaluating the suitability of the proposed development.
3.2 The intrinsic relationship between land and water that is characterized by the penetration of the finger piers into the water area should be maintained.	This is not applicable as the site is not immediately adjacent to the water's edge.
3.2.1 The City should identify those piers which should be preserved as features of special significance to the City because of their association with the historic development of Halifax Harbour and because they articulate the land/water edge in this area.	This policy is not applicable in evaluating the suitability of the proposed development.
3.2.2 The construction of a pedestrian walkway at grade along the land/water edge shall provide the necessary means of linking these two elements with Historic Properties, activity areas, new developments and other uses along the waterfront (see Policy 1.3).	This is not applicable as the site is not immediately adjacent to the water's edge.
3.3 The City shall investigate the possibility of establishing Heritage Conservation Zones to protect registered heritage conservation areas and registered heritage streetscapes	This policy is not applicable in evaluating the suitability of the proposed development.

Attachment B Review of Review of the HWDA Secondary Plan Objectives and Policies	
Policy	Comment
under the provisions of the Planning Act. The results of such investigations should be incorporated as amendments to this Plan and to the Land Use Bylaw.	
4. CIRCULATION Objective: The creation of a safe, comfortable and pedestrian-oriented environment which provides a choice between outdoor and weather-protected routes.	
4.1 The City shall seek to ensure that there is comfortable and convenient pedestrian access from all parts of the HWDA to the CBD and to transit routes.	The existing street network serving the site, which is to remain unchanged with this proposal, provides good pedestrian access. The parking access is located off Hollis Street and is of a width that can only accommodate single-way traffic. This places an emphasis upon pedestrian comfort.
4.1.1 The following streets should be extended to the land/water edge as elements of the external pedestrian system when redevelopment occurs: ...a) Morris Street...	There is no change to the street network, including Morris Street, with this proposal.
4.1.2 The City should seek the provision of weather-protection for pedestrians, particularly where new development or major alterations to building facades abut pedestrian routes in the CBD sub-area.	There is an opportunity for the canopies shown on the building to be established and extended over the sidewalk through our permitting processes.
4.1.2.1 Priority should be given to the provision of weather-protected pedestrian routes in an east-west direction, including safe and comfortable pedestrian connections across Water and Hollis Streets.	There are no connections proposed over Hollis Street.

Attachment B Review of Review of the HWDA Secondary Plan Objectives and Policies	
Policy	Comment
Objective: Minimal penetration by vehicles to the east of Water Street.	
4.2 Water and Hollis Streets shall be the main vehicular access streets serving the HWDA; east-west vehicular movements between these streets shall be along the existing street grid.	The parking access is located off Hollis Street.
4.2.1 Lower Water Street and Upper Water Street to Buckingham Street shall be maintained substantially at their present physical widths and should function as a local service road.	This is not applicable to the subject site.
4.2.1.1 The City should develop additional criteria relative to the distance between facing building elevations along Lower Water Street and Upper Water Street to be incorporated into this section.	This is not applicable to the subject site.
4.2.2 Only emergency vehicles and vehicles serving marine-related uses should be allowed to penetrate the extended east-west streets east of Water Street to the water's edge. Delivery vehicles, taxis, and other service vehicles should be allowed with appropriate controls.	This is not applicable to the subject site.
4.3 Parking within the CBD area of the HWDA shall adhere to the policies for the CBD in Section III of this Part. Within the northern and southern sub-areas, parking should accord with the zoning bylaw.	The number of parking spaces conforms with the requirements of the Land Use Bylaw.
4.3.1 In the CBD sub-area, to the west of Water Street, the City should encourage the development of short-	This is not applicable as the site is in the Southern Sub-area.

Attachment B Review of Review of the HWDA Secondary Plan Objectives and Policies	
Policy	Comment
term parking facilities for public use, preferably in combination with new development.	
4.3.2 Pursuant to Part II, Section III, Policy 3.3.1, long-term parking facilities in the CBD area of the HWDA should be discouraged.	This is not applicable as the site is in the Southern Sub-area.
4.3.2.1 In the CBD area east of Water Street, parking facilities should be limited to short-term parking for the delivery and service requirements of the occupants of the development.	This is not applicable as the site is in the Southern Sub-area.
4.3.3 Provided they are for public use, surface parking lots may be permitted as an interim use during any phase of development in order to meet immediate needs (see Part II, Section III, Policy 3.4.3).	This is not part of the proposal. There are no allowances for an interim parking lots.
4.4 The policies of this Section pertaining to land use and pedestrian areas shall be respected in the evaluation of alternative transportation proposals for the CBD and the City.	This policy is not applicable in evaluating the suitability of the proposed development.
<u>5. CIVIC DESIGN</u> <u>Open Space</u> Objective: A network of public open space which complements the existing and proposed developments, accommodates human activity, and encourages pedestrian circulation throughout the area.	
5.1 The existing street grid is the basis of the open space network and should be extended in the HWDA to the land/water edge to reinforce the	This is not applicable as the site is to the west of Lower Water Street.

Attachment B Review of Review of the HWDA Secondary Plan Objectives and Policies	
Policy	Comment
traditional "grain" of the CBD and to form the east-west element of the public open space network in the following positions: ...a) Morris...	
5.1.1 The existing widths of these streets should be continued down to the water's edge with the exception of the local width of the Irving Arch opening which should form an architectural feature to this street extension.	This is not applicable as the site is to the west of Lower Water Street.
5.1.2 The extension of the street grid to the water's edge should widen into public open spaces at the water's edge. Such open spaces at the ends of the east-west street extensions should be adequate to accommodate required vehicular turning movements.	This is not applicable as the site is to the west of Lower Water Street.
5.1.3 The surface detailing of this street grid to the water's edge should be sympathetic to the pedestrian, and should be designed to slow the movement of any vehicle entering the area.	This is not applicable as the site is to the west of Lower Water Street.
5.1.4 These public open spaces adjacent to the water's edge should not be used for parking.	This is not applicable as the site is not adjacent to the water's edge.
Objective: The conservation and creation of a high standard of environmental quality.	
5.2 Open spaces between, over and around buildings should be designed to have contrasting characteristics; some narrow spaces with detailed architectural treatment, some taking	There is no open space associated with this proposal. This policy is more applicable to larger-scale development that may typically be developed to between the water's edge and Lower Water and Upper Water streets.

Attachment B Review of Review of the HWDA Secondary Plan Objectives and Policies	
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advantage of views along the Harbour, and some very open spaces with panoramic views.	
5.2.1 The details of the architectural design of any proposal in the area should ensure that each open space is usable, both as an integral part of the function of the area, and as a visually attractive feature of the design.	There is no public open space associated with this proposal. This policy is more applicable to larger-scale development that may typically be developed to between the water's edge and Lower Water and Upper Water streets.
5.3 The City should encourage the incorporation of vegetation and landscaping as essential elements in the design of the HWDA.	There is a limited amount of vegetation and landscaping with this proposal, but again, this policy is more applicable to larger-scale development that may typically be developed to between the water's edge and Lower Water and Upper Water streets.
5.3.1 A landscape plan for off-street open spaces should form part of any proposal within the HWDA.	There is no public open space associated with this proposal. This policy is more applicable to larger-scale development that may typically be developed to between the water's edge and Lower Water and Upper Water streets.
5.3.2 Planting should be introduced throughout the HWDA, including close to the water's edge, to create visual interest and linkage throughout the area.	This is not applicable as the site is not adjacent to the water's edge.
Views Objective: The preservation of existing views of the HWDA from both land and water, through the HWDA to the Harbour and from the HWDA in all directions and, where possible, the creation of new views.	
5.4 Views of the Harbour and of the Citadel along the east-west streets and open space elements of this Plan within the CBD should be opened up	The view along Morris Street is not impacted by this proposal.

Attachment B Review of Review of the HWDA Secondary Plan Objectives and Policies	
Policy	Comment
as redevelopment provides opportunity. No part of any proposed new building should block these views.	
5.4.1 Views of the Harbour should be retained at the following locations: (a) from the archway at Keith's Brewery on Water Street; (b) between the Ralston and Bank of Canada Buildings; (c) between the Court House and Historic Properties; (d) between Historic Properties and the Department of National Defence area parking.	None of these views is applicable to this proposal.
5.4.2 Views of the Harbour should be opened up as development opportunities allow along the axis of Cheapside.	This view is not applicable to this proposal.
5.4.3 Views of the Harbour from Citadel Hill shall be preserved as specified in the Views By-law.	There is a view plane over the site. The proposal is at a height that is below the view plane and there is a requirement in the proposed development agreement that this is to be confirmed by a Surveyor.
5.4.4 Roof areas of new developments, which can be seen from the Citadel, from taller buildings, or from other parts of the City, should be designed to be not only visually attractive, but, where appropriate, to provide open space for public use and circulation.	The proposal has an attractive "butterfly" type roof. This is a private development where it would not be appropriate to provide public open space upon the roof top.
Scale and Design Detail	
Objective: A high quality of design and construction of buildings of human scale which reflect the architectural and topographical characteristics of the HWDA and of the CBD.	
5.5 Repealed.	

Attachment B Review of Review of the HWDA Secondary Plan Objectives and Policies	
Policy	Comment
5.6 The character of the HWDA should be reinforced through the control of urban design details such as massing, texture, materials, street furniture, and building lines.	The proposal is consistent with this policy through the scale of the development and its relationship to abutting sidewalks so as to promote an active pedestrian environment.
5.6.1 The exterior architectural design of new buildings should be complementary to any adjacent ones of historic or architectural significance, or important to the character of Halifax. In such instances, the careful use of materials, colour, proportion, and the rhythm established by surface and structural elements should reinforce the similar aspects of the existing buildings.	See the main part of the report for detailed discussion.
5.6.2 For any development project, the design of the pedestrian movement system and associated open spaces within the HWDA shall show consideration of:	
5.6.2.1 Freedom from pedestrian hazards, including the provision of ramps, curbs, and access for strollers, wheelchairs, etc.;	There is no public open space associated with the development. If the sidewalk needs to be reinstated as a result of the development, its design will incorporate such features as required through HRM's Capital District standards.
5.6.2.2 Easy access for the blind with recognizable paving textures;	There is no public open space associated with the development. If the sidewalk needs to be reinstated as a result of the development, its design will incorporate such features as required through HRM's Capital District standards.

Attachment B Review of Review of the HWDA Secondary Plan Objectives and Policies	
Policy	Comment
5.6.2.3 Quiet and protected areas for resting and sheltering from inclement weather;	There is no public open space associated with the development. Shelter may be provided with the installation of canopies that will be considered by HRM through its permitting processes.
5.6.2.4 Protection for pedestrians from nearby vehicles;	The sidewalk around that site provides protection for pedestrians.
5.6.2.5 Convenient drop-off and pick-up points for vehicles and taxis;	Such pick-up points will be upon the existing streets. The ability to establish laybys and taxi stands is a matter that can be considered through separate HRM permitting processes.
5.6.2.6 Sunlight penetration into pedestrian routes;	While the proposed building is taller than the existing buildings on the subject site and this results in a greater degree of shadow-cast, this is not so significant to have a demonstrable impact upon either Hollis or Morris streets. Furthermore, neither street is considered to be an important pedestrian route.
5.6.2.7 The design and location of all street furniture, including public information boards, seats, planters, lamp standards, trash holders, kiosks, public washrooms, and the coordination of all retail signs, building signs, directional signs, internally-illuminated signs, etc.;	If the sidewalk needs to be reinstated as a result of the development, its design will incorporate such features as required through HRM's Capital District standards.
5.6.2.8 Access for services, including cables, ducts, water lines, and eliminating overhead wires from public circulation and traffic areas.	This will be achieved through HRM's engineering standards.

Attachment B Review of Review of the HWDA Secondary Plan Objectives and Policies	
Policy	Comment
<p align="center"><u>Micro-Climate</u></p> <p>Objective: The creation of micro-climates acceptable to normal human activities in their immediate vicinity, through the form and positioning of public open spaces and of new development neighbouring such spaces.</p>	
5.7 The design of development projects should attempt to ensure that wind levels on outdoor pedestrian routes and on public open spaces will be acceptable (see Section III, Policy 7.5.1).	A report has concluded that the project is not expected to have a negative effect upon the sidewalk areas.
5.8 The design of development projects should attempt to ensure that there will be a minimal amount of shadow cast on the public open spaces (see Section III, Policy 7.6).	There is no public open space associated with the development. While the proposed building is taller than the existing buildings on the subject site and this results in a greater degree of shadow-cast, this is not so significant to a have a demonstrable impact upon either Hollis or Morris streets. Furthermore, neither street is considered to be an important pedestrian route.
5.9 The creation of a physical environment in which pollution with respect to air, water and sound is controlled to ensure conditions that are acceptable and attractive to human activity (see Section III, Policy 7.7).	There are no observed features of this development that would create such issues.
<p align="center"><u>6. PUBLIC UTILITIES - INFRASTRUCTURE</u></p> <p>Objective: The creation of an efficient and flexible underground infrastructure which will complement the existing and future systems of the CBD.</p>	
6.1 The City should require the undergrounding of electricity and telephone cables, etc., particularly in new developments, and in areas or streets of identified historic or architectural merit.	All such services will be underground.

Attachment B Review of Review of the HWDA Secondary Plan Objectives and Policies	
Policy	Comment
6.2 The amount of development shall be related to the capacity of existing and planned sewer, water and pollution control systems, not only of the HWDA, but also of the City, and shall not exceed the capacities of those systems.	There is sufficient capacity to service the development.
6.3 Priority should be given to the identification, development, and incorporation of comprehensive servicing systems, particularly in the CBD area, which will make a positive contribution toward energy conservation.	No opportunities for comprehensive service systems were presented through this proposal.
<u>7. PHASING OF DEVELOPMENT</u> Objective: That development be undertaken in accordance with a program which provides for early public use of the HWDA, and which minimizes disruption of activities and amenities in the area.	
7.1 The amount of development of each type of use at any time during the development of the HWDA shall contribute to the objective of achieving mixed use of the area.	This is achieved through the mixed development components of this proposal.
7.1.1 The provision of pedestrian routes down to and along the water's edge, in accordance with Policies 1.3 and 4.1.1 of this Section, should be provided as part of any interim or first stage of development.	The Morris Street sidewalk alongside the site will be retained as a part pedestrian route that leads to Lower Water Street.
7.1.2 Sites and buildings which are acquired by any public agency for the comprehensive development of the area should be upgraded for interim	This policy is not applicable in evaluating the suitability of the proposed development.

Attachment B Review of Review of the HWDA Secondary Plan Objectives and Policies	
Policy	Comment
uses, where feasible, until such time as the site or building is required for development.	
7.2 The phasing of development within the CBD sub-area should be coordinated with the plans for the provision of transportation, sewer, and water infrastructure.	This policy is not applicable in evaluating the suitability of the proposed development.

Attachment C Review of Most Applicable Section II City-Wide Objectives and Policies	
Policy	Staff Comments
<u>1. ECONOMIC DEVELOPMENT</u> Objective: The development of the City as a major business, cultural, government, and institutional centre of Atlantic Canada, while enhancing its image as a place to live and work.	
1.2 The City should strive to expand its tax base so that it can maintain its tax rates at levels that are competitive with other municipalities of the region.	Given the increase in the assessed value of the re-developed site, this proposal would expand HRM's tax base.
1.2.1 The City should seek to provide municipal services commensurate with the capacity of its tax base and the high standard of living and working environments essential to encourage growth and change.	Municipal services are already in place and can accommodate this proposal.
1.2.2 In considering new development regulations and changes to existing regulations, and development applications, the City shall give consideration of any additional tax revenues or municipal costs that may be generated therefrom.	A full analysis has not been undertaken, but additional tax revenue is anticipated as a result of the proposal.
1.6 The City should direct the location of development in a manner consistent with its capital program, and economic, social and environmental objectives.	The location and the type of development is consistent with HRM's capital program, and economic, social and environmental objectives.
<u>2. RESIDENTIAL ENVIRONMENTS</u> Objective: The provision and maintenance of diverse and high quality housing in adequate amounts, in safe residential environments, at prices which residents can afford.	
2.1 Residential development to accommodate future growth in the City should occur both on the Peninsula and on the Mainland, and	The proposal is consistent with this policy.

Attachment C Review of Most Applicable Section II City-Wide Objectives and Policies	
Policy	Staff Comments
should be related to the adequacy of existing or presently budgeted services.	
2.1.1 On the Peninsula, residential development should be encouraged through retention, rehabilitation and infill compatible with existing neighbourhoods; and the City shall develop the means to do this through the detailed area planning process.	The proposal is consistent with this policy. See the main part of the report for detailed discussion.
2.2 The integrity of existing residential neighbourhoods shall be maintained by requiring that any new development which would differ in use or intensity of use from the present neighbourhood development pattern be related to the needs or characteristics of the neighbourhood and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.	<p>This proposal contributes and strengthens the neighbourhood. See the main part of the report for detailed discussion.</p> <p>Policies 3.1 and 3.2 are not applicable as 3.1 has been repealed and 3.2 simply outlines that additional development controls should be instituted.</p>
2.4 Because the differences between residential areas contribute to the richness of Halifax as a city, and because different neighbourhoods exhibit different characteristics through such things as their location, scale, and housing age and type, and in order to promote neighbourhood stability and to ensure different types of residential areas and a variety of choices for its citizens, the City encourages the retention of the existing residential character of	This proposal contributes and strengthens the neighbourhood. See the main part of the report for detailed discussion.

Attachment C Review of Most Applicable Section II City-Wide Objectives and Policies	
Policy	Staff Comments
<p>predominantly stable neighbourhoods, and will seek to ensure that any change it can control will be compatible with these neighbourhoods.</p>	
<p>2.4.1 Stability will be maintained by preserving the scale of the neighbourhood, routing future principal streets around rather than through them, and allowing commercial expansion within definite confines which will not conflict with the character or stability of the neighbourhood, and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</p>	<p>The proposal is consistent with the scale of the neighbourhood and strengthens its character. See the main part of the report for detailed discussion.</p> <p>Policies 3.1 and 3.2 are not applicable as 3.1 has been repealed and 3.2 simply outlines that additional development controls should be instituted.</p>
<p>2.6 The development of vacant land, or of land no longer used for industrial or institutional purposes within existing residential neighbourhoods shall be at a scale and for uses compatible with these neighbourhoods, in accordance with this Plan and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</p>	<p>This policy is not completely applicable as the subject site is not vacant.</p> <p>Policies 3.1 and 3.2 are not applicable as 3.1 has been repealed and 3.2 simply outlines that additional development controls should be instituted.</p>
<p>2.7 The City should permit the redevelopment of portions of existing neighbourhoods only at a scale compatible with those neighbourhoods. The City should attempt to preclude massive redevelopment of neighbourhood housing stock and dislocations of residents by encouraging infill housing</p>	<p>This project is at a scale that is compatible with the existing neighbourhood based upon the attributes of the site and its surroundings.</p> <p>Much of this policy refers to "massive redevelopment" which is not applicable to this proposal.</p> <p>Policies 3.1 and 3.2 are not applicable as 3.1</p>

Attachment C Review of Most Applicable Section II City-Wide Objectives and Policies	
Policy	Staff Comments
and rehabilitation. The City should prevent large and socially unjustifiable neighbourhood dislocations and should ensure change processes that are manageable and acceptable to the residents. The intent of this policy, including the manageability and acceptability of change processes, shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.	has been repealed and 3.2 simply outlines that additional development controls should be instituted.
2.8 The City shall foster the provision of housing for people with different income levels in all neighbourhoods, in ways which are compatible with these neighbourhoods. In so doing, the City will pay particular attention to those groups which have special needs (for example, those groups which require subsidized housing, senior citizens, and the handicapped).	Housing for these groups has not been specifically provided for with this development. However, this form of housing does provide greater options to those seeking residence in the Downtown.
<u>3. COMMERCIAL FACILITIES</u> Objective: The provision of commercial facilities appropriately located in relation to the City, or to the region as a whole, and to communities and neighbourhoods within the City.	
3.2.3 Section IV of this Plan shall constitute the basis for decision-making by the City in the Waterfront Development Area. For clarity, Section IV may be interpreted by reference to Section III where appropriate.	Attachment A provides a review of the Section IV objectives and policies. The CBD Section policies have not been cited in this report and the site is outside the CBD boundary.
<u>6. HERITAGE RESOURCES</u> Objective: The preservation and enhancement of areas, sites, structures, streetscapes and conditions in Halifax which reflect the City's past historically and/or architecturally.	

Attachment C	
Review of Most Applicable Section II City-Wide Objectives and Policies	
Policy	Staff Comments
6.4 The City shall attempt to maintain the integrity of those areas, sites, streetscapes, structures, and/or conditions which are retained through encouragement of sensitive and complementary architecture in their immediate environs.	The project is sensitive to it surroundings. See the main part of the report for detailed discussion.
8. ENVIRONMENT	
Objective: The preservation and enhancement, where possible, of the natural and man-made environment, and especially of those social and cultural qualities of particular concern to the citizens of Halifax.	
8.2 In reviewing public and private land use proposals, including its own capital program, the City will take into account the social, physical, economic and aesthetic effects on the natural and man-made environment, and will establish and maintain appropriate procedures to take such effects into consideration in the approval process for such land uses.	This is considered through the entirety of this report and its review of applicable objectives and policies.
8.3 The City shall develop the means to assure the greatest possible degree of compatibility between new developments and desirable aspects or characteristics of the surrounding man-made and natural environment through regulatory procedures or special permit procedures, such as contract zoning, conditional zoning, etc. Preference should be given to development which is aesthetically pleasing, human in scale, and in harmony with the natural and man-made environment. A	<p>The relationship between the proposal and it surroundings has been considered within the entirety this report.</p> <p>The development of a requirement in the HMPS for an environmental impact statement has not been fulfilled.</p>

Attachment C Review of Most Applicable Section II City-Wide Objectives and Policies	
Policy	Staff Comments
requirement for an environmental impact statement should be implemented subsequent to completion and adoption of the Environment Strategy Statement as called for in Part III of this document.	
8.6 The City should make every effort to ensure that developments do not create adverse wind and shadow effects. The means by which this policy shall be implemented shall be considered as part of the study called for in Part III.	See Attachment A, policies 5.7 and 5.8.
8.7 The City shall attempt to ensure that air, water, soils, and noise pollution are minimized and do not damage the quality of life in the City.	No such impacts are anticipated with the proposal.
8.8 The City should protect vistas and views of significant interest.	Views along east-west streets are protected and are not impacted by this proposal.
8.2 In reviewing public and private land use proposals, including its own capital program, the City will take into account the social, physical, economic and aesthetic effects on the natural and man-made environment, and will establish and maintain appropriate procedures to take such effects into consideration in the approval process for such land uses.	This is considered through the entirety of this report and its review of applicable objectives and policies.

Architectural elevation drawing of the Residential Building and Morris Street. The drawing shows the building's facade with multiple windows and a central entrance. A dashed line indicates the 'Original Existing Building'. Dimensions are provided for various levels and setbacks. The drawing is oriented 'LOOKING TOWARDS HARBOUR'.

Residential Building Dimensions:

- Overall width: 13'-6"
- Overall height: 37'-0"
- Roof height: +82'-5 5/16"
- Setback from street: 25'-0"

Morris Street Dimensions:

- Street width: 55'-0"
- Setback from building: 40'-0"
- Setback from original building: 44'-0"
- Setback from original building: 55'-11"

Building Levels and Elevations:

- +145'-7" ELEVATOR
- +143'-7" ROOF
- +132'-11" 10TH LEVEL
- +128'-3 1/4" 9TH LEVEL
- +114'-1 1/2" 8TH LEVEL
- +105'-0 3/4" 7TH LEVEL
- +95'-0" 6TH LEVEL
- +85'-11 1/4" 5TH LEVEL
- +77'-10 1/2" 4TH LEVEL
- +68'-9 3/4" 3RD LEVEL
- +57'-4" 2ND LEVEL
- +48'-3" 1ST LEVEL
- +35'-2 1/4" P1 PARKING LEVEL
- +27'-1 1/2" P2 PARKING LEVEL
- +22'-0" FOOTING PLAN

Original Existing Building Levels and Elevations:

- +145'-7" ELEVATOR
- +143'-7" ROOF
- +132'-11" 10TH LEVEL
- +128'-3 1/4" 9TH LEVEL
- +114'-1 1/2" 8TH LEVEL
- +105'-0 3/4" 7TH LEVEL
- +95'-0" 6TH LEVEL
- +85'-11 1/4" 5TH LEVEL
- +77'-10 1/2" 4TH LEVEL
- +68'-9 3/4" 3RD LEVEL
- +57'-4" 2ND LEVEL
- +48'-3" 1ST LEVEL
- +35'-2 1/4" P1 PARKING LEVEL
- +27'-1 1/2" P2 PARKING LEVEL
- +22'-0" FOOTING PLAN

 $1/16" = 1'-0"$

STREET SECTION

SCALE IF PRINTED ON 11X17 PAPER
Plotted on 3/25/2009 at 10:38 AM

Attachment E - Public Information Meeting Minutes

**Case 01162
June 25, 2008**

In attendance: Councillor Sloane
Luc Ouellet, Planner
Hilary Campbell, Planning Technician
Gail Harnish, Planning Services
Michael Napier, Architect
John Lawan, Dixel Developments Limited
Dragan Moraca, Dixel Developments Limited

Opening remarks, introductions, purpose of the meeting

Mr. Luc Ouellet called the public information meeting (PIM) to order at approximately 7:00 p.m. in Halifax Hall. This meeting is the first chance for members of the public to get information about the proposal although we have posted the drawings online. This is the first opportunity to ask questions and make comments on the application.

Overview of planning process

Mr. Ouellet advised the application is for a development agreement to allow a 10-storey mixed use commercial/residential building at the corner of Hollis and Morris Street. Anything over 25' in this area needs a development agreement which requires Council approval. That 25' ceiling does not prevent development higher than that; it just needs to have more control and public participation. He reviewed the development agreement process:

- we did a preliminary review of the application
- we are now at the PIM
- following tonight's meeting, staff will do a detailed review of the application
- staff will prepare a staff report, with a recommendation, which includes a draft development agreement
- the report is tabled with the District 12 Planning Advisory Committee and the Heritage Advisory Committee
- the two Committees will forward their recommendation to Regional Council
- Regional Council will either reject the application or schedule a public hearing
- the public hearing is held if they proceed with the application
- there is an appeal process

Proposal

Mr. Michael Napier, architectural firm in Halifax, indicated he has been working with Dixel Developments for almost ten years. They have worked on various projects in this area which he briefly reviewed.

Mr. Napier advised the current owners have owned this building for approximately six years. The previous owner had done nothing with it over the years so the building is in hard shape. It used to be the Victoria Hotel and is now called Victoria Apartments. It is difficult to deal with the building in terms of electrical and Code issues. The wooden structure is not easily able to be renovated from what it is presently used for. It is a great place to live but has some limitations in the winter time. There is no insulation. This building which has 22 units uses more energy than the Waterford Suites down the street.

Mr. Napier indicated some of the issues with the current building are:

- there is no sprinkler
- there is no fire separation
- the exit system is not great, and
- there is inadequate surface parking so there are parking problems during the winter. That is a typical problem in downtown but the new building would address that.

Mr. Napier noted some of the advantages of their proposal are:

- it will be a quality building
- it will help the neighbourhood
- it is safer, greener, and has more open space
- the owner will keep these buildings for rental and will not sell them off for condominiums
- they want the building to last

Mr. Napier indicated in terms of the architecture of the building:

- they are going to be putting in geo-thermal which will be used for domestic hot water
- there are no low flow fixtures in the existing building
- they are going to be installing a grey water system to use in toilets
- they are trying to get this building up to a high LEED level

Mr. Napier stated the new urbanism is about people being able to live in downtown comfortably and not having to use cars. In terms of economics, there will be more people there, more density, more property tax, and there will be more people to help sustain the retail. Some of the businesses have come and gone. It is hard to maintain a business without people. There will be two full time resident managers living in the building.

Mr. Napier commented the 100+ employees during construction is great for cities but not necessarily great for the neighbourhood, particularly during construction.

Mr. Napier advised there will be two levels of underground parking with sixty four underground spaces. It will also accommodate bicycle parking and storage for the units and some mechanical areas.

Mr. Napier noted there will be a number of roof terraces at different levels. Also, there will be a gym for the residents. Most suites will have balconies. The building will be wheelchair accessible.

Mr. Napier indicated it will take almost two years for the building to be completed if things go well. There are approximately 63 units with one bedroom and bachelor units; 20 units with two and three bedrooms; and commercial on the ground floor, so there will be a density of 148 people. Also, there will be 9300 sq.ft. of open space and 3300 sq.ft. of green space.

Mr. Napier noted it is a corner building at Morris and Hollis Street. They are not trying to re-create the heritage building there now because they do not feel they can do that and give it justice. They picked a form that is typical of Hollis Street and the downtown. We have a five storey corner building. As we go down Hollis Street at this end (pointed out) they are bookended by a more traditional loft type building which is an industrial feel. As you look down Hollis Street, you see the Grain Elevators. At this end (pointed out), we have a residential feel building which is approximately the same size there now which will be shingled. The main entrance to the residential is on Morris Street and not Hollis Street. They want to bring the residents more to the residential area away from the hub of Hollis Street. There is a wider sidewalk in front of the building. They plan on adding trees and landscaping. The recessed entrance leads into the patio.

Mr. Napier indicated along the street level, they have the potential for 6000 sq.ft. of commercial. This portion (pointed out) is at grade. There is a fair slope going down Hollis and Morris Street so they have wheelchair accessibility on the corner and the other wheelchair entrance to the residential units is through the public podium at the back.

Mr. Napier said they are trying to have lots of potential for street interaction and pointed out the entrances to the retail and/or restaurant cafes. They want to try and address the street and keep it going. Behind the building is the residential portion. The residential portion is from here up (pointed out) but it is built into these traditional building elements. They wanted to have a building telling a different story than the base. All the mechanical equipment for this building is recessed into the roof.

Mr. Napier went on to display views looking down towards Morris Street, one looking up Morris Street, and the entranceway as you are coming up Morris Street. He also displayed a view coming

around the corner of Lower Water Street, which is one of the most important views. It is a very nice entrance to the City so this is one of the reasons they are trying to re-create a modern building. He displayed a night scene giving a bit of atmosphere as to what the corner could be.

Questions and comments from the public

Mr. O'Malley questioned what the rent would be for the new units.

Mr. Napier advised the rent would range from \$1000 to upwards of \$2200 for the penthouse units. The average rent would be around \$1200. The lower prices would be for the bachelor and one bedroom units.

Mr. O'Malley indicated there are numerous students living in this building. Students living in housing within the downtown will continue to be forced further out and increase their cost of living.

Mr. Napier stated that is always a problem with urbanization.

Mr. O'Malley commented they could alternatively invest in the building and continue to have students living there at a reasonable price.

Mr. Napier responded unfortunately investment and reasonable prices do not always match. To retrofit the building would cost more than a new building.

Mr. O'Malley commented that generally speaking as much as the green issues are important, they are indifferent to the student issues.

Mr. Napier responded he has a son going to NSCAD who is in the same boat. That is part of downtown living. Some cities have great stock where you can put a lot of people into them but Halifax is losing that. We are a peninsula. As it gets denser, it is harder to find places to live.

Mr. Phil Pacey, President of Heritage Trust of Nova Scotia, stated the Trust has not discussed this project because they have not seen it. There are a number of comments he would like to make. He was really annoyed to hear Mr. Napier, a professional architect, talk about it being cost prohibitive to repair the building. It is well established that virtually any existing building is less expensive to repair than it is to build new. That has been established time after time. He asked Mr. Napier if he was a graduate of Dalhousie.

Mr. Napier advised he graduated from the Technical University.

Mr. Pacey referenced the 25' height limit and indicated once you get past that height, you look at the policies in the municipal planning strategy (MPS). The policies in the MPS say that low rise high density residential is favoured in this area. What we have already on the site is a low rise high density building. A number of people who live in that building are here tonight and can attest to the fact that it can contain a number of people. Low rise high density residential is defined in the MPS as being four storeys; roughly the height (3-5 storeys) of the existing building. That is the height the MPS calls for - not a ten storey building.

Mr. Pacey indicated Policy 5.6.1 in the MPS says new buildings should complement existing buildings and should reinforce their character and it lists four characteristics which should be reinforced:

- materials - we have several heritage buildings in the vicinity and these buildings are wood. They are 2.5 storeys high. What we should be looking for on this site is a wooden building. That is the material that would reinforce those buildings and would be appropriate.
- colour - we should be looking at colours that are similar to the existing building. The heritage buildings in the area would be the Morris Terrace and a small building associated with Mr. Pryor, and then a series of buildings up Morris Street which is part of Haliburton Inn. There are lots of heritage buildings in the vicinity. Colour in terms of proportion and window driven. They are proposing that the upper portion would be a glass curtain wall which is clearly not the same rhythm as in heritage buildings. They are solid walls with punched window openings and that is the appropriate style for this location.

Mr. Napier clarified that it is not being proposed to be a curtain wall - only on the top floor. The tower portion is punched window openings with either precast materials or some other material but it would not be a glass material.

Mr. Pacey stated proportion includes height. They are looking at 2.5 storey buildings. That is very much higher than the building across the street and would dominate it. He referenced the buildings on the site which Mr. Ouellet said are not registered heritage buildings, but they are heritage buildings. It is not impossible to repair those buildings. He did not doubt it would require some work to repair them but it is not impossible to do so. People have done that time after time.

Mr. Pacey stated sloping floors is not an issue. Every wooden house in this city of any age have them and people live with them everyday.

Mr. Pacey noted in terms of affordability, the buildings there now are affordable. A concrete building would be more expensive. A concrete building is not a green building. Every ton of concrete produces a ton of carbon dioxide.

Mr. Pacey stated he got a little emotional when he heard somebody talk about it being financially impossible to repair a heritage building. There are people all over this city who fix up their

existing heritage buildings. It is a financially viable option. He would be glad to talk to them about ways in which they could produce a development for this site that would be in keeping with the MPS and hopefully could satisfy those policies.

Mr. Napier commented he loved heritage buildings probably as much as Mr. Pacey and did lots of heritage buildings himself. This is a very important block in downtown Halifax. It is beside an office building which is a high rise, and across the street from them is a six storey ugly brick apartment building. There are lots of buildings around this site that are not wooden frame. There are pros and cons to everything. Now that Nova Scotia Power are developing their project downtown, they need to do something with this site.

Mr. Ernie Brennan, Ketch Harbour, stated during his time as a planner they always had a PIM before this to find out what the public wanted to include in the design. They are this far down the road and have spent lots of money and are just coming to the public. For them he felt bad because he thought the planning process has been corrupted. The developers are given an impression that there is no problem with amending the MPS. Those planning strategies are set for a minimum of five years yet we amend them weekly. There are good developers in this city and they tend to take the advice of the City. What do we have to do (asked the property owner)? We bought this piece of property. There is risk and speculation and that is the nature of the game. The developer is in it to make money and they are into it to protect the city. He would agree with the heritage point of view. Retaining that building and that facade or whatever foundation has to be made, would make it a very desirable district. There is an opportunity to carry this height through and maybe eventually get rid of 5050 Terminal Road and continue it in the community like it used to be. It is a beautiful building. He has been in it a number of times. The architecture being proposed did not do anything for him. He hoped the developer listens and there are lots of people in the community who would work with them to build a building that suits the neighbourhood and meets his financial requirements.

Mr. Adam Conter, Halifax, commented in his recent time back in Halifax, coming back from Montreal, he noticed a stagnation in the city. He thought development is important, however, the comments earlier are very valid in terms of how we house students in the downtown. There is a move by universities to keep students closer to the universities.

Mr. Conter referenced a property just developed on the corner of Sherbrooke and St. Laurent in Montreal. That was an existing concrete structure that was completely retrofitted to look and resemble as it did in its glory day. The building being referenced today never had a glory day. When you walk by this area of town, that is a derelict building. Whether the responsibility is on the developer to keep it maintained or something, that is fine, but there is an issue with how it looks.

Mr. Conter noted in terms of how the building architecturally looked, he was surprised the comments seem to indicate there was not much to play on in terms of developing and maintaining that streetscape. He liked the recessed balconies. He thought that was kind of neat and to keep with a residential theme, he thought that was an aspect of the building that could be incorporated. There are aspects that are quaint for that neighbourhood that could be respected in some capacity. He questioned if this would be a LEED building.

Mr. Napier responded they would go after the LEED aspirations but probably would not file the paperwork because it is quite onerous. With all the things they have proposed, it would probably come out to a silver level.

Mr. Conter said he thought that would gain a lot of support from the public as they go forward. He was quite pro development but was also quite pro Halifax leading as an environmental centre and our potential to contribute that way.

Mr. Conter commented he got involved in these meeting as much as he could. People get really emotional about these things but if we could keep the decorum polite and not cut people off that is a much better way to present ourselves publicly. Everyone has different opinions and he did not think it was respectful for people who are in the profession to take challenges to their personal profession or role. It is their job to present the building and he would ask everybody to respect that people are not trained public speakers and there are no hidden agendas, and if we could just all discuss the proposal, that would be a much better decorum for the presentation. Thank you for trying to find a way to bring more people to the area. Although the new frontage looks interesting, there are some plays architecturally speaking that could highlight some of the nicer attributes of the existing structure.

Mr. Jonathan Moresky, resident who worked in the neighbourhood, indicated his family held real estate interests around this neighbourhood since the 1950s. These developers have done projects with speed, intuition, and grace. They have improved the quality of life in this neighbourhood and Nova Scotia through the tax dollars that are earned as a result of having high quality buildings. This is one of the most beautiful areas of the city and with this building it will be a testament for what this city stands for in terms of heritage as a mercantile cosmopolitan centre dedicated to the growth and enrichment of its citizens. Having surveyed many of the storeowners and office people, people are very excited about this project. People are pleased to support this project and we hope that everything goes well with it.

Ms. Beverly Miller questioned what their estimate was for rehabilitating the existing building and adding the piece onto the back versus new construction.

Mr. Napier responded they would be left with so little of the existing structure. To make the front work with the back, it was not possible.

Ms. Miller asked if they did an estimate.

Mr. Napier responded no, they did not bother to do that.

Ms. Miller questioned how much it would cost them to demolish the building.

Mr. Napier responded probably in the vicinity of \$200,000. Another individual concurred it would be in that range.

Ms. Miller questioned if there was asbestos in the building.

Mr. Napier responded there is no insulation in the building.

Ms. Miller questioned how many people were living in the building now.

Mr. Napier responded he thought most of the residents were in attendance. It was indicated there are twenty-two units with one to two people, so there may be thirty-five people.

Ms. Miller questioned what the rents were.

It was responded from \$775 to \$1200 for a two-bedroom unit.

Ms. Miller referenced the comment that the rents would not go up appreciably and stated the Greater Halifax Partnership did a survey of young adults who stayed in Halifax and then left. 42% of the young people surveyed thought that Halifax was too expensive. She questioned if this building is going to be positive for younger people or another building for millionaire older people.

Mr. John Lawen said they just finished the W suites and the average age of the residents is twenty-five which is probably younger than their other buildings in town. He did not think the price point distracted people from renting. They have young people, students, and older people. It is not limited to somebody who is wealthy.

Ms. Miller commented she thought the facade in the front of the building was fine. She was in East Berlin in 1965 and she thought that is what the back of it looked like.

Ms. Elizabeth Pacey asked for the slide with the two buildings to be shown. She commented the building may appear to be shabby but that is just a matter of upkeep.

Ms. Pacey said she wanted to backtrack to 1749. Morris Street was named after Charles Morris who is associated with the building to the right of the larger building and is also associated with

the larger building. The building to the right is the office of the Honorable Charles Morris. He was Nova Scotia's first surveyor and is a founder of Halifax in 1749. He, along with his engineer, laid out the town in 1749. This little house was his office. Back in the 18th century, offices looked like houses. It was formerly at the corner of Hollis and Morris Street and it was pushed back when the addition was put on the current building. He was very important to both Nova Scotia and Halifax. It is incredible that we have a building associated with a founder of Halifax still standing today. In that office is where he kept his bags of money, which he left to his son in 1781 with the same name and who was also a surveyor. There were fourteen bags of money and they were all 250 pounds. There were no banks then.

Ms. Pacey indicated the larger building which is now an apartment building was the home of the Morris dynasty and it faced on Morris Street. In the 1890s, it was purchased by the Manley family and they enlarged that home and turned it into a Queen Anne Hotel. It is now Victoria Apartments. This was in its original section associated with Charles Morris the 2nd and the Morris dynasty. The buildings have huge historic importance. The one to the right is interesting architecturally and is one of the only bell cast roofs in Halifax.

Ms. Pacey noted during the HRMbyDesign process, she was asked to pinpoint some extremely historic buildings in the Old South Suburb and a large map was drawn up. Buildings with this kind of heritage and background associated with a founder could possibly be an enormous asset to Halifax. The buildings that were on the waterfront that are now part of our Historic Properties were derelict and condemned. They were beautifully restored and are now a huge historic attraction and a major historic site. The Old South Suburb, the earliest residential portion of Halifax, is coming up in its look and a lot of the houses have been beautifully fixed up. These could as well and be used as a flagship for this development.

Mr. Dobsig said he lived in the building and he was the oldest one living there. He would like to offer the Pacey's with some perspective. He really liked living in this building. It is very romantic and many artists of many generations have lived there. There is a lot to be celebrated but one has to be realistic. You talk about founding fathers having contributed to this corner dramatically as compared to Historic Properties. He lived in historic buildings from the 1600s and 1700s in downtown Switzerland and Freeport, but these are buildings comparable to Historic Properties and not to structures like this which have been neglected for decades. Having lived there for a long time, he was quite impressed with how the owners took care of it and tried to work with it and what they tried to do but there is an alternative. The Heritage Trust could do a fundraising effort to buy this corner and build something that retains this fragile structure. That has been done all over the world. Sometimes that works out but sometimes it is a bit of a joke because you just end up with the veneer and have to do everything behind it.

Mr. Dobsig commented if you look down Hollis Street towards Terminal Road, it is a disgrace. The whole streetscape with these power lines looks unsafe, so they have to look at the

bigger picture. He was for heritage and retaining it but what is there now is not exactly pretty. This new building with its colour and streetscape will add something, although he hated to get kicked out. Who is going to invest the money to make it liveable student housing? There are alternatives such as fundraising for a memorial on the Internet, but do not blame the developers for trying to make a business out of it.

Mr. Sam Austin said he lived in one of the buildings that would get knocked down. He was curious how many students found out by flyer in their mailboxes last night about this meeting. He was not against this project but was upset with the way this has been done.

Mr. Austin referred to Section 9.3.3 of the Regional MPS which talks about outreach for inclusiveness. Some individuals and groups may feel under-represented in municipal decision-making. This may be due to any number of reasons such as logistical challenges, inadequate notification, lack of available time, scheduling conflicts, fear of public speaking, or a perception that their comments may not be welcome or ignored. Effort is needed to outreach to those who typically do not participate.

Mr. Austin said he felt the residents of this building fit that category. They are students and are low income and are people who do not normally participate but they will be dramatically affected. They will lose their home. Young people in the future will not have a chance to live in this building that has traditionally been a spot of low income in the South End. They will be impacted but what has been done to outreach them? The developer was good enough to have a public session at the Superstore and sent out an invitation to the community. He never received an invitation but he heard about it from a friend who lived in a condominium across the street. When he did crash the gate, they were good in addressing them and tried to address their questions. In terms of HRM, he did not get any formal notice. He kept waiting for a letter to arrive but he received nothing. There is a notification area shown on the map on the proposal fact sheet but it is only for property owners. This is very much a rental neighbourhood so that does not do a lot. The sign on the building, which is mandatory, is off on the corner of Morris Street and not near Hollis Street where everyone walked. It just says there is a proposal but says nothing about the process and that there would be a public meeting. It only has a phone number. What do you mean by re-develop? He thought we can do better as a City in making this a true public participation process. He was a planning student at Dalhousie and just graduated so he had a bit of a knowledge base but not everybody had the same advantage. Perhaps when it comes time for a public meeting there will be an invitation from the developer or the City for everybody in the neighbourhood.

Mr. Ouellet indicated this is something the Municipality is looking into. It is important for people to sign the sign-up sheet so they can be added to the mailing list. The *Municipal Government Act* only requires that notice of the public hearing be placed in a local newspaper two consecutive weeks in advance of the public hearing. HRM has traditionally gone beyond that by holding a PIM and we send notification to the property owners. In addition, we require that a sign be posted

on the property. The number on the sign is directed to the Planning office. We are trying to do better. The renderings are online, which has only been happening for the past couple of months. All the cases are not there yet. We will be attempting to put as much information there as possible in the future.

Councillor Sloane spoke in favour of the web site being added to the sign posted on the property. She asked for confirmation that the tenants did not receive notification because they are not property owners.

Mr. Ouellet advised that we get our information from the Provincial data base. We are looking at different ways to reach a larger audience.

Mr. Paul Moran indicated he read the information on the web page and referenced a concern about shadowing and wind tunneling. He asked if they considered the recent development at Keiths Brewery that would be a 21 storey building.

Mr. Napier responded they have done shadow studies.

Mr. Moran questioned if they included recent developments in the area.

Mr. Napier responded they have not done any wind tunnel testing. What you saw is part of the Halkirk development. They have invested a lot of time and money but it is still at a preliminary basis. If this project evolves, those studies could be further implemented.

Mr. Ouellet confirmed we have received shadow analysis for this application. It may not be online yet but should be in the next week or so. Typically they include what is built and they do not look at proposals for other projects because they may never happen. We look at shadowing on public spaces which would be the waterfront and Cornwallis Park. It is not that there can be no shadows but it has to be an acceptable level.

Mr. David Tallis commented students are obviously affected but people who live around that building are as well and asked how it would affect the cafes or local businesses. This has been a one sided meeting so far. He questioned whether any studies have been done to determine how it would affect the community.

Mr. Napier stated they did hold their meeting last week but unfortunately they did not have many people in attendance. They had one representative from the local businesses who spoke to them. It appears maybe the students were not invited.

Jonathon stated it would be great for local businesses and for the neighbourhood. The people would be shopping and eating at restaurants. It will create what has been a very dilapidated

neighbourhood into a dynamic part of the city. He thought everybody around there is looking for the project to proceed.

Ms. Joanne David stated her husband owns a business on Barrington Street. A lot of work has been done by them to give the area a face lift. She took the former spot of Alis and next door to her is the photography co-op. They have been there for almost two years. Since the W building went up, everybody has done a little bit to the neighbourhood, and they have entirely different people coming out. There is people living downtown and they are happy to see more life.

Ms. Joanne Macrae said she moved to Halifax in 1999. She moved into the building in 2002 so she probably lived there the longest. She fell in love with this building when she first moved to Halifax and wanted to live there. As soon as an apartment became available, she went and saw it and has lived there since then. It is where she created most of her memories so far in Halifax. She loved the location and wanted to be close to the Farmers Market. It is a beautiful building They are proposing to take this building down which she always knew was a possibility. It is not the best use of land. If a design could be done that would allow more people to be on that corner, in some ways that would be better. She has been one of the few lucky ones who have had a chance to live there. It might be a bit presumptuous but she would like to invite anybody in Halifax who ever lived in this building to a wake. She thought they need to have some kind of celebration for the new and what is to come. We have to shift the way you look at development and get into conversation about things that matter.

Ms. Miller questioned whether he said open space is only park.

Mr. Ouellet responded the policies on shadowing are on the public open space.

Ms. Miller said she believed the MPS identified sidewalks as well.

Mr. Paul Moore noted a lot of people have focused on shadows but wind tunneling is a concern as well. They also mentioned the view walking up from the harbour. Right now behind the building there are trees which is nicer than looking at a building with decks. Will there be more greenery of the area as opposed to a couple of trees on the sidewalk?

Mr. Napier responded the property referenced was owned by NSP and not part of this property. It butts up directly against the fence. At some point they could build directly up to that. HRMbyDesign allows them more height on that portion than this site. They intend to have a green growing wall because it is a fire wall.

An individual stated this is all fantastic. This as an opportunity. Make this a celebration of the integration of the old and combine this with a celebration of the new which is higher density. They desperately need more people downtown. This building has a chance with its green wall and

a commitment to go beyond LEED. Let's do much more than a wake - let's do a celebration. He wanted to be one of the last people living there. They could make this an art gallery in its remaining years. Dexel is quietly putting up quality buildings in the downtown.

The meeting adjourned at approximately 8:20 p.m.