



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

Item No. 9.1 (i)

Halifax Regional Council  
August 5, 2008

*August 12, 2008*  
*September 9, 2008*  
*September 16, 2008*

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:

A handwritten signature in cursive script, appearing to read "Heather Ternoway", written over a horizontal line.

Heather Ternoway, Chair, District 12 Planning Advisory Committee

DATE: July 10, 2008

SUBJECT: Case 01114: Development Agreement - Hollis/Duke/Upper Water

**ORIGIN**

District 12 Planning Advisory Committee meeting - July 7, 2008

**RECOMMENDATION**

**The District 12 Planning Advisory Committee recommend that Regional Council:**

1. Reject the proposed development agreement, as contained in Attachment A of the staff report dated June 16, 2008, to allow for the redevelopment of 1855-1873 Hollis Street, 1860-1870 Upper Water Street and 5143 Duke Street, Halifax, as it does not meet certain policies from the Halifax Municipal Planning Strategy and the Regional Plan.

## BACKGROUND/DISCUSSION

The District 12 Planning Advisory Committee is recommending rejection of the proposed development agreement because it feels the proposed development does not meet the below listed policies from the Halifax Municipal Planning Strategy and the Regional Plan:

### Policy CH-1(f)(i) of the Regional Plan

- CH-1(f) that redevelopment of a municipally registered heritage property, or any additions thereto shall respect and be subordinate to any municipally registered heritage property on the site by:
- (i) conserving the heritage value and character-defining elements such that any new work is physically and visually compatible with, subordinate to and distinguishable from the heritage property;

The Committee felt the proposed building would dominate the existing heritage buildings as opposed to it being subordinate. It was felt the building would loom over the Morris Tea building, particularly from the Barrington Street side.

### Policy CH-1(f)(iii) of the Regional Plan

- CH-1(f) that redevelopment of a municipally registered heritage property, or any additions thereto shall respect and be subordinate to any municipally registered heritage property on the site by:
- (iii) placing a new addition on a non-character-defining portion of the structure and limiting its size and scale in relationship to the heritage property;

There was concern about the building mass and scale.

### Policy CH-1 (a) of the Regional Plan

- CH-1(a) that any municipally registered heritage property covered by the agreement is not altered to diminish its heritage value;

### Policy CH-1(b) of the Regional Plan

- CH-1(b) that the development maintains the integrity of any municipally registered heritage property, streetscape or heritage conservation district of which it is part;

Policy CH-1 (c) of the Regional Plan

CH-1(c) that significant architectural or landscaping features are not removed or significantly altered;

Because the site investigation work has not yet been completed, there is some uncertainty about the stability of the building. There is concern about the building being able to be preserved if the structural integrity is severe.

Policy 6.4.1 of the Halifax Municipal Planning Strategy

6.4.1 The City shall regulate the demolition and exterior alterations under the provisions of the Heritage Property Act, and should secure inducements for retention, maintenance and enhancement of registered heritage properties.

It was acknowledged the second and third storey of the building are stepped back 10' but then the next storey goes back out. It was suggested they should have continued with the stepping back. It was felt the recess on the eighteenth level does not step back the building for a pedestrian experience. There is an initial step back and then there is a rectangle on top of the building.

Policy 5.4.4 of the Halifax Municipal Planning Strategy

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.

It was felt the details in terms of the massing of the roof were contradictory to the notion not to compete with the roof lines of the existing heritage buildings.

Policy 5.6.1 of the Halifax Municipal Planning Strategy

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.

It was felt the proposed building should be complementary to the heritage buildings. The details should have reflected the heritage buildings as closely as possible.

The following concerns were also raised:

- Clause 3.21( c) of the development agreement says the Development Officer may approve the following variations to the Schedules:
  - (c) significant alterations to the municipally registered heritage buildings;

The Heritage Advisory Committee is the body which reviews “substantial” alterations to municipally registered heritage properties. It was felt that any significant alternations should be reviewed by that group.

- It was questioned whether there should be parking provided in the basement level, particularly if there are concerns about possible flooding.
- The gateway that exists between the Morris Tea building and Sweet Basil is an entry point to Historic Properties. What is left is two iron stone walls as a walkway into Heritage Properties, which pales in comparison to what exists.

## **ATTACHMENTS**

Staff report dated June 16, 2008



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

District 12 Planning Advisory Committee - June 23, 2008  
Heritage Advisory Committee - June 25, 2008

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

**SUBMITTED BY:**

A handwritten signature in cursive script, appearing to read "Dan English".

Dan English, Chief Administrative Officer

A handwritten signature in cursive script, appearing to read "Wayne Anstey".

Wayne Anstey, Deputy Chief Administrative Officer - Operations

**DATE:** June 16, 2008

**SUBJECT:** Case 01114: Development Agreement - Hollis/Duke/Upper Water

### ORIGIN

Application by The Armour Group Limited to consider by development agreement the redevelopment of 1855-1873 Hollis Street, 1860-1870 Upper Water Street and 5143 Duke Street (PID #'s 00002303, 00002279, 00002311 and 00002287), Halifax, to allow for a 9 storey retail/office building with underground parking.

### RECOMMENDATION

**It is recommended that the District 12 Planning 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 the redevelopment of 1855-1873 Hollis Street, 1860-1870 Upper Water Street and 5143 Duke 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.

It is recommended that 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 the redevelopment of 1855-1873 Hollis Street, 1860-1870 Upper Water Street and 5143 Duke Street, Halifax, and schedule a public hearing;
2. Approve the demolition of the Imperial Oil building located at 1860 Upper Water Street;  
**and**
3. Approve the development agreement, as contained in Attachment A.
4. 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

The application proposes to redevelop a group of low-rise municipally registered heritage buildings into a single 9-storey retail/office building with underground parking, by development agreement. The subject lands are bounded by Upper Water Street, Duke Street, Hollis Street and the Morse's Tea Building. Generally, the Developer is proposing that the facades of the municipally registered heritage buildings be maintained, that new infill facades be introduced within the pedestrian realm which maintain the rhythm of the existing heritage facades, and that an addition of between 6-7 storeys be added to the roof. The infill facades are to be constructed out of traditional materials, while the roof top addition is to be clad in non-reflective glass.

The Developer maintains that the municipally registered heritage buildings are now functionally obsolete due to the fact that their upper floors were integrated via stairs in 1973 to facilitate classroom and office demand for the Nova Scotia College of Art and Design (NSCAD) University, who occupied the space until 2007. While the interconnected space served the needs of NSCAD University well, it is not space that is appropriate for modern office use.

The direction being taken with the proposal has been referred to as the "Founders Square approach", for which The Armour Group was also the developer. This approach is to preserve the facades of the municipally registered heritage buildings, while creating new interior space that conforms to modern standards and codes for commercial use. The Developer asserts that preserving the exterior historical fabric is a very difficult, time consuming and expensive construction and development to undertake and requires a large total floor area over which to allocate the extra/over costs of the heritage building retention and restoration to make the development economically feasible in a competitive office rental market.

Staff feels that the proposed re-development of the subject properties into a single, 9 storey commercial building meets the intent of both the Halifax Municipal Planning Strategy and the Regional Plan and that the proposed project is an appropriate re-use of the four existing municipally registered buildings.

## **BACKGROUND**

### **Site Description:**

The site is made up of four separate parcels of land located on the block bounded to the east by Upper Water Street, to the south by Duke Street, to the west by Hollis Street and to the north by the Morse's Tea Building (refer to Map 1). They include the following properties :

- 1870 Upper Water Street (PID # 00002311), which contains one building;
- 1860 Upper Water Street/5143 Duke Street (PID # 00002303), which contains one building;
- 1855-1865 Hollis Street/1866 Upper Water Street (PID # 00002279), which contains three buildings; and
- 1873 Hollis Street (PID # 00002287), which contains one building.

The site abuts the Morse's Tea Building, which is not part of this application but is also a municipally registered heritage building. Detailed information on the history, the character defining elements, and the registration status of the four municipally registered heritage buildings is contained in Attachment B.

### **The Proposal:**

The Armour Group Limited proposes to establish a nine storey office building with ground level retail and a single level of underground parking upon lands that are currently comprised of four properties located on Upper Water Street and Hollis Street (Map 1). Four of the five buildings located on the subject site are municipally registered heritage buildings, they include:

- 1855-1859 Hollis Street: The Shaw Building c. 1903);
- 1861-1863 Hollis Street: Fishwick Building c. 1820);
- 1865 Hollis / 1866 Upper Water Street: Harrington (MacDonald-Briggs) Building c. 1820);
- and,
- 1860 Upper Water Street: Imperial Oil Building c. 1926).

The Armour Group proposes to retain and incorporate the facades of these buildings into the new development. One of these, the Imperial Oil facade, may need to be removed (technically demolished) and then rebuilt, depending upon the condition of its foundation. The resulting development will be comprised of:

- The retained facades of the heritage buildings;

- The new sections of the development that will largely be prominent above the height of the existing historical building facades and which will be comprised of glass curtain wall;
- A new parking garage entrance located on Upper Water Street, adjacent to the Morse's Tea building; and
- Infill facades that maintain the rhythm of the existing heritage facades.

The developer has stated that the building will meet the LEED Silver certification from the Canada Green Building Council. However, there is no HRM requirement for this standard to be met.

The development proposal includes the demolition of 1870 Upper Water Street occupied by the Sweet Basil restaurant. This is not a registered heritage property.

#### **Highlights of the Draft Development Agreement:**

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

- Maximum height of 114 feet;
- Controls on building siting, massing and scale;
- Architectural details regarding building materials, colours and textures;
- Controls over the dismantling and rebuilding of municipally registered facades;
- Requirement to respect Citadel view plane and ramparts regulations;
- Requirement for consolidation of all four parcels into one lot;
- Minimum of 16 parking spaces;
- Up to 85,000 square feet of rentable commercial space; and,
- Flexibility to allow changes in internal layout.

#### **MPS Designation, Zoning and Heritage:**

All four parcels are located within the Halifax Waterfront Development Plan Area and are designated Commercial under the Halifax Municipal Planning Strategy (MPS) and zoned C-2 (General Business) under the Halifax Peninsula Land Use By-law (LUB) (see Maps 1 and 2). The subject properties are also located within Schedule J, which requires a development agreement for any development greater than 25 feet in height. The site is covered by View Plane # 3.

The Regional Plan is also to be considered in evaluating this proposal as it contains policies relative to redevelopment in the context of existing and abutting heritage properties. Further, the Heritage Bylaw and the *Heritage Property Act* (and its associated regulations) specify that any substantial alteration and demolitions to registered heritage properties are to be considered by Council. Should Council refuse the alteration or the demolition, the Developer would be delayed in altering or demolishing the buildings for one year, following which the alterations and demolition could proceed. However, any new buildings over 25 feet in height would still require development agreement approval by Council.



**Approval Process:**

The proposed draft development agreement, along with the demolition and substantial alteration approval, are under the jurisdiction of Regional Council. A public hearing, which is required prior to a decision by Council, may be held at the same time for both the development agreement and the demolition and substantial alteration approval.

**DISCUSSION**

**Rationale for Redevelopment:**

The four municipally registered heritage buildings were purchased by Historic Properties Limited in 1972 to accommodate the space needs of the Nova Scotia College of Art and Design University (NSCAD). The upper floors of the buildings were used by NSCAD until 2007, when the University vacated the buildings to occupy newly renovated space in the Seawall district of the Halifax waterfront. Presently, the upper floors of these buildings are unoccupied.

The Developer, who now owns all four buildings, advises that the buildings are functionally obsolete, due to the fact that their upper floors were integrated via stairs in 1973 to facilitate classroom and office uses for the University. While the interconnected space served the needs of NSCAD well, it is not space that is appropriate for modern office use. The Developer further maintains that the interconnected spaces within the buildings do not meet the requirements of current building codes and are incapable of subdivision. There are no elevators, no ventilation systems and/or air conditioning, no primary and/or secondary electrical and varying floor levels make servicing to modern standards impossible and existing code requirements unable to be met.

The direction being taken with the proposal has been referred to by the Armour Group as the "Founders Square approach", which the company also developed. This approach is to preserve the facades of the heritage buildings, while creating new interior space that conforms to modern standards and codes for commercial use. The developer asserts that preserving the exterior historical fabric is a very difficult, time consuming and expensive construction and development to undertake and requires a large total floor area over which to allocate the extra/over costs of the heritage building retention and restoration to make the development economically feasible in a competitive office rental market.

**Existing Policy Context:**

There are two main policy threads that govern the review of this application. The first thread includes policies found in both the Halifax MPS and in the Regional MPS, which address the retention, preservation, rehabilitation and/or restoration of municipally registered heritage buildings. The second thread, found in the Halifax MPS, is concerned with maintaining the status of the Central Business District (CBD) of Halifax, as the premier business centre of not only HRM, but of all of Atlantic Canada, and in doing so encourages the location of major office projects in the CBD, which

itself includes the subject site. In some ways, both of these policy threads are competing against each other, and it is therefore appropriate for Council to strike the right balance when evaluating an application against both.

### **Evaluation of Development Agreement Proposal:**

A detailed review of the most relevant policies is included as Attachment C to this report. In its evaluation of the application, staff felt that the proposal for a nine storey retail/office building is very much in keeping with the policies that specify that major office projects should be encouraged to locate in the Halifax CBD. It was also important that staff review the proposal against heritage policies found in both the Municipal Planning Strategy and the Regional Plan.

In consideration of the heritage policies, staff asked the following key questions:

1. Does the proposal diminish the heritage value or integrity of the municipally registered heritage buildings?
2. Are the additions physically and visually compatible with, subordinate to and distinguishable from the heritage property?
3. Is the rooftop addition set back adequately from the wall plane, such that it is as inconspicuous as possible when viewed from the public realm?

### Heritage Value and Integrity

The *Heritage Property Act* in Nova Scotia does not regulate the interior of a registered heritage building, but instead focusses on the exterior building envelope. In this case, all visible walls fronting on a street will be maintained, or when necessary, rebuilt (depending on structural viability) within the redevelopment proposal.

Of the four municipally registered heritage buildings, three of them have flat roofs. The fourth building has a pitched roof, which will be partially impacted by the addition, but a significant portion will remain visible and will maintain the perception of the roof line. Therefore, it is staff's opinion that the redevelopment proposal goes as far as it can to preserve both the heritage value and integrity of the 4 municipally registered heritage buildings by locating the new construction on the portions of the buildings (roofs) that are not character-defining.

### Compatibility of Additions

At street level, the empty spaces will be filled with 2-3 storey infill facades that will appear as separate buildings. The infill facades are both physically and visually compatible to the facades of the municipally registered heritage properties by their use of traditional materials (granite and sandstone) and scale. However, the fenestration patterns used on the infill facades are decidedly modern, which tend to distinguish them from the registered facades.

The change of material on the rooftop addition (primarily glass instead of brick and stone), distinguishes the addition from the historic facades of the municipally registered heritage buildings. In addition, because glass curtain wall systems are a modern construction technique, their use in the rooftop addition avoids the creation of a false historical appearance. The primary use of glass also brings a lightness of material, as well as a sense of transparency to the rooftop addition. This would result in the pedestrian's attention being focussed on the base of the building, which has heavier materials, while the airiness of the glass addition would somewhat blend itself into the sky. This treatment can be found to be visually complementary and subordinate to the facades of the registered buildings.

#### Rooftop Addition Stepback

The subject site is constrained by being one of the narrowest blocks in the CBD, which limits the distance that a rooftop addition can be reasonably stepped back from the facades. Therefore, in order to achieve a floor space that is suitable for office use, the stepback has to be kept to a minimum. In the case of the proposed redevelopment, the rooftop addition is proposed to be stepped back approximately 5 feet. It is important to note, however, that Duke Street, Upper Water Street and Hollis Street have narrow street rights-of-way. This contributes to mitigating the visible impacts of the rooftop addition, as individuals standing across the aforementioned streets would have to make an effort to look up to view the addition.

It is staff's opinion that the draft development agreement (Attachment A) will meet the intent of both the Halifax MPS and Regional MPS.

#### **Demolition of Heritage Buildings:**

A demolition permit was applied for on May 26, 2008 for the possible demolition of portions of the Imperial Oil building located at 1860 Upper Water Street. It will not be known if demolition will be necessary until more detailed investigative work on the foundation and pilings has been done. It is anticipated that this will occur during the redevelopment of the entire site.

The demolition permit is interdependent with the development agreement process for the redevelopment of this larger site. The usual process for the application to demolish a heritage property includes a sign be placed on the property, an ad placed in the newspaper for a public information meeting, and a hearing held by Council to make a decision. It has been determined that these steps will have been accomplished through the development agreement process, and that a duplicate demolition process would confuse the issue.

While the Developer has not made an application to demolish all the buildings it owns on the block, it is important that consideration be given to the fact that this could occur through a future application without a redevelopment proposal, as has occurred in other situations in Downtown Halifax. The *Heritage Property Act* only specifies a one year delay following the submission of a

demolition application and there is no requirement that a new development proposal be considered through that process.

While aspects of the heritage policies envision the complete retention of historical buildings, the reality is that the Municipality does not have the authority to require this. Furthermore, much of the policy direction envisions a certain degree of redevelopment that may occur with heritage buildings. The central consideration, therefore, in this application is the degree of alteration that is proposed and whether the important heritage elements of the buildings are conserved.

#### **Wind Impact:**

The Halifax MPS calls for acceptable wind levels on sidewalks and public open spaces. In order to determine the wind impact from the proposed development, The Armour Group Limited commissioned RWDI Consulting Engineers & Scientists to undertake a qualitative wind analysis to estimate the wind conditions at ground level (see Attachment F). The wind assessment concluded that wind conditions around the building are generally expected to be suitable for standing or walking throughout the year.

#### **Shadow Impact:**

Lydon Lynch Architects was commissioned by The Armour Group Limited to prepare a shadow analysis to assist HRM Planning staff in evaluating the application (see Attachment G). The sun's path was modelled for the solstices (December 21<sup>st</sup> and June 21<sup>st</sup>), as well as the equinoxes (March 21<sup>st</sup> and September 21<sup>st</sup>). The analysis concluded that due to the presence of numerous buildings in the immediate area, which are higher than the proposed building, the overall shadow impact that would result from the proposed development would be minimal.

#### **Traffic Impact:**

The Armour Group Limited commissioned O'Halloran Campbell Consultants Limited to prepare a traffic impact study to evaluate the impacts of site generated traffic on the streets and intersections adjacent to the site (see Attachment H). In its report submitted to HRM Planning Services and reviewed by HRM Traffic Services, O'Halloran Campbell concluded that the proposed 9-storey retail/office re-development would have a negligible impact on the existing transportation network.

#### **HRM by Design:**

This proposal coincides with the HRMbyDesign process (Regional Centre Urban Design Study). It is anticipated that the HRMbyDesign Project will recommend planning policy and zoning changes for the Halifax Waterfront Development Plan Area. In the meantime, Council must continue to consider development agreement applications in the subject area under the existing policy context.

**Public Meeting / Area of Notification:**

A public information meeting for this application was held on May 7, 2008. Minutes of this meeting are provided as Attachment C of this report. While some members of the public supported the proposal as a significant addition to the CBD, others expressed concerns about the proposal's impact on the heritage aspect of the registered buildings, the impact on adjacent blocks, the maintenance of the existing mid-block walkway, and issues related to parking and traffic congestion. Some members of the public stated that the proposal does not conform with plan policy. Staff's analysis of the proposal's compliance with relevant policy is found in Attachment C. Should Regional Council decide to hold a public hearing, in addition to published newspaper advertisements, property owners in the area shown on Map 3 will be sent written notification.

**Conclusion:**

Staff feels that the proposed re-development of the subject property into a single nine storey retail/office building with underground parking is an appropriate re-use of the four existing municipally registered heritage buildings. As such, staff recommends that Regional Council approve the development agreement as contained in Attachment A.

**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**

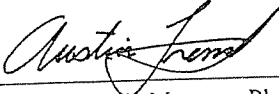
1. Regional Council may choose to approve the entire development agreement, as contained in Attachment A. This is the recommended course of action.
2. Regional Council may choose to alter the terms of the development agreement. This may necessitate further negotiations with the Developer, and may require an additional public hearing.
3. Regional Council may choose to refuse the entire development agreement. Pursuant to Section 230(6) of the *Municipal Government Act*, Council must provide reasons for this refusal, based on the policies of the MPS.

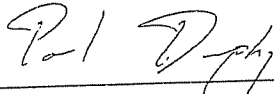
ATTACHMENTS

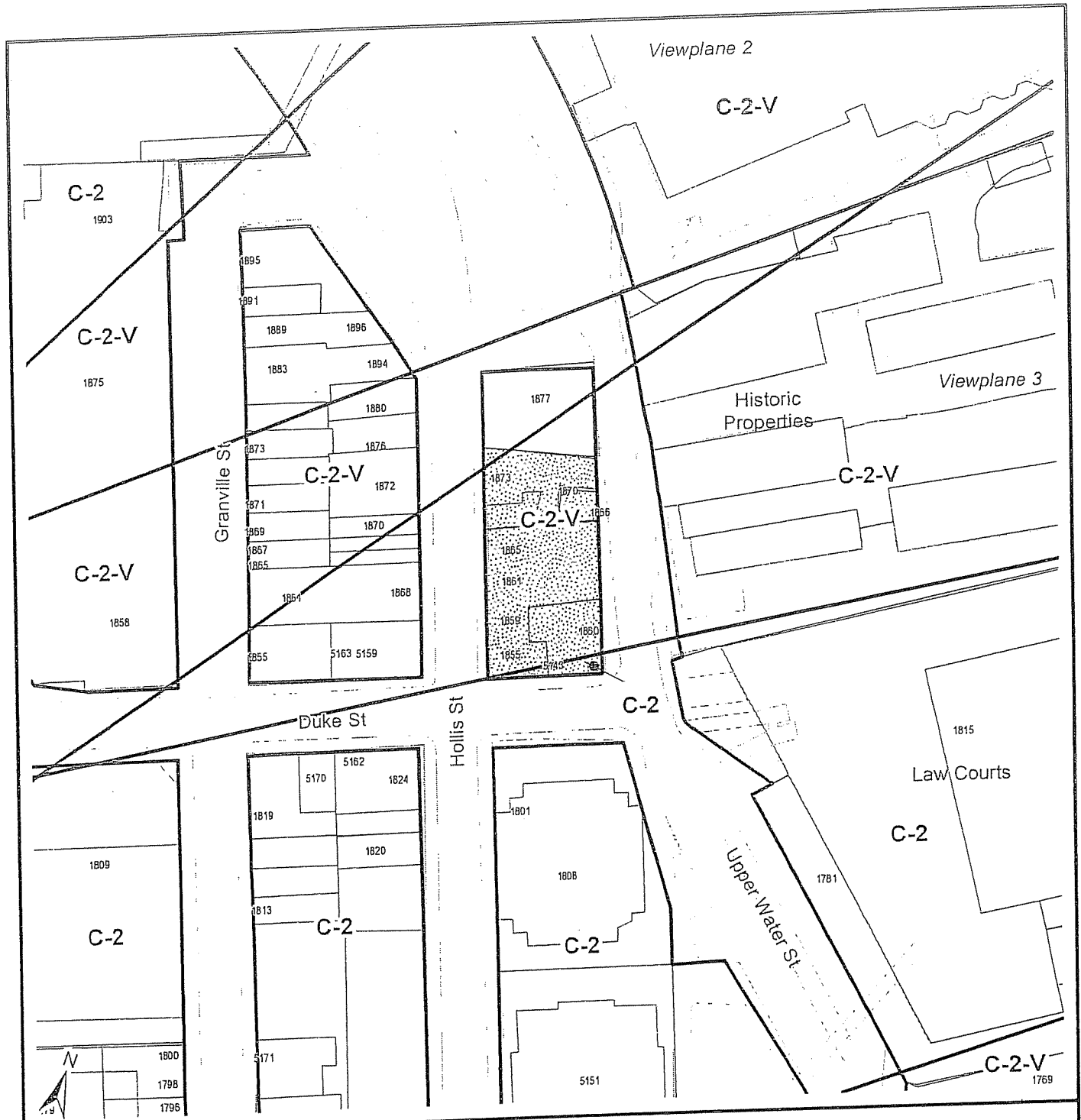
Map 1	Zoning and Location
Map 2	Generalized Future Land Use
Map 3	Area of Notification
Attachment A	Draft Development Agreement
Attachment B	Facts on Heritage Buildings
Attachment C	Review of Most Relevant Policies
Attachment D	Minutes from the May 7, 2008 Public Meeting
Attachment E	Written Submissions

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

Report Prepared by: Luc Ouellet, Planner I, 490-3689


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

Report Approved by:   
Paul Dunphy, Director, Community Development



**Map 1 - Location and Zoning**

1855-1873 Hollis Street  
 1860-1870 Upper Water Street  
 Halifax

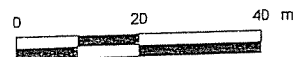
 Subject area

Halifax Peninsula  
 Land Use By-Law Area

Zone (-V within viewplane)

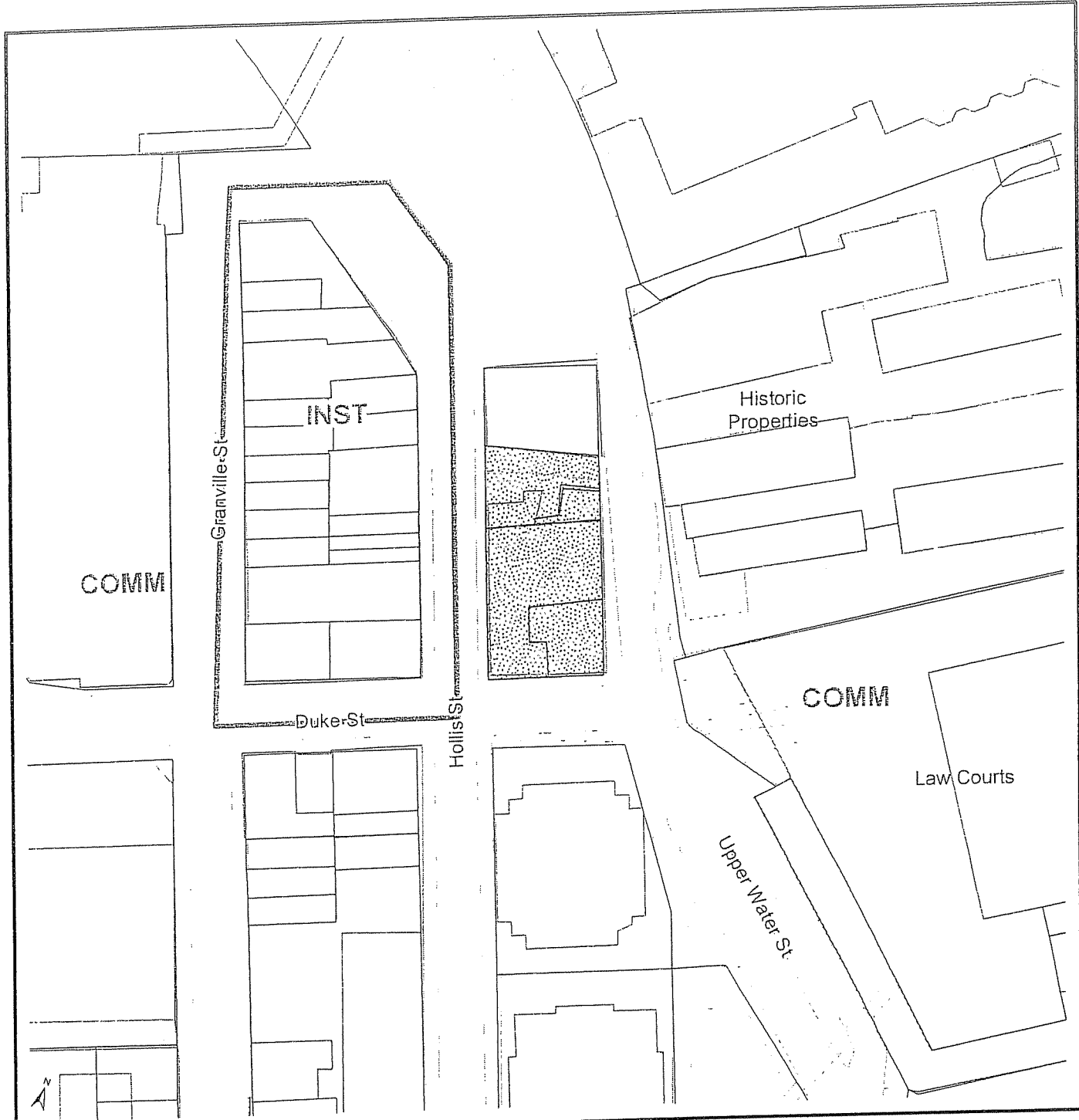
C-2 General Business

**HALIFAX**  
 REGIONAL MUNICIPALITY  
 COMMUNITY DEVELOPMENT  
 PLANNING SERVICES



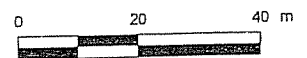
This map is an unofficial reproduction of a portion of the Zoning Map for the Halifax Peninsula Land Use By-Law Area.


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



**Map 2 - Generalized Future Land Use**

1855-1873 Hollis Street  
 1860-1870 Upper Water Street  
 Halifax



 Subject area

**Designation**

COMM Commercial  
 INST Institutional

This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Halifax Plan Area

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



Halifax Plan Area



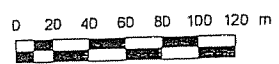


**Map 3 - Area of Notification**

1855-1873 Hollis Street  
 1860-1870 Upper Water Street  
 Halifax

-  Subject area
-  Area of notification

Halifax Plan Area



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

ATTACHMENT A - DRAFT DEVELOPMENT AGREEMENT

THIS AGREEMENT made this      day of                      , 2008,

BETWEEN:

**THE ARMOUR GROUP LIMITED,**  
a body corporate, in the Province of Nova Scotia  
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

**HALIFAX REGIONAL MUNICIPALITY,**  
a municipal body corporate, in the Province of Nova Scotia  
(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at 1855-1873 Hollis Street, 1860-1870 Upper Water Street and 5143 Duke Street (PID # 00002303, 00002279, 00002311 and 00002287), Halifax and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a development agreement to allow for the redevelopment of the Lands into a single nine (9) storey commercial building with underground parking pursuant to the provisions of the *Municipal Government Act* and pursuant to Implementation Policy 3.5.3 of the Halifax Municipal Planning Strategy and Section 86 of the Halifax Peninsula Land Use By-law;

AND WHEREAS portions of the Lands (PID # 00002303, 00002279 and 00002287) have been registered as municipal heritage properties pursuant to the provisions of the Municipality's Heritage Property By-law;

AND WHEREAS the Developer has requested approval by the Municipality to undertake substantive alterations and demolition to the municipally registered heritage buildings on the Lands;

AND WHEREAS Regional Council approved these two (2) requests at a meeting held on [INSERT - Date], referenced as Municipal Case Number 01114;

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

## **PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION**

### **1.1 Applicability of Agreement**

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

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

Except as otherwise provided for herein, the development, 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.

1.4.3 Where imperial units of measurement conflict with metric units of measurement within the written text of this Agreement, the imperial units of measurement shall prevail.

### 1.5 Costs, Expenses, Liabilities and Obligations

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

### 1.6 Provisions Severable

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

## PART 2: DEFINITIONS

### 2.1 Words Not Defined under this Agreement

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

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

- (a) **“Landscape Architect”** means a professional, full member in good standing with the Canadian Society of Landscape Architects.
- (b) **“Soffit”** means the horizontal underside of a roof overhang.

## PART 3: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS

### 3.1 Schedules

The Developer shall develop and use the Lands in a manner, which, in the opinion of the Development Officer, is generally in conformance with the Schedules attached to this Agreement:

Schedule A	Legal Description of the Lands
Schedule B	North Elevation
Schedule C	South Elevation
Schedule D	East Elevation
Schedule E	West Elevation
Schedule F	Parking/Basement Level Plan

Schedule G	Floor Plan - First Level
Schedule H	Floor Plan - Second Level
Schedule I	Floor Plan - Third Level
Schedule J	Floor Plan - Fourth Level-Eight Level
Schedule K	Floor Plan - Ninth Level

### 3.2 General Description of Land Use

The use(s) of the Lands permitted by this Agreement is a single nine (9) storey commercial building with one (1) level of underground parking.

### 3.3 Detailed Provisions for Land Use

3.3.1 The following uses shall be permitted on the First Level (ground floor):

- (a) Retail and personal services, excluding adult entertainment uses and amusement centres;
- (b) Restaurants and lounges;
- (c) Financial institutions;
- (d) The entrances for uses permitted and established on the upper floors; and,
- (e) The entrance from Upper Water Street for the underground parking.

3.3.2 Any uses permitted in the C-2 (General Business) Zone shall be allowed on the upper storeys (Levels 2-9).

### 3.4 Building Siting, Massing and Scale

The building constructed on the Lands shall comply with the following siting, massing and scale requirements:

- (a) The building and the underground parking garage shall be permitted to coincide with the property lines on Upper Water Street, Duke Street, and Hollis Street, as well as with the property line shared with the Morse's Tea Building (1877 Hollis Street; PID # 00002295);
- (b) The massing of the building shall be as generally shown on Schedules G to K, inclusive;
- (c) Stepbacks (recessed areas) from the building face shall be provided above the second and eight floors, as generally shown on Schedules I and K.
- (d) The maximum height of the building shall not exceed 34.2 m (114 feet) above the mean grade of the finished ground adjoining the building; and,

- (e) The building shall not violate Sections 24 and 26B of the Land Use By-law (view plane and rampart restrictions).

### 3.5 Materials and Colours

- 3.5.1 The facades of the municipally registered heritage buildings shall be maintained, as shown on Schedules B to E, inclusive.
- 3.5.2 Notwithstanding Section 3.5.1, if a detailed structural investigation undertaken by a qualified structural engineer determines that the substructure and/or foundation of one or more of the existing municipally registered heritage buildings are in a state of deterioration, which cannot be remedied in a manner which is economically feasible, then the Developer shall be permitted to dismantle and rebuild the facades of the said municipally registered heritage building(s) using the building's original materials, and in the same size, shape, dimensions and detail.
- 3.5.3 In the event that the facade of one or more of the municipally registered heritage buildings needs to be dismantled and rebuilt, the Development Officer, acting reasonably, may allow the Developer to replace original building materials that have been damaged or are in a state of deterioration with the same or similar materials as found on the existing buildings. Any alterations shall be approved by the Heritage Planner prior to implementation.
- 3.5.4 In the event that a facade of one or more of the municipally registered heritage buildings needs to be dismantled and rebuilt, the Developer shall submit to the Development Officer a report prepared by a Licensed Architect, which shall document, list and describe the existing facade elements and materials in text and through photographic documentation. The report shall receive approval by the Heritage Planner, prior to any work on dismantling the facades being undertaken.
- 3.5.5 The new portions of the single nine (9) storey commercial building, including infills along the street frontages and additions to the rooftops of the existing municipally registered heritage buildings, shall be clad in granite, sandstone, glass, and architectural precast concrete, as generally shown on Schedules B to E, inclusive.
- 3.5.6 The glass cladding shall be composed of a non-reflective glass with a green tint of up to twenty (20) per cent of composition.
- 3.5.7 The architectural precast concrete cladding to be used on the building shall have, in the opinion of the Development Officer, in consultation with the Heritage Planner, the colour and texture of Nova Scotia sandstone.

### **3.6 Window and Door Treatment**

- 3.6.1 All existing door and window openings shall be retained in the municipally registered heritage buildings regardless of operation of said openings.
- 3.6.2 All existing windows found on the facades of the municipally registered heritage buildings shall be maintained, repaired and/or replaced with the approval of the Heritage Planner, and in accordance with the Heritage Property Program Alteration Guidelines.
- 3.6.3 Windows to be installed on the new portions of the single nine (9) storey commercial building shall have clear and transparent glass or a non-reflective glass with a green tint of up to twenty (20) per cent of composition.
- 3.6.4 The building's fenestration pattern in terms of window size, style and location shall be in general conformance with the pattern found on Schedules B to E, inclusive.

### **3.7 Weather Protection**

- 3.7.1 Fixed or retractable canvas awnings containing the corporate logo of individual businesses shall be permitted. Details of these awnings shall be submitted to the Heritage Planner for review prior to the issuance of approval.
- 3.7.2 Stainless steel or glass canopies shall be permitted over entrances along Hollis Street and Upper Water Street on the new portions of the building if encroachments can be resolved under Section 4.5. Details of these canopies shall be submitted to the Heritage Planner for review prior to issuance of approval.

### **3.8 Roof**

- 3.8.1 All roof mounted mechanical and/or telecommunication equipment shall be visually integrated into the roof design of the building and shall not be visible from any abutting public street.
- 3.8.2 Roof mounted mechanical and/or telecommunication equipment shall not violate Sections 24 and 26B of the Land Use By-law (view plane and rampart restrictions).

### **3.9 Functional Elements**

- 3.9.1 All vents, down spouts, electrical conduits, meters, service connections, and other functional elements shall be treated as integral parts of the design. Where appropriate, these elements shall be painted to match the colour of the adjacent surface, except where used expressly as an accent. Where these are located on the municipally registered heritage buildings, they will require approval by the Heritage Planner.

3.9.2 The building on the Lands shall be designed such that the mechanical systems (HVAC, cooking exhaust fans, etc.) are not visible from Upper Water Street, Duke Street, and Hollis Street. Furthermore, no mechanical equipment or exhaust fans shall be located between the building and the abutting properties unless screened as an integral part of the building design and noise reduction measures are implemented.

### **3.10 Other Architectural Treatments**

3.10.1 A one (1) metre wide metal roof overhang shall crown the top of the building as shown on Schedules B to E, inclusive, and on Schedule K.

3.10.2 The soffits of the roof overhang described under Section 3.10.1, as well as the overhang over the recessed area of floor level 3, as shown on Schedules B to E, inclusive, and on Schedule J shall be metal.

3.10.3 All exposed concrete surfaces shall be reasonably free from fins, bulges, ridges, offsets, defects, honeycombing, or roughness of any kind, and shall present a finished, smooth, continuous hard surface.

3.10.4 Service/delivery entrances shall be integrated into the design of the building and shall not be a predominate feature.

### **3.11 Construction**

311.1 All damaged, destroyed, or missing architectural details or elements on the Imperial Oil Building, the Shaw Building, the Harrington (MacDonald Briggs) Building, and the Fishwick & Co. Building on the Lands (including, but not limited to, cornice, soffit, quoins, sills, lintels, trim, etc.) damaged during construction shall be repaired or replaced with the same or similar materials, as found on the existing municipally registered heritage building. Any alterations shall be approved by the Heritage Planner prior to implementation.

3.11.2 Any construction changes that may require new features otherwise not provided for in this Agreement to be added or changed (such as, but not limited to, doors, windows or stairwells), shall be submitted to the Development Officer who shall review such changes, in consultation with the Heritage Planner, prior to approval of final plans.

### **3.12 Lot Consolidation**

The Developer agrees to have all four (4) parcels, which make up the Lands to be consolidated into one (1) lot prior to making an application for a Building or Development Permit for any of the components of the development. Such consolidation shall not affect the heritage registration of the municipally registered heritage buildings. Upon approval of the lot consolidation, the Development



Officer shall notify the Heritage Planner for the purposes of updating the heritage registry information.

### **3.13 Parking, Circulation and Access**

3.13.1 The entrance to the underground parking garage on the Lands shall be as generally illustrated on Schedules D and G.

3.13.2 The building on the Lands shall be serviced by one (1) level of underground parking containing a minimum of sixteen (16) parking spaces.

3.13.3 The layout of the underground parking level shall be as generally shown on Schedule F.

3.13.4 All parking spaces contained within the underground parking garage shall comply with the minimum requirements of the Land Use By-law.

3.13.5 The building on the Lands shall include designated bicycle parking as per the Land Use By-law.

### **3.14 Building and Site Lighting**

3.14.1 The Developer shall submit a Lighting Plan prepared by a Licenced Architect, a Professional Engineer experienced in lighting engineering, or a qualified Lighting Designer to the Development Officer for review to determine general compliance with the preliminary lighting scheme, as described in Schedules B to E, inclusive. The Lighting Plan shall contain the following:

- (a) Plans indicating the type and the location on the premises of illuminating devices, fixtures, lamps, supports, and other related devices;
- (b) A description of the illuminating devices, fixtures, lamps, supports and other related devices, which shall include the manufacturers' catalogue cuts and drawings including sections; and,
- (c) A written description of the lighting effects that the Lighting Plan will achieve when fully operational.

3.14.2 The plans and descriptions referred to under Section 3.14.1 shall be sufficient to enable the Development Officer to ensure compliance with the requirements of the preliminary lighting scheme will be satisfied.

3.14.3 Should the Developer desire to substitute outdoor light fixtures or lamps and install them on the Lands after a permit has been issued, the Developer shall submit all changes to the

Development Officer and Heritage Planner for approval, with adequate information to assure compliance with this Section. Any subsequent light fixtures or lamps on the heritage buildings shall comply with HRM's Building Conservation Standards for Heritage Buildings.

3.14.4 Lighting shall be directed to driveways, parking areas, loading areas, building entrances and walkways and shall be arranged so as to divert the light away from streets, adjacent lots and buildings.

### **3.15 Signage**

Any proposed new sign shall require the approval by the Heritage Advisory Committee. Any new sign shall meet the "Signage on Heritage Properties: Six Basic Principles".

### **3.16 Outdoor Storage and Display**

3.16.1 No outdoor storage shall be permitted on the Lands.

3.16.2 Exterior propane tanks, equipment associated with natural gas services, and electrical transformers shall be located on the Lands in such a way as to ensure minimal visual impact from Upper Water Street, Duke Street and Hollis Street, as well as from abutting properties. These facilities shall be secured in accordance with the applicable approval agencies and screened by means of opaque fencing/masonry walls with other suitable landscaping and shall require approval from the Heritage Planner.

### **3.17 Solid Waste Facilities**

The building shall include a designated space for three stream (refuse, recycling and composting) source separation services. This designated space for source separation services shall be shown on the building plans and approved by the Development Officer and Building Official in consultation with Solid Waste Resources.

### **3.18 Maintenance**

3.18.1 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.

3.18.2 All maintenance and repair of the building shall be conducted with the approval of the Heritage Planner, and in accordance with the Heritage Property Program Alteration Guidelines.

### 3.19 Construction Structure

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

### 3.20 Requirements Prior to Approval

3.20.1 Prior to the issuance of any municipal permits for the nine (9) storey commercial building, the Developer shall complete the MICI (Multi-unit/Industrial /Commercial/ Institutional) process, as outlined by the Municipality.

3.20.2 Prior to the issuance of Building and Development Permits for any of the components of the development on the Lands, the Developer shall provide all of the following to the Development Officer:

- (a) Written certification from a Nova Scotia Land Surveyor that the proposed development does not violate Sections 24 and 26B of the Land Use By-law (view plane and rampart restrictions);
- (b) A Lighting Plan in accordance with Section 3.14 of this Agreement;
- (c) A Site Servicing Plan prepared by a Professional Engineer and acceptable to the Development Engineer.

3.20.3 Prior to the issuance of Building and Development Permits for any of the components of the development on the Lands, the Developer shall have all four (4) parcels comprising the Lands consolidated into one (1) lot.

3.20.4 Prior to the issuance of the First Occupancy Permit for any of the components of the development on the Lands, the Developer shall provide all of the following to the Development Officer:

- (a) Written certification from a Professional Surveyor that the completed development on the Lands does not violate Sections 24 and 26B of the Land Use By-law (view plane and rampart restrictions);
- (b) Certification from a Licenced Architect, a Professional Engineer experienced in lighting engineering, or a qualified Lighting Designer indicating that the Developer has complied with the Lighting Plan required pursuant to Section 3.14 of this Agreement; and,
- (c) Written confirmation from the Development Engineer indicating compliance with Section 4.2 of this Agreement.

3.20.5 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.

### **3.21 Variation by Development Officer**

The Development Officer may approve the following variations to the Schedules:

- (a) changes to the internal floor plans of the building provided the building size has not increased and the exterior appearance of the building is not affected;
- (b) changes to the interior layout of the underground parking level provided the changes do not reduce the minimum number of parking spaces required by the Agreement;
- (c) significant alterations to the municipally registered heritage buildings;
- (d) changes to any of the Schedules necessary in accommodating the requirements of the Nova Scotia Building Code Regulations, where such changes do not substantively affect the exterior appearance of the building; and,
- (e) changes to the preliminary lighting scheme as shown in Schedules B to E, inclusive; in consultation with the Heritage Planner.

## **PART 4: STREETS AND MUNICIPAL SERVICES**

### **4.1 General Provisions**

All construction shall satisfy Municipal Service Systems Specifications unless otherwise varied by this Agreement and shall receive written approval from the Development Engineer prior to undertaking any work.

### **4.2 Off-site Disturbance**

Any disturbance to existing off-site infrastructure resulting from the development, including but not limited to, streets, sidewalks, curbs and gutters, street trees, landscaped areas and utilities, shall be the responsibility of the Developer, and shall be reinstated, removed, replaced or relocated by the Developer as directed by the Development Officer, in consultation with the Development Engineer, the HRM Streetscape Program's Senior Landscape Architect and the HRM Urban Forester.

### **4.3 Garbage Collection from Building**

The Developer shall be responsible for garbage collection from the building. The Municipality shall be relieved of any and all responsibility respecting garbage collection from the Lands.

#### 4.4 Underground Services

The Developer agrees to maintain all secondary utility services (electrical and communication distribution systems) underground.

#### 4.5 Encroachments

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

### PART 5: ENVIRONMENTAL PROTECTION MEASURES

#### 5.1 Archaeological Monitoring and Protection

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

### PART 6: AMENDMENTS

#### 6.1 Substantive Amendments

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 *Municipal Government Act*.

#### 6.2 Non-substantive Amendments

The following items are considered by both Parties to be non-substantive and may be amended by resolution of Council:

- (a) The granting of an extension to the date of commencement of development, as identified under Subsection 8.3.3 of the Agreement;
- (b) The granting of an extension to the length of time for the completion of the development, as identified under Section 8.4 of the Agreement;
- (c) Changes to the exterior architectural appearance of the building including materials, colours, architectural treatments and fenestration pattern, provided that plans are submitted for any changes to the building design and that such changes, in the opinion of Council, are an improvement over the design detailed in the Agreement;  
and

- (d) Changes to the building and site lighting detailed under Section 3.14 of the Agreement.

## PART 7: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

### 7.1 Enforcement

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

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 remediation under the *Municipal Government Act* or Common Law in order to ensure compliance with this Agreement.

## PART 8: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

### 8.1 Registration

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 five (5) 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 a new foundation for the nine (9) storey commercial building on the Lands.

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(a), if the Municipality receives a written request from the Developer prior to the expiry of the commencement of development time period.

### 8.4 Completion of Development

Upon the completion of the development or portions thereof, or after ten (10) 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., 2008.

SIGNED, SEALED AND DELIVERED  
in the presence of

\_\_\_\_\_

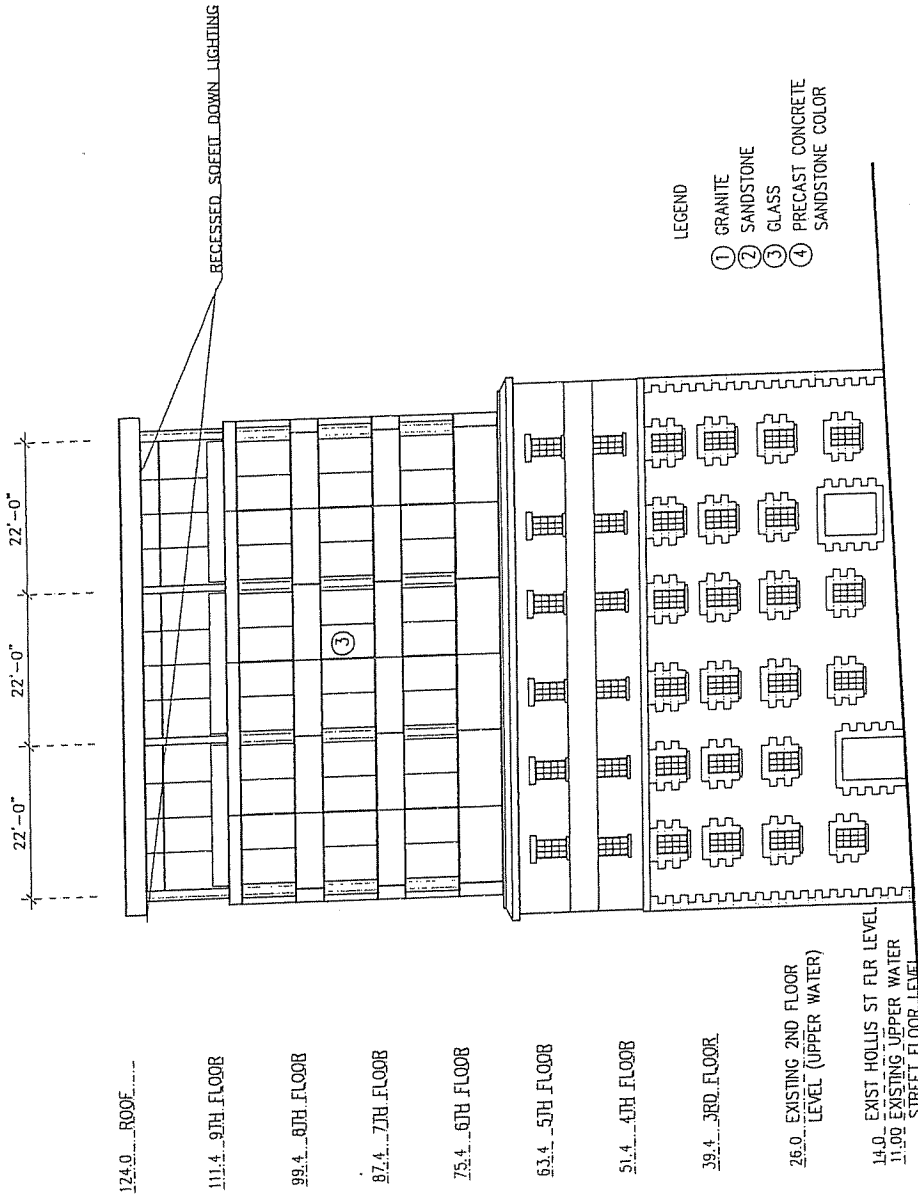
SEALED, DELIVERED AND  
ATTESTED to by the proper  
signing officers of Halifax Regional  
Municipality duly authorized  
in that behalf in the presence  
of

\_\_\_\_\_

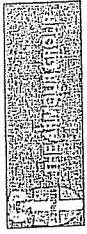
) THE ARMOUR GROUP LIMITED  
)  
) Per: \_\_\_\_\_  
)  
)  
)

)  
)  
) HALIFAX REGIONAL MUNICIPALITY  
)  
) Per:  
) MAYOR  
)  
) Per:  
) MUNICIPAL CLERK  
)



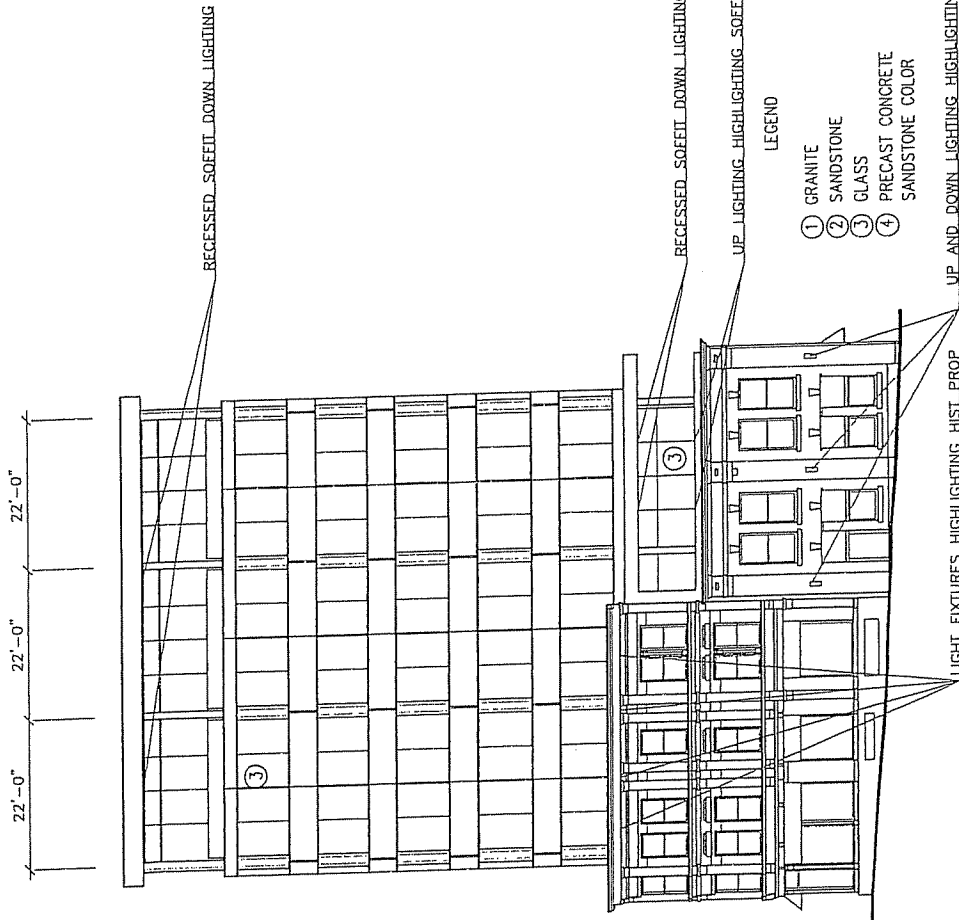


SCHEDULE B  
 NORTH ELEVATION  
 1" = 16'  
 June 13th, 2008



# HISTORIC BROPROPERTIES WATERSIDE CENTRE





124.0... ROOF

111.4... 9TH FLOOR

99.4... 8TH FLOOR

87.4... 7TH FLOOR

75.4... 6TH FLOOR

63.4... 5TH FLOOR

51.4... 4TH FLOOR

39.4... 3RD FLOOR

26.0... EXISTING 2ND FLOOR  
LEVEL (UPPER WATER)

14.0... EXIST HOLLIS ST FLR LEVEL  
11.00... EXISTING UPPER WATER  
STREET FLOOR LEVEL

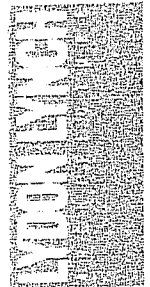
- LEGEND
- ① GRANITE
  - ② SANDSTONE
  - ③ GLASS
  - ④ PRECAST CONCRETE
  - ⑤ SANDSTONE COLOR

SCHEDULE C  
DUKE STREET (SOUTH ELEVATION)  
June 13th, 2008



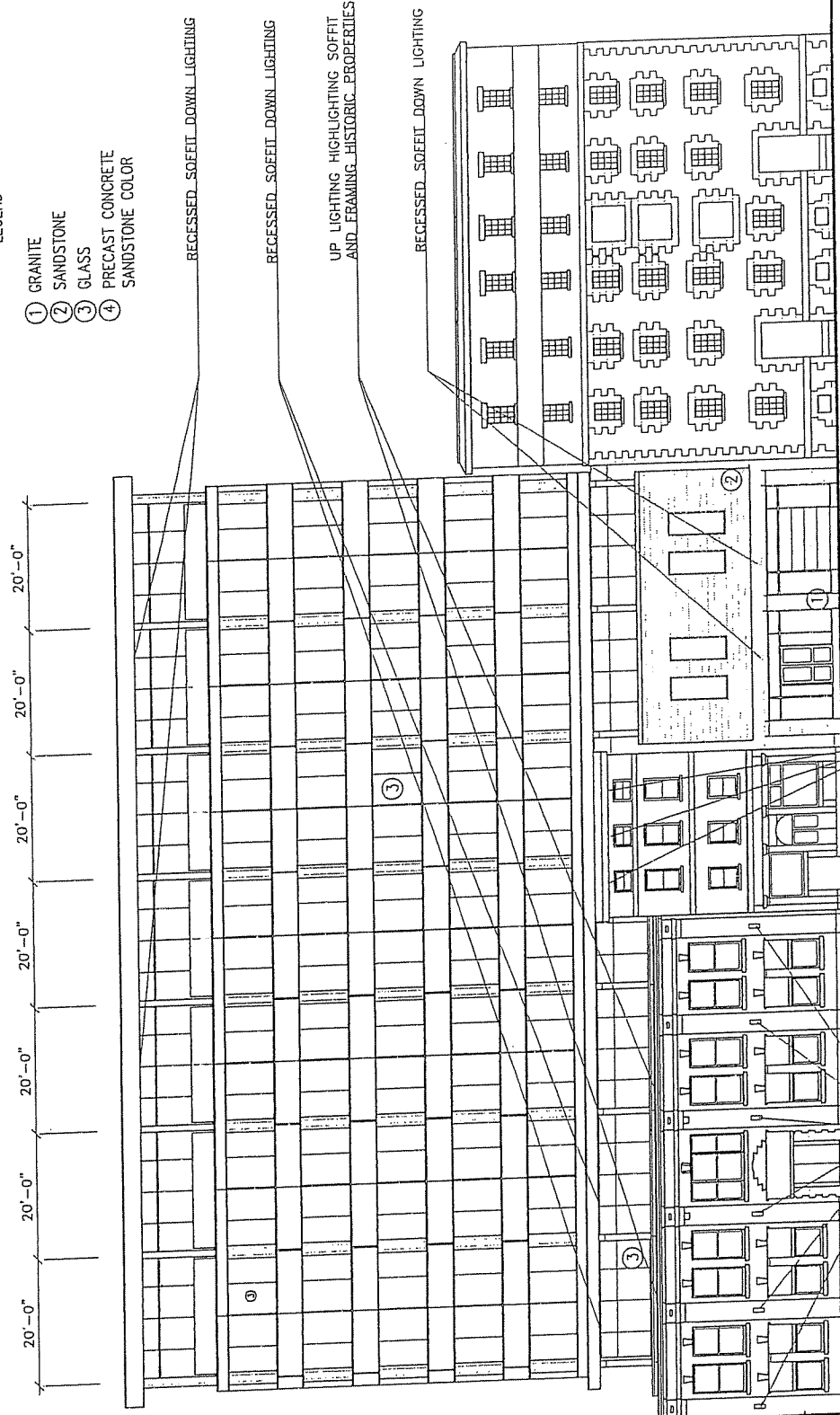
# HISTORIC BROOPERTIES

## WATERSIDE CENTRE



LEGEND

- ① GRANITE
- ② SANDSTONE
- ③ GLASS
- ④ PRECAST CONCRETE SANDSTONE COLOR

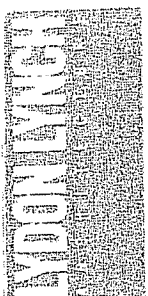


- 24.0' ... ROOF
- 11.4' ... 9TH FLOOR
- 9.4' ... 8TH FLOOR
- 8.4' ... 7TH FLOOR
- 7.4' ... 6TH FLOOR
- 5.4' ... 5TH FLOOR
- 5.1.4' ... 4TH FLOOR
- 39.4' ... 3RD FLOOR
- 26.0' EXISTING 2ND FLOOR LEVEL (UPPER WATER)
- 14.0' EXIST HOLUS ST FLR LEVEL
- 11.00' EXISTING UPPER WATER STREET FLOOR LEVEL

SCHEDULE D  
UPPER WATER STREET (EAST ELEVATION)  
June 13th, 2008



# HISTORIC BROER PROPERTIES WATERSIDE CENTRE

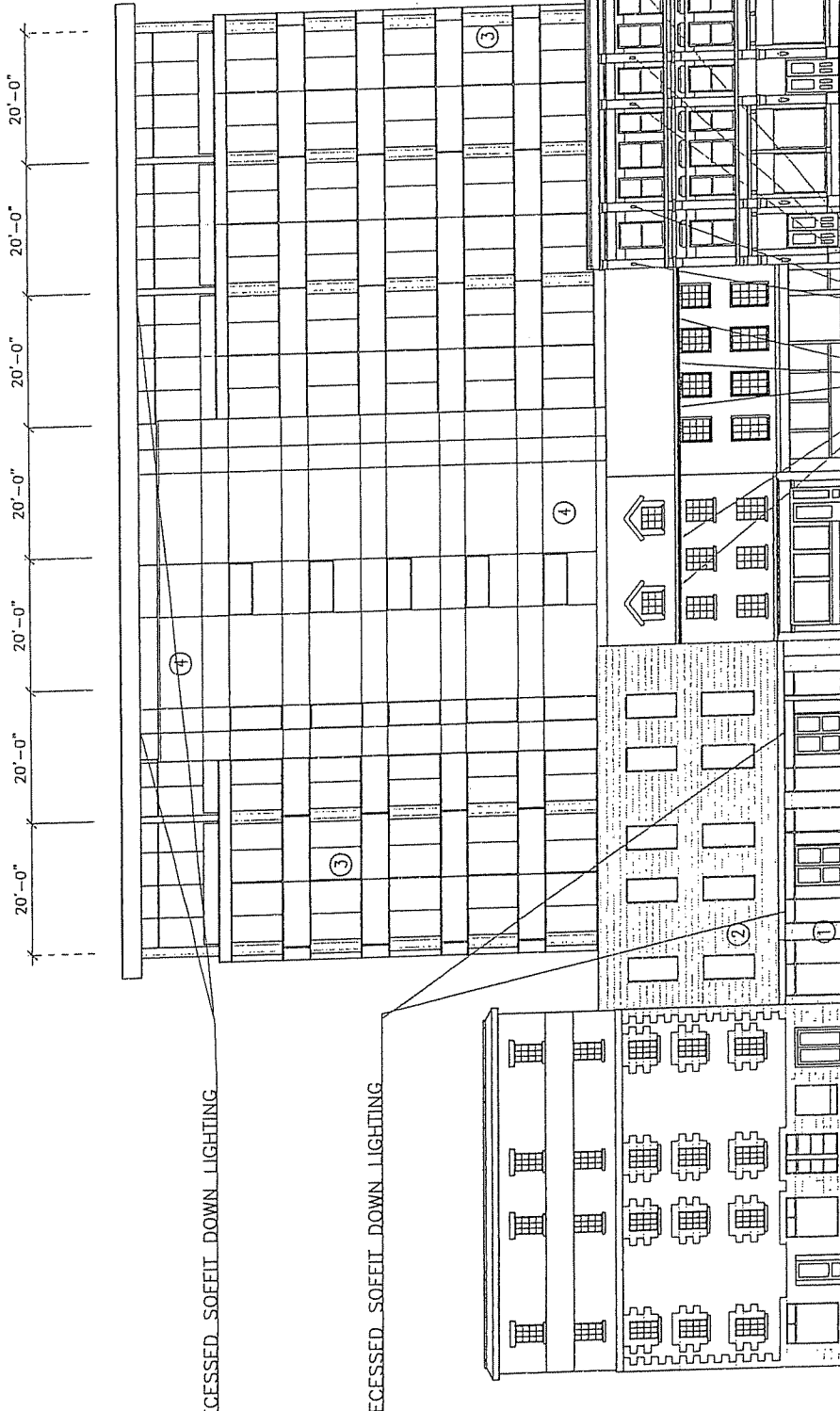


LEGEND

- ① GRANITE
- ② SANDSTONE
- ③ GLASS
- ④ PRECAST CONCRETE SANDSTONE COLOR

RECESSED SOFFIT DOWN LIGHTING

RECESSED SOFFIT DOWN LIGHTING



111.4 - 9TH FLOOR

99.4 - 8TH FLOOR

87.4 - 7TH FLOOR

75.4 - 6TH FLOOR

63.4 - 5TH FLOOR

51.4 - 4TH FLOOR

39.4 - 3RD FLOOR

26.0 EXISTING 2ND FLOOR LEVEL (UPPER WATER)

14.0 EXIST HOLLIS ST FUR LEVEL  
11.00 EXISTING UPPER WATER STREET FLOOR LEVEL

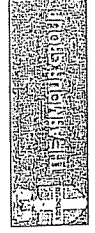
UP AND DOWN LIGHTING HIGHLIGHTING HISTORIC FACADE

LIGHT FIXTURES HIGHLIGHTING HISTORIC PROPERTY

SCHEDULE E

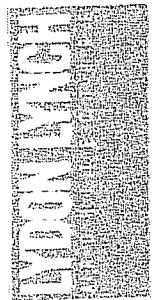
HOLLIS STREET (WEST ELEVATION)

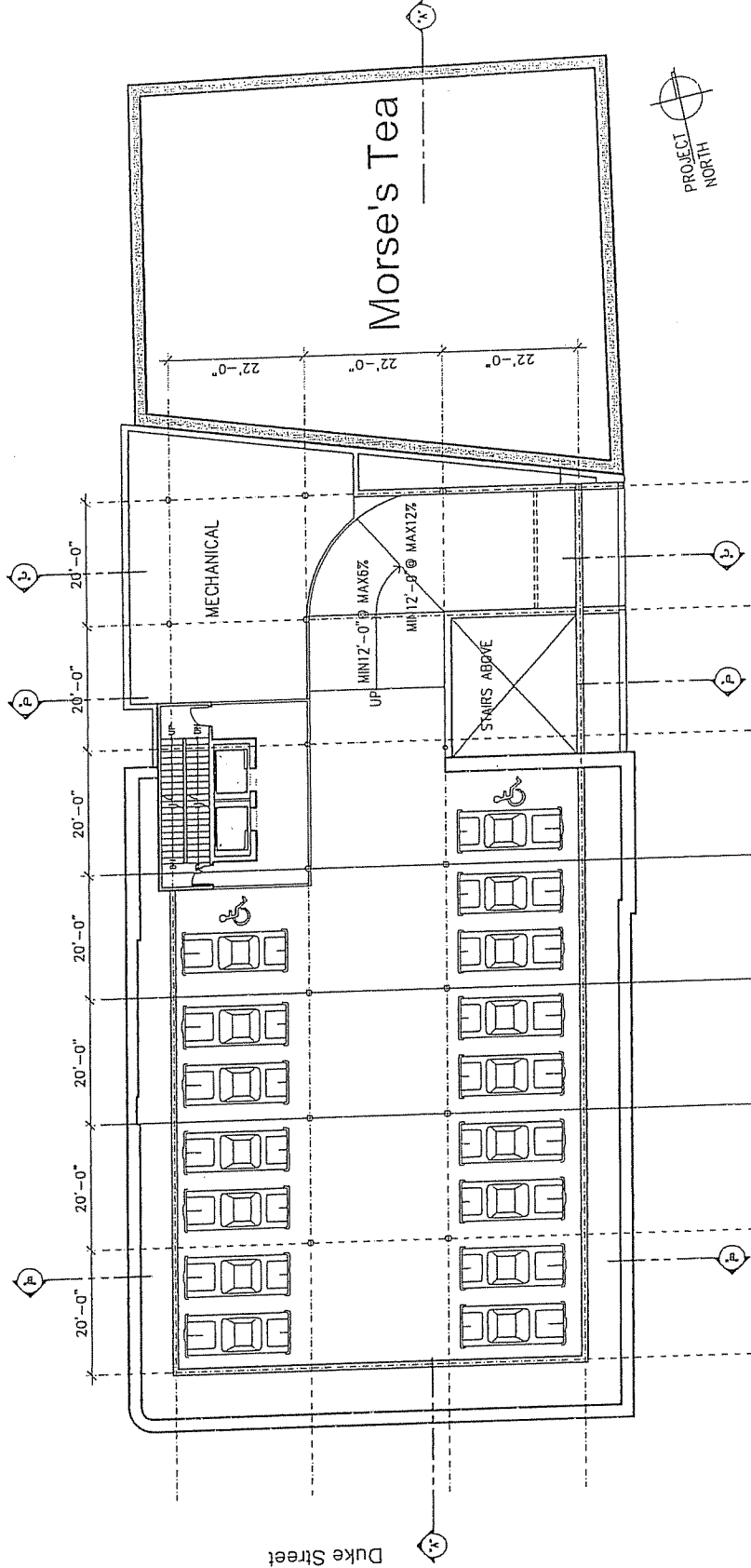
June 13th, 2008



# HISTORIC PROPERTIES

WATERSIDE CENTRE





Duke Street



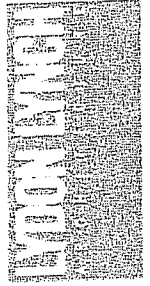
SCHEDULE F  
BASEMENT PLAN  
June 13th, 2008

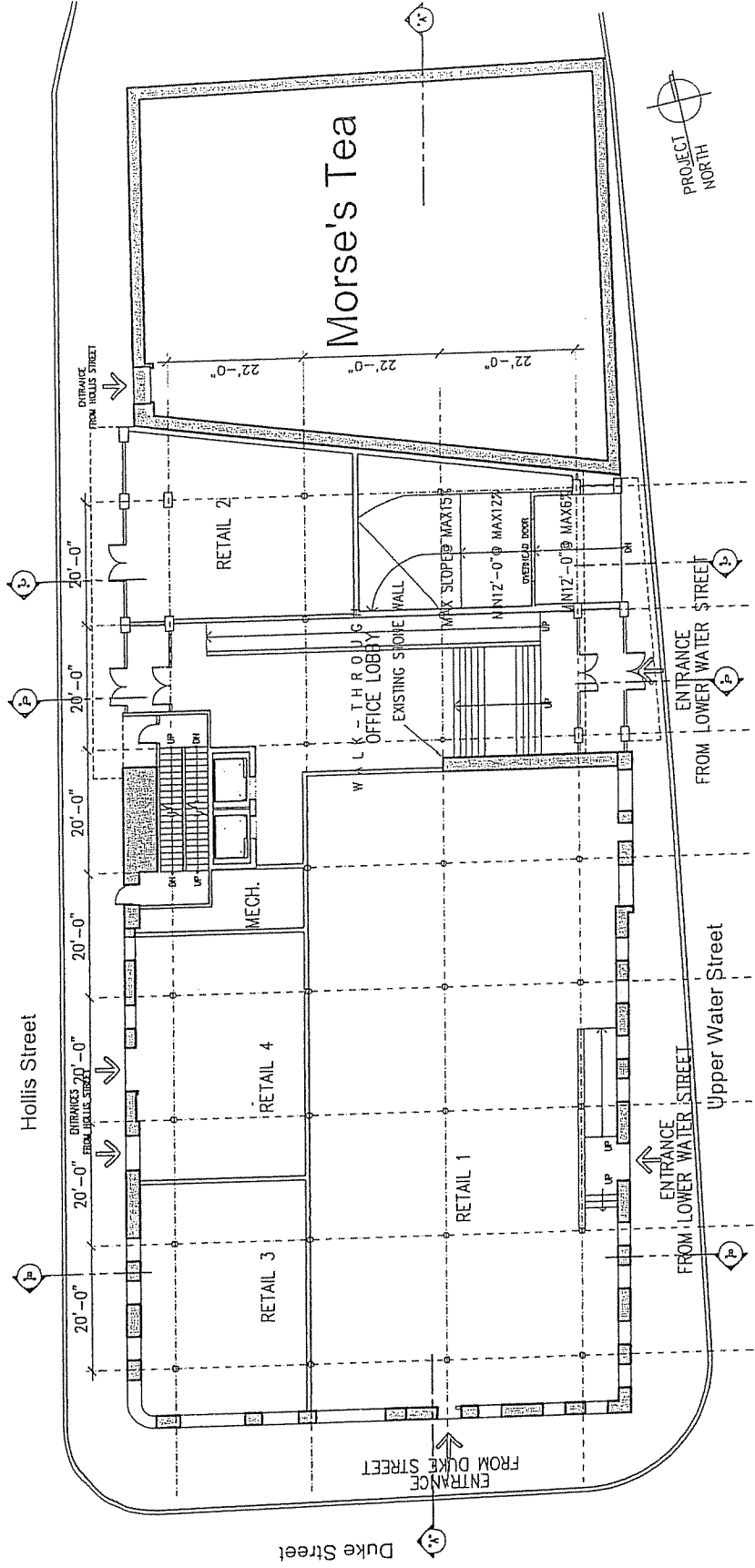


# HISTORIC PROPERTIES

## WATERSIDE CENTRE

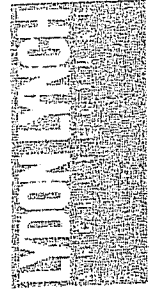
AN ARTHOUR GROUP DEVELOPMENT





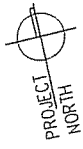
SCHEDULE G  
 FIRST FLOOR  
 June 13th, 2008

HISTORIC PROPERTIES  
 WATERSIDE CENTRE

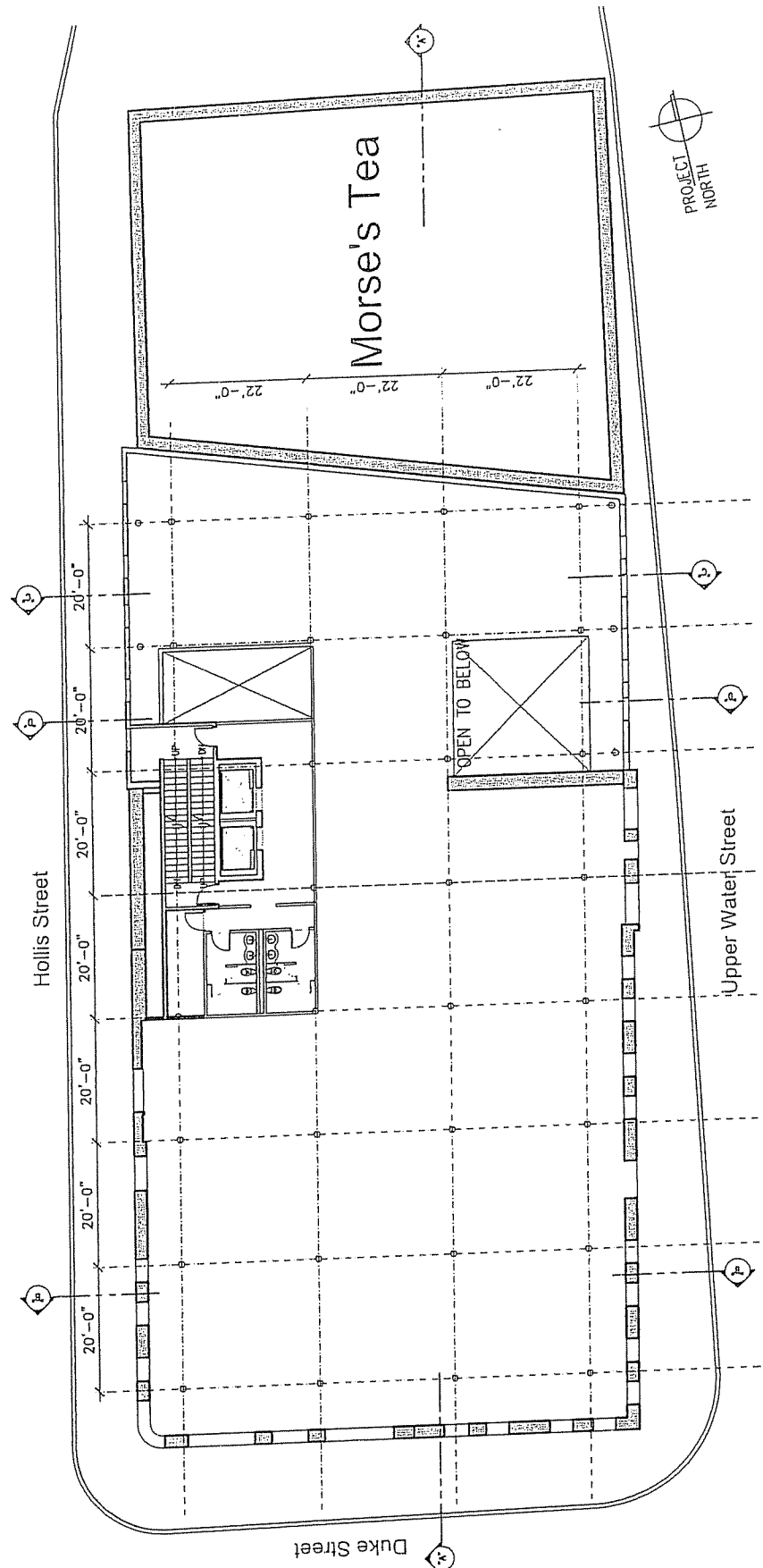


Duke Street

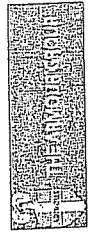
Hollis Street



PROJECT  
 NORTH



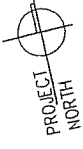
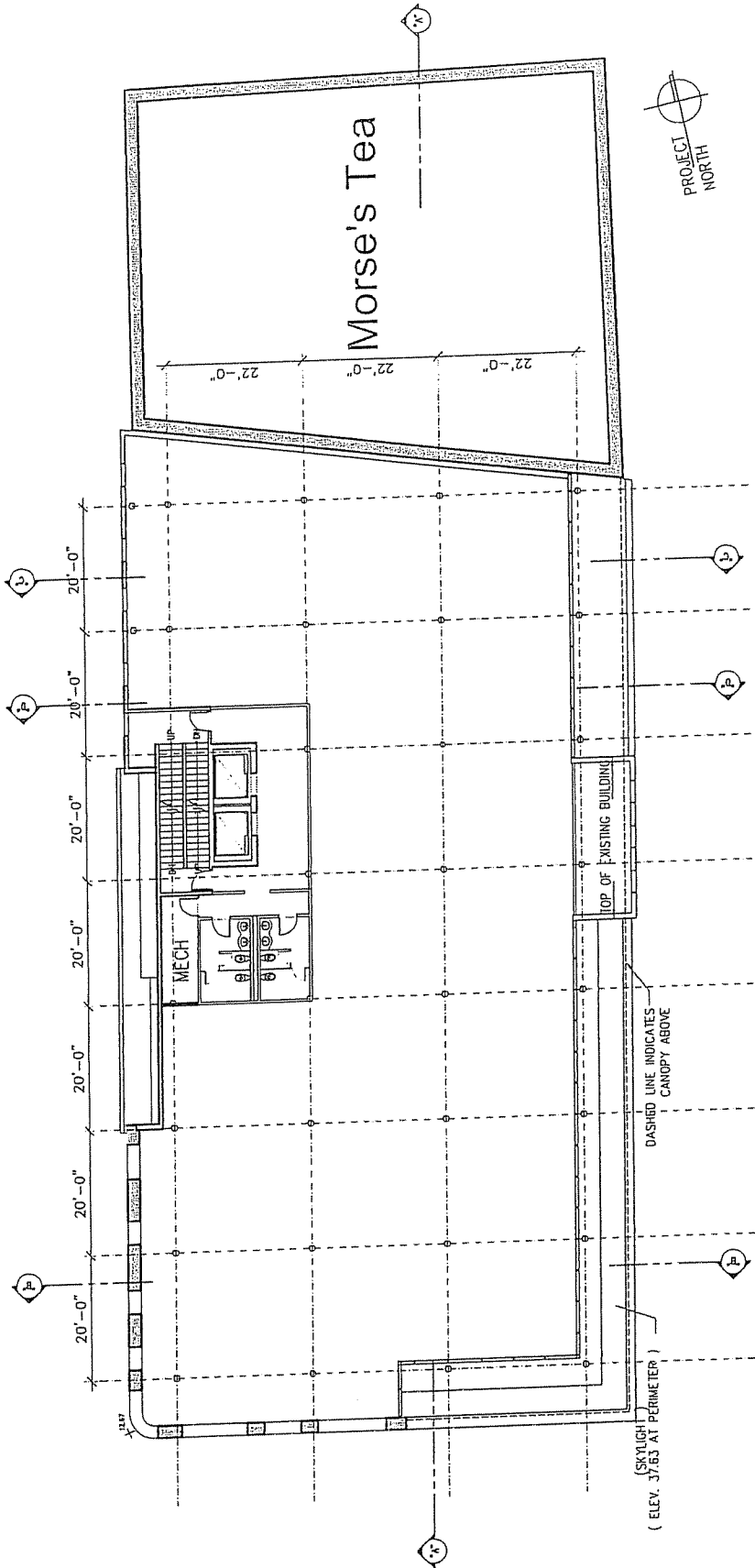
SCHEDULE H  
 SECOND FLOOR  
 June 13th, 2008



# HISTORIC PROPERTIES

## WATERSIDE CENTRE

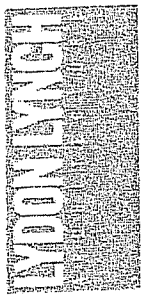




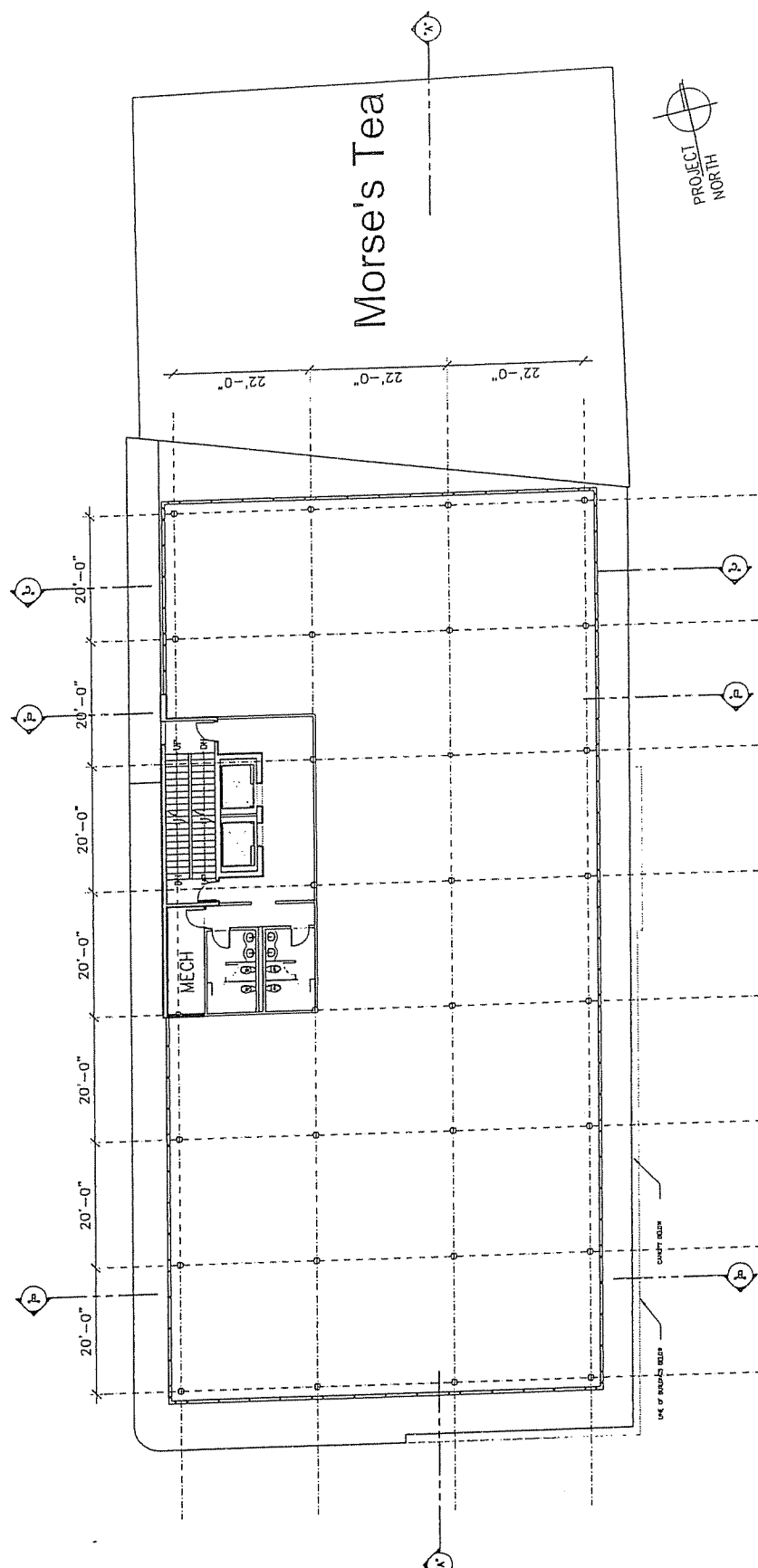
SCHEDULE I  
THIRD FLOOR  
June 13th, 2008

# HISTORIC PROPERTIES

## WATERSIDE CENTRE



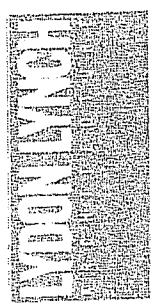


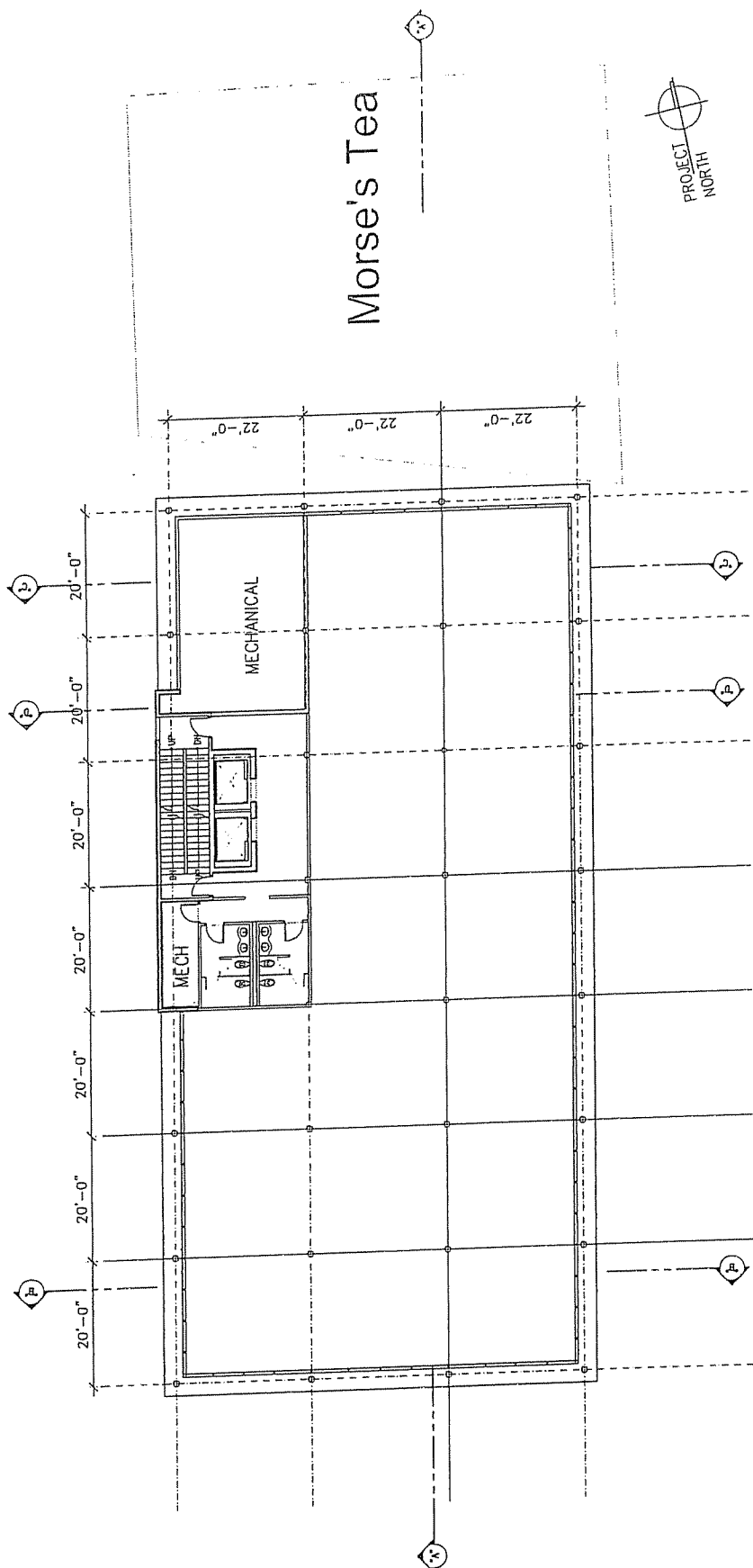


SCHEDULE J  
 4TH - 8TH FLOOR  
 June 13th, 2008

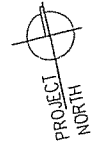
# HISTORIC PROPERTIES

## WATERSIDE CENTRE



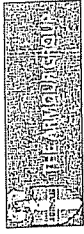


Morse's Tea



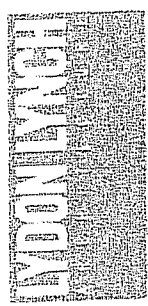
SCHEDULE K  
9TH FLOOR

June 13th, 2008



# HISTORIC PROPERTIES

## WATERSIDE CENTRE



## ATTACHMENT B - WATERSIDE CENTRE: HERITAGE BUILDINGS ON THE SITE

### 1. 1859 Hollis; The Shaw Building

#### History

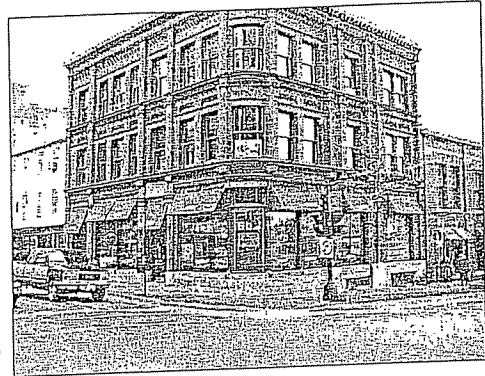
Built 1903. Designed by S.P.Dumaresq. Used as offices for various sugar companies: Acadia Sugar Refinery, until 1944; Atlantic Sugar Refinery, 1944-1956.

#### Character Defining Elements

Early 20<sup>th</sup> Century Classical style. Red brick, rounded corner building with flat roof. Bracketed cornice. Decorative brick string courses; Ionic brick pilasters, decorative cast iron elements. Round corner windows have curved panes.

#### Heritage Registration Status

Registered by Council Resolution, 22 October, 1981.



### 2. 1861-1863 Hollis: Fishwick Building

#### History

Built c 1820. Associated with F.W. Fishwick & Co., a freight express business which flourished in the late 1800's.

#### Character defining elements

Georgian style, wood framed building with stucco exterior. Gable roof. Wooden storefront altered from the original but in such a way that it does not detract from the character of the building.

#### Heritage Registration Status

Registered by Council Resolution, 22 October, 1981.



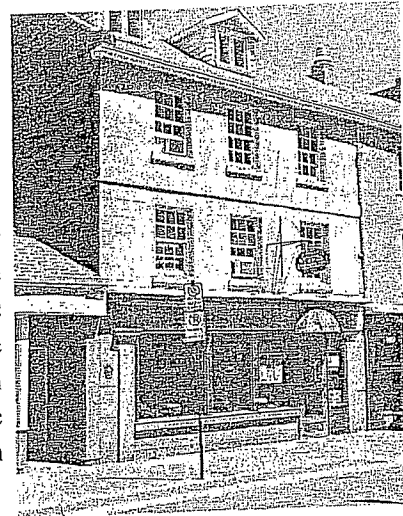
3. 1865 Hollis / 1866 Upper Water Street: Harrington (MacDonald-Briggs) Building

History

Built c.1820. Former occupants were Daniel Harrington, grocery & wine merchants, and Pyke Brothers, Brokers and Manufacturing Agents.

Character defining elements

Georgian style. Freestone and granite building with similar facades facing both Hollis and Upper Water Streets. Low gabled roof. Two gabled dormers on the Hollis Street side. Three 6-over-6 windows on the Hollis side, three on each storey divided by a stringcourse. On the Water Street side: nine, two-sash windows three on each storey divided by stringcourses. On both sides, the storefronts have a granite entablature supported by plain granite pilasters.



Heritage Registration Process and Status

Registered by Council Resolution, 22 October, 1981.

4. 1860 Upper Water Street: Imperial Oil Building.

History

Built 1926 by Imperial Oil Ltd. for use as general offices. The company also owned the nearby Powers Wharf and warehouse. The Imperial Oil refinery had been built in Dartmouth in 1918. The first Imperial Oil filling station was opened on Spring Garden Road in 1927. Imperial Oil occupied this office building until 1954, when it built another one on Barrington Street between South and Tobin. 1860 Upper Water was subsequently used as offices for various shipping firms and consulates. It has been used as restaurant since the 1980s.

Character Defining Elements

Two storey red brick building with flat roof. Granite is used for the foundation, lugsills and trim, e.g., window keystones, pilaster capitals, and quoining around the doorway.

Fronting on Water Street the facade is divided into five symmetrical bays by pilasters in low relief. Each bay has four simple windows, two at ground level and two on the second floor., except for the central bay where there is a central doorway at ground level and a large segmented window on the second floor. Above the window is a granite block inscribed with "Imperial Oil Ltd." There is little decoration around the window openings except linear (non-arched) brick voussoirs, which feature granite keystones. Over the doorway is a similar set of voussoirs in granite. There are also granite quoins on either side of the door opening.

The building has a copper cornice and, above the second floor windows, a second horizontal band of moulding in copper.

Stylistically, the building is well proportioned and relatively plain, with a few graceful decorative elements. This attitude towards style was common at the time; it has been

referred to as 20<sup>th</sup> Century Classical. It is interesting to observe that this style was contemporary with the Art Deco Style which employed much more decoration. This choice of a simple design with a few Classical elements is possibly indicative of the attitudes of this company at the time. The design choice was also indicative of the way architecture was to generally evolve over subsequent decades.

Heritage Registration Status

Registered by Council Resolution, 17 January, 1985.



ATTACHMENT C - REVIEW OF MOST RELEVANT POLICIES

Halifax Municipal Planning Strategy - City-Wide Objectives and Policies (Section II, Part II)

Policy Criteria	Staff Comments
<p>3.2 The Halifax Central Business District shall be regarded as the principal business centre in the Halifax-Dartmouth region, and shall include office, shopping, finance, government, residential, recreation, and entertainment facilities as well as desirable types of harbour-related businesses and industries.</p>	<p>The subject lands fall within the Central Business District Sub-Area of the Halifax Waterfront Development Plan Area. The proposal is for retail and restaurant uses on the ground floor and office space on the upper floors.</p>
<p>3.2.1 Major office projects, hotels, cultural facilities and government office activities, which would strengthen and enhance Halifax as the dominant centre of Atlantic Canada, should be induced to locate in the Central Business District. This policy shall remain in effect until City Council determines that the Central Business District is self-sustaining.</p>	<p>See comments for Policy 3.2 (Section II).</p>
<p>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.</p>	<p>Staff's evaluation of the proposal took into account Section IV of the Halifax MPS (see below).</p>

<p>6.1 The City shall continue to seek the retention, preservation, rehabilitation and/or restoration of those areas, sites, streetscapes, structures, and/or conditions such as views which impart to Halifax a sense of its heritage, particularly those which are relevant to important occasions, eras, or personages in the histories of the City, the Province, or the nation, or which are deemed to be architecturally significant. Where appropriate, in order to assure the continuing viability of such areas, sites, streetscapes, structures, and/or conditions, the City shall encourage suitable re-uses.</p>	<p>The proposal involves redeveloping the subject properties, into a single 9 storey building, all the while integrating the facades of the 4 municipally registered heritage buildings found on-site. The developer ascertains that maintaining the 4 heritage buildings intact is not feasible, as the second and third storeys of the existing buildings are not well suited for re-use into modern office/commercial space, and that the long term structural integrity of the Imperial Oil Building (1860 Upper Water Street) is uncertain due to its believed construction over untreated wooden piles over 75 years ago in a tidal zone. The developer will need to excavate around the building at a minimum depth of 8 feet to determine the extent of deterioration of the wooden piles. Only then will the company know if it can proceed with an "underpinning" process, or if a completely new substructure will have to be built. Staff are of the opinion that this project retains the buildings and encourages suitable re-uses.</p>
<p>6.3.2 Within the area bounded by North Street, Robie Street and Inglis Street, no development shall be permitted that is visible over the top of the reconstructed earthworks on the Citadel ramparts, from an eye-level of 5.5 feet above ground level in the Parade Square of the Citadel.</p>	<p>The draft development agreement contains two requirements for written certification by a Nova Scotia Land Surveyor guaranteeing that the proposed re-development will not violate the ramparts rule. The first certification must be submitted to the Development Officer prior to the issuance of Building or Development Permits, while the second must be submitted prior to the issuance of the First Occupancy Permit.</p>

<p>6.4.1 The City shall regulate the demolition and exterior alterations under the provisions of the Heritage Property Act, and should secure inducements for retention, maintenance and enhancement of registered heritage properties.</p>	<p>Due to the believed structural condition of at least one of the buildings, full or partial demolition of the Imperial Oil Building (1860 Upper Water Street) may be required. This structural condition will not be determined until more detailed investigation can be undertaken. While it is unfortunate that a municipally registered heritage building may need to be demolished and replicated, it will accomplish the same general appearance of the building. Therefore, staff is of the opinion that the circumstances warrant the potential demolition.</p>
<p>6.4.3 The City shall consider acquisition of registered heritage properties whenever acquisition is the most appropriate means to ensure their preservation.</p>	<p>This option is always available to Council for their consideration. However, it is not an option that has been investigated by staff.</p>

**Halifax Municipal Planning Strategy - Halifax Waterfront Development Area Objectives and Policies (Section IV, Part II)**

Policy Criteria	Staff Comments
<p>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.</p>	<p>The proposal is for retail/restaurant/ lounge /personal services/financial institutions uses on the ground floor and office space on the upper floors.</p>
<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 proposal limits ground floor uses to retail and personal services uses, restaurants and lounges, financial institutions, and the entrances to uses permitted or established on the upper floors.</p>



<p>3.1 The City shall continue to seek the retention, preservation, rehabilitation and restoration of areas, streetscapes, buildings, features and spaces in the HWDA consonant with the City's general policy stance on Heritage Preservation (see Section II, Policy Set 6).</p>	<p>See staff comments above under Policy 1.6 (Section II).</p>
<p>3.1.3 The City shall regulate demolition and external alteration under the provisions of the Heritage Property Act, and should secure inducements for retention, maintenance and enhancement of registered heritage properties within the HWDA.</p>	<p>See staff comments above under Policy 6.4.1 (Section II).</p>
<p>4.1.2 The City should seek the provision of weather-protection for pedestrians, particularly where new development or major alterations to building facades abut pedestrian routes in the CBD sub-area.</p>	<p>The draft development agreement permits the provision of fixed and retractable awnings, as well as canopies along the building facades if encroachments into the street rights-of-way can be resolved under the Encroachment By-law (By-law E-200).</p>
<p>5.4 Views of the Harbour and of the Citadel along the east-west streets and open space elements of this Plan within the CBD should be opened up as redevelopment provides opportunity. No part of any proposed new building should block these views.</p>	<p>The proposed 9-storey building will not block the view between the Harbour and the Citadel along Duke Street.</p>
<p>5.4.3 Views of the Harbour from Citadel Hill shall be preserved as specified in the Views By-law.</p>	<p>Most of the site falls under view plane # 3. However, the proposed redevelopment respects the view plane.</p>
<p>5.4.4 Roof areas of new developments, which can be seen from the Citadel, from taller buildings, or from other parts of the City, should be designed to be not only visually attractive, but, where appropriate, to provide open space for public use and circulation.</p>	<p>The rooftop of the proposed development will be visible from the Citadel, as well as from some of the buildings in the CBD. The developer is not proposing a landscaped roof or one that is open for public use.</p>

5.6	The character of the HWDA should be reinforced through the control of urban design details such as massing, texture, materials, street furniture, and building lines.	The development agreement does control the siting, massing and scale of the proposed building, as well as the materials to be used.
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.	The proposal includes integrating the facades of municipally registered heritage buildings into a new 9 storey building. At street level, the empty spaces will be filled with 2-3 storey infill facades clad in traditional materials (granite and sandstone). The upper storeys of the new building will be clad in non-reflective glass and some precast concrete having the colour and texture of Nova Scotia sandstone. The non-reflective glass is seen as a good complementary material to adjacent heritage buildings as it brings in a modern component to the area, without overpowering the heritage elements of surrounding buildings. Two setbacks from the building face, to be provided above the second and eight level, will further mitigate the impact of the modern addition in the area. Therefore, staff is of the opinion that the redeveloped site will be complementary to adjacent registered heritage buildings.
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).	Staff required the applicant to submit a wind analysis as part of the application process. The analysis demonstrated that the proposed building will not create adverse wind effects.
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).	Staff required the applicant to submit a shadow analysis as part of the application process. The analysis demonstrated that the proposed building will not create adverse shadow effects.

<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.</p>	<p>Electrical and communication distribution systems have already been undergrounded in the area.</p>
<p>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.</p>	<p>There is adequate capacity present in the area to service the development in terms of potable water, sanitary and stormwater systems.</p>

**Halifax Municipal Planning Strategy - Implementation Policies**

Policy Criteria	Staff Comments
<p>3.5.3 Further to Policy 3.5 above, the area identified on Map 14 of this Plan as the "CBD" sub-area of the Halifax Waterfront Development Area shall be identified on the zoning map and within such area no development permit for a development of over 25 feet shall be issued, except under an agreement with Council pursuant to Section 34(1) of the Planning Act.</p>	<p>The proposed 9 storey building requires a development agreement approval by Council as the subject lands fall within the CBD sub-area of the Halifax Waterfront Development Area and its proposed height exceeds 25 feet.</p>
<p>3.5.5 In entering into agreements pursuant to Policies 3.5.2 and 3.5.3 above, Council shall be guided by the policies contained in Section IV of this Plan and shall not enter into agreements which are inconsistent with the policies of this Plan.</p>	<p>Staff's evaluation of the proposal took into account Section IV of the Halifax MPS (see above). Staff is of the opinion that the application meets the overall intent of the Halifax MPS.</p>

**Regional Municipal Planning Strategy - Chapter 6: Cultural and Heritage Resources**

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

guiding the development agreement under the applicable secondary planning strategy, also give consideration to the following:

Policy Criteria	Staff Comments
<p>(a) that any municipally registered heritage property covered by the agreement is not altered to diminish its heritage value;</p>	<p>The intent of the <i>Heritage Property Act</i> is to protect exterior heritage building envelopes and this proposal makes every attempt to maintain, or, when necessary, to rebuild the facades of the 4 municipally registered heritage buildings. The HP Act is also specific about the 'appearance' and not materials of the buildings. This maintains the appearance of the original buildings. It is worthwhile to note that there have been other projects in the CBD, where only the heritage facades were maintained.</p>
<p>(b) that the development maintains the integrity of any municipally registered heritage property, streetscape or heritage conservation district of which it is part;</p>	<p>The subject site includes 4 municipally registered heritage buildings, but none are part of a municipally registered heritage streetscape or conservation district. The <i>Heritage Property Act</i> in Nova Scotia does not regulate the interior of a registered heritage building, but instead focusses on the exterior building envelope. In this case, all visible walls fronting on a street will be maintained or rebuilt (depending on structural viability) within the redevelopment proposal. Of the 4 municipally registered buildings, 2 of them have flat roofs. The other two buildings have pitched roofs, which will be partially impacted by the addition, but a significant portion of both roofs will remain visible and will maintain the perception of the roof line. Therefore it is staff's opinion that the redevelopment proposal goes as far as it can to preserve the integrity of the building. The 4 registered heritage buildings were constructed as commercial buildings, and the redevelopment will continue that historic use.</p>

<p>(c) that significant architectural or landscaping features are not removed or significantly altered;</p>	<p>Most of the character defining architectural features associated with the 4 municipally registered buildings are found on the facades, which will kept as part of the proposal. There are no significant landscaping features associated with the 4 municipally registered heritage buildings.</p>
<p>(d) that the development observes, promotes and complements the street-level human-scaled building elements established by adjacent structures and streetscapes;</p>	<p>The facades of the existing municipally registered buildings already contain street-level human-scaled building elements that will be maintained as part of the proposed redevelopment project. Furthermore, new infill facades have been designed to be in scale with the registered heritage buildings, and will incorporate local sandstone. The development will introduce additional street-level human-scaled elements, which will further complement those of adjacent structures and streetscapes.</p>
<p>(e) that the proposal meets the heritage considerations of the appropriate Secondary Planning Strategy as well as any applicable urban design guidelines;</p>	<p>The proposal has been assessed against the policies of the Halifax MPS, including the policies contained in the Halifax Waterfront Development Area Plan (see above). There are no existing urban design guidelines for the project to be reviewed against.</p>

<p>(f) that redevelopment of a municipally registered heritage property, or any additions thereto shall respect and be subordinate to any municipally registered heritage property on the site by:</p> <p>(i) conserving the heritage value and character-defining elements such that any new work is physically and visually compatible with, subordinate to and distinguishable from the heritage property;</p>	<p>(i) For this group of buildings, 2 of the 4 roof lines are non-character defining elements. For the two buildings that have a pitched roof, the perception of the roof lines will be maintained.</p> <p>The infill facades are both physically and visually compatible to the facades of the municipally registered heritage buildings by their use of traditional materials (granite and sandstone) and scale. However, the fenestration patterns used on the infill facades are decidedly modern, which tend to distinguish them from the registered facades.</p> <p>The change of material on the rooftop addition (primarily glass instead of brick and stone), does distinguish the addition from the historic facades of the municipally registered heritage buildings. In addition, because glass curtain wall systems are a modern construction technique, its use in the rooftop addition avoids the creation of a false historical appearance. The primary use of glass also brings a lightness of material, as well as a sense of transparency to the rooftop addition. This would result in the pedestrian's attention being focussed on the base of the building, which has heavier materials, while the airiness of the glass addition would somewhat blend itself into the sky. This treatment can be found to be visually complementary and subordinate to the street facades of the registered buildings.</p> <p>While the height of the rooftop addition is greater than the height of the registered facades, the narrow character of the street rights-of-way along the 3 street frontages forces the pedestrian's attention to the base of the building, which tends to mitigate the absolute height of the rooftop addition.</p>
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<p>(ii) maintaining the essential form and integrity of the heritage property such that they would not be impaired if the new work was to be removed in the future;</p>	<p>(ii) Provided the facades are maintained or rebuilt the rooftop addition could be removed and the integrity of the registered heritage buildings would be maintained.</p>
<p>(iii) placing a new addition on a non-character-defining portion of the structure and limiting its size and scale in relationship to the heritage property; and</p>	<p>(iii) The shared internal walls of the 4 municipally registered heritage buildings are not visible and not considered to be character defining portions of the buildings. Infills planned along the street frontages will have traditional materials and will appear as separate buildings. The infill facades will also be of a similar size and scale as the heritage facades.</p>
<p>(iv) where a rooftop addition is proposed, setting it back from the wall plane such that it is as inconspicuous as possible when viewed from the public realm; and,</p>	<p>(iv) The subject site is constrained by one of the narrowest blocks in the CBD, which limits the distance that a rooftop addition can be reasonably set back from the wall plane. Therefore, in order to achieve a floor space that is suitable for office use, the setback has to be kept to a minimum. In the case of the proposed redevelopment, the rooftop addition is proposed to be set back approximately 5 feet. It is important to note, however, that Duke Street, Upper Water Street and Hollis Street have narrow street rights-of-way, which contribute to mitigating the visible impacts of the rooftop addition, as individuals standing across the aforementioned streets would have to make an effort to look up at the addition.</p>
<p>(g) any other matter relating to the impact of the development upon surrounding uses or upon the general community, as contained in Policy IM-15.</p>	<p>No other issues were identified under Policy IM-15.</p>

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

Policy Criteria	Staff Comments
<p>(a) ensuring that new development respect the building scale, massing, proportions, profile and building character of abutting federally, provincially or municipally registered heritage structures by ensuring that they:</p> <p>(i) incorporate fine-scaled architectural detailing and human-scaled building elements within the pedestrian realm;</p>	<p>The facades of the municipally registered heritage buildings that will be incorporated into the 9-storey commercial building already contain fine-scaled architectural detailing and street-level human-scaled building elements that will be maintained as part of the proposed redevelopment project. Furthermore, new infill facades will introduce additional fine-scaled architectural detailing and street-level human-scaled elements, which will further complement those of the abutting Morse's Tea Building.</p>
<p>(ii) consider, within the pedestrian realm, the structural rhythm (i.e., expression of floor lines, structural bays, etc.) of abutting federally, provincially or municipally registered heritage structures; and,</p>	<p>The structural rhythm of infill facades along the pedestrian realm will respect those of the municipally registered facades that are part of the redevelopment proposal, as well as those of the abutting Morse's Tea Building.</p>
<p>(iii) any additional building height proposed above the pedestrian realm mitigate its impact upon the pedestrian realm by incorporating design solutions, such as setbacks from the street wall and modulation of building massing, to help reduce its apparent scale;</p>	<p>The proposed 9-storey commercial building will be approximately 50 feet higher than the abutting Morse's Tea Building. The additional building height above the pedestrian realm will be mitigated by two setbacks from the building face, the first above the second floor and the second one above the eighth floor. The scale of the rooftop addition will also be mitigated by the use of large amounts of non-reflective glass, which will provide a sense of lightness and transparency to the additional building height.</p>
<p>(b) the siting of new developments such that their footprints respect the existing development pattern by:</p> <p>(i) physically orienting new structures to the street in a similar fashion to existing federally, provincially or municipally registered heritage structures to preserve a consistent street wall; and,</p>	<p>A consistent street wall is maintained as part of the proposal, as new infill facades will be oriented to the street in a similar fashion as the Morse's Tea Building.</p>



<p>(ii) respecting the existing front and side yard setbacks of the street or heritage conservation district including permitting exceptions to the front yard requirements of the applicable land use by-laws where existing front yard requirements would detract from the heritage values of the streetscape;</p>	<p>The proposal respects the existing front yard setback of the street. As lot coverage in the area is typically 100%, there is no side yard setback included as part of the proposed redevelopment project.</p>
<p>(c) minimizing shadowing on public open spaces;</p>	<p>Staff required the applicant to submit a shadow analysis as part of the application process. The analysis demonstrated that the proposed building will not create adverse shadow effects.</p>
<p>(d) complementing historic fabric and open space qualities of the existing streetscape;</p>	<p>There is no open space found along this streetscape. The historic fabric of the streetscape will be complemented by maintaining the facades of the 4 municipally registered heritage buildings, as well as infilling holes in the streetscape with facades built out of traditional materials.</p>
<p>(e) minimizing the loss of landscaped open space;</p>	<p>There is currently no landscaped open space present on the subject site.</p>
<p>(f) ensuring that parking facilities (surface lots, residential garages, stand-alone parking and parking components as part of larger developments) are compatible with abutting federally, provincially or municipally registered heritage structures;</p>	<p>Parking on the subject site will be contained in an underground garage. Access to the underground parking will be from Upper Water Street and the entrance to the underground garage will be integrated into the design of the building and will not be a predominant feature.</p>
<p>(g) placing utility equipment and devices such as metering equipment, transformer boxes, power lines, and conduit equipment boxes in locations which do not detract from the visual building character or architectural integrity of the heritage resource;</p>	<p>Functional building elements are addressed under the draft development agreement (Section 3.9). Electrical and communication distribution systems have already been undergrounded in the area.</p>

<p>(h) having the proposal meet the heritage considerations of the appropriate Secondary Planning Strategy, as well as any applicable urban design guidelines; and,</p>	<p>The proposal has been assessed against the policies of the Halifax MPS, including the policies contained in the Halifax Waterfront Development Area Plan (see above). There are no existing urban design guidelines for the project to be reviewed against.</p>
<p>(i) any other matter relating to the impact of the development upon surrounding uses or upon the general community, as contained in Policy IM-15.</p>	<p>No other issues were identified under Policy IM-15.</p>

ATTACHMENT D- MINUTES FROM PUBLIC INFORMATION MEETING

HALIFAX REGIONAL MUNICIPALITY  
PUBLIC INFORMATION MEETING  
CASE # 01114 - 1855-1873 Hollis Street

7:00 p.m.  
Wednesday, May 7, 2008  
Halifax Hall, City Hall

IN ATTENDANCE: Luc Ouellet, Planner, Planning Applications  
Sharlene Seaman, Planning Controller, Planning Applications  
Kelly Denty, Supervisor, Planning Applications  
Austin French, Manager, Planning Applications  
Maggie Holm, Heritage Planner

ALSO IN ATTENDANCE: Councillor Dawn Sloane, District 12  
Andy Lynch, Lydon Lynch Architects  
Ben McCrae, The Armour Group

PUBLIC IN ATTENDANCE: Approximately 52

1. **Introductions/Purpose of Meeting/Overview of Planning Process - Luc Ouellet**

Mr. Luc Ouellet opened the meeting by introducing himself as the planner assigned to the application. He also introduced HRM staff, Councillor Dawn Sloane and the applicant. He then outlined the process: The application had been made and staff had done a preliminary review. The Public Information Meeting (PIM) was the third stage of the process. Following the meeting there would be a detailed review of the application, including comments from the HRM Engineering Department, Transit, Planning Services and other related parties.

The staff report, containing a recommendation and minutes, would then be submitted to the Planning Advisory Committee (PAC) and the Heritage Advisory Committee (HAC). Those committees would submit separate reports, based on community feedback and the staff report, which would be forwarded to Regional Council (RC). RC would then decide if they would pursue the application. If no, it would be rejected. If yes, there would be a Public Hearing (PH) date set. Anyone who would like to address Council may do so at the PH. After the PH, Council would then decide on the actual development agreement application and reject or approve it. After the decision, whether rejected or approved, anyone may appeal the decision with the Nova Scotia Utility and review board (NSURB).

He then passed the floor to Mr. Ben McCrae, with The Armour Group, to explain the proposal.

2. Presentation of Proposal - Mr. Ben McCrae

Mr. McCrae introduced himself as the chairman of the Armour Group. He started the company in the early nineteen seventies. He offered some background on the project. The properties, in nineteen seventy two and nineteen seventy three were purchased to satisfy some of the requirements or Historic Properties obligations to provide the one hundred twenty thousand square feet of new campus downtown for Nova Scotia College of Art and Design(NASCAD).

He stated that part of those requirements were for kiln operations, located on the vacant land but most were for office space (located on the upper floor). He than showed visual aids. The ground floors were traditionally retail/food and beverage for the past thirty plus years. In two thousand five, the campus (NASCAD) on the waterfront advised the Armour Group that they would no longer need space in the buildings in question.

That left the Armour Group with a challenge as the space is very small and disjointed in terms of elevation. The buildings do not, in their present state, meet any of the requirements of the National Building Code or provincial building code. There are no elevators, no access, no ventilation system, no air conditioning system and a non functional electrical system.

They retained the services of Mr. Lynch to help them in finding a solution to this challenging problem. One of the biggest challenges was the "Imperial Oil" building. It was built on, what appears to be, wooden piles in the early nineteen thirties. The tops of these piles are located about eight feet below the sidewalk level on Water street and they are in a tidal zone.

They have taken these "piles" into consideration when thinking about sustainable development and the Heritage building itself. They also want to provide a new, modern office space in the downtown core. He than turned the floor to Mr. Andy Lynch to explain how they would be making this building more feasible and better office space.

**Mr. Andy Lynch**, President of Lydon Lynch Architects, states that the issues were similar twenty five years ago and they used the same Municipal Planning Strategy (MPS). He talked about some other buildings with the same age and height that have evolved as Halifax has evolved.

He believed that they are not high rise buildings and people would find themselves quite comfortable as these buildings make very good neighbours to the Heritage surroundings. He stated that the current proposal wasn't any different from past developments that were approved as per the MPS.

The Founders Square project is about eighteen years old and he believed that this building formed the basis for the architectural decisions that married Halifax Heritage with new construction. This saves the Heritage in a very successful way. He believed that the Heritage groups felt the same way at that time.

These older buildings became the background for some of the decisions that formulate the design of how to integrate new construction with Heritage, how to get the best out of both and how to make

a project almost economically viable. It also shows how to preserve all the urban design characteristics that are called for in the MPS. It is a very complex set of reference points to meet all the objectives.

He advised that the site is three quarters of the block of Hollis, Duke and Lower Water. Morris' Tea is not part of the project. There are four Registered Heritage buildings as part of the proposal, including: The Shaw building, The Fishwick building, The Harrington building and The Imperial Oil building. These buildings all have various complexities and floor levels when trying to integrate into a single development.

He advised that the existing walkway from Hollis to Lower Water will be maintained in the new development. The lower level is a basement level that contains sixteen parking spaces. The main level maintains the walk through and the retail. The commercial uses will be maintained on ground level on Hollis and Lower Water.

The Armour Group is hoping that the same tenants remain in the future after the project is complete. They hoped to have the same kind of fabric at the sidewalk level in terms of setback entrances. The second level has some sections that are two floors through the lobby area but from the outside you can see the maintenance of the existing Historic fabric and the new construction within.

He stated that the roof level gives a clear image of new construction and that was their point. They are planning on using a translucent glass, a curtain wall system, to contrast and be neutral to the Heritage side.

He advised that there were wind and shadow studies done for the development. The wind study was done in Guelph, Ont. and the commentary was that there was no adverse effects at the sidewalk level from wind at this building. The shadow study showed a small shadow from the building at any given time but again, no adverse effects at the sidewalk level.

He summarized by stating that they have given respect and attention to the Heritage side as well as the new construction side of the development with urban design and principles. They had considered the MPS and this project follows direction given by the MPS.

Mr. McCrae added that the traffic study concluded that there was no risk for traffic concern. The Armour Group would be looking into the building having a solid structural steel frame. This would make construction time have a minimal effect on traffic as it would be built faster.

The Imperial Oil building has more height and has a cost over and above the cost of construction. Mr. McCrae refers to this as extra over. The pile foundation will need to be strengthened and maybe have more work in addition to that.

The Development Agreement states that if it is financially and feasibly impossible to restore the building, the Armour Group can demolish it if needed and restore it with the same appearance under Heritage.

Mr. Ouellet opened the floor to the public for questions and comments.

3. Questions/Comments

Mr Phil Pacey, President of the Heritage Trust of Nova Scotia, believed that the block of Heritage buildings in question is one of the most important blocks of Heritage buildings in Nova Scotia. In the nineteen sixties the three main blocks from Granville Street to Harbour were threatened by a proposed expressway.

He stated that Council, in nineteen sixty three, motioned to preserve these buildings, in its entirety. This was the first major victory for Heritage preservation in Halifax and a significant event for history and preservation in Canada.

He stated that in nineteen seventy eight the staff report recommended that all the buildings in this three block area (from Granville Street to Harbour) be protected by Heritage legislation. When Provincial legislation was adopted in nineteen eighty, the City moved to protect each individual property in the area. Nova Scotia now has one of the primary attractions in Nova Scotia as the five individual buildings are of interest.

He gave some history on the Heritage aspect of the buildings in question of development. He stated that the Armour Group had proposed to completely demolish one of the buildings years ago. These buildings are excellent representatives of a range of periods in the life of the capital city and of a range of architectural styles.

He felt that this group of buildings are a keystone in the Halifax Waterfront as the buildings are a major economic generator for Halifax and Nova Scotia. The area has a twenty five foot, as of right, height. This means nothing higher can be built without a development agreement. The LUB states that no development above twenty five feet high may be approved, that is inconsistent with the MPS.

He read from the Regional MPS, a particular policy CH-1 which stated that the redevelopment of a Municipally registered Heritage property or any addition then to, shall respect and be subordinate to any Municipally registered Heritage property on the site.

He believed that the proposed development is not subordinate to the Heritage buildings on the site. It doesn't comply with the clause. It should maintain the essential form of integrity and it clearly does not. Also the new work should be able to be removed in the future and the buildings should be intact.

The policy stated that placing a new addition on the non character defining portion of the structure is a non compliance. The roof is a character defining policy and that would not be complying to the policy. Also the roof fails to comply as it not inconspicuous as stated in the policy. It is much larger than the existing building.

He advised that the proposal included a number of things that are not allowed under the LUB. Some technical problems were mentioned and the Heritage Trust is willing to work with the owners to solve some of those problems.

He believed this was a key meeting for the Heritage character of Halifax and approval of the project would be gray as there are now three contiguous blocks of Heritage buildings which would be reduced to two isolated blocks of Heritage buildings.

He asked the city to recommend the application be rejected.

**Mr. Gord Simms**, expressed excitement in the development stating that the downtown is currently stagnant. He believed that the charm would still be there. He believed this building has married Heritage and is looking towards the future.

He asked Mr. McCrae what made the Armour Group decide to incorporate the building on the ground two levels of the structure?

Mr. McCrae advised that they were faced with the dilemma of having some boarded up buildings or a parking lot. They had to find a way to come up with a design that incorporated the aspirations of the Heritage groups but would allow for a Founders Square type of development as it was a supported development.

He had to look for enough space in terms of total development to have a project that is economically viable. This development is eighty thousand square feet and the extra over cost would be approximately one point five million.

The extra over cost represents about twenty percent of surcharge and the cost of the construction downtown Halifax is fifty percent more than it is in the suburbs. The cost of land is twenty five percent more. They have to find enough volume to be able to amortize the one point five million dollars and still come out with a project that is economically viable and is viable in the marketplace.

He states that there are not many tenants that would rent offices and pay a premium to cover the extra over cost.

Mr. Simms, asked if the tenants would be staying who currently are there and would the above still be office space.

Mr. McCrae advised that they would make sure that the tenants have the first opportunity to go back there.

**Mr. Allan Parish**, 6517 Coburg Road, Halifax stated three points:

- These are important Heritage buildings in the city of Halifax. He has lobbied in the past for provincial Heritage registration. That disappoints him.

- He appreciated the work Mr. McCrae is doing to preserve the look of this and other Halifax buildings. It is better than tearing them down or having a parking lot. It isn't what he hoped for but it is the best he could hope for under the current circumstances.
- He disagreed with the roof of the building as he believed that it takes the attention away from the Heritage bottom of the building. He would rather the bottom be the main architectural impact of the view.

**Mr. Jim MacFadzean**, Halifax resident, believed Mr. Parish's comments were well taken. He wanted to know what would happen to the Morse's Tea building as it represents a Heritage city.

Mr. Ouellet advised that the building is not a part of this project but there is some work happening internally. He stated that it had totally different ownership.

**Mr. Paul Ericsson**, 5624 Drummond Court, Halifax, thought that the most interesting comment he heard from the applicant was that there were two purposes for the current design. One is to deal with the alleged challenges and confessions of the Heritage buildings so they are preserved. The second interesting comment was that this building would increase office space in downtown Halifax.

He believed that the building design does not deal with the Heritage issue as it is a much larger building. He advised that this is the only stretch of buildings that are in the heart of Halifax. He is fully aware of the design principal that states to keep the state additions on Heritage buildings. He believed that this development would fundamentally wreck the Heritage side of this building.

**Mr. Michael Bradfield**, asked how many people would be working in the office in regards to having only sixteen parking spaces available in the basement.

Mr. McCrae advised that it would increase the square footage of office space in the downtown core. The amount would be about three hundred people.

Mr. Bradfield asked if there would be a parking problem.

Mr. McCrae stated that there is no requirement under the MPS for parking. They are adding the parking that they can reasonably do.

Mr. Bradfield asked what the classification would this office space be, A, B or C.

Mr. McCrae stated that it would be Class A and would be built to comply with the Canada Council of LEED, Silver, building. He is hoping that the primary source of cooling and heating will be the harbour water.

Mr. Bradfield gave comment that the drawing of the development reminded him of the disappointment he had when he pulled into Saint Pierre and Miquelon. The mix of Heritage and modern properties facing the waterfront wasn't eye pleasing.



He stated that the drawing of the development secondly reminded him of the "mad hatter" as the top of the building dominates the lower portion of Heritage, which needs to be protected.

Lastly Mr. Bradfield stated that he still did not understand why the building was to be built so high.

Mr. Ouellet first addressed the traffic issue. HRM is currently reviewing the traffic study that had been requested at the beginning of the application.

**Mr. Adam Contor**, Resident of Bedford, addressed office space. He commended Mr. McCrae for providing more office space for potential business for young business people. He likes the architecture and feels that the Heritage portion is highlighted.

He wondered what the existing businesses, which will be replaced, contributed to the local economy versus seventy thousand square feet of office space incorporating jobs and expanding the use of the downtown.

He also wondered about the three block hub of Heritage buildings and if they would eventually fall down if they were not rebuilt due to the pile foundation, etc.

He also stated that the traffic should not be a problem as the downtown transportation system should be up and running because of the time line.

Mr. McCrae stated the economics from the City's point of view. There are four restaurants which would have employment. The rest of the buildings are vacant and he stated that there isn't any way he could get an occupancy permit for that space. It has no ability to be an economic generator.

He stated that there are some numbers in terms of the report as to what the tax revenues and the job prospects would be if there are three hundred new jobs available. He spoke about other "green" buildings that his company has built in Nova Scotia and the stabilizing job growth in the downtown. He gave some figures over the past twenty years for job growth. He believed that people want the office space downtown and not in the suburbs.

**Mr. Paul MacKinnon**, 6478 Young Street, also with the Downtown Halifax Business Commission and Vice Chair of the Urban Design/HRM by Design task force, speaking of his own opinion, talks about Heritage preservation. This development reminds him of Founders Square and the Kelly's building. He believed that putting new construction on top of the Historic site, will save the Heritage Property.

He stated that he believed that there is a need for office space downtown as the vacancy rate is less than four percent for Class A office space. He was hoping that people would walk to work or take public transit as it has been working in some areas in the States.

He liked the design of the top of the development. He believed it brings light to the waterfront. He stated that Armour and Lynch did some wonderful work such as Bishops Landing and another site

at Dalhousie. Lastly he spoke about the walkway, wondering if it would be preserved and questioned the material chosen.

Mr. McCrae stated that the purpose of the walkway would be to reduce time when traveling from one spot to another and it would remain.

Mr. Andy Lynch stated that they had started with having a glass building and the solution was to have a Nova Scotia historic material, which was Wallace sandstone as it would be the most appropriate. It isn't used in any other buildings.

**Ms. Sarah Levy**, Halifax resident, commented that she liked the building, having the new development and the Heritage property come together. She asked how the development would address the lack of office space in the downtown core and if there are any other developments currently happening that would also address that issue.

Mr. Ouellet advised that currently this application is the only application with more than just a few thousand feet of office space. Some other bigger development have been approved but there is no construction yet.

Mr. McCrae stated that if there was a requirement for a new business to come into Halifax and open an office, there are no Class A spaces left in the Downtown core.

**Mr. Bernie Davis**, 5526 Falkland Street, Halifax asked Mr. Ouellet how many occupancy permits had been applied for.

Mr. Ouellet advised that there were none that he was aware of that had been applied for.

Mr. McCrae stated that the buildings were not up to code and he was aware that if they had applied for one, it would not have been approved.

**Mr. Jeffery Reed**, Resident of Creighton Street, Halifax wanted to know the definition of Heritage preservation. He doesn't consider this building to be a heritage building. He believed that comparing this development building to a Heritage building is like comparing a bearskin to a bear. Two different things.

He asked about sustainability. He advised that some of the old Heritage buildings survived the fire of eighteen fifty nine. The block that the proposed development would be going on is the only block of buildings that survived that fire. There are six blocks of Water Street missing that were demolished in the sixties and seventies that extended to the bridge.

He stated that buildings built since the world war usually only have a source life span of fifty years, despite durability of materials.

He asked what is the potential of the building converting from office space to other uses. He commends the structure and questions the materials that are being replaced. He gave some information on standing wooden buildings.

Mr. McCrae stated yes, because of the narrow width of the walk and the set backs, the footprint will work for conversion.

**Ms. Sherry Winters**, Bedford resident, advised that she had been advised by Sweet Basil that the dining room would be demolished if the development went through. She talked about the heritage part of Halifax as being an important part of the city.

She advised that her mother, from Bedford, was part of the Heritage Trust and she would not like to see the area change and she wished for the Armour Group to work with the Heritage Trust to save the area and to keep it as it is currently.

**Ms. Elizabeth Pacey**, Heritage Trust representative on the Barrington Street Historical District committee. In seventy three, the Heritage Trust stated to City Council that the area in question should have been the first Historic precinct in Halifax. It was supposed to happen according to the Mayor at the time but it did not. When passed in the eighties it was too late because the buildings had all been individually registered.

She stated that the buildings are, nationally, very important to the downtown and it is very important to save the Heritage properties. She believed that this development is a disaster as it places a barrier between the west and east halves of the precinct.

She stated that it would ruin the precinct visually and economically.

**Mr. Tony Evans**, stated that the building in question reminded him of standing on a wharf looking up at an aircraft carrier. He does not want the project to go ahead. He suggested that the city should limit residential development if there is a need for office space downtown. He believed that if this visually inappropriate structure is built near a historic street, Halifax would be showing no class.

**Mr. Allan Ruffman**, 202 Ferguson's Cove Road, stated that the name of the development should be "squished" as that is what he is reminded of. He referenced another building that was built by the developers stating that after approval, there were policies put in place to prevent that type of development from happening again.

He asked if the shadow and wind studies are available.

Mr. Ouellet advised that the developers will be required to submit them to him and they will be available in a week or two on line.

Mr. Ruffman asked where the parking garage would be.

Mr. Lynch showed him by using visual aids.

Mr. Ruffinan stated that the crosswalk would probably not be open right away as he feels it will not be a public right of way. He asked Mr. Ouellet what the city was negotiating for with this development.

Mr. Ouellet stated that nothing has been negotiated yet as they were at the beginning of the process and he explained how the negotiation works.

Mr. Ruffinan asked if in Mr. Ouellet's report there will be a clear list of the items obtained through negotiation.

Mr. Ouellet stated that the city does not disclose negotiation tactics but he will outline what they believe are the benefits and drawbacks and then it will be up to Council.

Mr. Ruffinan wonders if the building could pass for a form base building that may be proposed by Halifax By Design and believed this property should be amortized .

**Ms. Janet Lawrence**, Halifax, stated that there is no legislation that protects the Heritage buildings. She believed that it is up to the individual owner to protect their own buildings. She challenged Mr. McCrea to protect his buildings.

She commented that the development sets a bad precedent for Heritage. She has repaired a Heritage building and urges the developers to show their culture, not their compromised culture.

**Mr. Gary Winters**, Bedford resident, stated that he had moved his office to Bedford as it was too difficult to work in downtown Halifax. He is concerned that the style of the development is not pleasing and embarrassing. It takes away from Halifax visually. He has clients that are not really interested in Downtown Halifax but would look outside the core as it is congested and parking is such a big issue. He asks that the view not be destroyed but preserved.

Mr. Simms, stated that the visual look of the building holds the City's History as it does in Montreal. Of the two options bulldoze or preserve, he chooses preservation. He feels that benefits will allow the building to sustain itself in the future. He wanted to show his support.

#### 4 Closing comments

Mr. Ouellet thanked everyone for coming, provided his contact information and advised of future notifications.

#### 5 Adjournment

The meeting adjourned at approximately 9:00 p.m.

Jc Ouellet - Re: Armour Group proposal

Attachment E - Written Submissions

From: Paul Dunphy  
 To: [REDACTED]  
 Date: 26/02/2008 11:21:58 am  
 Subject: Re: Armour Group proposal

Hi Phil,

Thanks for your thoughts on this project. At this time we don't have an application from Mr. McCrea, but I'll pass your comments to staff for consideration when the application is received.

Paul Dunphy

>>> "Philip Pacey" <[REDACTED]> February 25, 2008 3:26:47 pm >>>  
 Dear Paul:

I am writing regarding the item on page C3 of the Chronicle Herald for Saturday, Feb. 9, regarding the plans of Ben McCrea of Armour Group for the block between Upper Water and Hollis Streets and north of Duke Street in Halifax.

This block is extremely important to the heritage of Halifax. All of the buildings on the block are registered. With the blocks to the east and west, we have three blocks of intact heritage buildings, which we call Historic Properties. It was almost 35 years ago, on March 29, 1973, that Halifax City Council expressed the wish that "the Granville Street area; Duke Street to Buckingham Street and both sides of Granville Street to the waterfront should be saved" and that "the area in question be preserved in its entirety and its original form as much as possible". The result of that motion is this remarkable ensemble, which is a major part of the identity of Halifax.

Mr. McCrea proposes to demolish one building, the wooden Martin Building where Sweet Basil's dining room is. This would clearly be contrary to the policies in the Municipal Planning Strategy. Mr. McCrea signed an agreement in 1973 acknowledging the City's intention to keep all of the buildings. Mr. McCrea also proposes an addition on top of the registered heritage buildings.

Regarding the development, the area has a 25-foot as-of-right height limit. Any development above 25-feet high must be consistent with the Municipal Planning Strategy. There is a new policy in the Regional Municipal Planning Strategy. This is Policy CH-1 in the Cultural and Heritage Section, page 106.

"(c) that significant architectural or landscaping features are not removed or significantly altered"

"(f) that redevelopment of a municipally registered heritage property, or any addition thereto shall respect and be subordinate to any municipally registered heritage property on the site by:

- (i) Conserving the heritage value and character-defining elements such that any new work is physically and visually compatible with, subordinate to and distinguishable from the heritage property;
- (ii) Maintaining the essential form and integrity of the heritage property such that they would not be impaired if the new work was to be removed in the future;
- (iii) Placing a new addition on a non-character-defining portion of the structure and limiting its size and scale in relationship to the heritage property; and
- (iv) Where a rooftop addition is proposed, setting it back from the wall plane such that it is as inconspicuous as possible when viewed from the public realm."

Clearly Mr. McCrea is proposing to remove "significant architectural features", in particular the roof lines of the buildings. The multi-storey addition would not be "subordinate to the heritage property", but much larger than the properties. The form of the properties would be "impaired" if the new work were to be removed in the future. The addition would not be "inconspicuous", as is clear from the plans

uc Ouellet - Re: Armour Group proposal

on the table in front of Mr. McCrea in the photo in the paper. The proposal is not consistent with Policy CH-1 and with other policies in the Planning Strategy.

This is a key area for the heritage character of Halifax. We are known for the good work we did in saving Historic Properties, of which this is the central block. Facadism is generally frowned on. Travel writers are well aware of the tokenism involved in saving facades, and would not hesitate to criticize Halifax if this proposal is publicly debated.

Please pass these comments on to the staff members involved in reviewing any application for this block. Please ask your staff to bring Policy CH-1 to the attention of Mr. McCrea.

Sincerely,  
Philip Pacey  
President  
Heritage Trust of Nova Scotia

[Redacted signature]

CC: Austin French

From: Peggy Walt  
To: [REDACTED]  
Date: 5/7/08 4:33 pm  
Subject: Potential demolition downtown

Dear Council Members:

A friend just told me of this evening's meeting and the Armour's Group plans to demolish several historic buildings in our downtown core for the Waterfront Centre project. I wish to voice my opposition to this plan. I know you will be hearing from many other citizens who are concerned about the continuing erosion of our heritage properties, especially in downtown HRM. This is one of the things that makes us unique and is constantly commented upon by visitors to Halifax. Why do we have to tear it all down?

Once these buildings are gone, they will not magically reappear. Please do not allow this demolition to happen. I grew up in Dartmouth and still mourn the loss of several heritage properties that should never have been destroyed. This is our history, our sense of place and part of what is left that is charming in downtown Halifax. Please listen to the voices of others who are more knowledgeable than myself about this matter and save the buildings.

Thank you for your attention.

Sincerely,

Peggy Walt

—  
Peggy Walt  
Cultural Affairs Consulting & Promotion

[REDACTED]  
[REDACTED]  
Telephone/Fax: [REDACTED]

Cell: [REDACTED]

E-mail: [REDACTED]

Music Nova Scotia nominee 2005, 2006 & 2007: Publicist of the Year

Luc Ouellet - HRM Planning Application Case No. 01114, Waterside Centre

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From: "Peter Moorhouse" <[REDACTED]>  
To: <ouellel@halifax.ca>  
Date: 27/05/2008 11:14 AM  
Subject: HRM Planning Application Case No. 01114, Waterside Centre

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Halifax Regional Municipality  
Attention: Luc Ouellet, MCIP, LPP  
Planner I – Community Development

Dear Mr. Ouellet,

I am writing in support of the proposed Waterside Centre development.

I am not originally from Halifax, and have previously lived in much 'younger' cities. One of the things I love and treasure about Halifax are the beautiful and culture-rich heritage buildings in the downtown core. And I am concerned that unless developments like the Waterside Centre are supported and allowed to go forward, we will lose that heritage forever as the buildings decay through lack of investment.

A structure cannot be preserved by its heritage alone. Buildings simply must be economically viable in order to encourage the investment that will preserve them for future generations. The proposed Waterside Centre is, in my opinion, a beautiful building that honours the heritage at street level, while creating desperately-needed commercial space in the downtown. The height of the building is well within the scale of the surrounding buildings, and would fit well within the neighbourhood. Perhaps most importantly, it would ensure the preservation of this important block of historic properties for the enjoyment of future generations.

As a young working professional who is working to build a life and career in Halifax, I am particularly aware of the need for development in the urban heart of HRM. This need exists because there is a strong demand for commercial space by the companies which will form the backbone of our region's economic future, but also because a vibrant urban core is pivotal to the attraction and retention of the young talented people we need in Greater Halifax.

For these reasons, I encourage HRM staff to support this proposed development.



Sincerely,

Peter Moorhouse  
Director, Investor Relations, Greater Halifax Partnership  
Chair, FUSION Halifax

Luc Ouellet - Waterside Centre

From: "Bruce Keith" [REDACTED]  
To: <ouellet@halifax.ca>  
Date: 27/05/2008 11:27:59 am  
Subject: Waterside Centre

Mr. Ouellet:

Please find attached my written submission to be considered when reviewing the Waterside Centre development in downtown Halifax. Do not hesitate to contact me should you wish to discuss my input.

Thank you for your consideration.

Bruce Keith  
Proprietor  
O'Carroll's ~ "Great Food For Any Mood"  
Phone: [REDACTED] Cell: [REDACTED] Fax: [REDACTED]  
Email: [REDACTED]

O'Carroll's

23 May 2008

Halifax Regional Municipality  
Attention: Mr. Luc Ouellet, MCIP, LPP  
Planner I - Community Development

Mr. Ouellet:

I am writing in regards to the proposed development by Armour Group of the buildings located in downtown Halifax, called the Waterside Centre and contained by Hollis, Duke and Upper Water Streets. I would ask that my letter be included as part of the staff report, as the opportunity to speak while in attendance at the Waterside Centre Public Hearing on May 7 did not present itself to me.

O'Carroll's has been a fixture on the corner of Upper Water and Duke Streets for more than a quarter of a century. I have owned and operated it for the past 9 years after acquiring it from Jim and Cleo O'Carroll in 1999. Over the past 15 years, in addition to owning and operating O'Carroll's, I have at various times leased office space above the Subway, and operated Nemo's Restaurant under contract. These combined experiences provide me with a unique point of view and I hope you will allow it to be considered.

I sat and listened with interest to the various presentations at the public hearing on May 7, 2008. My interest was twofold, first as the tenant of one of the affected buildings and second as a citizen of Halifax. On a professional level I was impressed that Mr. McCrae has from the outset designed a building that maintains the eye level streetscape despite the obvious challenges, both structurally and financially of doing so. I like that the design is green and that it is intended to draw a vibrant working sector to the downtown core. I also like that the building in which I conduct my business will be rebuilt and restored so that it will not further deteriorate, and that it will be part of a development which will offer economic sustainability to the Historic Properties area for present and future businesses and their employees. On a personal level I recognize that the fabric of our city includes our incredible waterfront and the Heritage Properties associated with it. I also recognize, however, that if our city stops growing and developing it will wither and die and one need only look to Barrington Street for support of this point of view. Halifax needs development in the core, it needs developments like this which incorporate our Heritage structures with modern facilities so we don't lose the past or sacrifice the future. The current buildings as stated by Mr. McCrae are "functionally obsolete" of that there can be no doubt. I am abundantly aware of many infrastructure issues, from electrical and sewage to subterranean and tidal water. If this development isn't allowed to proceed I fear for both the long term viability of the buildings and my business.

Mr. Ouellet, please add my name to those in support of this development.

Regards,

Bruce Keith

Proprietor

O'Carroll's ~ "Great Food For Any Mood"

Phone: [REDACTED] Cell: [REDACTED] Fax: [REDACTED]

Email: [REDACTED]

Luc Ouellet - Application Case No. 01114, Waterside Centre

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From: "Steve Lionais" <[REDACTED]>  
To: <ouellel@halifax.ca>  
Date: 28/05/2008 9:32 AM  
Subject: Application Case No. 01114, Waterside Centre

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I want to officially put forth my support for the development proposed by Armour Group for Waterside Centre (Case No 01114). This is a great opportunity to add some needed office space and density in the downtown core while maintaining the historical significance of the building. I understand that it is not a requirement for Armour Group to spend additional money to save the facade of the structure and maintain its historical features. They are doing this to add value to the development.

The mix of modern architecture with the historical shell of the building really does present a striking structure and I believe it will be a valuable addition to the aesthetics of the downtown skyline. I have recently lived in London, England where there are many structures like this that this deftly meld the historical and modern elements of a building. It'll be great to see a forward thinking development like this come to Halifax.

Regards,  
Steve Lionais  
Member of the Fusion Urban Development Action Team

From: "Tori Jarvis " [REDACTED] >  
To: <ouellel@halifax.ca>  
Date: 28/05/2008 9:49:49 am  
Subject: Waterside Place/HRM Planning Application Case No. 01114, Waterside Centre

Mr. Oullet,

I am writing to you in full support of the Armour Group's redevelopment project, Waterside Place.

As a young person who had grown up in Halifax I have a true appreciation for the unique historic element in my city. I believe in a balanced approach to planning and redevelopment and I support sustainable and innovative projects.

The Armour Group has demonstrated through developments such as Founders Square and Historic Properties that they too support maintaining the unique character of the buildings in this city all the while helping to grow the city's and province's economy through the addition of much needed office space.

Downtown Halifax's office vacancy rates are at a 20 year low. The downtown is the financial hub of our province and no matter how many square feet are added in the suburbs there will always be a demand for space in the downtown from those tenants who want and need to be in the heart of our beautiful city.

Ignoring or delaying progress for the sake of "heritage" is irresponsible to those who plan on working and living in Halifax for another 30 years and doing so will result in continued outmigration and an unusable downtown.

Supporting this project is simply the right thing to do.

Tori Jarvis

AVISONYOUNG (Nova Scotia) Inc.  
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T [REDACTED] F [REDACTED] C [REDACTED]

[REDACTED] [www.avisonyoung.com](http://www.avisonyoung.com)

Luc Ouellet - HRM Planning Application Case No. 01114, Waterside Centre

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From: "Kim West" <[redacted]>  
To: <ouellel@halifax.ca>  
Date: 28/05/2008 1:57 PM  
Subject: HRM Planning Application Case No. 01114, Waterside Centre

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Hello:

Thank-you for providing an opportunity to comment on the Waterside Centre project. I attended the public meeting hosted by HRM at Halifax Hall and found it very informative.

Our company is a tenant at Founders Square which I think is relevant to the Waterside Centre project. We have first-hand experience as a tenant in a restored historic building that is owned and managed by Armour Group. We've been a tenant since March 2007 and have been impressed with the focus on quality by everyone within the organization during the extensive leasehold improvements and with the leadership's respect for the integrity and preservation of the historic elements of the building at Founders Square. I am not an expert in historic building restoration but I can speak to the enthusiasm that we all felt upon moving into our new offices at Founders Square and receiving a copy of the history of the various buildings that now comprise Founders Square. We connected with the people who worked from our building over 200 years ago. We learned about our city's vibrant commercial history. Daily we enjoy exposed brick walls in our workspace, carefully preserved, and a fireplace that dates back to the origins of the building.

We also appreciate that if the building had not been restored it would not be possible for businesses like ours, which require modern conveniences such as heat, air conditioning, sprinklers, elevators, natural light, etc. to work in these very beautiful premises, to hire people, pay taxes and generally contribute to the city's economic growth.

Having heard the presentation for Waterside Centre and hearing the feedback and questions from the audience, this will be a challenging site to redevelop but the effort will be worthwhile. I have confidence that the Armour Group have a good design, will preserve what it can from the future Waterside Centre buildings and will develop a quality project that will attract business to the city centre, while contributing to the commercial and retail vibrancy of our city.

Again, thank-you for the opportunity to comment.

Kim West  
Principal

MT&L Public Relations Ltd.  
Founders Square  
1701 Hollis Street, Suite L101  
Halifax, NS B3J 3M8

p: [redacted]  
f: [redacted]  
m: [redacted]  
e: [redacted]  
w: [redacted]

Luc Ouellet - Case 01114 - Historic Properties Redevelopment (Waterside Centre)

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From: "Jason Brachvogel" <[REDACTED]>  
To: <ouellel@halifax.ca>  
Date: 29/05/2008 2:14 PM  
Subject: Case 01114 - Historic Properties Redevelopment (Waterside Centre)

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Halifax Regional Municipality  
Attention: Luc Ouellet, MCIP, LPP  
Planner I - Community Development

Mr. Ouellet

My wife and I moved to HRM from the Toronto area about 15 years ago, drawn by the lifestyle and intrigued by the city's renewed ambition for urban development, balanced by its interest in heritage preservation.

Since that day we have watched the community flourish. Entertainment venues replaced vacant waterfront properties; fine retailers introduced over fishing boat depositories; boardwalks, cafés, bars and dining establishments all introduced in the span of little more than a decade; all wonderful things that helped turn Halifax from an old navy town to a vibrant commerce/cultural centre.

In stark contrast to this however, is the increase in crumbling building facades and plywood-filled windows. A short step up from the harbourfront and you are wondering if this is the same city. I appreciate the preservation of our historic buildings, as it is this old-city look that makes Halifax so beautiful, but the term "old" is precisely the problem. Most of these properties are unsafe, or at the least, unfit or undesirable, for tenancy.

Personally, I don't see the down side of the infilling concept. Keeping the old facades of our historic properties and filling the inner footprint with viable office, retail and residential space seems a hands-down winner. As long as the appropriate environmental/structural studies are done and the building height or design complements the surroundings, I don't see the downside.

As a "young" professional who intends on working in Halifax for years to come, I believe the Waterside Centre proposal is exactly the kind of development we need to keep moving this city forward, not just for today but also in support of the next

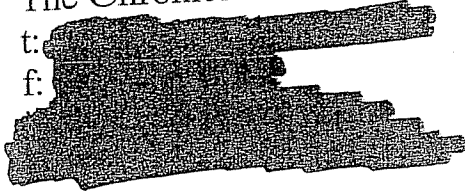
generation(s) of Haligonians.

Jason Brachvogel  
Account Executive, The Chronicle Herald  
Director or Sponsorship, FUSION Halifax

The Chronicle Herald

t:

f:





Luc Ouellet - THE ARMOUR GROUP LIMITED- Waterside Centre

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From: "Mussett, Bob"  
<[REDACTED]>  
To: <ouellel@halifax.ca>  
Date: 04/06/2008 9:02 AM  
Subject: THE ARMOUR GROUP LIMITED- Waterside Centre

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Mr. Luc Ouellet

I was unable to speak at the information meeting regarding Waterside Centre due to time constraints at the well attended meeting. I support the plan submitted by Armour Group.

As a real estate broker I have some insight into the practical requirements of the office market in HRM. The impact that the lack of availability has and will have on the economy in the local market, and the current state of supply/demand.

There has been a great deal of discussion around personal taste. Some like height some do not. Some want strict heritage controls, while others seem to accept a blend of old and new. Not that it matters, and it should not, but I like the blend of old and new.

Recently I attended a meeting in Grand Rapids Michigan, where the renowned architect Frank Lloyd Wright built one of his commissioned houses in 1923 for Myer May, a local merchant. I was immediately struck by the dramatic difference in architectural flavor and scale of the adjacent properties. Mr. Wright's designs were always very contemporary. In this case it was located in a neighborhood of predominantly Victorian structures. It is a masterpiece. It is now owned by a design /historical group and is a coveted city position.

I have written and spoken in the past about the stifling effect of the regulatory system we have had to work under in Halifax. Lay over that the seemingly unending parade of special interest groups who will object to anything that isn't reminiscent of the current scale and architecture in the City and we have created an environment of stagnation.

At our 2004 CBRE real estate outlook I commented in my address,

*"Halifax's embrace of historicism is not new. Indeed throughout the 1900's the wisdom of the day was to build replicas based on old designs.*

*There is without question a place in any urban setting for both historic and modern. To create an exciting city we must look to the introduction of new forms and materials and not react to the special interest groups that view anything new adjacent to Historical as "incompatible".*

*Consider Paris.*

In 1889 in preparation for the World's fair Gustave Eiffel proposed a building form never seen before and this was met with outrage by the small but vocal historicism cult of the day. These so called "lovers of beauty" protested that "in the name of art and history... Paris was under threat"

This group sought to derail its development by proclaiming "in the very heart of our capital the useless and monstrous Eiffel Tower.

Fortunately the city leadership of the day saw Eiffel's design for what it was - an inspired new addition to that cities' skyline. Imagine Paris without it..."

If Frank Lloyd Wright or Gustave Eiffel had not encountered municipal leadership that saw beyond the current and /or historic norms, we may well be without these great architectural gems.

In my opinion, we are at risk in Halifax of failure in two critical areas;

- 1) Not offering the market an adequate supply of office space to foster growth, and support new employers, and
- 2) Creating a downtown that lacks architectural diversity and represents the best of design from all periods. The new buildings of today will be the historic sites of tomorrow.

I would appreciate any opportunity to speak regarding this at any future meetings

Regards,


Bob

Robert S Mussett  
Senior Vice President and Senior Managing Director  
CB Richard Ellis | Capital Markets  
5855 Spring Garden Road, Suite A200 | Halifax Nova Scotia B3H 4S2

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ic Ouellet - armour group development lower water street

From:   
To: <ouellel@halifax.ca>  
Date: 11/06/2008 2:14:26 pm  
Subject: armour group development lower water street

Having been a downtown buisness owner for the last 15 years I have watched the downward spiral of the downtown happen right in front of my eyes. I have seen time and time again the in action of HRM hurt the most important part of Halifax that really is the heartbeat of the city, afterall I don't beleive the tourists are looking to come here because of Bayers Lake or Dartmouth Crossing. I also believe this the case for the buisness community I doubt very much that some of the finacial companys are coming to Halifax if they didn't believe that the downtown core would be vibrant and exciting for them to relocate employees here. Having said this I am in favour of projects like the Armour group because I truly believe it positive for HRM as a whole and has a tremendous economic impact on all aspects and regions of our community. Also the Armour Group has shown in the past that they are able to respect heritage properties and also allow modern archeticture to enhance the city.

Thank You

Chris Tzaneteas  
Seven Steak and Seafood  
Opa Restaurant  
The Argyle Bar and Grill  
Mosaic

