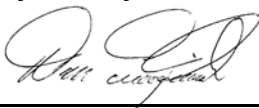


Item No. 9.1 (iii)

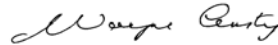
Halifax Regional Council
August 5, 2008
August 12, 2008
September 9, 2008
September 16, 2008

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:



Dan English, Chief Administrative Officer



Wayne Anstey, Deputy Chief Administrative Officer - Operations

DATE: July 11, 2008

SUBJECT: **Case 01114: Development Agreement - Hollis, Duke & Upper Water Streets**

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, Halifax, to allow for a 9 storey retail/office building with underground parking.
- June 16, 2008, staff report to Heritage Advisory Committee and District 12 Planning Advisory Committee.
- Issues raised by HAC on June 25 and July 3, 2008.
- Issues raised by District 12 PAC on July 7, 2008.
- Submission of revised drawings by The Armour Group Limited.

RECOMMENDATION

It is recommended that Regional Council:

1. Approve the amendments to the June 16, 2008, draft development agreement as contained in Attachment A of this report.
2. Replace Schedule D of the June 16, 2008, draft development agreement with the schedule contained in Attachment B of this report.
3. Replace Schedule E of the June 16, 2008, draft development agreement with the schedule contained in Attachment C of this report.

BACKGROUND

A staff report and draft development agreement dated June 16, 2008, was tabled with the Heritage Advisory Committee (HAC) and the District 12 Planning Advisory Committee (PAC). During subsequent deliberations on the application, members of HAC and PAC suggested that the fenestration pattern proposed for infill facades along Hollis and Upper Water Streets be changed to reflect a more traditional design.

The PAC further suggested clarification be brought to Section 3.21(c) of the draft development agreement, as well as some clarification as to the setback of the rooftop addition from the heritage facades.

DISCUSSION

Fenestration Pattern on Infill Facades

The fenestration patterns of infill facades shown on Schedules D and E of the June 16, 2008, development agreement are decidedly modern, which tend to distinguish them from the registered heritage facades. Staff was in favour with this approach as it was in keeping with Policy CH-1(f)(i), which states that "...any new work is physically and visually compatible with, subordinate to and **distinguishable** from the heritage property..." (emphasis added)

However, some members of the PAC and the HAC have stated their preference for a more traditional approach to the fenestration pattern of the infill facades. The Developer is in agreement with both of these committees on this matter and has requested that the two aforementioned schedules be replaced with ones that illustrate a more traditional design. Staff has no issue with the revised schedules and is therefore recommending Council adopt them.

Alterations to Facades of Municipally Registered Heritage Buildings

Section 3.21(c) of the June 16, 2008 development agreement indicates that the Development Officer may approve variations to the Schedules in the case of significant alterations to the facades of the municipally registered heritage buildings. The wording of this provision is to be clarified to state that any alteration to the facades may be approved by the Development Officer in consultation with the Heritage Planner.

Rooftop Addition Setback

There are three different setbacks associated with the rooftop addition of the proposed redevelopment project. Level 3 of the rooftop addition is set back approximately 11 feet from the heritage facades, levels 4 through 8 are set back approximately 7 feet - 6 inches from the heritage facades, while level 9 is set back approximately 11 feet from the heritage facades.

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 proposed amendments to the June 16, 2008, draft development agreement as contained in Attachment A, B and C of this report. This is the recommended course of action.
2. Regional Council may choose to refuse the proposed amendments to the June 16, 2008, draft development agreement as contained in Attachment A, B and C of this report.

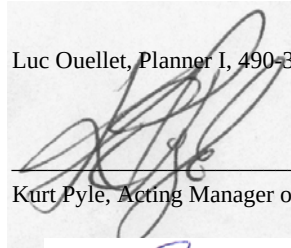
ATTACHMENTS

Attachment A	Amendments to June 16, 2008, Draft Development Agreement
Attachment B	Revised Schedule D
Attachment C	Revised Schedule E

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:



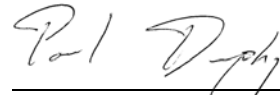
Kurt Pyle, Acting Manager of Planning Services, 490-7066

Financial Approval by:



Catherine Sanderson, Senior Manager, Financial Services, 490-1562

Report Approved by:



Paul Dunphy, Director, Community Development

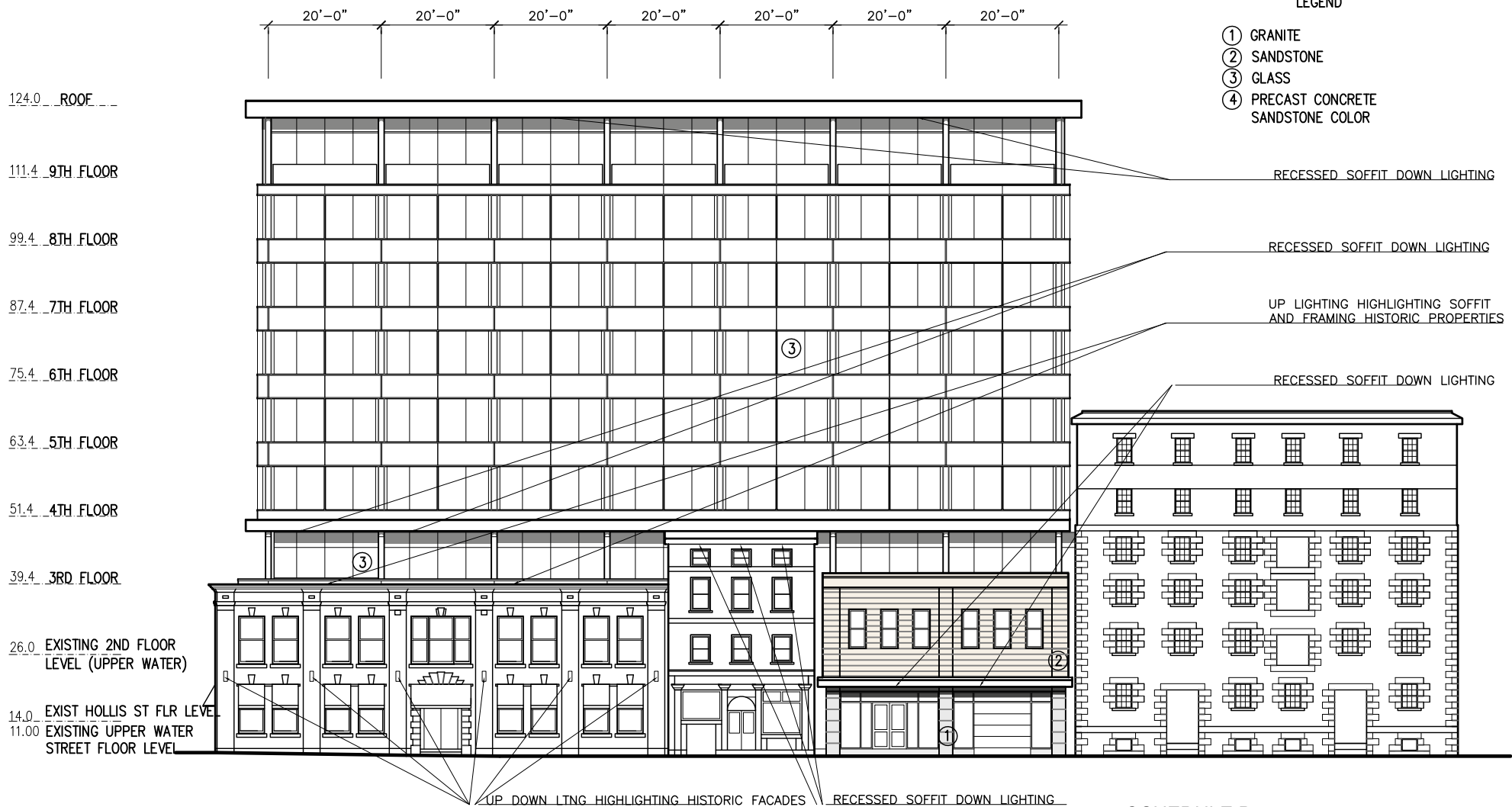
Attachment A
Amendments to June 16, 2008, Draft Development Agreement

1. Amend the June 16, 2008, draft development agreement by replacing Section 3.21 with the following:

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) alterations to the municipally registered heritage facades, in consultation with the Heritage Planner;
- (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.



HISTORIC PROPERTIES

WATERSIDE CENTRE

SCHEDULE D
UPPER WATER STREET (EAST ELEVATION)

July 10th, 2008

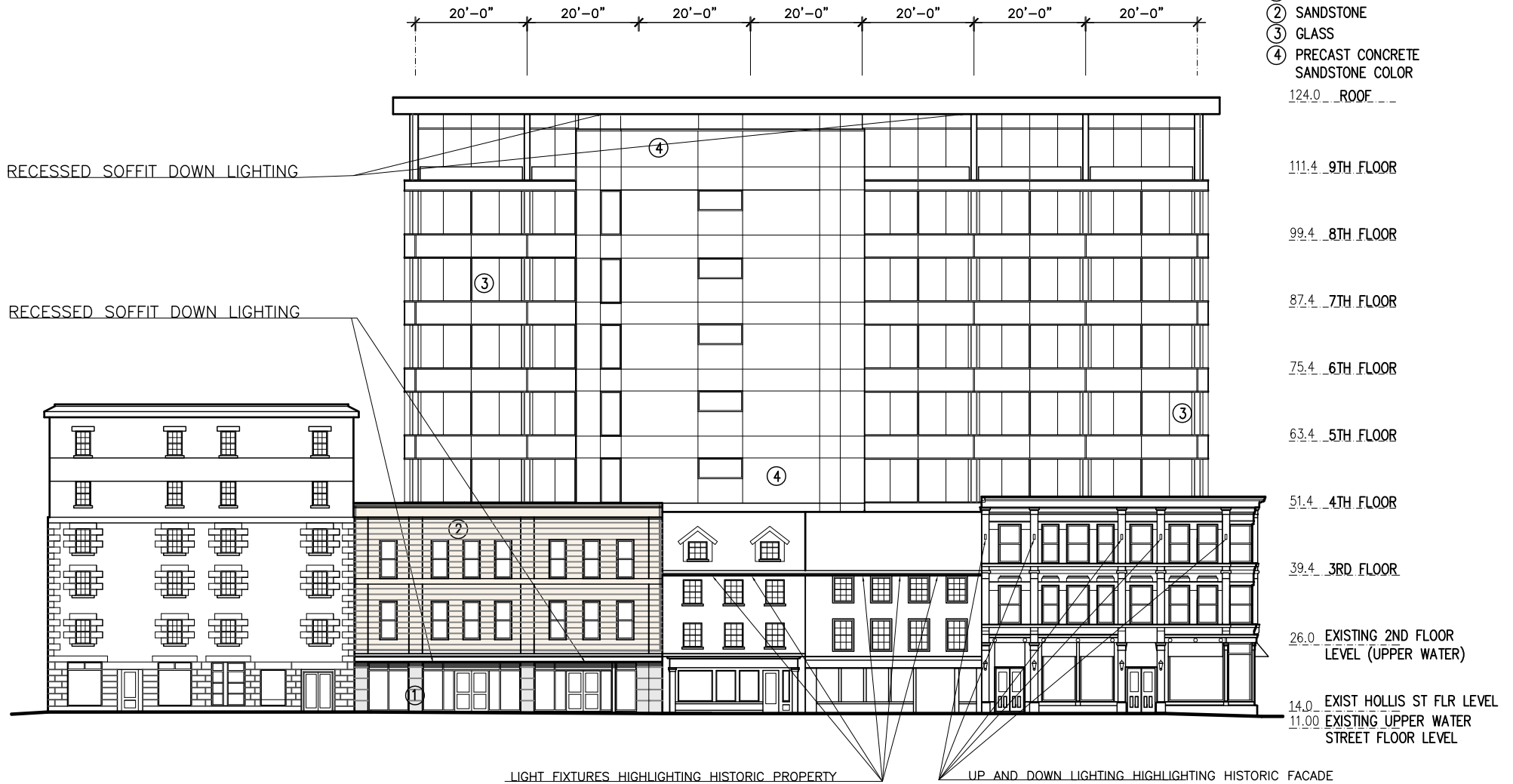
0 5 10 15 20ft



LYDON LYNCH
ARCHITECTURE

LEGEND

- ① GRANITE
 - ② SANDSTONE
 - ③ GLASS
 - ④ PRECAST CONCRETE
SANDSTONE COLOR
- 124.0 _ ROOF _



HISTORIC PROPERTIES

WATERSIDE CENTRE

SCHEDULE E
HOLLIS STREET (WEST ELEVATION)

0 5 10 15 20ft

July 10, 2008



LYDON LYNCH
ARCHITECTURE