

**Halifax and West Community Council**  
**June 10, 2013**

**TO:** Chair and Members of Halifax and West Community Council

**SUBMITTED BY:** Original Signed  
\_\_\_\_\_  
Brad Anguish, Director of Community and Recreation Services

**DATE:** May 27, 2013

**SUBJECT:** Case 16417, MPS & LUB Amendments for 2570 Windsor  
Street/6225 Willow Street and 6233 Willow Street, Halifax

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**ORIGIN**

- Application by Michael Napier Architecture
- Initiation of MPS and LUB Amendments – Regional Council, January 18, 2011

**LEGISLATIVE AUTHORITY**

*HRM Charter, Part VIII, Planning & Development*

**RECOMMENDATION**

It is recommended that Halifax and West Community Council recommend that Halifax Regional Council not amend the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law to enable the re-development of the St. John's Church, located at 2570 Windsor Street/6225 Willow Street and 6233 Willow Street, Halifax, as per this report.

## **BACKGROUND**

The subject site is located at 2570 Windsor Street/6225 Willow Street and 6233 Willow Street, Halifax, and is owned by St. John's United Church (Map 1). It contains a large church building at 2570 Windsor Street/6225 Willow Street and an adjoining house at 6233 Willow Street. The applicant proposes to demolish these buildings and construct a mixed use institutional and residential building on the site. This project is inconsistent with the policies in the Halifax Municipal Planning Strategy (MPS) and does not meet the requirements of the Halifax Peninsula Land Use By-law (LUB). As such, amendments are being sought to allow for the proposal.

Regional Council initiated the review of this proposal on January 18, 2011. At the same meeting, Councillor Sloane advised that two petitions came forward regarding Case 16417, with one petition containing 220 names against the proposal and another petition containing 770 names in support of the application.

### **Existing Land Use**

The existing church building faces Windsor Street and has a large pitched roof that is approximately 62 feet in height. It transitions to a lower height of approximately 29 feet to the west, next to the adjoining house. The church is no longer being used. The house is a two storey building that serves as an administration office for the church.

The immediate surrounding area is comprised of:

- houses along Willow Street, to the south and west of the site;
- a three storey multi-unit building, semi-detached dwellings, and houses along North Street, to the north of the site; and
- low-rise commercial uses that are largely within converted houses to the east, on the opposite side of Windsor Street (Attachment A – Photographs of Site and Surroundings).

### **Designation and Zoning**

The church building and the house are located in the Medium Density designation within the Peninsula North Secondary Municipal Planning Strategy (Map 2). This designation is found across Halifax Peninsula in areas that are primarily comprised of houses that may contain single detached dwellings, flats, and three to four unit apartments. Associated planning policies for this designation generally call for the retention of the character and scale of these areas and as such there is no planning policy context to consider the applicant's proposal by way of a rezoning or a development agreement.

The church building and the house are zoned General Residential (R-2) Zone as shown on Map 3, which permits the following uses:

- Churches or church halls;
- Daycares with a maximum of 14 children;
- Home occupations;

- Houses, containing up to four dwelling units (the number of dwelling units is controlled by factors such as the amount of frontage and lot size);
- Office of a professional person located in a dwelling;
- Public park or playground; and
- Special care homes for up to 10 people including staff.

In addition to minimum frontage and lot size specifications, buildings in the zone need to comply with the following requirements:

Minimum front yard	15 feet
Minimum side yard	10% of the width of the lot to a maximum of 6 feet
Minimum rear yard	20 feet
Maximum lot coverage	35%
Maximum height	35 feet

## **Proposal**

The mixed use building that the applicant proposes will:

- range in height from 72 feet (seven storeys) closest to Windsor Street to approximately 20 feet near to the western boundary of the site;
- be located a minimum of 10 feet from its interior (west and north) property boundaries; and
- have a minimum of 40 underground parking spaces that will be accessed off Windsor Street (Attachment B – Images of the Proposal).

The building is to be comprised of the following uses:

- an apartment building, with up to 59 dwelling units;
- a church; and
- community facility uses.<sup>1</sup>

At one time the applicant amended its application to allow for the inclusion of a hospice use and a columbarium, but these were most recently removed and are no longer included as part of the applicant's proposal.

An application letter from the applicant provides an overview and a rationale for its proposal (Attachment C – Project Overview and Rationale). In summary, the desire to develop a new mixed use building is based on circumstances that include:

- a declining congregation;
- aging and deteriorating church infrastructure;

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<sup>1</sup> The Halifax Peninsula Land Use By-law defines Community Facilities as a building or site owned by a government agency or non-profit organization or religious institution or philanthropic institution and used as a meeting place for entertainment or education or social activities by the general public on a regular or occasional basis and includes a church hall or a public hall.

- an ever expanding need for space for community outreach programs and services; and
- a growing demand for affordable senior housing options.

The size of the building is related to the range of uses that the applicant wishes to have within its facility. The residential development is a considerable part of the overall building. The applicant has identified that it requires the number of dwelling units that are being proposed, and thus the scale of the proposed building, in order to make the project viable. It also identifies that the building's size is justified on the basis that its proposed height and setbacks are reasonably consistent with that of the existing church building. The application identifies that the top floor proposed building commences at approximately the height of the peak of the church's roof (Attachment D – Height Comparison with the House and Church Building).

Through the course of the application, the applicant has reduced part of the height of the building upon the western portion of the site in order to lessen the impact of the building's massing relative to surrounding houses (Attachment E – Comparison with the Original Proposal).

In support of the application, the applicant has submitted traffic, wind, and sun/shadow studies (HRM's website <http://www.halifax.ca/planning/Case16417Details.html>). Note they are based on the original (larger) building proposal and have not been updated as no substantive change in the findings of these studies is anticipated.

### **Requested Amendments**

Aside from the overall project not being a permitted land use, the proposed building also exceeds many of the R-2 zone requirements including the minimum yard, lot coverage, and height requirements.<sup>2</sup> Associated planning policies generally call for the retention of the character and scale of Medium Density designation areas and, as noted earlier, there is no planning policy context to consider the applicant's proposal by way of a rezoning or a development agreement. On this basis the applicant is seeking a change to the MPS and LUB. Specifically, it proposes amendments to the planning policies and regulations that would apply solely to its site, which would allow for the proposal by development agreement.

## **DISCUSSION**

### **Municipal Planning Strategy Amendments**

The Municipal Planning Strategies of the Municipality lay out the intent of HRM regarding appropriate land use and future patterns for growth. Amendments to a MPS are not routine undertakings and Council is under no obligation to consider such requests. Amendments should only be considered when there is reason to believe that there has been a change to the circumstances since the MPS was adopted or last reviewed; or in cases where circumstances are

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<sup>2</sup> The size of the existing church building exceeds the R-2 Zone requirements; it is therefore a non-conforming structure. This means that it cannot be enlarged in any manner and if it is demolished or destroyed, such that over 75% of the value of the structure is lost, it cannot be rebuilt except in conformity with the zone requirements.

significantly different from the situations that the Plan anticipated.

It should be noted that the Regional Plan encourages new residential growth in the Regional Centre. Compact, mixed-use development on major streets with access to transit service, commercial uses and community facilities promotes the more complete, vibrant and walkable communities that are desired by the Regional Plan.

### **Rationale and Review of Proposed Amendments**

Aside from the direction within the Regional Plan, there is a strong rationale for the proposed development that is outlined the applicant's submission (Attachment C). In review of this, it is observed the presence of institutions such as churches contributes to what makes complete neighbourhoods. Nevertheless, the nature and viability of many local institutional uses are changing within the Regional Centre. Some churches are facing decreases in the size of their congregations. On the Peninsula this has resulted in closures, amalgamations, and in some instances, relocations to suburban areas. Rather than simply close, St. John's United seeks to repurpose itself and its service to its congregation and the larger community.

While there is merit in the proposal, the central question that is associated with this application is whether the size and placement of the proposed building is suitable relative to its surroundings and in light of the R-2 zoning that applies to the site. This is not a new concern. The 2011 staff report that recommended that Regional Council initiate this application stated reservations about the proposed building's height in its conclusion:

*"It is important to note that staff has some concern with the height of the proposed building, given that the immediate area consists primarily of low-rise and low-density house forms and that the full height would be greater than those of other buildings in the immediate area, including the existing church. The applicant has attempted to minimize the impact of this additional height by stepping down to abutting low-rise properties and by breaking up the massing of the building with variations in building form. Should Council decide to initiate the amendment process to further consider this application, the measure of success that the proposed building has in responding to its surroundings will be gauged through the public participation process and with further review and modification of the project as may be appropriate."*

As noted earlier, through the course of the application the applicant has reduced the size of its building as a result of public and staff feedback. It was not willing to undertake further changes. Based upon a detailed review of the site, its low density surroundings, and the existing planning policies and zoning context, it is found that the proposal is too large and is too significant of a change for the area. In particular, it is observed that:

- the seven storey portion of the building is over double the maximum building height of the R-2 Zone and at just over 70 feet, is substantially taller than many of the houses that are found in the surrounding area; and

- while the taller section of the building is favourably concentrated toward Windsor Street, which is not a local street, this area is low-rise in character.

No issues are found with regard to the wind, shadow, or traffic studies that have been submitted in support of the application.<sup>3</sup> While the amount of parking that is proposed is lower than what would be required in the Land Use By-law, which specifies that one parking space is to be provided for each dwelling unit, this is not seen as a significant issue, on the basis of the site's central location and its proximity to major bus routes.

### **Supporting Policies**

The existing Municipal Planning Strategy contains a significant amount of support for retaining the scale and character of existing residential areas and does not encourage the current proposal before Council. Relevant policies from the City-wide section are as follows:

- 2.1.1 On the Peninsula, residential development should be encouraged through retention, rehabilitation and infill compatible with existing neighbourhoods; and the City shall develop the means to do this through the detailed area planning process.
- 2.4 Because the differences between residential areas contribute to the richness of Halifax as a city, and because different neighbourhoods exhibit different characteristics through such things as their location, scale, and housing age and type, and in order to promote neighbourhood stability and to ensure different types of residential areas and a variety of choices for its citizens, the City encourages the retention of the existing residential character of predominantly stable neighbourhoods, and will seek to ensure that any change it can control will be compatible with these neighbourhoods.
- 2.4.2 In residential neighbourhoods alternative specialized housing such as special care homes; commercial uses such as daycare centres and home occupations; municipal recreation facilities such as parks; and community facilities such as churches shall be permitted. Regulations may be established in the land use by-law to control the intensity of such uses to ensure compatibility to surrounding residential neighbourhoods.
- 2.6 The development of vacant land, or of land no longer used for industrial or institutional purposes within existing residential neighbourhoods shall be at a scale and for uses compatible with these neighbourhoods, in accordance with this Plan and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.<sup>4</sup>

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<sup>3</sup> There will be an increase in shadow-cast as a result of the taller building, but HRM generally considers impacts upon public spaces such as parks, of which there are none in the vicinity of site that are impacted.

<sup>4</sup> Policy 3.1 did allow for a development agreement option for such proposals, but this policy allowance was removed in 1990



## **Conclusion**

The applicant's project is a departure from the existing policy context of the Halifax Municipal Planning Strategy. The existing policies that protect residential areas from inappropriate change are based on sound planning principles. The applicant has reduced the size of its proposal to try to respond to both comments from the public and HRM staff. Unfortunately, the scale of the proposed building continues to be too substantial relative to the surrounding houses and in consideration of the existing R-2 Zone of the site. It is therefore recommended that the application be refused.

Although staff recommends that the application be refused, proposed amendments to the planning documents to allow the project as well as a proposed development agreement (Attachments F, G, and H) have been prepared for Council's consideration should they choose to proceed by way of Alternative 2 as outlined in this report.

## **Process**

The amount of time that it has taken for this application to proceed to Council is longer than normal. This is due in part to departmental resource issues that are now being addressed. However, it should also be noted that when the issue of the building height was highlighted as a substantive issue, staff offered to report its findings to Regional Council to seek direction as to whether the application should continue to be considered. The applicant's preference was to have a complete staff report, package of proposed amendments to the planning documents, and a development agreement prepared for consideration. In addition, the applicant proposed new uses, the columbarium and hospice, and then withdrew them. These factors have contributed the length of time it has taken to consider this application.

## **FINANCIAL IMPLICATIONS**

There are no financial 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.

## **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through two public information meeting held on July 6, 2001 and September 15, 2001. Attachments I and J contain a copies of the meeting minutes. For the public information meetings, notices were posted on the HRM website, in newspapers (regional and local), and mailed to property owners with the notification area shown on Map 1.

It is not staff's practice to provide Council with an interpretation of the feedback received at public information meetings. However, given our comments in the MPS initiation report relative to gauging the measure of success that the proposed building has in responding to its

surroundings through the public participation process, we thought it appropriate to identify to Council that the meetings did not serve to determine a definitive direction from the public. What appears to be most evident, is that many residents in the immediately surrounding area appear to have issues with the project, while others in the larger community may be more supportive of it.

Prior to the considering the approval of any MPS amendments, Regional Council must hold a public hearing. Likewise, Halifax and West Community Council must hold a public hearing before it can consider approving a development agreement. Under these circumstances, a joint public hearing is usually recommended. However, staff recommends that Council not proceed with a public hearing.

Should Regional Council and Halifax and West Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, individual property owners within the notification area will be advised of the public hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.

The proposed amendments and development agreement will potentially impact the following stakeholders: local residents and property owners, community or neighbourhood organizations, and business and professional associations.

### **ENVIRONMENTAL IMPLICATIONS**

The proposal meets all applicable environmental policies as contained in the Halifax MPS.

### **ALTERNATIVES**

#### **Halifax and West Community Council**

1. Halifax and West Community Council may choose to recommend that Regional Council not amend the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law, thereby refusing the application. This is the staff recommendation for the reasons identified within this report.
2. Halifax and West Community Council may choose to recommend that Regional Council amend the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law, thereby recommending approval of the application. In taking this course of action, the Community Council would move notice of motion and recommend that a joint public hearing be scheduled to allow for the consideration of the proposed development agreement. This is not recommended for the reasons identified within this report.
3. Halifax and West Community Council may choose to recommend that Regional Council not amend the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law, thereby refusing this application, and request that the applicant consult with staff and the community to achieve a proposal that is more compatible with the surrounding neighbourhood.



Regional Council

1. Regional Council may choose not to amend the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law, thereby refusing the application. This is staff recommendation for the reasons identified within this report. A decision of Council to refuse the proposed amendments is not appealable.
2. Regional Council may choose to consider the potential amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law. Should Regional Council choose this option, a joint public hearing would need to be scheduled to consider both the amendments and the proposed development agreement. This is not recommended for the reasons identified within this report.


**ATTACHMENTS**

Map 1	Location and Notification Area
Map 2	Generalized Future Land Use Designations
Map 3	Zoning
Attachment A	Photographs of Site and Surroundings
Attachment B	Images of the Proposal
Attachment C	Project Overview and Rationale
Attachment D	Height Comparison with the House and Church Building
Attachment E	Comparison with the Original Proposal
Attachment F	Proposed Amendments to the Halifax Municipal Planning Strategy
Attachment G	Proposed Amendments to the Halifax Peninsula Land Use By-law
Attachment H	Proposed Development Agreement
Attachment I	Public Information Meeting Minutes (July 6, 2011)
Attachment J	Public Information Meeting Minutes (September 15, 2011)

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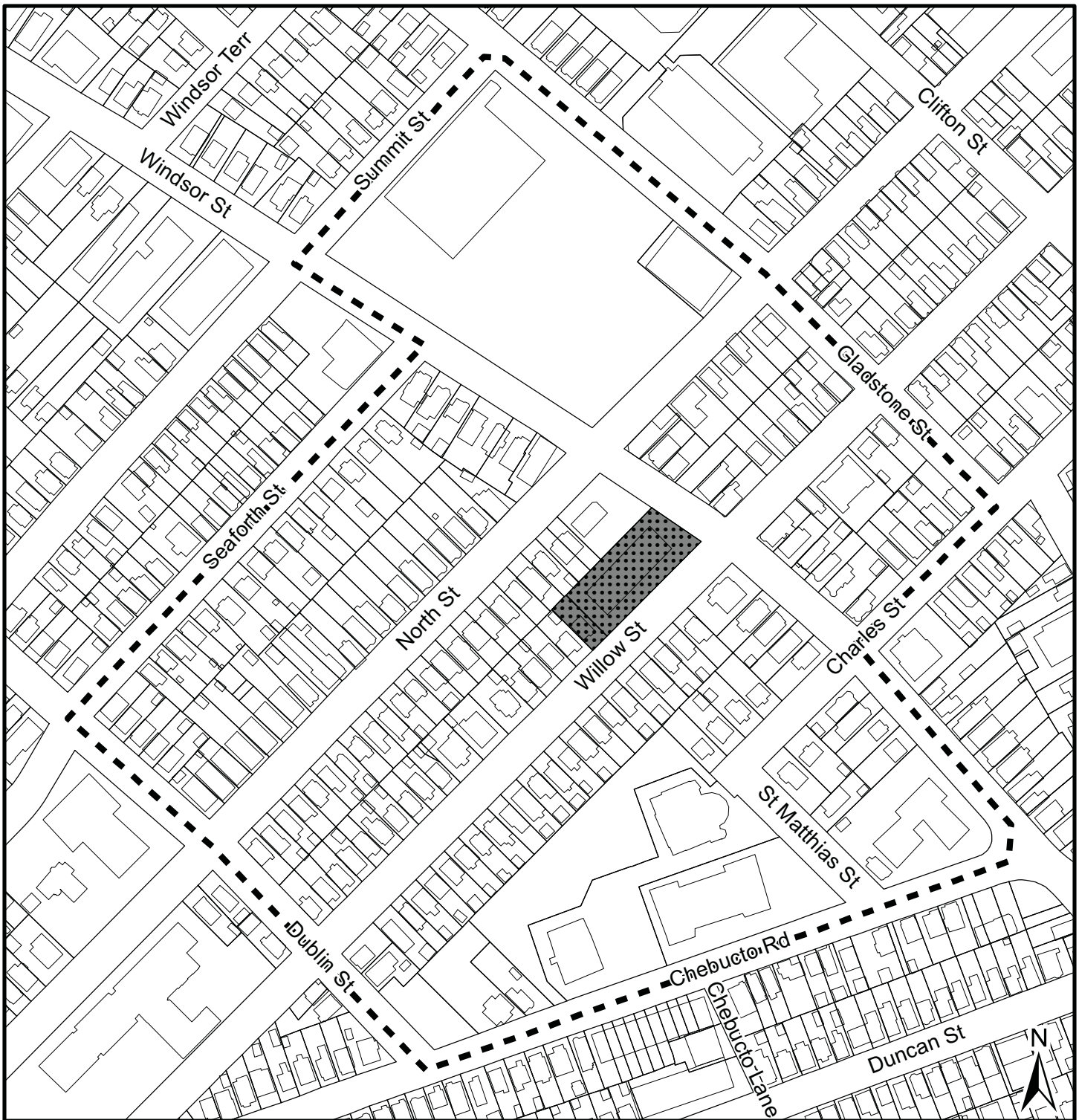
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Richard Harvey, A/ Urban Design Project Manager, 490-6495  
Original Signed

Report Approved by:   
Kelly Denty, Manager of Development Approvals, 490-4800  
Original Signed

  
Austin French, Manager of Planning, 490-6717

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## Map 1 - Location and Notification Area

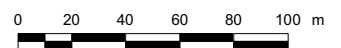
2570 Windsor Street  
and 6225-6233 Willow Street  
Halifax



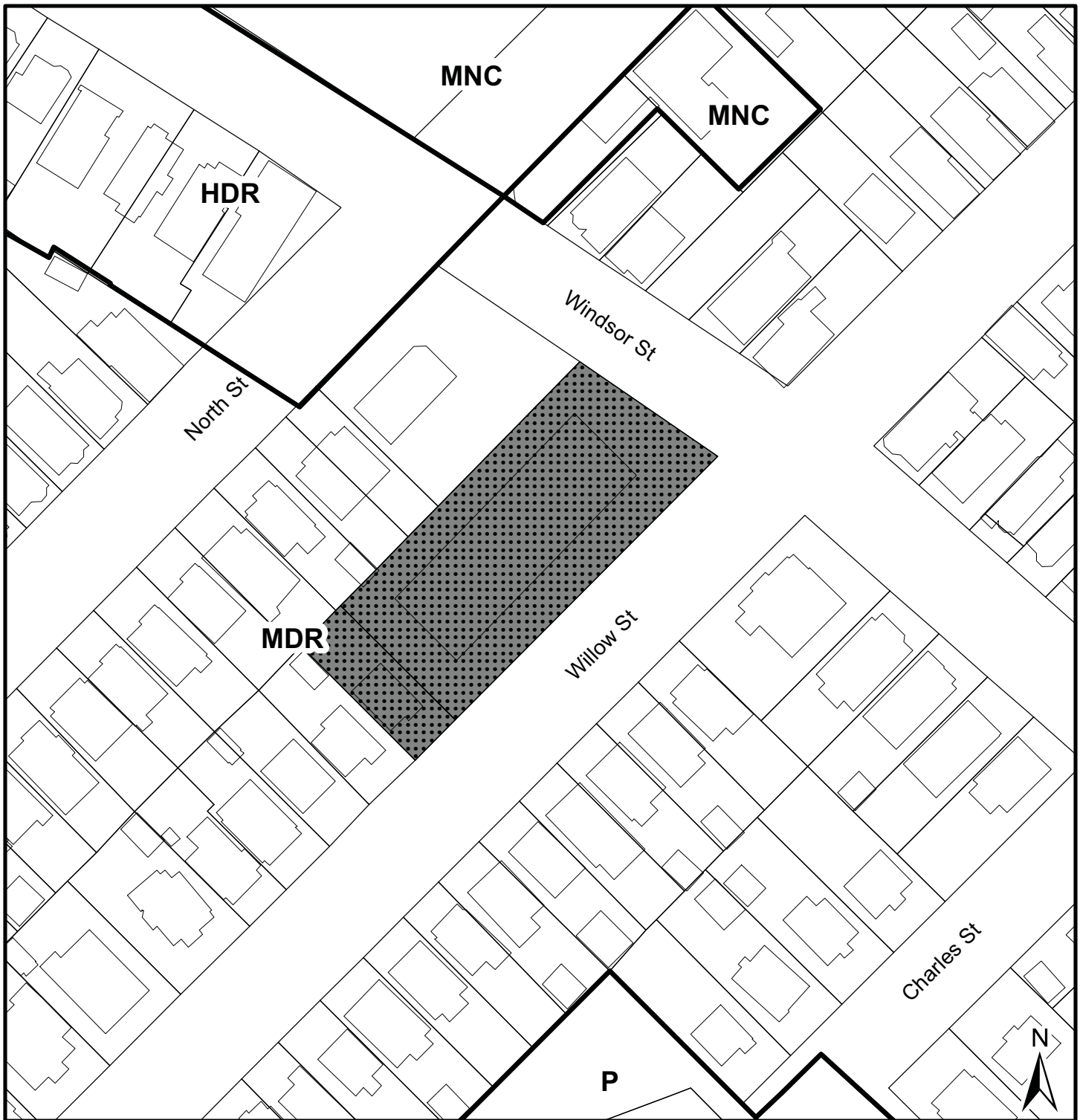
Area of proposed  
development agreement

Halifax Peninsula  
Land Use By-Law Area

**HALIFAX**  
REGIONAL MUNICIPALITY  
DEVELOPMENT APPROVALS



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



## Map 2 - Generalized Future Land Use

2570 Windsor Street  
and 6225-6233 Willow Street  
Halifax

**HALIFAX**  
REGIONAL MUNICIPALITY  
DEVELOPMENT APPROVALS



Area of proposed  
development agreement

### Designation

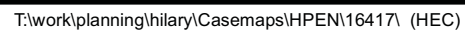
MDR Medium Density Residential  
HDR High Density Residential  
MNC Minor Commercial  
P Park and Institutional

Halifax Plan Area  
Peninsula North Secondary Plan Area

0 20 40 m

This map is an unofficial reproduction of  
a portion of the Generalized Future Land  
Use Map for the plan area indicated.

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

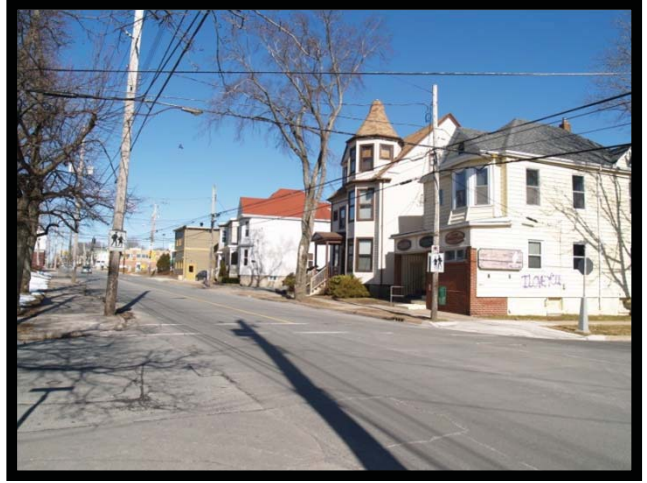




Attachment A  
Photographs of Site and Surroundings



South-east corner of the church building; front facing Windsor Street



Commercial and residential along Windsor Street, across from the church



Along Willow Street, facing east – church building and yellow house are the subject site



Houses along Willow Street, across from the church and house

## Attachment B – Images of Proposal



South elevation along Willow Street

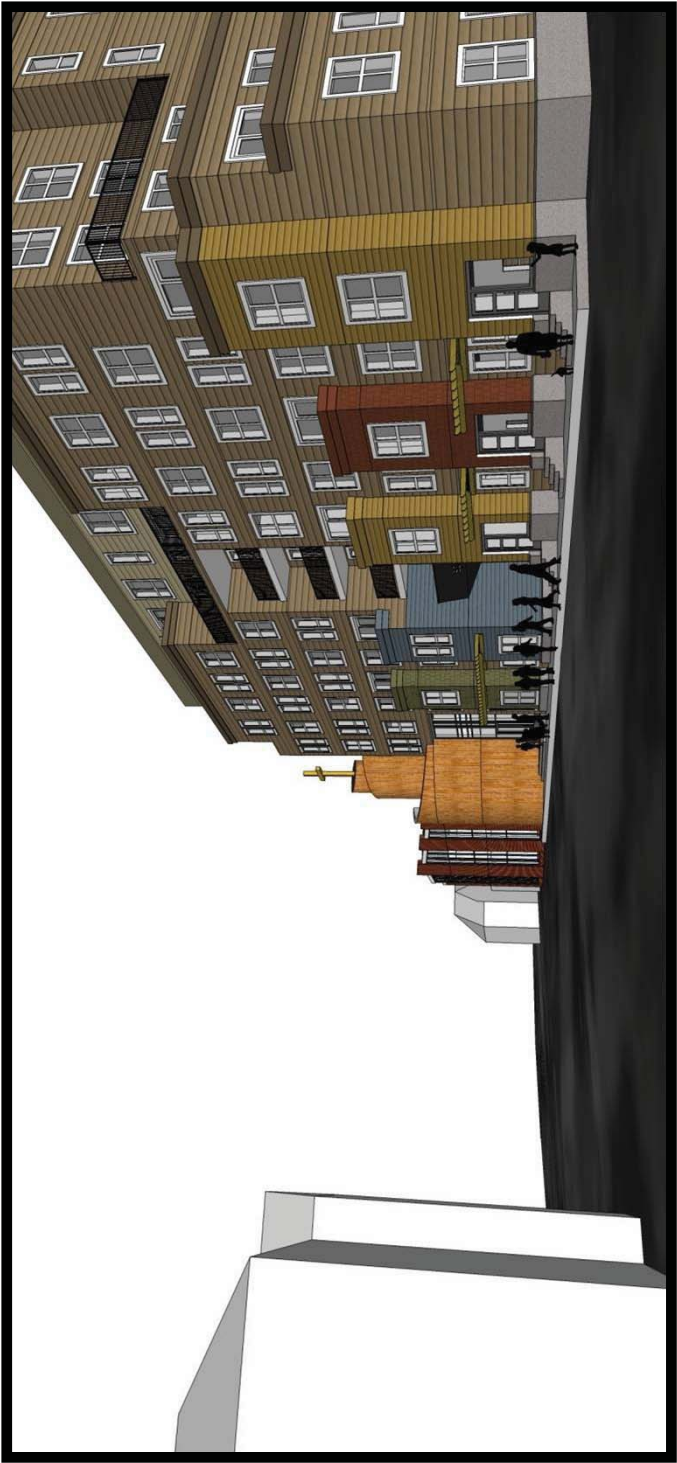


Attachment B – Images of Proposal



West and South elevations along Willow Street

Attachment B – Images of Proposal



South-east corner of building, looking down Willow Street from Windsor Street

Attachment B – Images of Proposal



Portion of the north elevation of the building from North Street



# St. John's United Church

6233 Willow Street, Halifax NS B3L 1P1

(902) 423-8498 Fax (902) 423-2966

Email: [stjohnsunited@eastlink.ca](mailto:stjohnsunited@eastlink.ca)

Website: [www.stjohnsunited.com](http://www.stjohnsunited.com)

*Ministry Team:*

*Music: Ray Grant*

*Office Administration: Marilyn Peacock*

*Children/Youth: Alana Martin*

*Ordained: Rev. Linda Yates, M. Div.*

Ms. Kelly Denty

HRM Planning Supervisor

West End Mall, Halifax, NS

06 July 2010

**RE: Application for a Development Agreement**

Dear Ms. Denty,

Please accept this letter as an indication of our intention to seek an amendment to the Municipal Planning Strategy for the redevelopment of 6225 and 6233 Willow Street.

In order to create the development agreement proposal which is enclosed, we have undertaken a process of community and congregational consultation to arrive at the best possible design, given the nature and intent of what we wish the building to portray and cognizant of community and neighbors' concerns. For your review, we have included two documents that describe both the project intent and how the proposed development responds to and respects regional planning guidelines through the development of a senior's hub.

St. John's United Church and the design team feel that this process of community involvement has successfully contributed to a redevelopment design for the site that reflects the concerns and wishes of the neighborhood, as well as realizing St. John's vision for our ministry, our community, and our future.

We look forward to our continued and expanding role in the community; a role that we have played for 93 years.

Sincerely,

Original Signed

Brian Jay

Team Leader, St. John's Redevelopment Implementation Team

St. John's United Church

**St. John's United Church – Spirit Place**

Halifax, Nova Scotia

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**Understanding the Church's Needs and the Proposed Redevelopment Project**

In a time when family structures are changing and children are committed to many school and extracurricular activities, church attendance is waning. To keep a parish strong, churches must transform – they must offer continued spiritual guidance, as well as extend out into the community to find new ways to engage the public. This need to create an inclusive and welcoming space for the community can place considerable strain on the fiscal responsibilities of the church. Once again, churches must adapt. St. John's United Church is one of those parishes looking forward to change.



St. John's United has been playing an active and expanding role in peninsular Halifax for nearly 100 years, and sees an opportunity to continue to develop their message of SPIRIT by implementing the project outlined in their application for Development Agreement. This opportunity, however, will not come at a cost of compromising their mission, rather, it will further their reach into the community. St. John's is looking to create an affirming, welcoming space to live, gather, and worship for all types including seniors with moderate income, seniors belonging to the gay, lesbian, bisexual and transgendered (GLBT) community, children, families, the arts, and music.

In recent years the demand for diversity in senior housing options has seen extraordinary growth. Older adults are looking for options to be able to stay in their homes and out of long-term care facilities longer. It is also widely acknowledged that three plagues face seniors as they age: loneliness, helplessness and boredom. We can combat these issues by building an intergenerational, affirming complex, where all people are given choice and control of their environment and interactions. By welcoming a range of community members to this facility we provide a variety of opportunities – opportunities to watch or participate, to gather with friends or to enjoy solitude, and to live independently but within the security of a support network.

Sometimes the responsibilities of staying in one's own home are demanding physically, financially or both. Many seniors would like to stay in the communities which they have lived in, worked in, and built throughout their lifetime, however, with limited opportunities to do so it is not always possible. When a person makes the decision to leave their home it is often difficult to leave the community they are in as well. Breaking ties to one's community can lead to isolation from friends, support networks, social groups when the distance they must travel is increased in order to maintain their active lifestyle. By providing a supportive living environment that is close to amenities, public transit, doctor's offices, and grocery stores we can provide an opportunity to foster intergenerational communities and enrich lives.

This redevelopment project, which has the potential to be a role model for many other parishes, proposes a facility that will shelter both a new space for St. John's United Church, as well as, a rich living environment for seniors. While the immediate goal is to provide residential units on the

**St. John's United Church – Spirit Place**

Halifax, Nova Scotia

ground floor, the church envisions that in the future it may be advantageous to the tenants and the greater neighbourhood to offer these spaces as small scale commercial, fronting onto Windsor Street, available for lease by non-profit groups, furthering the reach of St. John's into the community by offering lower cost rental space to other socially minded groups. By providing an inspiring place to worship, affordable housing for seniors and a variety of outreach programs and services, this 'community hub' invites and supports social interaction between children, seniors, families and minority groups. Imagine a place where a senior can sit with a friend on a park bench and watch a family have a picnic or take a stroll through a garden feeling safe and secure. Imagine an elderly gay male, finding true friendship in a place where he is not judged and is free to live his life openly. Imagine a couple having the ability to stay in their home for years longer because of access to doctors, grocery or meal services, or help with the housework. Imagine a family having a place to gather and worship with friends and community, to contribute their talents for the good of others. This place is the new St. John's United.

The site for this project, bound on the east by Windsor Street and the south by Willow Street, is an ideal location for this mixed use re-development project. Its corner location makes it a hinge point between the bustling Windsor Street - which offers a number of health, professional and commercial services, and is well served by public transit – and Willow Street – which serves as a gateway to one of Halifax's beautiful tree-lined residential neighbourhoods.

At Windsor Street the building is set back +/-15 feet from the street, has two residential units at grade, and a central (secondary) entrance to the building. It continues up two stories at the same setback – in keeping with the existing 2-3 story street wall along Windsor Street – before stepping back 4 times to reach its height of +/- 72 feet (+/- 11 feet taller than the existing St. John's United). The total setback from the street at this height is +/- 21 feet which diminishes the mass of the building from Windsor Street while creating a variety of roof terraces for the residential units it houses.

Neighbourhood and congregational consultation suggested that maintaining a greenspace along Willow Street was important. To respond to this desire as the building turns the corner onto Willow Street, it steps back from the street +/- 29 feet offering terraced/landscaped entrances to the three at grade residential units, referring to the language of the surrounding residential porches. Continuing down Willow Street, the sidewalk opens to the side creating a generous path leading to the building's residential lobby. This entrance's location off the quieter Willow Street creates space for the resident's to gather on their way in or out of the building, offering the opportunity for social activity within the greater residential community.

Neighbourhood consultation also asked that the building respond to the scale and character of the residential homes in the area. To achieve this, the first two levels of the building step in and out +/- 3 feet creating an architectural rhythm to fit within Willow Street's existing streetscape. The residential portion of the Willow Street elevation continues to step back 3 times to reach a height of +/- 72 feet, creating visual variation and a series of rooftop terraces for the residential units above. The terraces that are created above the residential entrance provide an exterior extension to each level's generous interior common space. In addition to the multiple private and public terraces provided by stepping the building back, there is a generous landscaped roof terrace located over the church space on the north-west portion of the building accessed off the third floor fitness area.

Market research also indicated that there is currently a gap in the availability of high quality, affordably priced, enriched living opportunities for seniors in peninsular Halifax. Great care has been taken to design a residential facility that will serve this growing need and at rental rates that are below market rate for 50% (32) of the 65 units. Furthermore, St. John's has created a partnership with St. Vincent's Nursing Home to allow residents to access the wealth of



**St. John's United Church – Spirit Place**

Halifax, Nova Scotia

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understanding and knowledge they hold to address the changing needs of the aging population and to keep seniors independent and vitally active in our communities for longer.

Important to the congregation was the provision of open outdoor greenspace for community and congregational gatherings, both formal and impromptu. For neighbours, they desired a buffer between the street and the building, maintaining a pedestrian friendly streetscape. To address these convergent needs, a landscaped community terrace parallel to the sidewalk connects the residential entrance to the main entrance for St. John's United. Located on the west end of the site where the original church was erected, St. John's United – with its outreach programs including a breakfast program for children in the area – is the heart of the project. Nestled within the arms of its residential community, the warm and spacious lobby with soft seating, fireplace and library and the adjoining protected meditation garden create a welcoming 'community living room' for the surrounding neighbourhood.

To create a sense of arrival and clearly demark the church space as separate from the residential portion of the building, the church entrance is visually marked by a concentric 'drum-like' bell tower element that veils the church's existing bells and is topped by the ubiquitous cross. Extending to the west of the drum is the church's sanctuary. Its pitched roof is +/- 31 feet at its highest point, sloping down to a height of +/-25 feet at the western property line. This location of the sanctuary, immediately adjacent to the neighbouring houses, allows the mass of the building to blend with the existing streetscape to the west before rising in height to achieve the project's 65 housing units.

The proposed project includes a below-ground parking garage that will accommodate 42 parking spaces. Neighbourhood consultation indicated that was preferred to keep vehicle traffic off Willow Street, and this was achieved by locating the entrance to the parkade from Windsor Street on the north-east corner of the site. St. John's is also exploring an opportunity for a car-share program to be housed in the parkade giving seniors (and neighbours) access to a car without the financial burden of owning or maintaining a vehicle while furthering their mission for environmental stewardship.

This project is able to meet St. John's United's goal to maintain the church's location and presence in Halifax's Windsor Street community; it responds to the need for affordable senior's housing on Halifax Peninsula and is able to provide it in an area that is close to amenities, public transit, doctor's offices, and grocery stores; is consistent with the Municipality's regional planning policies for densification within the Capital District and provides and provides an opportunity to foster intergenerational communities and enrich lives.

St. John's United Church has a vision that is unique. To achieve their goals they have engaged in multiple congregational and neighbourhood meetings which included workshops, open houses, information sessions, and presentations and have shown a willingness to listen to the needs, desires, and ideas these groups were able to offer. The process has been one of openness, exploration, discovery, respect, and engagement. With these ideals in place, St. John's hopes to embark on a new path and move confidently into the future.



*SPIRIT PLACE*

A Redevelopment Initiative of

St. John's United Church

Halifax, Nova Scotia

**LAND USE PLANNING CONTEXT**

**AND DEVELOPMENT OF A SENIORS HUB**

July 2010

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### 1. Introduction

#### Spirit Place - Background

St. John's United Church is undertaking a community-based planning process to provide input to the re-development of its property at the corner of Windsor and Willow Streets in Halifax.

The decision to redevelop the site comes after several years of congregational discernment and investigation, culminating in a feasibility study and recommendation that a new Church facility with "enriched independent living" apartments for seniors be incorporated into the facility. This approach will better suit the current and future needs of the congregation while also meeting the needs of seniors and others in the community.

The Church wants to remain a visible and active member in the life of the community and hopes to develop new space that will support its mission and extend its community-based programming and provide much needed community space.

The acronym "SPIRIT" captures key aspects of the redevelopment:

<b>S</b>	Seniors' residence that fills a gap in our community
<b>P</b>	Public and community engagement in the project
<b>I</b>	Inclusive and welcoming to all – an Affirming Complex
<b>R</b>	Respect for the Earth – a "green" complex
<b>I</b>	Intergenerational – an opportunity for generations to interact
<b>T</b>	Transformational – a new model for church and community

#### Spirit Place – The Concept

In addition to the rebuilding of the Church, *Spirit Place* will be a mixed-use facility that reflects the theology and programs of the congregation and also responds to the growing needs of seniors in our community. The new facility will meet the space requirements of the Church, provide comfortable and supportive living accommodations for seniors, and provide flexibility in the future to house non-profit tenants, all in keeping with the Church's vision. These groups will each enjoy a sense of community within a community, and as a combined group, encompass the wider neighbourhood.

*Spirit Place* will provide a warm and welcoming environment for seniors, congregation members and visitors alike. Modest accommodations will be

integrated with, and accessible to, a vibrant Church setting and will be designed to support affordability, safety and security. Community spaces along Windsor and Willow Street will support a vibrant streetscape. Tenant services in the building will be organized to support aging-in-place. The goal will be to create a unique community for the Church while promoting socialization for those seniors living on site.

St. John's United Church will "reach out" and embrace all tenants, visitors and community members, of all faiths. In particular, St. John's will affirm the rights of GLTG (gay, lesbian and trans-gendered) residents who may wish to take up residence with equal consideration and respect. *Spirit Place* will provide a new home and base from which the Church will continue to live out its mission and vision in the community.

*Spirit Place* will support spirituality, as well as dignity and respect for people and for the environment.

### 3. Regional Planning Context

HRM's Regional Plan acknowledges the impact of our changing age demographics:

*An important feature of this projected population growth is the anticipated shift in age of the population... By 2026, there will be more than twice the number of people over the age of 65 than in HRM today, and the number of school aged children is expected to level off. This shift in age distribution will have significant implications on the demand for and type of services provided in HRM (page 8)*

When considering the planning context for *Spirit Place*, the St. John's United Church Redevelopment Project, the broad principles associated with "Age Friendly Communities" and "Aging In Place" are considered relevant for this plan amendment / development agreement application.

#### Age Friendly Communities

(Source: "Planning for Age Friendly Communities", Ryerson University, 2010)

An age friendly community:

- Promotes development intensification around local hubs (mixed use, mixed density, transit nodes) that encourage a wide range of community activities and access for seniors
- Has accessibility standards to support seniors' mobility
- Has design policies that promote public safety including legible street signage

## Attachment C - Project Overview and Rationale

- Provides accessible open spaces, walking and recreation opportunities including well-lit public spaces
- Considers seniors needs in all land use / urban design guidelines
- Has an ability to monitor seniors' housing trends
- Provides transportation shelters, public seating, adequate lighting at hubs
- Accommodates the use of scooters and electric wheelchairs
- Has accessible transit, passenger pick-up and convenient schedules
- Has adequate snow and ice clearing practices
- Provides programming to support social interaction between seniors and other age groups
- Promotes partnerships with the private and non-profit sectors to ensure adequate seniors programs (promotion of independent living, affordable housing, meal programs, etc.)
- Addresses seniors programming needs in a variety of languages
- Promotes volunteerism with, and among, and by, seniors
- Has 24 hour home care and home support programs within the neighbourhood
- Has health services (hospitals, emergency medical services, doctors, pharmacists, dentists) in close proximity to a high concentration of seniors (e.g. a seniors complex), and these health services in turn have adequate capacity to accommodate a growing number of seniors' patients
- Has addressed the need for caregivers (paid and unpaid) as well as the needs of caregivers (respite)

### Aging in Place

(Source: City of Edmonton Community Services Report, 2009)

“Aging-in-Place” means:

- Maintaining a continuity of relationships with family members, friends and neighbours
- Maintaining a continuity of relationship with the community – striving to keep seniors in the neighbourhoods that they know best and feel part of
- Creating ‘age friendly’ neighbourhoods
- Encouraging a positive vision for aging – supporting and celebrating our elders, their experiences and contributions
- Focusing on flexible support options for individuals as opposed to age ranges or diagnostic categories, and
- Addressing seniors health needs with a continuum of services that help support “aging in place”.

Canadian communities are generally not prepared to meet the needs of an aging population<sup>1</sup>. The City of Edmonton<sup>2</sup> has recently examined best planning

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<sup>1</sup> Community Indicators for An Aging Population, CMHC, July 2008

<sup>2</sup> Community Services Department Report (Feb. 19, 2009), the City of Edmonton commissioned an Aging-in-Place Study that examined best practices in nine North American municipalities.



practices to support aging-in-place. These include:

- Maintaining diversity in seniors' accommodations
- Promoting mixed use developments
- Locating seniors' facilities close to services
- Ensuring barrier free design and visitability in buildings
- Providing public transit that recognizes the needs of seniors
- Providing an attractive pedestrian environment that allows for easy navigation and walkability
- Recognizing the needs and wants of seniors in the design and programming of outdoor spaces and gathering areas, and
- Use of Crime Prevention through Environmental Design to enhance community safety for seniors.

In considering the principles associated with Age Friendly Communities and Aging-in-Place, a common theme and indeed a desirable objective is the need to accommodate seniors' health and housing requirements within their own local neighbourhoods.

Unfortunately, due to the lack and cost of land on Halifax Peninsula, most seniors' facilities (assisted living and long term care) in Halifax Regional Municipality are now being developed in suburban locations, leaving the prospect that the Peninsula will be underserved and with seniors relocating to the suburbs to receive the services they need.

*Spirit Place* responds to the need for affordable seniors housing on Halifax Peninsula, and is consistent with the Municipality's regional planning policies for densification within the Capital District, the maximization of existing services and infrastructure, and is also consistent with regional housing policies.

### **3. Regional Housing Context**

Development of seniors housing on Halifax Peninsula should be supported because:

- Seniors on the Peninsula will be supported in their desire to age in place
- Transit services are well established
- Good access to hospitals and all other services consistent with Age Friendly Community principles

*Spirit Place* responds to these planning principles, and others as articulated in the Municipality's Regional Plan:

- Approximately 26% of the demand for residential development (by 2026) will

- be in the Regional Centre (15,275 housing units) (*page 9*)
- The Municipality... can support housing affordability and social inclusion by ensuring that municipal policies, regulations and processes encourage efficient development and open up opportunities for diverse, innovative and well-designed housing (pg 56)
  - This (Regional) Plan supports development of affordable housing across the economic spectrum in a number of ways by:
    - Encouraging more compact forms of development that can lead to cost avoidance associated with elongated infrastructure and widespread services;
    - Creating many location choices for housing development in a broad range of growth centers in urban, suburban and rural areas;
    - Creating opportunities for a mix of housing types at a range of price levels within growth centres;
    - Reducing dependency on private automobile travel through increasing access to public transit - transit use is encouraged by supporting growth in locations where transit can be most economically provided and also by creating a framework of transit-friendly community design;
    - Encouraging innovation in housing design, developing affordable housing targets and incentives, developing partnerships, and engaging in public education and community facilitation processes at the community level.

#### **4. The North-Windsor Seniors Hub**

The St. John's request for a plan amendment and development agreement for a mixed use re-development project incorporating new church space and enriched / affordable housing for seniors is entirely consistent with the age friendly communities 'hub' concept.

In fact, the North-Windsor street intersection already provides many supports to seniors including access to transit, groceries, pharmacy, health, medical and a range of commercial / professional services as well as churches and seniors programming.

The land uses and services at the intersection of Windsor and North Streets are therefore tailor-made for a seniors' hub. The existence of an assisted living facility (Gladstone Berkeley) and *Spirit Place* independent living reinforces the seniors hub at North and Windsor Streets and provides many options for housing and services for seniors.

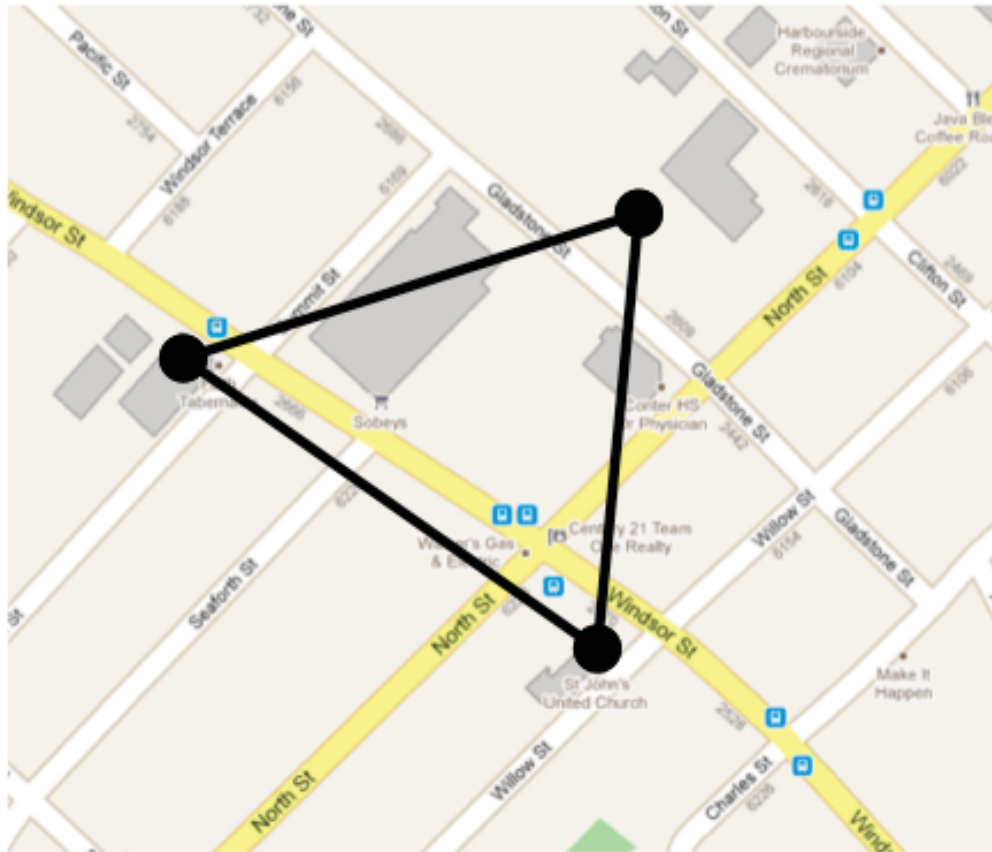
When taken together with the programs available at Faith Tabernacle, and the health, professional and commercial services available at Sobeys and the

## Attachment C - Project Overview and Rationale

Gladstone Professional Centre, the functional capacity of the North-Windsor seniors' hub is significantly enhanced with *Spirit Place*.

The seniors hub, as defined below, includes a total of 131 units of housing for seniors (61 enriched independent living units (including affordable seniors housing) and 70 assisted living units) - all connected in turn to progressive levels of care services that support aging in place.

**The North / Windsor Seniors Hub**



### North-Windsor Seniors Hub: Description of Land Uses and Services

Hub Land Uses & Services	Notes
<i>Spirit Place</i>	65 enriched independent living units, including affordable seniors housing, church space, pastoral care, worship services, space for non-profit groups (possible in the future), children's breakfast, youth and community outreach programs, music and

## Attachment C - Project Overview and Rationale

	community meeting space. Access to seniors care services in partnership with Saint Vincent's Nursing Home.
Gladstone Berkeley	70 assisted living units with access to seniors care services. Car share location and service.
Faith Tabernacle	Active Living for Seniors (Chebucto Links), weekly luncheons for seniors. Worship services. Community outreach, music programs, boys & girls club.
Transit	The hub is well-served by transit: 3 bus stops, plus a bus shelter. Transit Routes 17, 18 and 82 (on Windsor St.) and Transit Routes 2, 4 and 52 (on North St.)
Sobeys	Groceries, pharmacy, café, deli, bakery, bank machine, community meeting room, Western Union outlet, and lots of parking.
Gladstone Professional Centre	Pharmacy, post office, blood lab, doctors' offices and family practices, dentist, physiotherapy clinic, Hearing Institute Atlantic, dermatologist, psychologist, laser surgeon.
Other land uses and services in the hub	Snow's Funeral Home (being renovated), The Physioclinic, insurance, real estate and other commercial services as well as 4 story apartment building.

Immediately adjacent to the North/Windsor Seniors Hub are located a public storage facility and recycling centre, as well as single family and semi-detached homes, apartment buildings and high-rise condominiums. Within 7 blocks of the seniors hub and the St. John's church site are located:

- 1) Saint Vincent's Nursing Home
- 2) Ambassatours / Grey Line Offices
- 3) Conservatory of Music and Ummah Community Centre
- 4) Halifax Forum / bingo hall
- 5) Lutheran Church of the Resurrection (Chebucto Links seniors program)
- 6) Day care

## Attachment C - Project Overview and Rationale

- 7) Other churches
- 8) Oxford School
- 9) Hair salon, restaurant, and other commercial services

Other key supports and linkages to the North/Windsor Seniors Hub are located within 12 blocks:

- QEII Hospital Complex
- Halifax Commons
- Northwood
- Young Street commercial corridor
- Quinpool Road commercial corridor





## 5. The Changing Role of Churches

Many churches in the Halifax Regional Municipality are examining their Mission and Visions in the face of aging or declining congregations and the challenges associated with maintaining aging church facilities. The relationship between church and seniors care is well established. By integrating and linking affordable seniors housing with Saint Vincent's Nursing Home, St. John's United Church and *Spirit Place* is responding to a growing need and an established tradition in our community<sup>3</sup>.

Saint Vincent's Nursing Home, located 5 blocks from the church site, is a respected seniors care provider and will administer all the independent living services and provide access to a progressive level of seniors care services for tenants at *Spirit Place*. The partnership with Saint Vincent's helps both organizations achieve their objectives, by expanding their outreach into the community while meeting the needs of their respective constituencies.

## 6. Trends in Seniors Housing and Care – The Affordability Challenge

Significant challenges are facing Canadian communities as well as our health care system with an aging population. In response, many communities are adjusting their policies and procedures to ensure that adequate and affordable housing options are being made available for seniors in order to promote and enable 'aging in place.'

The provision of reasonably priced housing and care options for seniors on Halifax Peninsula presents a challenge given the lack of land. Assisted living, being primarily the domain of the private sector, caters to the higher end of the seniors' marketplace, with rents averaging between \$2,000 to \$3,000 per month for a housing unit, as well as providing optional access to care services, and typically including one or more on-site meals and 24 hour attendant care.

Significant changes in housing design and care delivery have taken place over the last decade within the seniors care industry. Promotion of socialization opportunities is first and foremost among these changes. Another trend has been the establishment of campuses, where different types of accommodations and care services are bundled at a single location and sometimes within a single building, in order to limit the number of times seniors have to move as their health care needs increase. These campuses will typically include a mix of independent, assisted living and long-term care living environments. With the notable exception of Northwood's campus at North and Gottingen Streets, these types of seniors' communities are again generally found in suburban locations.

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<sup>3</sup> Many seniors facilities incorporate chapels on site and have active pastoral programs. One long-standing example is Saint Vincent's Nursing Home, which was established by the Catholic Church in 1966 and is located on land owned by the Catholic Church.



## 7. Responding to the Needs of Seniors in North End / Peninsula Halifax

It is widely recognized by government and most stakeholders that keeping seniors independent and functioning in their own home, condominium, or rental unit is far more practical and less costly than long-term care accommodations and services. The Church's research shows that a gap exists between independent living accommodations and assisted living facilities. This gap can be defined in terms of both affordability and serviceability.

A review of market data and demographic projections has led to the conclusion that there will be a significant future need for more affordable and modest accommodations for many seniors, as well as an associated need to link accommodations with services that will help support 'aging in place.' Accordingly, St. John's believes there is a need for an "enriched independent living" facility that caters to affordable housing for seniors on Halifax Peninsula. The projected population of seniors who are independent but requiring some assistance (housekeeping, maintenance, security services, etc.) in Halifax's North End is shown as follows:

Demand for Enriched Independent Living Accommodations North End Halifax, 2011 to 2026		
<i>Age</i>	<i>Estimated Demand by 2011</i>	<i>Estimated Demand by 2026</i>
70-74 years of age	90 people	198 people
75-79 years of age	192 people	334 people
80-84 years of age	200 people	310 people
85+ years of age	273 people	472 people
<i>Total</i>	755 people	1,314 people

*(Projections exclude those seniors who require assisted or long-term levels of care. Projections are for North End Halifax only. Source: Atlantic Seniors Housing Research Alliance)*

## 8. Summary

*Spirit Place* is a mixed use complex providing new church facilities connected to an enriched independent living facility that meets the needs of seniors, while reinforcing the seniors hub concept (at the North-Windsor Street intersection) as well as the principles associated with developing age friendly communities.

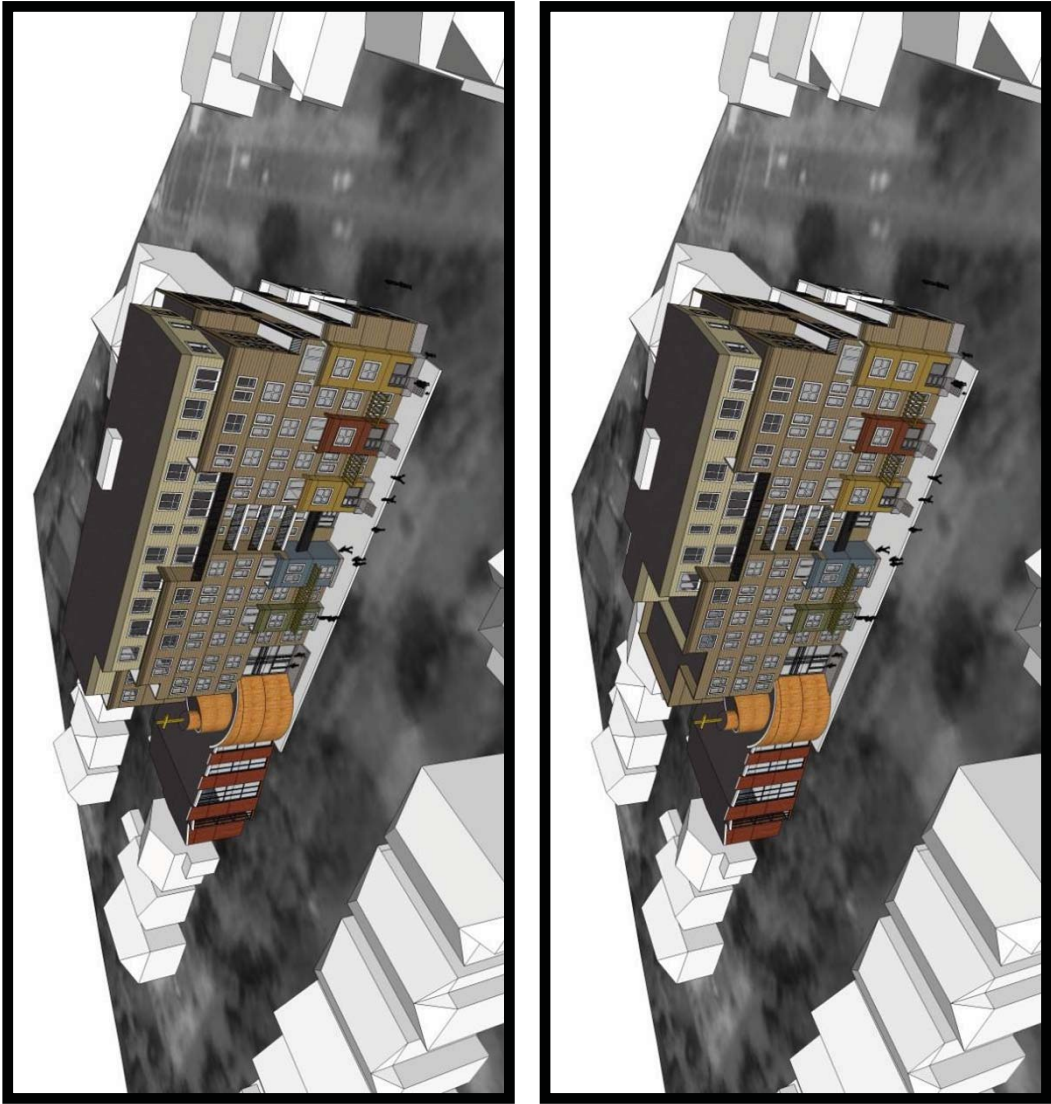
SPIRIT PLACE  
6233 WILLOW STREET  
HALIFAX, NOVA SCOTIA

DATE \_\_\_\_\_

DRAWING NO.

A-201

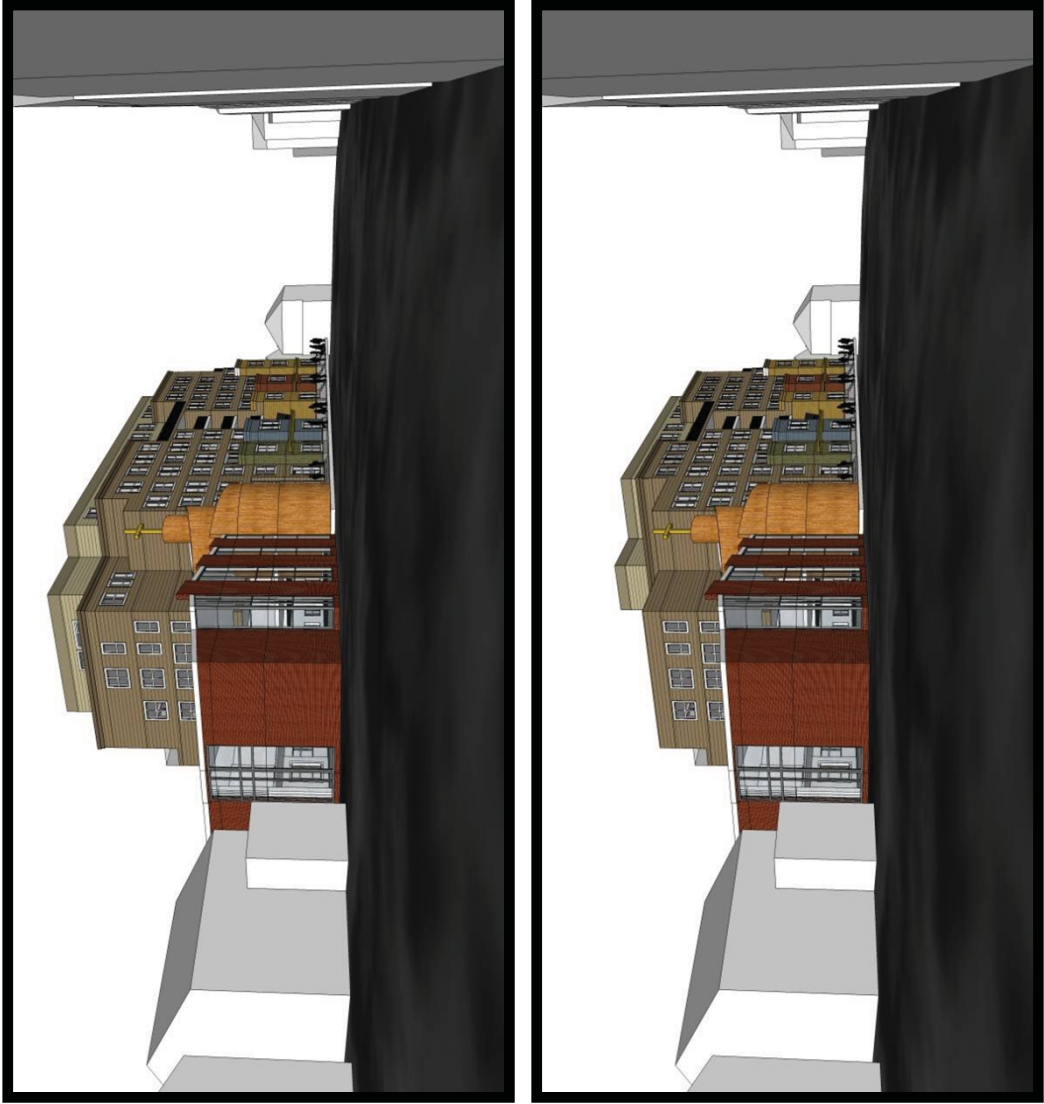
Attachment E – Comparison with the Original Proposal



South elevation along Willow Street

The upper image shown the building as it was originally proposed. The lower image shows the current proposal, which was reduced in size following the public participation meetings and discussions with HRM staff.

Attachment E – Comparison with the Original Proposal



West and South elevations along Willow Street

The upper image shown the building as it was originally proposed. The lower image shows the current proposal, which was reduced in size following the public participation meetings and discussions with HRM staff.

## Attachment E – Comparison with the Original Proposal

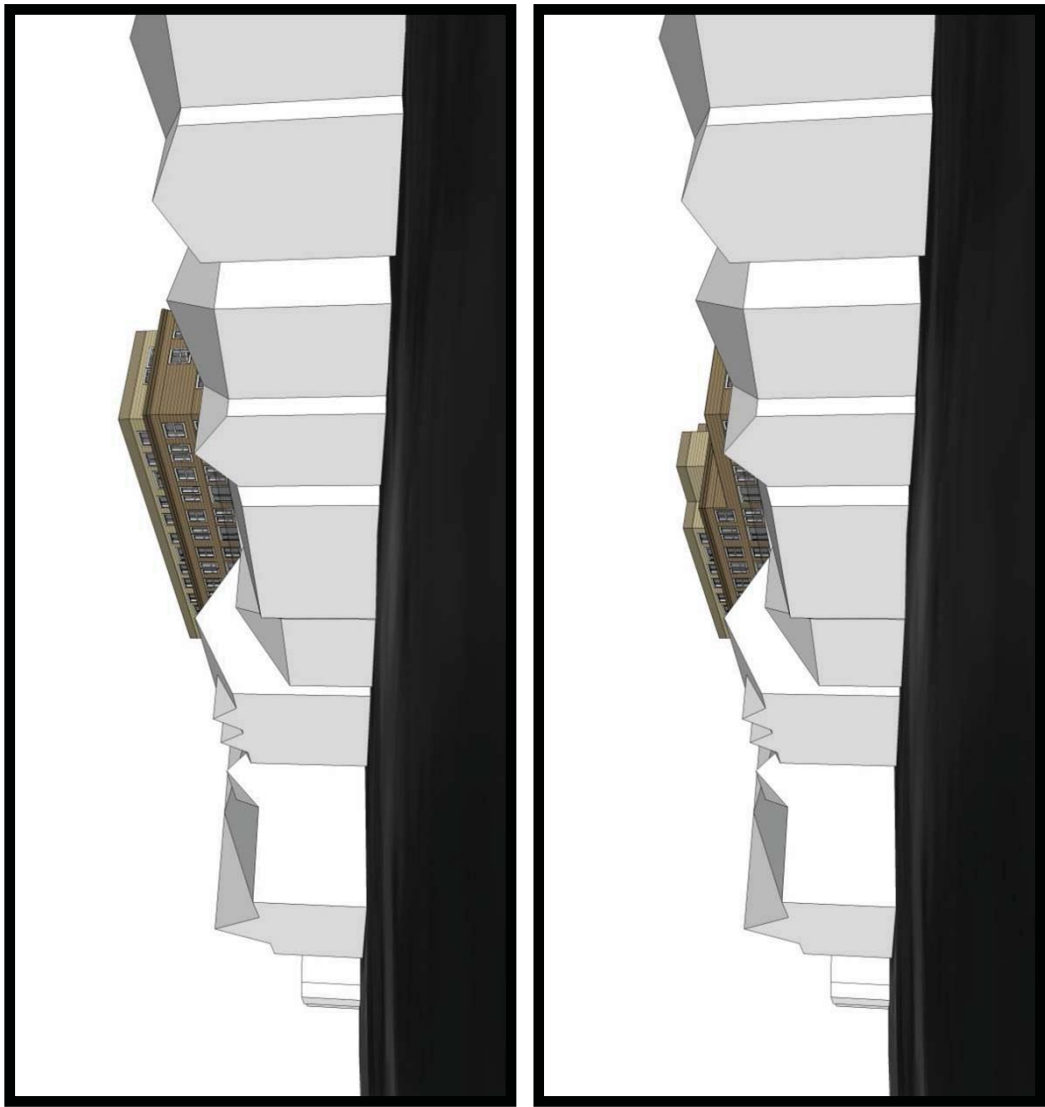


South-east corner of building, looking down Willow Street from Windsor Street

The upper image shown the building as it was originally proposed. The lower image shows the current proposal, which was reduced in size following the public participation meetings and discussions with HRM staff..



Attachment E – Comparison with the Original Proposal



Portion of the north elevation of the building from North Street

The upper image shown the building as it was originally proposed. The lower image shows the current proposal, which was reduced in size following the public participation meetings and discussions with HRM staff .

**Attachment F**  
**Proposed Amendments to the Halifax Municipal Planning Strategy**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Halifax is hereby amended as follows:

1. Add Policies 1.10 and 1.10.1 to Section XI (Peninsula North Secondary Planning Strategy) of the Halifax Municipal Planning Strategy immediately after Section 1.9.1 to read as follows:

“1.10 The properties identified as 2570 Windsor Street/6225 Willow Street and 6233 Willow Street is proposed to be consolidated and developed with a seven storey building comprised of apartments, church, and community facilities. Notwithstanding the Medium Density Designation and other policies, Council may consider such a proposal by development agreement.

- 1.10.1 In considering a development agreement pursuant to Policy 1.10, Council shall consider such criterion as but not limited to the following:

- a) that land uses may be comprised of apartments, a church, and community facility uses;
- b) that there is underground parking containing a minimum of 40 parking spaces;
- c) that the building is a maximum height of seven storeys adjacent to Windsor Street and transition to lower heights towards the western portions of the site;
- d) that there is a minimum setback of 10 feet from any property line that is not coincident with a streetline except for the area occupied by the underground parking and associated entrances;
- e) that setbacks along Windsor and Willow Streets are consistent with those found along said streets;
- f) that the mass of the building be varied and includes design elements that are consistent with those found along Windsor and Willow Streets; and
- g) that at-grade and roof-top landscaped open space areas have screening features such as fences and walls to minimize compatibility concerns.”

I HEREBY CERTIFY that the amendments to the Halifax Municipal Planning Strategy, as set out above, were duly passed by a majority vote of the Halifax Regional Municipal Council at a meeting held on the       day of       , 2013.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this       day of       , 2013.

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Municipal Clerk



**Attachment G**  
**Proposed Amendments to the Halifax Peninsula Land Use By-law**

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that Section 98(1) of the Halifax Peninsula Land Use By-law is hereby amended by inserting the following text:

**2570 Windsor Street/6225 Willow Street and 6233 Willow Street**

- (j) permit a seven storey building comprised of apartments, a church, and community facilities in accordance with policies 1.10 and 1.10.1.

I HEREBY CERTIFY that the amendments to the Halifax Peninsula Land Use By-law, as set out above, were duly passed by a majority vote of the Halifax Regional Municipal Council at a meeting held on the       day of       , 2013.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this       day of       , 2013.

\_\_\_\_\_  
Municipal Clerk

## Attachment H – Proposed Development Agreement

THIS AGREEMENT made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

BETWEEN:

**[DEVELOPER]**

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 2570 Windsor Street/6225 Willow Street and 6233 Willow Street, 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 a mixed use development comprised of an apartment house, a church, and community facility uses on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and policies 1.10 and 1.10.1 of Section XI, Peninsula North Secondary Planning Strategy, of the Halifax Municipal Planning Strategy and Section 98(1) (j) of the Halifax Peninsula Land Use By-law;

AND WHEREAS the Halifax and West Community Council for the Municipality approved this request at a meeting held on \_\_\_\_\_, referenced as Municipal Case Number 16417;

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**

- 1.1.1 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**

- 1.2.1 Except as otherwise provided for herein, the development, use and subdivision 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/Federal Government and the Developer or Lot Owner agree(s) to observe and comply with all such laws, by-laws and regulations, as may be amended from time to time, 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 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 this Agreement or other approval agencies.

### **1.4 Conflict**

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

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

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

## **1.6 Provisions Severable**

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

## **PART 2: DEFINITIONS**

### **2.1 Words Not Defined under this Agreement**

- 2.1.1 All words unless otherwise specifically defined herein shall be as defined in the Halifax Peninsula Land Use By-law and Subdivision By-law, and if not defined in these documents, their customary meaning shall apply.

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

### **3.1 Schedules**

- 3.1.1 The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, conforms to the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case Number 16417:

Schedule A	Legal Description of the Lands	
Schedule B	Site Plan	A-100
Schedule C	Landscape Plan – Ground Level	A-102
Schedule D	Landscape Plan – Roof Top	A-102A
Schedule E	Parking Plan	A-103
Schedule F	South Elevation	A-201
Schedule G	East & West Elevation	A-202
Schedule H	North Elevation	A-203

### **3.2 Requirements Prior to Approval**

- 3.2.1 Prior to the issuance a Construction Permit, the Developer shall provide to the Development Officer of the Municipality:

- (a) Receive approval from the Municipality for a subdivision in accordance with Section 3.5 of this Agreement;
  - (b) A detailed Landscape Plan prepared by a Landscape Architect in accordance with Section 3.7 of this Agreement; and
  - (c) A detailed Site Grading and Stormwater Management Plan prepared by a Professional Engineer in accordance with Section 5.1 of this Agreement.
- 3.2.2 Upon the issuance of the first Occupancy Permit, a letter prepared by a member in good standing of the Canadian Society of Landscape Architects shall be provided to the Development Officer certifying that all landscaping has been completed according to Schedules C and D and Section 3.7 of this Agreement.
- 3.2.3 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, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.

### **3.3 Land Use**

- 3.3.1 The uses of the Lands permitted by this Agreement are the following:
  - (a) an apartment house;
  - (b) a church;
  - (c) community facilities uses; and
  - (d) accessory uses to the forgoing.
- 3.3.2 There shall be a maximum of 59 dwelling units, of which a minimum of 4 dwelling units shall have 2 or more bedrooms.
- 3.3.3 No graveyard, columbarium, or other interment of human remains shall be permitted upon the Lands.

### **3.4 Architectural Requirements**

- 3.4.1 All vents, down spouts, flashing, electrical conduits, metres, 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.

- 3.4.2 The buildings shall be designed such that the mechanical systems (HVAC, exhaust fans, etc.) are not visible from Windsor Street, Willow Street or abutting residential properties. Furthermore, no mechanical equipment or exhaust fans shall be located between the building and the adjacent residential properties unless screened as an integral part of the building design and noise reduction measures are implemented. This shall exclude individual residential mechanical systems.

### **3.5 Subdivision of the Lands**

- 3.5.1 Prior to the issuance of the first Building Permit, a subdivision to consolidate the lands as labeled on Schedule B, shall be approved, in accordance with the Regional Subdivision By-law. No further subdivision or consolidation shall be permitted on the Lands.

### **3.6 Outdoor Lighting**

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

### **3.7 Landscaping**

- 3.7.1 All plant material shall conform to the Canadian Nursery Trades Association Metric Guide Specifications and Standards and sodded areas to the Canadian Nursery Sod Growers' Specifications.
- 3.7.2 Prior to the issuance of a Building Permit, the Developer shall provide the Municipality with a detailed Landscape Plan, prepared by a Landscape Architect.
- 3.7.3 Upon the issuance of an Occupancy Permit, the Developer shall submit to the Development Officer a letter prepared by a member in good standing of the Canadian Society of Landscape Architects certifying that all landscaping has been completed according to the terms of this Development Agreement.
- 3.7.4 Notwithstanding the above, an Occupancy Permit may be issued provided that the weather and time of year does not allow the completion of the outstanding landscape work and the Developer supplies a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping as shown on the Landscape Plan. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the landscaping as described herein and as approved by the Development Officer. Should the Developer not complete the landscaping within twelve months of issuance of the Occupancy Permit, the Municipality may use the deposit to



complete the landscaping. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.

### **3.8 Maintenance**

- 3.8.1 The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the 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 and ice control, salting of walkways and driveways.

### **3.9 Temporary Construction/Sales Building**

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

### **3.10 Outdoor Storage and Screening**

- 3.10.1 No outdoor storage shall be permitted on the Lands.
- 3.10.2 Propane tanks, electrical transformers, and other utilitarian features shall be located in such a way so as to minimize noise and visual impact upon adjacent residential uses.
- 3.10.3 Roof mounted telecommunication equipment shall be integrated into the roof design of the building.

### **3.11 Solid Waste Facilities**

- 3.11.1 The building shall include a designated space for five stream source separation services. This designated space for source separation services shall be shown on the building plans and approved by the Development Officer in consultation with Solid Waste Resources.
- 3.11.2 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.

### **3.12 Parking**

- 3.12.1 Vehicle parking on the Lands shall be as shown on Schedule E and contain a minimum of 40 underground vehicle parking spaces.

- 3.12.2 Parking spaces sizes shall comply with the requirements of the Land Use By-law for Halifax Peninsula.
- 3.12.3 The Developer shall provide bicycle parking pursuant to the requirements of the Land Use By-law.

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

### **4.1 Municipal Service Systems Specifications**

- 4.1.1 All design and construction of primary and secondary service systems shall satisfy Municipal Service Systems Specifications unless otherwise provided for in this Agreement and shall receive written approval from the Development Engineer prior to undertaking the work.

### **4.2 Off-site Infrastructure**

- 4.2.1 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.

### **4.3 Underground Services**

- 4.3.1 All secondary electrical, telephone, and cable services to the building shall be underground installation.

## **PART 5: ENVIRONMENTAL PROTECTION MEASURES**

### **5.1 Erosion and Sedimentation Control and Grading Plans**

- 5.1.1 Prior to the commencement of any onsite works on the Lands, including earth movement or tree removal other than that required for preliminary survey purposes, or associated offsite works, the Developer shall have prepared by a Professional Engineer and submitted to the Municipality a detailed Erosion and Sedimentation Control Plan. The plans shall comply with the *Erosion and Sedimentation Control Handbook for Construction Sites* as prepared and revised from time to time by Nova Scotia Environment. Notwithstanding other Sections of this Agreement, no work is permitted on the site until the requirements of this clause have been met and implemented.

## **PART 6: AMENDMENTS**

### **6.1 Non-Substantive Amendments**

- 6.1.1 The following items are considered by both parties to be not substantive and may be amended by resolution of Council.
- (a) Changes to the exterior building materials shown on Schedules F to H of this Agreement;
  - (b) The granting of an extension to the date of commencement of construction as identified in Section 7.3 of this Agreement; and
  - (c) The length of time for the completion of the development as identified in Section 7.4 of this Agreement.

### **6.2 Substantive Amendments**

- 6.2.1 Amendments to any matters not identified under Section 6.1 shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Halifax Regional Municipality Charter*.

## **PART 7: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE**

### **7.1 Registration**

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

### **7.2 Subsequent Owners**

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

### **7.3 Commencement of Development**

- 7.3.1 In the event that development on the Lands has not commenced within 4 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.

7.3.2 For the purpose of this section, commencement of development shall mean the issuance of a Building Permit.

7.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 6.1 of this Agreement, if the Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the commencement of development time period.

#### **7.4. Completion of Development**

7.4.1 Upon the completion of the whole development, Council may review this Agreement, in whole or in part, and may:

- (a) retain the Agreement in its present form;
- (b) negotiate a new Agreement;
- (c) discharge this Agreement; or
- (d) for those portions of the development which are completed, discharge this Agreement and apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use By-law for Halifax Peninsula as may be amended from time to time.

#### **7.5 Discharge of Agreement**

7.5.1 If the Developer fails to complete the development after 4 years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office 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.

7.5.2 For the purpose of this section, Council may consider granting an extension of the completion of the development time period through a resolution under Section 6.1 of this Agreement, if the Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the completion of development time period.

### **PART 8: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT**

#### **8.1 Enforcement**

8.1.1 The Developer agrees that any officer appointed by the Municipality to enforce this Agreement shall be granted access onto the Lands during all reasonable hours without obtaining consent of the Developer. The Developer further agrees that, upon receiving written notification from an officer of the Municipality to inspect the interior of any

building located on the Lands, the Developer agrees to allow for such an inspection during any reasonable hour within twenty four hours of receiving such a request.

## **8.2 Failure to Comply**

8.2.1 If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer 30 days written notice of the failure or default, then in each such case:

- (a) The Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defence based upon the allegation that damages would be an adequate remedy;
- (b) The Municipality may enter onto the 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; or
- (d) In addition to the above remedies, the Municipality reserves the right to pursue any other remedy under the *Halifax Regional Municipality Charter* or Common Law in order to ensure compliance with this Agreement.

WITNESS that this Agreement, made in triplicate, was properly executed by the respective Parties on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**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:

\_\_\_\_\_

**(Insert Registered Owner Name)**

Per: \_\_\_\_\_

Per: \_\_\_\_\_  
=====

**HALIFAX REGIONAL  
MUNICIPALITY**

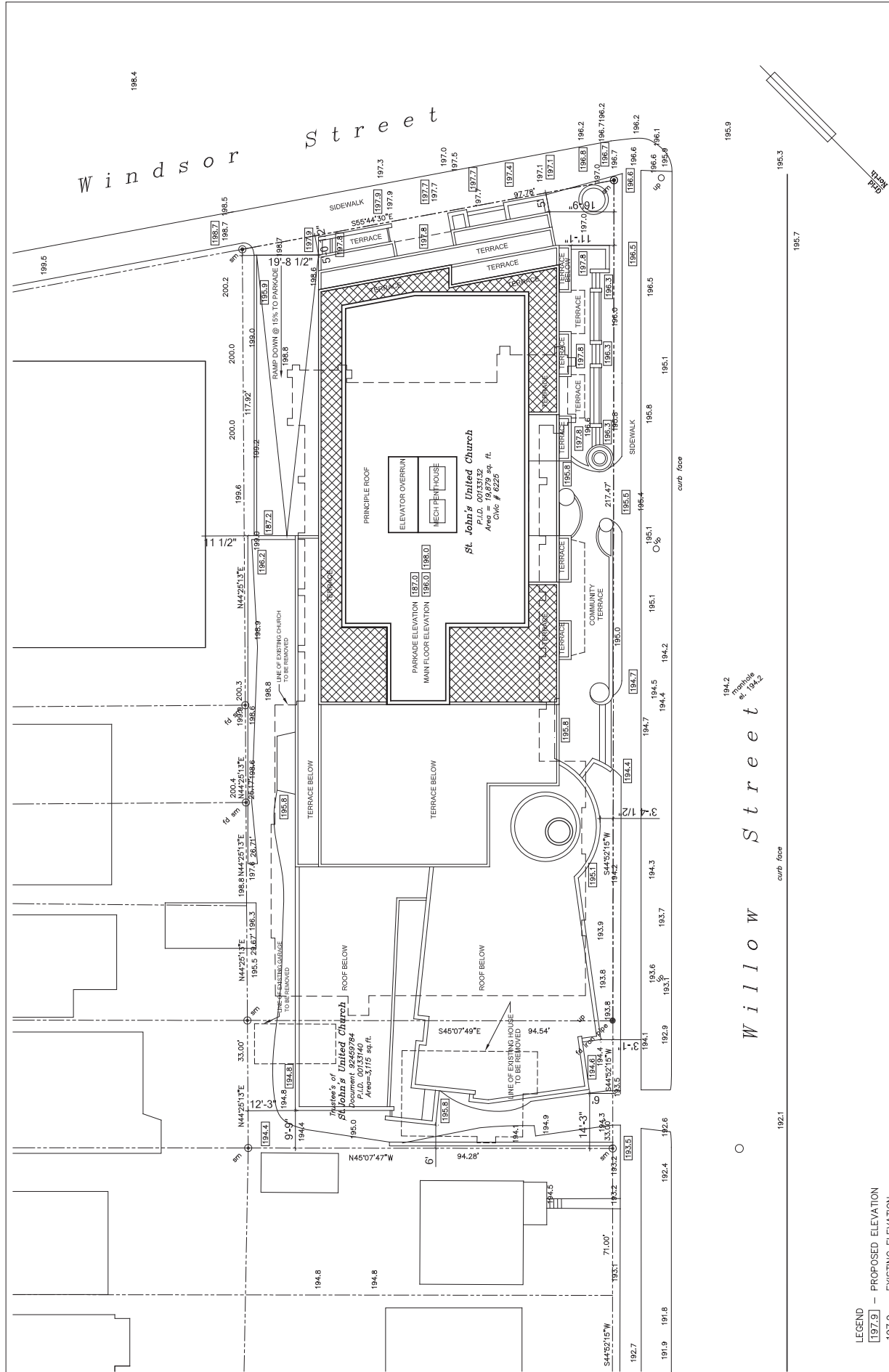
Per: \_\_\_\_\_

Mayor

Per: \_\_\_\_\_

Municipal Clerk





LEGEND  
[197.9] - PROPOSED ELEVATION  
197.9 - EXISTING ELEVATION

# ST. JOHN'S REDEVELOPMENT PROJECT

SPIRIT PLACE  
6233 WILLOW STREET  
HALIFAX, NOVA SCOTIA

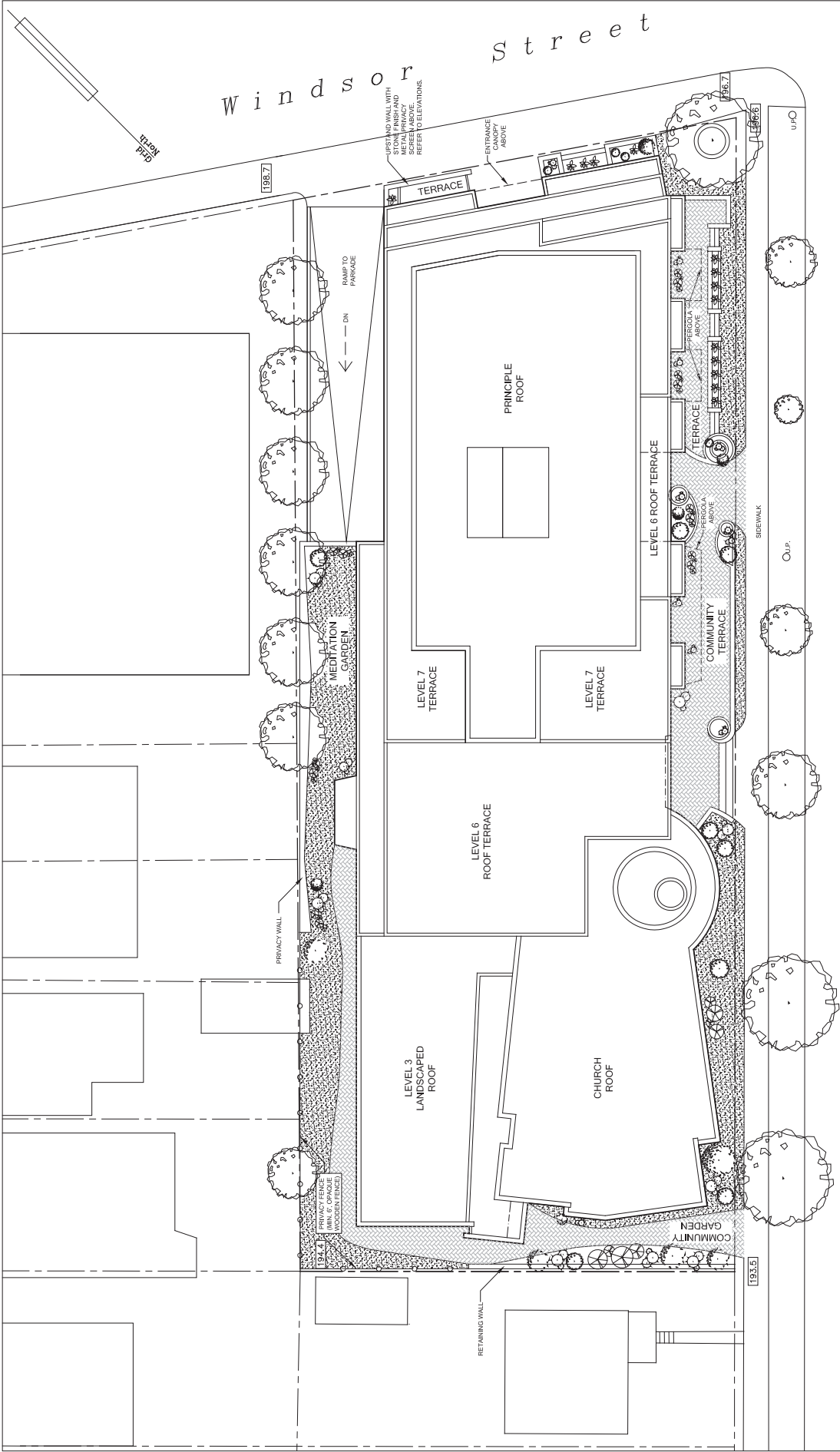


NO.	REVISION NUMBER	DATE
1	ISSUED FOR D.A. APPLICATION	06/07/10
2	ISSUED FOR D.A. APPLICATION - REVISED	29/08/11
3	ISSUED FOR D.A. APPLICATION - REVISED	26/07/12
4	ISSUED FOR D.A. APPLICATION - REVISED	21/12/12

## DRAWING SITE PLAN

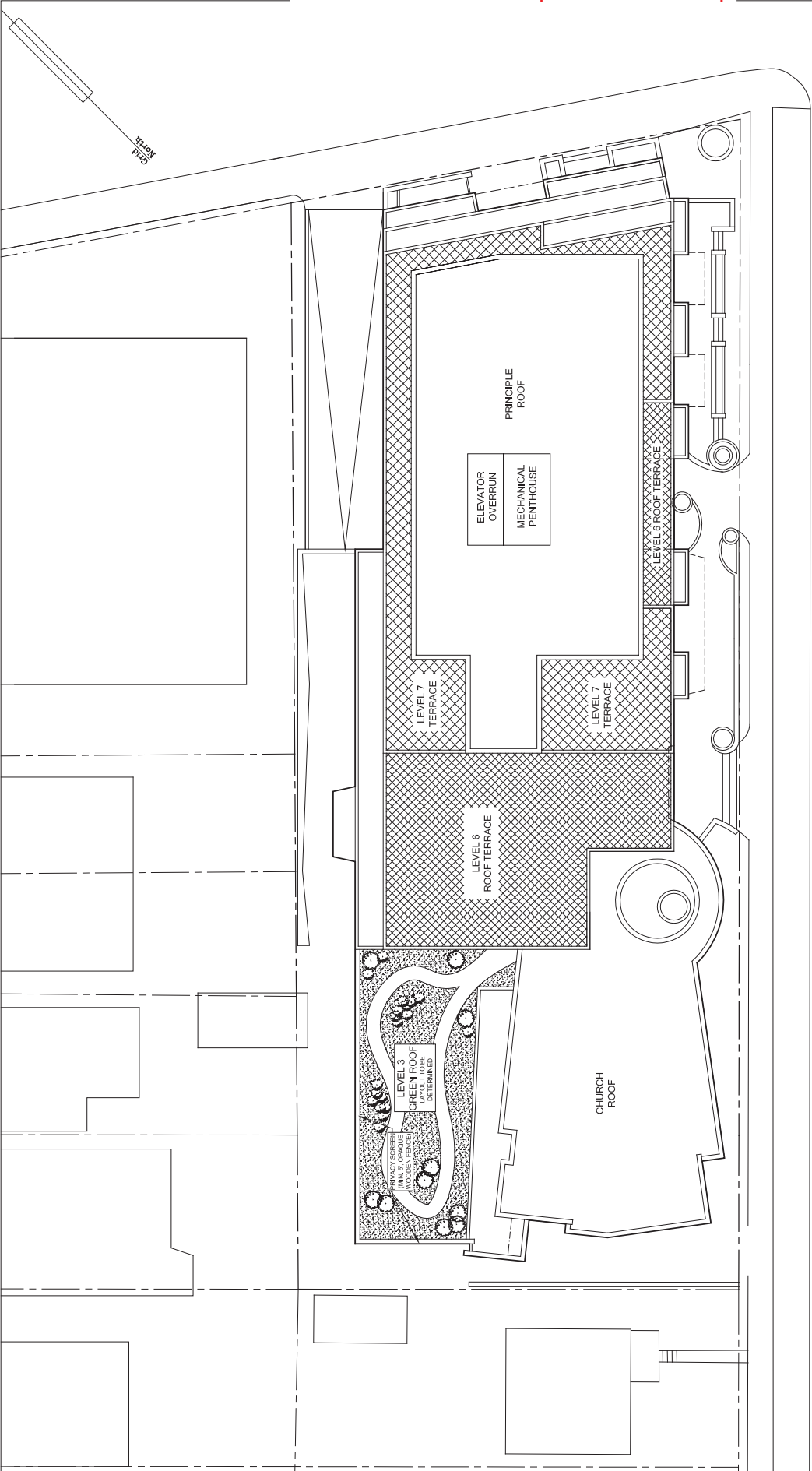
DATE  
21 DEC 2012

DRAWING NO.  
A-100



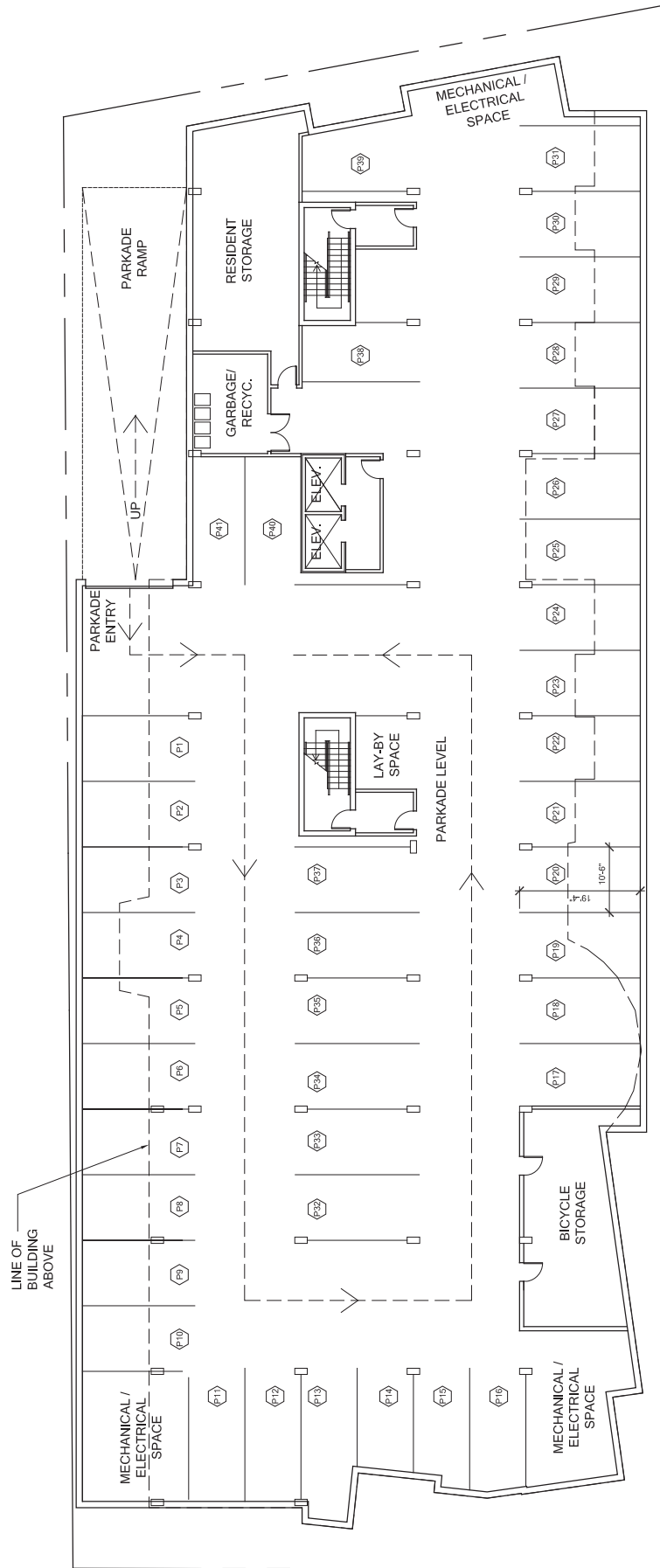
ST. JOHN'S REDEVELOPMENT PROJECT			DRAWING		LANDSCAPE PLAN - GROUND LEVEL		DATE
SPIRIT PLACE 6233 WILLOW STREET HALIFAX, NOVA SCOTIA			NO.	REVISION NUMBER	DATE		
			1	ISSUED FOR D.A. APPLICATION	06/07/10		
			2	ISSUED FOR D.A. APPLICATION - REVISED	26/07/12		
			3	ISSUED FOR D.A. APPLICATION - REVISED	21/12/12		
						SCALE	DRAWING NO.
						0 5 10 25 FEET	A-102

Schedule D - Landscape Plan Roof Top

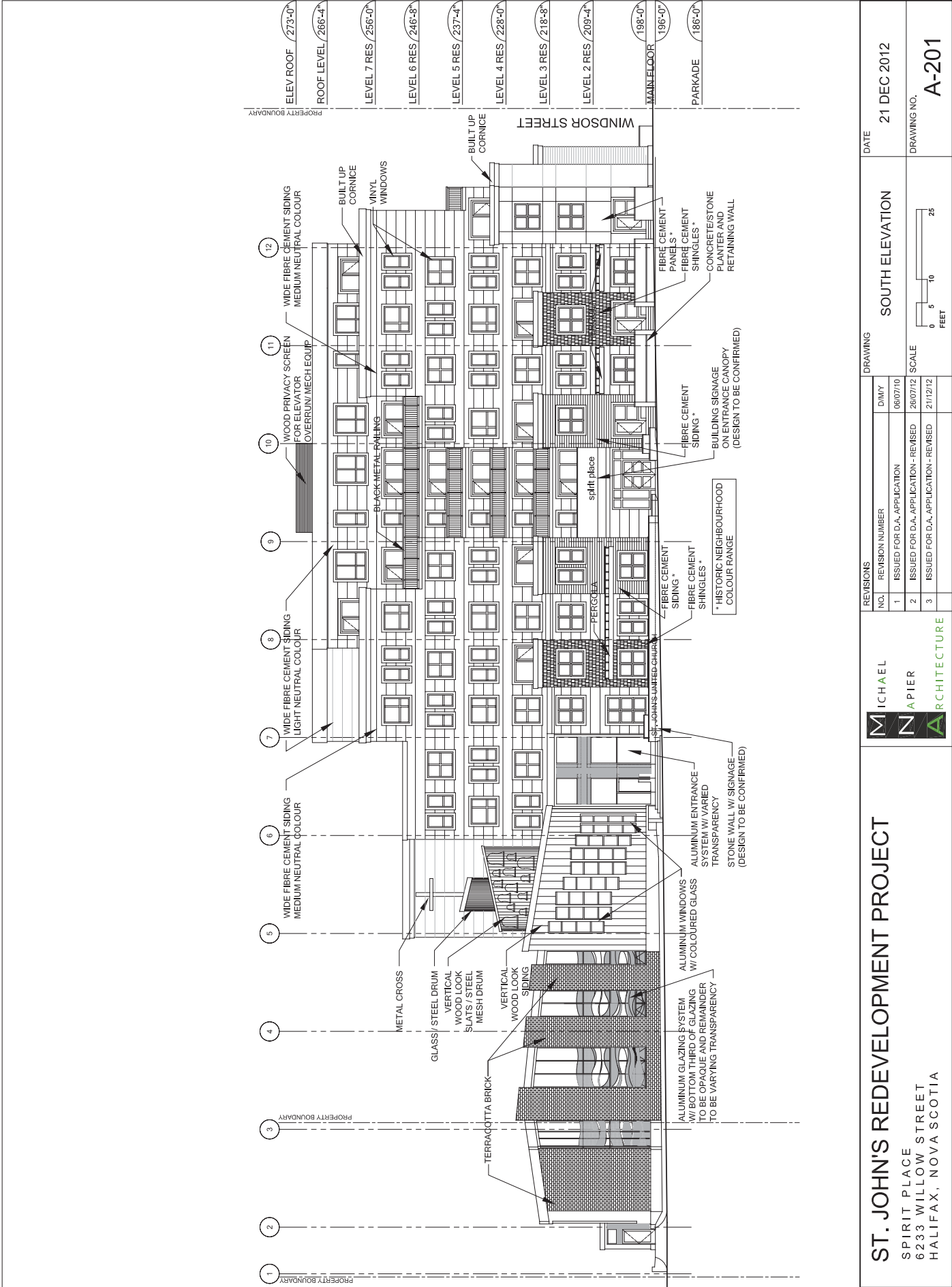


ST. JOHN'S REDEVELOPMENT PROJECT			DRAWING		DATE
SPIRIT PLACE 6233 WILLOW STREET HALIFAX, NOVA SCOTIA			LANDSCAPE PLAN - ROOF TOP		21 DEC. 2012
			REVISIONS		DRAWING NO.
			NO. REVISION NUMBER		A-102A
			1 ISSUED AS ADDITION TO D.A. APPLICATION		
			DM/Y		
			2/11/12		
			SCALE		
			0 5 10 25		
			FEET		

# Schedule E - Parking Plan



ST. JOHN'S REDEVELOPMENT PROJECT				DRAWING		DATE
SPIRIT PLACE 6233 WILLOW STREET HALIFAX, NOVA SCOTIA				PLAN - PARKADE		21 DEC 2012
<div> <div> MICHAEL NAPIER ARCHITECTURE </div> </div>	REVISIONS		DM/Y	<div> <div>0 5 10 25</div> <div>FEET</div> </div>		
	NO.	REVISION NUMBER				
	1	ISSUED FOR D.A. APPLICATION	06/07/10			
				SCALE	DRAWING NO.	
				2	A-103	
				3		



ST. JOHN'S REDEVELOPMENT PROJECT

SPIRIT PLACE  
6233 WILLOW STREET  
HALIFAX, NOVA SCOTIA



REVISIONS	
NO.	REVISION NUMBER

1	ISSUED FOR D.A. APPLICATION
2	ISSUED FOR D.A. APPLICATION - REVISED
3	ISSUED FOR D.A. APPLICATION - REVISED

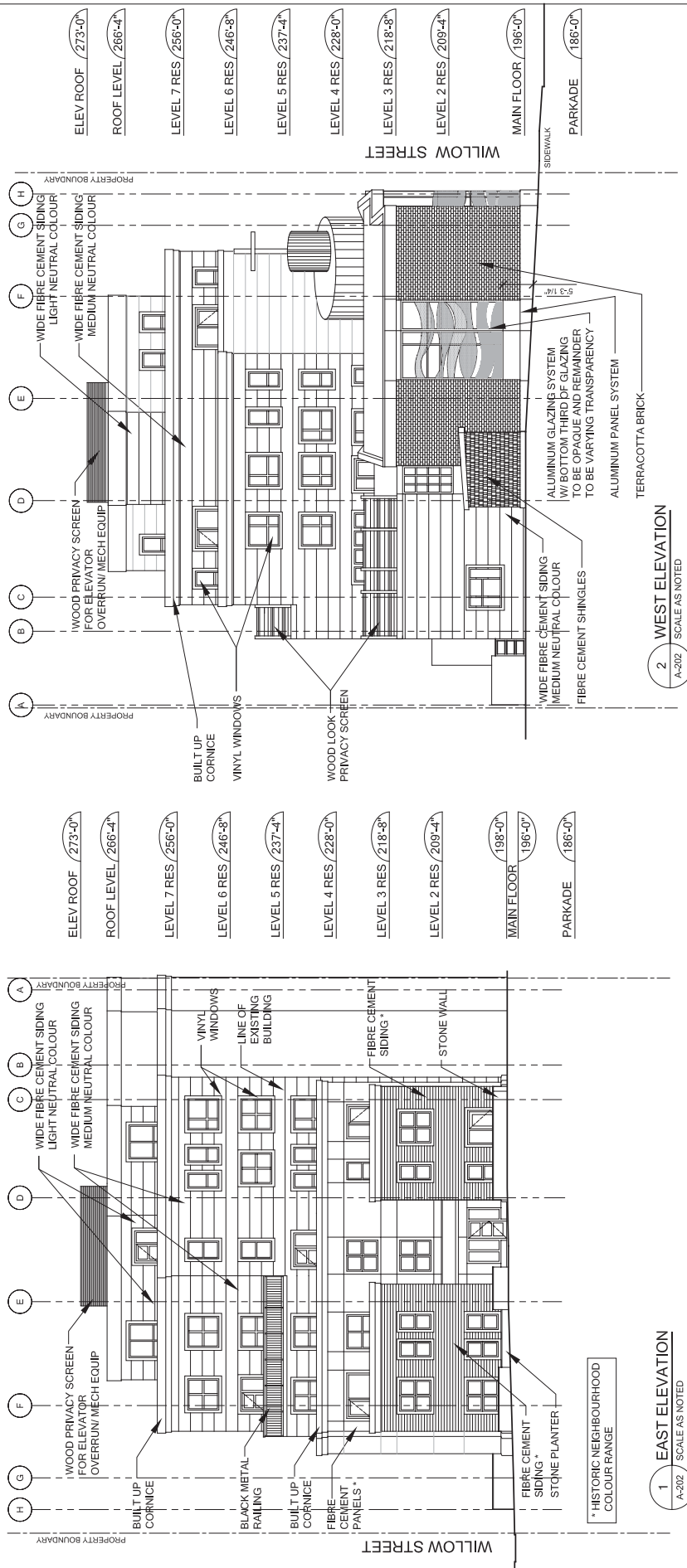
DATE	21 DEC 2012
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DRAWING	SOUTH ELEVATION
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DRAWING NO.	A-201
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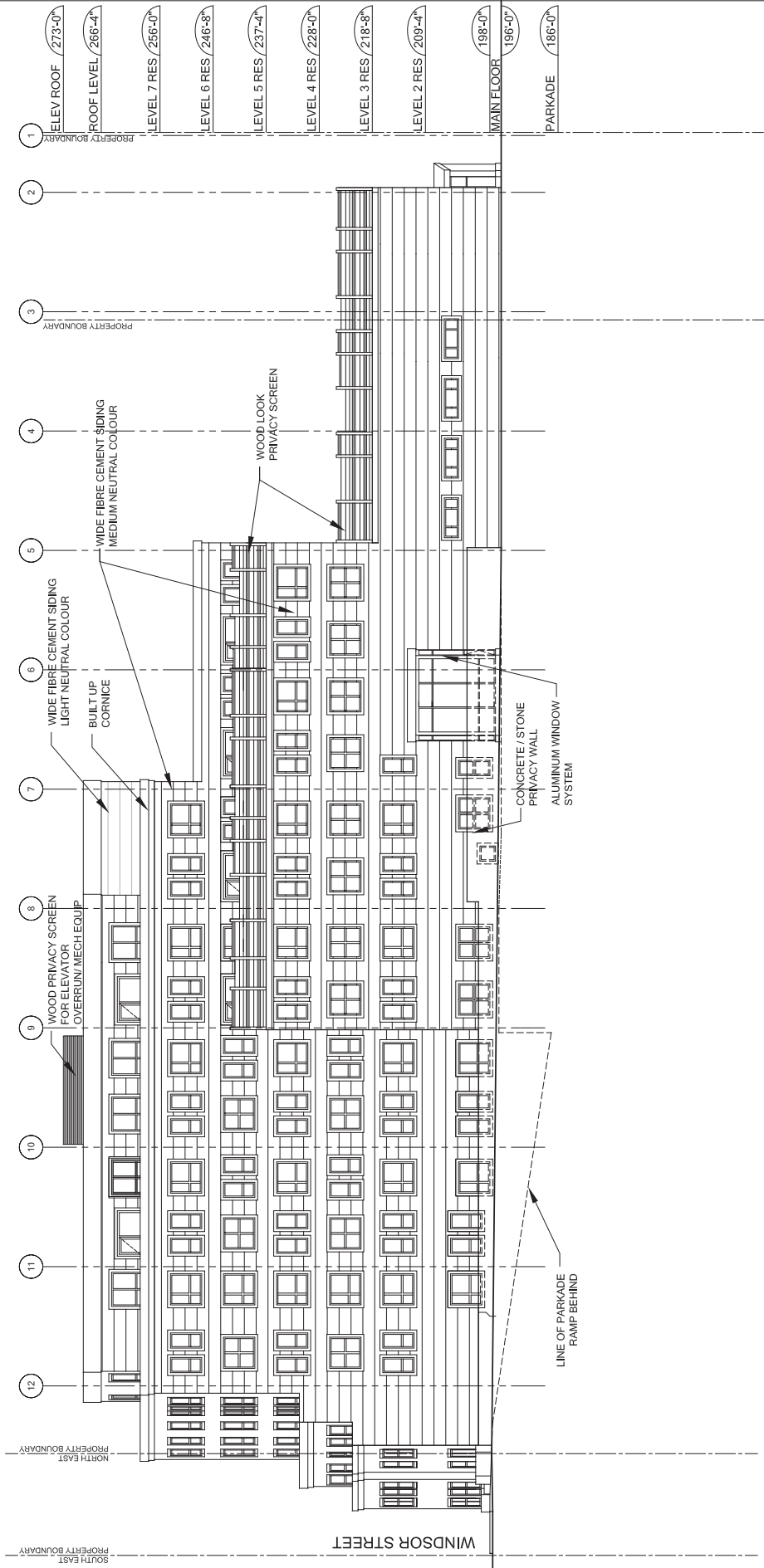
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Schedule G - East & West Elevations



ST. JOHN'S REDEVELOPMENT PROJECT			DRAWING		EAST & WEST ELEVATIONS		DATE
SPIRIT PLACE 6233 WILLOW STREET HALIFAX, NOVA SCOTIA			NO.	REVISION NUMBER	DATE		
			1	ISSUED FOR D.A. APPLICATION	06/07/10		
			2	ISSUED FOR D.A. APPLICATION - REVISED	26/07/12		
			3	ISSUED FOR D.A. APPLICATION - REVISED	21/12/12		
			SCALE			DRAWING NO.	
						A-202	





ST. JOHN'S REDEVELOPMENT PROJECT			DRAWING		NORTH ELEVATION		DATE
SPIRIT PLACE 6233 WILLOW STREET HALIFAX, NOVA SCOTIA			NO.	REVISION NUMBER	DM/Y	21 DEC 2012	
			1	ISSUED FOR D.A. APPLICATION	06/07/10		
			2	ISSUED FOR D.A. APPLICATION - REVISED	26/07/12		
			3	ISSUED FOR D.A. APPLICATION - REVISED	21/12/12		
			SCALE			DRAWING NO.	
						A-203	

**Attachment I – Public Information Meeting Minutes (July 6, 2011)**

**HALIFAX REGIONAL MUNICIPALITY  
PUBLIC INFORMATION MEETING  
CASE # 16417**

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**7:00 p.m.  
Wednesday, July 6, 2011  
Halifax Forum, Halifax**

**IN ATTENDANCE:** Luc Ouellet, Planner, Senior Planner, HRM Planning Services  
Sharlene Seaman, Planning Controller, HRM Planning Services  
Councillor Dawn Sloane  
Councillor Jerry Blumenthal  
Councillor Russell Walker  
Councillor Darren Fisher  
Councillor Debbie Hum

**ALSO IN  
ATTENDANCE** Louisa Horne, Applicant  
Heather Bowen, Applicant  
Michael Napier, Applicant  
Brian Jay, Applicant

**PUBLIC IN  
ATTENDANCE:** Approximately 155

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The meeting commenced at approximately 7:00 p.m.

**1. Opening remarks/Introductions/Purpose of meeting – Luc Ouellet**

Luc Ouellet opened the meeting by introducing himself as a planner for the Western Region with Halifax Regional Municipality (HRM). He introduced HRM staff, the Councillors present and the applicants. He gave the agenda, ground rules and welcomed everyone to the meeting.

He stated that the reason for the meeting is to receive feedback and comments from the public concerning the application. He stated that Regional Council has initiated a process to amend the Halifax Municipal Planning Strategy and Land Use By-law. This does not mean that they will approve the application but they want staff to consult with the public and gather information to see if there is interest to go forth with an approval or a rejection. He showed the subject area and stated that the amendment would allow for a mixed use, which would include residential, institutional and commercial uses. He understands that it would be a non-profit program use.

## **Attachment I – Public Information Meeting Minutes (July 6, 2011)**

### **2. Overview of planning process – Luc Ouellet**

Mr. Ouellet stated that the application is for a 7 storey building to have multiple uses. It is to include a new sanctuary space for St. Johns United, Church administrative offices, Community program space and a 65 unit building with one underground parking level.

He noted that the access to underground parking is currently shown on Windsor Street but has not yet been finalized. The final approval, in terms of parking, will be done by HRM's engineering staff. They have to follow the Streets By-law. It typically forces the access on the less travelled roadway, which in this case would be Willow Street, not Windsor Street. This will be decided in the future and the building design will depend on that. The total height of the project will be approximately 72 feet, which is taller than the current Church on the property.

Mr. Ouellet stated that the first step of this application was an initiation report by staff to Council and this happened in January of 2011. The Public Information Meeting is the first step for the public to get involved in the process. He noted that he has received calls and emails from people that could not attend the meeting. This does get added to the staff report and will be on the public record. Following the meeting, Staff will do a detailed review of the application and will take all the information provided into consideration. They will prepare a staff report with a recommendation to either accept or reject or to modify the proposal. There is a possibility for an appeal, if it is approved or rejected by Council.

He provided his contact information and noted that his information and the case information could also be found on the HRM website.

He passed the floor to the applicant to give information on their proposal.

### **3. Presentation of Proposal - Heather Bowen**

**Ms. Louisa Horne** introduced herself as the Co-chair of the implementation team for "Spirit Place". She expressed appreciation for the large turn-out and the input they have already received. She stated that the project began over six years ago as a part of a strategic planning process that initially engaged several hundred families in the neighborhood and people who participate in activities at St. Johns Church. Through a range of facilitated community engagement activities, they have explored the mission and vision and how to meet the demands for increased programming and development while continuing to live the mission and vision within the Community. As a part of continued commitment to social justice, through a range of marketing and community studies, they have determined that there was a need for this kind of seniors housing in the neighborhood. She stated that many of the involved members expressed the desire to be able to stay within their own community. Spirit Place was born from this. They have continued to listen to neighbors within and outside of the congregation and together with MMA, they have created, what they believe is, a project that enriches the neighborhood, as well as providing a much needed and ever growing requirement for options, for seniors housing, in the neighborhood for people who wish to

## **Attachment I – Public Information Meeting Minutes (July 6, 2011)**

remain there. She passed the floor to Heather Bowen to discuss how the project has evolved as it has changed many times in its evolution as they have learned and received input.

**Ms. Heather Bowen** thanked everyone for coming. She stated that she had been working on the project for 2 years. She noted that at the beginning of the project it was recognized that some changes were needed. They were a growing congregation and the church was large and outdated, it had structural issues and health and safety issues. They started looking at what they needed for the future and the next hundred years. They wondered the potential for the existing building and debated moving or renovating. They loved the building so the first move was to look at its potential and what was possible. It was determined that the building was quite ill. The envelope was weak. It was drafty, too large and it had oil issues that were not safe. It was not “green” but any sense of the word. The church was closed and the investigation process began.

She stated that the purpose of the public information meeting is to provide as much information as possible. They have had a lot of community consultation over the past 2 years. They are aware that many people are familiar with the project. For that reason, although they have brought the plans, elevations and 3D models, they are focusing on providing the new information and continuing the discussion. They do anticipate questions and comments on the height, sun, shadow, wind and traffic but she feels that one of the large misconceptions about the project is that there has not been enough community consultation and that the applicant has not listened. In an effort to get the information out there, they do want to talk about how they have listened so the public can understand their process.

She stated that the process has been a very open process and this was the first required meeting by HRM. The other meetings previous was not required. She referred to a slide show presentation to talk about where the project has come since it started. She noted that the last year of meeting had not been included on the slide shown. The meetings with the public are what lead up to the current proposal. There were newsletters, open houses and all sorts of gatherings when they needed more information to bring back to the drawing table.

She stated that they looked at the current structure and how it was acting in the neighborhood. They built a 3D model so they could look at the relationships with the neighbors. She showed various views of the structure from various street views. They talked about the “who, what, when, where and why” concerning the church and the neighborhood. They wanted to understand how the building was going to integrate with the community. One of the first ideas had the church on the Windsor Street side. They took those sketches forward and it was decided that it did not taper into the community well enough. They were asked to make it a little softer for the community. They continually evolved the idea to make the pedestrian experience a little more pleasant. They heard comments about the scale being reduced, which they did. She showed the scale on the slide. After meeting with a group of neighbors, they decided to go with this final proposal. This allows the Church to use the building to expand their work into the community.

Mr. Ouellet gave the ground rules and opened the floor for questions and comments.

## **Attachment I – Public Information Meeting Minutes (July 6, 2011)**

### **4. Questions/Comments**

**Tim Holland**, Halifax, noticed that there has been numerous lunch and learns, design workshops, etc. He asked if it is typical to have that many meetings for one proposal, outside of the required meetings.

Mr. Ouellet stated that it varies but yes, there have been more consultations than normal.

**Kevin Lamarque**, Halifax, stated that he is a member of the church for about 10 years. He feels that accessibility has been an issue for him in the past. He asked if the new building will be fully accessible. He asked about public access and internal access.

Mr. Ouellet stated that like any new building, they will have to meet the National Building Code (NBC), in terms of accessibility to the building.

Mr. Lamarque asked if it would be barrier free. He asked the percentage.

Heather Bowen stated that yes, it would be barrier free. Some of the units in the building will be accessible units. The applicant will cater for specific needs. There will be 1 in 20, as required by the NBC.

**Michael Napier** stated that the applicant will cater for specific needs. There will be 1 in 20, as required by the NBC.

Ms. Bowen stated the location of the building will be great for persons with special needs and limited mobility.

**Allison Holland**, Halifax, stated that she is happy to hear about Spirit place as she believes there is a shortage for senior's resident facilities in Halifax. She is a member of the neighborhood and shops at Sobeys; she works at nearby hospitals and walks her dogs there. She lives in the area and a project like this gives her hopes that innovative growth is encouraged and all people are welcome in a dynamic environment. She wonders how the term neighborhood should be defined, in terms of Council's consideration.

Mr. Ouellet stated that would be up to Council. This is a plan amendment application so Council will be able to determine how to give weight to the different comments coming in at the meeting. Staff will be putting a bit more weight on people that could be impacted, such as abutting property owners, etc.

**Wendell Brown**, Halifax, stated that there is a petition of about 700 names that were signed to support the project. He wonders if it is a part of the current submission and why it was not a part of the original submission.

## **Attachment I – Public Information Meeting Minutes (July 6, 2011)**

Mr. Ouellet stated that it was tabled so it could be part of decision making for Regional Council in the future. There were a few petitions submitted. He is not sure why it was not a part of the original submission but Council would have recourse of the application in the future.

**John Boeing**, Halifax, stated that he is not a part of the church in any way but has lived in Halifax since 1979. He is very happy to endorse Spirit Place because he feels like it is a step in the right direction to regenerate institutions that have pasted their best before date and need there infrastructure redefined. He asked about the shadow issue for the future project and how it may improve on the current lighting issue.

Heather Bowen stated that the development agreement must show existing and purposed conditions so the 2 could be compared. The study was conducted 3 times per year, to show the shadow of the sun on specific days and times. She gave detailed times.

**Eric Frank**, Halifax, asked why the building shadows have changed.

Ms. Bowen stated that it changes because of the time of day and of the year.

**Donna Smith**, Halifax, stated that she lives across from the purposed development. She stated that this is a quiet, residential neighborhood comprised of older 2 story homes that are set back from tree lined streets. She believes that the development is not compatible with the neighborhood or the Halifax Municipal Planning Strategy. The site is zoned R-2 and the maximum building height is 35 feet. The maximum lot coverage is 35 percent. The front and back yard set backs of 15 and 20 feet. The proposed 7 story apartment complex is 72 feet high, which she feels is far too high for the area. She feels that it will negatively impact her environment as it will tower over residential homes and privacy will be lost. It will negatively affect their privacy and their quality of life. The lot coverage is 68 percent. She feels the number of units and the size of the building is massive. The lot coverage only includes the ground floor area. It doesn't include exterior stairways, access ramps, concrete walkways, etc. The increase traffic is a concern because of the size of the building. There is a no parking zone on the other side of Willow Street and other parking areas have a no parking between 9 am-6 pm. Because of the winter parking ban, there will be no additional parking on the street. She feels that this is problematic. Wind impact is another concern because of the accumulation. She proposed that this development will have a greater impact as it is so big. There would be increased levels of sunlight from shadowing caused by this big development. The shadow impact study shows that her home would be in the shadows of the building, whereas currently she has light shining in through her front window. She feels that entering the underground parking will be highly problematic off of Willow Street. There will be cars, service trucks, garbage trucks, delivery vans, etc. entering in and out. This will congest the quiet street. She also expressed concern for the excavation of the parking garage as it will affect the ground water flow and the surrounding trees. She noted that the development will negatively affect the neighborhood and she is opposed.

**Jennifer West**, Halifax, expressed concern about the size of the building. She feels very sad to see the "red church" go, as it has sentimental value to her. She is worried about the traffic situation as



## **Attachment I – Public Information Meeting Minutes (July 6, 2011)**

she has a small child that rides her bike on Willow Street. She is also concerned safety issues and snow removal. She again expressed her concern for the height of the building. She likes the idea of the project but does not think it is acceptable for the area.

**Shelly Sarwal**, Halifax, is concerned about the size of the development, the wind impact, the traffic impact, noise impact, loss of privacy, lack of information, past proposals and the fact that the building is geared towards seniors but anyone can live there. The church and the adjacent house is zoned R-2, as is the majority of the surrounding neighborhood. In an R-2 zone the maximum height allowance is 35 feet and the lot coverage is 35 percent. The proposal is 72 feet, with the lot coverage of 68 percent. She commented that the initiation report, prepared in January, it was pointed out that the existing church also does not conform to the R-2 requirements. She feels that this does not give a free pass to put up a new structure that will be even taller. In the report, it was pointed out that the proposal is only 11 feet higher than the existing church. If she tried to build 11 feet on top of her house, she would not be allowed. She feels that it is very misleading to only look at the height. The existing church has a peaked roof and the existing proposal does not. She would like consideration given to the volume of proposal. The volume is more than twice as much as the house and church combined. She feels that the proposal is not comparable to what is already on the site.

She noted that there would be a significant on the impact on traffic and parking to the area. Initially the traffic impact statement said that there would no increased traffic impact on the area. She stated that the building in being geared towards seniors but wants to clarify that anyone can live in the building as you cannot restrict who can live there. They might have cars. As per Mr. Ouellet, it would be decided at a later date as to which street the underground parking will enter and exit on. The study only looks at the impact on Windsor Street and does not consider Willow Street, which is a much wider street. She stated that traffic in the area is very busy on Windsor and Willow is quiet, more or less. She believes that it is used as a cut through. In regard to pedestrian traffic, there are 2 schools in the area. There is a crossing guard at North and Windsor and there are 2 crosswalks near the site. She feels that this indicates considerable pedestrian traffic in the area. She is concerned for their safety.

She expressed concern for parking as there isn't any street parking allowed on North and Windsor. Street parking on Willow, near Windsor is usually full during the week. In the winter, parking is only available on one side of Willow; otherwise the street is too narrow for cars to pass. The proposal has 65 apartments and 41 parking spaces. As per the Land Use By-law, there must be one parking space per unit. Parking is also needed daily for church staff, the staff and clients using the commercial space and for visitors. Parking will also be used for delivery vehicles and garbage pick-up. There is no good solution when it comes to parking. There are currently 15 impact traffic statements for the Western Region on the cities website currently. These are developments ranging from a 3 story building on Oxford Street to 50 houses in Hubley. Of those 15 statements, 14 state that the development will have no impact on traffic.

She concluded by stating that the proposal size is much too large for the residential neighborhood. This is an R-2 area and she would like help in keeping it that way. She has great respect for the

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church congregation and the work they do in the community. She volunteers for the breakfast programs at Oxford School, which the church runs. This isn't about who is building, it is about what is being built. She is confident that the city will look at all proposals equally, regardless of who the applicant might be or how many open houses have been held. This isn't about the spirit behind spirit place or the seniors or the sanctuary. This is about the building size and scale.

Mr. Ouellet stated that if the traffic engineering department feels that it is better to put the access on Willow, it will require a traffic study to be done in the first stages. It will be posted on the website prior to the final staff report. As for commercial uses, uses permitted can go in the development agreement, to limit what the community would consider uses that are not adequate for the area. As for restricting who lives there, anyone can live in these apartments. It cannot be restricted to seniors as HRM does not have that control.

**David Fry**, Halifax, stated that he is highly in favor of spirit place. He feels that it is an inclusive, progressive kind of development with the aging population. He stated that he is a member of St. Johns church and asked how many units are needed in the building to make it economically viable.

Ms. Bowen stated that they would need to have 65 units, with 7 floors. She stated that it is a complicated equation. They were able to decrease the size of some of the units to get the terraces, pitches and poles that people were requesting. Overall, they have not asked for any more than what they needed.

**Maryellen Rainey**, Halifax, stated that she attends St. Johns and is a member of the community. She asked why changes were made to the location of the church and what did they intend to achieve by moving it.

Ms. Bowen stated that they had met with a few different groups and teams to look into the location. The first drawing had the sanctuary on the west end of the property. They showed that image to the community and they looked at reducing the building to five stories, placing it much further west. This would not have necessarily solved the problem. Finally, they wanted to show that they were very opened to different ideas with mapping. After a week they went back and started to lighten the project and break down the mass overall. This continued to evolve into the current development. The Sanctuary was move as that is kind of what they heard the congregation say. They wanted that visibility of the church. This current model tapers down more and it is very similar to the 35 foot height restriction. They were better able to blend the building better into the community. It was a result of consultation.

**Marlene Coffey**, Halifax, stated that she lives directly across from the church. She bought her home on Willow Street because it is in a stable neighborhood, zoned R-2 and it has a rich residential character. She is in favor of the proposals mandate to provide affordable, inclusive seniors housing, with a church attached to the complex. She feels sorry that the church does not have more money. She understands that the reasons for the church being so high are that they need to pay for the entire development. She wanted to note that if the church needs more money, to bring the levels down, she would be right there to help, financially. She is opposed to and would

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like help to solve, what she sees as, the main problem with the development. The size and the scale is the problem. It is too big for the R-2 zone and the area. It will have very little set back and she is quite certain it will have more height, more lot coverage and more volume than the present church. This is a 65 unit, 7 story proposal that will function 7 days a week in a vastly different manor than the former St. Johns United Church building.

She expressed concern for the proposals designation for approximately 2700 square feet for “possible future uses as commercial spaces”. She is also concerned about the increased traffic that may result from deliveries, visitors, commercial spaces and the residents of 65 units. She is worried about the access being on Willow because it will impact on traffic. This proposal will be very close to 3 neighborhood schools and she feels that there will be a danger to pedestrians and their safety. She referenced the Halifax Municipal Planning Strategy, in section 2.4 of residential environments, stating that the City encourages the retention of the existing residential character of the dominantly stable neighborhoods and will seek to ensure that any change that they can control will be compatible with these neighborhoods.

She concluded but stating that she does not think that this development proposal, as it is submitted, is compatible with her residential neighborhood. It needs to be much, much smaller and more in keeping with the R-2 zone, in keeping with the surrounding residential R-2 neighbors.

**Rod MacInnis**, Halifax, has attended St. Johns church for the last 20 years. He understands the traffic and parking issues as he lives on a “through fare” street. He asked if there are any changes planned for the Willow Street parking.

Mr. Ouellet stated that the HRM engineering staff thought that there was a grandfathered status for the location on Windsor. The Street By-laws required access on the less travelled street for a corner lot. This would mean that it would have to be on Willow, not Windsor. Legal Services agreed with the Traffic staff stating that it would have to be on Willow Street. In the meantime there was talk about amending the Streets By-law. There is a review being done to see if it would be warranted, not just for the site, but for the HRM. It may or may not help the application. If the project does proceed, it would have to be on Willow, not Windsor.

Mr. MacInnis asked what spaces would be available for public uses.

Ms. Bowen stated that there will be accessibility to the broader community for the Sanctuary, the multi-purpose rooms and there will also be board rooms available. The idea is to create a building that belongs to the community.

**Liz Cunningham**, Halifax, stated that she is not anti-development but is in favor of regulated, sensible neighborhood development and growth. She feels that a structure of this magnitude should not be clumped in the middle of 2 story residential homes. She feels that the spirit in spirit place is wonderful but the size of the building is the problem. When she purchased her home, she bought it with the understanding that she was moving into a residential neighborhood as it is zoned R-2. Over the years she has enjoyed her privacy and finds it hard to imagine what a 7 story building

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would look like in her backyard. She doesn't recall seeing many representations of the North Street side of the buildings and there are 4 houses there that would be tremendously impacted. She would like to see that view plane.

She commended the church for reaching out to the community and providing a community liaison committee. She noted that she did attend the liaison committee but stepped back for her partner to take her place. To her knowledge, 3 of the 4 people from the neighborhood resigned because they did not feel that their concerns were being heard. She stated that early on there were 3 options for the height of the building and asked why they decided to go with the 7 stories as there were 2 other options for smaller buildings.

Ms. Bowen stated that they did show a 5 story option but that resulted in the building getting longer. They looked at many different options and they are very willing to talk about other options.

Ms. Cunningham stated that the people involved stated that 7 stories are too high and she believes in spirit place but not in the size of the building as it is much too high for the residential neighborhood.

**Hilda Power**, Halifax, stated that she has lived on Willow Street since 1992 and has been involved with the development. She would like to know that there is a facility she can live in when she gets older. She feels that this project is really good for the community. She feels that there is a demand for senior housing and urges people to look at supporting the project. She feels that some other facilities are overpriced. She asked what the current height and the projected height would look like from the street view.

Ms. Bowen stated that the peak of the existing building is 60 feet high and the roof of the purposed of about 72 feet high. The seventh story recedes and they have used colored materials to give it a more tapered look and it brings the eye down. She showed the projected image.

**Boris Mirtchev**, Halifax, is a property owner near the church. He feels that the proposal is a good change as he has small children. He supports spirit place and everything it stands for. He was the only member of the community liaison group that remained there for a long time. He stated that the group was expressing concern about the mass and size of the project. It was never considered. He feels that the biggest issue is the size, mass and density. His back yard will be like a parking lot for a 7 story cruise ship. He feels that there was no consideration for the neighbors He believes in the spirit place but does not support the size. It could potentially be housing for students in the future. He feels that this R-2 zone is not the place for this type of development and there are other areas that would be better suited.

**Jim Hall**, Halifax, is a member of the St. Johns congregation. He is interested in this development as the facility will serve him in the future. This would mean that he could walk to church as he does not live in the direct area. He asked what the population is in the neighborhood of the people who the church would service.

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Louisa Horne stated that they polled the area and more than 80 percent of the people involved are within walking distance. This would cover several hundred families who are involved in activities and programming within the facility.

**Lloyd Robbins**, Halifax, is a business owner across from the building. He is concerned about breaking the R-2 rules and feels uncomfortable with the proposal and the setbacks. He feels that if this gets built, it will be directly on top of him. He stated that churches are a part of an R-2 neighborhood but this development will no longer be a low intensity use. This development is no longer just going to be a church. He feels that other churches are going through the same thing in trying to figure out how to increase their congregations and redevelop their buildings. Just because a church, of a big mass, is allowed in an R-2 zone, it doesn't mean HRM should be considering another building of a big mass in the same zone. He feels that when a church is no longer able to provide its services, the zone should go back to an R-2 zone, with R-2 restrictions. This is what conforms to the neighborhood. Council should consider this as it sets a big precedent for the rest of HRM.

He stated that the applicant said they must go 7 stories for the project to be viable. He understands being viable and achieving a certain size to pay for the land but in this case, the church owns the land. Secondly, he does not understand how a 3 story apartment building can be viable and make a profit while this development cannot. He feels that the phrase "economically viable" needs to be put to a great deal of more tests.

He noted that the moving of the driveway to Willow Street would be better for him but when he set up his Law office, he used to park on Willow Street. He quickly felt like it was not comfortable for the residents to have a car parked in front of their house all day long. Having cars parked on your street, next to your driveway is really disturbing to the residents who live there. There are only 41 spaces and being a seniors building, there should be regular visitors who park on the street. This will be very intrusive to this R-2 neighborhood.

He encouraged HRM to have a second public information meeting as he feels the project is too important to the neighborhood. After the public hearing at Council, no change can be made and it will be too late. He believes that because all the information cannot be provided, there should definitely be another meeting.

**Debra Wilson**, Halifax, stated that she is a member of St. John's Church and noted that the congregation really struggles with what is the right thing to do and understands that it is not always the easiest thing to do. This proposal is not necessarily the easy thing to do but it stands on the cusp of the way things used to be done. She feels that the reality is that they live on the Peninsula and it is landlocked, with an aging population. She feels that there are tough decisions to be made concerning privileges enjoyed up to this point. She likes that spirit place will be close to hospitals, pharmacies and shopping, unlike other facilities that she has personally dealt with in other provinces. She asked if HRM has a specific policy to address senior's accessibility and affordability or will be done through a developer. She also asked if spirit place is in the process of applying for provincial funding.



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Mr. Ouellet stated that affordable housing is dealt with by the province, in terms of financial programs. HRM is reviewing affordable housing, as a whole. There is no age group. There have been ongoing consultations with the province but there are no time lines as to when that work will be completed.

**Brian Jay** stated that he is a part of the implementation team connected with the St. Johns church and they are exploring all avenues of funding from the province. The city does not have any funding available for affordable housing. It is a provincial issue and they have very little funding and did not have any at all the last time he checked. They are very dependent on the Federal government handing funding to them. He stated that they are looking into funding but they cannot guarantee that it will be for seniors only. It depends on the number of units that the Province will support. It is usually 50 percent.

**Joanne Syms**, Halifax, stated that her house backs on the church property. She measured the distance from her back step to the church and it is 38 feet. She thanked the Councilors in attendance as she felt it to be uplifting to have them listen to the comments being made. She feels that it is unfortunate to not have the representation of the area Councillor being that she is a member of the St. Johns congregation and a member of some of the organizing committees. She stated that she is not opposed to spirit place but is strongly opposed to the rezoning application and the proposed construction of a 7 story, 65 units building on the site of St. Johns church on Windsor Street.

She feels that the development will drastically change the culture and feel of her residential neighborhood. She has lived in and loved the neighborhood for the past 21 years. This is a residential neighborhood and the structure of this size would completely change the structure of the neighborhood. The building will tower over the existing homes creating many issues, such as, increased traffic, the loss of property values, the loss of natural light and privacy to the adjacent properties. She purchased her home 11 years ago with a church in her backyard. On Sundays, she would often have people peering into her backyard from a small window at the church, as they prepared for lunches. Sometimes, throughout the week and the evening, there would also be an occasional person peering into her backyard. With this proposal, there will be a drastic change to her life, just 38 feet away. She recognizes the intent of the church but asks why there is a need to have a structure of this size. She asked why create such a massive structure and drastically change the character of the neighborhood and the lives of those who live in this R-2 neighborhood. She volunteered as a member on the liaison committee and repeated brought forth her concern regarding the height and volume of the proposed structure but was not heard. They were dismissed. All three members resigned from the committee as they felt their concerns were not heard. They felt their presence was simply a window dressing to support a claim of community involvement and consensus. She asked that HRM uphold the current zoning and respect the community.

Lastly, she commented on a petition of 700 names that was put forth concerning the development. Some of those names stretched as far away as Rally, NC and across North America. She helped put together a petition of 150 names of people within a close proximity of the church who are in opposition.



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**Cilah Raminas**, Halifax, has lived on Willow Street since 1995 and waited many years to acquire a residence in that neighborhood. He was smitten by the idea of a kid friendly, residential area within walking distance to all amenities. He still feels very fortunate and protected to live where he does. He expressed support for the maintenance of the current zoning that exists for the areas purposed by the applicant for redevelopment and that any future development be undertaken under the guidelines of the current zoning. He does not want the rules changed. To do otherwise, it will do immense and irreparable damage to the character and nature of the neighborhood. The proposal will not only increase the footprint of the current structures but the volume will be almost doubled. Unlike the proposal, the current structure grades back sharply, to its peak, at the second story level revealing mostly sky to the passer by. This is not so with the purposed building.

He feels that Willow Street is too busy for parking and the Windsor Street frontage will be too narrow for parking. A large structure of this stature will produce a lot of refuse, both for recycling and for the landfill. He cannot imagine this going out on garbage day. There will have to be a dumpster or two on site, where a very large, noisy garbage truck will have to gain access. He assumes this will happen on Willow Street. This complex will increase vehicle flow. He feels like this will cause a safety issue for the residents and pedestrians and especially school children. He stated that he does not like the idea of this development and feels sad that a perfectly good residence on his street was acquired by the applicant for the sole purpose of destroying this home in order to consolidate lots for the purposed development, a development which he has to live with. Unlike those who can walk away at the end of the day, he calls this area home. He is not opposed to development as long as it is in the existing guidelines and character of the existing neighborhood. This development will adversely affect this established neighborhood.

**Eileen Dockrety**, Halifax, expressed her support for the concept of spirit place and the need for seniors housing. She has concerns for the new development and moved to this area 16 years ago because it was a quiet neighborhood with R-2 zoning. When she was told about the purpose and size of the proposal she did support 3-5 stories. She does not support 7 stories as she is worried about the increase in traffic, safety issues with school children, parking and the increase noise. She feels that the noise increase with traffic will have a negative impact on her neighbors. She thinks the underground parking entrance on Willow would be a problem for her. She feels that there is a real community feel in the area and the neighbors are always outside and in touch with each other. This building will increase activity and it has a potential to change the dynamics. She expressed concern for commercial uses in the future.

### **5. Closing comments**

Mr. Ouellet closed the meeting and noted that there may be a second meeting to gather more input from those who did not get a chance to speak. He noted that written comments would be considered. He thanked everyone for attending the meeting.

### **6. Adjournment**

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

**Attachment J – Public Information Meeting Minutes (September 15, 2011)**

**HALIFAX REGIONAL MUNICIPALITY  
PUBLIC INFORMATION MEETING  
CASE # 16417**

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**7:00 p.m.  
Wednesday, September 15, 2011  
Halifax Forum, Halifax**

**IN ATTENDANCE:** Luc Ouellet, Planner, Senior Planner, HRM Planning Services  
Sharlene Seaman, Planning Controller, HRM Planning Services  
Shanan Pictou, Planning Technician, HRM Planning Services  
Kelly Denty, Planning Supervisor, HRM Planning Services  
Councillor Reg Rankin  
Councillor Linda Mosher  
Councillor Russell Walker  
Councillor Debbie Hum

**ALSO IN  
ATTENDANCE** Louisa Horne, Applicant  
Heather Bowen, Applicant  
Michael Napier, Applicant  
Brian Jay, Applicant

**PUBLIC IN  
ATTENDANCE:** Approximately 91

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The meeting commenced at approximately 7:00 p.m.

**1. Opening remarks/Introductions/Purpose of meeting – Luc Ouellet**

Luc Ouellet opened the meeting by introducing himself as a planner for the Western Region with Halifax Regional Municipality (HRM). He introduced HRM staff, the Councillors present and the applicants. He gave the agenda, ground rules and welcomed everyone to the meeting.

He stated that the reason for the meeting is to identify that Council has initiated a process to look at the Municipal Planning Strategy and receive feedback and comments from the public concerning the application. He stated that no decisions would be made at the meeting. He noted that the application is for a Municipal Planning Strategy and Land Use By-law amendment to allow for a redevelopment of 2570 Windsor Street and 6225-6233 Willow Street, Halifax through the development agreement process.

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### **2. Overview of planning process – Luc Ouellet**

Mr. Ouellet stated that the application is for a 7 storey building to have multiple uses. It is to include a new sanctuary space for St. Johns United, Church administrative offices, Community program space and a 65 unit building with one underground parking level.

He stated that the access has been agreed on and will be off of Windsor Street. The height of the project will be approximately 32 feet.

He noted that this was the second public information meeting for the case. Following this meeting, Staff will do a detailed review of the application and will take all the information provided into consideration. Council will hold a Public Hearing, which will be another opportunity for the public to give feedback. The staff report will include a recommendation to either accept or reject or to modify the proposal. There is no possibility for a Municipal Planning Strategy appeal for an amendment but there will be an appeal period for the development agreement whether it is approved or rejected by Council.

Mr. Ouellet stated that anyone can submit emails or letters and they will be attached to the staff report as well. He provided his contact information and noted that he was not going to review the planning process as it had been discussed at the first meeting and was included in the agenda package. He welcomed any questions.

He passed the floor over to Heather Bowen for the presentation of the proposal.

### **3. Presentation of Proposal - Heather Bowen**

Heather Bowen did a quick review of the proposal. She stated that the Church, upon opening, recognized that there was a need for growth into the future. They felt that HRM's Regional Plan addressed this. As they moved forward in the design phase, they researched into what other communities were doing. They felt that the particular site was well-suited as it is close to or on route to public transit, health care facilities, senior care facilities and hospitals.

She showed a site plan and noted the similarities and the differences of the existing and new structures. In planning the project, they tried to maintain the general setbacks around the building while also creating a variety of effects around the building. They feel that there is a need for meeting space and gathering spaces for events, as per feedback from the community.

She stated that it is also important that there are green spaces for the church and the residents of the community. They would like to have private and public spaces to gather, sit and talk. There will also be various rooms for groups to meet. She showed some floor plans.

She noted that they have looked at many options for the site and feel that this development will meet the needs of the community and the congregation.

### **4. Questions/Comments**

**Marshall Burgess**, Halifax, supports the project. He noted that the church has been very good to

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the community as they provide breakfast programs for the children in the area. He asked how many other churches in Halifax are crumbling and how other church's go about fixing this problem. He feels that this is a very innovative project as the apartment units will help pay for the churches mortgage. He stated that the city will have to bear the responsibility for seniors housing as many cannot afford housing. He feels that the church is reaching out and other churches are watching. He stated that he has never seen a development go through such a rigorous public process before. He feels that the committee is listening to everyone and is trying to accommodate everyone's concerns. He feels that there will be a lot of good coming out of the project.

**Susan Macleod**, Halifax, wanted to address the height issue. She stated that the quality of a neighbourhood is not solely determined by the nature or the height of the buildings in it. It is determined by good will. She gave her experiences. She feels that the development is well considered housing for seniors, with community use. She feels that the height is irrelevant at 7 stories. She has lived next to tall buildings and it has not impacted her negatively, but positively. She stated that seniors housing needs positive, open and curious attitudes in order to house our city and its many diverse communities. This development will encourage such openness and she supports it.

**John Kirk**, Halifax, has been a member of St. Johns Church for quite some time. He belongs to the breakfast program that feeds at least 20 children every day. According to the Atlantic Senior Housing research alliance and Statistics Canada, the population of Nova Scotia will decline by 4.6 percent between 2007 and 2023. The senior's number will increase by 86.3 percent. He noted that the development will benefit the whole community. This will have a positive influence on society. He stated that the HRM officials know the process. He feels that the demographic shifts are clearly going to shift in favor of an aging population.

He asked why the city should not be proactive. St. Johns Church can be used as an example for other church buildings that will become empty as congregations become too old or move away from the area. He feels that Council should not be remembered for their long discussions on chickens and cat licenses. He feels that it would be better to be remembered for reaching a decision on this issue.

**B.J. Edmondson**, Halifax, congratulated the committee for coming up with a wonderful plan. Looking towards the future, there are a lot of reasons why the development should go forward. One being that density and its requirements in Halifax is a continual issue, specifically, affordable seniors housing. She would like to have housing on the Peninsula when she is ready to retire. She would like the housing to be affordable, well maintained, close to buses, and to have access to medical facilities. She feels that the proposed site is a wonderful location. She believes that seniors add a great deal to the neighbourhood and having a neighbourhood surrounding seniors is important. She feels that the project is a brilliant solution that addresses all concerns with the aging population. She hopes other communities will follow suit.

**Don Howard**, Halifax, owns property nearby the development. He is comfortable at his home and is opposed to the development. He feels that his way of life should be respected. A seven story building is not in keeping with the current R-2 zone. The size and the scale of the building will cause total loss of privacy for all surrounding parties. The neighbourhood is normally quiet and a building of this size will conflict that. The traffic and the noise will be increased. He feels that the proposal will have a negative impact on the neighbor's property lines. He is concerning about the

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effects of an underground parking garage. Windsor and Willow Streets are going to be even more crowded than they are now.

He stated that he would be opposed to this project in any residential neighbourhood. He likes the project but feels that this is the wrong area to build it.

**Pete Smith**, Halifax, lives a block away from the project. He feels that the size of the building is an issue. The area is zoned R-2 and the property should remain a church. If not, the zone should revert to an R-2 if the church will no longer be there. He added that many of the issues result from the proposed building being too big for a residential area. The volume of the proposal is nearly twice the volume of the existing church and house on the property. He would like the developer to show an accurate volume. He gave an example of an independent retirement living home. It is built in a non-residential area and is set back more than 30 feet from the sidewalk. It fits in with the neighbourhood. This proposal does not fit in with this neighbourhood.

He stated that if the applicant is unlikely to deliver affordable housing, it should be removed from the proposal. He stated that the staff report discusses the proposed ability which contains By-uses. One of which is 65 dwelling units, half being provincial affordable housing standards. The applicant's submission understands the churches needs and states that market research also indicated that there is currently a gap in the availability of high quality, affordably priced and living opportunities for seniors in Halifax. Great care has been taken to design a residential facility that will serve this growing need at rental rates that are lower for 50 percent of the rental units. There are no documents, in the application, to support the effect of affordable housing. He feels that this should be added.

He noted that the only information on proposed rents comes from a public information session, held on April 26, 2010. That showed the proposed rent as being \$2700.00 for a studio apartment and \$3700.00 for a two-bedroom apartment. He stated that the current monthly rent for a studio apartment is \$2745.00 and a two-bedroom apartment is 4175.00, which both include utilities and meals in the dining room. He stated that there is no precise definitions for affordable housing, an HRM Council report (Affordable Housing Divisions and Developments), dated October 28, 2008, states that "as a rule of thumb, if approximately one third of household income goes to housing costs, the housing is defined as affordable." It also stated that the average rent for a two bedroom apartment is projected to be \$840.00. He feels that this is a big difference. Canada Mortgage and Housing contributes to the subsidized affordable housing programs. He quoted that the monthly rent for these were \$565.00 for a bachelor apartment, \$695.00 for a one-bedroom and \$845.00 for a two-bedroom apartment.

He stated that there is new information posted on the HRM website stating that in the fall 2010, St. John's United Church, quoted in a newsletter, the whole concept is to have the rents be as affordable as possible. He asked everyone to compare the prices and noted the difference. Without evidence to back up their claim, he feels that the proposal can provide affordable housing.

**Douglas MacDonald**, Halifax, asked how this facility would address seniors that have Alzheimer's or other health related conditions.

**Heather Bowen**, applicant, stated that there is some security in being grouped with other seniors. The church is looking into forming a partnership for meal delivery, safety and maintenance.

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**Louisa Horne**, applicant, stated that in doing focus groups at the beginning of the project, security was one of the top issues. This is somewhere in between independent living and assisted living. People could choose from a menu of possibilities that St. Vincent's would be able to provide.

Mr. MacDonald asked about the city's experience with a seven story, wooden construction and its longevity compared to a concrete building.

Mr. Ouellet stated that a concrete building tends to last longer but maintenance plays a big role.

**Susan Boutilier**, Halifax, is concerned about the height and the volume of the proposed building. She feels that it takes away all of her privacy. There have been many accidents on North and Windsor. She is worried about this. She feels that the parking garage entrance will be an issue as traffic is already an issue. She sees a potential for hazards with the school age children walking in the area. She likes the project but is strongly opposed to it in the R-2 zone.

**Alyda Faber**, Halifax, is a member of the church and is speaking in support of the redevelopment. She feels that the development is consistent in terms of character and quality. She noted that she has been in Halifax for ten years. There isn't much privacy as the houses are close together and the yards are small. Whether she likes it or not, she is connected to her neighbor. She supports the proposal and feels that proximity makes privacy a difficult thing. She provided examples. She asked what the community would be like inside the complex, in terms of the privacy concern. She asked how the architecture addresses these issues.

Ms. Bowen stated that the increase space gives back to the neighbourhood as the residents won't have to leave the complex to have their needs met. There are opportunities for people to gather, volunteer, community rooms, programs, common areas, etc. They feel that the programs are well suited to the people involved. There are some green space terraces that will give the effect of an oasis internally.

**Brian Hawkins**, Halifax, is a member of St. John's United Church and is in favor of the project. He feels that it adds to the character of the neighbourhood. He asked what services will be provided by Spirit Place. He asked if housekeeping or in house staff will be provided. He is concerned about the noise that the staff will be making upon coming and going.

Ms. Bowen stated that there would not be in house staff but there will be a partnership with St. Vincent's in which case there would be an option for daily meals, housekeeping, parking underground and property maintenance will be included.

Ms. Horne stated that there will not be any staff on site to create noise, other than the staff that is currently on site at St. John's church. There is no kitchen to provide house meals nor is there a dining room. Deliveries will be underground and they do not anticipate any issues with the meal delivery from St. Vincent's, to those who chose that option. Part of the design, for the people on the waiting list to live there, is to talk about the community and what services will be provided and available for people to choose from. They believe that it will be a community with the building, where people will have opportunity to interact and participate in over 50 activities.



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**Jane Spurr**, Halifax, agrees that the project is innovative, in that the congregation, who finds themselves with declining numbers, can sustain the congregation by having this development. She is concerned about the scale of the development. She hopes that planning process does not lose sight of the fact that this is an application to amend a By-Law, not an issue to correct the greater good.

She feels that everyone will be facing the problem of affordable housing for seniors one day and they need to be mindful of the future. She is not sure that she buys the argument that providing Spirit Place or any other institutional building is going to enable seniors to remain connected to their community. It may provide an opportunity for seniors within that building to connect amongst themselves but others will have to find accommodations that are more suitable to their needs. She believes that the project has brought to light the absence of affordable seniors housing. That problem cannot be solved by one application. She thinks the scale should be looked at largely within the city.

**Jane Reid**, Halifax, is opposed to the current proposal in this area as there is a 35 foot height restriction. She feels that 7 stories are too tall and the height will eliminate all the green spaces surrounding the current structure. She feels that the change will threaten the fabric of the community. She doubts if all avenues have been pursued in terms of repurposing the building and saving it from demolition. She noted that there are a row of Linden trees that are considered to be a sign of hospitality. She feels that if they are uprooted, it would not suit the residential feel of the community. She feels that the scale of the development promises to rob light and green space from the neighbourhood. She does not support any change to the current zoning.

**Roberta Sharp**, Halifax, supports the redevelopment of the site. The plan for Spirit Place is positive for seniors, their families, the church, the community and the city. There is a need for seniors housing and it has been researched. She feels that the size of the development is only slightly higher than the existing church and is much more attractive. She suggests that the decision makers will look at all of the positive aspects of the project and approve the plan amendment.

**Jim Lowther**, Halifax, is the president of a non-profit group called VETS. They work directly with the community and HRM. He feels that the project is well needed, along with about five more in the next 20 years. He feels that this is a step in the right direction.

**Michael Craig**, Halifax, feels that nobody likes it when something new is built. His impression of the project is that it is not wanted because it is new. It is a lot different than the existing building. He believes that the developer is very engaged with the community and encourages it to be accepted. He feels that other senior's complexes are not what he is looking for as everyone has their own opinion. He noted that additional people would be great for the neighbourhood. He feels that over the last 10 years the neighbourhood has increased. He feels that change need to be made and the By-law needs to be changed to reflect what is going to help the neighbourhood go forward. He encourages everyone to think about the alternatives. He feels that it looks like a pretty good environment with a mixed environment. Fixing senior housing problems can start in your neighbourhood.

**Judy Dudor**, Halifax, lives next to a big 19 story building. She loves where she lives and is not concerned about neighbors climbing down from their balconies. She has no problem living there and there was no loss of money from the purchase of the house because of the development next

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door. She is a member of St. John's United Church and supervised the breakfast program. She feels that if the church closes, the community will suffer. She spoke of volunteering and how it would be wasted, if there was no church to volunteer in.

**Allan MacLellan**, Halifax, supports the church but feels that the development is too large. He feels that the responsibilities of a nursing home are not incumbent on the residents to accept the size of the building. He feels that there should not be any compromise as it is too big for the area. He likes the architecture of the building and hopes that he finds a wonderful, large site to put it on.

**Linda Yates**, Halifax, is the minister for St. John's United Church. She feels guilty but wanted to correct some misconceptions about R-2 zoning and churches. She noted that churches operate more than an hour per week, unlike what another resident had claimed. She noted that the church building may be crumbling but the congregation is quite viable and growing. There has been a lot of tolerance for parking and activity on the street. The church is a beehive of activities as it has always been.

**Christine Schmidt**, Halifax, is a neighbor in the community. She works for a not for profit facility and provides care to 149 residents. They have the pleasure of partnering with St. John's United on this project since April, 2009 and because they are not for profit, they will ensure that they do all they can to keep the price affordable. The vision of the continuing care branch of the department of Health and Wellness is to have every Nova Scotian live well in a place they can call home. Many seniors are living in substandard conditions. They are isolated socially, malnourished, lonely, poor, depressed and physically unwell. Many live in apartments on the Peninsula and are no longer able to look after themselves, with few or no friends or family members able or willing to assist them. Often they rely on kind hearted superintendents or neighbors to lend a hand. This is the condition of many of the seniors who are admitted to St. Vincent's. Once they move into a supportive environment, they thrive, contrary to the opinion that a nursing home or assisted living facility is a place to die.

She feels that keeping seniors in their own homes is cost effective but most important it promotes their quality of life, dignity and self-worth. There is a significant gap between the amount of available seniors housing and the amount that is required. Much of the housing provided consists of high end enriched assisted living that is an unaffordable option for most seniors. These are usually run by for profit organizations. Housing needs in Halifax will increase exponentially in the not too distant future, as shown by the market data. Nova Scotia has the highest percentage of seniors in Atlantic Canada. Spirit Place would truly offer an affordable, independent living option for the seniors on the Halifax Peninsula. She does empathize with some of the concerns of the neighbors but notes that the project will benefit many more citizens in the larger community. The senior citizens who built the city deserve good quality, affordable homes in a central location close to their familiar neighborhoods.

She stated that she, the board of directors and the senior management team have been very impressed with the members of the church community as they have been inclusive and respectful in their approach as well as very focus on involving the neighbourhood in the planning process. She feels that it is pleasurable to work with the organization and noted that they strongly support the project. Spirit Place will meet the needs of the seniors in the community by providing a safe and secure home in their own community, at an affordable price.

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**Darren Jordan**, Halifax, feels that there will be no negative impact in his area but he sympathizes with the individuals that live nearby. The larger neighborhood will be able to take advantage of the services provided by Spirit Place and would benefit from the development. He feels that the reality of the church itself is that it will no longer be there if the development does not occur. He stated that things need to move forward and take the best choices offered.

**Norvel Collins**, Halifax, is a member of the congregation and a planner in Nova Scotia. He noted that he has been inside the church and in the current state, it is not repairable. He stated that the whole point of planning is to look at how they do orderly development. They look at what is wanted in the community and deal with change. The plan recognizes that there is a need for increased density on the Peninsula and it supports diversity of this type of project. The R-2 zoning is there to preclude development. It is there with the recognition that there is a process to make changes.

He feels that this site now occupies a relatively large area and the probability is that the site will be redeveloped. It is already one large site and it will change. He asked how the community will deal with that. He noted that there has already been a great deal of compromises, in terms of what is being proposed. The odds are that there will be no choice but to sell the property if things do not move ahead. Another developer might have a very different incentive to move forward. He strongly supports the development and thinks it is a positive change.

**Charles Brown**, Halifax, is opposed to the project because of the scale of it. He feels that this is a residential area and the zoning should reflect that.

**Jennifer Andrews**, Halifax, noted that this is her first public information meeting. She lives behind the church and feels that the area is a very peaceful place. She stated that traffic is an issue already and wonders where the church patrons will park their cars. She has watched churches change over the past 40 years and likes the school involvement. She believes that everyone in the community should be willing to help.

**Scott McCrossin**, Halifax, noted that he is a member of the church. He noted that there are valid concerns on both sides of the proposal. He feels strongly about the project and noted some great experiences with other churches. He feels that this is the kind of congregation would be a positive thing for his family. Overall, he feels that this would be a positive development.

**Gloria Whalen**, Halifax, noted that it is very important to have seniors live close by so families can visit and help them. She noted some personal experiences. She is proud of St. John's Church and the outreach they do in the community. She encourages HRM to think about the demographics as everyone is getting older and will be headed in this direction eventually. She hopes that the city approves the project.

**Marlene Coffey**, Halifax, asked about the information provided to the public as the last slide presented by HRM mentioned mixed-use, institutional, Residential and Commercial development. The current packages and the email from the Councillor does not mention commercial. The sign on the commercial includes commercial. She would like this clarified.

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Ms. Bowen stated that the building is primarily institutional and residential. There is an option on the first floor to be utilized as non-profit. There is no guarantee that the four available spaces will be commercial but it is available.

Ms. Coffee wanted a clearer answer.

Mr. Ouellet stated that if you have office space available for non-profit, it is deemed a commercial use as you are using commercial space.

Ms. Coffee asked if the commercial space could be used for a different use, such as a food distributor, etc.

Mr. Ouellet stated that it could and the development agreement could stipulate specific uses that could be permitted in the building. This would last as long as the building was on the property or if they request a change from the municipality but that would again involve a planning process.

Ms. Coffee asked if the word commercial is not on the literature provided from HRM. She feels that this is an important matter. This could have an even greater impact on her neighbourhood.

Mr. Ouellet stated that they will nail down what the uses will be as they move forward with the applicant. HRM will have to include some uses in the report to Council. At the public hearing stage, everyone will have the opportunity to go to the meeting and speak again. He encouraged her to contact him after the meeting. He noted that he will look into it.

**Allison Holland**, Halifax, asked if there was business or commercial property directly across the street from the development. She stated that if this is allowed to have commercial, it would be commercial on both sides of the street.

She noted that she is a physician training to be a pediatrician. She is concerned about the number of patients who end up in alternate care. These are people who don't need to be institutionalized but does not have anywhere to go. She feels that people in the situation are costing the healthcare system tens of thousands of dollars. It is reassuring to know that a hospital can be acute care and seniors have a place to go. Sometimes people get placed outside their regular communities and placed in centers in the suburbs. They are not able to walk to their Doctors appointments or to pick up groceries.

She feels that any number of neighbourhoods in Halifax could make the same claim as this neighbourhood. They don't want a building like this in their neighbourhood but somewhere else is far outside the city center. She feels broken hearted to see this happen.

She feels distressed as there is a sense that By-laws cannot be changed. The city must change. If all the residential areas stay residential, the city would be looking at increasing the incredible urban sprawl that Halifax has seen in the last decade or so. She calls on Council to examine what its vision for this city is. There will be many more issues to come, if not deal with. She believes that By-laws should reflect what a community and the city needs. Change has to happen or the city will stagnate and the residents will look elsewhere.

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**Marilyn Scott**, Halifax, noted that the church was deemed unsafe and asked the timeframes in considering demolition.

Ms. Bowen stated that there are no demolition timelines. It has not been considered.

Ms. Scott partly supports the project and is only opposed because of the massive size of the development. She is very worried about her sun time as that is already limited.

**Dr. Judy Price**, Halifax, is opposed to the development because of the volume and the size. She is upset that there is no clarification as to what portion will be affordable housing. She asked for clarification as to what services are going to be provided to seniors that would be different than them being at their own home.

Ms. Bowen stated that the services would be an option as they do not have to partake if they are not interested. These are offered for people that want the services.

Dr. Price asked if it would be that same as living in a home.

Ms. Bowen stated that yes; it would be like hiring someone to cut the grass or snow removal.

Dr. Price noted that it is not going to address the hospital situation.

Ms. Horne stated that the partnership with St. Vincent's allows them to access whatever resources and services that St. Vincent's can provide.

Dr. Price asked at what cost this would be available.

Ms. Horne stated that it depends on what services they require. There will be a menu of possibilities.

Dr. Price stated that this is not a part of the affordable housing.

Ms. Horne stated that this is a not for profit and she could not provide amounts as they don't exactly know what the building is going to look like at the end of the day.

Dr. Price feels that people don't really understand that this won't be any different for seniors than living in a senior's home.

Ms. Horne feels that it is different as there is a menu of services available and they can tick off what they want.

Dr. Price stated that those services are provided elsewhere for home owners.

Ms. Horne stated that this is not designed for 24/7 care. That is not what Spirit Place is designed to do. If someone needs people to come to their apartment every day, they will but it will cost them in addition.

Dr. Price clarified that this is not a nursing home like St. Vincent's.

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**Liz Cunningham**, Halifax, lives directly behind the church and asked if there were any views from the North Street side of the project.

Ms. Bowen stated that the view was generated from a 3-D model.

Mr. Luc asked if she had it and if she could show it.

Ms. Bowen stated that she is not sure if they had it.

Ms. Cunningham stated that this is not the first time that she has asked for it and again it is not available. She asked if there was some place she could visit on line to get a real depiction of that view.

Ms. Bowen stated that there was not. She noted that the area next to her property was set back further from the property line than what is currently there. The set back is 12 feet. She showed a different slide and gave further explanation.

**Wendall Brown**, Halifax, is a member of the congregation for over 40 years. He implores the city to approve the project as quickly as possible. He has been involved in the upkeep of the building and noted that it is beyond repair. It would not be a candidate for internal refurbishing. He feels that there has been a lot of work put into this development. He would not like to see this site go to a private developer. He feels that would be a toss of the dice.

**Joanne Syms**, Halifax, clarified that this development is not about the church and what will happen there. She understands the congregation's passion for their church and their community. This is an application to change the By-law. After all of the beautiful talk about what will happen, she asks could she be living of seven stories of students in her back yard.

Mr. Ouellet stated that it could be students as they cannot discriminate who lives in the building.

Ms. Syms asked if it has to be seniors living there.

Mr. Ouellet stated that unless it is allocated as a care facility and that could be stipulated in the agreement, it could be anyone living there. He noted that there is no control over that, even under the agreement unless the request was asking to have a care facility and that is not what is being proposed.

Ms. Syms asked what the project would look like from her back yard and she has never been granted that opportunity.

Mr. Ouellet noted that it is available on the HRM website and advised that she could contact him for further information.

Allan MacLellan wanted clarification that if this development does not go ahead a new developer can take on another project. He asked if they would have to go through the same process and currently nothing would change. He is worried about the scare tactic that if this development is not approved, a big, bad developer can come in and do whatever they want to the site.



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Mr. Ouellet stated that it is zoned R-2 and unless Council agrees to change the zone, this process will go forth for the next development that doesn't meet the requirements.

**Dianne Dubowski**, Timberlea, is a member of St. John's Church. She feels that Spirit Place will be subject to the same laws that are in place for anti-discrimination, just as other senior's complexes. The idea is for the development to be geared towards seniors but it doesn't preclude other people. This is the same for other senior's complexes.

**Donna Smith**, Halifax, lives across the street from the development. She is concerned about traffic and parking on Willow Street as they are already challenged when it comes to exiting their driveways. She gave examples.

### **5. Closing comments**

Mr. Ouellet thanked everyone for coming

### **6. Adjournment**

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