

# HALIFAX

P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Item No.**  
**Heritage Advisory Committee – March 4, 2015**  
**Design Review Committee - March 12, 2015**

**TO:** Chair and Members of Heritage Advisory Committee  
Chair and Members of Design Review Committee

**SUBMITTED BY:** Original Signed  
\_\_\_\_\_  
Bob Bjerke, Chief Planner and Director of Planning and Development

**DATE:** February 2, 2015

**SUBJECT:** Case 19516: Rezoning and LUB Amendments - St. David's Church Hall  
(1537 Brunswick Street) and portion of the former Halifax Memorial Library  
site, Halifax

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## **ORIGIN**

Application by 3278915 Nova Scotia Limited

## **LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality (HRM Charter), Part VIII, Planning & Development*

## **RECOMMENDATION**

It is recommended that the Design Review Committee and Heritage Advisory Committee recommend that Halifax Regional Council:

1. Give First Reading to the proposed amendments to the Downtown Halifax Land Use By-law to rezone the western portion of 1537 Brunswick Street and the northern portion of 5381 Spring Garden Road, Halifax from the ICO (Institutional, Cultural and Open Space) Zone to DH-1 (Downtown Halifax) Zone and amend the streetwall setback for 1537 Brunswick Street from 4 metres to between 0-1.5 metres, as contained in Attachment A of this report, and schedule a public hearing; and
2. Approve the proposed amendments to the Downtown Halifax Land Use By-law, as contained in Attachment A of this report.

## **BACKGROUND**

3278915 Nova Scotia Limited, on behalf of the Presbyterian Church of St. David, has submitted an application for amendments to the Downtown Halifax Land Use By-law (DHLUB) (Attachment A) to:

- rezone the western portion of the St. David's church property at 1537 Brunswick Street and 1544 Grafton Street from ICO (Institutional, Cultural & Open Space) Zone to DH-1 (Downtown Halifax) Zone (Map 1); and
- amend the streetwall setback requirement along 1537 Brunswick Street from 'a minimum of 4 metres' to 'between 0-1.5 metres.'

The purpose of this request is to enable the replacement of the church hall on the western half of the site with a new mixed-use development and to allow the new building addition to be located closer to the street than is currently permitted.

As part of this request, a narrow HRM-owned parcel to the immediate south (part of the former Halifax Memorial Library site), which is currently used for driveway access by the church, is also proposed to be rezoned from ICO to DH-1 to allow for consistency in terms of zoning and permitted land uses on both parcels. Regional Council has recently authorized the transfer of ownership of the former library lands, excluding Grafton Park, to the province as per the terms of an original land grant. The province is aware of the proposed rezoning application. The applicant is seeking approval of a formal easement over the land from the province.

### **Site Description and Surrounding Land Uses**

The subject site is approximately 0.27 hectares (29,050 square feet) in area (Map 1). It is a "through lot" which has frontage on three streets (Brunswick, Blowers and Grafton Streets) and contains the existing St. David's church and hall.

The surrounding area is comprised of a mix of land uses including office, hotel, retail, residential and institutional uses.

### **DHSMPS, Zoning and Heritage Context**

With regard to the Downtown Halifax Secondary Municipal Planning Strategy (DHSMPS), the DHLUB and Design Manual and the *Heritage Property Act*, the following are relevant to note from a policy and regulatory context:

- site is situated within the Upper Central Downtown Area (Precinct #6) and is zoned ICO (Institutional, Cultural & Open Space);
- church property is registered with both HRM and the province as a heritage property;
- site is subject to two viewplanes (#7 and #8);
- maximum building height is 23 metres (pre- and post-bonus height);
- required streetwall setback on Brunswick Street is a minimum of 4.0 metres;
- minimum streetwall height on Brunswick Street is 11 metres while the maximum streetwall height is 18.5 metres; and
- Brunswick Street frontage is indicated as "Prominent Civic/ Cultural Frontage" on Map 1 (Civic Character) of the Design Manual.

### **Proposal**

The development proposal involves the removal of the existing church hall on Brunswick Street and construction of a new, 7-storey mixed-use addition to the existing church which includes:

- 6 floors of residential use totaling 67 units;
- ground-floor commercial space totaling 470 square metres (5,055 square feet);
- leasable space for the church (offices, meeting space, washrooms); and
- internal parking and service areas.

The applicant has provided the following information and justification in support of the proposal:

- Due to a declining congregation and the costs of maintaining the heritage building, there is a need to ensure future financial sustainability through the development and leasing of a mixed-use addition to the building;
- The existing church is currently undergoing renovations and the existing hall is outdated, does not meet accessibility needs, and exceeds the space requirements of the church. The new hall space will provide increased accessibility and functionality; and
- The applicant has also requested that the existing church retain the ICO zoning as a safeguard to encourage the continued institutional use of the property. As such, the proposed rezoning boundary follows the western edge of the church building.

### **Process**

In order for the development proposal to proceed, there are a number of municipal processes which will be required, as follows:

- the current rezoning/ land use by-law amendment process (that is the subject of this report and is a decision of Regional Council);
- a future approval of the proposed mixed-use building, pursuant to the Downtown Halifax Site Plan Approval process (Design Review Committee decision);
- a future Substantial Alteration to the heritage property for removal of the hall, parcel subdivision and new building design (Regional Council decision);
- the construction permit process (following above processes, if approved); and
- a future heritage de-registration of western half of property (Regional Council decision).

Some of these processes, such as parcel subdivision and site plan approval, may proceed concurrently.

### **DISCUSSION**

Staff has reviewed the proposal in light of the DHMPS and LUB and recommend approval of the proposed LUB amendments (Attachment A) to allow for the rezoning and change to the streetwall setback.

Zoning in Downtown Halifax consists of two zones: the ICO (Institutional, Cultural & Open Space) Zone and the DH-1 (Downtown Halifax) Zone (Map 1). However, there is no policy context that outlines the circumstances of when these zones are to be applied or amended. The only reference to the zones is in Policy 4, which states: "HRM shall establish in the Land Use By-law two zones, a Downtown Halifax Zone (DH-1) and an Institutional, Cultural & Open Space Zone (ICO), within which a mix of uses are permitted."

While there is no policy guidance context for the zones, there is a rationale for how they have been applied. The ICO zone is found primarily on existing, stand-alone institutional, cultural and open space uses in the downtown, such as churches. All other sites are zoned DH-1, which permits ICO uses as well as commercial, residential, transportation, and marine-related uses. Greater building setback requirements from the street are typically applied to ICO zoned properties to reflect their civic importance and open space functions.

On the basis of there being flexibility in the application of either the ICO or DH-1 Zones, the following are additional considerations with regards to the application:

#### Rezoning

- The current ICO Zone, which was put in place to reflect the existing use of the church property and its driveway access over the Memorial library lands, does not permit residential or commercial uses which the applicant states are required in order to ensure the ongoing use and maintenance of the church. As the DH-1 Zone permits all of the proposed uses, the rezoning to DH-1 would:
  - achieve the goal of allowing additional uses on the western portion of the church property while, at the same time, continuing to permit the church hall use; and
  - provide the same zoning on the driveway portion of the former Memorial Library site that is currently applied to the land on which the former library building sits;
- The applicant has requested that the church portion of the site retain its ICO zoning, thus allowing for and promoting its continued institutional use.

#### LUB Amendment

- The streetwall setback of 4.0m is also reflective of the institutional use of the property. If the property is rezoned to DH-1, then it is also appropriate to change the streetwall setback to allow the proposed commercial and residential uses to be located closer to the street. This would be consistent with other properties which are zoned DH-1, such as the abutting property to the north (Sentry Place) and properties on the west side of Brunswick Street; and
- The proposal does not involve any amendments to the built form requirements or design guidelines contained in the LUB and Design Manual. However, the proposal may involve variances to the built form requirements which would require a decision of the Design Review Committee at a later date.

It is important to note that the proposed LUB amendments will not result in a building design approval at this time. A detailed building design will come forward to the Design Review Committee, Heritage Advisory Committee, and Council at a later date through the Site Plan Approval and Substantial Alteration to Heritage Property processes.

#### **Conclusion**

The proposed LUB amendments are consistent with the objectives and policies of the DHMPS. Therefore, staff recommends that the Design Review Committee and the Heritage Advisory Committee recommend that Regional Council approve the proposed LUB amendments, as contained in Attachment A.

#### **FINANCIAL IMPLICATIONS**

The HRM costs associated with processing this planning application can be accommodated within the approved 2014/2015 operating budget for C310 Planning & Applications.

#### **COMMUNITY ENGAGEMENT**

The community engagement process undertaken for this application is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through a Public Information Meeting held on November 3, 2014. Notices of the meeting were posted on the HRM website, in the newspaper, and mailed to property owners within the notification area (Map 1). The minutes from the meeting are found in Attachment C.

Prior to considering the approval of any LUB amendments, Regional Council must hold a public hearing. Should 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 LUB amendments will potentially impact local property owners.

### **ENVIRONMENTAL IMPLICATIONS**

No implications have been identified.

### **ALTERNATIVES**

The Design Review Committee and the Heritage Advisory Committee may recommend that Halifax Regional Council:

1. Approve the proposed amendments to the Downtown Halifax LUB subject to modification. This may necessitate a supplementary report and an additional public hearing. A decision of Council to approve amendments to the LUB is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Refuse the proposed amendments to the Downtown Halifax LUB and, in doing so, Council must provide reasons why the proposed amendments do not reasonably carry out the intent of the MPS. A decision of Council to reject the LUB amendments is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

### **ATTACHMENTS**

Map 1	Zoning and Notification Map
Attachment A	Proposed Amendments to the Downtown Halifax Land Use By-law
Attachment B	Site Images
Attachment C	Minutes from Public Information Meeting

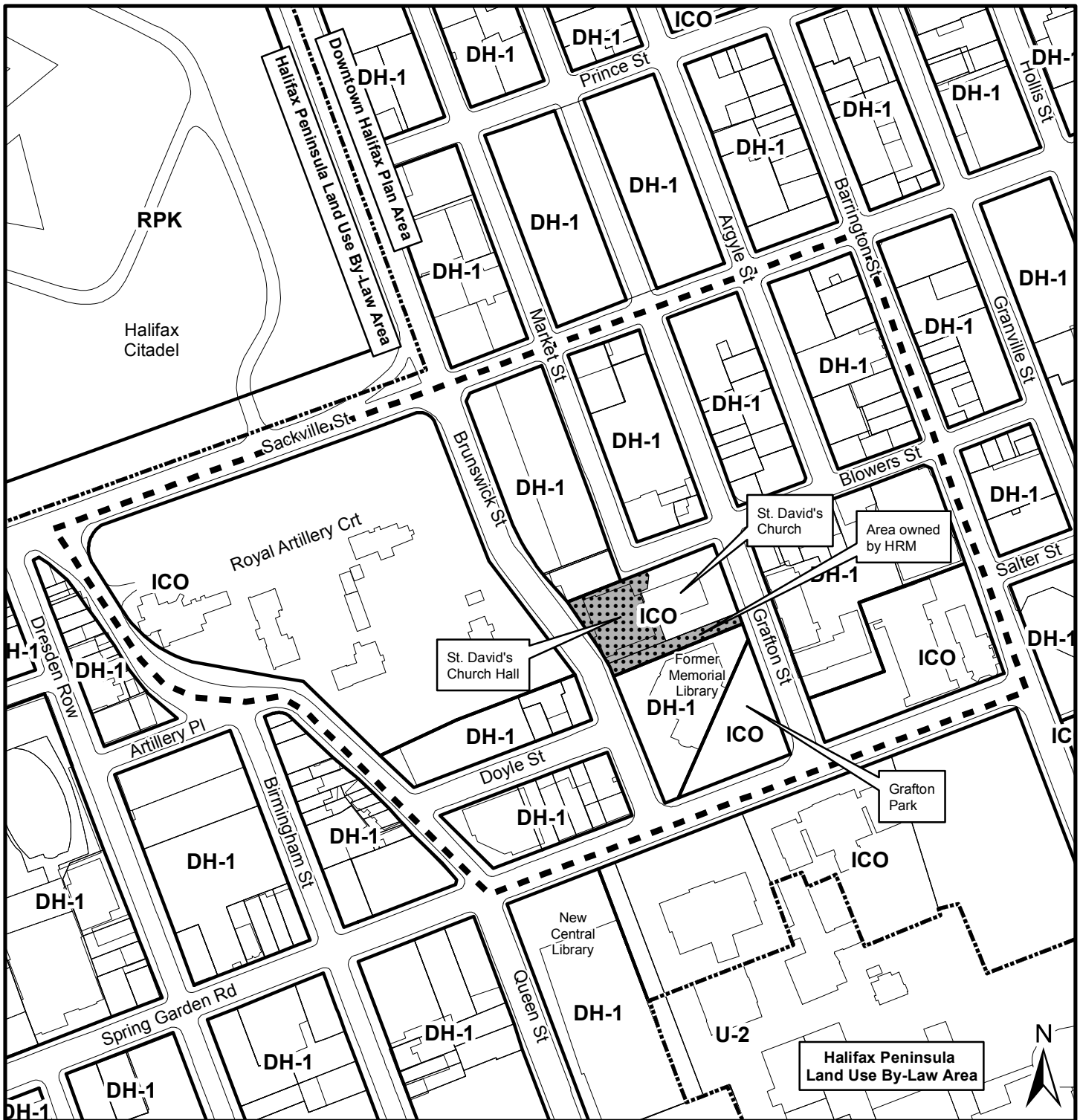
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A copy of this report can be obtained online at <http://www.halifax.ca/boardscom/>, then choose the appropriate Committee and meeting date, or by contacting the Office of the Municipal Clerk at 902-490-4210, or Fax 902-490-4208.

Report Prepared by: Paul Sampson, LPP, Planner, 902-490-6259


Report Approved by: Original Signed  
Kelly Denty, Manager of Development Approvals, 902-490-4800


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### Map 1 - Zoning and Notification

1537 Brunswick Street  
and 1544 Grafton Street  
Halifax

 Area proposed to be rezoned from  
ICO (Institutional, Cultural & Open  
Space) to DH-1 (Downtown Halifax)

 Area of notification

Downtown Halifax Plan Area

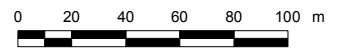
#### Zone - Downtown Halifax

DH-1 Downtown Halifax  
ICO Institutional, Cultural & Open Space

#### Zone - Halifax Peninsula

U-2 High-Density University  
RPK Regional Park

**HALIFAX**



This map is an unofficial reproduction of  
a portion of the Zoning Map for the plan  
area indicated.

The accuracy of any representation on  
this plan is not guaranteed.

**ATTACHMENT A**

**Proposed Amendments to the Downtown Halifax Land Use By-law**

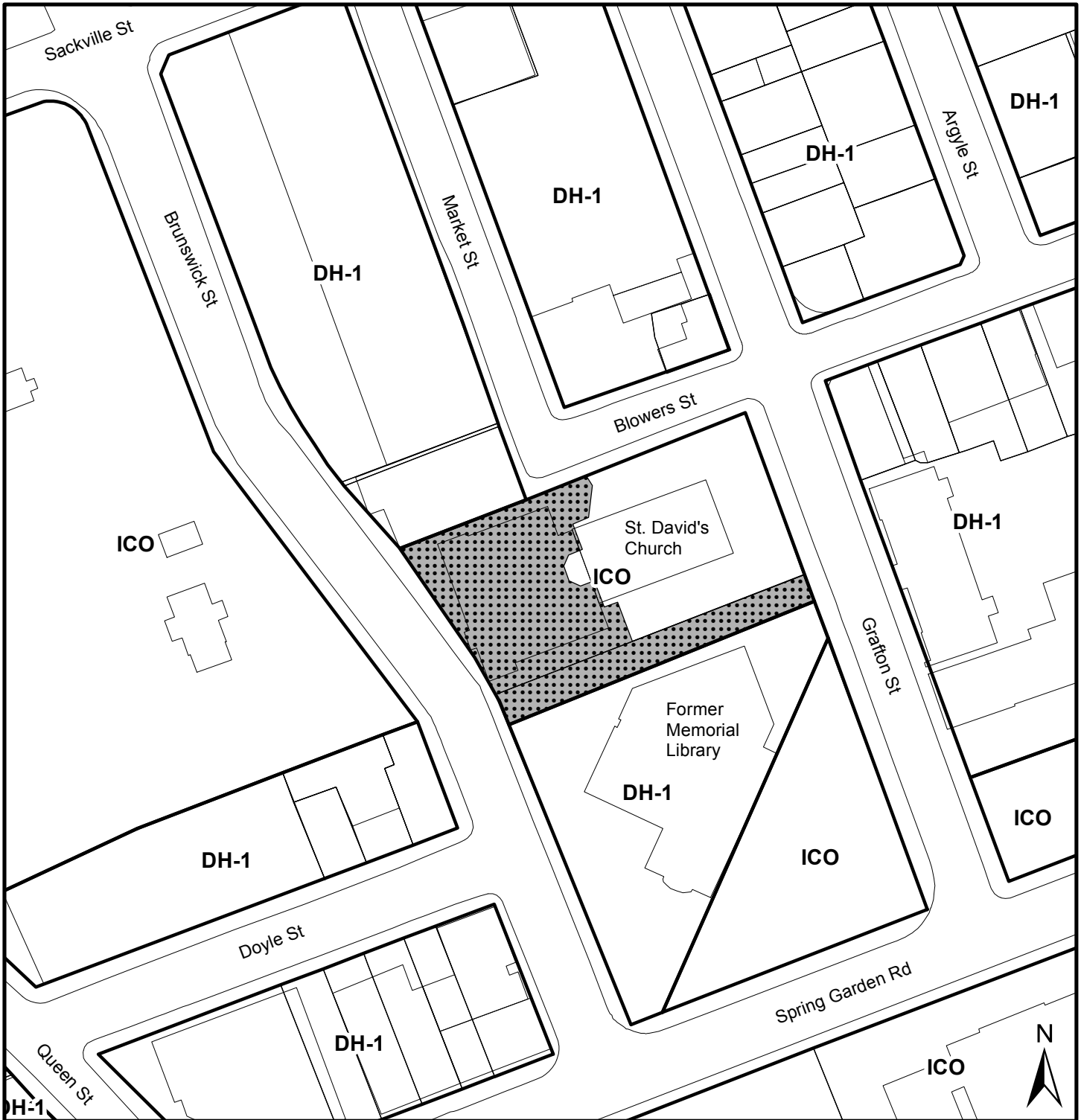
BE IT ENACTED by the Council of the Halifax Regional Municipality that the Downtown Halifax Land Use By-law is hereby further amended as follows:

1. Map 1 (Zoning and Schedule W) is hereby amended by:
  - (a) rezoning the western portion of the property of the Presbyterian Church of St. David at 1537 Brunswick Street, Halifax from ICO (Institutional, Cultural and Open Space) zone to DH-1 (Downtown Halifax) zone, as shown on Schedule A; and
  - (b) rezoning the northern portion of the former Halifax Memorial Library property of the Halifax Regional Municipality at 5381 Spring Garden Road, Halifax from ICO (Institutional, Cultural and Open Space) zone to DH-1 (Downtown Halifax) zone, as shown on Schedule A.
  
2. Map 6 (Streetwall Setbacks) is hereby amended by:
  - (a) replacing the Streetwall Placement symbol for "Minimum Setback 4.0m" with the symbol for "Setbacks vary (0-1.5m)" along the streetline abutting 1537 Brunswick Street, Halifax, as shown on Schedule B.

I HEREBY CERTIFY that the amendments to the Downtown Halifax Land Use By-law, as set out above, were duly passed by a majority vote of the Halifax Regional Council at a meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2015.


GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_\_, 2015.

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



**Schedule A - Area to be Rezoned**

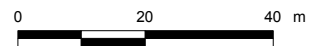
1537 Brunswick Street  
and 1544 Grafton Street  
Halifax

 Area to be rezoned from  
ICO (Institutional, Cultural & Open  
Space) to DH-1 (Downtown Halifax)

**Zone - Downtown Halifax**

DH-1 Downtown Halifax  
ICO Institutional, Cultural & Open Space

**HALIFAX**

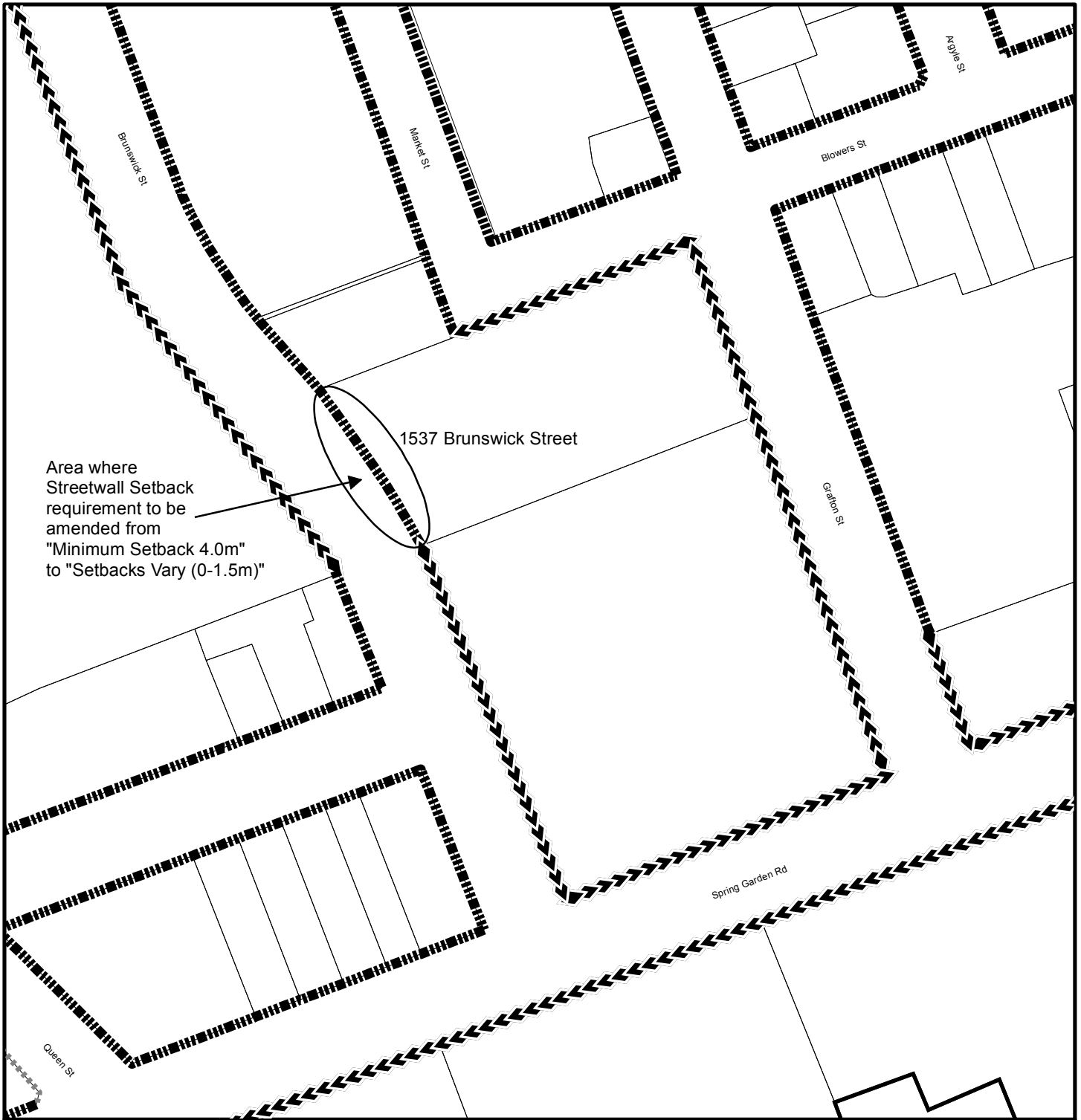


This map is an unofficial reproduction of  
a portion of the Zoning Map for the plan  
area indicated.

The accuracy of any representation on  
this plan is not guaranteed.

Downtown Halifax Plan Area



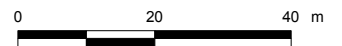


### Schedule B - Streetwall Setbacks

1537 Brunswick Street  
and 1544 Grafton Street  
Halifax

**HALIFAX**

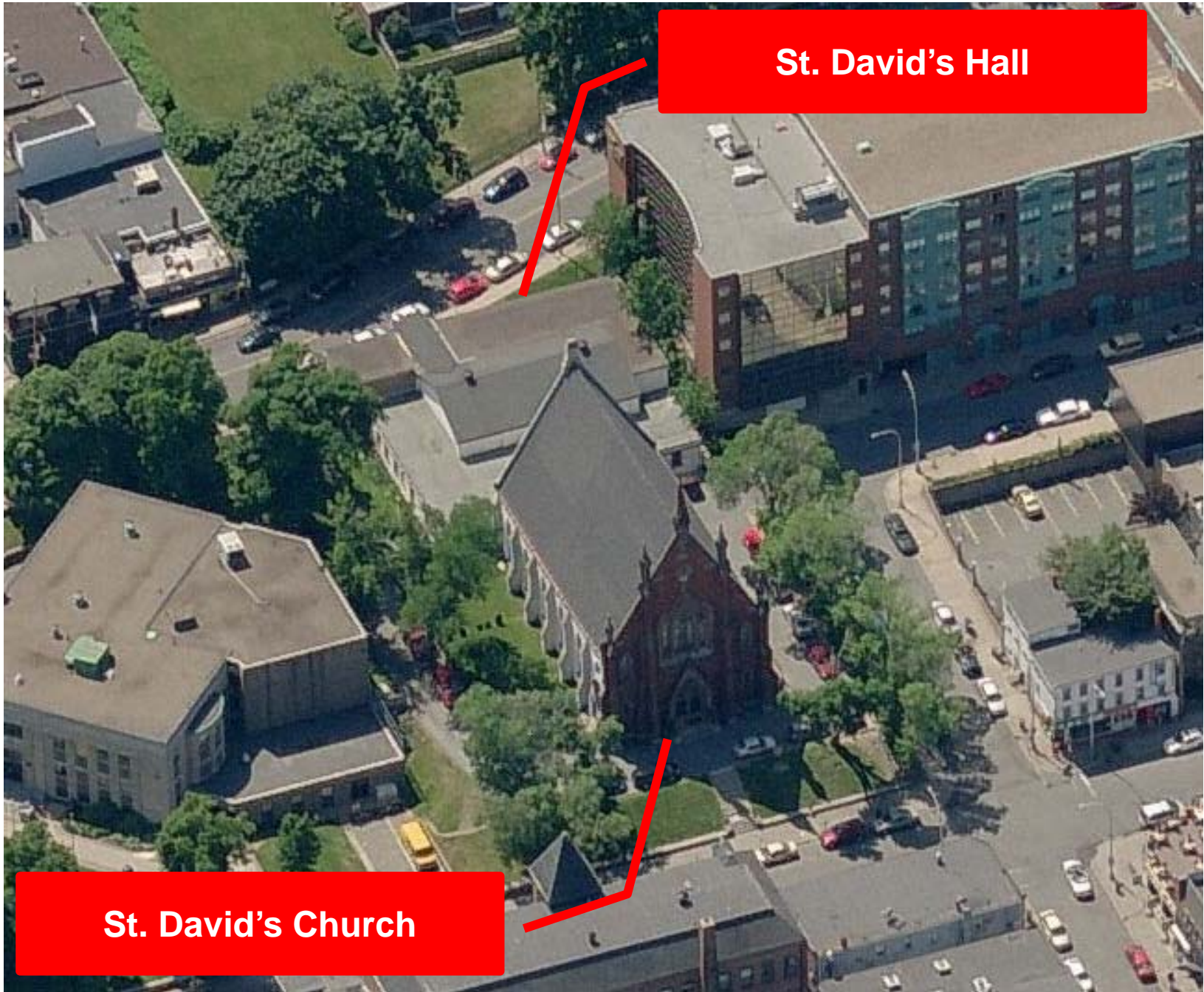
- ■ ■ ■ ■ Setbacks vary (0-1.5m)
- ◆ ◆ ◆ ◆ Minimum Setback 4.0m
- ..... Setbacks vary (0-4.0m)



The accuracy of any representation on this plan is not guaranteed.

Downtown Halifax Plan Area





# Brunswick Streetscape



**Attachment C - Minutes from Public Information Meeting  
HALIFAX REGIONAL MUNICIPALITY  
Public Information Meeting - Case No. 19516**

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**Monday, November 3, 2014  
7:00 p.m.  
Halifax Hall, City Hall**

**STAFF IN**

**ATTENDANCE:** Paul Sampson, Planner, HRM Planning Applications  
Alden Thurston, Planning Technician, HRM Planning Applications  
Cara McFarlane, Planning Controller, HRM Planning Applications

**ALSO IN**

**ATTENDANCE:** Councillor Waye Mason, District 7  
Councillor Jennifer Watts, District 8

**PUBLIC IN**

**ATTENDANCE:** 15

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The meeting commenced at approximately 7:02 pm.

**1. Call to order, purpose of meeting – Paul Sampson**

Councillors Jennifer Watts and Waye Mason were introduced.

This Public Information Meeting (PIM) is to discuss an application for land use by-law amendments for the St. David's Church property which runs on Brunswick, Grafton and Blowers Streets in Halifax.

The PIM is for information exchange purposes only which identifies the site and proposal. There are a number of processes involved with this application. The land use by-law amendments required for this site will be the first step. No decisions are made at this point. Decisions will be made by Council at a later date.

**2. Overview of planning process – Paul Sampson**

Following tonight's PIM, a detailed review will be conducted, a staff report prepared and forwarded to the Heritage Advisory Committee (HAC) and the Design Review Committee (DRC) who will make recommendations to Regional Council. Regional Council will then be in a position to decide on holding a public hearing which would be followed by a 14-day appeal period where there is the possibility of an appeal to the Nova Scotia Utility and Review Board (NSUARB). In order for subdivision and development to occur on the western portion of the site, there are a number of other processes involved: Site Plan Approval which is a decision made by the DRC (building design approval), Substantial Alteration to a Heritage property (the removal of the current church hall, the subdivision of the property, and building design elements) which Regional Council would approve, Heritage De-Registration (future proposal that the western portion of the site be de-registered) and finally construction permit applications.

**3. Presentation of Proposal – Paul Sampson**

The application is on behalf of the Trustees of St. David's Church. The end result of this proposal is to allow for the redevelopment of the Brunswick Street half of the property, correct improper zoning on the driveway portion of the old Central Library site that is being used by the church, as well as an amendment to a map in the Downtown Land Use By-law (LUB) dealing with streetwall setbacks.

Some images of the site were shown.

Part of the proposal is to rezone from ICO (Institutional, Cultural, Open Space) Zone to DH-1 (Downtown Halifax) Zone to allow for residential and commercial uses in a building on the site and include the driveway which is on the HRM Library property, and is currently being used by the church. The church portion of the property would remain ICO Zone and the western portion would be DH-1 Zone. Also proposed is to reduce the streetwall setback from 4.0 metres to between 0 and 1.5 metres to allow for a new building or building addition to be located closer to the sidewalk.

### **Presentation of Proposal – Ron Smith, Architect with Studioworks representing Developer**

He showed an image of the proposed building. The building is seven storeys (13 units per floor) with a commercial component (fully glazed) on the bottom floor. On the upper floor the units will be two storeys to give some distinction. Each unit has its own balcony allowing natural light into the apartments. There is a setback above the first floor directly above the commercial area. The building will have a top, middle and base as required in the DH-1 Zone. The stone landscaping is similar looking to the old Halifax stone in the Downtown.

A new church hall will be accommodated within the structure right off of the driveway; therefore, maintaining some of the ministry for the church in the new building. The back end of the church will be remodeled and repaired at least at the base. The dropoff area for the new hall will be much the same as the current one and handicap accessible. This gives it a street front for the other ministry that the church provides, an Outreach Program, and is at the same level as the church hall for continuity.

The building has been kept in scale with the church picking up some of the color, and using stucco and brick materials to maintain the relationship between the two buildings.

The trenching for Municipal services will be shared resulting in less of an economic burden for the church and developer.

The integrity of the view from Grafton Street is most important. The proposed building itself fades into the background and does not overpower the church.

The site will remain with the church. The whole idea of rezoning is to allow a different use on the Brunswick Street side and allow the building to come up to the street façade. The graveyard will remain the same as well as the driveway which is actually the old heritage driveway or pathway between Grafton and Brunswick Streets. The Provincial Heritage Group requested that the public be able to view each elevation of the church.

### **Presentation of Proposal – Cathy Large, member of the congregation of the Presbyterian Church of St. David**

The congregation has a strong Downtown presence. The church was first built in 1869 and has been a gathering place since 1925. The congregation is very active inside as well as outside the church and want to be connected to their neighbours in the Downtown area. She spoke about their mission and outreach projects that are very important to them and give the congregation character: David's Place, projects that promote the health of Halifax citizens, able to provide direct financial grants to projects twice a year by the trustees of the Helen Watson Fund, sponsor families at Christmas time, prepare Sunday suppers at St. Andrews Church, monthly support for Out of the Cold Shelter operated at St. Matthews Church, and support for the Halifax Refugee Clinic.

The congregation has been consulted various times along the way and each of the votes taken was either unanimous or majority in favor of the changes that were being proposed. Property holdings are being consolidated to better align with the signs of our current day congregation. By finding a new use for the valuable land that is underneath the current hall will help maintain the 1869 sanctuary and the

congregation presence in the Downtown. Our partnership with the Developer is very positive and solid legal and financial advice have been put in place (a land lease agreement). The development is in keeping with the HRM's guidelines. The proposal promises to bring a number of new residents to the area, possibly into the church itself and to the surrounding businesses. Approval of this application is one of the very important steps in this project and she asked that everyone give support for the work that is being done.

#### **Presentation of Proposal – Mac Mackay, member of the congregation of the Presbyterian Church of St. David**

He is an architect and member of the committee responsible for maintaining the church property. A condition study of the property was conducted and resulted in the maintenance being beyond the means of the congregation to support. The 1869 David Sterling Building is a significant architectural resource. It is recognized by the Province and HRM as a Heritage property both for its architecture and its position in the community. The congregation rejoices not only in having this wonderful building particularly because of its organ and acoustics and architectural expression within, but also its prominent position on the hill and an outlook over Downtown Halifax. The hall required large amounts of maintenance; however, is being underutilized. It became apparent that if a portion of the land could be developed and rent received then the Heritage portion of the property could be maintained at an appropriate level and still run the outreach programs. Mr. Mckay asked for support in this proposal.

**Mr. Sampson** clarified that this is a provincially-registered Heritage property and provincial approval (which is underway) is required by the developer but it is separate from the HRM process.

#### **4. Questions and Comments**

**Jill Rafuse** – Was the entire property, including the 1960's hall, designated a Heritage property when perhaps only the sanctuary building was the Heritage component? **Mr. Sampson** explained that from HRM's perspective, the property that a Heritage building sits on is considered a Heritage property. The Province deems an area around the Heritage building (approximately 12.5 feet) to be the Heritage property.

**Ms. Rafuse** – The steps to Grafton Street seem to have been removed but the conceptual design shows them. Is the access to the church going to be reconstructed to Grafton Street? Will there be a throughway for pedestrians from Brunswick Street down to Grafton Street? **Mr. Mckay** said that when HRM replaced the sidewalk (2 years ago) damage was done to the steps which were already in need of repairs, and at that time, the church was not in a position to replace them. The steps will be done as part of this larger project and there will be a throughway from Brunswick to Grafton Streets.

**Phil Pacey, Yukon Street** – Is the streetwall height in conformity with the LUB? **Mr. Sampson** said that the proposal tonight does not involve the streetwall height. He understands that the applicant has done some detailed work in terms of the height which could end up in a later process as part of a variance request through the DRC. The current maximum height is 18.5 metres. A portion of the building is slightly above that by 30 inches.

**Mr. Pacey** – What is the height of the proposed building compared to the ridge of St. David's Church? **Mr. Mckay** explained that the ridge of the building defines the bottom of the viewplane from Citadel Hill; therefore, the new building can't be any higher or it would project into the viewplane.

**Mr. Pacey** – Part of the problem with the streetwall height may be that the building is not setback at the top of the streetwall as required in the LUB. **Mr. Smith** said it is setback lower than what is required. It is at a lower elevation. At the balcony level the by-law requires the building to stepback 10 feet. The building stepbacks 5 feet at that point but it is at an angle and there is a modulation at the balconies; therefore, it is not a straight value. **Mr. Sampson** mentioned that these details are quite specific. Tonight's PIM is to discuss the proposal to allow for a new building addition for residential and commercial purposes and to

allow the building closer to the sidewalk instead of being setback 4 metres. Mr. Smith is indicating that the height is 18.5 metres near the roof on average so the building could go along the property line. They are setting it back a bit, except for the balconies, and that upper portion is being setback.

**Mr. Pacey** – St. David's is an extremely important piece of architecture. He suggested setting the top two storeys back another ten feet to reduce the mass and bulk of the top storeys. St. David's has a small mass at the top therefore making it similar in scale. The space could be regained by eliminating some balconies and expanding the exterior walls out depending on marketing values. **Mr. Smith** said the balconies are a marketing issue. People will choose a unit with a balcony as opposed to one without. It allows a large amount of natural light into the unit giving the impression of being larger and there are some incredible views.

**Mr. Pacey** – The developer could reduce the number of storeys in the building and build a wood structure instead of concrete which would reduce the costs and may still bring in the same amount of revenue for the church. **Mr. Smith** explained that height is limited due to the viewplane. There are 67 units in the building with some diversity. The two floor units at the top will make the market different and competitive. The proposal is trying to maximize the revenue stream for both the developer and the church. The developer went through the numbers with the church in their lease negotiations.

**Ms. Rafuse** – What is the parking arrangement? What will be the parking impact for the streets? Where will the traffic go in and out of the site? **Mr. Smith** said there would be no access from Brunswick Street. It would come off of Blowers Street and have no impact on traffic along Grafton Street. There are ten parking spaces below with a couple of car share spots. At this point, a lot of parking is not planned. Spring Garden Road is located two blocks away and Downtown living and active transportation is being encouraged and promoted.

## 5. Closing Comments

**Mr. Samspon** thanked everyone for coming and expressing their comments.

## 6. Adjournment

The meeting adjourned at approximately 7:54 p.m.