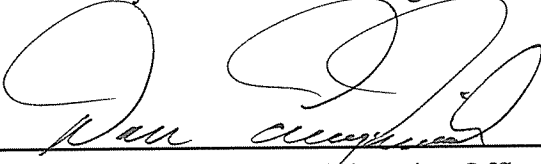


**Halifax Regional Council**  
**August 26, 2003**

**TO:** Mayor Peter Kelly and Members of Regional Council

**SUBMITTED BY:**

  
\_\_\_\_\_  
Dan English, Acting Chief Administrative Officer

**DATE:** August 12, 2003

**SUBJECT:** **Case 00564: MPS and LUB Amendment - University Avenue and Tower Road, Halifax**

---

**ORIGIN**

Request of February 18, 2003 by the Dean and Chapter (the corporate body created by legislation that owns the property) of the Cathedral Church of All Saints, Halifax, to amend the Halifax Municipal Planning Strategy and Land Use Bylaw to permit a mixed-use residential/commercial project at the corner of University Avenue and Tower Road, Halifax.

**RECOMMENDATION**

It is recommended that Halifax Regional Council:

1. Instruct staff to initiate the process to amend the Halifax Municipal Planning Strategy and Land Use By-law for the property situated at the corner of University Avenue and Tower Road, Halifax, as generally shown on Map 1 to allow for a mixed-use residential/commercial project; and
2. Request staff to follow the public participation program as approved by Council in February, 1997 with staff to hold the public participation meeting.

## BACKGROUND

**Location, Designation and Zoning:** The Cathedral Church of All Saints, located on Tower Road (see Map 1) is within Section V (South End) of the Halifax Municipal Planning Strategy, designated “Institutional” on the Generalized Future Land Use Map, and zoned P (Park and Institutional) (see Map 2). The Height Present Map shows a 70 foot height limit on the property. The intent of these policies is to encourage institutional development.

**Synopsis of Proposed Development:** The applicant wishes to build a mixed multiple residential and commercial project on the south lawn of the Cathedral at the corner of University and Tower Road (see Map 3). The components are: ground level commercial of 12,000 square feet (targeted for medical professionals); 42 apartment units on three floors; and 68 parking spaces. The project would be about 55 feet from grade and below the height of the Cathedral (see Maps 4 and 5). The proposal is not permitted under the P (Park and Institutional) nor does the Halifax Municipal Planning Strategy contemplate such a development for this site. Therefore an amendment to the Planning Strategy and Land Use Bylaw is required.

**History of the Property:** The Cathedral Church of All Saints was consecrated in September 1910. The south lawn forms part of the open space and parking related to the Cathedral Church of All Saints. This area also contains more than a dozen mature hardwood trees. The church building is not a registered heritage property.

## DISCUSSION

Site specific MPS amendments and policy reviews should generally only be considered where circumstances related to policies of a MPS have changed significantly. The Dean and Chapter have indicated that this south lawn portion of the property is not required for the support of the Cathedral building and that leasing this land would enable them “to create the income to maintain the structure and to enable additional outreach programs.” Similar projects of this nature can be found in other Canadian cities where a portion of the property is used for other purposes. If this portion of the church property is no longer necessary for that purpose then this request meets the test that there has been a change in circumstances.

Staff had suggested that the Dean and Chapter consider applying for municipal heritage designation. This would have permitted consideration of the proposal by development agreement under Policy 5.1 of Section V (South End) and Policy 6.8 of Section II (City-Wide). In addition, such a heritage development agreement would have enabled greater assurance of the retention and preservation of the church. A preliminary evaluation, based on the historical report prepared for HRM in 2003, suggests that the building has the necessary features to qualify for consideration for registration under the Heritage Property Program. The Dean and Chapter, after considering the staff suggestion, decided that they did not wish to apply for heritage registration

(see Attachment C). This approach, using the existing policy basis of the Halifax Planning Strategy, is a preferred alternative to requesting a fundamental change in plan policy for the site. The plan amendment approach should only be used where there is not existing policy to accommodate the requested development.

The Part III (District Analysis and Policy Recommendations) of Section V (South End) for this area indicates it contains a "broad mix of uses, which includes university, institutional, open space, commercial and residential uses". There was no discussion of this particular site as it was probably seen as an area that was not likely to change. The surrounding area contains a number of institutional uses including the Bethune and Nova Scotia Rehabilitation Centre buildings of the QEII Health Sciences Centre. Across Tower Road from this site is Victoria Park. The proposed use and scale appears compatible to the area.

Staff has reviewed the proposal in general. Some of the findings or possible issues are:

1. Sanitary sewer, storm water sewer, and domestic water services are available, however, more detailed information will be required to determine that there is capacity;
2. The density maximum of 250 persons per acre is not exceeded;
3. The angle controls in the Park and Institutional Zone may not be met with the new development;
4. Siting of the new building. The development, as proposed, would necessitate the removal of a number of mature trees; and
5. Parkland dedication. As a minimum the developer must provide either 5 percent of the land area of the new lot or equivalent value as parkland dedication.

While there are issues to be resolved, staff feels the proposal has merit and it is appropriate to undertake the plan amendment process. Again staff would have preferred to use the development agreement approach under the Heritage Policy provisions. Staff suggests that the most appropriate action may be to redesignate the property to "Residential-Commercial Mix" on the Generalized Future Land Use Map, and provide a specific policy to enable council to consider a development by development agreement. The Peninsula Community Council, at their May 12, 2003 meeting moved "that planning applications which are currently in process in District 12 will not be reviewed by the newly appointed District 12 Planning Advisory Committee." This application was received February 20, 2003 prior to the establishment of the District 12 PAC on April 14, 2003. Therefore staff will be holding the public participation meeting and the matter will not be brought before the District 12 PAC for review.

### **BUDGET IMPLICATIONS**

There are no budget implications.

**FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN:**

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

**ALTERNATIVES**

1. Proceed with the requested amendment. This is recommended for reasons described above. In addition to the required advertisement for the public meeting accessible to the public, property owners in the immediate area will be notified. The area of individual property notification is shown on attached Map 2.
2. Refuse the requested amendment. This is not recommended for the reasons outlined above.

**ATTACHMENTS**

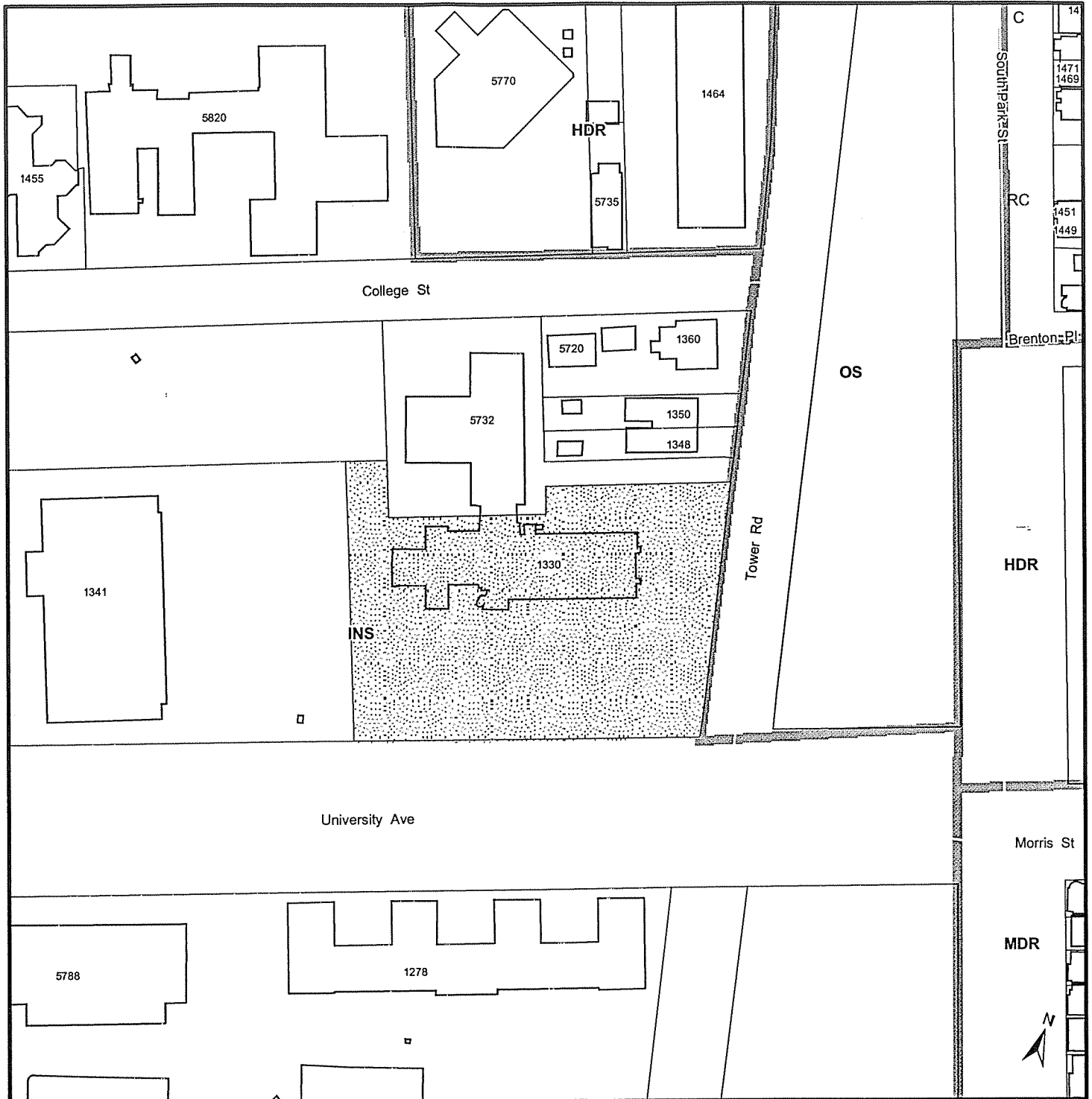
- Map 1: Generalized Future Land Use  
Map 2: Zoning  
Map 3: Proposed Site Plan  
Map 4: Elevation - Tower Road  
Map 5: Elevation - University Avenue  
Attachment A: Extracts from the Municipal Planning Strategy and the Peninsula Land Use Bylaw  
Attachment B: Submission letter of February 18, 2003 from The Right Reverend Frederick J. Hiltz, Bishop of Nova Scotia and Prince Edward Island and The Very Reverend Glen Burgomaster, Dean of the Cathedral Church of All Saints  
Attachment C: Letter of May 7, 2003 from Anthony L. Chapman.

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Angus E. Schaffenburg, Planner II, 490-4495

Report Approved by: \_\_\_\_\_

Paul Dunphy, Director of Planning and Development Services



Map 1 - Generalized Future Land Use  
 Corner of University Avenue and Tower Road  
 Halifax

**HALIFAX**  
 REGIONAL MUNICIPALITY  
 PLANNING AND  
 DEVELOPMENT SERVICES



 Area of interest

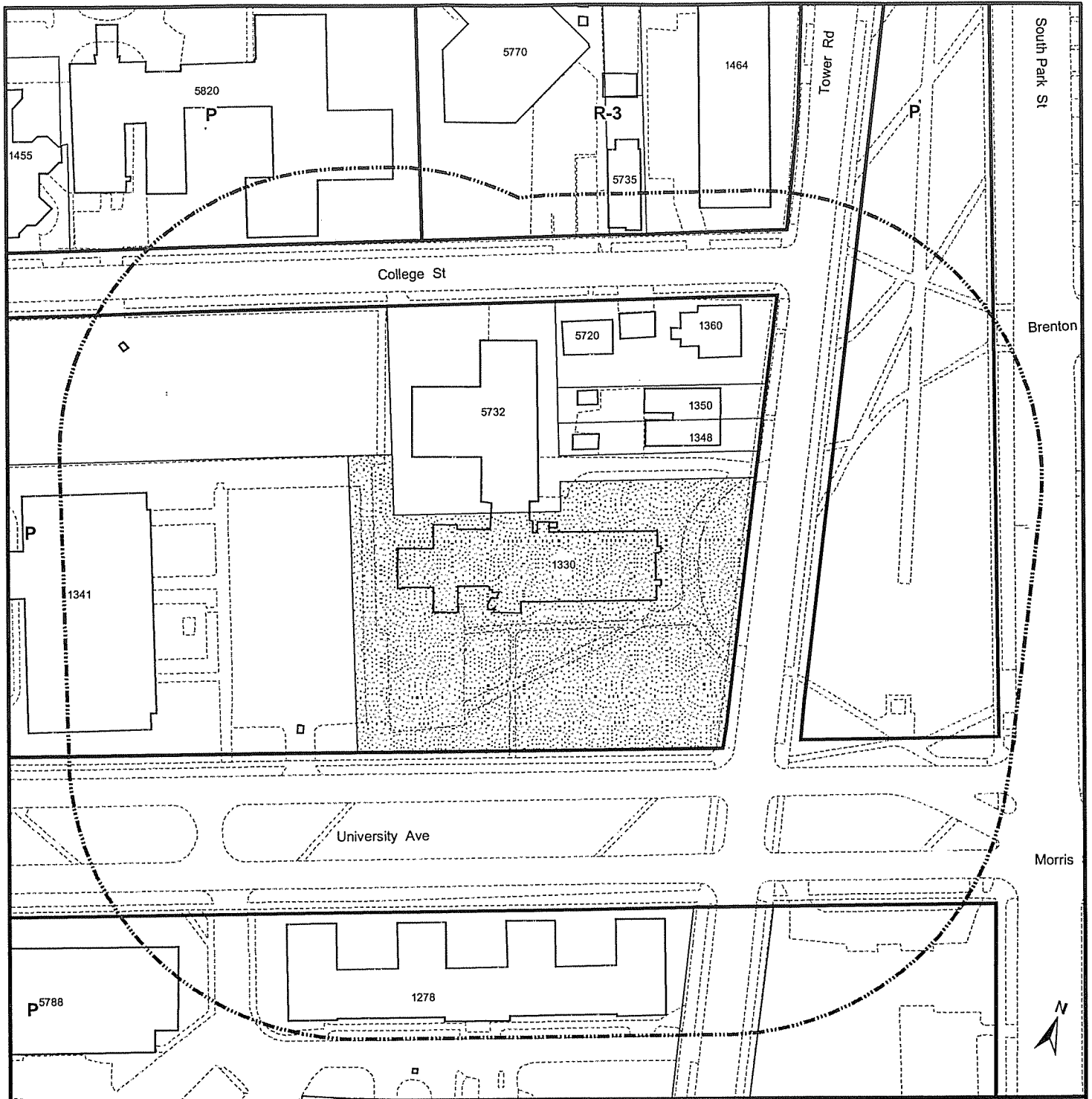
**Designation**

- HDR High Density Residential
- RC Residential Commercial Mix
- INS Institutional
- OS Open Space

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

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

Halifax Plan Area





Map 2 - Location and Zoning

Corner of University Avenue and Tower Road  
Halifax

**HALIFAX**  
REGIONAL MUNICIPALITY  
PLANNING AND  
DEVELOPMENT SERVICES



-  Area of interest
-  Area of notification

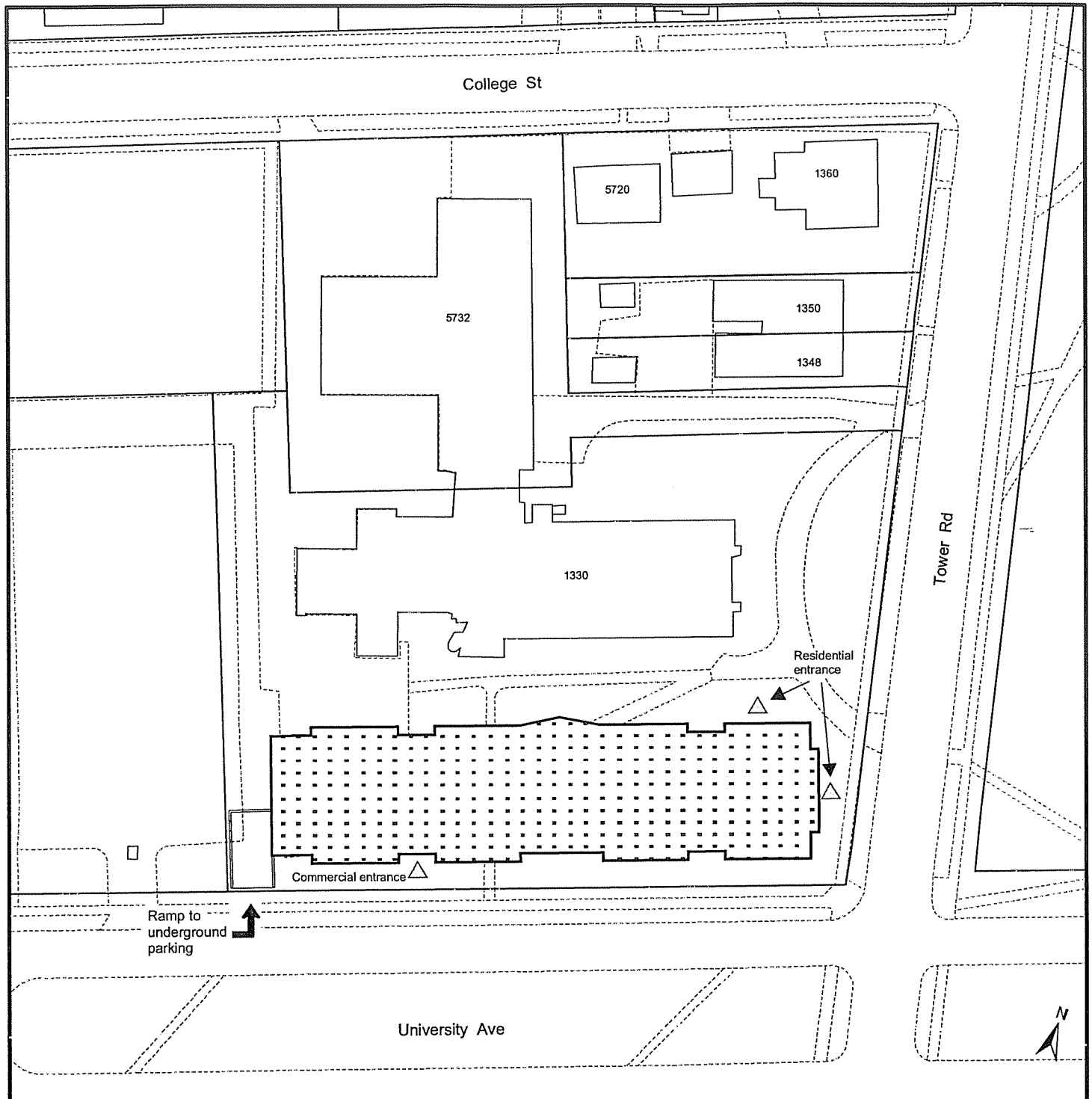
**Zone**

- R-3 Multiple Dwelling
- P Park and Institutional

Halifax Peninsula By-Law Area

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

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





Map 3 - Proposed Site Plan

Corner of University Avenue and Tower Road  
Halifax

**HALIFAX**  
REGIONAL MUNICIPALITY  
PLANNING AND  
DEVELOPMENT SERVICES



-  Proposed building
-  Proposed access point

Halifax Plan Area

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



Map 4 - Elevation, Tower Road View

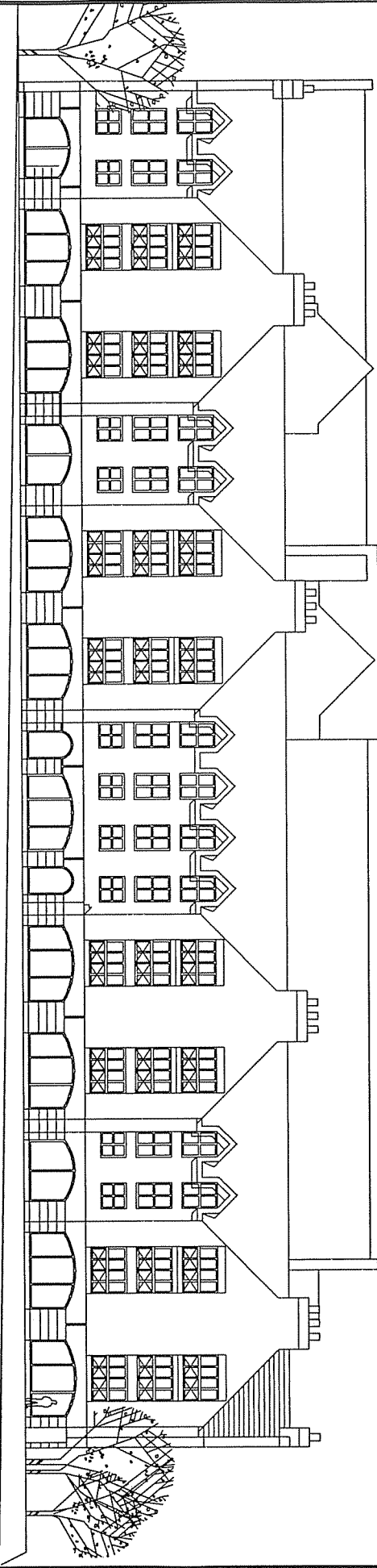
Corner of University Avenue and Tower Road  
Halifax

**HALIFAX**  
REGIONAL MUNICIPALITY  
PLANNING AND  
DEVELOPMENT SERVICES

Halifax Plan Area

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





Map 5 - Elevation, University Avenue View  
Corner of University Avenue and Tower Road  
Halifax

Halifax Plan Area



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

## Attachment A

Extracts from the Municipal Planning Strategy and the Peninsula Land Use Bylaw

### Section II

#### 1. ECONOMIC DEVELOPMENT

Objective           The development of the City as a major business, cultural, government, and institutional centre of Atlantic Canada, while enhancing its image as a place to live and work.

1.2.2   In considering new development regulations and changes to existing regulations, and development applications, the City shall give consideration of any additional tax revenues or municipal costs that may be generated therefrom.

### Section V: South End Plan

#### 1. RESIDENTIAL ENVIRONMENTS

Objective           The maintenance of the South End as vital inner-city neighbourhoods with a broad mix of family and non-family housing accommodation.

1.1      Residential neighbourhoods shall be maintained and expanded by encouraging retention and rehabilitation of existing structures and units and by permitting new stock through infill and complementary redevelopment.

1.1.1   Several forms of infill housing shall be encouraged by the City as appropriate to the diverse physical characteristics of the individual districts and neighbourhoods.

1.1.1.1 Forms of infill housing which shall be permitted in the South End include:

- (a)     the interior conversion of existing structures;
- (b)     additions to existing structures, either through infilling between existing structures or additions to the rear of existing structures;
- (c)     building on vacant lots in the forms prescribed by this Section of the Plan; and
- (d)     low-rise housing within the densities prescribed by this Section of the Plan.

1.1.1.2 The Zoning Bylaw shall further define elements of scale, proportion, setback and use consistent with the policies of this Plan to ensure compatibility with the districts and neighbourhoods.

- 1.1.1.3 The Zoning Bylaw shall be amended to include height limitations for development in accordance with Policies 4.5.5, 7.2.2.1, 7.2.5.1, 7.5.2, 7.5.3, 7.5.4.1 and 7.8.2 and in accordance with the general intent for land-use control as defined by the policies of this Plan. Where there is not specific guidance by the policies of this Plan for specific height limitations, such limitations shall be included based on:
- (i) the forms of development and distribution of land uses identified on the Generalized Future Land Use Map (Map 2) of this Plan;
  - (ii) the necessity to ensure that appropriate development of any given lot may be secured within the policies of this Plan; and
  - (iii) to fulfill the policy intent that quality residential, commercial, institutional and industrial environments are maintained and encouraged without undue impact on adjacent land use.
- 1.1.2 Residential redevelopment shall be permitted in the areas designated pursuant to this Plan and may be encouraged elsewhere provided it is consistent with the policies of this Plan.
- 1.2 Residential uses should be buffered from non-residential uses which are inappropriate to a stable, healthy, enjoyable living environment.
- 1.3 The City shall encourage the retention and creation of family-type housing accommodation in the South End.
- 1.3.1 In order to achieve these purposes, the City does hereby request that the Halifax School Board not effect any complete school closures in the South End without prior consultation with the Council of the City of Halifax, in order that the Council may first ascertain whether such closures may work to the detriment of the retention and creation of family-oriented neighbourhoods, and the nature of any prudent actions the Council may seek to take or direct in furthering its Plan.
- 1.4.3 Areas shown as High-Density Residential on the Future Land Use Map (Map 2) of this Plan shall be regarded as primarily non-family residential areas.
- 1.4.3.1 In High-Density Residential areas the City shall amend its Zoning Bylaw to require a minimum of one family-type housing unit for every two non-family units in each building and the minimum size for such family units shall be 800 square feet.
- 1.4.3.2 Repealed.

- 1.4.3.3 The City shall review the open space, angle control and density requirements of the Zoning Bylaw, and shall consider such alternative control mechanisms as lot coverage, ratio of floor area to site area, and setback requirements for siting of apartment buildings, provided that the intents of this Plan will be furthered.
- 1.4.3.4 Pursuant to Policy 1.4.3.3 and within six months of the approval of this Plan, the City shall confirm or amend, as appropriate, such controls.
- 1.5 The City shall have regard for the servicing of residential areas by public transit and shall, as necessary, make appropriate representations to the Metropolitan Transit Corporation for the purposes of promoting efficient and sufficient service.

## 2. COMMERCIAL FACILITIES

- Objective Provision for a variety of commercial uses in appropriate locations to serve the needs of the area and compatible with the needs of the City.
- 2.1 In the South End it is the City's intent to allow for neighbourhood shopping facilities and minor commercial facilities. Commercial uses shall not be encouraged other than in accordance with Part II, Sections II and III of the Municipal Development Plan.
- 2.2 Spot rezonings to permit neighbourhood shopping facilities pursuant to and consistent with Part II, Section II, Policy 3.1.1 of the Municipal Development Plan may be permitted.
- 2.2.1 Pursuant to Policies 2.1 and 2.2, the City shall amend its Zoning Bylaw to provide for a residential neighbourhood commercial zone which provides for a maximum of six residential units and one neighbourhood commercial use in any given development.
- 2.3 Minor-commercial uses shall be permitted in areas designated as "Commercial" or "Residential-Commercial Mix" on the Future Land Use Map (Map 2) of this Plan.
- 2.3.1 In areas designated as "Residential-Commercial Mix", the City shall permit the following uses:
- (i) residential uses;
  - (ii) in new buildings, residential uses with minor commercial uses occupying the ground floor, provided that the commercial uses have independent and direct access to the street; and
  - (iii) in existing buildings, minor commercial uses and a mix of minor commercial and residential uses.

- 2.3.2 In areas designated as "Residential-Commercial Mix", the City shall not require provision of family-type housing accommodation in any building.
- 2.4 Minor commercial uses shall be permitted only in the areas so designated in the Plan and expansion of those areas may be permitted only through amendment to this Plan.

#### 4. INSTITUTIONS

Objective The encouragement of institutional uses in specified areas.

- 4.1 For the purposes of this Plan, the City shall consider institutional uses as including three types, as follows:
- (i) "Major Institutional Uses" serving primarily City-wide or regional needs;
  - (ii) "Local Institutional Uses" serving primarily the adjacent community; and
  - (iii) "Universities".
- 4.2 The City shall encourage existing institutional uses to remain in their present locations and shall encourage reuse of existing institutional areas where appropriate in preference to expanding areas where institutional uses may be permitted.
- 4.3 The development of major institutional uses shall be permitted in the areas designated "Institutional" on the Future Land Use Map (Map 2) of this Plan.
- 4.3.1 The City shall pay particular attention in major institutional areas to requirements for building scale, proportion and setback so as to ensure that compatibility with adjacent non-institutional areas is fostered.
- 4.4 Local institutional uses shall be permitted in areas designated "Commercial" or "Residential/ Commercial" on the Future Land Use Map (Map 2) of this Plan.
- 4.5 "University" development shall be restricted to the areas designated for such uses on the Future Land Use Map (Map 2) of this Plan. The City shall amend its Zoning Bylaw to carry out the intent of this policy and Policies 4.5.1 and 4.5.2 below.
- 4.5.1 Where university development is proposed adjacent to residential areas, the City shall ensure that such development maintains the scale of residential development, and is compatible with the proportion, setback and building lines of residential development.

7.5 DISTRICT V

7.5.1 The City shall encourage continuation of the diversity of land uses currently located in District V, which include university, institutional, open space, commercial and residential uses.

7.5.2 In the area bounded by College Street, Summer Street, Spring Garden Road, and South Park Street, the City shall amend its Zoning Bylaw to establish height precincts to ensure the preservation of the character of the Public Gardens as an open space area.

7.5.2.1 The City may consider an application under the provisions of Section 33(2)(b) of the Planning Act for a development which would exceed the height precinct so established through Policy 7.5.2 above, and, in so doing, the City shall have regard for the amount of shadow cast on the Public Gardens and the potential negative impacts which may arise therefrom.

7.5.3 The City shall amend its Zoning Bylaw to require that new university development on Morris Street between Barrington and Queen Streets or Barrington Street between Morris Street and Spring Garden Road shall not exceed five storeys or 50 feet in height. In the remainder of the Technical University of Nova Scotia campus area, the Zoning Bylaw shall permit developments of up to 70 feet in height or seven storeys.

7.5.4 The City shall zone the parking lot at the southeast corner of Queen and Spring Garden Road in accordance with the "Residential-Commercial" land-use designation of this Plan, and shall permit the inclusion of university uses in the development of said parking lot under the provisions of Section 33(2)(b) of the Planning Act, provided that said uses do not exceed 20 percent of the gross square footage of the development, and provided that said uses are below any residential uses contained in a building.

7.5.4.1 The City shall, on said parking lot:

- (i) amend its Zoning Bylaw to permit a maximum building height of eight storeys or 70 feet;
- (ii) encourage the retention of mature trees; and
- (iii) amend its Zoning Bylaw to require that any new development be set back a minimum of 40 feet from the street line along Spring Garden Road.

7.5.5 Notwithstanding the residential/commercial designation at the intersection of Queen Street and Morris Street a residential/ commercial development may be considered only by development agreement which meets the following requirements:

- (a) The provisions of the high density residential/mixed commercial or the residential/minor commercial zones in respect to permitted uses, lot area, front and rear yards and parking;
- (b) Conditions sufficient to ensure to Council's satisfaction compatibility to adjacent residential uses and streetscapes in respect to scale and architectural design;
- (c) No development shall exceed 35 feet in height; and
- (d) Such other land use considerations as Council may deem necessary based on the policy guidance of this plan.

## 9. GENERALIZED FUTURE LAND USE MAP

9.1 The Generalized Future Land Use Map (Map 2) shall be considered as the expression of intent of the City of Halifax for a future land use pattern based on the policies outlined in this Plan.

9.2 The areas of future land use shown on the Generalized Future Land Use Map shall be determined primarily by the objectives and policies which correspond to the primary use shown. All other objectives and policies shall apply, as appropriate, but shall be subordinate to the primary objectives and policies.

**Attachment B**

**The Dean and Chapter of The Cathedral Church of All Saints, Halifax**  
The Anglican Diocesan Centre  
5732 College Street  
Halifax, Nova Scotia  
B3H 1X3

February 18, 2003

Halifax Regional Municipality Planning Services  
6960 Mumford Road - Suite R19  
Box 1749  
Halifax, Nova Scotia B3J 3A5

**HALIFAX REGIONAL  
MUNICIPALITY**  
**FEB 20 2003**  
**PLANNING SERVICES  
WEST END MALL OFFICE**

**ATTENTION: Mr. Paul Sampson**

Dear Mr. Sampson:

The Dean and Chapter of The Cathedral Church of All Saints, Halifax ("Dean and Chapter") is pleased to submit this application for a development agreement for the construction of a mixed-use residential/commercial project on the property known as the South Lawn of the Cathedral, bounded by Tower Road to the east and University Avenue to the south. We understand that it would be necessary to amend the Municipality Planning Strategy in order to permit a schedule to overlay the subject lands, to enable the project to proceed by way of development agreement.

A detailed description of the Proposed Development is outlined in the attached documents, including the Concept Plan in both electronic and hard copy, Building Plans, and a Cheque in the amount of \$2,000.00 for processing and advertising. The Proposed Development is generally described as follows:

A mixed multiple residential and commercial project on the lands comprising approximately 31,493 square feet situate on the corner of Tower Road and University Avenue, designated as (proposed lot DC-1) on the attached survey plan.

The Project shall be a mixed-used project incorporating the following:

- (a) One level of underground parking with 68 parking spaces
- (b) Ground level commercial floor space targeted to medical professionals or similar tenants comprising of approximately 12,000 square feet



- (c) 42 apartment units on three floors above the ground level commercial floor, including one floor of 14 units of loft-style apartments

The density of the site is well within the 250 persons per acre expressed in the MPS.

Dean and Chapter is very pleased with the efforts of Greenwood Lane Inc. and their design team, who have been assisting us with the project. The project is designed to be compatible with the architecture and scale of the Cathedral .

The Cathedral Church of All Saints has been a Halifax landmark since it was consecrated on September 1, 1910. The Anglican churches of Saint Luke's, St. Stephen's and Saint Alban's parishes came together to form the first Congregation of the Cathedral, so named because it contains the cathedra, or throne, of the Bishop of the Diocese of Nova Scotia and Prince Edward Island. It is also known as "The Bishop's Church" and "The Mother Church of the Diocese".

A striking example of perpendicular gothic architecture, the Cathedral is constructed of native iron stone and is one of the largest Anglican Cathedrals in Canada. It is furnished with stained glass imported from England and also removed from Saint Stephen's Church, one of its founding parishes. The elaborate carved oak furnishings of the Cathedral represent the apex of the art, much of which was produced by "Mouse" Thompson, one of the finest woodcarving artisans who was brought over from England and commissioned by the Cathedral. As a bicentennial project within the Diocese, parishes from all over Nova Scotia and Prince Edward Island commissioned from their members needlework with which to furnish the stalls and seats. These "kneelers" have been featured by the Art Gallery of Nova Scotia and in publications promoting this art form. The Cathedral has recently been the beneficiary of several icons produced by the Rev. Dr. Bruce Pellegrin, a respected master of this art form. The Cathedral is also home to a beautiful columbarium where the ashes of many are reposed.

The Cathedral Congregation employs a university student during the summer months to guide tourists through the Cathedral. Visitors from all parts of the globe have signed the guest book. The Cathedral is also used for Diocesan, Ecumenical, and state occasions. The Royal Coat of Arms adorns the Viceregal pew at the front of the nave.

The Cathedral Church has proved to be a difficult building to maintain over the years. Due to cost saving measures employed during construction a legacy of restoration was left to following generations. The effects of the Halifax Explosion seven years after its completion also provided challenges for the Congregation. The net result of these factors is that the Cathedral has required extensive repair

and restoration. In the ten years prior to 1999 the Congregation has spent an average of \$140,000.00 per year on restoration. This does not include maintenance and operation of the building. In 1999 an engineering firm was contracted to properly survey the structure, to recommend what work needed to be done and to advise on the cost of the necessary repairs. The report concluded that the Cathedral required approximately 1.6 million dollars of restoration to finally get the building into a condition where it would, with proper and scheduled maintenance, be sustainable into the future. The urgent need for some of this work (replacement of the original slate roof and failure of some of the stone façade resulting in water infiltration) resulted in a \$500,000 mortgage on the Cathedral property, which enabled the replacement of much of the roof and some of the stonework in 2001-2002. But much remains to be done to stabilise the building.

The Cathedral Congregation consists of about four hundred families, and the expense of restoring the church is becoming overwhelming. Our Congregation has always been supportive but we all recognize that as Christians we cannot be slaves to the bricks and mortar of the Cathedral and are called to support those less fortunate than ourselves in society. The Congregation is currently supporting with funds or material many organizations in the community. These include Adsum House, Byrony House, the Phoenix Youth Initiative, The New Babies program at the Grace/IWK, The Circle of Support and Accountability of Corrections Canada, Christians for Refugees, The Primates Fund for World Relief, The Halifax AIDS Coalition, St. George's Soup Kitchen, Hope Cottage, St. Mark's Food Bank and initiatives to support seniors. There are also a large number of "Street People" that regularly come to the Cathedral clergy and church offices, who seek and receive support.

It was decided by the Congregation that it should explore ways to generate income to maintain the Cathedral, thereby allowing us to realize our calling and spend the money we had for ministry. To this end the Proposed Development was conceived to use some of the Cathedral lands to create the income required to maintain the structure and to enable additional outreach programs. This will allow the Congregation to better minister to the community and society. The Proposed Development, which was submitted to the Congregation at a special general meeting in December 2002, is for a mixed commercial/residential project developed in consultation with Greenwood Lane Inc. The Congregation voted overwhelmingly in support of the development for the reasons stated.

Our solicitor, Anthony L. Chapman, is available to meet with you at your convenience to discuss this proposal in detail and to determine our next steps in the approval process. He can be reached by phone at 491-4106 or by fax at 421-3130, and at the following address:

Anthony L. Chapman, Q.C.

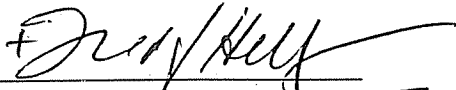
Cox Hanson O'Reilly Matheson  
Barristers and Solicitors  
1100 Purdy's Wharf Tower One  
1959 Upper Water Street  
PO Box 2380 Stn Central RPO  
Halifax, Nova Scotia B3J 3E5

Email: [achapman@coxhanson.ca](mailto:achapman@coxhanson.ca)

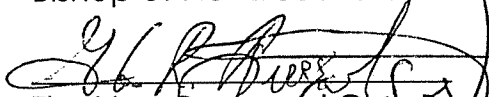
Would you please direct your comments to him.

We thank you for your anticipated assistance in this matter.

Yours truly,

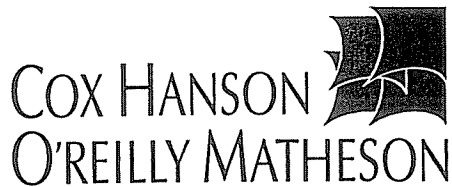


The Right Reverend Frederick J. Hiltz,  
Bishop of Nova Scotia and Prince Edward Island



The Very Reverend Glen Burgomaster  
Dean of the Cathedral Church of All Saints

## Attachment C



1100 Purdy's Wharf Tower One  
1959 Upper Water Street  
Halifax, Nova Scotia, Canada

Correspondence  
PO Box 2380 Stn Central RPO  
Halifax NS B3J 3E5

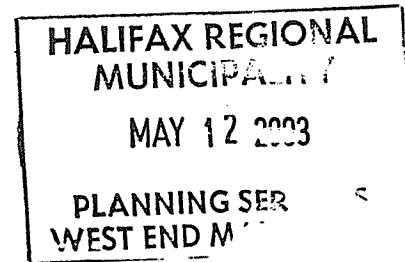
**Anthony L. Chapman, Q.C.**  
Barrister and Solicitor

Phone (902) 421-6262  
Fax (902) 421-3130  
Direct (902) 491-4106  
achapman@coxhanson.ca

May 7, 2003

By Fax 490-4406  
And By Mail

Halifax Regional Municipality  
West End Mall (6960 Mumford Road)  
PO Box 1749  
Halifax, Nova Scotia B3J 3A5



**ATTENTION: Mr. Angus Schaffenburg,  
Planner**

Dear Mr. Schaffenburg:

**RE: Dean and Chapter, The Cathedral Church of All Saints –  
Proposed South Lawn Project**

I refer to our meeting on 11 April 2003 with you and with Kevin Barrett at the HRM offices.

Our client has reviewed the materials which you provided and has carefully considered the suggestion that Dean and Chapter apply for Heritage Designation of the Cathedral Building and South Lawn Property. Our client does not wish to apply for Heritage Designation of the Cathedral Building, and requests that HRM proceed with the application for the development on the South Lawn property, to be subdivided from the remaining lands of Dean and Chapter.

Various provisions of the Municipal Planning Strategy may be cited in support of the application.

Of the City-Wide Objectives and Policies set out in Section II of the MPS, Section 1.1 provides that the City should encourage an economic climate conducive to development and Section 1.2 provides that the City should strive to expand its tax base. Section 1.2.2 provides that, in considering new development regulations and changes to existing regulations, and development applications, the City should give consideration of any additional tax revenues or municipal costs that may be generated therefrom. In this case, the municipal infrastructure for sewer and water services and the like is already in place and few if any additional municipal

costs would be generated by the development. On the other hand, substantial additional tax revenues would become available to the City if the development proceeded.

Section 1.5 provides that the City should provide a policy environment within which development can respond to changing market demands, and should ensure that development conforms to a pattern that is cost-effective for the City. There is an increasing market demand for residential housing near downtown Halifax, which enables people to walk rather than drive to work. There is increasing traffic congestion and difficulty in commuting to work. These changing circumstances have supported the recent development of residential complexes on Water Street, Summer Street, and off Spring Garden Road.

The policies set out under the heading "Residential Environments" provide that residential development to accommodate future growth in the City should occur both on the Peninsula and on the Mainland, and should be related to the adequacy of existing or presently budgeted services (Section 2.1). Section 2.1.1 further provides that, on the Peninsula, residential development should be encouraged through infill compatible with existing neighbourhoods. The proposed development can be supported by existing municipal services and is compatible with the existing neighbourhoods. The residential uses are compatible with the residential neighbourhoods which begin across South Park Street and which front on Spring Garden Road, and the offices for professionals are suitable for doctors, physiotherapists, and other health workers who have ties to the Victoria General Hospital facilities across University Avenue. The height of the development is limited to four stories and is not as high as the Victoria General Hospital buildings across University Avenue or the Cathedral Building. Dean and Chapter is not proposing a high rise development, unlike the residential development being built on Summer Street or the proposed condominium development to be built over Park Lane.

The provisions of the City-Wide Objectives and Policies dealing with Commercial Facilities set out the objective of providing commercial facilities appropriately located in relation to the City, or to the region as a whole, and to communities and neighbourhoods within the City. The proposed use of the ground floor of the Project for commercial offices for medical professionals and the like is appropriate, given the proximity of the Project to the Victoria General Hospital across University Avenue.

A review of the Objectives and Policies of the South End Area Plan (Section V) also contain provisions which would support the proposed development. Under Residential Environments, the objective is the maintenance of the South End as a vital inter-city neighbourhood with a broad mix of family and non-family housing accommodation. There are policies encouraging in-fill housing by building on vacant lots. Section 1.1.2 provides that

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residential re-development shall be permitted in the areas designated pursuant to the Plan and may be encouraged elsewhere, provided it is consistent with the policies of the Plan. The proposed development is consistent with the policies. For example, it provides an open space, landscaped area. The site is serviced by public transit. There is only a minor commercial component to the development.

Downtown Halifax is maturing as an urban environment and population density is increasing, as more and more people are choosing to live near their work places. This change is reflected in a number of residential developments in or near downtown Halifax, such as the recent developments on Water Street, Hollis Street, Summer Street, and the proposed condominium development over Park Lane. The proposed development is in accordance with this trend and is appropriate for the maturing urban environment.

Dean and Chapter would accordingly request that HRM staff proceed with its review and report in respect of the proposed development on the South Lawn.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'AL Chapman', with a long horizontal stroke extending to the right.

Anthony L. Chapman

ALC/kes