

June 13, 2024

**Application for a Development Agreement on property PID#41225236 in Halifax to enable the addition of residential uses on a registered heritage property.**

**MS. THEA LANGILLE**  
**Manager - Planning Applications**  
 Development Services  
 Planning and Development

Halifax Regional Municipality  
 P.O. Box 1749  
 Halifax, NS B3J 3A5

Dear Ms. Langille,

On behalf of our client Sidewalk Real Estate Development, I am applying to the Halifax Regional Municipality to enter into a Development Agreement on the above identified property located at 5375 Kaye Street in Halifax, NS. The property contains the United Memorial Church building.

The main request of this planning application is a 12-storey and 60-unit residential addition to the property, which will allow for the renovation and conservation of the historic church building. The primary and preferred scenario of redevelopment is to maintain public access to the church interior through a conversion of the church hall into a community space and performance venue. As is often the case with the restoration of older structures and heritage buildings, unforeseen circumstances relating to structural integrity or other similar issues may be uncovered during the renovation process. To account for potential cost increases associated therewith, this proposal contains an alternative version of the design that would convert the interior of the church hall to 18 residential units, bringing the total number of residential units in the development to 78.

This planning application on a registered heritage property is enabled through Policy CHR-7 of the Regional Centre Secondary Municipal Planning Strategy. The following documents in support of this application are attached to this letter:

- + Basic facts about the property and its context
- + Detailed information about the proposed development
- + Analysis of the proposal's alignment with municipal planning policy
- + An attachment including:
  - Appendix A: Architectural Design Drawings
  - Appendix B: Traffic Impact Statement
  - Appendix C: Servicing Schematic
  - Appendix D: Servicing Study

We are excited to work with staff, Council and the community on this proposal.

Please do not hesitate to contact me if you require further information.

Sincerely,



Paul Dec, MCIP, LPP

**1 BACKGROUND**

**1.1 LOCATION AND SITE CHARACTERISTICS**

The subject of this planning application is property PID#41225236 registered to 5375 Kaye Developments Co. The 21,603<sup>1</sup> square foot property is located at 5375 Kaye Street in the North End of Halifax, two blocks away from the Hydrostone Market Park.

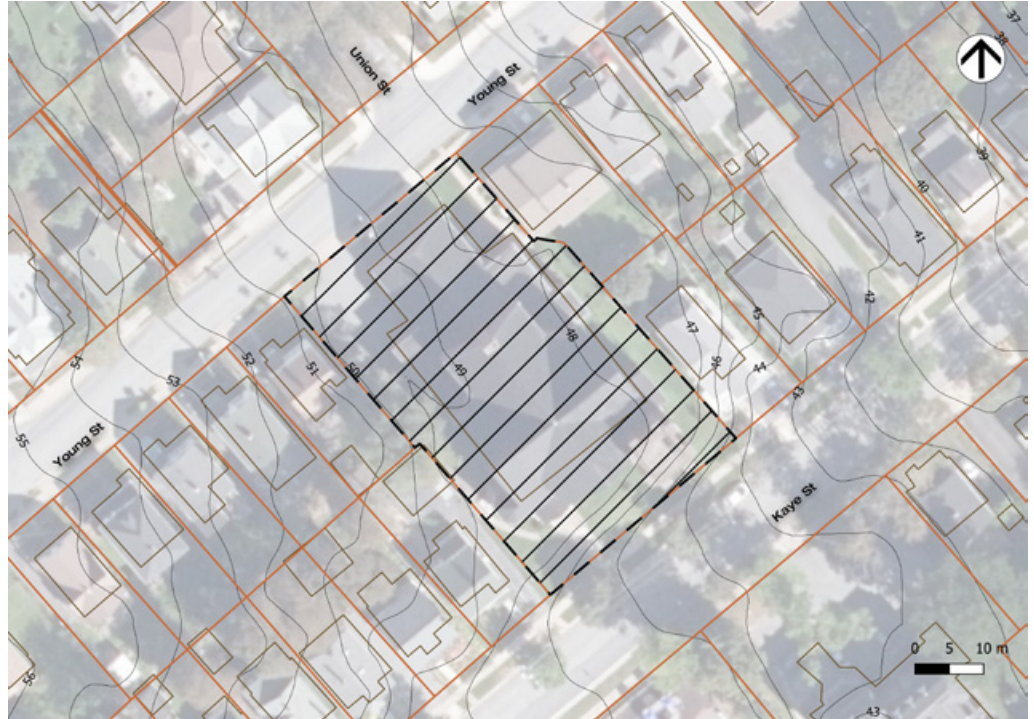


Figure 1: Site map

The land parcel is a registered heritage property and contains the United Memorial Church building. No other buildings are located on the lot.

According to LiDAR data, the majority of the site is situated between 48 and 50 metres above sea level. The south-eastern part of the property has a steeper slope down to Kaye Street, meeting the street between 45 and 47 metres above sea level.

<sup>1</sup> Based on property records from the Land Registration Office

1.2 CONTEXT AND SURROUNDINGS

The site is located on Kaye Street between Vincent and Gottingen Streets and is a through lot to Young Street.

The neighbouring properties along Kaye and Young Streets are residential land uses. Across Kaye Street, there are two properties opposing the United Church property: St Joseph’s Convent, which is also a registered heritage property that has been renovated into a condominium building known as The Seton, and the St. Joseph’s-Alexander McKay Elementary School, currently being rebuilt and slated to reopen in September 2025.

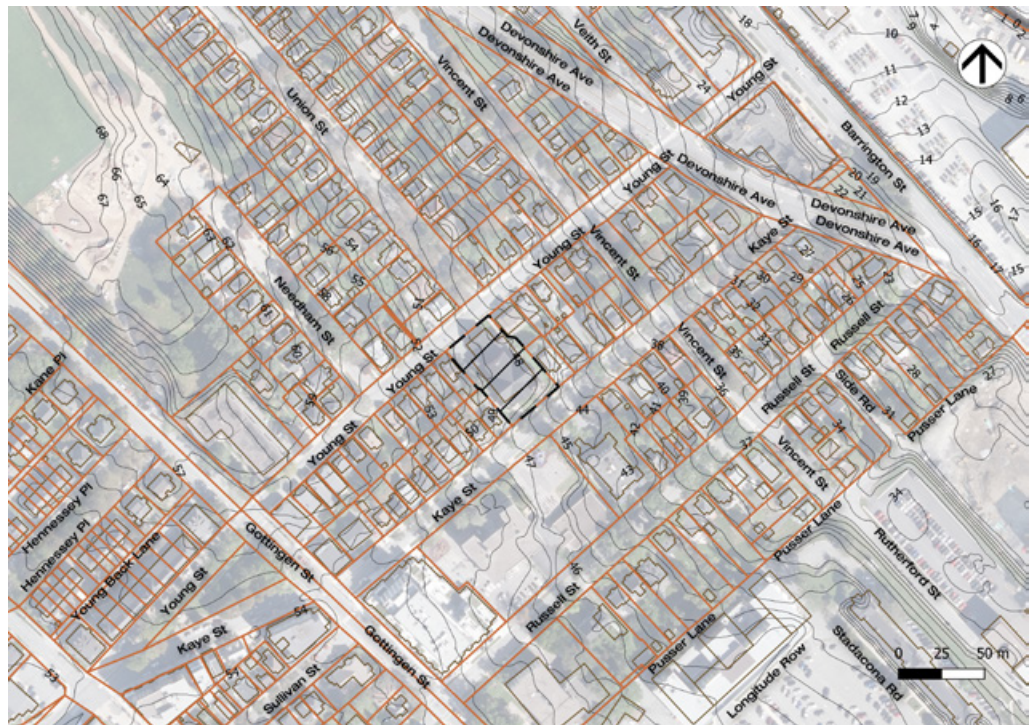


Figure 2: Context map



## 2 DEVELOPMENT PROPOSAL

### 2.1 DEVELOPMENT SUMMARY

The former United Memorial Church building was built in 1921 following the Halifax Explosion, replacing two nearby churches that were destroyed in the disaster. In addition to its relationship to this historic event, the architectural style of the building also contains character-defining elements, and was designed by Andrew Cobb, one of the most recognized architects in Nova Scotia. The building also has a strong relationship to the surrounding area through a shared relationship to the Halifax Explosion and the following recovery effort. The United Memorial Church amalgamated into the Edgewood-Oxford United Church in 2014, selling the former church building on Kaye Street. A previous owner planned to demolish the building and replace it with a condominium building. In response to that, the community initiated a heritage property registration, which did however not succeed. The current owners acquired the property in early 2022 and voluntarily applied for a heritage designation, which succeeded this time and was fully in effect by the end of the same year. The current owners of the property plan to preserve and remediate the existing church building and to develop a multi-unit residential addition on the site.

The main cross-gable church hall will remain as is, with the original facade and roof remediated to safe, habitable standards. The original cross-gable parapets and main entry parapets, which have been lost over time, are proposed to be reintroduced. A modernized bell tower cap addition is suggested as a nod to the original bell tower that was removed in 1975. This modern bell tower cap will reference the original tower design in proportion and design. A 12-storey 60-unit residential tower will be added to the north side of the property, along with ground level landscaping across the site. The residential building is designed with grade-oriented, townhouse units along Young Street, and underground parking. The proposed addition would replace the former parish hall, which was a later addition to the church of lesser historic value.

The main church hall is proposed to remain largely as-is to serve as a performance venue and community space. As is often the case with the restoration of older structures and heritage buildings, unforeseen circumstances relating to structural integrity or other similar issues may be uncovered during the renovation process. To account for the increased costs if these potential challenges arise, this proposal contains an alternative version of the design that would convert the interior of the church building to 18 residential units, while still preserving and remediating the original facade and reintroducing some of the lost exterior design features of the building. This would bring the total number of residential units in the overall development to 78.

### 2.2 PARKING AND CIRCULATION

Up to 26 indoor parking spaces are planned for this development, accessed by a driveway off Young Street. There are two major transit corridors within a 250 metre walk of the site along Barrington Street and Gottingen Street, promoting the choice of alternative modes of transportation. One of these transit corridors is also a proposed Bus Rapid Transit Route. Additionally, up to 1,500 square feet of Class A bicycle storage area will be provided as part of the development to encourage active transportation use.

A traffic impact study completed by DesignPoint Engineering & Surveying in May 2024 confirms that the existing street network can accommodate the traffic generated by the development without upgrades.

**3 PLANNING APPLICATION**

**3.1 FRAMEWORK**

The Regional Centre Municipal Planning Strategy (MPS) and Land Use By-law (LUB) subject the property to the policies and regulations of the following designations and zones:

Document	Designation / Zone
Municipal Planning Strategy	Institutional Employment
Land Use By-law	INS (Institutional)

**3.2 REQUEST**

This application is submitted to apply for a Development Agreement on property PID#41225236, in order to allow for the development of a multi-unit residential building that does not conform to the regular 'Landmark Building' built-form requirements of the LUB.

**3.3 POLICY ANALYSIS**

This application for Development Agreement is based on Policy CHR-7 of the Regional Centre Secondary Municipal Planning Strategy (MPS). This Policy also references the generic Policy IM-7 from the Implementation section of the MPS. The following analysis will demonstrate how the Development Proposal (further referred to as 'the Proposal') complies with the applicable Policies of the MPS.

**Policy CHR-7 - Regional Centre Secondary Municipal Planning Strategy**

*On any lot containing a registered heritage building located outside of the DH Zone and any approved Heritage Conservation District, Council may consider a development agreement for any development or change in use not otherwise permitted by the Land Use By-law to support the integrity, conservation and adaptive re-use of registered heritage buildings. This includes development proposals that exceed the maximum floor area ratios or the maximum building heights on Map 3 and Map 4 of this Plan. In considering such development agreement proposals, Council shall consider that:*

- a) *the development proposal maintains the heritage value of any registered heritage property of which it is part, including a registered heritage streetscape, and does not propose to demolish any registered heritage buildings that exist on the lot;*

**Compliance:** The original facade and roof of the existing church building will remain largely as-is, remediated to safe, habitable standards. Parapets are proposed to be re-introduced to restore the original facade of the church, and a modern interpretation of a bell tower cap will add a nod to the original bell tower which was lost due to structural issues in 1975. A previous addition to the rear of the church building, which is not a part of the original design of the church, will be demolished. This demolition will not impact the heritage streetscape on Kaye Street.

- b) *the impact on adjacent uses, particularly residential uses, is minimized in terms of intensity of use, scale, height, traffic generation, noise, hours of operation, and such other land use impacts as may be required as part of a development;*

**Compliance:** Proposed community and performance space uses match the historic use of the property up till the year 2014, until when it was used by a church congregation. The Land Use By-law still permits for religious uses to continue on site, or to be converted to any institutional-type land uses (including major spectator venues) as-of-right. The proposed performance and community space in the historic church hall does not create any additional impact on the neighbourhood, as compared to these land uses already permitted on-site. This part of the development could be realized without a need for this Planning Application.

Proposed residential uses—which exceed regular design requirements for ‘Landmark Buildings’ in the Regional Centre Plan and are the main reason for this Planning Application—generally match the residential uses of the surrounding neighbourhood. Although mid-rise buildings do not exist on immediately abutting lots, five recent buildings of 5-9 stories have been developed within 250 metres from the site. The top three stories feature high levels of transparency to reduce the visual impact of the building, creating an optical appearance closer to a 9-storey building.

In order to address the transition to neighbouring low-rise uses on Young Street, the residential building design includes grade-oriented, townhouse style units are designed to blend with the existing streetscape.

Traffic and servicing studies provided in the attachment show that existing municipal infrastructure of the area is able to support the development. Hours of operation for the performance venue are not expected to go past 11 pm.

c) *any new construction, additions, or renovations facing a street substantially maintain the predominant streetwall height, setbacks, scale, and the rhythm of the surrounding properties, especially of registered heritage properties;*

**Compliance:** Renovations to the church building will maintain the existing scale and style of the property. Townhouse style units along Young Street will create a streetwall that is consistent with the predominant height in the neighbourhood and masonry cladding will be consistent with the architectural style of the church building.

d) *the development complies with Pedestrian Wind Impact and Shadow Impact Assessment Protocol and Performance Standards of the Land Use By-law;*

**Compliance:** A shadow impact assessment is included in the architectural drawings of this submission.

e) *the level of proposed investment in conservation measures on the property and through the required incentive or bonus zoning requirements is generally proportional with the additional development rights provided through the agreement, especially in cases of new construction;*

**Compliance:** UPLAND attended a site visit with the property owners and HRM staff on August 24, 2022. The inspection of the building interior revealed significant damage. While the precise extent of the damage is to be further detailed and the remediation cost to be quantified, it is clear that the restoration of the church will pose a significant undertaking, requiring substantial investment into the building.

f) *any un-registered, historic buildings on the lot that contributes to neighbourhood character are preserved to retain the visual integrity of the lot;*

**Compliance:** The rear addition to the lot is not original to the building and was not specifically identified as contributing to the neighbourhood character or heritage value of the site in the Research Report prepared as part of the Heritage Registration Application H00454. This rear

addition will be demolished. The former church building on the lot will be preserved to retain the visual integrity of the lot. Apart from the church hall and its addition, there are no other buildings on site.

g) *the development complies with policies relating to protected public views and view terminus sites;*

**Compliance:** The project site does not lie within any protected public views or view terminus sites as identified in the Regional Centre Secondary Municipal Planning Strategy.

h) *incentive or bonus zoning is provided consistent with the requirements of the Land Use By-law;*

**Compliance:** Responsibility of HRM planning staff to insert these requirements into the Development Agreement.

i) *the development agreement requires a waiver under Section 18 of the Heritage Property Act to be registered on the property before a development permit is issued for any portion of the development; and*

**Compliance:** Responsibility of HRM planning staff to insert these requirements into the Development Agreement.

j) *the general development agreement criteria set out in Policy IM-7 in Part 9 of this Plan;*

**Compliance:** No specific areas of concern were identified under Policy IM-7.