



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

Item No. 10.1.1
Halifax and West Community Council
September 16, 2025
October 14, 2025

TO: Patty Cuttell, Chair, Halifax and West Community Council

FROM: Tyler Brothers, Chair, Heritage Advisory Committee

DATE: August 27, 2025

SUBJECT: **PLANAPP-2023-00150: Heritage Development Agreement for 5522-5540 Russell Street, Halifax (St Mark's Church)**

ORIGIN

August 27, 2025 meeting of Heritage Advisory Committee, Item 9.1.1.

RECOMMENDATION

The Heritage Advisory Committee recommends that Halifax and West Community Council:

1. Give notice of motion to consider the proposed development agreement, as set out in Attachment A of the staff report dated July 7, 2025, to enable the construction of a ten-storey, multi-unit residential building on the registered heritage property, and schedule a public hearing;
2. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A of the staff report dated July 7, 2025; and
3. Require the development agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise, this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

At the August 27, 2025 meeting, the Heritage Advisory Committee received a staff recommendation report dated July 7, 2025 to consider a development agreement respecting the Municipally Registered Heritage Property at 5522-5540 Russell Street, Halifax (St Mark's Church).

For further information refer to the attached staff report dated July 7, 2025.

DISCUSSION

The Heritage Advisory Committee considered the staff report dated July 7, 2025 and approved the recommendation to Halifax Regional Council as outlined in this report.

Carter Beaupre-McPhee, Planner III responded to questions of clarification from the Committee. Some committee members spoke to the placement and cladding of a stairwell on the church-facing side of the building and expressed concern that these would create some visual interference in the pedestrian view of the church spire. Some members proposed potential suggestions to consider other less contrasting cladding options for this side of the building, while other members expressed overall satisfaction with the current design.

Beaupre-McPhee spoke to the pedestrian view of the church spire from street level and referenced an image for reference located in Schedule C of the Development Agreement contained within Attachment A of the staff report dated July 7, 2025.

FINANCIAL IMPLICATIONS

Financial implications are outlined in the attached staff report dated July 7, 2025.

RISK CONSIDERATION

Risk consideration is outlined in the attached staff report dated July 7, 2025.

COMMUNITY ENGAGEMENT

The Heritage Advisory Committee is comprised of ten citizen members and two Councillors. Meetings are live webcast on Halifax.ca. The agenda, reports, video, and minutes of the Committee are posted on Halifax.ca.

For further information on Community Engagement refer to the attached staff report dated July 7, 2025.

ENVIRONMENTAL IMPLICATIONS

Environmental implications are outlined in the staff report dated July 7, 2025.

ALTERNATIVES

Alternatives are outlined in the attached staff report dated July 7, 2025.

LEGISLATIVE AUTHORITY

Legislative Authority is outlined in the attached staff report dated July 7, 2025.

Heritage Property Act:

s. 14(1) A heritage advisory committee may recommend to the municipality that a building, public building interior, streetscape, cultural landscape or area be registered as a municipal heritage property in the municipal registry of heritage property.

Halifax Regional Municipality By-law H-200, *Respecting the Establishment of a Heritage Advisory Committee and a Civic Registry of Heritage Property*:

4. The Committee shall, within the time limits prescribed by Council or the Act, advise the Region respecting:
 - (h) applications for heritage agreement, development agreements or amendments to a Land Use Bylaw which may affect a registered heritage property or amendments to a Municipal Planning Strategy affecting heritage policies;

ATTACHMENTS

Attachment 1 – Staff recommendation report dated July 7, 2025.

Report Prepared by: Simon Ross-Siegel, Legislative Assistant, Municipal Clerk's Office 902.292.3962

Item No. 9.1.1
Heritage Advisory Committee
July 23, 2025

TO: Chair and Members of the Heritage Advisory Committee

FROM: Kate Greene, Acting Executive Director of Planning & Development

DATE: July 7, 2025

SUBJECT: PLANAPP-2023-00150: Heritage Development Agreement for 5522-5540 Russell Street, Halifax (St Mark's Church).

ORIGIN

An application by WM Fares on behalf of the property owner, for a development agreement on the registered heritage property located at 5522-5540 Russell Street, Halifax, known as St. Mark's Church, to allow for a ten-storey, tall-mid-rise, multi-unit residential building on the said property, as well as to allow for the rehabilitation of the church building.

EXECUTIVE SUMMARY

- Proposed heritage development agreement to enable the construction of a ten-storey, multi-unit residential building on the registered heritage property located at 5522-5540 Russell St, Halifax, in exchange for the rehabilitation of the registered heritage building (St Mark's Church).
- Staff recommend that the Heritage Advisory Committee recommend that the Halifax and West Community Council give notice of motion to consider the proposed development agreement, approve the proposed development agreement, and require the agreement be signed by the property owner within 120 days.
- There are no budget implications associated with the recommendations contained within this report.

RECOMMENDATION

It is recommended that the Heritage Advisory Committee recommend that the Halifax and West Community Council (HWCC):

1. Give notice of motion to consider the proposed development agreement, as set out in Attachment A, to enable the construction of a ten-storey, multi-unit residential building on the registered heritage property, and schedule a public hearing;
2. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A; and

RECOMMENDATION CONTINUES ON PAGE 2

3. Require the development agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise, this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

WM Fares, on behalf of the property owner, has applied to enter into a heritage development agreement to permit the construction of a ten-storey, tall-mid-rise, multi-unit residential building on the lands of a registered heritage property (St. Mark's Church). If approved, the existing gothic-revival style church building on the registered heritage property will be rehabilitated and a c.1960s addition to the church will be modified to reduce its footprint.

This application is being considered under Policy CHR-7 of the *Regional Centre Secondary Municipal Planning Strategy (SMPS)*, which allows Council to consider a development agreement on any lot containing a registered heritage building that exceeds the requirements of the underlying zone, to encourage the preservation and adaptive re-use of registered heritage properties. If the recommendations in this staff report are approved by Community Council, this development will still require permits, in accordance with the Regional Centre Land Use By-Law and the development agreement (Attachment A), before construction may begin. A summary of general property information is provided below in Table 1.

Table 1: Property Summary

Subject Site	5522-5540 Russell Street, Halifax (registered heritage property)
Location (Map 1)	The subject property is located at the southwest corner of the intersection of Russell Street and Gottingen Street.
Regional Plan Designation	US – Urban Settlement
Halifax MPS Designation (Map 2)	COR - Corridor
Zoning (Map 3)	COR - Corridor
Size of Site	1486.45sqm (16,000sqft)
Street Frontage	Russell Street – 121.05m Gottingen Street – 30.48m
Current Land Use(s)	Institutional Use (religious institutional + daycare + community centre)
Surrounding Use(s)	Single-unit, two-unit, and multi-unit residential, office, commercial, warehouse, and institutional uses.

Proposal Details

As proposed, the heritage building at 5522 Russell St, Halifax (St Mark's Church) will be retained and rehabilitated. It will continue to be used as a religious institutional use and serving its community functions as a food bank and gathering place. A new, ten-storey, tall-mid-rise, multi-unit residential building is proposed to be constructed on the lands, physically separate from the church building, with grade-oriented units along Russell Street and underground parking accessed from Russell Street. The new building will contain up to 82 units and provide between 18 and 41 underground vehicle parking spaces for the use of residents, as well as three surface parking/loading spaces for use by St Mark's Church. Bicycle parking will be provided in accordance with the requirements of the underlying land use by-law.

To accommodate the construction of this new tall-mid-rise, multi-unit residential building, the existing St Mark's Community Centre and Daycare (5540 Russell Street) will be demolished. While this c.1976 daycare building is not a character-defining element of the property, it is an important community space. The daycare services have been relocated to a nearby facility on Robie Street. Additionally, the c.1960s addition to northwest corner of the church building will be altered to reduce its footprint.

The rehabilitation of the heritage building at 5522 Russell Street (St Mark's Church) is proposed to include the following measures:

- removal of a portion of the 1960s addition and restoration of the western exterior wall;
- repair and sealing of foundation cracks;
- repair of concrete stairs;
- rehabilitation of deteriorated brick masonry;
- rehabilitation of exterior doors;
- rehabilitation of the wooden belfry & steeple;
- rehabilitation of window mouldings; and
- improvements to thermal performance and moisture protection.

Enabling Policy and Land Use By-law Context

This proposal is being considered under Policy CHR-7 of the *Regional Centre Secondary Municipal Planning Strategy (SMPS)*. To support the retention, preservation, and rehabilitation of heritage buildings, this policy allows owners of registered heritage properties to apply for a development agreement to permit a development or use not otherwise permitted by the underlying zone.

The subject site is designated and zoned Corridor (COR). The existing heritage building and rear hall building consist of institutional, community centre, and daycare uses. This site is subject to a height restriction of 11m. The main purpose of this development agreement is to enable greater height on the subject site to support and incentivise the conservation and rehabilitation the heritage building as part of proposed development.

The DA will allow for a new tall-mid-rise, multi-unit residential building of 10 storeys or 30m, comparable to other similar developments in the surrounding area such as St Joseph's Square (9 storeys), the Bloom (9 storeys), 28Eleven (11 storeys), and others. The additional scale and density proposed on the site will support the rehabilitation work proposed for the heritage building. The other main forms of relief provided by the proposed development agreement include a reduction of stepbacks to facilitate a viable floorplate in a shorter building, and reduced flanking and rear yard setbacks (north and west respectively) to position the new building's massing further away from both the heritage building and abutting low-density residential uses (see Table 1).

Table 2: Main differences between proposed and as-of-right

Regulation	As-of-right	Proposed
Maximum height	11 m	30 m
Min. flanking yard setback (north)	1.0m	0.3m
Min. rear yard setback (west)	6.0m	0.6m (abutting existing warehouse use)
Min. side stepback (south)	6.0m	2.0m
Min. rear stepback (west)	3.0m	0.9m
Min. streetwall stepback (north)	3.0m	2.0m

The requested relief of certain built-form requirements is being justified through the retention and rehabilitation of the heritage building (St Mark's Church) in accordance with the terms of the proposed development agreement and the associated HRM Substantial Alterations Application (municipal case # HRTG-2023-00201) reviewed and approved by Halifax Regional Council on September 10, 2024.

COMMUNITY ENGAGEMENT

The community engagement process for this application is consistent with the intent of the SMPS and the HRM Planning and Development Community Engagement Playbook. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website,

signage posted on the subject site, and a fact sheet mailout distributed to owners and residents within an 80m radius in October/November of 2024 to inform them of the proposal and to solicit their feedback. Including responses received prior to the mailout, a total of twenty-one (21) responses were received.

The most common concern expressed by residents included the height of the proposal at the time of engagement, which was 12 storeys. Other common feedback included the traffic congestion generated by the development, concerns about noise, safety, and air quality during construction, and concerns about the provision of sufficient parking, loading areas, and active transportation options (see Attachment C).

To address community feedback, this application was revised. The design of the new building was altered from its original 12 storey high-rise form to a 10 storey, tall-mid-rise form. Additionally, the design of the 3 storey podium has been revised with a more complementary and pedestrian-oriented design, featuring human-scaled materials such as brick. The site plan has also been revised to include a new loading area for use by the church, accessed via the shared driveway. Construction impacts, traffic, and parking are addressed in the “Enabling Policy” section of this report.

Halifax and West Community Council must hold a public hearing before it can consider approval of the proposed development agreement. If Council decides to proceed with a public hearing, staff will send a mailed notice of the hearing to property owners and residents within the notification area (as shown on Map 3) by regular mail.

DISCUSSION

Proposed Development Agreement

Attachment A contains the proposed development agreement for the subject site and the terms under which the development may occur. The proposed development agreement addresses the following matters:

- the use and form of the new ten-storey (30m) multi-unit residential building;
- requirements for design and materiality of the proposed new building and its location on the site;
- requirements for the rehabilitation of the heritage building; and
- requirements for landscaping, lighting, parking, signage, solid waste, hours of operation, and maintenance of the site, including the heritage building.

The proposed development agreement also identifies amendments that would be considered non-substantive and may be amended by a decision of the Development Officer. In this case, non-substantive amendments include:

- changes to Schedules B, C, and D provided that the changes do not conflict with the text of this Agreement;
- changes to Section 3.3.1(b) of this Agreement to increase the maximum number of residential units permitted in the New Building up to 86 units, provided that the massing and scale of the New Building does not increase, except pursuant to Section 6.1.1(a), and conditional on the review and approval of an amended traffic impact statement by HRM Traffic Services;
- changes to Schedules B, C, and D which may conflict with Section 3.5.1(a-d, g-i, and k) or 3.7.1(c) of this Agreement, provided that these changes do not:
 - increase lot coverage or maximum building height by more than two percent (2%);
 - reduce front, flanking, side, or rear setbacks or stepbacks by more than two percent (2%);
 - reduce minimum separation distance by more than two percent (2%); nor
 - increase stepback or articulation exemptions by more than two percent (2%);
- changes to Section 3.8.7 of this Agreement which alter the scope of the rehabilitation/restoration work proposed for the Heritage Building, subject to the approval of an HRM heritage planner who shall be satisfied that the level of investment in heritage

- conservation work remains commensurate to the additional development rights beyond as-of-right being awarded by this Agreement;
- the granting of an extension to the date of commencement of construction as identified in Section 7.4 of this Agreement; and
- the granting of an extension to the length of time for the completion of the development as identified in Section 7.5 of this Agreement.

Enabling Policy (Regional Centre SMPS Policy CHR-7)

The Regional Centre SMPS recognizes the important role that heritage buildings and sites have in defining HRM's character and identity. To support the retention, preservation, and rehabilitation of heritage buildings in the Regional Centre, Policy CHR-7 of the Regional Centre SMPS allows for the consideration of land uses and density which are not permitted by the underlying zone, subject to certain criteria.

One of these criteria is that the impact of the development on adjacent uses, particularly residential uses, be minimized. The neighbourhood around the subject site is predominantly zoned COR (Corridor) and ER-3 (Established Residential), containing a mixture of buildings with varying heights, lot sizes, and ages of construction. This proposal is characteristic of urban infill development and is of a comparable scale to other recent and ongoing developments in the neighbourhood, which generally vary from seven to eleven storeys in height. The surrounding neighbourhood is mixed use, with residential, commercial, institutional, and industrial or warehouse uses.

The new building has been designed to be compatible with the heritage building and surrounding properties through its siting and design, reducing the impacts of the proposed additional density on adjacent land uses through:

- siting the new massing away from abutting low-density residential uses and the existing heritage building, and towards the street line and adjacent warehouse use;
- a 4.4m separation distance between the new building and heritage building;
- a 6.0m side-yard setback and a modified L2 landscape buffer between the new building and the abutting ER-3 zoned dwellings;
- 2.0m setbacks on the northern, eastern, and southern elevations above the 3rd storey; and
- grade-oriented units along Russell Street with a complementary and human-scaled streetwall.

Underground parking is proposed, providing spaces for a minimum of 18 and maximum of 41 vehicles, and a surface parking/loading area for three vehicles is proposed. The underlying land use by-law does not impose a minimum vehicular parking requirement for multi-unit residential uses in the Corridor zone, and the proposed development agreement is therefore more stringent. The Traffic Impact Statement (TIS) submitted for this proposal was reviewed and approved by HRM Traffic Services and advises that the proposed development would reduce trips generated as compared to the existing daycare use, and also that the proposed development is not anticipated to significantly impact on-street parking.

Staff have evaluated the level of conservation effort proposed for St Mark's Church and have found it to be proportionate to the increased density enabled by the development agreement. The applicant will be required to comply with all applicable by-laws, administrative orders, and permitting processes respecting, noise, lighting, construction site management, and circulation or encroachments during the construction of the development. A more complete review of Policy CHR-7 is provided in Attachment B, and staff find that the proposal is generally consistent with this enabling policy.

Other Relevant Policies of the Regional Centre SMPS

In addition to the enabling policy CHR-7, the general development agreement policy (IM-7) for the Regional Centre also applies. A more detailed review of Policy IM-7 is provided in Attachment B. The subject site is located within Halifax's North End, which is a serviced community containing a high level of services, infrastructure, and transit. The proposal is appropriate and not premature and is sited on lands suitable for development. The proposal has been reviewed by Halifax Regional Centre for Education, HRM Traffic Services, HRM Environment and Climate Change, and HRM Development Engineering, among other review agencies, who have expressed no anticipated concerns. Potential conflict between uses is

minimized through the same siting and design measures elaborated in the previous section of this report (see Enabling Policy).

Relevant Regional Plan Policies

Policy CH-5 of the *Regional Municipal Planning Strategy (Regional Plan)* requires that applications consider the retention, preservation, rehabilitation and restoration of historic buildings in urban and rural areas and encourage their continued use. This proposal will retain and rehabilitate St Mark's Church and enable its continued religious (institutional) use. Policy G14-A of the Regional Plan requires the consideration of HRM's priorities plans. Staff's review has found the proposal to align with the applicable policies and actions of the municipality's priorities plans, as outlined in Attachment B, including applicable policies and actions from the following priorities plans:

- Culture and Heritage Priorities Plan;
- Halifax's Inclusive Economic Strategy 2022-2027;
- HalifACT;
- Green Network Plan; and
- Integrated Mobility Plan.

Conclusion

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is generally consistent with the intent of Policy CHR-7 of the Regional Centre SMPS and other applicable policies. The main intent of these policies is to encourage the retention and rehabilitation of heritage properties through additional land use flexibility beyond what is permitted in the underlying zone. In this case, the proposed development represents infill development, with a built form that is compatible with the heritage character of the subject site and a density and use compatible with the surrounding neighbourhood. Therefore, staff recommend that the Heritage Advisory Committee recommend that Halifax and West Community Council approve the proposed development agreement as contained in Attachment A.

FINANCIAL IMPLICATIONS

The applicant will be responsible for all costs, expenses, liabilities, and obligations imposed under or incurred to satisfy the terms of this proposed development agreement. The administration of the proposed development agreement can be carried out within the approved 2025-2026 budget for Planning and Development.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application is being considered under existing SMPS policies. Community Council has the discretion to make decisions that are consistent with the SMPS, and such decisions may be appealed to the Nova Scotia Utility and Review Board.

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified.

ALTERNATIVES

1. The Heritage Advisory Committee may recommend that the Halifax and West Community Council choose to approve the proposed development agreement subject to modifications. Such modifications may require further negotiation with the applicant.

2. The Heritage Advisory Committee may recommend that the Halifax and West Community Council refuse the proposed development agreement.

LEGISLATIVE AUTHORITY

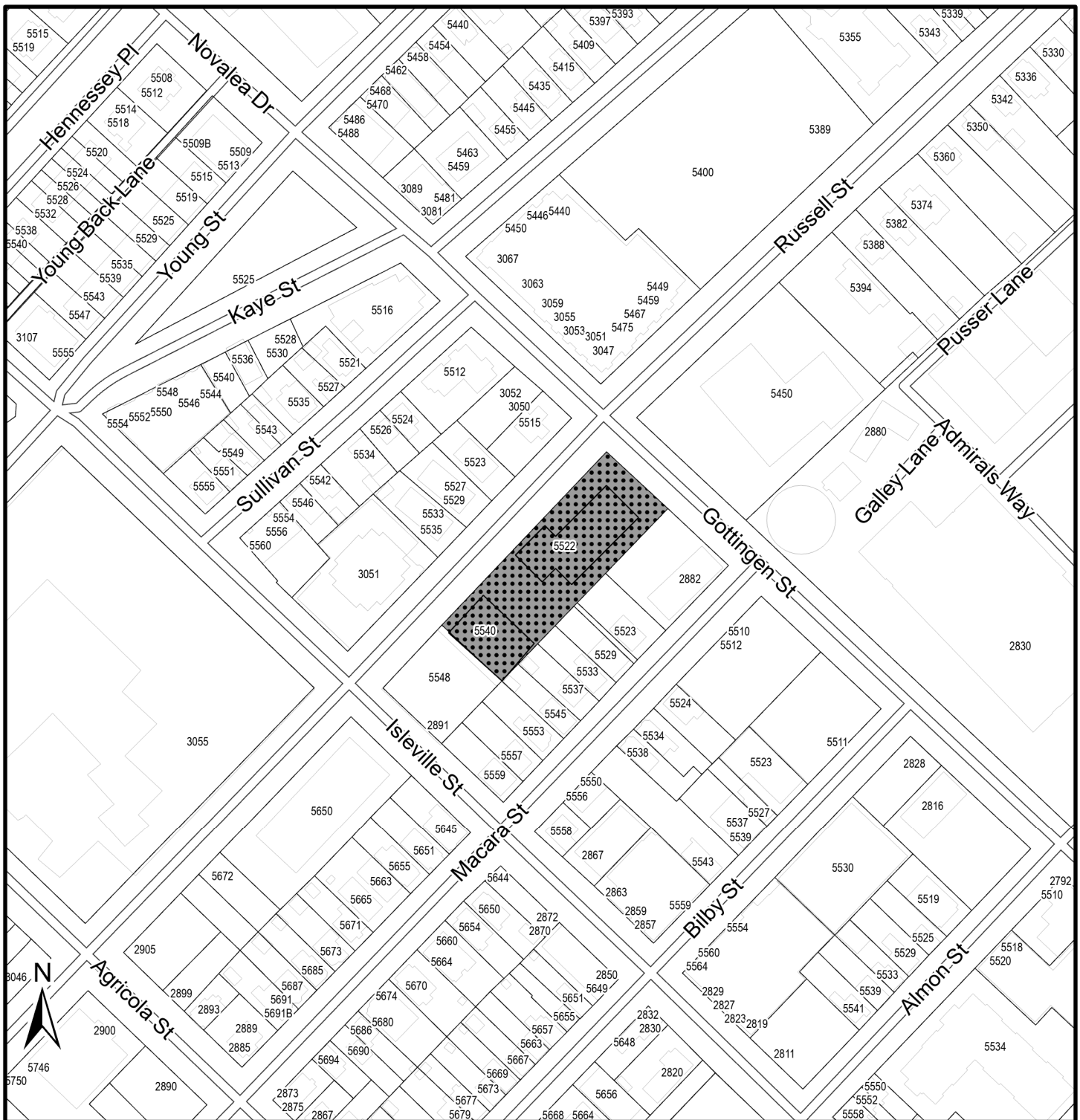
Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development.

ATTACHMENTS

Map 1: Location Map
Map 2: Generalized Future Land Use Map
Map 3: Zoning and Notification Map

Attachment A: Proposed Development Agreement
Attachment B: Policy Review
Attachment C: Public Engagement Summary

Report Prepared by: Carter Beaupre-McPhee, Planner III – Heritage, Planning and Development, 902.719.9604

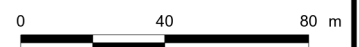


Map 1 - Location

5522-5540 Russell Street
Halifax

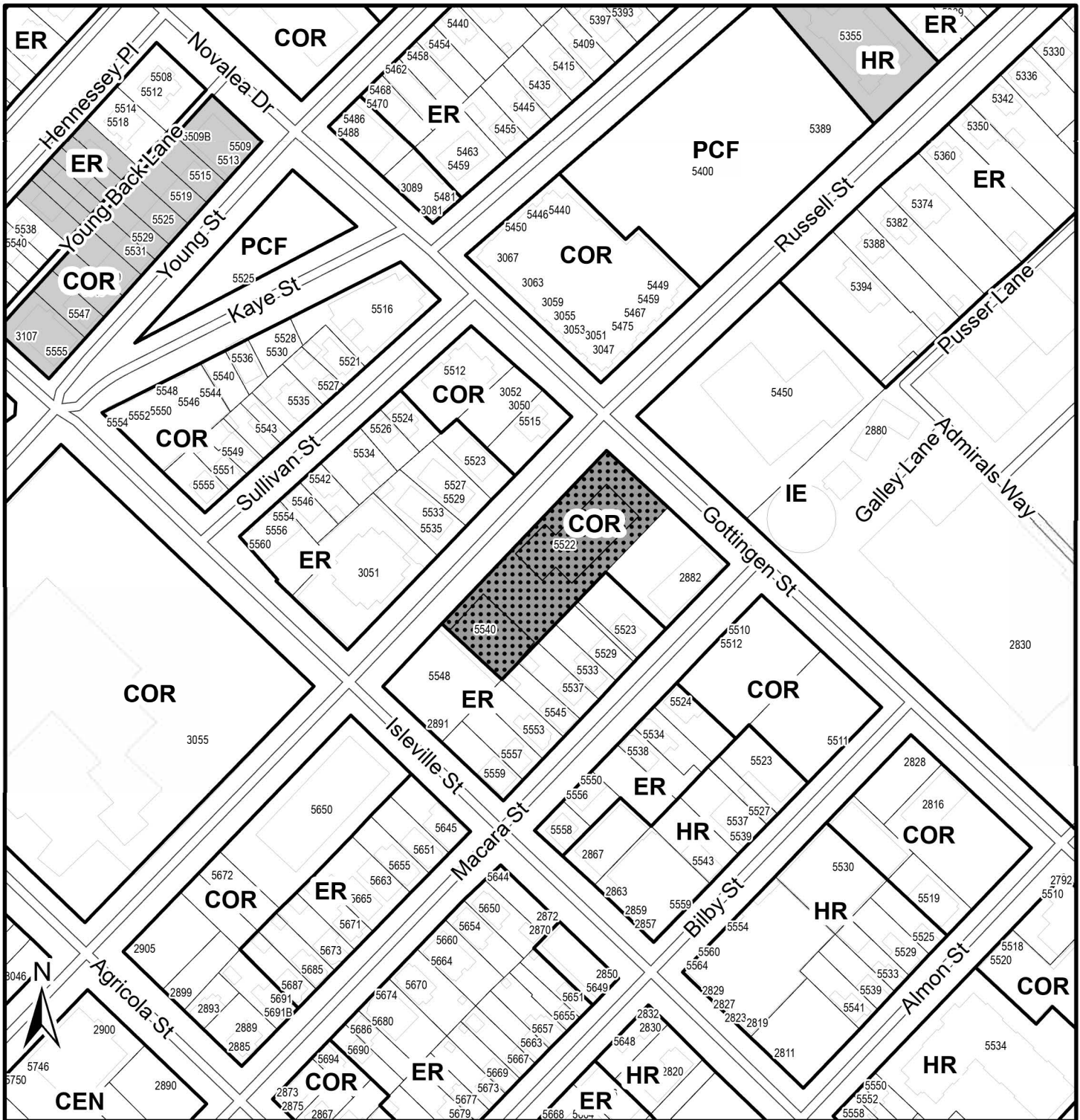
HALIFAX

 Subject Properties



Regional Centre
Land Use By-Law Area

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



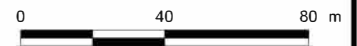
Map 2 - Generalized Future Land Use

5522-5540 Russell Street
Halifax

-  Subject Properties
-  Registered Heritage Properties

- | | |
|-----|-----------------------------|
| CEN | Centre |
| COR | Corridor |
| ER | Established Residential |
| HR | Higher-Order Residential |
| IE | Institutional Employment |
| PCF | Park and Community Facility |

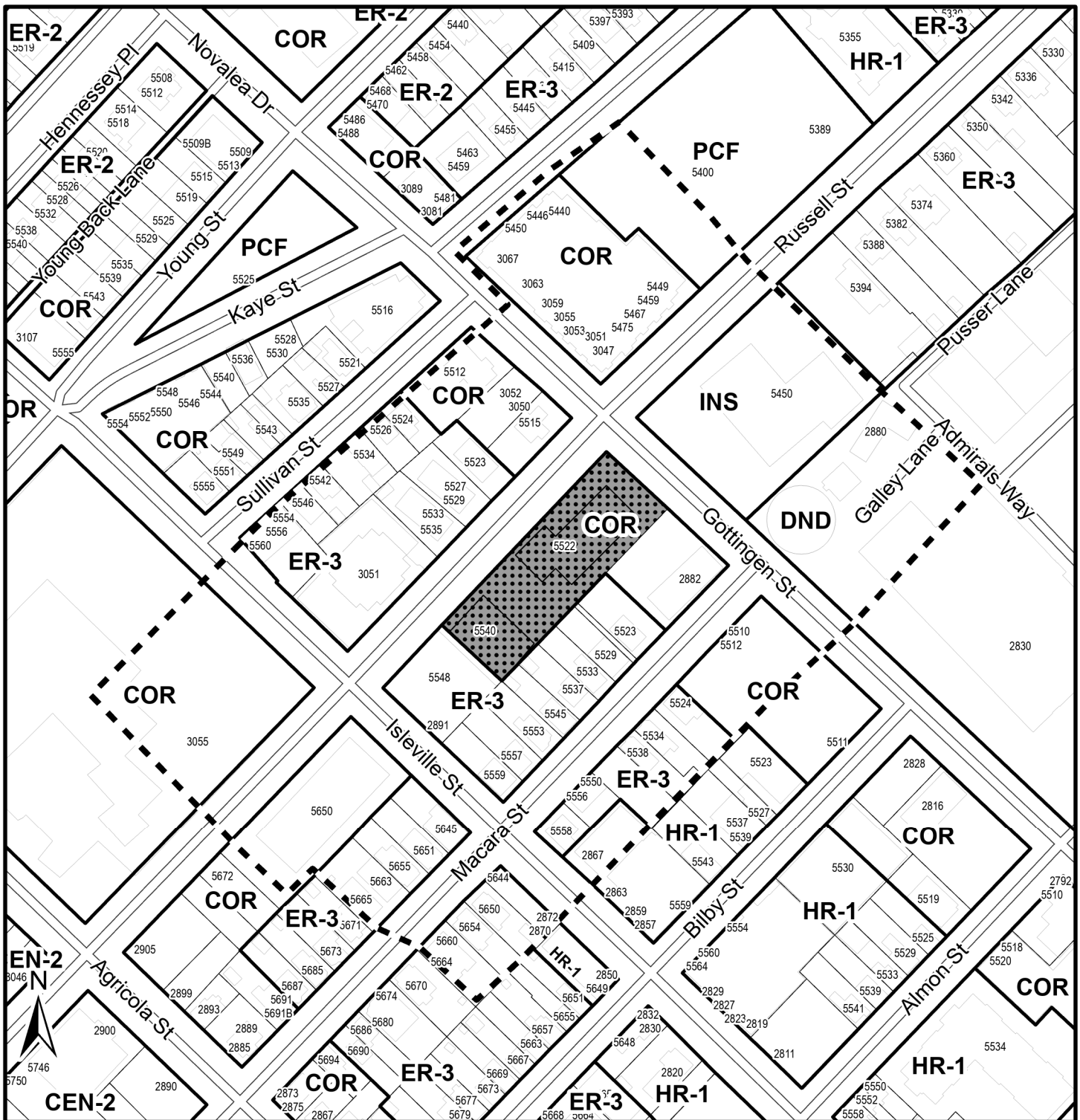
HALIFAX



Regional Centre
Land Use By-Law Area

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

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



Map 3 - Zoning and Notification Area

5522-5540 Russell Street
Halifax

 Subject Properties

 Area of Notification

Regional Centre
Land Use By-Law Area

CEN-2
COR
DND
ER-2
ER-3
HR-1
INS
PCF

Zone

Centre 2
Corridor
Department of National Defense
Established Residential 2
Established Residential 3
Higher-Order Residential 1
Institutional
Parks and Community Facilities

0 40 80 m

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: Development Agreement

THIS AGREEMENT made this day of **[Insert Month]**, 20

BETWEEN:

[INSERT NAME OF CORPORATION/BUSINESS LTD.] 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 5522-5540 Russell Street, Halifax and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Lands have been registered as a municipal heritage property pursuant to the provisions of the Municipality's Heritage Property By law (By-law H-200), as amended from time to time;

AND WHEREAS the Developer has requested approval by the Municipality to undertake substantial alterations to the Lands;

AND WHEREAS the Regional Council for the Municipality granted approval to this request at a meeting held on September 10, 2024, referenced as Municipal Case **HRTG-2023-00201**;

AND WHEREAS the Developer has requested that the Municipality enter into a Development Agreement to allow for ten-storey, multi-unit residential building on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policy CHR-7 of the Regional Centre Secondary Municipal Planning Strategy and Section 485 of the Regional Centre Land Use By-law;

AND WHEREAS the **Halifax and West Community Council** for the Municipality granted approval to this request at a meeting held on **[Insert – Date]**, referenced as Municipal Case **PLANAPP-2023-00150**;

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 Regional Centre Land Use By-law and the Regional Subdivision By-law, as amended from time to time.
- 1.2.2 Variances to the requirements of the Regional Centre Land Use By-law shall not be permitted.
- 1.2.3 Variations per the Regional Centre Land Use By-law shall not be permitted.

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 the on-site and off-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.

1.7 Lands

- 1.7.1 The Developer hereby represents and warrants to the Municipality that the Developer is the owner of the Lands and that all owners of the Lands have entered into this Agreement.

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 applicable Land Use By-law and Subdivision By-law, if not defined in these documents their customary meaning shall apply.

2.2 Definitions Specific to this Agreement

- 2.2.1 The following words used in this Agreement shall be defined as follows:
- (a) "Architect" means a professional, full member in good standing with the Nova Scotia Association of Architects;
 - (b) "Character-Defining Elements" means the materials, forms, location, spatial configurations, uses and cultural associations or meanings that contribute to the heritage value and that must be sustained in order to preserve heritage value;
 - (c) "Heritage Building" means the existing structure built c.1920-1921 at 5522 Russell Street, Halifax, also known as the "St. Mark's Church", the same having been designated a municipally registered heritage property;
 - (d) "HRM Substantial Alteration Report" means the staff recommendation report having the subject matter "Case HRTG-2023-00201: Substantial Alteration to St Mark's Church, a registered municipal heritage property at 5522-5544 Russell Street, Halifax" which was before Halifax Regional Council on September 10, 2024 as Attachment 1 to Item No. 15.4.1 on the agenda and was approved on that day by Halifax Regional Council;
 - (e) "Landscape Architect" means a professional, full member in good standing with the Canadian Society of Landscape Architects;
 - (f) "Mechanical Penthouse" means an enclosed rooftop space used for mechanical and/or amenity uses, but not used for human habitation;
 - (g) "New Building" means the ten-storey, multi-unit residential new structure to be constructed at the western portion of the Lands, pursuant to this Agreement;
 - (h) "Open Space" means the informal landscaped space along the sides of the Heritage Building and New Construction;
 - (i) "Professional Engineer" means a professional, full member in good standing with the Association of Professional Engineers of Nova Scotia;
 - (j) "Substantial Alteration" means any action that affects or alters the Character-Defining Elements of a municipally registered heritage property; and
 - (k) "Surveyor" means a land surveyor who is a registered member in good standing of the Association of Nova Scotia Land Surveyors.

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 with the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as PLANAPP-2023-00150:

Schedule A	Legal Description of the Land(s)
Schedule B	Site Plan
Schedule C	Elevations and Renderings
Schedule D	Preliminary Landscape Plan
Schedule E	Heritage Building Summary

3.2 Requirements Prior to Approval

- 3.2.1 Prior to issuance of a Development Permit, the Developer shall provide the following to the Development Officer, unless otherwise permitted by the Development Officer:

- (a) Based on the sensitivity of the Heritage Building, the Developer is required to provide the Blasting Inspector the following information completed by a Professional Engineer in addition to the general requirements of Blasting By-law B-600 prior to a Blasting Permit being issued:
 - i. a structural analysis of the Heritage Building to determine its structural integrity;
 - ii. a proposal for limits for Frequency of Ground Vibration and Maximum Allowable Particle Velocity in mm/s such that blasting operations will attempt to cause no damage to the Heritage Building;
 - iii. a detailed blast plan for the proposed blasting on the Lands; and
 - iv. a monitoring plan for the detailed blast plan for the proposed blasting site.
- (b) Written confirmation from a structural engineer that all landscape areas designed to be installed on any rooftop level of the building are able to support any additional weight caused by the landscaped area.
- (c) A structural analysis of the Heritage Building, prepared by a Professional Engineer, including recommendations for any necessary stabilization or reinforcement measures required prior to the partial demolition of the c.1960s rear addition to the Heritage Building.
- (d) A pedestrian wind impact assessment in accordance with the protocol and performance standards of the applicable land use by-law as amended from time to time;
- (e) An incentive or bonus agreement in accordance with the Regional Centre Land Use By-law, as amended from time to time;
- (f) A Landscape Plan stamped by a certified Landscape Architect in accordance with Section 3.11 of this Agreement;
- (g) An Outdoor Lighting Plan in accordance with the requirements of Section 3.10 of this Agreement; and
- (h) Written confirmation from an Architect that the construction plans meet the architectural requirements of Sections 3.5 and 3.7 and Schedules B and C of this Agreement and the HRM Substantial Alteration Report.

- 3.2.2 Prior to the issuance of any Occupancy Permit for the New Building, the Developer shall provide the following to the Development Officer, unless otherwise permitted by the Development Officer:

- (a) written confirmation from a Landscape Architect which the Development Officer may accept as sufficient record of compliance with the Preliminary Landscape Plan provided in Schedule D or the posting of security in accordance with Section 3.11.5 of this Agreement;
- (b) written confirmation from an Architect that construction has been completed in accordance with Sections 3.5 and 3.7 of this Agreement, the HRM Substantial Alteration Report, and the development permit issued; and
- (c) written confirmation from an HRM heritage planner indicating that all conservation, repair, and rehabilitation work proposed for the Heritage Building has been completed to the extent described in Section 3.8 of this Agreement and depicted in the HRM Substantial Alteration Report.

3.2.3 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the New Building 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 General Description of Land Use

3.3.1 The use(s) of the Lands permitted by this Agreement are the following:

- (a) a comprehensive development consisting of two main buildings on the Lands, located adjacent to but separate from one another, including a 10-storey New Building and the existing Heritage Building;
- (b) within the New Building, a maximum of eighty-two (82) residential units;
- (c) within the Heritage Building, any uses permitted within the zone applied to the Lands subject to the provisions contained within the applicable Land Use By-law as amended from time to time; and
- (d) backyard suites shall not be permitted.

3.3.2 The Development Officer may permit unenclosed structures attached to a main building such as verandas, decks, porches, steps, and mobility disabled ramps to be located within the required minimum front, flanking, side, and rear yards in conformance with the provisions of the applicable land use by-law, as amended from time to time.

3.4 Main Buildings Per Lot and Subdivision of the Lands

3.4.1 There shall be a maximum of two main buildings on the Lands, those being the Heritage Building and the New Building.

3.4.2 Subdivision of the Lands shall not be permitted where such subdivision would result in the New Building and Heritage Building being on separate parcels of land.

3.5 New Building Siting and Built Form

3.5.1 The New Building's siting, bulk and scale shall conform to the following:

- (a) the maximum height of the New Building shall not exceed 30.0 metres;
- (b) lot coverage, inclusive of both the New Building and the Heritage Building, shall not exceed sixty percent (60%);

- (c) any portion of the New Building either above or below grade, shall have a minimum required flanking setback of 0.3 metres;
- (d) the minimum required rear setback for the New Building shall be 0.6 metres;
- (e) the minimum required front and side setbacks shall be in accordance with the Regional Centre Land Use By-law, as amended from time to time;
- (f) where setbacks of less than 1.22 metres are permitted, they are subject to a detailed review by the Development Officer to ensure compliance with all relevant building codes and by-laws. Any excavation, construction or landscaping will be carried out in a safe manner, with the appropriate measures put into place to ensure the protection and preservation of the adjacent properties;
- (g) a minimum separation distance of 4.4 metres shall be provided between the New Building and Heritage Building on the Lands;
- (h) there shall be minimum front, flanking, and side setbacks of 2.0 metres above the New Building's three-storey streetwall;
- (i) notwithstanding Section 3.5.1(h), a maximum twenty percent (20%) of the width of the portion of the New Building above the three-storey streetwall may be exempted from the flanking setback requirement;
- (j) the built form and siting of the Mechanical Penthouse and any elevator overruns shall be in accordance with the general built form and siting requirements for building rooftop features in the applicable land use by-law, as amended from time to time; and
- (k) notwithstanding Section 3.5.1(j), a maximum ten percent (10%) of the perimeter of the roof edge may be exempted from the minimum setback from roof edge requirements of the applicable land use by-law, as amended from time to time.

3.6 Amenity Space Requirements

- 3.6.1 The New Building shall provide indoor/outdoor amenity space in accordance with the requirements of the Regional Centre Land Use By-law, as amended from time to time.

3.7 Architectural Requirements

- 3.7.1 The New Building's architectural design shall conform to the following:
 - (a) the streetwall height of the New Building shall be three storeys;
 - (b) the New Building's streetwall shall meet articulation requirements of the Regional Centre Land Use By-law, as amended from time to time;
 - (c) notwithstanding Section 3.7.1(b) up to 20% of the Russell Street streetwall may be exempt from the requirements for streetwall articulation in the Regional Centre Land Use By-law, as amended from time to time.
 - (d) the New Building's streetwall design shall be as generally shown in Schedule C;
 - (e) grade-related dwelling units shall be incorporated into the streetwall facing Russell Street and shall conform with applicable requirements in the Regional Centre Land Use By-law, as amended from time to time;
 - (f) the Russell Street streetwall (the first three storeys of the New Building facing Russell Street) shall be clad in brick or tile giving the appearance of brick;
 - (g) all other portions of the first three storeys of the New Building shall be clad in brick, tile giving the appearance of brick, or dark grey or black cladding;

- (h) all portions of the New Building above the third storey shall be clad in white, black, or dark grey cladding; however, this requirement shall not restrict the Developer's ability to introduce artwork such as murals on the western façade;
 - (i) vinyl and corrugated metal cladding shall not be permitted on the New Building;
 - (j) The windows of the New Building shall be either black or white.
- 3.7.2 The main entrance(s) to the New Building shall conform with pedestrian entrance design requirements of the Regional Centre Land Use By-law, as amended from time to time. At least one main entrance shall face Russell Street. Service entrances shall be integrated into the design of the New Building and shall not be a predominant feature.
- 3.7.3 Architectural treatment shall be continued around the north, east, and south sides of the New Building as identified on Schedule C.
- 3.7.4 Any exposed foundation in excess of 0.6 metres in height and 10 square metres in total area shall be architecturally detailed, veneered with stone or brick or treated in an equivalent manner acceptable to the Development Officer.
- 3.7.5 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.
- 3.7.6 The New Building shall be designed such that the mechanical systems (HVAC, exhaust fans, etc.) are not visible from Russell Street, Gottingen Street, or abutting residential properties. Furthermore, no mechanical equipment or exhaust fans shall be located between the New 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.
- 3.7.7 All roof-mounted mechanical or telecommunication equipment shall be visually integrated into the roof design or screened from public view.

3.8 Heritage

Rights to Alter or Demolish

- 3.8.1 The Developer covenants and agrees that it shall not demolish the Heritage Building or alter its exterior appearance in any manner without the written consent of the Municipality.
- 3.8.2 Alterations to the exterior appearance of the Heritage Building or its Character-Defining Elements are subject to the *Heritage Property By-law (By-law H-200)* and the *Heritage Property Act*.

Character-Defining Elements

- 3.8.3 Character-Defining Elements shall be maintained and repaired or replaced in-kind and not removed without approval from the Municipality. These Character-Defining Elements of the Heritage Building include but are not limited to:
- (a) steeply pitched gable roof;
 - (b) brick construction;
 - (c) mostly symmetrical façade with asymmetrical flanking towers;
 - (d) two-storey southern tower with octagonal turret roof;
 - (e) three-storey northern tower with octagonal wooden belfry and octagonal turret roof;

- (f) gothic-arch and lancet windows with drip mouldings throughout;
- (g) rose window on eastern elevation;
- (h) buttresses along northern and southern elevations;
- (i) octagonal projecting bay on the northern elevation;
- (j) projecting front vestibule with three portals, pilasters with capitals, drip mouldings, and transom windows; and
- (k) western apse with large gothic-arch window.

Substantial Alterations

- 3.8.4 Any substantial alterations to the Character-Defining Elements of the Heritage Building as identified in Schedule E shall be consistent with the HRM Substantial Alteration Report.
- 3.8.5 The Developer shall carry out the following substantial alterations in accordance with the HRM Substantial Alteration Report:
- (a) construction of a ten-storey, multi-unit residential building at 5522-5540 Russell Street in Halifax, as per the conditions of this Agreement; and
 - (b) rehabilitation of the western exterior wall of the Heritage Building, after removal of the western portion of the c.1960s rear addition.

Non-Substantial Alterations

- 3.8.6 The Developer shall carry out the following non-substantial alterations as part of the proposed rehabilitation/restoration work to the Heritage Building:
- (a) repair and sealing of foundation cracks;
 - (b) repair of concrete stairs;
 - (c) rehabilitation of deteriorated brick masonry;
 - (d) rehabilitation of exterior doors;
 - (e) rehabilitation of the wooden belfry & steeple;
 - (f) rehabilitation of window mouldings; and
 - (g) improvements to thermal performance and moisture protection.
- 3.8.7 Any non-substantial alterations to the exterior appearance of the Heritage Building, including those listed in Section 3.8.6 of this Agreement, as well as future maintenance and repair of the Heritage Building, shall be conducted with the approval of an HRM heritage planner at the time of permitting, and in accordance with the *Standards and Guidelines for the Conservation of Historic Places in Canada, 2nd Edition*.

3.9 Parking, Circulation and Access

- 3.9.1 Surface parking/loading areas and the shared driveway shall be sited as generally shown on Schedule B.
- 3.9.2 Parking areas shall be accessed from Russell Street.
- 3.9.3 An underground parking area shall be provided, including no less than 18 and no more than 41 vehicle parking spaces.

- 3.9.4 The surface “parish parking/loading” area (as shown on Schedule B) shall be hard surfaced, and the limits of the surface parking area shall be defined by fencing or landscaping or curb.
- 3.9.5 Bicycle parking shall be provided in accordance with the requirements of the Regional Centre Land Use By-law, as amended from time to time.

3.10 Outdoor Lighting

- 3.10.1 Lighting shall be directed to driveways, parking areas, loading areas, building entrances and walkways and shall be arranged so as to divert the light away from streets, adjacent lots and buildings.
- 3.10.2 The New Building and Heritage Building may be illuminated for visual effect provided such illumination is directed away from streets, adjacent lots and buildings and does not flash, move or vary in intensity such that it creates a hazard to public safety.

3.11 Landscaping

- 3.11.1 All plant material shall conform to the *Canadian Nursery Landscape Association's Canadian Nursery Stock Standard (Ninth Edition)*.
- 3.11.2 Prior to the issuance of any Development Permit, the Developer agrees to provide a Landscape Plan that complies with the provisions of this section, with the landscaped buffer requirements of the Regional Centre Land Use By-law, as amended from time to time, and that generally conforms with the overall intentions of the Preliminary Landscape Plan (Schedule D). The Landscape Plan shall be prepared by a Landscape Architect.
- 3.11.3 Notwithstanding Section 3.11.2 the landscape buffer shall be permitted to be 2.0m wide, provided it otherwise conforms with the requirements of the Regional Centre Land Use By-law, as amended from time to time.
- 3.11.4 Prior to issuance of the first Occupancy Permit the Developer shall submit to the Development Officer a letter prepared by a Landscape Architect certifying that all landscaping has been completed according to the terms of this Agreement.
- 3.11.5 Notwithstanding Section 3.11.4, where the weather and time of year do not allow the completion of the outstanding landscape works prior to the issuance of the Occupancy Permit, the Developer may supply a security deposit in the amount of one hundred and ten percent (110%) of the estimated cost to complete the landscaping. The cost estimate is to be prepared by a member in good standing of the Canadian Society of Landscape Architects. 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 work as described herein and illustrated on the Schedules, 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 as set out in this section of the Agreement. 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.
- 3.11.6 All landscape areas designed to be installed upon any portion of the building must be supported by documentation from a structural engineer indicating that the building design is able to support any required drainage or additional weight caused by the landscaped area.
- 3.11.7 Through the course of development, the Developer shall abide by all applicable regulations of *By-law Number T-600, Respecting Trees on Public Lands*.

3.12 Maintenance

- 3.12.1 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 buildings, 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.

3.13 Signs

- 3.13.1 The sign requirements shall be in accordance with the Regional Centre Land Use By-law, as amended from time to time.
- 3.13.2 Signs depicting the name or corporate logo of the Developer shall be permitted while a sales office is located on the Lands.
- 3.13.3 Signs shall only be externally illuminated.

3.14 Temporary Construction Building

- 3.14.1 A building 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 construction building shall be removed from the Lands prior to the issuance of the last Occupancy Permit.

3.15 Screening

- 3.15.1 Refuse containers located outside the New Building and Heritage Building shall be fully screened from adjacent properties and from streets by means of opaque fencing or masonry walls with suitable landscaping.
- 3.15.2 Propane tanks and electrical transformers shall be located on the Lands in such a way to ensure minimal visual impact from Russell Street and abutting residential properties. These facilities shall be secured in accordance with the applicable approval agencies and screened by means of opaque fencing or masonry walls with suitable landscaping.
- 3.15.3 Mechanical equipment shall be permitted on the roof provided the equipment is screened and not visible from the public right-of-way or is incorporated into the architectural treatments and roof structure.
- 3.15.4 Any mechanical equipment shall be screened from view from the public right-of-way with opaque fencing, landscaping, or architectural elements.

3.16 Hours of Operation

- 3.16.1 Institutional uses shall be permitted to operate between the hours of 6:00am and midnight.
- 3.16.2 Deliveries to the buildings, and the collection of refuse and recyclables, shall occur only between the hours of 6:00am and midnight.
- 3.16.3 Notwithstanding Section 3.16.1, on December 24th and 25th, as well as on the eve and day of Easter (moveable), religious institutional uses shall be permitted to operate as per Section 3.16.4 and shall not be restricted by this Agreement.

- 3.16.4 Hours of operation shall conform with all relevant Municipal and Provincial legislation and regulations, as may be amended from time to time.

3.17 Reinstatement

- 3.17.1 All disturbed areas shall be reinstated to original condition or better.

PART 4: STREETS AND MUNICIPAL SERVICES

4.1 General Provisions

- 4.1.1 All design and construction of primary and secondary service systems shall satisfy the most current edition of the Municipal Design Guidelines and Halifax Water Design and Construction Specifications unless otherwise provided for in this Agreement and shall receive written approval from HRM Development Engineering prior to undertaking the work.

4.2 Off-Site Disturbance

- 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 Undergrounding Services

- 4.3.1 All primary and secondary services running from the public right-of-way to the New Building, such as electrical, telephone and cable, shall be provided as underground installation.

4.4 Solid Waste Facilities

- 4.4.1 The New Building shall be designed in accordance with *By-law S-600*, as amended from time to time. This designated space shall be shown on the building plans and approved by the Development Officer and Building Inspector in consultation with HRM Solid Waste Resources.
- 4.4.2 All refuse and recycling materials shall be contained within a building, or within suitable containers which are fully screened from view from any street or sidewalk. Further, consideration shall be given to locating of all refuse and recycling material to ensure minimal effect on abutting property owners by means of opaque fencing or masonry walls with suitable landscaping.

PART 5: ENVIRONMENTAL PROTECTION MEASURES

5.1 Private Storm Water Facilities

- 5.1.1 All private storm water facilities shall be maintained in good order to maintain full storage capacity by the owner of the lot on which they are situated.

5.2 Stormwater Management Plans and Erosion and Sedimentation Control Plan

- 5.2.1 Prior to the commencement of any site work on the Lands, including earth movement or tree removal other than that required for preliminary survey purposes, or associated off-site works, the Developer shall have been issued a Grade Alteration Permit in accordance with *By-law G-200*

Respecting Grade Alteration and Stormwater Management Associated with Land Development, as amended from time to time.

5.3 Archaeological Monitoring and Protection

- 5.3.1 The Lands fall within the High Potential Zone for Archaeological Sites identified by the Province of Nova Scotia. The Developer shall contact the Coordinator of Special Places of the Nova Scotia Department of Communities, Culture and Heritage prior to any disturbance of the Lands and the Developer shall comply with the requirements set forth by the Province of Nova Scotia in this regard.

5.4 Sulphide Bearing Materials

- 5.4.1 The Developer agrees to comply with the legislation and regulations of the Province of Nova Scotia with regards to the handling, removal, and disposal of sulphide bearing materials, which may be found on the Lands.

PART 6: AMENDMENTS

6.1 Non-Substantive Amendments

- 6.1.1 The following items are considered by both parties to be non-substantive and may be amended in a matter consistent with the *Halifax Regional Municipality Charter*:
- (a) changes to Schedules B, C, and D provided:
 - i. the changes do not conflict with the text of this Agreement; or
 - ii. if the changes conflict with Section 3.5.1(a-d, g-i, and k) or 3.7.1(c) of this Agreement, such changes do not:
 - a. increase lot coverage or maximum building height by more than two percent (2%);
 - b. reduce front, flanking, side, or rear setbacks or stepbacks by more than two percent (2%);
 - c. reduce minimum separation distance by more than two percent (2%); or
 - d. increase stepback or articulation exemptions by more than two percent (2%);
 - (b) changes to Section 3.3.1(b) of this Agreement to increase the maximum number of residential units permitted in the New Building up to 86 units, provided that the massing and scale of the New Building does not increase, except pursuant to Section 6.1.1(a), and conditional on the review and approval of an amended traffic impact statement by HRM Traffic Services;
 - (c) changes to Section 3.8.7 of this Agreement which alter the scope of the rehabilitation/restoration work proposed for the Heritage Building, subject to the approval of an HRM heritage planner who shall be satisfied that the level of investment in heritage conservation work remains commensurate to the additional development rights beyond as-of-right being awarded by this Agreement;
 - (d) the granting of an extension to the date of commencement of construction as identified in Section 7.4 of this Agreement; and
 - (e) the granting of an extension to the length of time for the completion of the development as identified in Section 7.5 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 the Chief Administrative Officer for the Municipality.
- 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 Issuance of Building Permit

- 7.3.1 In the event that a building permit for development on the Lands has not been issued by October 11, 2026, the Lands shall conform with the provisions of the Regional Centre Land Use By-law, as amended from time to time.

7.4 Commencement of Development

- 7.4.1 In the event that development on the Lands has not commenced three (3) years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Lands shall conform with the provisions of the Regional Centre Land Use By-law, as amended from time to time.
- 7.4.2 For the purpose of this section, commencement of development shall mean installation of footings and foundation.
- 7.4.3 For the purpose of this section, the Municipality may consider granting an extension of the commencement of development time period through a resolution under Section 6.1.1, if the Municipality receives a written request from the Developer.

7.5 Completion of Development

- 7.5.1 Upon the completion of the whole development, the Municipality 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 and apply appropriate zoning pursuant to the applicable Municipal Planning Strategy and land use by-law, as may be amended from time to time.

7.5.2 For the purpose of this section, completion of development shall mean issuance of an Occupancy Permit.

7.5.3 In the event that development on the Lands has not been completed within seven (7) years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Lands shall conform with the provisions of the land use by-law, as amended from time to time.

7.6 Discharge of Agreement

7.6.1 If the Developer fails to complete the development after seven (7) years from the date of execution of this Agreement, the Municipality 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 and apply appropriate zoning pursuant to the applicable municipal planning strategy and land use by-law, as may be amended from time to time.

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 thirty (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.

IN WITNESS WHEREAS the said parties to these presents have hereunto set their hands and affixed their seals the day and year first above written.

SIGNED, SEALED AND DELIVERED in the presence of:

(Insert Registered Owner Name)

Witness

Per: _____

Print Name: _____

Date Signed: _____

=====

=====

SIGNED, DELIVERED AND ATTESTED to by the proper signing officers of Halifax Regional Municipality, duly authorized in that behalf, in the presence of:

HALIFAX REGIONAL MUNICIPALITY

Witness

Per: _____
MAYOR

Date signed: _____

Witness

Per: _____
MUNICIPAL CLERK

Date signed: _____

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this _____ day of _____, A.D. 20____, before me, the subscriber personally came and appeared _____ a subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that _____, _____ of the parties thereto, signed, sealed and delivered the same in his/her presence.

A Commissioner of the Supreme Court
of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this _____ day of _____, A.D. 20____, before me, the subscriber personally came and appeared _____ the subscribing witness to the foregoing indenture who being by me sworn, made oath, and said that Andy Fillmore, Mayor and Iain MacLean, Clerk of the Halifax Regional Municipality, signed the same and affixed the seal of the said Municipality thereto in his/her presence.

A Commissioner of the Supreme Court
of Nova Scotia

SCHEDULE A

LEGAL DESCRIPTION OF THE LANDS

PID 00127332

All that certain lot, piece or parcel of land (PID 00127332) situate, lying and being at Halifax, in the County of Halifax, Province of Nova Scotia, being more particularly described as follows:

BEGINNING on the southwestern boundary of Gottingen Street at the most northern corner of Lot 123A, as shown on Plan filed at the Registry of Deeds for the County of Halifax under No. 91361791, and running;

THENCE south 43 degrees 56 minutes 05 seconds west, along the northwestern boundary of said Lot 123A, and continuing along the northwestern boundary of Lot 108A, a total distance of 160.17 feet, to a point on the former Lot 10, as shown on Plan filed at the Registry of Deeds for the County of Halifax, under No. 468;

THENCE continuing south 43 degrees 56 minutes 05 seconds west, along a 6 foot portion of Lot 10, Lot 12, Lot 14, Lot 16 and Lot 18, and or to the most easterly corner of Lot A, as shown on Plan filed at the Registry of Deeds for the County of Halifax under No. 9487;

THENCE northwesterly, along the northeastern boundary of said Lot A, a distance of 100 feet, to the southeastern boundary of Russell Street;

THENCE northeasterly, along the said southeastern boundary of Russell Street, to the said southwestern boundary of Gottingen Street;

THENCE south 46 degrees 50 minutes 10 seconds east, along the said southwestern boundary of Gottingen Street, a plan distance of 100 feet, to the place of beginning.

All bearings are referenced to Grid North.

*** Municipal Government Act, Part IX Compliance ***

Compliance:

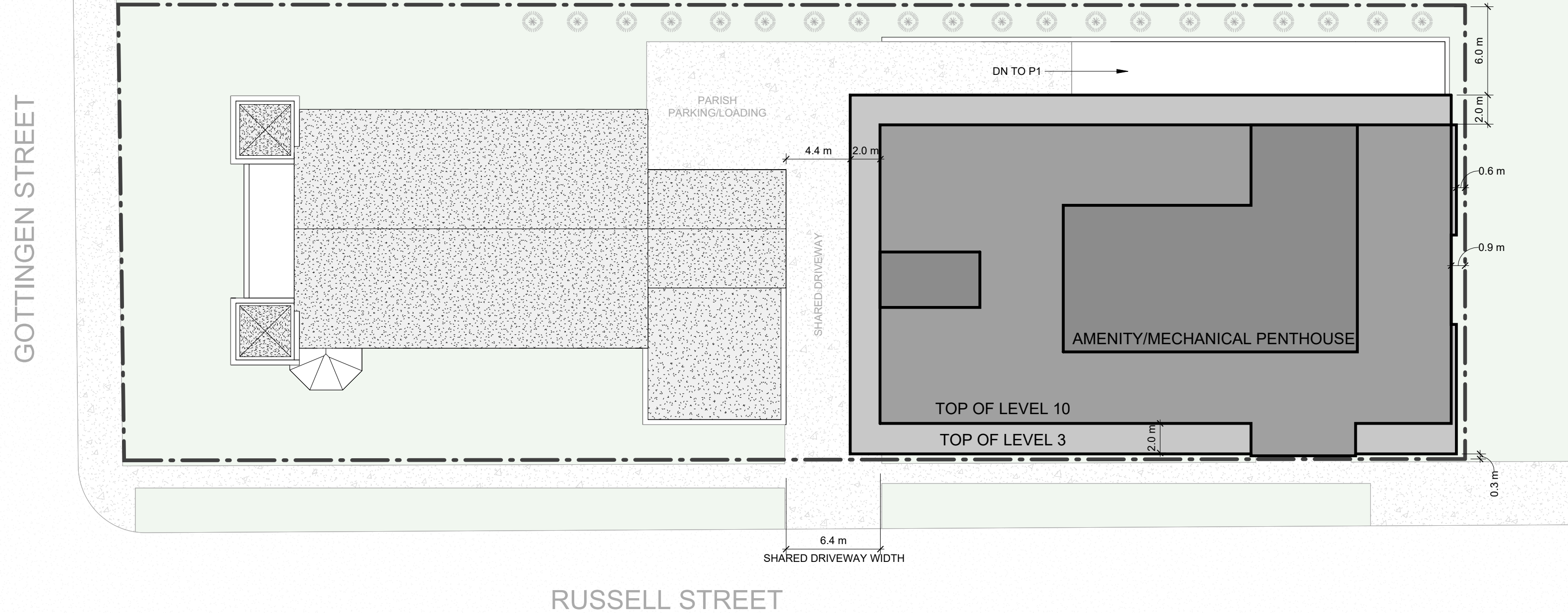
The parcel is created by a subdivision (details below) that has been filed under the Registry Act or registered under the Land Registration Act

Registration District: HALIFAX COUNTY

Registration Year: 1969

Plan or Document Number: 9487

SCHEDULE B
SITE PLAN

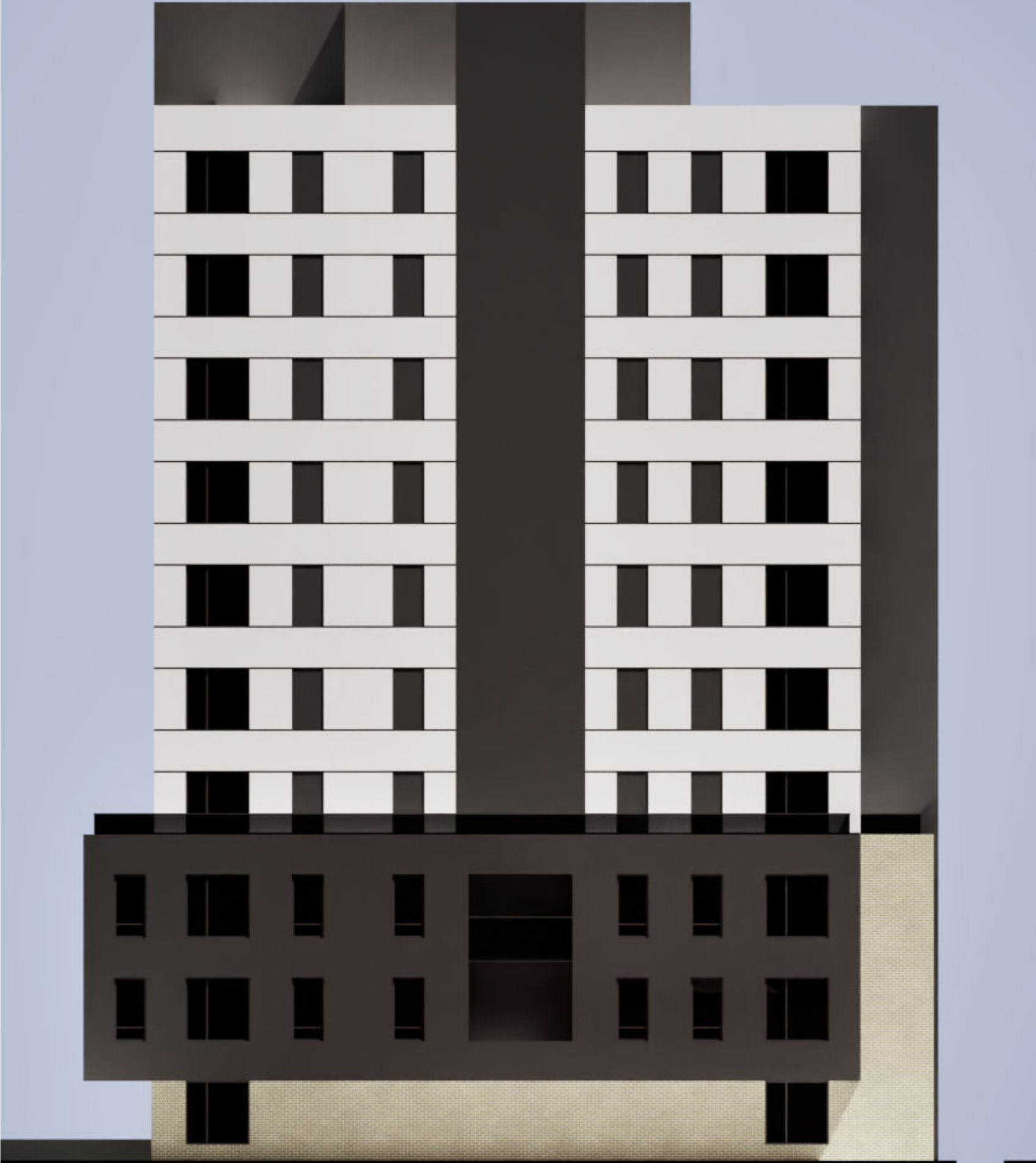


SCHEDULE C
ELEVATIONS & RENDERS

Eastern Elevation (Gottingen Street)



Eastern Elevation (Gottingen Street, unobscured view)



Northern Elevation (Russell Street)





Western Elevation



Dark panel cladding

Light panel cladding

Podium Detail
(Russell Street)





Pedestrian View 1



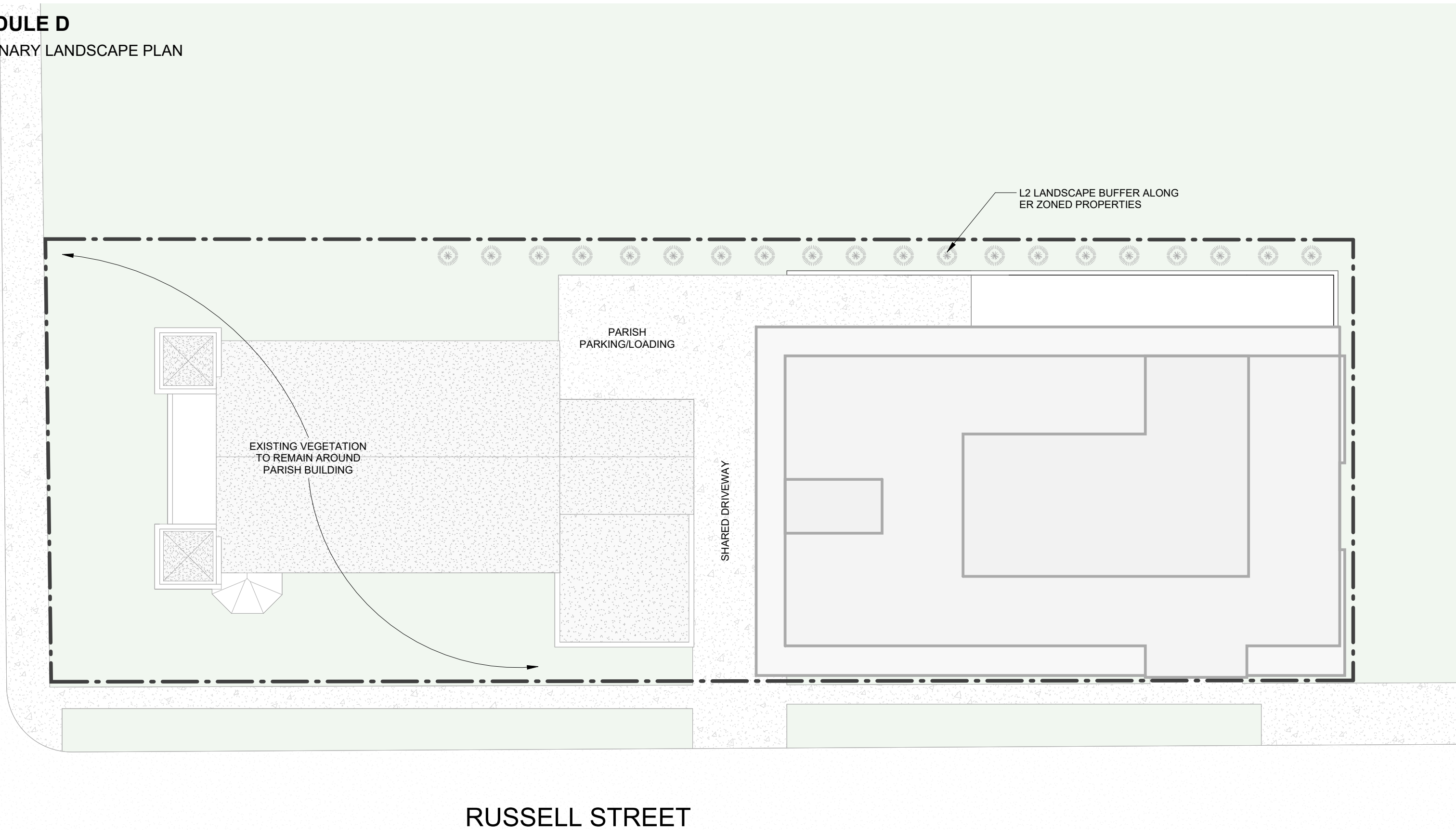
Pedestrian View 2



Pedestrian View 3

SCHEDULE D
PRELIMINARY LANDSCAPE PLAN

GOTTINGEN STREET



Russell Street
5522 Russell Street, Halifax NS

Preliminary Landscape Plan

Project No: 2022-08
Scale: 3/64" = 1'-0"
Date: 2025-02-19 8:15:32 AM



WM FARES
ARCHITECTS

SCH D

SCHEDULE E

HERITAGE BUILDING SUMMARY

St Mark's Church, 5522 Russell Street, Halifax (c.1920-1921)



Character-Defining Elements:

- steeply pitched gable roof;
- brick construction;
- mostly symmetrical façade with asymmetrical flanking towers;
- two-storey southern tower with octagonal turret roof;
- three-storey northern tower with octagonal wooden belfry and octagonal turret roof;
- gothic-arch and lancet windows with drip mouldings throughout;
- rose window on eastern elevation;
- buttresses along northern and southern elevations;
- octagonal projecting bay on the northern elevation;
- projecting front vestibule with three portals, pilasters with capitals, drip mouldings, and transom windows; and
- western apse with large gothic-arch window.

Heritage Value:

St Mark's Church (5522 Russell St) was added to the Registry of Heritage Properties for Halifax Regional Municipality in 1995. The church was designed by architect Walter Johannes Busch, designer of numerous schools, churches, clubhouses, and residences in Halifax. The present church building was constructed c.1920-1921 to replace the previous wooden St Mark's Church which was destroyed in the 1917 Halifax Explosion. St Mark's Church has served a prominent role as the Garrison Church for the Royal Canadian Regiment and the Royal Canadian Navy until 1970, hosting various important ceremonies related to military life in addition to regular services. Military parades regularly marched on Sundays to St Mark's Church from the Wellington Barracks and HMC Dockyard.

The church is a strong example of the gothic revival style with a high level of heritage integrity. The gothic revival style is readily apparent in the design's liberal use of gothic-arched and lancet windows, visible buttressing, large rose window, and its two towers flanking the front vestibule.

ATTACHMENT B

PLANNING POLICY REVIEW

The following document reviews the policies which apply to PLANAPP-2023-00150: Application for a Heritage Development Agreement for a mixed-use addition at 5522-40 Russell Street, Halifax (St Marks Church).

The applicable policies which have been reviewed include:

- The *Standards and Guidelines for the Conservation of Historic Places in Canada, 2nd Ed.*
- Applicable policies in the *Regional Centre Secondary Municipal Planning Strategy*; and
- Applicable policies of the *Halifax Regional Municipal Planning Strategy* (Regional Plan), including Policy G14-A considering priorities plans.

Standards and Guidelines

Standard	Comments
Standard 1 Conserve the heritage value of an historic place. Do not remove, replace or substantially alter its intact or repairable character defining elements. Do not move a part of an historic place if its current location is a character-defining element.	The proposal does not remove any repairable character-defining elements. All elements of St Mark's Church will be carefully examined for condition and are to be replaced only where it is demonstrated that they are beyond repair. Substantial alterations will be carried out only in accordance with the associated HRM Substantial Alterations Report approved by Halifax Regional Council on September 10 th , 2024. St Mark's Church will not have its location or orientation altered.
Standard 2 Conserve changes to an historic place that, over time, have become character-defining elements in their own right.	The changes that have occurred over time to St. Mark's Church, such as the addition of the rose window in 1983, and other window modifications commemorating events and members of the congregation, are character-defining elements and all will be retained. The existing c.1960s rear addition is not a character-defining element of the church but is also not wholly unsympathetic to the design and character of the church. The addition will not be fully removed, but instead altered to reduce its footprint, making room for a driveway and providing a physical separation between the heritage building and the new construction. The partial removal will expose the original rear wall of the church apse. The alteration of this addition and rehabilitation/reinstatement of the original rear wall will be carried out in accordance with the approved HRM Substantial Alterations Report.
Standard 3 Conserve heritage value by adopting an approach calling for minimal intervention.	The <i>Standards and Guidelines</i> note that minimal intervention is not to be rigidly understood as doing "little, nothing, or the least possible". But rather it is understood to mean identifying interventions which "balance technical and programmatic requirements with protecting heritage value". The construction of a ten-storey multi-unit residential building, separate from and to the rear of St Mark's Church, is necessary to provide the property with a new compatible use, an immediate source of funding to substantially rehabilitate the heritage building and its character-defining elements, and an ongoing long-term

	revenue source to enable the heritage building's continued maintenance. The proposed substantial alterations, including the removal of a portion of the c.1960s rear addition and rehabilitation/reinstatement of the original rear wall, are viewed as a necessary and acceptable balance between technical and programmatic requirements of the new compatible use and protection of St Mark's Church's heritage value. Non-substantial alterations will include most of the repair and rehabilitation work proposed for St Mark's Church and its character-defining elements. These non-substantial alterations align with an approach of minimal intervention. Only where materials have reached a point beyond repair will they be replaced in-kind. It is possible that some material, such as bricks, will need to be replaced if they are too deteriorated, but the approach will follow what has occurred to date on the south side of the church building, where some limited sections of wall have undergone replacement.
Standard 4 Recognize each historic place as a physical record of its time, place and use. Do not create a false sense of historical development by adding elements from other historic places or other properties, or by combining features of the same property that never coexisted.	The physical record of St. Mark's Church is to be retained. No elements from other historic places or a combination of features that never coexisted are proposed.
Standard 5 Find a use for an historic place that requires minimal or no change to its character-defining elements.	The historic uses of St. Mark's Church as a place of worship, community gathering, and charitable endeavor will continue throughout and beyond the development period. No change in use for the church building is proposed. While the non-character-defining community centre and daycare building at 5540 Russell Street is proposed to be demolished, its historic use as a community centre will be reincorporated in the existing space of St. Mark's Church and the daycare use has already been relocated to a nearby facility on Robie Street. Any minor changes such as interior reconfiguration or other improvements will not negatively affect the exterior or function of the church building.
Standard 6 Protect and, if necessary, stabilize an historic place until any subsequent intervention is undertaken. Protect and preserve archaeological resources in place. Where there is potential for disturbing archaeological resources, take mitigation measures to limit damage and loss of information.	The terms of the proposed development agreement require a condition assessment of St Mark's Church be prepared and submitted prior to issuance of permits for work on the partial demolition of the existing non-original c.1960s rear addition. This includes working with a professional engineer to assess and implement any necessary stabilization and reinforcement measures. Archaeological resources will be addressed at the point of site intervention with permit applications. The provincial government will be notified of the site intervention and process any necessary applications in accordance with the <i>Special Places Protection Act</i>.
Standard 7 Evaluate the existing condition of character-defining elements to determine the appropriate intervention needed. Use the gentlest means possible for any intervention. Respect heritage value when undertaking an intervention.	Character-defining elements will be retained and repaired wherever possible and replaced in-kind wherever necessary as part of the non-substantial alterations proposed in the rehabilitation of St Mark's Church. More detailed review of the condition of character-defining elements and necessity of repair vs

	replacement will be carried out as part of HRM heritage staff's review at the permitting stage of this project, should this heritage development agreement application be approved. The substantial alterations proposed will see minimal changes to the original church building. This is the gentlest possible means of intervention to allow a continued use in the church building. The compatible new use for the rest of the property will enable the church's rehabilitation and ongoing maintenance. See also Standard 12. Once exposed, the original rear wall that is currently located within the existing c.1960s addition will need to be further assessed for how much of the original material remains and how much of it will require repair and rehabilitation.
Standard 8 Maintain character-defining elements on an ongoing basis. Repair character-defining elements by reinforcing their materials using recognized conservation methods. Replace in kind any extensively deteriorated or missing parts of character-defining elements, where there are surviving prototypes.	St Mark's Church will be retained and maintained on a regular basis under the terms of the proposed development agreement, if approved.
Standard 9 Make any intervention needed to preserve character-defining elements physically and visually compatible with the historic place and identifiable on close inspection. Document any intervention for future reference.	All character-defining elements of St Mark's Church will be preserved and rehabilitated using compatible materials and design. All interventions will be documented through this application and subsequent permits and will be identifiable on close inspection through the use of date-stamping in inconspicuous locations where appropriate. HRM heritage staff shall identify the elements to be date-stamped at the time of permitting.
Standard 10 Repair rather than replace character-defining elements. Where character-defining elements are too severely deteriorated to repair, and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements. Where there is insufficient physical evidence, make the form, material and detailing of the new elements compatible with the character of the historic place.	All character-defining elements of St. Mark's Church will be carefully examined for condition and repair will be the preferred conservation treatment. Where repair is not possible due to deterioration, elements will be replaced in-kind with elements bearing the same forms, materials, and detailing as the originals, informed by physical evidence of the original elements to achieve an exact match or, where physical evidence may not be available, using documentary evidence.
Standard 11 Conserve the <i>heritage value</i> and <i>character-defining elements</i> when creating any new additions to an <i>historic place</i> or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.	The new building will not remove or compromise character-defining elements. Substantial alterations will see minimal change to character-defining elements and will conserve the heritage value of St Mark's Church. The separate new building achieves subordination, compatibility, and differentiation through various means: - Subordination is achieved by several means, including locating the new building to the rear of St Mark's Church, preserving the church's prominence at the corner of the block. Furthermore, the retention of the entire original church building with its very substantial depth, in combination with a further separation distance of 4.4m and stepback of 2.0m greatly reduces the visibility of the ten-storey new building as viewed from the front façade of the church and creates a clear visual separation from pedestrian perspective when viewing the property's flanking elevation. The height of the proposal has also been

	reduced from twelve storeys to ten storeys to better mitigate the impacts of height and scale and to achieve greater subordination and compatibility. Through the combination of all these measures, St Mark's Church remains the predominant/defining element in the overall composition of the proposed development. - Compatibility is achieved through design and material choices in the new building. In particular, the new building features a streetwall comprised of vertically oriented repeating bays referencing the repeating window bay and buttress rhythm of the northern side of the church building. This streetwall is also proposed to be clad in brick as a reference to the materiality and human scale design of the church. The three-storey height of the streetwall is informed by the church building, serving as an approximate average between the cornice line of the main hall and apse, and the roofline of the apse / cornice line of the northern tower. Finally, the colours, materials, and design of the new building form employ a deliberately neutral palette and simplified composition, so as not to distract or detract from the visual primacy of the church building, which is considerably bolder in colour and more visually complex. - Differentiation is achieved through the aforementioned contemporary, simplified, and neutral design of the new building, providing a clear stylistic contrast between the church building and the new building. This includes the use of a light-coloured brick for the streetwall cladding, which intends to balance a compatible material reference with differentiation through colour. Differentiation is also achieved through the 6.4m stepback + setback between the church and the tower massing above the streetwall, which acts as a visual break between the heritage building and the rest of the new building's massing.
Standard 12 Create any new additions or related new construction so that the essential form and integrity of an <i>historic place</i> will not be impaired if the new work is removed in the future.	No additions are proposed for St. Mark's Church. The complete separation of the proposed new building from the existing structure enables the entire original structure of St Mark's Church to remain unaffected in form or integrity should the new construction be removed. Similarly, the removal of a portion of the c.1960s rear addition will not impair the essential form and integrity of St Mark's Church.
Standard 13 Repair rather than replace character-defining elements from the restoration period. Where character-defining elements are too severely deteriorated to repair and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound version of the same elements.	Not applicable, rehabilitation is the primary treatment type.
Standard 14 Replace missing features from the restoration period with new features whose forms, materials and detailing are based on sufficient physical documentary and/or oral evidence.	Not applicable, rehabilitation is the primary treatment type.

Regional Centre Secondary Municipal Planning Strategy

Policy CHR-7 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 maximums 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:	
Policy	Comments
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;	The proposed development will see the preservation, rehabilitation, and adaptive re-use of the registered heritage property (St Mark's Church). It does not propose to demolish any registered heritage buildings. The c.1976 daycare and community centre building proposed to be demolished is not a character-defining element, as it is a modern replacement for the original community centre building which was lost to fire in 1975. The c.1960s rear addition to the church building, while complementary, is not a character defining element. This addition will be altered in footprint but not fully demolished. These alterations will be carried out in accordance with the HRM Substantial Alterations Report approved by Halifax Regional Council.
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;	HRM Traffic Services staff have reviewed and approved the Traffic Impact Statement (TIS) provided. Staff anticipates that the traffic generation and on-street parking impacts of this proposal can be accommodated by the surrounding street network. The approved TIS also notes a net decrease in trip generation as compared to the existing use. The proposal consists of a new multi-unit residential use and the continuance of existing institutional uses, which align with existing uses in the neighbourhood. The scale and height of the proposal is comparable to recent developments on surrounding blocks, with additional development rights sought in exchange for the rehabilitation of the existing heritage building. The proposal has been revised from twelve storeys to ten, to further minimize the impacts of scale/height and to better align with the scale of recent developments on surrounding blocks. This development is not exempt from compliance with applicable by-laws and administrative orders respecting lighting, noise, and construction site management. Hours of operation for institutional uses are regulated by the terms of the proposed development agreement.
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;	The three-storey height of the proposed streetwall is informed by the church building and the neighbouring light-industrial warehouse, setting the streetwall height at an approximate average between the cornice line of the main hall and apse, and the roofline of the apse or cornice line of the northern tower. This also roughly aligns with the neighbouring warehouse.

	The positioning of St Mark's Church remains unchanged. The setback of the new building from the southern side property line (shared with established residential uses) follows the 6.0m side yard setback requirement of the underlying COR zone and matches the existing side yard setback of the church's southern tower. The flanking (northern) yard setback, a minimal 0.3m, maintains the existing minimal setback established by the adjacent light-industrial warehouse building, and by positioning the massing of the new building close to the flanking property line, permits a more generous southern side yard setback to minimize impacts on adjacent residential uses. The ten-storey tall-mid-rise scale of the new building, while greater in scale than the heritage building, mitigates its scale through a combination of separation distance, stepback, and the aforementioned reduced ten-storey height. This mitigation strategy improves compatibility with the heritage building and better aligns with the predominant scale of surrounding new developments, which generally range from seven to eleven storeys. The rhythm of the northern side of the church building with its alternating window-bay and buttress pattern is referenced in the design of the new building's podium.
d) the development complies with Pedestrian Wind Impact and Shadow Impact Assessment Protocol and Performance Standards of the Land Use By-law;	A pedestrian wind impact assessment will be required by the terms of the proposed development agreement at the time of permitting, to assess potential wind conditions and provide wind mitigation strategies, if necessary, prior to the issuance of any development permit. This site does not fall within the areas identified in Schedule 51 of the Regional Centre Land Use By-law as requiring a shadow impact assessment.
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;	The applicant has provided a Class-C cost estimate for the conservation work to be carried out on St Mark's Church. Staff have reviewed the work scope and assessed the estimated cost using an internal calculator for evaluating commensurate conservation investment. Staff find that the proposed investment in heritage conservation work is commensurate with the additional development rights being sought through the proposed development agreement.
f) any un-registered, historic buildings on the lot that contributes to neighbourhood character are preserved to retain the visual integrity of the lot;	There are no unregistered historic buildings on this lot.
g) the development complies with policies relating to protected public views and view terminus sites;	This site is not a public view/view terminus site. This site is not located within a Halifax Citadel view plane. This development proposal is not anticipated to be impacted by Citadel ramparts height restrictions.
h) incentive or bonus zoning is provided consistent with the requirements of the Land Use By-law;	Bonus zoning will be required by the terms of the proposed development agreement. A public benefit agreement will be developed at the permitting stage for the conservation of the registered heritage property.

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	The waiving of Section 18 will be required by the terms of the proposed development agreement.
j) the general development agreement criteria set out in Policy IM-7 in Part 9 of this Plan.	See below.
Policy IM-7	
Policy	Comments
a) the proposal is consistent with the Vision, Core Concepts, Urban Design Goals, and all applicable objectives and policies set out in the Regional Plan and this Plan;	This development provides strategically sited infill close to existing schools, commercial community nodes, and transit, strengthening an existing complete community and aligning with the vision and core concepts of this plan. Through the streetwall design and retention and rehabilitation of the existing heritage building, this development aligns with the urban design goals of contextual design, civic design, and human scale design. The proposal is generally consistent with applicable policies and objectives of this plan and the Regional Plan, as outlined in this policy review.
b) the proposal is appropriate and not premature by reason of: i) the financial capacity of the Municipality to absorb any costs relating to the development, ii) the adequacy of municipal wastewater facilities, stormwater systems or water distribution systems, iii) the proximity of the proposed development to schools, parks, and community facilities, and the capability of these services to absorb any additional demands, iv) the adequacy of transportation infrastructure for pedestrians, cyclists, public transit and vehicles for travel to and within the development, and v) the impact on registered heritage buildings, heritage streetscapes, and heritage conservation districts;	The proposal is appropriate and not premature by reasons outlined: i) There will be no additional costs for the Municipality relating to the development. The developer will be required to pay for site servicing and any other works to take place pertaining to the development; ii) Halifax Water did not express any anticipated concerns regarding wastewater, stormwater, or water distribution which must be addressed prior to permitting; iii) HRCE and HRM Parks did not express any anticipated concerns regarding availability or capacity for schools and parks; iv) The subject property is located on Russell Street, which is served by nearby active transportation and public transit facilities, including the Gottingen Street transit priority corridor and Isleville local street bikeway. It is also served by multiple nearby bus stops on Gottingen Street and Young Street. Pedestrian facilities such as dual sidewalks are provided throughout the neighbourhood and access to parks is provided through both Hydrostone Park and Fort Needham Memorial Park. v) The application is sited on a registered heritage property and proposes the retention and rehabilitation of the entire original church structure in accordance with the specifications of the HRM Substantial Alterations Report approved by Halifax Regional Council. No other registered heritage buildings, streetscapes, or established heritage conservation districts are anticipated to be impacted by the proposal.
c) the subject lands are suitable for development in terms of the steepness of grades, soil and geological	There is a known contaminated site within the Macara St right-of-way in general proximity to this property.

conditions, locations of watercourses, wetlands, and susceptibility to flooding;	HRM Environment and Climate Change has expressed that such contamination wouldn't necessarily impact the ability to develop the site, and the developer has been informed that if contaminated material is encountered, the material must be handled in accordance with all applicable regulations. No other concerns regarding the site's suitability are anticipated.
d) that development regulations in the proposed rezoning or development agreement will adequately mitigate potential conflict between the proposed development and nearby land uses, by reason of: i) type of use(s), ii) built form of the proposed building(s), iii) impacts on adjacent uses, including compatibility with adjacent residential neighbourhoods, parks, community facilities, and railway operations, iv) traffic generation, safe access to and egress from the site, and parking, v) open storage and signage, and vi) impacts of lighting, noise, fumes and other emissions.	Potential conflict is adequately minimized by development regulations: i) The proposed use(s) in this application are multi-unit residential and existing institutional uses. This aligns with the neighbourhood and site context. The neighbourhood contains residential, commercial, institutional and industrial/warehouse uses, and a range of scales and densities, from single-unit dwellings to multi-unit mid-rise and tall-mid-rise buildings. It is not anticipated that the proposed uses will conflict with existing uses. ii) The proposed development consists of a ten-storey, tall-mid-rise, multi-unit residential building and the preservation, rehabilitation, and adaptive re-use of the registered heritage building for continued institutional use. The alterations, form, layout, etc., enabling this adaptive re-use were reviewed for their appropriateness and conformity with the <i>Standards and Guidelines</i> through the associated HRM Substantial Alterations Report reviewed and approved by Regional Council as municipal case # HRTG-2023-00201. The built form of the proposed new construction is comparable to similar developments in the surrounding neighbourhood blocks, and the built form is not anticipated to create conflict with nearby uses. iii) To mitigate the impact of the proposed development on adjacent uses, the development has been restricted to a ten-storey tall-mid-rise built form, with its massing pushed to the northwest corner of the property (closer to the street and the adjacent warehouse use). This enables a 6.0m setback between the new building and the abutting residential dwellings to the south, as well as a 4.4m separation distance between the new building and the heritage building. Impacts on adjacent uses are further mitigated by requiring the installation of a modified L2 landscape buffer along the southern property line and by requiring a 2.0m setback along the northern, eastern, and southern sides of the new building above the third storey. Staff do not anticipate significant impacts on parks or community facilities. iv) HRM Traffic Engineering staff have reviewed and approved the applicant's Traffic Impact Statement (TIS). Traffic generation, safe access and egress to and from the site, and parking are not anticipated to conflict with nearby land uses. v) The proposal will be required to meet the Land Use By-law provisions for open storage and signage, which mitigate potential conflicts with nearby land uses;

	vi) The proposal includes existing institutional uses and new residential uses which are in keeping with the existing residential and institutional uses in the neighbourhood, the associated impacts of lighting, noise, fumes, or other emissions are not anticipated to be in conflict with surrounding uses. The proposed agreement does not exempt this development from compliance with applicable regulations for lighting, noise, or construction site management. Hours of operation for institutional uses are restricted by the terms of the proposed development agreement.
--	---

Regional Municipal Planning Strategy (Regional Plan)

Cultural and Heritage Resources		
Policy	Comments	
CH-5 <i>HRM shall consider the retention, preservation, rehabilitation and restoration of those buildings, public building interiors, streetscapes, cultural landscapes, areas and districts of historic, architectural or cultural value in both urban and rural areas and encourage their continued use.</i>	The proposed development includes the retention, preservation, rehabilitation, and adaptive re-use of the registered heritage property to ensure its viable continued use.	
Priorities Plans		
Policy G14-A In considering development agreements or amendments to development agreements, or any proposed amendments to the Regional Plan, secondary planning strategies, or land use by-laws, in addition to the policies of this Plan, HRM shall consider the objectives, policies and actions of the priorities plans approved by Regional Council since 2014, including: (a) The Integrated Mobility Plan; (b) Halifax Green Network Plan; (c) HalifACT; (d) Halifax’s Inclusive Economic Strategy 2022-2027; and (e) any other priority plan approved by Regional Council while this policy is in effect.		
Priorities Plan	Applicable Policy/Action	Comments
<i>Culture & Heritage Priorities Plan</i>	<i>Action 4.6 - Enhance municipal support for privately-owned registered heritage properties and properties within heritage conservation districts and cultural landscapes</i>	The proposed development agreement serves as an enhanced municipal support for the privately owned registered heritage property at 5522-5540 Russell Street (St Mark’s Church)
<i>Halifax’s Inclusive Economic Strategy 2022-2027</i>	<i>Strategic Objective 1.6 - Increase housing stock.</i>	The proposed development will increase the quantity and variety of housing stock in the municipality through the proposed multi-unit residential building, helping to accommodate Halifax’s growing population.

<i>HalifACT</i>	<i>Action 23 - Integrate climate into land use planning policies and processes</i>	The proposed development sufficiently addresses climate into its proposal by reducing sprawl and efficiently using transportation systems, including locating development along transit routes (Gottingen St).
<i>Green Network Plan</i>	<i>N/A</i>	The <i>Green Network Plan</i> has designated the area as "Low Ecological Value".
<i>Integrated Mobility Plan</i>	<i>Policy 3.2.5 (A) - Plan new and existing Transit Priority Corridors and terminals as focal points for higher density, compact development with a mix of residential, commercial and employment uses within walking distance of transit service.</i>	The proposed development site lies along the Gottingen Street transit priority corridor and near the Young Street transit priority corridor. Increasing housing stock along these corridors, including through the proposed development, will contribute towards the goal of compact development with a mix of uses (residential and institutional) within walking distance of transit service.

ATTACHMENT C:

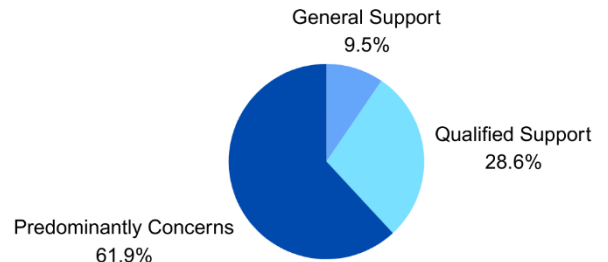
PUBLIC ENGAGEMENT SUMMARY

Overview

Staff requested input on PLANAPP 2023-00150 via a page on the municipal website, signage posted on the subject site, and a fact sheet mailout distributed to the 287 owners and residents within an 80-metre radius in the Fall of 2024 which sought to inform them of the proposal and solicit their feedback. Staff received **twenty-one** (21) submissions regarding the applicant's proposed development:

- 2 people expressed **general support** for the proposal.
- 6 expressed **qualified support** for the proposal (support with concerns over certain aspects of the proposal).
- 13 expressed **predominantly concerns** regarding the proposal.

Respondent Overview



Response Summary

The 21 respondents provided comments on a variety of topics, which are summarized below:

Scale and Density

- Eleven respondents expressed concern with the twelve-storey height of the proposal or its compatibility with the scale of surrounding buildings.
- Two respondents were supportive of adding density to the site.

Heritage Conservation

- Four respondents expressed appreciation that the heritage building would be conserved.
- One respondent expressed a desire for a commemorative plaque to acknowledge the North End Services Canteen located on site during WWII.

Transportation

- Seven residents expressed concerns about increased traffic congestion.
- Five residents expressed concerns about not having enough parking in the proposal.
- Five residents expressed concern regarding loading zones for emergency services.
- Five respondents expressed a desire for active transportation and pedestrian infrastructure.

General Building Design

- Four respondents expressed concern regarding the building design's compatibility with the registered heritage property.
- Four respondents expressed concern regarding shadow and view impact, as well as the loss of privacy in their backyard.
- Two respondents expressed concern regarding the lack of a setback from the Russell Street property line.
- Two respondents expressed a desire to increase greenspace on the site.
- Two respondents expressed concern about the health and safety of the old growth trees abutting the development.
- Two respondents expressed a desire for affordable housing options in the development.
- Three respondents expressed desire for community spaces on site food bank, community centre, medical centre, daycare centre, employment centre, and bank.

Construction

- Five respondents expressed concern regarding noise, safety, and air quality during the construction process.