

HALIFAX

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

Item No. 11.1.4
Halifax Regional Council
May 18, 2021

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY:

Original Signed by 

Jacques Dubé, Chief Administrative Officer

DATE: March 23, 2021

SUBJECT: **Case 23385: Discharge of Development Resolution - 1568 Hollis Street,
Halifax**

ORIGIN

Application by Upland Planning and Design, on behalf of United Gulf Developments Limited, to discharge a development resolution from the property at 1568 Hollis Street, Halifax.

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that Halifax Regional Council approve, by resolution, the discharge of the development resolution of Halifax Regional Municipality filed in the Registry of Deeds on June 25, 2001, as Document Number 21006 located in Book 6785, pages 177 to 192, from the title of the property at 1568 Hollis Street, Halifax (PID No. 00003954).

BACKGROUND

Upland Planning and Design, on behalf of property owner United Gulf Developments Limited (UGDL), has applied to discharge a development resolution from the property at 1568 Hollis Street, Halifax. Title records for that property include a development resolution of Halifax Regional Municipality filed in the Registry of Deeds on June 25, 2001. A discharge of the development resolution from the property would allow the land to be redeveloped by the rules of the existing zoning and site plan approval process.

Subject Site	1568 Hollis Street, Halifax (PID 00003954)
Regional Plan Designation	Urban Settlement (US)
Community Plan Area	Downtown Halifax Municipal Planning Strategy (MPS)
Zoning (Map 1)	DH-1 (Downtown Halifax) Zone, Downtown Halifax Land Use By-law (LUB)
Size of Site	1,804 sq. m (19,418 sq. ft.)
Street Frontage	Approx. 49 m (161 ft) on Hollis St; 43.5m (143 ft.) on Granville St.
Current Land Use(s)	Offices, surface parking
Surrounding Use(s)	The site abuts a vacant lot to the north (owned by UGDL) and the Metro Park parkade structure to the south. The surrounding area is comprised of a mix of high-density residential uses, offices, retail, hotel and other commercial uses and buildings.

Proposal Details

Site History

The subject site at 1568 Hollis Street, which also has street frontage on Granville Street, is owned by UGDL (Map 1). The site is situated to the north of the HRM-owned "Metro Park" parkade facility and to the south of a vacant lot which is also owned by UGDL, fronting on Hollis, Sackville and Granville Streets. Together, the two UGDL properties form the remainder of the block and is the site of previous development proposals, the most recent of which is referred to as Skye Halifax (Case 22444).

A 'development resolution' (Attachment A) to allow for the construction of the Metro Park facility on HRM-owned land on Hollis, Salter and Granville Streets, Halifax was approved by Regional Council on May 7, 2001 on Lot 1A, which included the Metro Park land and a small surface parking lot off Granville Street (Map 1). On December 9, 2005, the surface parking lot land (Lot X) was subdivided off Lot 1A and sold to UGDL, but the development resolution was never discharged from that portion of land. Lot X was eventually consolidated with other lands of UGDL to form a bigger lot (Lot XY1-A) which included the building at civic No. 1568 Hollis Street.

The purpose of the development resolution of 2001 was to facilitate the construction of the Metro Park facility. As the original land parcel also included the small surface parking lot on Granville Street and questions were raised about its future use, a stipulation was included that required that any future development of the surface lot include retail uses along Granville Street.

The Downtown Halifax MPS and LUB were adopted in 2009, which introduced a site plan approval process to replace the development agreement process. More recently, on November 14, 2019, UGDL were granted Substantive Site Plan approval for the redevelopment of their two properties on Hollis, Sackville and Granville Streets. The Design Review Committee approved a two-tower proposal by UGDL which includes retail spaces along Granville Street, thereby complying with the development resolution. More information on this approved development can be found at the link below:

<https://www.halifax.ca/sites/default/files/documents/city-hall/boards-committees-commissions/191114drc912.pdf>

Proposal

The proposal is to discharge the development resolution from only Lot XY1-A, while leaving the resolution in effect for the Metro Park facility (Lot 1AX). This will enable the property owner to apply for and receive permits for development and construction now that the site plan approval process has been completed for their aforementioned two-tower development. The remaining steps in the development application process for UGDL are the completion of a public benefit agreement for the density-bonusing component of the development and to apply for a construction permit.

COMMUNITY ENGAGEMENT

The community engagement process for this file is consistent with the intent of the HRM Community Engagement Strategy. A public information meeting or a public hearing is not required, nor is it the practice to hold such meetings for the discharge of a development agreement or resolution. However, a sign was placed on the property and a website created on the HRM Planning Applications website to inform the public. The decision to discharge an agreement or resolution is made by resolution of Community Council.

DISCUSSION

MPS and LUB Compliance

Staff reviewed the proposal relative to all relevant policies and advise that discharge of the development resolution is reasonably consistent with the intent of the Downtown Halifax MPS and LUB and the policies of the Halifax MPS which existed at the time of the approval of the resolution.

Land Use / Zoning

Site plan approval was granted by the Design Review Committee in November of 2019. The current site plan approval and construction permitting processes will adequately address issues of land use and building construction.

While retail spaces along Granville Street are not required by the Downtown Halifax MPS and LUB, these spaces are included in the approved design, thereby complying with the development resolution. There are no concerns related to the requested discharge. The discharge of the existing development resolution would allow for development of the site pursuant to the Downtown Halifax Land Use By-law and Design Manual in the same manner as any other DH-1 zoned property and does not materially change the development capacity and building design on the property. Therefore, the risk of material impacts resulting from the discharge is minimal.

Conclusion

Staff recommend that Council approve the proposed discharge of the development resolution based on the proposal being reasonably consistent with the intent of the Downtown Halifax MPS and LUB and the former policies of the Halifax MPS. The discharge of the resolution will allow for completion of the site plan approval and construction permitting processes.

FINANCIAL IMPLICATIONS

There are no budget implications. The applicant will be responsible for all costs, expenses, liabilities and obligations incurred in order to formally discharge the development resolution.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application may be considered under the terms of the existing development resolution and the *HRM Charter*. Community Council has the discretion to make decisions that are consistent with their legislative authority. Information concerning risks and other implications of discharging the existing resolution are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

ALTERNATIVES

Halifax Regional Council may choose not to discharge the existing development resolution. If Council were to select this option, it is possible that liability could result given that the property was sold by HRM without removing the development resolution at that time. A decision of Council to refuse to discharge a covenant is not appealable to the N.S. Utility & Review Board.

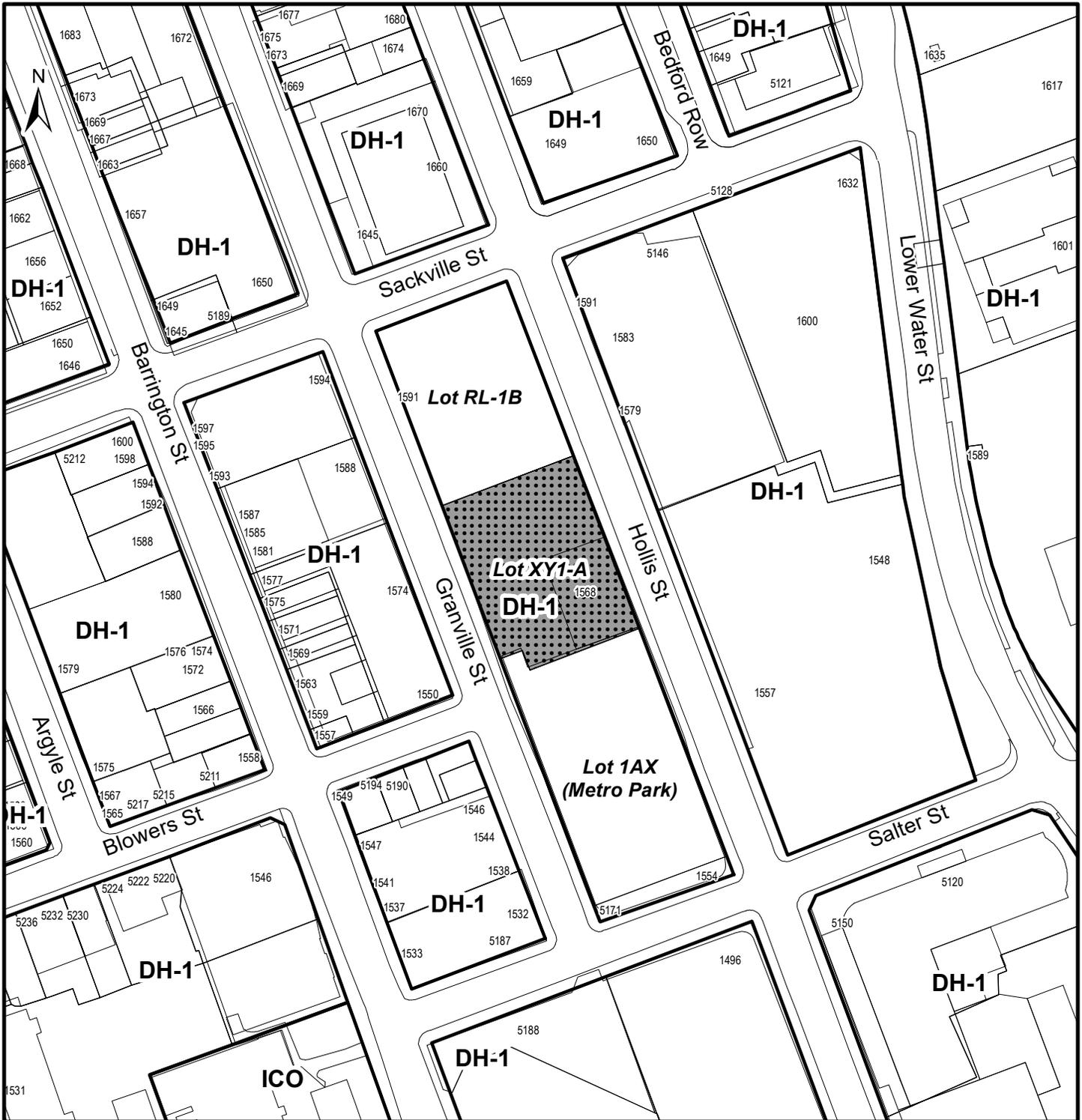
This alternative is not recommended, noting the current site plan approval and construction permitting processes will adequately address issues of land use and building construction.

ATTACHMENTS

Map 1: Zoning and Location
Attachment A: Existing Development Resolution

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Paul Sampson, Planner II, 902.717.8125



Map 1 - Zoning
 1568 Hollis Street, Halifax

HALIFAX

 Subject Property

Zone
 DH-1 Downtown Halifax
 ICO Institutional, Cultural and Open Space



Downtown Halifax
 Land Use By-Law Area

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.

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HALIFAX COUNTY REGISTRY OF DEEDS		
Document #	Book	Page
21006 6785	177-192	
certify that this document is registered as shown here.		
JUN 25 2001		11:42
Arleane D'Eon	Registrar	
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APPENDIX A

**IN THE MATTER OF the Municipal Government Act
being Chapter 18 of the Acts of 1998**

- and -

**IN THE MATTER OF the development of certain lands
owned by Halifax Regional Municipality**

DEVELOPMENT RESOLUTION

APPROVED
AS TO FORM
Municipal Solicitor

WHEREAS Halifax Regional Municipality wishes to obtain permission to develop a parking garage with retail component and parking lot on Lot 1A Granville Street, Hollis Street and Salter Street, pursuant to Implementation Policy 3.5 of the Halifax Municipal Planning Strategy;

AND WHEREAS a public hearing is required prior to the granting of approval by Chebucto Community Council;

AND WHEREAS the Chebucto Community Council of Halifax Regional Municipality, at its meeting on the 7th day of May 2001, approved the said development of a parking garage with retail component and parking lot on Lot 1A Granville Street, Hollis Street and Salter Street by resolution.

NOW THEREFORE THIS RESOLUTION APPROVES AS FOLLOWS:

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Application

This resolution applies to the lands described in Schedule A (hereinafter called the "Lands").

1.2 Applicability of land use bylaw

Except as otherwise provided for herein, the development and use of the Lands shall comply with the requirements of the Halifax Peninsula Land Use By-law and Subdivision By-law, as may be amended from time to time.

1.3 Applicability of other bylaws, statutes and regulations

Notwithstanding any other provision of this resolution, there shall be no undertaking or development on the Lands which does not comply with any by-law of the Municipality

applicable to the Lands (other than the Land Use By-law and Subdivision By-law to the extent varied by this Agreement), or any statute or regulation of the Province of Nova Scotia.

1.4 Conflict

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 and Subdivision 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.

PART 2: USE OF LANDS AND DEVELOPMENT PROVISIONS

2.1 Use

The Lands shall be developed and used for a parking garage with a retail component and a parking lot which, in the opinion of the Development Officer, is substantially in conformance with Plans No.002 - 004 filed in the Halifax Regional Municipality Planning and Development Services Department as Case 00315 and are attached as the following Schedules to this Agreement:

Schedule	Legal Description of the Lands
Schedule "A"	Level 36.0 to 46.0
Schedule "B"	Level 46.0 to 56.0
Schedule "C"	Level 56.0 to 66.0
Schedule "D"	Level 66.0 to 76.0
Schedule "E"	Level 76.0 to 86.0
Schedule "F"	Level 86.0 to 96.0
Schedule "G"	Level 96.0 to 106.0
Schedule "H"	Level 106.0 to 108.5
Schedule "I"	Granville Street elevation
Schedule "J"	Salter Street elevation
Schedule "K"	Hollis Street elevation
Schedule "L"	

2.2 Architectural Treatment

For greater certainty, the architectural treatment shown on Schedules J -L shall consist of arches, columns and a heavy cornice and shall cover the lower three to four decks on Hollis Street and the lower one to two decks on Granville Street, with the slope of Salter Street handling the transition from one to the other. The architectural finish shall consist of either stucco in several shades of beige sandstone or light-weight pre-cast concrete with a simulated stucco finish in the same colours.

2.3 Rental of Spaces

Parking spaces may be rented on an hourly, daily or monthly basis, or a combination of hourly, daily or monthly basis. Short term parking spaces shall be available to the general public and shall not be for the exclusive use of any block or building in the area.

2.4 Types of Parking Spaces

Motorcycle, bicycle and handicap accessible parking spaces shall be as shown on Schedules B - I, provided that such spaces may be moved or increased in number, but shall not be less than shown. The parking facility shall be designed to accommodate vans.

2.5 Display windows

An illuminated display window, approximately 8' x 5' shall be located in each of the eight archways along Granville Street as shown on Schedule J. Four shall be approximately six inches in depth and designed to display posters. Four shall be approximately two feet in depth and designed to display articles.

2.6 Landscaping

Fourteen street trees with gratings and guards for each shall be provided. Such trees shall be located between the street line and the curb. Species may be linden, ironwood and pin oak having a minimum calliper of 70 mm. Four benches shall be provided. Such benches shall be located between the street line and the curb. Approval of the Right of Way Engineer shall be required prior to placement of the trees and benches.

Eleven sets of stainless steel brackets shall be provided and shall be attached to the main columns of the street facades to carry banners. Eleven stainless steel brackets shall be provided and shall be attached to the main columns of the street facades to carry hanging flower baskets.

2.7 Future use

Any building to be constructed on the northern portion of the Lands to be used for surface parking pursuant to this agreement, shall provide for commercial uses, such as, but not limited to retail or restaurants, adjacent to Granville Street.

Legal Description
Lot 1A - Granville Street, Salter Street and Hollis Street,
Halifax, Nova Scotia

ALL THAT CERTAIN parcel of land at Halifax, Province of Nova Scotia and shown as Lot 1A on a plan of survey of Lot 1A and Lot 1B, a Subdivision of Lot 1, lands owned by Halifax Regional Municipality; signed by Bruce Mahar, N.S.L.S., dated June 20, 2000; filed as Alderney Surveys Ltd. Plan no. 001684-1 and described as follows:

COMMENCING at the juncture of the western boundary of Hollis Street with the northern boundary of Salter Street. Said point being the **POINT OF BEGINNING**;

THENCE S 70° 25' 00" W a distance of 123.72' along the northern boundary of Salter Street to a point on the eastern boundary of Granville Street;

THENCE N 20° 47' 33" W a distance of 308.41' along the eastern boundary of Granville Street to a point on the southern boundary of Lot 1B;

THENCE N 69° 04' 23" E a distance of 62.97' along the southern boundary of Lot 1B to a point on the western boundary of lands of Constat Investments Limited;

THENCE S 20° 55' 37" E a distance of 80.00' along the western boundary of lands of Constat Investments Limited to a point on the southern boundary of lands of Constat Investments Limited;

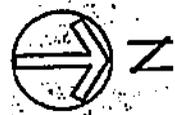
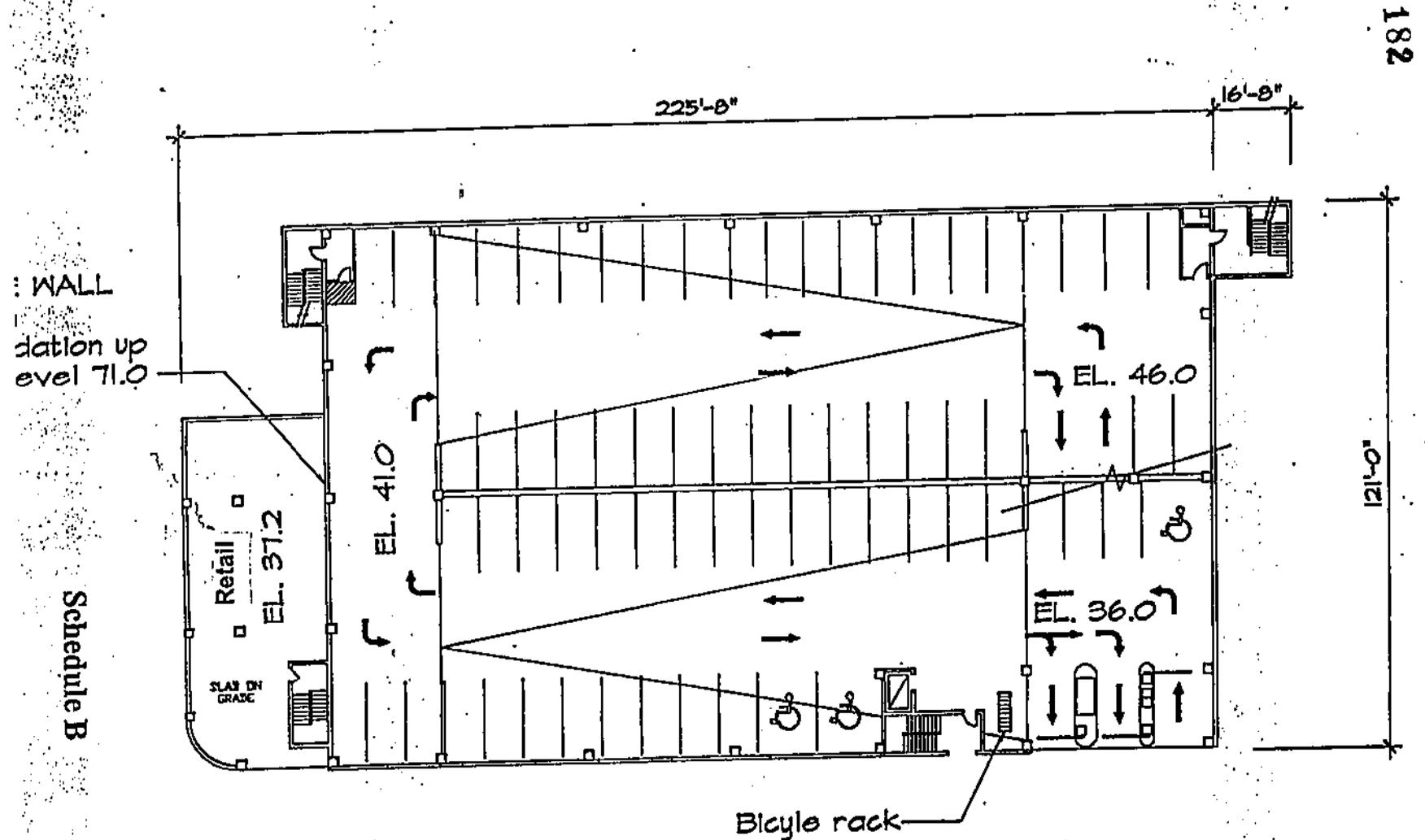
THENCE N 69° 04' 23" E a distance of 60.00' along the southern boundary of lands of Constat Investments Limited to a point on the western boundary of Hollis Street;

THENCE S 20° 55' 37" E a distance of 231.31' along the western boundary of Hollis Street to the **POINT OF BEGINNING**;

CONTAINING 33,413 square feet.

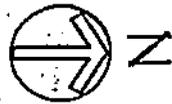
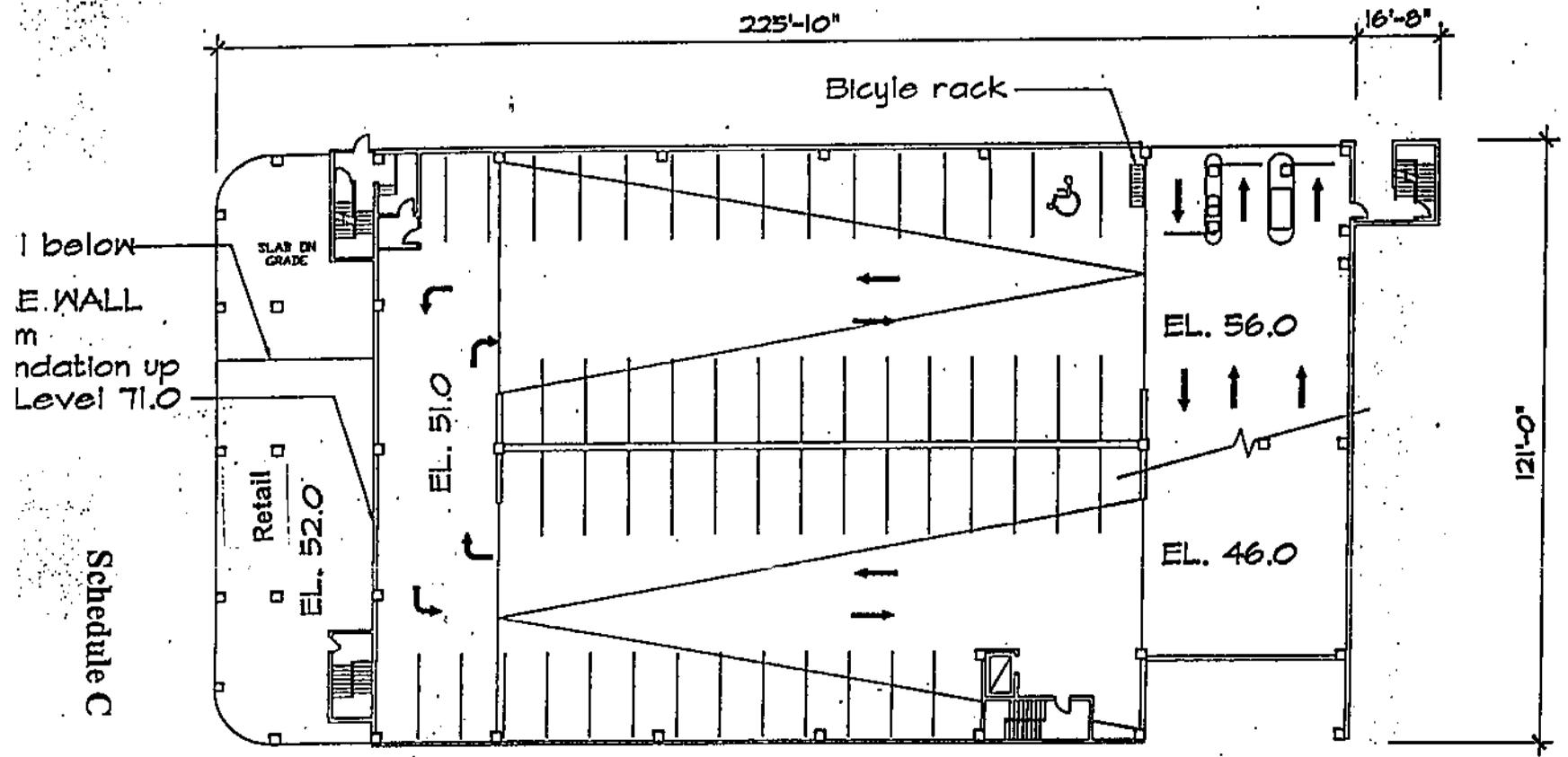
BEARINGS are referred to the Nova Scotia Co-ordinate Survey System, Central Meridian 64° 30' West.

Bruce Mahar, N.S.L.S.



HRM PARKING FACILITY
 SCALE: 1/32" = 1'-0"

LEVEL 36.0 TO 46.0
 HOI 1 IS STREET ENTRANCE

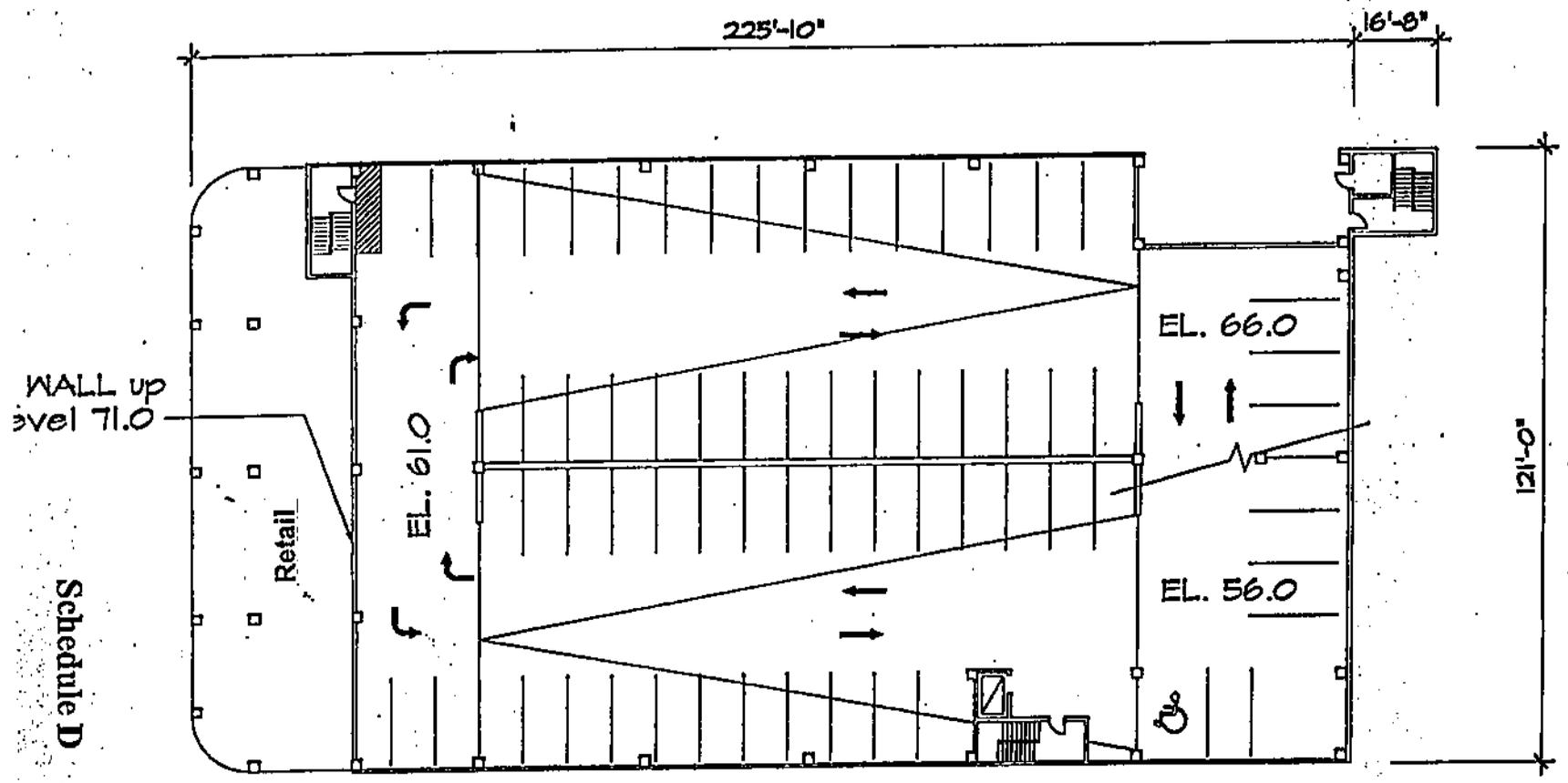


HRM PARKING FACILITY

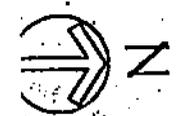
SCALE: 1/32" = 1'-0"

LEVEL 46.0 TO 56.0

GRANVILLE STREET ENTRANCE



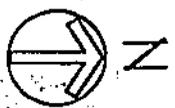
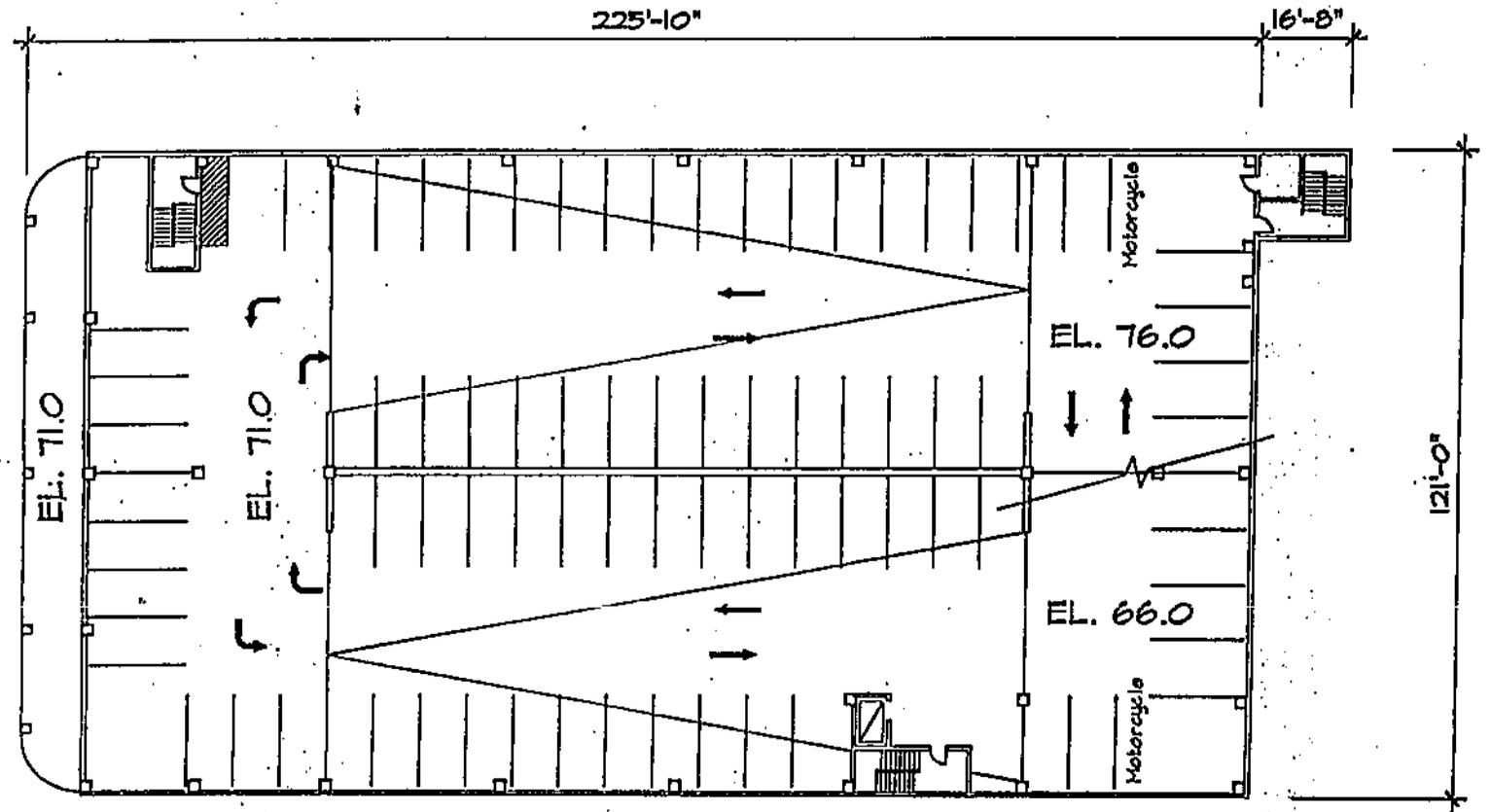
Schedule D



HRM PARKING FACILITY
SCALE: 1/32" = 1'-0"

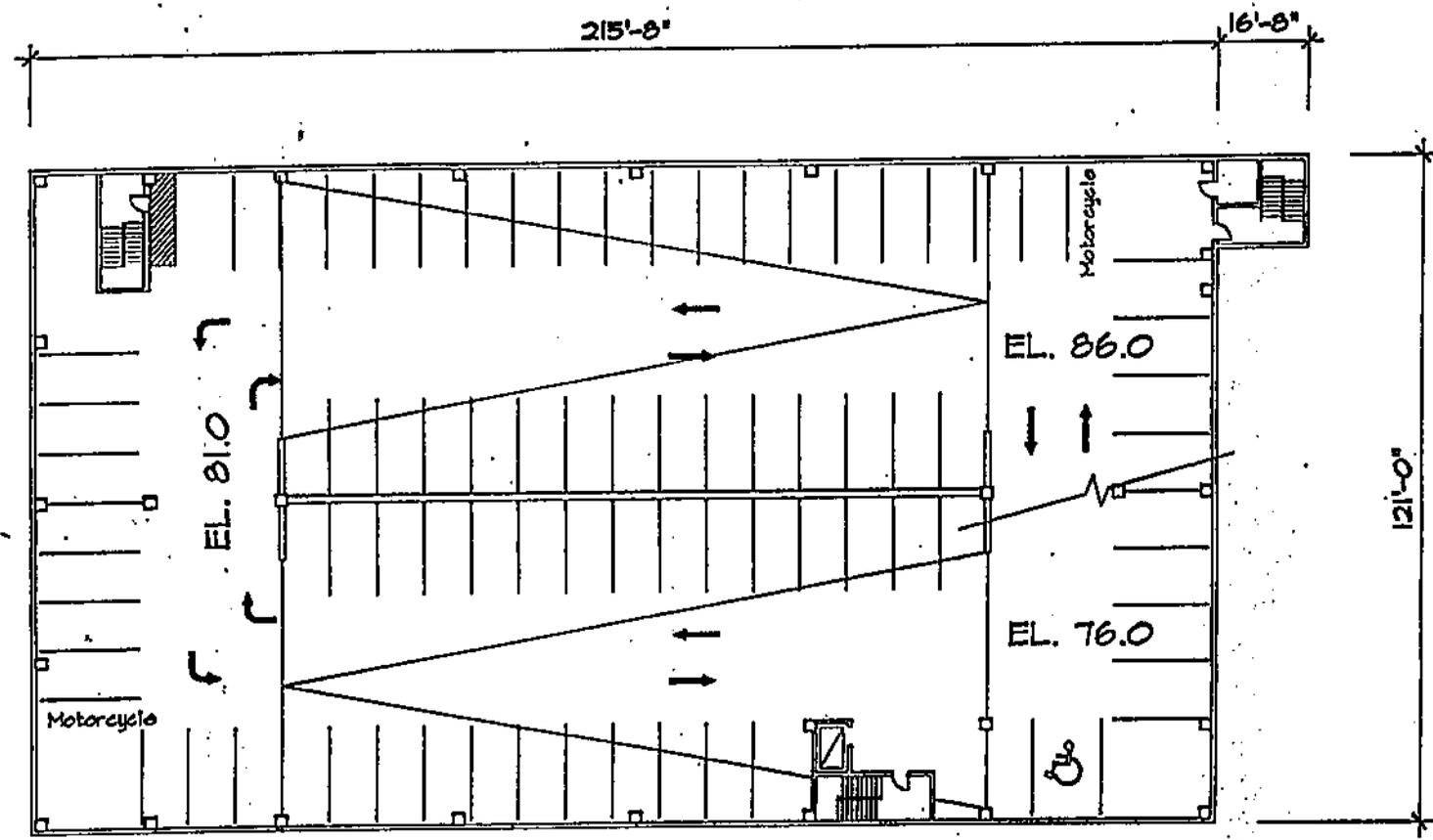
LEVEL 56.0 TO 66.0

Schedule F

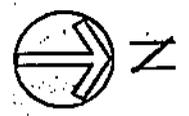


HRM PARKING FACILITY
SCALE: 1/32" = 1'-0"

LEVEL 66.0 TO 76.0

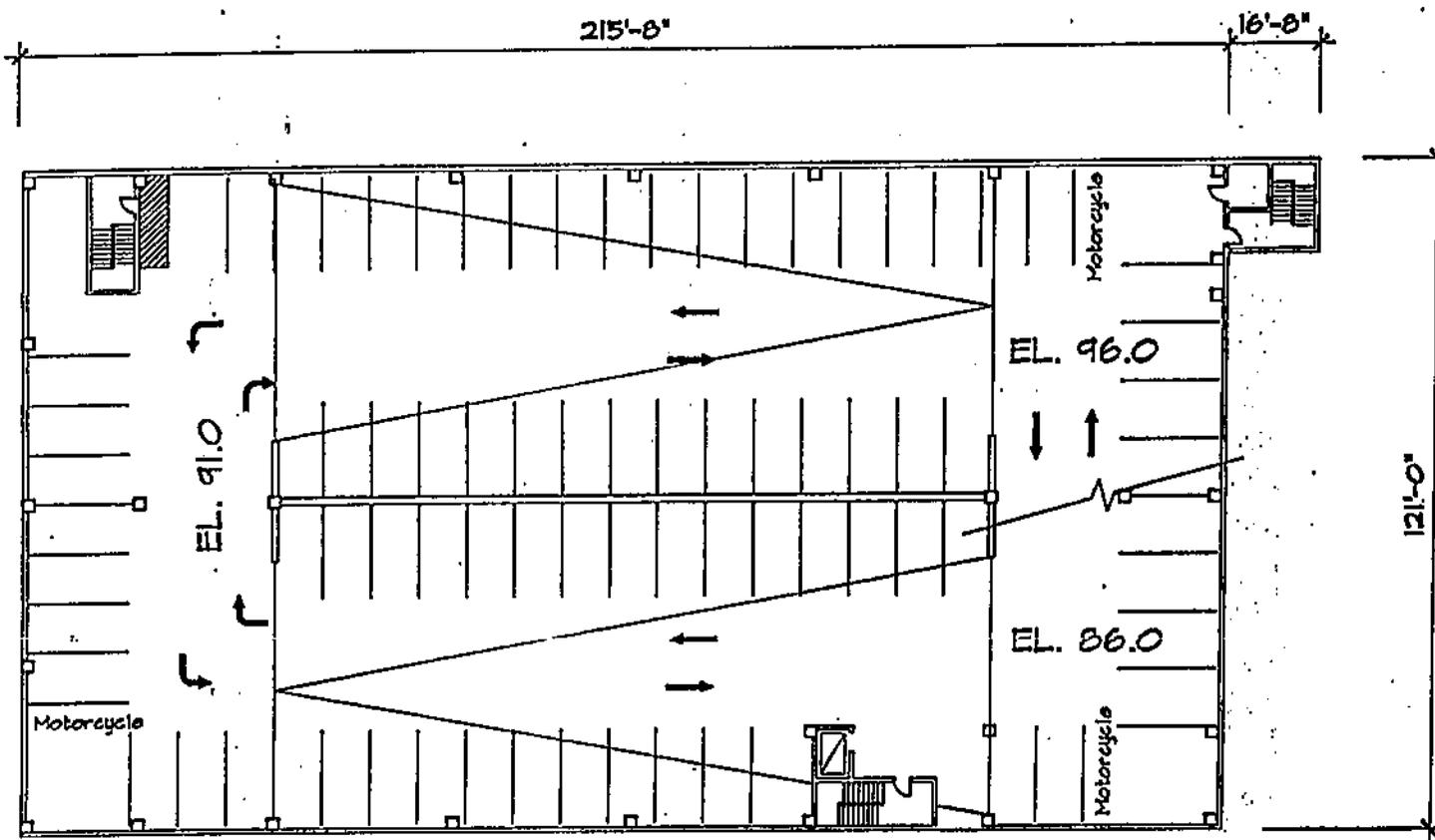


Schedule F

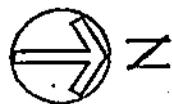


HRM PARKING FACILITY
 SCALE: 1/32" = 1'-0"

LEVEL 76.0 TO 86.0



Schedule G

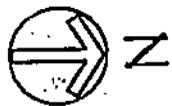
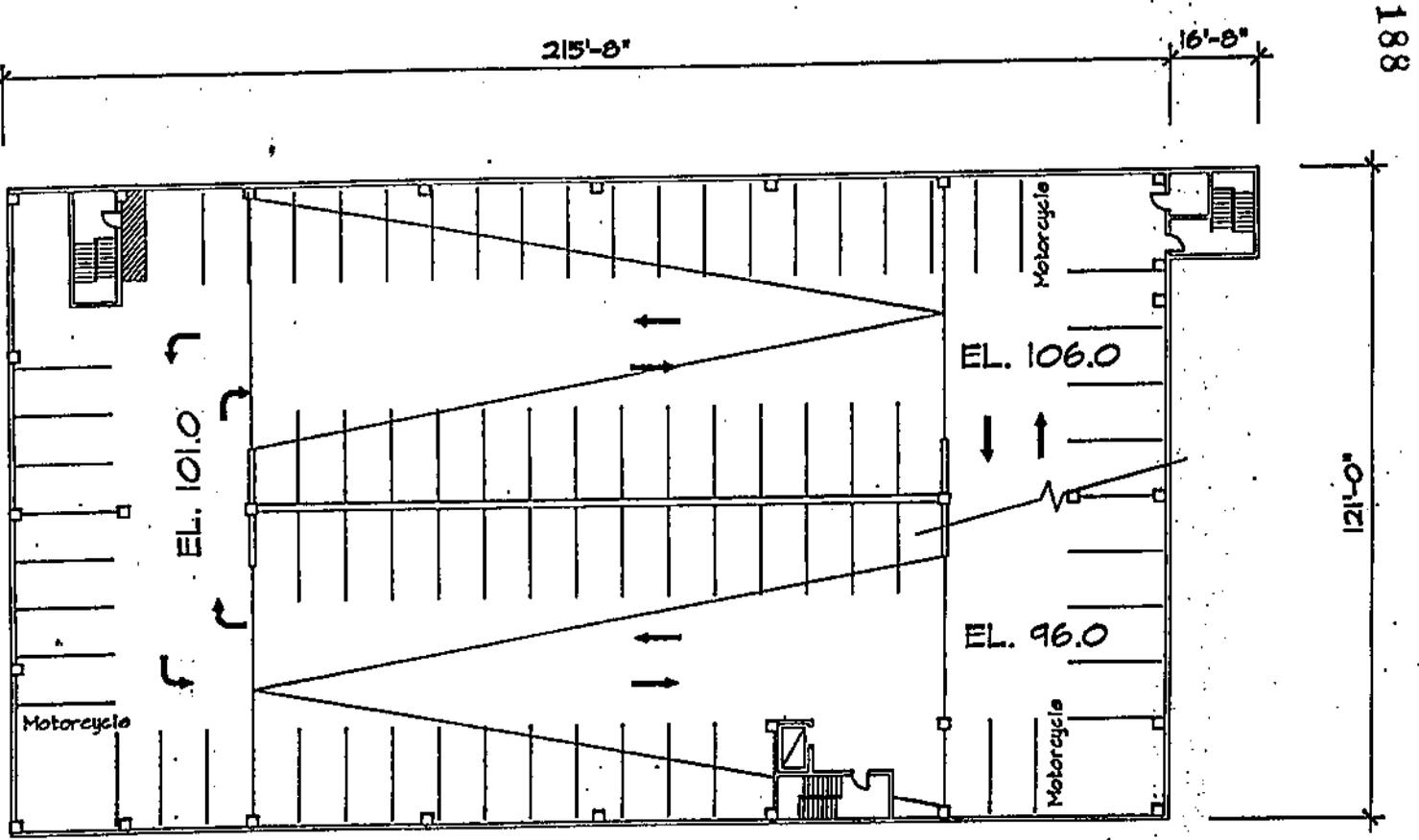


HRM PARKING FACILITY

SCALE: 1/32" = 1'-0"

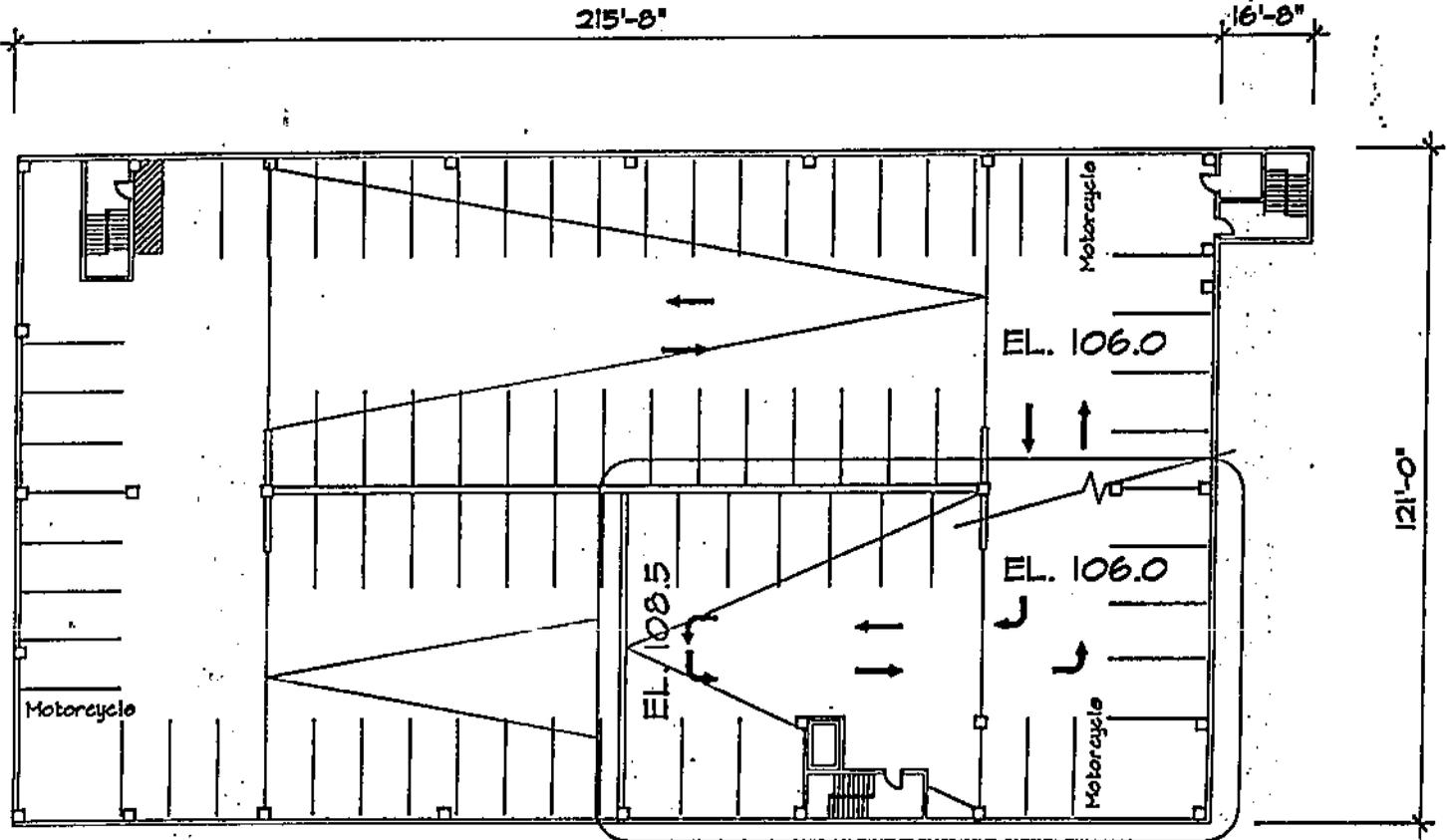
LEVEL 86.0 TO 96.0

Schedule H

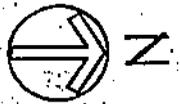


HRM PARKING FACILITY
SCALE: 1/32" = 1'-0"

LEVEL 96.0 TO 106.0



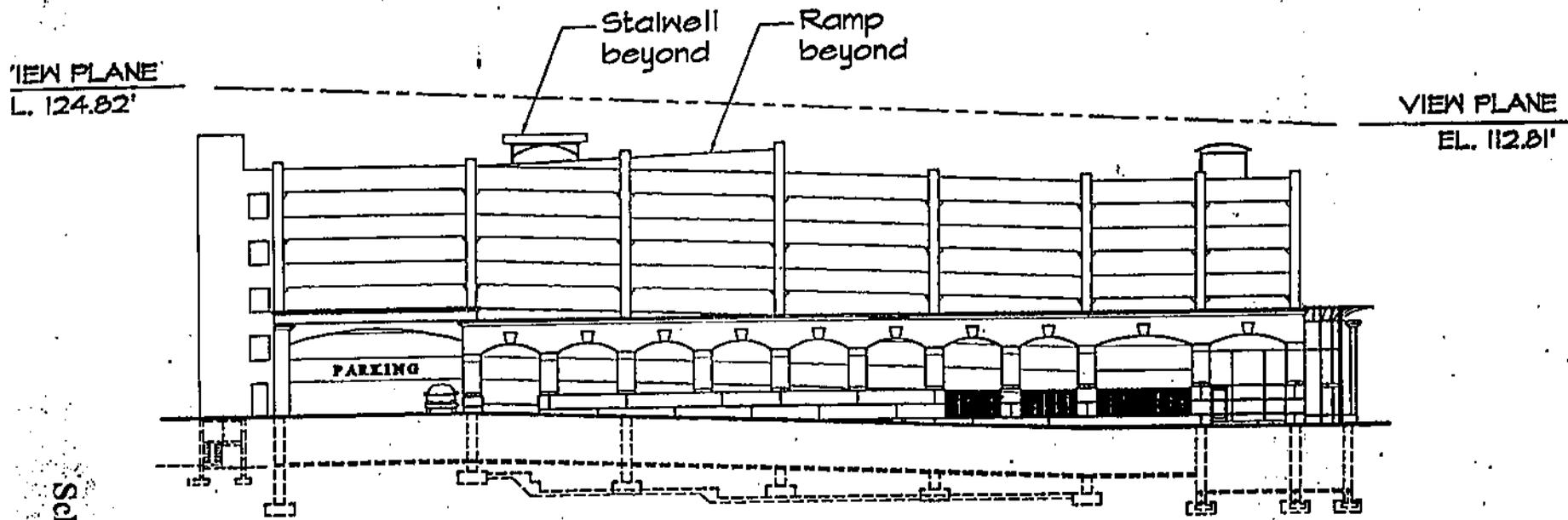
Schedule I



Areas other than this shown on LEVELS 96.0 to 106.0

HRM PARKING FACILITY
 SCALE: 1/32" = 1'-0"

LEVEL 106.0 TO 108.5



Schedule J

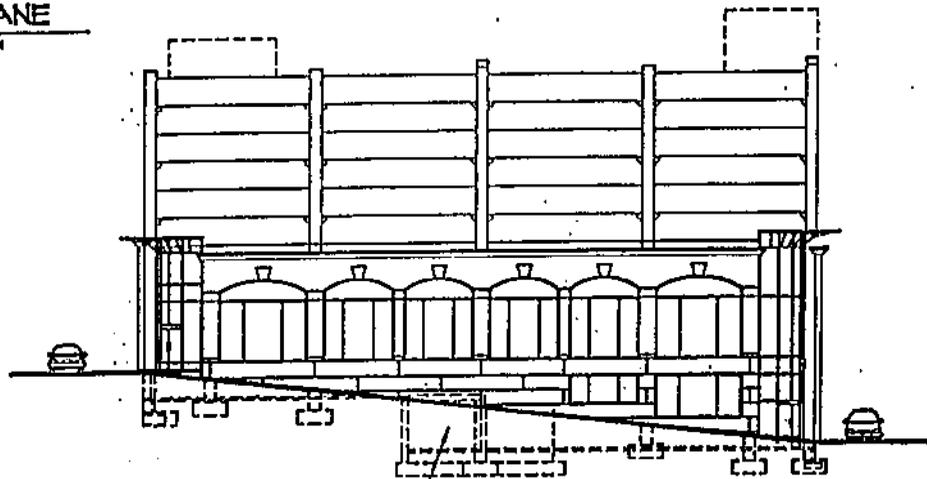
HRM PARKING FACILITY
SCALE: 1/32" = 1'-0"

ELEVATION
LEVEL 56.0 - GRANVILLE STREET

VIEW PLANE
EL. 112.81'

VIEW PLANE
BEYOND
EL. 114.49'

VIEW PLANE
EL. 106.57'



Schedule K

Proposed
retail space

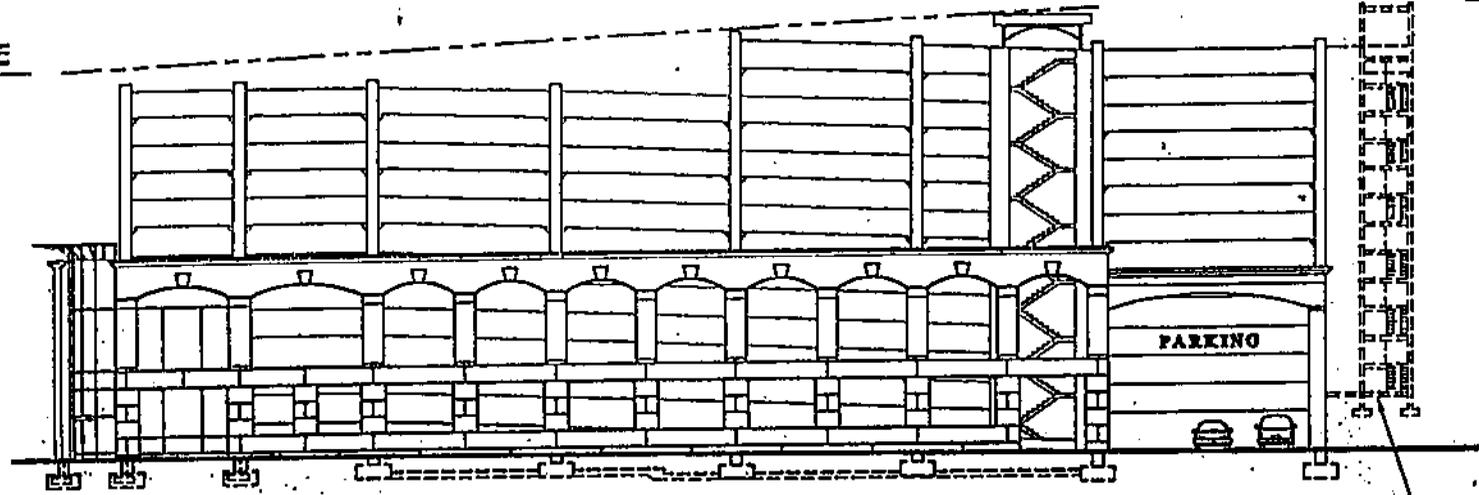
HRM PARKING FACILITY
SCALE: 1/32" = 1'-0"

ELEVATION
SALTER STREET

191

VIEW PLANE
EL. 114.43'

EW PLANE
.. 106.51'



Stalwell
beyond

Schedule L

HRM PARKING FACILITY
SCALE: 1/32" = 1'-0"

ELEVATION
LEVEL 36.0 - HOLLIS STREET