



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

Information Item No. 1
Halifax and West Community Council
May 16, 2023

TO: Chair and Members of Halifax and West Community Council

SUBMITTED BY: - Original Signed -

Cathie O'Toole, Chief Administrative Officer

DATE: April 25, 2023

SUBJECT: **Designation of Granville Mall as a Park**

INFORMATION REPORT

ORIGIN

October 12, 2022 Halifax and West Community Council motion (Item No.13.3.1):

MOVED by Councillor Mason, seconded by Councillor Stoddard

THAT Halifax and West Community Council request a staff report regarding closing the portion of Granville St from the current private parking lot to the north to Duke Street in the south, currently known as Granville Mall, and designating the municipal property in Granville Mall as a park.

MOTION PUT AND PASSED

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, S.N.S. 2008, c.39

Powers of Municipality regarding property

Section 61(3): the property vested in the Municipality, absolutely or in trust, is under the exclusive management and control of the Council, unless an Act of the Legislature provides otherwise.

Content of land-use by-law

Section 235(4): A land-use by-law may (a) regulate the dimensions for frontage and lot area for any class of use and size of structure;

Subdivision by-law

Section 281(3): A subdivision by-law may include (a) requirements for access to a lot; (b) requirements respecting the shape of a lot; (c) where they are not prescribed in a land-use by-law, minimum lot frontage and minimum lot area;

Street encroachment

Section 324(2): The Council may, by by-law, regulate encroachments upon, under or over streets, including stipulating the period of time an encroachment may remain and the entering into of agreements, including terms and conditions, for particular encroachments.

Street closure

Section 325: The Council may, by policy, permanently close any street or part of a street and the Council shall hold a public hearing before passing the policy.

Temporary purposes

Section 332: The engineer may (a) permit a person to use a portion of a street for construction or other temporary purpose; (b) temporarily close a street, or part thereof, for the protection of the public, to allow work to be done on the street or on lands and buildings adjacent to the street or for any other purpose beneficial to the public interest.

BACKGROUND

Granville Mall (the Mall) is the pedestrian portion of Granville Street located in Downtown Halifax (Map 1). The Mall consists of pavers, benches, monuments, patios for restaurants and bars, and is regularly the site of civic events.

On October 12, 2022, Halifax and West Community Council passed a motion to address issues raised by the Downtown Halifax Business Commission and abutting businesses regarding the ability to readily “activate” the street. The primary challenge highlighted was the administrative process in obtaining approvals for civic events and placemaking activities due to the Mall’s classification as a street. It was suggested that with the new parkland being established immediately to the north as part of the Cogswell District Redevelopment, a park designation might provide opportunity for the Mall and new park to function as one civic space, which could streamline the approval process.

DISCUSSION

Pedestrian streets, like parks, are public spaces that contain features and amenities that are conducive to public use and gathering. While the Mall has certain park-like characteristics, it similarly has street-like qualities and functions, including frontage, access, and utility service connections to multiple storefronts and properties¹.

Ordinance 173

Granville Mall is governed by the Granville Mall Ordinance, otherwise known as Ordinance 173 (Attachment A). The ordinance provides the regulatory framework to balance the use of the Mall as a public space used for civic events, and its function as a street for access to those properties and storefronts along it. This is accomplished by limiting access for vehicles loading or unloading goods or engaged in repair/maintenance work² while also enabling licenses to be issued for the use of the Mall for civic events, commercial, and other purposes.

Activating the Mall

Public use of the Mall for civic events, or filming, requires an application for “use of an outdoor facility” through the Parks and Recreation Business Unit. This is a straight-forward process with relatively low user fees³.

Activating the Mall with permanent or semi-permanent placemaking infrastructure, such as seating, lighting, or public art displays, is not straight-forward given the additional considerations involved such as ensuring

¹ PIDs 00002170; 00002188; 00002196; 41075433; 00002204; 41075391; 00002238

² Section 4(4) limits vehicles (aside from licensed taxis) in the Mall to between the hours of 7:30-10:30 a.m. and 6:00-7:00 p.m.

³ See [By-law U-100 Respecting User Charges, Schedule 4 – Appendix A](#)

access for emergency response vehicles and equipment, and unobstructed access to existing infrastructure, both above and below ground, such as maintenance holes and light standards. Essentially, activating the Mall with streetscaping elements involves additional processes and considerations which are managed through both Planning & Development and Public Works to ensure public safety and protection of infrastructure. Depending on the specific activity proposed, additional regulations could apply (e.g., By-law S-300 respecting Streets, By-law E-200 respecting Encroachments, By-law S-1000 respecting Sidewalk Cafes, the Regional Centre Streetscaping Administrative Order, etc.) against which staff would need to evaluate a proposal.

Understandably, these processes may cause frustration for user groups who desire a more straight-forward approval approach, or are accustomed to projects involving parkland where the physical characteristics of the space do not necessitate the same level of interdepartmental review. Additionally, a recent administrative decision was made to temporarily halt the scheduling of civic events within the Mall due to noise and dust impacts from the heavy-duty construction occurring as part of the Cogswell District Redevelopment project. Scheduling of the Mall will resume when these circumstances improve.

Reclassification

Due to the existing lot configuration of properties abutting Granville Mall, and the requirements of the Regional Subdivision By-law and Regional Centre Land Use By-law, requiring lots to have frontage on a public street, a reclassification of the Mall from a street to a park is not immediately possible. Had the lot configurations enabled such a reclassification, the process would still have been a complicated exercise including:

- officially closing the street, which is a process regulated by the Halifax Regional Municipality Charter (Section 325);
- establishing access and utility easements to address existing underground infrastructure placement and the access needs of the affected businesses and property owners;
- potentially rezoning the lands; and
- amending By-law P-600 which contains limitations that would be unsuitable for a pedestrian street, such as the park hours of operation (5:00 a.m. to 10:00 p.m.).

Process Improvements

While a reclassification of the Mall is not an option immediately available, the establishment of new parkland to the north provides an opportunity for staff to consider process improvements to facilitate approvals for civic events and placemaking activities in the area while balancing the needs for the Mall to continue to function as a street. This analysis may also include a review of Ordinance 173.

Conclusion

Granville Mall has operated successfully as a pedestrian street, regulated by Ordinance 173, since the 1960's. While physically it shares characteristics of parkland, it is primarily and functionally a street, albeit with limited vehicular access.

To ensure both compliance with the Regional Subdivision By-law and Regional Centre Land Use By-law, and proper due diligence when evaluating requests pertaining to the Mall staff advise that no action should be taken to designate Granville Mall as a park.

FINANCIAL IMPLICATIONS

No financial implications have been identified.

RISK CONSIDERATION

There are no significant risks identified.

COMMUNITY ENGAGEMENT

Community Engagement was undertaken through a virtual meeting with staff from the Downtown Halifax Business Commission.

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified.

ATTACHMENTS

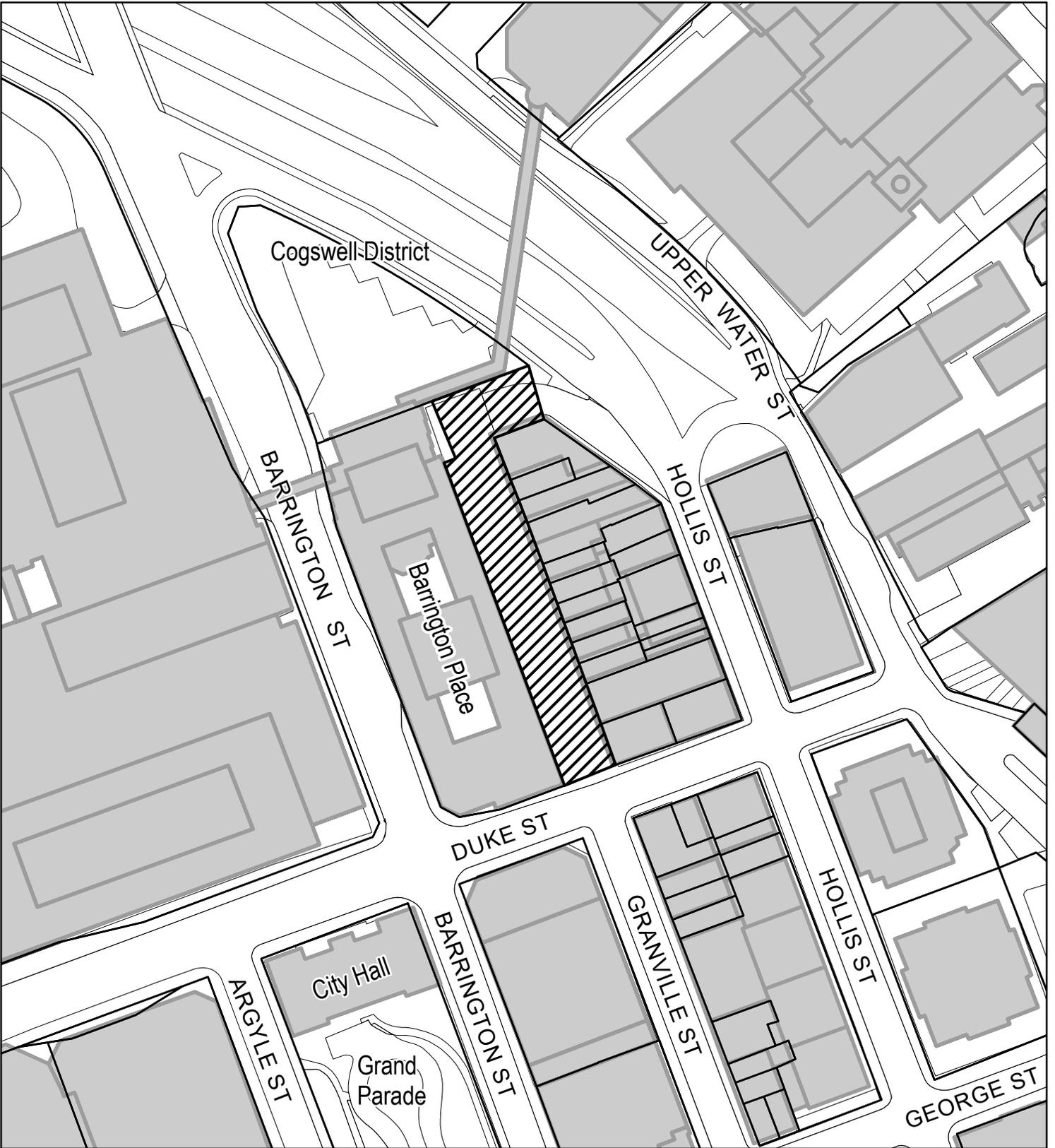
Map 1 - Granville Mall

Attachment A - Ordinance 173

Attachment B - Photos of Granville Mall

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.

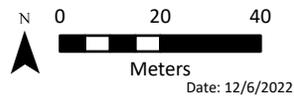
Report Prepared by: Jacqueline Bélisle, Policy Planning Coordinator, Parks and Recreation, 902.430.4092



Map 1 – Granville Mall

-  Granville Mall (PID 40928608)
-  Land Parcel
-  Building

HALIFAX
 Parks & Recreation
 Policy & Planning



Date: 12/6/2022

Ordinance 173

CITY OF HALIFAX

ORDINANCE NUMBER 173

RESPECTING GRANVILLE MALL

BE IT ENACTED by the City Council of the City of Halifax under the authority of Section 583 of the Halifax City Charter, 1963, as follows:

Number and Short Title 1. This Ordinance shall be known as Ordinance Number 173 and may be cited as the "Granville Mall Ordinance".

Definition 2. In this Ordinance "vehicle" includes automobile, truck, bus, motorcycle, tractor engine, firm tractor, road building machine and any conveyance drawn, propelled or driven by any kind of power, including muscular power but not including a baby carriage or wheel chair.

3. All that part of Granville Street lying between the northern boundaries of Duke Street and Buckingham Street, is hereby established as a pedestrian mall, herein referred to as "the Mall".

4. (1) Except as provided in this section, no person shall draw, proper, drive, park or stop any vehicle on or along the Mall at any time.

(2) The provisions of this section shall not apply to a vehicle operated on the mall for the construction or maintenance purposes of the City of Halifax, the Nova Scotia Power Corporation, the Public Service Commission or Maritime Telephone and Telegraph Company.

(3) Vehicles engaged in the construction, repair or maintenance of buildings abutting the Mall at such times as may be permitted in writing by the City Manager.

(4) A vehicle except taxis licensed under Ordinance 116, may enter upon the Mall at any time between 7:30 a.m. and 10:30 a.m. and between 6:00 p.m. and 7:00 p.m. for the purpose of loading or unloading goods at any premises abutting on the Mall or where such vehicle is required for the

purpose of building repair.

(5) Bicycles may be walked but not driven, on the Mall for the purpose of reaching designated bicycle storage areas. Bicycles shall be parked only at designated parking areas.

5. The Mall may be used by all pedestrians for all purposes for which a sidewalk may be used.

6. (1) The City Manager may issue a license or licenses for the following uses of the Mall,

Class A - Licenses of this class may be granted only for a use of the Mall of seven (7) days to five (5) months continuous duration where the licensee requires the occupation of a specific area of the Mall.

Class B - Licenses of this class may be granted only for a commercial use of the Mall of less than seven (7) days duration. No more than three such licenses shall be granted to any one applicant during any one calendar year.

Class C - Licenses for this class may be granted only for shows, exhibitions, bazaars or other performances for the entertainment of pedestrians on the Mall.

(2) The fee for each license to be paid by the applicant shall be,

(a) For Class A licenses, \$2.50 per square foot of space occupied per season.

(b) For Class B licenses, \$0.06 per square foot of space occupied per day or \$5.00 minimum.

(c) For Class C licenses, \$6.00 per day.

(3) The City Manager shall refuse to grant a license or may suspend or revoke a license, where the use put to the Mall may or does,

- (a) hinder the passage of emergency vehicles through the Mall.
- (b) interfere with the use of other licensees by reason of the nature of the use, the conduct of the licensee, its employees or patrons or the number of licenses granted.
- (c) cause unreasonable wear and tear or damage to the Mall, whether by the licensee or its patrons.
- (d) cause litter or dirt of any kind to be placed on the Mall, whether by the licensee or its patrons.
- (e) failure of the licensee to comply with any condition under which the license is issued.

(4) The City Manager may designate the times during which any activity may be carried on and its location, and the manner of conducting same.

7. (1) Where any offence is committed against this Ordinance through the improper use or parking of a motor vehicle, the owner as defined in the Motor Vehicle Act, of the vehicle shall incur any penalty imposed as a result of such violation.

(2) Any vehicle found on the Mall in violation of this Ordinance, may be seized by a peace officer and detained until the expenses of removal and detention have been paid.

Penalties

8. A person who violates or fails to comply with any provision of this Ordinance shall be guilty of an offence, and, upon summary conviction, shall be liable to a fine of not more than Five Hundred Dollars (\$500.00) or in default of payment to imprisonment for a period not exceeding sixty (60)

days.

WE HEREBY CERTIFY THAT ORDINANCE NUMBER 173 "RESPECTING GRANVILLE MALL" WAS READ AND PASSED A FIRST AND SECOND TIME AT REGULAR MEETINGS OF THE HALIFAX CITY COUNCIL HELD ON AUGUST 14 AND OCTOBER 16, 1980, RESPECTIVELY.

(Signed) Ronald J. Hanson
MAYOR

(Signed) G.I. Blennerhassett
CITY CLERK

Notice of Motion to Introduce: June 26, 1980
First Reading: August 14, 1980
Committee of the Whole Council: October 8, 1980
Second Reading: October 16, 1980
Approval of M.M.A.: November 17, 1980

AMENDMENTS:

No. 1 Amendments: Section 4(2), 4(3), 4(5), Sec. 6, Sec. 7,
new Sec. 8
Notice of Motion to Introduce: April 28, 1983
First Reading: May 12, 1983
Committee of the Whole Council: May 18, 1983
Second Reading: May 26, 1983
Approval of M.M.A. (with amendments) July 12, 1983
Ratified by Council: July 14, 1983

No. 2 Amendment: Section 6, subsection (2), clause (a)
Notice of Motion to Introduce: October 1, 1992
First Reading: October 15, 1992
Committee of the Whole Council: October 21, 1992
Second Reading: October 29, 1992
Approval of M.M.A. is not required (Chapter 41, Acts
of 1992)

No. 3 Amendment: Section 6, subsection (2), clause (a)
 (b) and (c)
 Notice of Motion to Introduce: November 17, 1994
 First Reading: December 1, 1994
 Committee of the Whole: December 7, 1994
 Second Reading: December 15, 1994
 Approval of M.M.A. is not required (Chapter 41, Acts
 of 1992)

No. 4 Amendment: Section 6, subsection (2), clause (a)
Notice of Motion: May 27, 1997
First Reading: June 17, 1997
Second Reading: July 8, 1997
Third Reading: July 8, 1997
App. of Minister of Housing & Municipal Affairs: N/A
Effective Date: July 12, 1997

Photos of Granville Mall



Photo taken on February 3, 2023, from Duke Street looking north



Photo taken on February 3, 2023, from pedway looking south