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REVISED - December 10, 2024
Revisions to Attachment A only;
sections 3.5.1(g)(ii) and 3.5.1(g)(iii)

Item No. 10.1.2
Halifax and West Community Council
November 25, 2024
December 16, 2024

TO: Chair and Members of Halifax and West Community Council

FROM: Jacqueline Hamilton, Executive Director of Planning and Development

DATE: October 10, 2024

SUBJECT: **PLANAPP 2024-00928: Substantive Amendment to a Development Agreement for 2755 King Street, Halifax**

ORIGIN

Application by FBM Ltd., on behalf of the property owner Halifax County Condominium Corporation No. 428.

EXECUTIVE SUMMARY

This report recommends amendments to an existing development agreement to permit the re-allocation of residential units between buildings, and the transfer of eight total units from two separate buildings to one other building, all within the development commonly known as Richmond Yards (Almon and Robie Street, Halifax). The proposed amendments will not change the height, exterior, or building footprint of any of the buildings. Staff recommend that Halifax and West Community Council approve the proposed amending development agreement. There are no budgetary implications as the applicant will bear all costs, expenses, liabilities, and obligations necessary to fulfill the terms of this proposed amending development agreement.

RECOMMENDATION

It is recommended that Halifax and West Community Council:

1. Give notice of motion to consider the proposed amending development agreement, as set out in Attachment A, to permit the re-allocation of units between existing buildings on the lands and schedule a public hearing;
2. Approve the proposed amending development agreement, which shall be substantially of the same form as set out in Attachment A; and
3. Require the 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

FBM Ltd., on behalf of the property owner, is applying to substantively amend the existing development agreement for the development known as Richmond Yards to allow for the re-allocation of units between buildings. All buildings enabled through the existing development agreement are under construction or already complete.

Subject Site	2755 King Street, Halifax (PID 41503343)
Location	The property is bounded by Almon and Robie Streets with St. Albans Street to the east
Regional Plan Designation	Urban Settlement (US)
Community Plan Designation (Map 1)	Centre (CEN) under the Regional Centre Municipal Planning Strategy
Zoning (Map 2)	Centre 2 (CEN-2) under the Regional Centre Land Use By-law
Size of Site	17,128.5 m ² (184,270 ft ²)
Street Frontage	154.8m (507.87 ft) on Almon St., 120 m (393.7 ft) on St. Albans Street
Current Land Use(s)	Multiple mixed-use developments (residential and commercial)
Surrounding Use(s)	Mix of various commercial, residential, and public building uses

Proposal Details

The applicant proposes to amend the existing development agreement to allow for the re-allocation of the total number of units in two buildings and transfer them to another building within the Richmond Yards development. The buildings have already been constructed or are currently under construction (Attachment C). There are no proposed changes to the exterior or height of the buildings, only to transfer permitted units within three buildings. The major aspects of the proposal are as follows:

- Building A will transfer 5 units (from 257 units to 252 units)
- Building B will transfer 3 units (from 94 units to 91 units)
- Building E will have an increase of 8 units (from 65 units to 73 units)

Existing Development Agreement

On April 27, 2021, Halifax and West Community Council approved the [original development agreement](#), Case 20871, to allow for multi-unit residential development on the Lands. The original development agreement:

- Permits the development of five separate multi-unit buildings (A to E), ranging from 8 to 30 storeys, and a block of townhouses;
- Permits for commercial space in all 5 multi-unit buildings;
- Establishes shared underground parking for the entire site; and
- Establishes two common shared private driveways that connect from Almon Street through the site to Clifton Street and King Street.

On July 17, 2024, the Development Officer approved the first amending agreement, PLANAPP-2023-02018, to allow for non-substantive changes to the landscaping plan. This amendment enabled a boundary alteration and transfer of a small portion of land from the Richmond Yards lands to an abutting property.

Enabling Policy and LUB Context

The site is zoned Centre 2 (CEN-2) under the Regional Centre Land Use By-law (LUB) and is designated Centre (CEN) under the Regional Centre Secondary Municipal Planning Strategy (SMPS). At the time of approval for the original development agreement, the enabling policies came from the Halifax Peninsula SMPS and the Regional Centre (Package A) SMPS, both of which have since been repealed and are no longer in effect. The current Regional Centre LUB and SMPS, approved by Regional Council on October 26, 2021, replaced the Halifax Peninsula & Regional Centre (Package A) LUB and SMPS.

Within the Regional Centre SMPS, Policy IM-33.5 enables the substantive amendment of the existing development agreement for Richmond Yards, specifically for the purpose of allowing the re-allocation of units from Buildings A & B to Buildings C & E. Policy IM-33.5 was recently created through the Housing Accelerator Fund (HAF) amendment package, approved by Regional Council on [May 23, 2024](#). When considering a substantive amendment to the existing development agreement, the policy outlines that Council shall have regard for the built form remaining substantially the same as well as maintaining the minimum number of 3-bedroom units within Building A.

Within the Regional Centre LUB, section 498.4 allows Council to consider applications for substantive amendments to existing development agreements, in accordance with Policy IM-33 and IM-33.5 of the SMPS.

DISCUSSION

Staff have reviewed the proposal relative to all relevant policies and advise that it is consistent with the intent of the SMPS. Attachment B provides an evaluation of the proposed development agreement in relation to the relevant MPS policies.

Proposed Amending Development Agreement

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

- Transfer of 5 units from Building A (257 to 252 units);
- Transfer of 3 units from Building B (94 to 91 units);
- Transfer of 8 units to Building E (65 to 73 units); and
- No additional units, beyond what has already been approved under the development agreement are being proposed.

The attached amending development agreement will permit the transfer of units from Buildings A and B to Building E, to allow for an increase in the total number of units permitted within Building E, subject to the controls identified above. Of the matters addressed by the proposed amending development agreement to satisfy the SMPS criteria as shown in Attachment B, the following have been identified for detailed discussion.

HAF Amendments

Policy IM-33 of Regional Centre SMPS was created to allow three locations very specific substantive amendments to existing development agreements which had been created by policies that no longer exist. During the construction of Building E, the developer submitted updated floor plans to showing more units than permitted through the existing development agreement and the issued construction permit. It was identified that Buildings A and B did not have the maximum number of permitted units in each building and the developer proposed that the units be transferred between buildings, with the understanding that no additional units would be permitted to the total number of units on the entire Richmond Yards site.

Given that the proposed unit swap would ensure all units could be established onsite without allowing any additional density beyond the existing maximum set in the existing development agreement, staff were supportive of including the proposal within the HAF package to be presented to Regional Council. The ability to request a swap of units between buildings was proposed within the HAF amendments package as policy IM-33.5 within the Regional Centre SMPS, presented to Regional Council in April and May of 2024.

Priorities Plans

In accordance with Policy G-14A of the Halifax Regional Plan, staff considered the objectives, policies and actions of the priorities plans, inclusive of the Integrated Mobility Plan, the Halifax Green Network Plan,

HalifACT, and Halifax's Inclusive Economic Strategy 2022-2027. In this case, the following policies were identified to be most relevant to this application:

- 1) Designating areas for higher density residential development where there is an existing or proposed high level of transit service such as a proposed Transit Priority Corridor to support the development of walkable, affordable transit-oriented communities (Action 17 Integrated Mobility Plan)
- 2) Increasing housing stock to accommodate the growing population in Halifax (Strategic Objective 1.6 Halifax's Inclusive Economic Strategy 2022-2027).

Conclusion

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is reasonably consistent with the intent of the SMPS. The proposed amending development agreement permits the re-allocation of units between buildings within the Richmond Yards site, without increasing the total number of units permitted on the lands. This amendment to the existing development agreement is supported by a new policy from the HAF amendment package approved by Regional Council. Therefore, staff recommend that the Halifax and West Community Council approve the proposed amending development agreement.

FINANCIAL IMPLICATIONS

The applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this proposed development agreement. The administration of the proposed development agreement can be carried out within the approved 2024-2025 operating budget for Planning and Development.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed amending development agreement are contained within the Discussion section of this report.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy and the Public Participation Administrative Order (2023-002-ADM). The level of community engagement was achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, and letters mailed to property owners within the notification area. A total of 993 letters were mailed to property owners and tenants within the notification area (Map 2). The HRM website received a total of 139 unique pageviews over the course of the application, with an average time on page of 54 seconds. Staff received two responses from the public. The public comments received were both seeking clarification to better understand what was being proposed by the applicant. A public hearing must be held by Halifax and West Community Council before they can consider approval of the proposed development agreement. Should Community Council decide to proceed with a public hearing on this application, in addition to the advertisement on the HRM webpage, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

LEGISLATIVE AUTHORITY

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

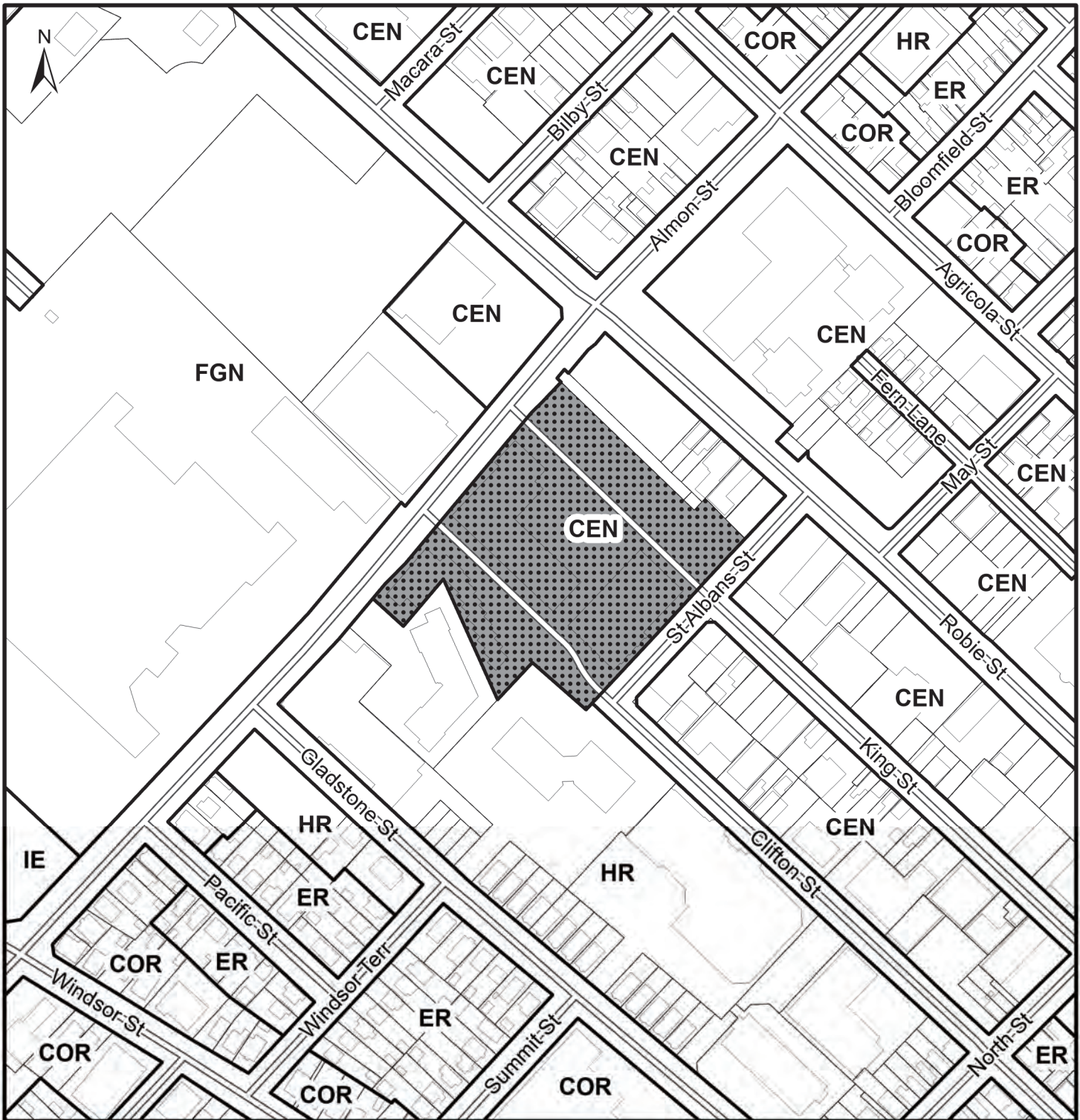
ALTERNATIVES

1. Halifax and West Community Council may choose to approve the proposed amending development agreement subject to modifications. Such modifications may require further negotiation with the applicant and may require a supplementary report or another public hearing. A decision of Council to approve this amending development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Halifax and West Community Council may choose to refuse the proposed amending development agreement, and in doing so, must provide reasons why the proposed amending agreement does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

Map 1:	Generalized Future Land Use
Map 2:	Zoning and Notification Area
Attachment A:	Proposed Amending Development Agreement
Attachment B:	Review of Relevant MPS Policies
Attachment C:	Existing Site Plan

Report Prepared by: Matt Conlin, Planner III, Urban Enabled Planning Applications, 902.719.9457



Map 1 - Generalized Future Land Use

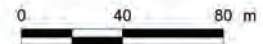
Richmond Yards
Halifax

HALIFAX

 Subject Property

Designation

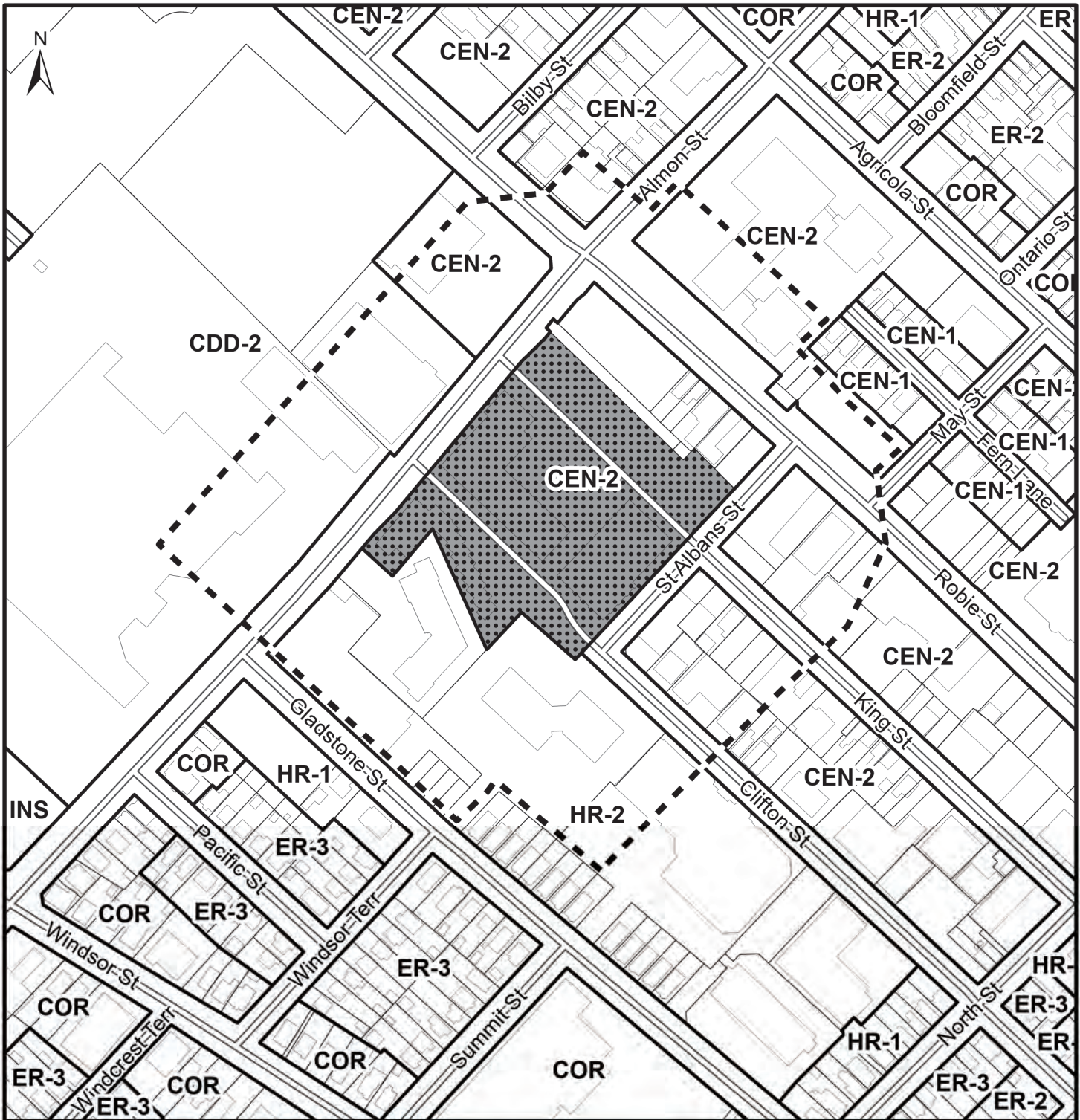
- CEN Centre
- COR Corridor
- ER Established Residential
- FGN Future Growth Node
- HR Higher-Order Residential
- IE Institutional Employment



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.

Regional Centre
Plan Area



Map 2 - Zoning and Notification Area

Richmond Yards
Halifax

-  Subject Property
-  Area of Notification

Regional Centre
Land Use By-Law Area

Zone

- CDD-2 Comprehensive Development District 2
- CEN-1 Centre 1
- CEN-2 Centre 2
- COR Corridor
- ER-2 Established Residential 2
- ER-3 Established Residential 3
- HR-1 Higher-Order Residential 1
- HR-2 Higher-Order Residential 2
- INS Institutional

HALIFAX



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:
Proposed Amending Development Agreement**

REVISED December 10/24 (Page 2 - 3.5.1(g)(ii) - addition of a zero “0” to total permitted parking spaces and 3.5.1(g)(iii) - addition of “B” after the word “Schedule”)

THIS SECOND AGREEMENT made this day of **[Insert Month]**, 2024,

BETWEEN:

HALIFAX COUNTY CONDOMINIUM CORPORATION NO. 428

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 2755 King Street, Halifax, Nova Scotia, and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS on April 27, 2021, the Halifax and West Community Council approved an application to enter into a Development Agreement to allow for multi-unit residential development on the Lands (municipal case 20871), which said Development Agreement was registered at the Land Registration Office on June 23, 2021, as Document Number 118804245 (hereinafter called the "Original Agreement");

AND WHEREAS on July 17, 2024, the Development Officer approved an application to amend the Original Agreement to allow for amendments to the landscaping plan on the Lands (PLANAPP 2023-02018), and which said Development Agreement was registered at the Halifax County Land Registration Office on September 11, 2024, as Document Number 124692980 (hereinafter called the "First Amending Agreement"), and which does apply to the Lands;

AND WHEREAS the Original Agreement and the First Amending Agreement together comprise the Existing Development Agreement (hereinafter called "the Existing Agreement");

AND WHEREAS the Developer has requested further amendments to the Existing Agreement to allow for the re-allocation of units between buildings on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policy IM-33.5 of the Regional Centre Secondary Municipal Planning Strategy and Section 498.4 of the Regional Centre Land Use By-law;

AND WHEREAS the Halifax and West Community Council approved this request at a meeting held on **[Insert - Date]**, referenced as PLANAPP 2024-00928;

THEREFORE, in consideration of the benefits accrued to each party from the covenants herein contained, the Parties agree as follows:

1. Except where specifically varied by this Second Amending Agreement, all other conditions and provisions of the Existing Agreement as amended shall remain in effect.
2. The Developer agrees that the Lands shall be developed and used only in accordance with and subject to the terms and conditions of this Second Amending Agreement, and the Existing Agreement.
3. Section 3.5.1 of the Existing Agreement shall be amended by deleting the text shown in ~~strikeout~~ and inserting the text show in bold as follows:

3.5.1 The development shall be developed in accordance with the following:

- a) Building Element A:
 - i. Maximum of ~~257~~ **252** residential units
 - ii. Maximum of 1397 sq. metres of commercial space
 - iii. 65% of the residential units will be a minimum of 2 bedrooms
 - iv. 10% of the residential units will be a minimum of 3 bedrooms
 - v. The minimum unit size of a 2-bedroom unit will be 102.2 sq. metres
 - vi. The minimum unit size of a 3-bedroom unit will be 125 sq. metres
- b) Building Element B:
 - i. Maximum of ~~94~~ **91** residential units
 - ii. Maximum of 1,753 sq. metres of commercial space
- c) Building Element C:
 - i. Maximum of 110 residential units
 - ii. Maximum of 1,124 sq. metres of commercial space
- d) Building Element D:
 - i. Maximum of 86 residential units
 - ii. Maximum of 352 sq. metres of commercial space
- e) Building Element E:
 - i. Maximum of ~~65~~ **73** residential units
 - ii. Maximum of 324 sq. metres of commercial space
- f) Building Element Townhouses:
 - i. Maximum of 8 residential units
- g) Parkade:
 - i. Maximum of 28,169 sq. metres
 - ii. A maximum of 550 parking spaces
 - iii. Access points to the parkade are as shown in Schedule B

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:

HALIFAX COUNTY CONDOMINIUM CORPORATION NO. 428

Witness

Per: _____

Print Name: _____

Position/Title: _____

Date Signed: _____

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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, personally came and appeared _____, the 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, personally came and appeared _____, the subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that Mike Savage, 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

**Attachment B –
Review of Relevant MPS Policies**

Regional Centre Municipal Planning Strategy	
IMPLEMENTATION <u>Transition to this Plan</u>	
Policy	Staff Comments
<p>Policy IM-33.5 <i>Applications for substantive amendments to certain existing development agreements may be considered under this Policy IM-33.5 for the following matters:</i></p>	
<p><i>(a) if the built form is substantially the same and the minimum required number of 3bedroom units is maintained in Building A, changes that allow the re-allocation of units from Building Elements A & B to Building Elements C & E on PID 41503343 (Case 20871);</i></p>	<p>No changes are proposed to the built form of any buildings involved in the substantive amendment. The minimum number of 3-bedroom units required in Building A is 26. 26 3-bedrom units are still included in the building. Five units are proposed to be reallocated from Building A and three units are proposed to be reallocated from building B. All eight units are proposed to be reallocated to Building E.</p>
<p><i>(b) if the built form is substantially the same and notwithstanding the previous policies of the Municipal Planning Strategy for Halifax, changes that allow an additional 2 storeys above the maximum permitted building height of 8 storeys on 6330 and 6324 Quinpool Road (Case 20520);</i></p>	<p>N/A</p>
<p><i>(c) if the built form is substantially the same and the ratio of 2-bedroom units, which is at least 25%, is maintained, changes that allow an additional 2 storeys above the maximum permitted building height of 20 storeys on 112 and 114 Wyse Road (Case 22487)</i></p>	<p>N/A</p>
Halifax Regional Municipal Planning Strategy (Regional Plan)	
9.6 PRIORITIES PLANS	
<p><i>Since the adoption of this Plan in 2014, Regional Council has approved several priority plans including the Integrated Mobility Plan, Halifax Green Network Plan, HalifACT, and Halifax’s Inclusive Economic Strategy 2022-2027. The second review of this Plan began in 2020 and is expected to be readopted by Regional Council in 2023. The review will revise the policies of this Plan to ensure they are consistent with the priorities plans as approved. In the interim, this Plan supports the priorities plans which are actively used by staff to guide</i></p>	

ongoing work.

G-14A *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

(a) The buildings related to this development agreement are already constructed or under construction currently, however the site is located adjacent to a major transit line that is proposed to have Bus Rapid Transit service in the future.

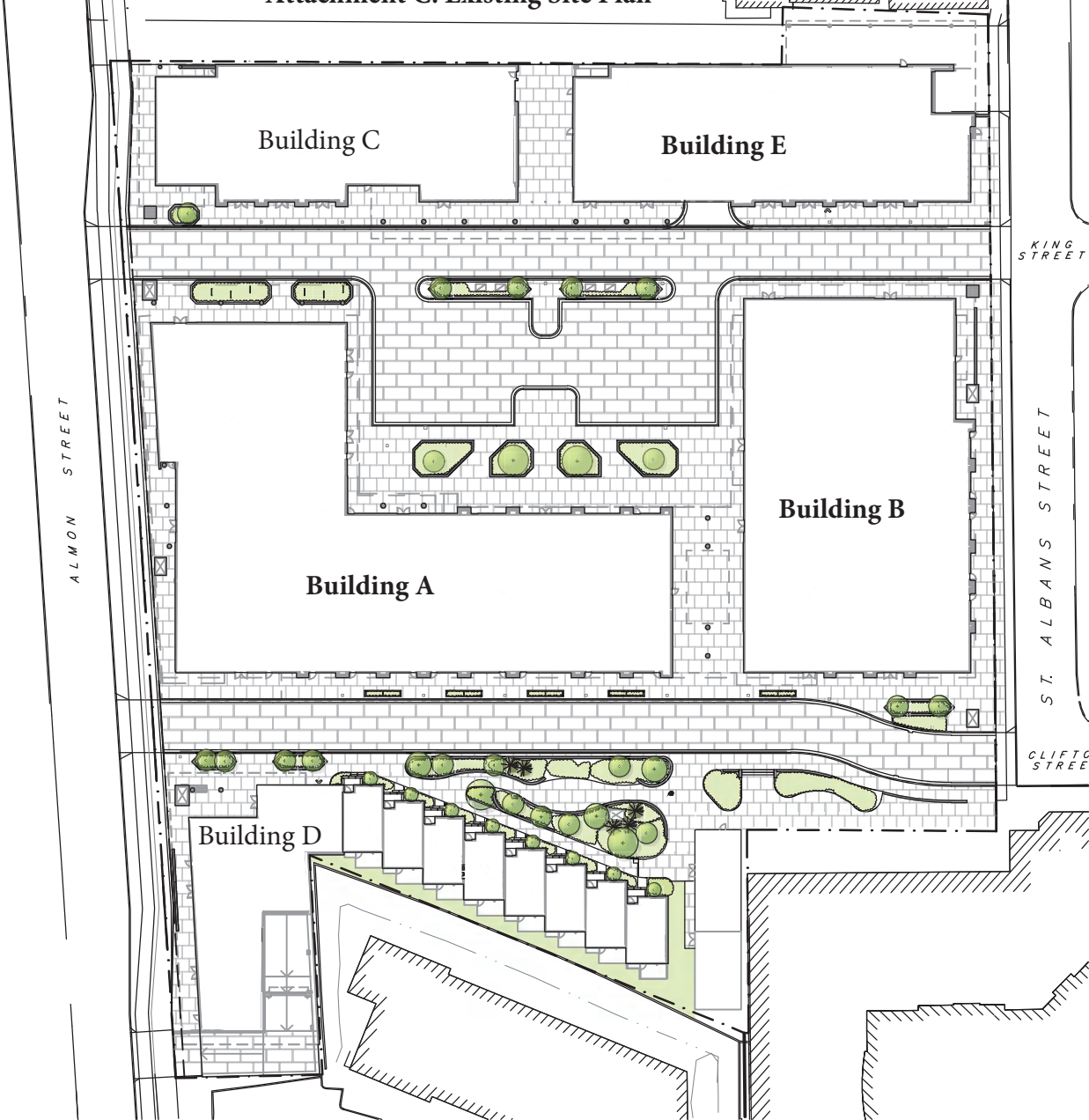
(b) There are no corridors present within or through the site.

(c) N/A

(d) N/A

(e) N/A

Attachment C: Existing Site Plan



SCALE 1:1000