



P.O. Box 1749
Halifax, Nova Scotia
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Item No. 15.1.5
Halifax Regional Council
May 9, 2023

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed

SUBMITTED BY:

Cathie O'Toole, Chief Administrative Officer

DATE: April 27, 2023

SUBJECT: **Case 24663: Repealing the Downtown Halifax Secondary Municipal Planning Strategy and Land Use By-law and Including the Downtown Halifax Transition Sites in the Regional Centre Secondary Municipal Planning Strategy and Land Use By-law**

ORIGIN

October 26, 2021 Halifax Regional Council motion (Item 12.2.1):

MOVED by Councillor Mason, seconded by Councillor Austin

THAT Halifax Regional Council:

1. Adopt the Regional Centre Secondary Municipal Planning Strategy, and the Regional Centre Land Use By-law as contained in Attachments A and B of the September 14, 2021 supplementary staff report, including repealing the Regional Centre Secondary Municipal Planning Strategy (Package A), the Regional Centre Land Use By-law (Package A), the Secondary Municipal Planning Strategy for Downtown Dartmouth, the Land Use By-law for Downtown Dartmouth, and the Land Use By-law for Halifax Peninsula, with the following amendments:

(...)
6. Request a supplementary report regarding the outstanding Center Plan Site Plan applications that will be affected by the adoption of Centre Plan Package B.

MOTION PUT AND PASSED

May 4, 2021 Halifax Regional Council motion (Item 11.2.):

MOVED by Councillor Russell, seconded by Councillor Kent

RECOMMENDATION ON PAGE 2

THAT Halifax Regional Council:

1. Accept the background study contained in Attachment A of the March 2, 2021 staff report to initiate the process to establish a Heritage Conservation District in Downtown Halifax; and
2. Follow the Public Participation Program for Heritage Conservation Districts (HCDs), adopted by Regional Council on November 17, 2020, as contained in Attachment B of the March 2, 2021 staff report, to obtain public input on the proposed Downtown Halifax conservation plan and by-law in accordance with Section 6 of the Heritage Conservation Districts Regulations.

MOTION PUT AND PASSED

LEGISLATIVE AUTHORITY

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

An Act to Amend the HRM Charter Respecting Housing:

- 14 (1) Notwithstanding the Halifax Regional Municipality Charter, an applicable municipal planning strategy or any by-law, policy or practice of the Halifax Regional Municipality, where the Halifax Regional Municipality Council is considering any planning decision under Part VIII of the Act or a community council is considering any planning decision it is empowered to make under the policy establishing the community council, the Council or community council may not refer the matter to a planning advisory committee or any other advisory committee of the Council for a recommendation prior to the Council's or the community council's decision on the matter.
- (2) Subsection (1) ceases to have effect three years from the date it comes into force.

RECOMMENDATION

It is recommended that Halifax Regional Council direct the Chief Administrative Officer to:

1. Initiate a process to consider amendments to the Regional Centre Secondary Municipal Planning Strategy and Land Use By-law, and the repeal of the Downtown Halifax Secondary Municipal Planning Strategy and Land Use By-law to fully consolidate the Downtown Halifax Plan Area into Regional Centre Plan Area and to address minor housekeeping matters that may be identified; and
2. Follow the public participation program for the Secondary Municipal Planning Strategy and related Land Use By-law amendments as set out in the Community Engagement Section of this report.

BACKGROUND

The Downtown Halifax Secondary Municipal Planning Strategy (MPS) and Land Use By-law (LUB) adopted in 2009 were based on extensive public consultation and were the first planning documents based on form-based code, urban design principles and streamlined approval processes. Many of the principles of the Downtown Plan were carried forward in the Centre Plan, including in the policies and regulations for the Downtown Designation and the Downtown Halifax Zone.

Centre Plan Package B was approved by Regional Council on October 26, 2021. As a first phase of the Plan and By-law simplification process, the new plan includes new land use policies and regulations for the Regional Centre, including most of the area previously regulated by the Downtown Halifax Plan and Land Use By-law.

In the reports related to the Centre Plan Package B adoption process (dated May 7, July 28, and August 17, 2021), staff recommended that the Downtown Halifax Plan remain in place in the short-term for the Barrington Street and Old South Suburb HCDs (Heritage Conservation Districts). Council was also advised that applications going through the site plan approval process in Downtown Halifax could not be carried forward under the new rules. There were only 5 site plan approval applications that were unlikely to obtain a non-conforming status (i.e., all required approvals and permits issued and the start of construction before the publication of the first notice for Package B public hearing). Therefore, in the August 17, 2021 staff report it was recommended that those properties identified in Table 1 below be removed from the Package B planning documents to provide these applications with more time, until the existing heritage districts are consolidated and expanded under the Downtown Halifax HCD. This was targeted for completion by May 2023.

Regional Council passed another motion on October 26, 2021 as part of Item 12.2 to request a supplementary report regarding the outstanding Centre Plan site plan applications that will be affected by the adoption of Centre Plan Package B. In the Discussion section of the supplementary report of January 14, 2022, it was stated that most of the 5 site plan approval applications in the Transition Sites were approved.

Staff note that a portion of property under site plan approval application Case 23050 (1724-1740 Granville Street, Halifax, PID 00002626), which was only partially contained in the Barrington Street HCD, was also removed from the Centre Plan in July 2022 under Case 24260. This property is now under construction and is fully contained in the proposed Downtown Halifax HCD.

Table 1: Downtown Halifax Transition Sites and Status (October 2021)

ID	Name	Civic Address	PID	Case & Council Approval Date
Site 1	Jag Hotel	1872-1874 Brunswick Street	00002030	22322 (June 9, 2020)
Site 2	Skye Halifax	1591 Granville Street	00003954	22444 (April 12, 2022)
Site 3	Blowers & Granville	5182 Blowers Street	00076141, 40420143, and 00076109	22128 (Full application not submitted)
Site 4	Mills Brothers	1470 Queen Street	00077461	23726 (September 9, 2021)
Site 5	Bedford Row	1649 Bedford Row	00003129 40041097	23725 (August 12, 2021)

DISCUSSION

The process outlined in this report is proposed to fully consolidate the remaining Downtown Halifax Plan Area into the Regional Centre Plan Area once the Downtown Halifax HCD is considered and approved by Council. If ultimately approved by Council, the amendments would repeal the Downtown Halifax Secondary Municipal Planning Strategy and Land Use By-law and in doing so, cause the Design Review Committee to be defunct. The remaining Downtown Halifax Plan Area is composed of:

- The Barrington Street HCD;
- The Old South Suburb HCD; and
- 5 Downtown Halifax Transition Sites.

The Barrington Street HCD, the Old South Suburb HCD, as well as Transition Sites #3 and #5 are within the proposed Downtown Halifax HCD (Case H00513) and will be discussed in a separate report.

Therefore, this report focuses on Transition Sites #1 to #4.

Before proceeding with the repeal of Downtown Halifax Plan Area, communicating the intention with the property owners of the Transition Sites will be conducted using the public participation program as set out in the Community Engagement Section of this report. The intent of the proposed amendments is to provide for land use rights which reflect those that currently exist under the Downtown Plan (i.e., permitted uses and maximum height), and align them with the Centre Plan planning framework.

Current Status of Planning Applications

Site 1 (1872-1874 Brunswick Street)

A full site-plan approval was completed with the intention to build the Jag Hotel. However, a permit application has not been received to date.

Site 2 (1591 Granville Street)

A building permit was issued after a full site-plan approval, but another site-plan approval application was submitted. The new site-plan approval application is under review.

Site 3 (5182 Blowers Street)

While its pre-site-plan approval application was complete in May 2019, to date staff have not received a full site plan approval application for Site 3. Staff does not anticipate new updates on this application, but this would be confirmed during the public engagement process.

Site 4 (1470 Queen Street)

A building permit was issued after a full site-plan approval, and a building is currently under construction.

Site 5 (1649 Bedford Row)

A full site-plan approval was completed, but further permit applications have not been filed. Site 5 will be included in the proposed Downtown Halifax HCD and therefore does not form part of this report.

Housekeeping Amendments

In addition to repealing the Downtown Halifax Plan Area, minor amendments to the Regional Centre SMPS and LUB may be identified to carry out Council directions more accurately and correct any administrative issues.

Conclusion

Regional Council has supported the approach to consolidate of Downtown Halifax Plan Area with the Regional Centre Plan Area once the Downtown Halifax HCD is created. As 4 out of 5 Transition Sites have benefited from the additional time and received site plan approval or permits, staff recommend that Regional Council now initiate the MPS amendment application process to repeal the Downtown Halifax SMPS and LUB. Any properties that do not proceed to construction will be provided with comparable development rights through the process.

COMMUNITY ENGAGEMENT

Should Regional Council choose to initiate a process to consider updating the applicable planning documents, the *HRM Charter* requires that Regional Council approve a public participation program. Rather than proceeding with the February 1997 Public Participation resolution, given the localized nature of this process, staff propose that community engagement can be achieved through the HRM website, and letters

mailed out to property owners. The process outlined in this report would limit the scope of change to only the properties noted in this report, and therefore impact properties in a very limited geographic area. Staff recommend conducting the public participation program for 6 weeks.

Further, staff advise that a public information meeting is not necessary in this instance and engagement is better performed through a factsheet mailout and one-on-one discussion between planning staff and involved members of the community. The community will have further opportunity to engage with Regional Council at the required public hearing. Amendments to the MPS will potentially impact the following stakeholders: residents, landowners, and businesses within the Transition Sites.

FINANCIAL IMPLICATIONS

The HRM costs associated with the Municipal Planning Strategy and Land Use By-law amendment process can be accommodated within the approved 2023-24 operating budget for Planning & Development with existing resources.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This report involves a proposed MPS amendment process, which is at the discretion of Regional Council and is not subject to appeal to the NS Utility and Review Board. Information concerning risks and other implications of adopting the proposed amendments are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified at this time.

ALTERNATIVES

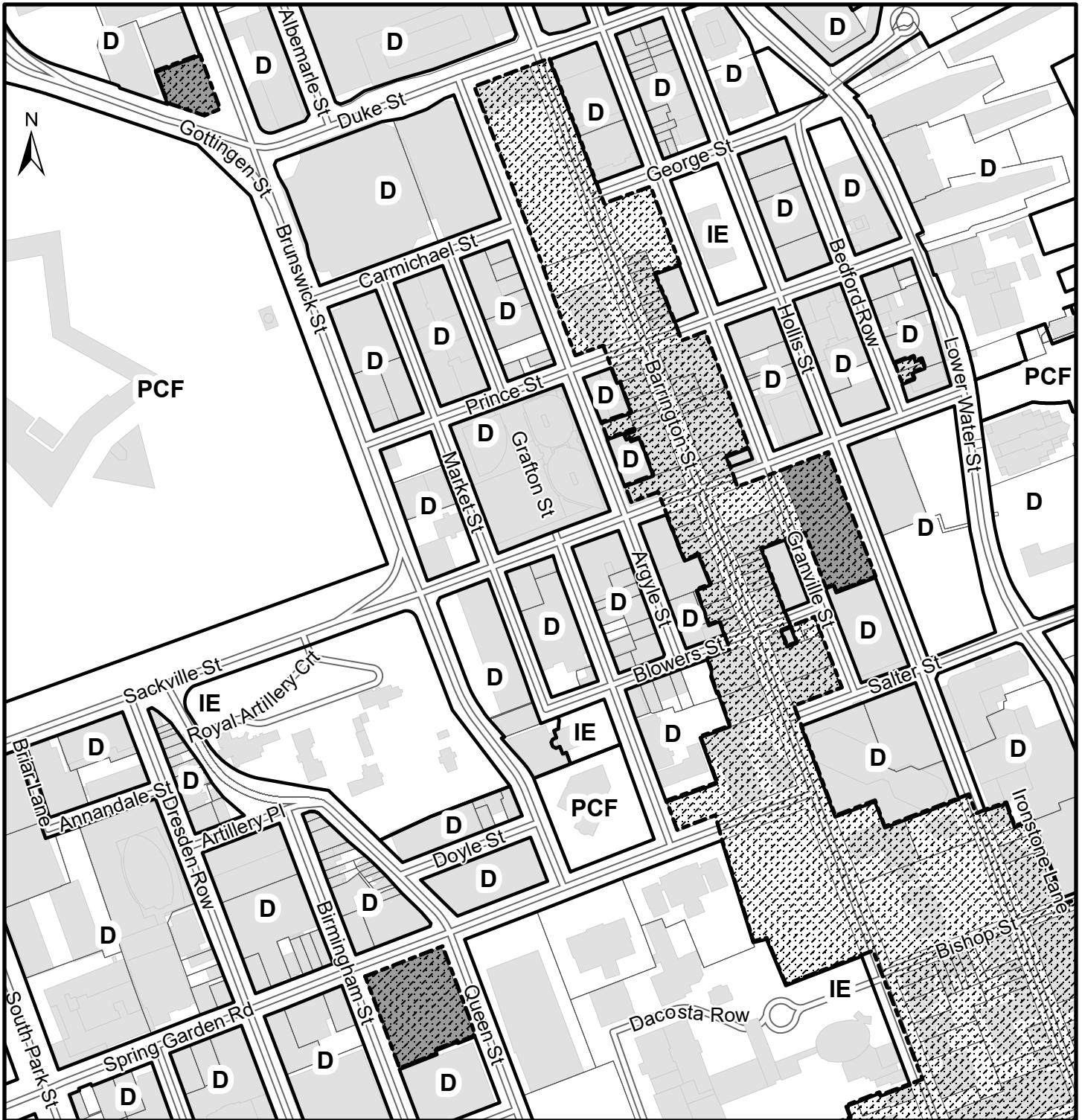
1. Regional Council may choose to initiate the consideration of potential policy that would differ from that which is outlined in this report. This may require a supplementary report from staff.
2. Regional Council may choose not to initiate the MPS amendment process. A decision of Council not to initiate a process to consider amending the Regional Centre MPS and LUB and repealing the Downtown Halifax MPS and LUB is not appealable to the NS Utility and Review Board as per Section 262 of the *HRM Charter*. This alternative is not recommended as it would maintain the Downtown Halifax MPS and LUB for a limited number of properties.

ATTACHMENTS

Map 1: Generalized Future Land Use
Map 2: Zoning


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: Byungjun Kang, Planner III, Planning & Development, 782.641.0856



Map 1 - Generalized Future Land Use

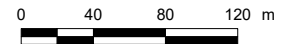
HALIFAX

 Subject Properties

 Downtown Halifax Plan

Regional Centre Designation

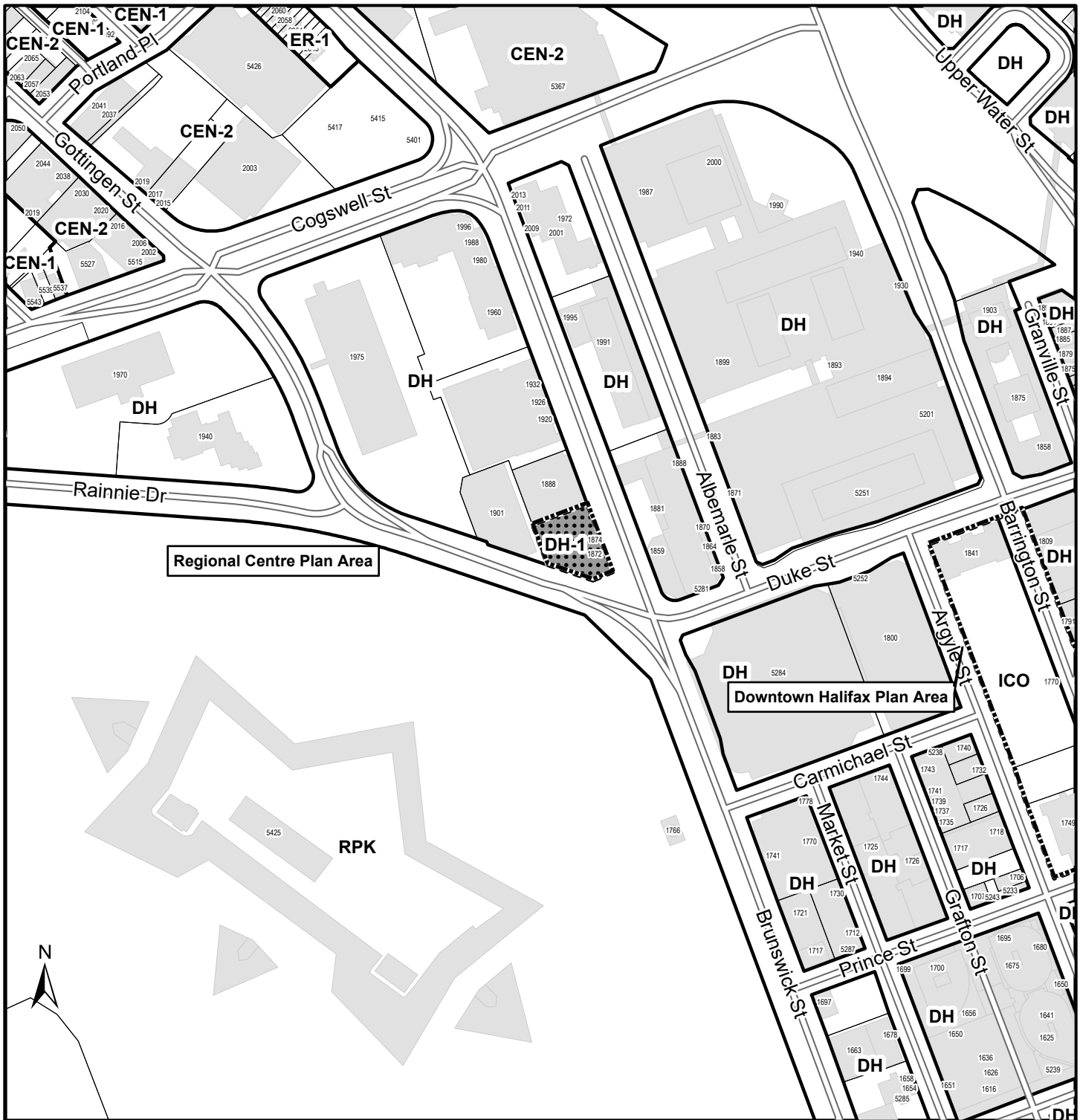
- D Downtown
- IE Institutional Employment
- PCF Park and Community Facility



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.

Downtown Halifax Plan and Regional Centre Plan



**Map 2 - Zoning
Site A**

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Subject Property
Community Plan Area

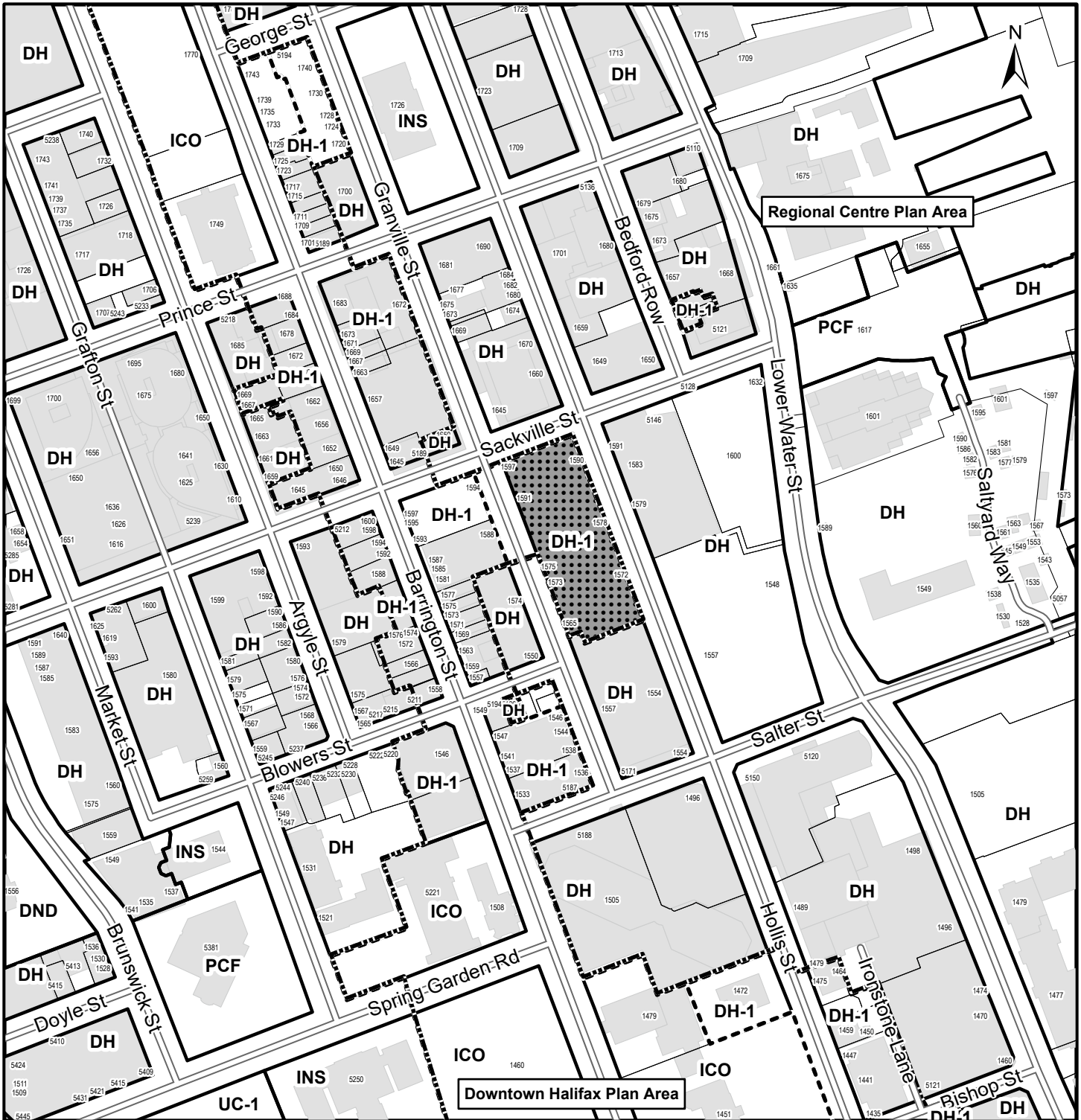
		Zone	
DHFX	DH-1	Downtown Halifax	
	ICO	Institutional, Cultural and Open Space	
RC	CEN-1	Centre 1	
	CEN-2	Centre 2	
	DH	Downtown Halifax	
	ER-1	Established Residential 1	
	RPK	Regional Park	



Downtown Halifax & Regional Centre
Land Use By-Law Areas
Downtown Halifax Plan & Regional Centre Plan

This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.



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Regional Centre Plan Area

Downtown Halifax Plan Area

Map 2 - Zoning Site B

-  Subject Property
-  Community Plan Area

<p>DHFX</p> <p>RC</p>	<p>DH-1</p> <p>ICO</p> <p>DH</p> <p>DND</p> <p>ER-1</p> <p>INS</p> <p>PCF</p> <p>UC-1</p>	<p>Downtown Halifax</p> <p>Institutional, Cultural and Open Space</p> <p>Downtown Halifax</p> <p>Department of National Defense</p> <p>Established Residential 1</p> <p>Institutional</p> <p>Parks and Community Facilities</p> <p>University and College 1</p>
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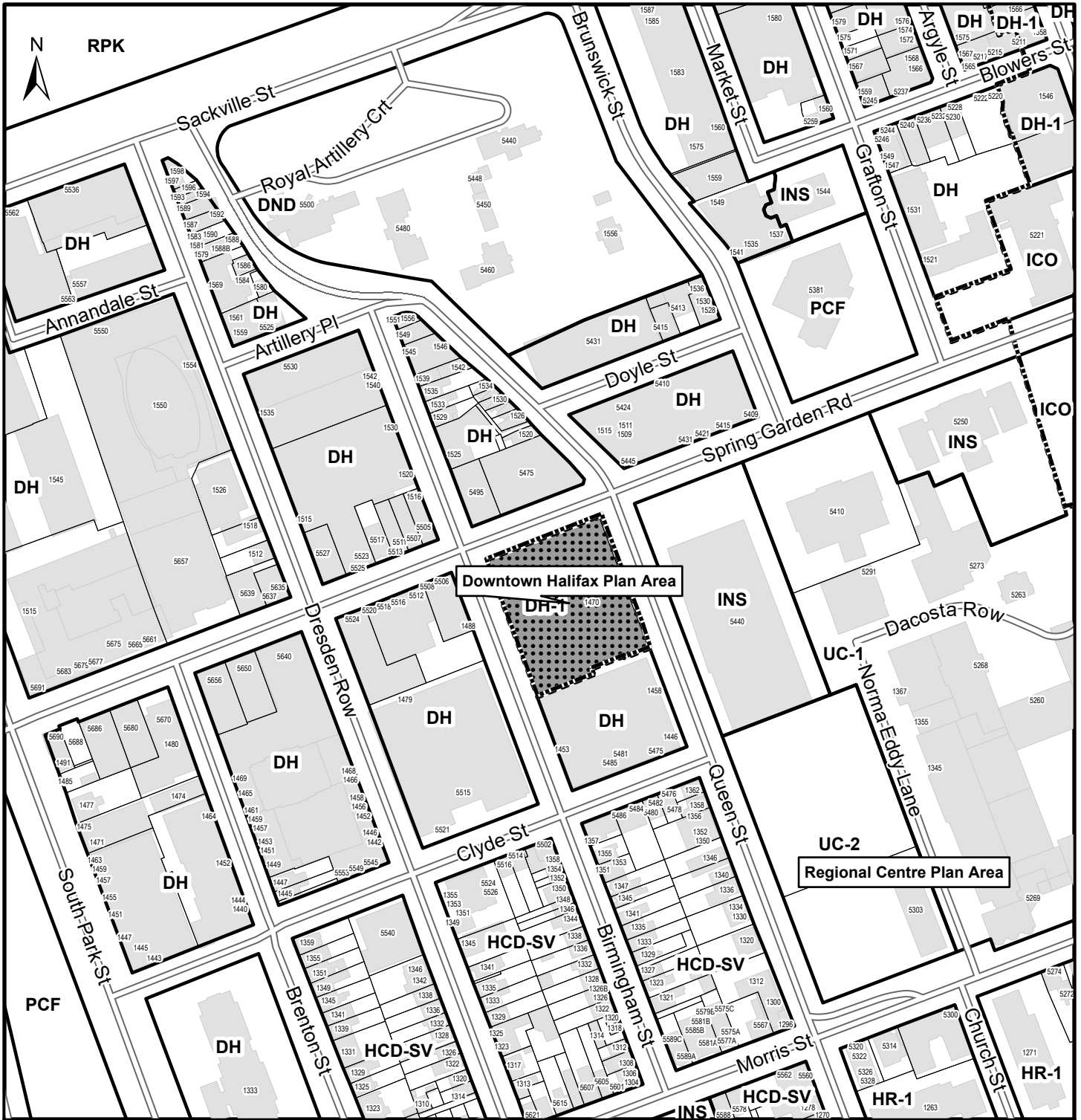
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Downtown Halifax & Regional Centre
Land Use By-Law Areas
Downtown Halifax Plan & Regional Centre Plan



**Map 2 - Zoning
Site C**

-  Subject Property
-  Community Plan Area

Downtown Halifax & Regional Centre
Land Use By-Law Areas
Downtown Halifax Plan & Regional Centre Plan

Zone	Description
DHFX	Downtown Halifax
ICO	Institutional, Cultural and Open Space
DH	Downtown Halifax
DND	Department of National Defense
HR-1	Higher-Order Residential 1
HCD-SV	Heritage Conservation District-Schmidtville
INS	Institutional
PCF	Parks and Community Facilities
RPK	Regional Park
UC-1	University and College 1
UC-2	University and College 2

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