



P.O. Box 1749  
Halifax, Nova Scotia  
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**Item No. 3**  
**Halifax Regional Council**  
**August 18, 2020**

**TO:** Mayor Savage and Members of Halifax Regional Council

**SUBMITTED BY:** Original Signed  
Kelly Denty, Director, Planning & Development

Original Signed by   
Jacques Dubé, Chief Administrative Officer

**DATE:** July 8, 2020

**SUBJECT:** Case 22322: Bonus Zoning Agreement 1872-1874 Brunswick Street, Halifax

**SUPPLEMENTARY INFORMATION REPORT**

**ORIGIN**

At the June 9, 2020, Regional Council the following motion was put and passed.

*“THAT Halifax Regional Council defer item 9.1.5 pending a supplementary staff report to provide information on the following: how the gallery will operate, public access (including entry costs), who will determine what art will hang on the walls, and what kind of engagement have they had and/or plan to have with First Nations and Indigenous peoples.”*

**LEGISLATIVE AUTHORITY**

- *Halifax Regional Municipality Charter:*
  - o Section 245A(1): Where a municipal planning strategy so provides, a land-use by-law may provide for incentive or bonus zoning agreements respecting the HRM by Design Downtown Plan Area;
  - o Section 245B(1): The Council may, by resolution, adopt or amend an incentive or bonus zoning agreement; and
  - o Section 245C(1): An incentive or bonus zoning agreement is in effect until discharged by the Council.
  
- Section 12(9) of the Downtown Halifax Land Use By-law

## **BACKGROUND**

At their July 25, 2019 meeting, the Halifax Design Review Committee approved a Site Plan Approval application for a twelve (12) storey hotel development on the site bounded by Brunswick Street and Gottingen Street in downtown Halifax. Within the Downtown Halifax Plan Area, maximum permitted building heights may only be attained when a developer provides a public benefit. In this case, the developer for the site proposed an “Aboriginal Visual and Performing Arts Gallery”, which falls within the public benefit category of “rental commercial space at a subsidized cost for arts or cultural uses”. A bonus zoning agreement was required to confirm the provision of this amenity as per applicable sections of both the HRM Charter as well as the Downtown Halifax Land Use By-law. These agreements are required in advance of permits being issued and construction commencing on the site.

Halifax Regional Council received a staff report at their June 9, 2020 meeting which contained the bonus zoning agreement for their consideration. At this meeting, Regional Council posed questions regarding specifics of the gallery including curation of installations, access, and engagement with the community that may have taken place to date. As such, Regional Council passed a motion requesting a supplementary staff report to provide information on how the gallery will operate, public access (including entry costs), who will determine what art will hang on the walls, and what kind of engagement have they had and/or plan to have with First Nations and Indigenous peoples.

## **DISCUSSION**

Since the time of the June 9, 2020 report to Council, the applicant for this proposal has cancelled their application to construct the hotel (Attachment A). No further details beyond those included in Attachment A have been provided. Given this decision, there is no longer a requirement to enter into a bonus zoning agreement with the Municipality. Should the developer choose to proceed with this project at some point in the future, they will not have to go through the Site Plan Approval process again if the project and the requirements of the land use by-law remain unchanged. They would, however, need to seek Regional Council’s approval to enter into the required bonus zoning agreement.

## **FINANCIAL IMPLICATIONS**

The HRM costs associated with processing this application can be accommodated within the approved operating budget for C420 Land Development and Subdivision.

## **COMMUNITY ENGAGEMENT**

Community Engagement as described by the Community Engagement Strategy is not applicable to the public benefit contribution component of the site plan approval process.

## **ATTACHMENTS**

Attachment A - E-mail from Ron Fougere, Architect and applicant for the JAG Hotel, dated June 29, 2020.

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Andrew Faulkner, Development Officer/Principle Planner, 902.490.4341

Report Approved by: Carl Purvis, Acting Manager Current Planning, 902.490.4797

## Attachment A

**From:** Ron Fougere (<Email Redacted>)  
**Sent:** Monday, June 29, 2020 5:03 PM  
**To:** Faulkner, Andrew <[faulkna@halifax.ca](mailto:faulkna@halifax.ca)>  
**Subject:** [External Email] Re: JAG Hotel - request from Council

*[This email has been received from an external person or system]*

Thanks Andrew for your reaching out on the below and your follow up phone call last week.

Please be advised that a decision has been made by the JAG owner to not proceed with the above referenced project, due to the impact the Covid Pandemic has placed on the project.

We wish to thank you and all City of Halifax personal for all your / their assistance and support in the design and permit acquisition process.”