

## **COMMUNIQUE**

### **Grandfathering Policy in HRMbyDesign**

**April 1, 2009**

*The following is a communique to clarify Council's decision to include a policy on grandfathering four applications for development agreements in HRMbyDesign's Downtown Plan, at their meeting on March 31, 2009.*

#### **Grandfathering Policy in HRMbyDesign**

Regional Council passed a motion at their meeting on March 31, 2009, directing staff to include a policy in HRMbyDesign's proposed Downtown Halifax Secondary Municipal Planning Strategy (the Plan), to grandfather four existing development agreement applications under current policy. This does not mean that Council approved these four applications.

The decision to grandfather is not an indication of how Council will judge each proposal; it simply determines the rules by which these applications will be considered for approval. If the grandfathering policy is approved as part of HRMbyDesign, these four applications will be considered under current policies and regulations, and each proposal will be subject to its own public hearing before a final Council decision is made. The four applications include:

- **Case 01162** - Application by Dixel Developments Limited for a 10 storey mixed-use building on the south-east corner of Hollis and Morris Streets.
- **Case 01172** - Application by Davison Seamone Rickard Adams Architects Incorporated on behalf of 778938 Ontario Limited / Starfish Properties for 16 storey redevelopment of the Roy Building, Barrington, Sackville and Granville Streets.
- **Case 01227** - Application by Dixel Developments Limited for a 5 storey addition to City Centre Atlantic, between Birmingham St. and Dresden Row.
- **Case 01231** - Application by 1595 Investments Limited, for a 20 storey mixed-use development at 1595 Barrington Street (Discovery Centre).

Council decided to include the grandfathering policy in HRMbyDesign's proposed Plan so that members of the public could give feedback on this policy to Council at the HRMbyDesign public hearing, in addition to feedback on other policies and regulations in the proposed Plan and Land Use By-law. Following the HRMbyDesign public hearing, Council can decide to make changes to the proposed HRMbyDesign Plan, including the grandfathering policy. The inclusion of the policy for consideration by the public and Council at the HRMbyDesign public hearing does not require Council to ultimately adopt the policy as part of the HRMbyDesign Plan. It must be ratified at the same time as HRMbyDesign's Plan, should Council choose to approve it.

HRMbyDesign's proposed Plan and Land Use By-law is scheduled to receive First Reading by Regional Council at their next regular meeting on Tuesday, April 7, 2009. At that time Council will set the date for the public hearing on the Plan and By-law, which is expected to commence on Tuesday, May 5, 2009, with additional days to be scheduled as necessary.

### **Background - Grandfathering**

Grandfathering development agreement applications simply determines the rules by which these applications will be considered by Council, not the final decision. In addition, the applicant is not entitled to be grandfathered. It is a discretionary policy decision by Council as to whether or not they will be entertained and what standards will be applied to them. This is not a new practice unique to HRMbyDesign. The decision to grandfather existing applications for development must be made every time a major change is proposed for planning policy.

For more information:

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