

PENINSULA COMMUNITY COUNCIL
MINUTES

September 10, 2012

PRESENT: Councillor Jennifer Watts, Chair
Councillor Jerry Blumenthal, Vice Chair
Councillor Sue Uteck
Councillor Dawn Sloane

STAFF: Ms. Karen Brown, Senior Solicitor
Ms. Sheilagh Edmonds, Legislative Assistant

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1. CALL TO ORDER

The Chair called the meeting to order at 7:00 p.m. in the Bayer's Road Planning Office Boardroom, 7071 Bayers Road, Halifax.

2. APPROVAL OF MINUTES

MOVED by Councillor Sloane, seconded by Councillor Blumenthal that the minutes of August 13, 2012 be approved. MOTION PUT AND PASSED.

3. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS

Additions:

12.1 Case 16803 – Development Agreement Signing Extension

MOVED by Councillor Sloane, seconded by Councillor Uteck that the agenda, as amended, be approved.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Business Arising: None

4.2 Status Sheet:

Councillor Sloane noted that the Status Sheet item in regard to Peninsula Place flooding has been on the status sheet since February 11, 2008, and the issue is still not resolved. She suggested that Community Council should have a briefing from staff as to the status of the matter.

The Chair suggested that it may be beneficial to see if staff could attend the next meeting to provide an update.

5. MOTIONS OF RECONSIDERATION – NONE

6. MOTIONS OF RESCISSION – NONE

7. CONSIDERATION OF DEFERRED BUSINESS – None

8. HEARINGS

8.1 Public Hearings

8.1.1 Case 17371: Development Agreement for 1749 to 1759 Vernon Street, Halifax

A staff report dated June 12, 2012 was before Community Council for consideration.

Notice of Motion for this matter was given at Community Council's August 13, 2012 meeting.

Mr. Myles Agar, Planner 1, provided the staff presentation outlining the application by W.M. Fares Group to expand the volume of the existing building at 1749- 1759 Vernon Street to enable the existing flat roof to be replaced with a pitched roof; and to be able to use floor area within the pitched roof as habitable space in order to reorganize the existing six units within the building. He pointed out that no additional units would be created through the process and that the intent is to provide larger family-sized units designed to be marketed for homeowner occupancy.

In response to a question from Councillor Uteck, Mr. Agar indicated that there would be no increase in the amount of bedrooms per unit, adding that each dwelling would have a minimum of two and maximum of three.

In response to questions from Councillor Sloane, Mr. Agar clarified that there will be twelve spaces for bicycle parking; and six parking spaces for vehicles, with four being outdoors and two indoors. Further, Mr. Agar noted that the agreement calls for the driveway to be made of paving stones, which will help with stormwater management.

At this time the Chair advised that the applicant has an opportunity to come forward and provide a presentation if he wished.

Mr. Cesar Saleh advised that he was representing the applicant. Mr. Saleh elaborated on the details of the proposal, highlighting that the intent of the application is to renovate the building to create six family-style units and sell them as condominiums, and to do this without increasing any additional space.

Mr. Saleh responded to questions from Community Council.

The Chair reviewed the Rules of Procedure for public hearings and opened the hearing.

Mr. Howard Epstein advised that he lived within the area, and that, in general, he supported the proposal as it achieves a very desirable effect of increasing residential densification without altering the look and feel of the neighbourhood. Mr. Epstein added that although the proposal was a good one, the process was problematic in his view. He explained that several years ago Council engaged in the HRMbyDesign plan which looked at development in the Regional Centre, however, this process was sidetracked and now the focus is on development in specific corridors. Mr. Epstein advised that he felt this was fundamentally wrong and that Council should be looking at the Regional Centre as a whole.

Mr. Ray Whitley advised that he lived directly across from the proposed development. Mr. Whitley advised that he and his wife were very supportive of this application because it will be much improved from what they have been dealing with over the past several years. He added that although they will lose some light with the 3rd storey they are prepared to deal with this as long as it will be turned into condominiums and that the property owners will be suitable.

The Chair called three times for anyone else wishing to speak; there being none it was **MOVED by Councillor Sloane, seconded by Councillor Uteck that the public hearing close. MOTION PUT AND PASSED.**

MOVED by Councillor Uteck, seconded by Councillor Sloane that Peninsula Community Council:

- 1. Approve the proposed development agreement presented as Attachment A to the June 12, 2012 staff report, and;**
- 2. 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.**

Councillor Uteck indicated that she supported this application as she sees it as an opportunity to turn-around a property that has been a concern for residents of the area.

Councillor Sloane advised that she was supportive of the application because it was taking a property that is derelict and bringing it up to a standard that is acceptable to the neighbourhood.

MOTION PUT AND PASSED.

8.1.2 Case 17256: LUB Amendment and Development Agreement – 6100 Young Street, Halifax

A staff report dated July 18, 2012 was before Community Council for consideration.

First Reading and Notice of Motion in regard to this matter was given at Community Council's August 13, 2012 meeting.

Correspondence dated September 9, 2012 was submitted from Shirley and Phil McLaughlin

Mr. Paul Sampson, Planner 1 provided the staff presentation on the application by 215 Pembroke Street East Limited to remove the existing commercial building at 6100 Young Street and replace it with a mixed-use development consisting of high density residential and commercial uses. The proposal consists of two 13-storey residential towers atop a four-storey, mixed-use podium. Mr. Sampson advised that the process was a two-step process, with the amendment to the Land Use Bylaw as the first step, and the second being the Development Agreement. He noted that both steps were appealable to the Nova Scotia Utility and Review Board. Mr. Sampson explained that the public hearing addresses both matters, however, this evening Community Council was being asked to make a decision on the amendment to the Land Use Bylaw. If Community Council approves it, and there is no appeal, staff would then come back with a supplementary report on the Development Agreement for Community Council's consideration.

Mr. Sampson advised that when Community Council gave First Reading on August 13, 2012, it was to consider the development agreement with the exception that clause 5.2b relating to the option for two additional residential floors through non-substantive amendment be deleted. He noted that the developer concurs with this. Further, should Community Council approve the Land Use Bylaw amendment this evening, when staff come back with the supplementary report on the Development Agreement, the draft Development Agreement will include this change.

Mr. Sampson responded to questions from Community Council.

At this time the Chair advised that the applicant has an opportunity to come forward and provide a presentation if he wished.

Mr. Paul Skerry addressed Community Council, noting that he was the architect for the project. With regard to the proposed development, he advised that their intent is to take the existing land use, which is a suburban strip mall with a lot of surface parking and create a development that will bring people back into the area to live, and to also maintain a commercial use. He noted that one issue that arose during the public information meeting, and which the developer has dealt with was to reduce the amount of surface parking and create a pedestrian mall for those individual that will be working in the commercial areas.

The Chair opened the public hearing for those wishing to speak to this matter.

Mr. Howard Epstein spoke in opposition to the proposal. In his remarks he suggested that this application was premature based on the Corridor study that was currently underway. He also cited traffic concerns and the requirement for traffic lights in the area other reason to turn down the proposal. He pointed out that there was no affordable housing included in the development agreement. Mr. Epstein submitted his comments to Community Council and suggested that Council members read through his comments as it shows that the proposal does not meet the general intent of the Municipal Planning Strategy.

Mr. Nathan Rogers, a resident of the area spoke in support of the project and advised that he believed it was yielding aspects that the Centre Plan and Corridor Study are trying to achieve, and that it would be a positive project for the community.

The Chair called three times for any further speakers; there being none, it was **MOVED by Councillor Sloane, seconded by Councillor Blumenthal that the public hearing close. MOTION PUT AND PASSED.**

The Chair advised the applicant that, if he wished, he could respond to any of the points that were raised during public hearing.

Mr. Skerry indicated that he is open to ideas in regard to affordable housing.

At this time, Councillor Watts stepped down from the Chair and Councillor Blumenthal assumed the Chair.

MOVED by Councillor Watts, seconded by Councillor Uteck that Peninsula Community Council adopt the amendment to Map ZM-2 of the Halifax Peninsula Land Use Bylaw as presented on Maps 1 and 2 of the July 18, 2012 staff report.

Councillor Watts suggested that that consideration be given to including affordable housing in the development agreement if possible.

Mr. Sampson advised that there was no policy basis as of yet for affordable housing component within this area. He added that in downtown area there is an affordable housing component but this was only within the downtown.

MOTION PUT AND PASSED.

8.2 Variance Appeal Hearings: None

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence: None

9.2 Petitions - None

9.3 Presentations: None

10. REPORTS

10.1 Staff: None

11. MOTIONS

11.1 Councillor Uteck

MOVED by Councillor Uteck, seconded by Councillor Sloane that Peninsula Community Council requests that staff provide a report with regard to an amendment to S. 70AA(1)9a) of the Low Density University zone of the Land Use Bylaw, Halifax Peninsula by adding South Street and a R-1 zone,” for the amended bylaw to read as follows:

**“The following uses shall be permitted in any U1 zone:
University uses excepting university commercial facilities, student union building, rinks and arenas that directly abut South Street and an R-1 zone physical plant buildings, parking garages, auditoriums and laboratories.”**

In moving the motion, Councillor Uteck submitted additional information that she requested be forwarded to staff.

MOTION PUT AND PASSED.

12. ADDED ITEMS

12.1 Case 16803 – Development Agreement Signing Extension

A staff report dated August 29, 2012 was submitted.

MOVED by Councillor Sloane, seconded by Blumenthal Councillor that Peninsula Community Council approve a 120 day extension to the time frame required for the development agreement at 2569-2581 Brunswick Street, approved by Peninsula Community Council on March 5, 2012 to be signed by the property owner. MOTION PUT AND PASSED

13. NOTICES OF MOTION - None

14. PUBLIC PARTICIPATION

Alan Hayman – Mr. Hayman referred to Councillor Uteck’s motion and advised that he spoke with staff today and was informed that petition submitted to Regional Council in early summer resulted in a staff report that will be submitted to Regional Council on September 18, 2012. Mr. Hayman expressed concern with the motion made by Councillor Uteck this evening and whether it would impact on the issue. He indicated that he was hoping that a public hearing could be held in October.

The Chair advised that this was new information to Community Council. She added that Councillor Uteck would follow up with staff and then get in touch with Mr. Hayman.

Howard Epstein – Mr. Epstein addressed the issue of ‘Affordable Housing’ and advised that in his opinion Municipal staff have the ability to be able to negotiate for affordable

housing in a development agreement, and he encouraged Community Council to consult with the Municipality's legal staff in this regard. Mr. Epstein also addressed the issue of the Municipality seeking Charter amendments to enable density bonusing outside the downtown core and advised that there was an incorrect assumption that other parts of the Province have this ability, but this was not the case, and that they have site plan controls.

Nathan Rogers – Mr. Rogers made reference to a comment by Mr. Hayman in regard to Councillor Uteck's petition and his expectation of holding a public hearing in October, and clarified that in his experience a public hearing cannot happen that soon, and that it is a lengthy process.

15. NEXT MEETING DATE – October 15, 2012

- 15.1 Annual General Meeting – October 15, 2012 - held in conjunction with the regular Community Council meeting.

16. IN CAMERA: None

17. ADJOURNMENT

The meeting adjourned at 8:35 a.m.

Sheilagh Edmonds
Legislative Assistant