

**DISTRICT 12 PLANNING ADVISORY COMMITTEE  
SEPTEMBER 5, 2007  
PUBLIC MEETING MINUTES**

**PRESENT:** Ms. Heather Ternoway, Chair  
Ms. Beverly Miller, Vice Chair  
Mr. Clary Kempton  
Councillor Dawn Sloane

**ABSENT:** Ms. Lucy Trull  
Mr. Graeme Gunn  
Ms. Katherine Perrot

**STAFF:** Mr. Paul Sampson, Planner I  
Mr. Luc Oullett, Planner 1  
Ms. Sheilagh Edmonds, Legislative Assistant

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**1. CALL TO ORDER**

The Chair called the meeting to order at 7:04 p.m. in Halifax Hall, 2<sup>nd</sup> Floor, City Hall, 1841 Argyle Street, Halifax.

**2. CASE 00971- APPLICATION BY HALKIRK PROPERTIES LIMITED TO AMEND THE HALIFAX MUNICIPAL PLANNING STRATEGY AND HALIFAX PENINSULA LAND USE BY-LAW to Include the Southern Portion of the "Keith's Brewery" Lands, Bounded by Lower Water, Bishop, Hollis and Salter Streets, Within the Central Business District and CBD Sub-area of the Halifax Waterfront Development Area and to Enter into a Development Agreement for a Mixed-use Development**

A staff report dated June 12, 2007, originally submitted at the July 3, 2007 Regional Council meeting, was submitted.

The following correspondence was submitted:

- C A letter dated August 30, 2007 from Michael S. Ryan, Q.C., Cox & Palmer.
- C An E-mail letter dated September 4, 2007 from David Mercer, Halifax.
- C An E-mail letter dated September 5, 2007 from Judith Fingard, Halifax.

Paul Sampson, Planner 1 advised that this meeting was an opportunity for the public to hear and provide feedback to the request by Halkirk Properties Limited for proposed amendments to the Halifax Municipal Planning Strategy and Land Use Bylaw and to enter into a Development Agreement of the southern portion of their lands. Mr. Sampson added that staff was looking for feedback on the overall broad proposal to amend the planning strategy, specifically the boundary by the Central Business District (CBD) and Waterfront Development area. As well, he advised that staff would like to receive comments on the particulars of the development proposal.

Additional points noted by Mr. Sampson were as follows:

- C the process was initiated by Regional Council in early July.
- C the zoning of the properties is C2.
- C there is a view plane which runs across most of the property with the exception of a small part in the southern portion; the proposal does not affect the view plane in terms of building heights.
- C staff have put forward the suggestion to amend the Central Business District (CBD) boundary, the result of which will enable Council to consider proposals of greater height
- C the staff report also recommended that if Council wished to consider approval of the application, then it should also consider moving the boundary

Mr. Sampson advised that the process for this application is as follows:

- C Peninsula Community Council will be responsible for approving the Development Agreement, but Regional Council will have to approve a boundary change first
- C Regional Council and Community Council would first make a decision whether or not to hold a public hearing; and Council is under no obligation to hold a public hearing when it comes to amendments to Planning Strategy.
- C If a public hearing date is set, it will be a joint public hearing of Regional Council and Community Council, and if the amendment to the Planning Strategy is approved then the amendment goes to the Province for review.
- C A decision of Council to amend the Planning Strategy is not appealable--the appeal process applies to the Development Agreement and Community Council's decision.

Mr. Bill Campbell addressed those in attendance and advised that he was representing Halkirk Properties this evening. Mr. Campbell elaborated on the proposal, noting:

- C this is a revised proposal from what Council dealt with in 2003.
- C the development proposal is predominately residential, and the CBD allows for residential development.
- C there is a lot of emphasis on the street, and it is well mannered to heritage properties and the pedestrian environment.
- C the site is within the Brewery District; the intent of the proposal is that the architectural detailing will read as one unit in the district.
- C there will be substantial renovation to Keith Hall, and this will be subject to review by the Heritage Advisory Committee.
- C views from Citadel Hill or from high elevations will see a landscaped roof.
- C an archeological investigation of the site will occur, similar to what took place in the Salter's Gate development.
- C Phase 3 of the proposal which involves the longshoremen's building is not included in this application.
- C the proposal, which includes three buildings will have 119 dwelling units; parking is under-building with access from Lower Water Street, and Bishop Street; there will be 140 resident parking spaces and 93 commercial spaces.
- C density is 100 persons per acre.
- C the current building is 21 stories high as opposed to the 27 story building presented in 2003; 130 units were proposed in 2003, and now they were proposing 119.
- C in 2003 the proposal was more tower shaped, whereas, the current proposal has the building articulated on the corners and stepped back--this will have less implication on wind and design.
- C there is provision for both permanent and temporary market use in the building
- C the street wall on Lower Water street matches up with Bishops Street and the Bishops Landing development.
- C the completion of the development will better define the views on Lower Water Street and up Bishop Street.
- C materials that will be used include: ironstone, granite, sandstone, and brick
- C Keith's Hall will see restoration with sandstone and an additional storey; this will be a substantial alteration to a heritage structure, therefore, this will go to the Heritage Advisory Committee.
- C one portion of the site will be under demolition, but it is not a registered building.

C an updated wind analysis, to reflect the new building, has been done and this information will be supplied to staff; wind tunnel tests will be carried out on the new plan and this will also be submitted to staff; a shadow analysis has been completed and submitted to staff.

The Chair pointed out that, within the site under discussion this evening, there is one property that is not owned by Halkirk and, therefore, is not part of the proposal.

Mr. Campbell responded to questions from the Committee.

The Chair then invited any members of the public who wished to speak on this matter, to come forward at this time.

The following persons spoke:

Louis Lemoine, Spryfield. Mr. Lemoine spoke in support the development, advising that it should have been approved five years ago. He added that this was the kind of development Halifax needs, and that it has been successful in other big cities. Mr. Lemoine also advised that he did not think that the proposal to extend the CBD went far enough.

Alan Ruffman, Ferguson's Cove. Mr. Ruffman questioned what staff saw as the advantage in proposing the change to the CBD.

In response, Mr. Sampson clarified that the staff proposal was to change a boundary, which currently runs through the middle of the property, to follow the streets. He explained that the boundary runs down Hollis Street, to Bishop Street, and along Lower Water Street and back. The change would, essentially, include the southern portion of the site in the boundary. He pointed out that this option was put forward by Halkirk, but it is not the only option that Council could consider.

In response to further questions by Mr. Ruffman, Mr. Sampson clarified the following points:

- C the development agreement process is in place;
- C the staff suggestion to Council, as contained in the report is that, if Council wishes to consider the Development Agreement, then it should consider amending the boundary of the CBD.
- C the CBD and the Halifax Waterfront Development area overlap, and it is the policies of the Waterfront Development area that take precedence
- C the proposed change would place the whole property within the CBD south area of the Waterfront Plan, instead of the southern sub area of the Waterfront Plan.
- C the use will be primarily residential.

Frank Metcalf, Halifax, indicated that his firm was the principle tenant in the Benjamin Weir House, which is owned by Sable Offshore House Limited. He advised that the house is located within the proposed development area but is not owned by Halkirk. Mr. Metcalf added that it came as a surprise to him that the Benjamin Weir House would be included

in the application to amend the CBD. He indicated that he was speaking on behalf of Sable Offshore House Limited and they do not want to be included in the CBD. He also expressed concern that this change would result in an increase in taxes or levies and that his building would be dwarfed by the proposed development. Mr. Metcalf questioned if he could receive a copy of the Shadow Study.

Mr. Sampson noted that any studies that are submitted in relation to this application are available to the public, and may require a small fee to cover photocopying charges.

Councillor Sloane referred to Mr. Metcalf's concern about a possible increase in taxes and suggested that, if he wished, she could send his information to staff, and they could provide him any information on the financial implications.

Jill Robinson, Halifax. Ms. Robinson expressed concern about CBD 'creep' and the impact on taxation, noting that she already has a heavily taxed building.

Marsha Parker, Halifax. Ms. Parker read and submitted her presentation. In her submission she expressed concern that the proposed development would have on an area of such historical significance as Bishop's Street and the residence of the Lieutenant Governor. She also expressed concern that the amendment to the CBD would result in further southward extension of commercialism into residential neighbourhoods. Ms. Parker noted that the downtown streets receive very little sunlight due to their north/south configuration, and ensuring that residences do not have sunlight blocked is another reason for placing limits on the height of buildings. She concluded her remarks by advising that something interesting and sympathetic could be built on the land in question without the need for extending the CBD.

In response to further questions from the Committee, Mr. Sampson provided the following clarification:

- C staff is of the opinion that the proposal did not meet the policies, specifically those of the southern sub area. An application can be made through the development agreement process, under current policies, and if Council were to approve it under existing policies, it would be subject to the appeal process.
  
- C an application for Development Agreement can be made today without the amendment—and this would be subject to the appeal process. In the staff report, staff recommend that Council consider amendments to the planning strategy if they want to consider approval of this project—this is not to say that it could not go forward under the current MPS.

To further clarify, the Chair explained that, whether the Plan Amendment goes ahead or not, the applicant can still apply for a development agreement.

Howard Epstein, MLA, Halifax Chebucto addressed the Committee and noted that, only if the CBD boundary is changed, then the developer might be able to meet plan policies. Mr. Epstein provided the following comments:

- C the development application approved in 1981 is still in force and he requested the Planning Advisory Committee recommend to Regional Council to discharge the 1981 Development Agreement.
- C suggested the Planning Advisory Committee give consideration to the criteria that should be used when considering whether to change the Plan. Recommended they use the test the Ontario municipal board uses, which is the following question: *'is the proposal good planning in the public interest?'*
- C suggested that crucial information was missing, such as the Utility and Review Board's comment on the result in the United Gulf case and the Halifax by Design project. This proposal is premature and should not be considered until the result of these planning projects are known.
- C market studies to determine if there is a preference for residential or commercial are missing.
- C there is an abundance of available spots currently available for commercial and residential development in the CBD already without altering the boundaries.

Alan Ruffman addressed the Committee once again and made the following points:

- C the 1983 boundary change had the boundary going through the middle of St. Matthews Church but staff did not think to change this.
- C it appears the boundary change staff was recommending with this project was only to facilitate the development proposal.
- C questioned whether this was going to be the only public meeting on this matter, suggesting that another meeting for the Development Agreement proposal should be held.
- C staff said the CBD amendment was something that Regional Council would approve, but that the DA would be approved by Community Council. He questioned whether this was correct adding that it was his understanding that Regional Council took away Peninsula Community Council's ability to make these approvals.

A brief discussion ensued concerning whether both aspects of the application would be dealt with by Regional Council or whether Peninsula Community Council would be dealing with either part or the entire application. Mr. Sampson advised that he would check and clarify the correct process. With regard to an additional public meeting, Mr. Sampson advised that usually only one public meeting is held prior to the public hearing, and that generally a second one is only held if the proposal changes substantially.

Elizabeth Pacey, Halifax. Ms. Pacey provided a presentation on the historic aspects of the streetscape and neighbourhood which surrounds the property in question, noting in particular the many examples of Georgian Architecture. She expressed concern about the impact of the proposed tower on the neighbourhood, which includes Government House, and suggested that a proposal needs to be more sympathetic to the area.

Michael Goodyear, Halifax. Mr. Goodyear advised that he lived in the neighbourhood and was concerned about the impact the development would have on the sensitive streetscape. He suggested that consideration needs to be given to the impact it will have on the overall neighbourhood.

Colin Whitcombe, Halifax. Mr. Whitcombe referred to the arcades used in the design of the proposal and suggested they were not successful in creating an intensification of commercial uses of the streetscape. He questioned what purpose they serve adding that they do not create a good urban fabric.

In response, Mr. Campbell advised that the arcade in the proposal on Lower Water Street has a commercial street behind it, and parking behind the street.

The Chair noted that there is a policy in the MPS which states that weather protection should be provided for pedestrians at street level. She suggested that the arcades may be one solution to this.

Sonya Salisbury Murphy, Halifax, advised that she did not like the arcades as she felt they were unsafe, and suggested that increasing them is not a good idea in the downtown.

Linda Frank, Halifax, expressed concern that changing the CBD would lead to other high rise buildings.

Phil Pacey, President of Heritage Trust. Mr. Pacey suggested that consideration be given to dealing with the two aspects of the application separately in order that the public would have a full opportunity to comment on both. He noted that the amendment to the CBD is a legislative matter and that the Development Agreement is a quasi-judicial matter. Mr. Pacey went on to add that he did not support the boundary change and that the request appears to be driven by a private property owner. He added that this was not good public policy and the proposal was out of scale with the neighbourhood. He cited the Bishop's Landing development as an example of a proposal that is in scale with the neighbourhood; is less expensive; and is an environmentally friendly development.

David Murphy, Halifax. Mr. Murphy indicated that he supported Halkirk's idea of including a market place and creating something that will encourage people to move downtown. He added that the downside of the proposal was its bulk and that he was opposed to a change in the CBD.

Steve Lockyer addressed the Committee and advised that he was a partner in Halkirk Properties Limited. Mr. Lockyer noted that when Halkirk bought the Brewery property, it brought it back into Nova Scotia hands. He indicated that they have gone out of their way to ensure this proposal complements the area and are aware of the heritage aspects of the neighbourhood. Mr. Lockyer also pointed out that the renovations planned for Keith Hall will be very expensive and the proposed development will make this economically feasible.

In response to questions by Alan Ruffman, Mr. Lockyer clarified the following points:



- C Keith Hall will be one floor higher - the same as it was in the 1950's.
- C Keith Hall will not be public space.
- C The public space for this development is removed from the street.

Councillor Sloane pointed out that there have been very few comments on the development and she suggested that the Planning Advisory Committee could work on setting up another meeting to get feedback on this part of the application.

Tony Thompson, Halifax asked if changing the boundary would “take the lid off” for other development.

In response, Mr. Sampson advised that, currently, the Development Agreement process is available to any building up to 25 ft. in height. To date, there is no staff recommendation on this proposal; and that staff have only recommended initiating the process.

Jim Lawley addressed the Committee advising he was with Halkirk Properties Limited. Mr. Lawley emphasized that he has a great respect for the architecture of this area, and he pointed out that the restoration of Keith Hall will cost millions of dollars. In addition, he noted that Halkirk intends to use materials that are in keeping with the neighbourhood, but this will be very expensive and the development, as proposed, will offset these costs.

Tia Tsu Thompson addressed the Committee and indicated that she operated store of Chinese products at the intersection of Bishop Street and Lower Water Street. Ms. Thompson advised that her business has been established for five years but that she sees almost no one in her shop from the surrounding developments. She suggested that many of the residents in the surrounding condominiums are people who are affluent and live elsewhere for extended periods of time. She added that the prices of the units preclude a lot of local people from buying and living there full time.

### **3. CLOSING COMMENTS**

The Chair thanked everyone for coming out this evening and providing their comments.

### **4. ADJOURNMENT**

There being no further business, the meeting adjourned at 9:20 p.m.

Sheilagh Edmonds  
Legislative Assistant