

HALIFAX REGIONAL MUNICIPALITY

DISTRICT 12 PLANNING ADVISORY COMMITTEE PUBLIC INFORMATION MEETING MINUTES FEBRUARY 12, 2004

PRESENT: Heather Ternoway, Chair
Clary Kempton
Beverly Miller
Maureen Strickland
Councillor Dawn Sloane

ABSENT: Mia Rankin

STAFF: Gary Porter, Planner II
Chris Newson, Legislative Assistant

TABLE OF CONTENTS

1. CALL TO ORDER / OPENING COMMENTS 3

2. PUBLIC PARTICIPATION: Case 00628: Halifax MPS and LUB Amendments -
5837 Cunard Street and 2372 June Street 3

 Staff Presentation: Gary Porter, Planner II, Planning Applications 3

 Presentation by Applicant/Representative 3

 Questions - Committee Members 6

 Questions/comments - Public 8

3. CLOSING COMMENTS 14

4. ADJOURNMENT 14

1. **CALL TO ORDER**

The Chair called the meeting to order at 7:00 p.m.

2. **PUBLIC PARTICIPATION:**

2.1 Case 00628: Halifax MPS and LUB Amendment - 5837 Cunard Street and 2372 June Street

A staff report dated January 8, 2004 was before the Committee.

Mr. Gary Porter, Planner II, presented the report. He also encouraged those in attendance to include their names and addresses on the sign-in sheet being circulated in order to receive notification of future meetings regarding this proposal.

Mr. Dave Boston, owner of property adjacent to Royal Canadian Legion parking lot

At this point the two lots in question have not been rezoned to R3?
Is it the staff proposal to move to an R3 at this stage?

Mr. Porter responded the Canvas Converters site is R2 and the Legion site is C-2A, neither of which permit R3. He further responded staff are in agreement that an apartment building would be an appropriate use of the land but this would be decided by a development agreement and not the rezoning.

The Chair thanked Mr. Porter for his presentation and asked the applicant to come forward at this time.

Mr. Micheal More, Solicitor for the Applicant - Almathea Holdings Limited

Mr. Moore advised it was decided to scale back the original nine (9) storey plus penthouse design to seven (7) storeys plus penthouse as a result of two previous public meetings and meetings with HRM staff. The result of this scale back was a reduction in square footage. He further advised there is an as-of-right position taken by the developer and those plans are available for viewing tonight. The developer's opinion is that the as-of-right could be 38 units, density of 456 persons with 39 parking spaces.

Mr. Moore advised demolition has begun on the two properties. He further advised any damage caused to area landowners will be reimbursed and apologized for any that may have occurred. He encouraged all residents to keep track of any and all damage, including documentation (photographs), and those claims will be reviewed and reimbursed. He added

Dexter Construction is one of the most reputable and largest construction companies in Nova Scotia. He advised the area residents could submit their concerns to his office, to Mr. Tsimiklis's office or through Dexter Construction Limited. Mr. Moore explained fencing has been installed around the perimeter of the site to provide safety and security.

Mr. Moore further advised the developer's intention is to proceed with construction this spring. The construction will be by way of either the successful amendment to the Municipal Planning Strategy development agreement or an as-of-right. He briefly introduced the other presenters speaking on behalf of the developer this evening:

Mr. Chris Young, Architect with Duffus Romans Kundzins Rounsefell Architects Limited, who has been involved with the architectural drawings for the original, the current and the as-of-right development.

Ms. Jennifer Tsang, Terrain Group Inc., qualified Planner.

Mr. Thomas John McQuire, Technician of the 3D mockups of proposed 7 storey development.

Unidentified member of the public

- ! requested Mr. Moore repeat the as-of-right proposal.
- ! understood the density was only for 300 people and the as of right is for over 400
- ! asked for the number of parking spots for the as-of-right proposal
- ! is density not in the by-law?

Mr. Moore explained the position of the developer is that, in compliance with the existing land use by-laws, he can construct buildings on that property that would have a density of up to 456 people with 39 parking spots. Mr. Moore explained the density of 456 would comply with the existing by-law.

Mr. Dave Boston, owner of property adjacent to Royal Canadian Legion parking lot

- ! He has learned a lot from speaking with the city and attending the public meetings on this development for example: angles required on heights of buildings to adjacent lot lines. In fairness to the developer, it would be good for Mr. Porter to give a general feel of what the rights of the neighbourhood are.

Mr. Moore advised, as residents, they have every right to oppose or support any project that comes into the neighbourhood and ultimately this issue will come to a public hearing and anyone may speak for or against the proposal at that time as well.

Mr. Gary Porter responded anything the developer proposes that meets the rules set out in R2 and C-2A is as-of-right and the community has no involvement in as-of-right. He added the apartment building proposal requires Regional Council to change the rules and there is a lot of public involvement. Mr. Porter further explained that ultimately the 23 members of Regional Council will decide whether or not the Municipal Planning Strategy may be amended. Mr.

Porter clarified for a member of the public that under R2 or C-2A zoning, the height limit is 35' and is not related to the number of storeys. He suggested Mr. Young explain the as-of-right proposal and he will respond again after Mr. Young's presentation.

Mr. Christopher Young, Architect with Duffus Romans Kundzins Rounsefell Architects Limited.

Mr. Young explained there are three projects to focus on this evening;

1. The seven (7) storey and penthouse.

The application has been put in for a development agreement for this proposal. In response to a member of the public, Mr. Young stated the height for this proposal is approximately 86' compared to a little over 100' for the nine (9) storey proposal. The seven (7) storey and penthouse would have 130 apartment units, proposed population of 406 and proposed parking of 121 cars which meets the city requirements for this building plus an additional 10%. He added the height of the building has been reduced as well as the size of the units. Mr. Young responded to a member of the public stating the current proposal is 5' back from the property line along Princess Place and June Streets.

2. The nine (9) storey with penthouse and 3 storey wings.

This building had 165 condominium units, proposed population of 474 people and 183 underground parking spaces. It would have been an attractive masonry building with architectural detailing. It was important that it be an attractive building and that the three storey wings be compatible with the heritage buildings on Princess Place and June Street. Mr. Young advised HRM staff indicated they would prefer the building be lower, smaller, fewer people, and fewer units. He added this is what led to the seven (7) storey proposal that is before you this evening.

3. The as-of-right proposal.

There would be a four (4) storey building on the Maritime Canvas Converter site on June Street with four, seven bedroom units. It could have as many as 48 people total density for the building. Councillor Sloane asked where the parking access would be. Mr. Young responded the property would be accessed by June Street. Mr. Young stated required parking is one space per apartment so there would be four parking spaces.

Mr. Young advised the other development, on the Legion site, consists of three (3) buildings which would have a total of 34 apartments -17, five (5) bedroom units and 17, ten (10) bedroom units. He added the by-law density calculation would be for 408 people and required parking would be 35.

A member of the public commented this is called a 'bullying' technique. Mr. Young advised the developer is prepared to build the as-of-right proposal.

Mr. Porter commented the as-of-right proposal does appear to meet the by-law. He added the density being mentioned is applied to apartment buildings in R3 zones and the allowable density for this area is 250 persons per acre which allows for 304 or 306 people on this property. He further commented there is no requirement for a maximum number of rooms per unit and that is why you have the number of rooms being proposed.

Mr. Young advised he will be available after the meeting to answer Questions.

Ms. Jennifer Tsang, Planner with Terrain Group

Ms. Tsang presented a 3D video model of the proposed seven (7) storey building. She added some of the benefits are:

1. Redevelopment of both sites to one comprehensive site.
2. Two wings are designed to fit with the streetscape and residential homes in the area. There are architectural guidelines in terms of window treatments, exterior treatment, colour etc. that will be put into the development agreement.
3. Parking will be underground.
4. Streetscape design - placement of lanterns etc.
5. One access point on Cunard Street.

Ms. Tsang added this proposal is requesting a higher density than the R3 zoning would permit and for the reasons described we feel it is reasonable to allow a higher density when these kinds of sentiments are achieved.

Ms. Tsang then presented the computerized shadow demonstrations.

First scenario: June 21st, the longest day of the year at 11:00 am and 4:00 pm. Ms. Tsang advised the shadow shown is based on a 35' building (seven storey plus penthouse).

Second scenario: September 21st, mid-year at 11:00 am and again at 4:00 pm.

Third scenario: December 21st, shortest day of the year, afternoon.

A member of the public commented there would be major shadows over June Street at this time of year.

Questions from the Committee:

Councillor Sloane inquired if there has been a wind study done of the nine and seven storey potential buildings. Ms. Tsang responded there has not but if it is suggested it will be taken under advisement.

Ms. Maureen Strickland commented not much is being shown concerning June Street and Princess Place as the focus has been on Cunard Street. She added it is important these streets be considered in regards to what they will look like and also in regards to shadows and wind studies. Ms. Strickland asked if two storeys had been considered on June Street and Princess Place in keeping with the two-storey residential area.

Mr. Micheal Moore commented Princess Place has three level townhouses, the lower level being half above ground. He further added, from the developer's perspective, a certain amount of square footage is required and if you reconfigure the development to the general wishes of the residents, there has to be a certain amount of square footage available for the whole project whether it be four storeys along Princess Place or two storeys. He added it is the developer's position that square footage would have to be made up somewhere else. If you lower on June Street then the building would have to be either higher on Cunard Street or pushed further back in the courtyard behind the building. He added the developer will consider any amendment to the height as long as the gross area of the building is essentially the same.

Ms. Beverly Miller commented this is one of the most outrageous development proposals (the as-of-right proposal) she has ever seen. She inquired if she was right in assuming, from Ms. Tsang's presentation, that if the developer is not allowed to do at least seven storeys he will be forced to build an ugly building. Ms. Miller further commented she is objecting as she sees a threat, let us go up or we build a dump.

Developer Mr. Steve Tsimikilis, responded he never intended this (as-of-right proposal) as a threat. He added he cares about the neighbourhood and drives by the site at least ten times per day. He further commented he can get a permit tomorrow for his as-of-right. Mr. Tsimikilis read Ms. Miller's article from the February 8, 2004 edition of the Daily News in which she writes about quality development. Mr. Tsimikilis commented there have been two public information meetings, attended by approximately 40 people, regarding his current proposal. He advised the concerns of the public have been addressed yet he still has to make money on his \$2.5 million dollar investment.

Mr. Clary Kempton inquired what the exterior finish would be for the as-of-right buildings.

Mr. Young commented the materials have not been finalized for the as-of-right construction but cost will be kept to a minimum and the exterior finish would be simplified. He added the construction has to be non-combustible, durable and require low maintenance.

Ms. Maureen Strickland, requested clarification from Mr. Gary Porter on how long the process will take. She explained this is in response to a comment made by Mr. Micheal Moore who earlier stated the process will not take longer than this spring. Mr. Gary Porter advised there are a number of steps to follow and a development agreement associated with a plan amendment usually takes over a year from start to finish whereas an as-of-right could get a permit in a couple of days.

PUBLIC COMMENTS:

Mr. Peter McQuire

June Lane is a lane not a street. It is a one way country lane. There is no sidewalk and no curb. He added this is why June Lane could not be used as access to the as-of-right building.

Mr. Christopher Young clarified the seven storey building would have access off Cunard Street although HRM would rather the access be from June Lane or Princess Place. He advised they (the applicant) have gone through some effort to have access off Cunard Street for the underground parking.

Mr. Alister Syms, Halifax

we are being asked to upgrade to R3 after a fair amount of effort a few years ago to down zone to R2.
more comfortable with two storey buildings no higher than general height of buildings on Moran and Princess Place - would prefer townhouses.
entrance off Cunard for access to centre building is more sensible
when buildings are put up like this the best materials/products should be used so you attract people who are willing to buy the condos or pay rent and you don't denigrate the area all the way down the road.
suggest current proposal is "bleak" in style and comes too close to the street. Should break up facade more to make it less oppressive. Could have a detrimental affect in the long run in who will be living in the space and what happens to the neighbourhood if all of a sudden things kinda crumble, then it is a waste of money.
not unsympathetic to developer who has to realize a profit but suggests more money should be put out in the beginning for an income property that sets a standard that is welcomed into the community and generates a landmark of responsible development that we are all desirous of seeing.

Mr. Steve Tsimikilis, Developer

commented he will do whatever the community wants as long as it takes the 150,000 square feet as he feels threatened when the community says it wants two storeys or nothing as he could go bankrupt.

Ms. Beverly Miller, Committee Member

Referred to page 2 (last paragraph) of the staff report before the Committee regarding the MPS. She asked Mr. Porter how we are to interpret the suggestion that changes are only considered (to the MPS) if the circumstances have changed. Ms. Miller requested information on how circumstances have changed if at all considering the portion of the MPS applicable to this area was only adopted in 1995.

Mr. Porter responded the onus is on the applicant to answer that question and it has not been satisfactorily answered at this point. He advised the way the process works is that staff reviews the project initially to determine if there is some merit to it and then it comes to this stage (public meetings) then a final staff report has to be completed after all circumstances are evaluated. He added the applicant has submitted some information.

Ms. Ramona Ryan, Halifax

Inquired if it is possible for the neighbourhood to rezone to R3 and ask for the density per acre to be down to 250.

Inquired if it is possible for the neighbourhood to do this, is there a loophole where the developer could switch it back up. She also inquired if there is something in the laws that the developer could sneak in.

Mr. Porter explained any decision Regional Council makes is based on the policies that are in the MPS (Municipal Planning Strategy). He advised in 1995 new policies came forward which reflected what the community valued as being important and zoning was then put in place. He added we are here tonight because someone has come forward and said they feel the MPS should be changed. Mr. Porter further explained the MPS's are adopted with the acceptance of the community and are to reflect community goals. He added the law is the law until it is changed and the developer could get a permit for the as-of-right any day until the law is changed. He added, technically, the law changes when an ad is placed in the paper and there is a 120 day freeze where no permits may be issued.

Mr. Micheal Moore commented the purpose tonight was to discuss changes, or what is consistent/inconsistent with the MPS. He added residential development is the proper development for this site rather than commercial. He further added the C-2A zoning is not consistent with the wishes of the neighbourhood, it is a hard argument to make. He added the Maritime Canvas Converters were a non-conforming use. He commented the developer was not being treated fairly as the application is consistent with the residential use and character of the neighbourhood and is not the only building along Cunard Street that is more than three storeys. Mr. Moore advised the MPS amendment may not be approved but with the change, the neighbourhood would get a better quality building with strict architectural controls over the design of the building, materials/colour used on exterior, etc. He added he would be seriously concerned with the parking in this area regardless of what development is there, and parking

is as much an issue as density. He further advised it costs a lot of money to construct underground parking and this money has to be recouped and this is usually through increased density.

Ms. Cindy Littlefair, Halifax

- ! certain practical considerations regarding the as-of-right - who would want to finance it - insure it?
- ! Regrettable Mr. Tsimikilis has wasted our goodwill and this opportunity with this as-of-right suggestion. She added you (Mr. Tsimikilis) had the community on side at the last meeting regarding the nine storey building.

Mr. Tsimikilis commented he is hearing varying opinions from members of the community from two storeys being acceptable up to nine storeys being acceptable. He added the city is telling him he can't have nine storeys so where does this leave him, the developer. He requested the community come together and decide what they would like to see developed.

The Chair commented this was a good suggestion and you (the developer) will hear here tonight what the community wants.

Mr. David Faryniuk, Halifax

- ! concerned we have a development by threat. We make a proposal that is financially better for the developer or he will build an ugly as-of-right building. He asked why the as-of-right could not be something creative.
- ! he suggested the developer do something extra for the city as was recently done in Vancouver where a developer added two floors to his building and made it a gallery.

The Chair reminded the public this is their opportunity to tell the developer what you would like to see and encouraged more speakers to come forward.

Mr. Larry Steele

- ! would like Council to consider the strong possibility that the MPS is exactly what we want to see exactly as it is now.
- ! commented he has not heard any strong arguments that we need to change it (the MPS).
- ! he asked if anyone has looked at the feasibility of developing the property zoned as it is.

Ms. Kelly Thompson, Halifax

- integrity of the heritage of the North end has not been preserved in any way and Council should look at the heritage issues in this neighbourhood.
- June Lane is a lane and was never meant for cars, residents can't park there. The city does not plough it and the residents take care of shovelling and cleaning it. She added

- there was a collaborative effort during Hurricane Juan, we did not wait for the city workers to come to clean-up.
- the community is very strong and we don't want an ugly old building and it is nasty of you (the developer) to pressure the community into looking at that building and saying that is what you are going to get.
 - Maritime Canvas Converters was not a problem, it did not interfere with the sun, the shadow study shows many will lose sun.
 - you (the developer) have not asked any questions of the community of what they want to see.
 - she added Council really needs to start looking at the issue of cars. She added there is not enough parking for the residents on June Street now.
 - there is a lot of traffic that comes down from West Street to June Street and there are no visible signs (to indicate it is a one-way) and no adequate lighting.
 - increased visitor traffic is a threat to this community. There are currently double parked cars any time of night or day on both sides of West Street, Agricola Street, June Street, Cunard Street, Moran Street etc. and the houses are right on the street with no sidewalk.

Mr. Tsimikilis commented he does care about the community and is asking for the neighbourhoods concerns and the areas under stress will be reviewed.

Councillor Sloane responded there will be future meetings with HRM Staff regarding development in this area.

Mr. Chris Young commented they (the developer) could put in additional parking and requested the community supply them with their wish list. He explained the developer would like to consider providing one spot per unit, which is not a city requirement, and then provide an additional number of parking spaces to help address the parking issues on the adjacent streets. He further added the plans have always been flexible and in regards to materials, samples could be provided and all this could be written into the development agreement.

Ms. Judith Merrick, Halifax

- when people can't park on June Street they park on my street. If you have 400 people living in this building and only 120 parking spots, they have to go somewhere. We don't have parking and this is a huge issue.
- participated in the Municipal area development planning in the 1980's and is discouraging to see it rolling back.
- the neighbourhoods we live in are under stress, they are turn of the century neighbourhoods.
- The downtown needs revitalizing and development is the way to do it but you must take care. What brings people to Halifax, what makes Halifax so charming, will be gone. We have to develop in a thoughtful and attractive way.

- She referred to page 3 of the staff report, (last line in second paragraph of **Use as an Apartment site** section), and asked what is meant by “*adequate protection of adjacent residential neighbourhoods*”. HRM needs to take a step to have neighbourhoods adequately protected and not leave it up to the developer. She added everything is so vague and it is frightening.

Mr. Porter responded the comments made here tonight will help to define that (adequate protection) and it is a principle the developer would have to respond to in regards to community concerns. He further added this the preliminary report and the final report will detail those issues.

Mr. Chris Beaumont, Halifax

- Here tonight in support of your community. We have a development in the South End by the same developer on South Street.
- Strongly suggest you do not change density - no change to the zoning.
- The developer shouldn't buy a property if he can't develop it as-of-right in some reasonable way. All of this is the edge of the wedge and once it is driven into the MPS...We should be looking at neighbourhoods one at a time and asking if the MPS should be reviewed and not under threat of a development like this.

Councillor Sloane suggested a community meeting in the next few days to discuss options.

Mr. Dave Boston

- If the as-of-right goes through what will be the distance of lot line to my building. (Mr. Young responded it would be twenty feet).
- We all have to realize there is going to be a development here and all we are looking for is a reasonable approach. We have to get some ideas down on paper for the developer.
- Do not want a huge building against my property line but what about staggered levels?

Ms. Bobbie Carter, Halifax

- Take into consideration traffic on June Street, can we shut it off or close it down so cars cannot use it.
- Maritime Canvas Converters was a quiet business and had seasonal traffic and the Legion had some evening traffic. Adding approximately 400 people to this development will definitely have a noise factor, traffic, shadowing, privacy issues. Can we control the streets and what is going on around us.

Councillor Sloane advised she will contact the Traffic Authority about this but added there may be a concern with fire service if the road is closed.

Mr. Tsimikilis advised if the as-of-right development cannot be accessed just off Cunard Street, he will have to access from June Street/Lane, Princess Place.

Ms. Julie Martin, Halifax

- *comments not heard*

Mr. Chris Ferns, Halifax

- told greatest care would be taken when demolishing buildings. Half my garden was knocked down and it is not just the cash value, it is six years of work digging trees etc.
- used to look at a Canvas factory covered by a huge Virginia Creeper, now I see chicken wire. At what point will my privacy be restored to me and at what point will a wall be built, how big will the wall be.
- Concern with the value of my property and value of my privacy.

Mr. Moore advised there will have to be a fence around the construction site but it is only temporary. He added the wall would be built after most of the major construction is done.

Ms. Rebecca Jamieson, Halifax

- from experience with development in my neighbourhood, I advise the community residents to get a copy of the Land Use By-Laws and the MPS and memorize it inside out.
- she suggested they focus on the as-of-right proposal which includes some creative lot subdivisions, some R2 and R2T - residents should look very closely at how this has been done.
- residents should consider prospect of high-end low rise development as there was an ad in the paper for a house on Princess Place going for \$297,000.00 and if a developer cannot make a profit building nice houses of that scale in the area, there is a problem.

Mr. Hugh Gillis, Halifax

- support redevelopment.
- parking is issue - units will have underground parking but visitors will not have parking. What about residential parking pass policy? The traffic issue will bounce around.
- there was limited parking on Agricola Street but now there is none.

Councillor Sloane explained the parking issue on Agricola Street could be for the winter as the street becomes too narrow for traffic and parking.

Ms. Ramona Ryan

- at last meeting we had asked for a traffic study. Has the developer done one?
- suggested there should be a study done as it is now for a base line study.

Mr. Moore responded a traffic study has not been done. Mr. Porter responded that in evaluating an apartment development it is the density that is reviewed and the other things come later. First is to get the density, decide on how many units there will be, and then work out the other details. Mr. Porter advised the city routinely gathers figures.

Mr. Tsimikilis clarified that a traffic study is not required for an as-of-right proposal.

Mr. Larry Steele

- discussion is slipping away into *we have to make a deal*.
- we have an MPS and I think the consensus in the room is that it should stay as it is and I hope this is the way Council will act.

Ms. Kelly Thompson

- I chose this area to live as it is not like any other. We have a great community, we have a June Bug Committee - we have a summer BBQ and do a lot of community things, Hurricane Juan was a tribute to our community, we came together.

The Chair thanked everyone for participating and expressing their concerns.

3. CLOSING COMMENTS

A public meeting, to be arranged by Councillor Sloane, is to be held in the near future. The goal is for the community to come together and discuss what they would like to see developed on this site in regards to density, aesthetics and to ensure the development will be compatible with the area considering there are a number of heritage properties in this location.

4. ADJOURNMENT

The meeting was adjourned at 9:15 pm.

Chris Newson
Legislative Assistant