

# HALIFAX REGIONAL MUNICIPALITY

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## DISTRICT 12 PLANNING ADVISORY COMMITTEE MAY 31, 2004 MINUTES

**PRESENT:** Heather Ternoway, Chair (6:45 p.m.)  
Clary Kempton  
Beverly Miller  
Councillor Dawn Sloane

**ABSENT WITH  
REGRETS:** Maureen Strickland  
Mia Rankin

**STAFF:** Gary Porter, Planner  
Gail Harnish, Admin/PAC Coordinator  
Sherryl Murphy, Legislative Assistant

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**1. CALL TO ORDER**

Ms. Miller called the meeting to order at 6:15 p.m. noting that Heather Ternoway would be arriving late as she was working outside of HRM today. Ms. Miller noted that she would be assuming the role of Chair until Ms. Ternoway arrives.

**2. APPROVAL OF THE AGENDA**

**MOVED by Councillor Sloane, seconded by Clary Kempton that the agenda, as distributed, be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

**3. APPROVAL OF THE MINUTES OF JANUARY 26, 2004 (REGULAR MEETING) AND FEBRUARY 12, 2004 (PUBLIC INFORMATION MEETING)**

**MOVED by Councillor Sloane, seconded by Ms. Miller that the minutes of the January 26, 2004 regular meeting of the District 12 PAC, as distributed, be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

The following corrections were made the February 19, 2004 Public Information Meeting Minutes:

- < Page 3, spelling be corrected to read Michael Moore and Dexter Construction
- < Page 10, it should be David Faryniuk rather than Barnett.
- < Page 13, spelling be corrected to read advertisement

**MOVED by Clary Kempton, seconded by Councillor Sloane that the minutes of the February 19, 2004 Public Information Meeting, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

**4. BUSINESS ARISING FROM THE MINUTES**

Ms. Miller referred to the page 5 of the January 12, 2004 minutes and suggested that the matter of this Committee holding a second public meeting be considered at the next meeting of the Committee. The Committee **agreed** that the matter be included on the agenda for the next meeting.

**5. CASE 00605 - APPLICATION FOR DEVELOPMENT AGREEMENT - 1684 GRAFTON STREET, HALIFAX**

- < A staff report dated May 21, 2004 prepared for Paul Dunphy, Director, Planning and Development Services, was before the Committee for consideration.

Mr. Gary Porter, Planner, briefly reviewed the application by Midtown Tavern & Grill Limited for a 17 storey hotel/commercial building at 1684 Grafton Street, as found in the May 21, 2004 staff report. Mr. Porter noted that as the proposal is not in keeping with several of the policies of the Municipal Planning Strategy, staff is not recommending approval of the application.

Ms. Beverly Miller, Acting Chair noted that Heritage Trust of Nova Scotia has requested to speak for five minutes.

Mr. Robert Grant, representing the developer, indicated that he had a 15 minute presentation he would like to make to the Committee.

Following a brief discussion it was agreed that both the developer and Heritage Trust would be given an opportunity to present.

**Mr. Robert Grant of Stewart, MacGilvray, Stirling and Scales** addressed the Committee on behalf of the applicant and development team. During his presentation, Mr Grant made the following points:

- < It was most disheartening to not receive a copy of the staff report before the media
- < Staff's recommendation is to refuse the entering into a Development Agreement as the proposal does not comply with several policies within the Municipal Planning Strategy (MPS), however, the proposal does comply with the MPS in a number of key areas
- < Staff has misinterpreted the wind study findings. Staggering of the blank panels along Grafton Street will reduce the wind speed to an acceptable level. Wind as an issue does not justify refusal of the project
- < Staff is concerned about the height of the building. The building will be 17 stories off Market Street and 16 stories off Grafton Street. The height of the building does not offend the viewplane provisions of the Land Use By-law. This proposal has three fewer stories than a previous proposal (20 to 17).
- < The issue remains does the proposal reasonably meet the MPS. The proposal should not be judged based upon past reports or previous decisions of the UARB.
- < The 1984 report referred to in the staff report gave a number of options to Council which could restrict height in the area of the Midtown Tavern. Council did not adopt those options. Council, therefore, has the authority and right to make a decision in this regard.
- < The staff report does not refer to policy 7.3.1 which implements the height controls in Band A. The Midtown Tavern is outside Band A
- < Council has the discretion to determine what is an appropriate height, what that height should be in the vicinity of Citadel Hill, what that height is as development moves away

- from Citadel Hill and to determine the development patterns in Central Business District
- < The true picture can only be realized if the grade of the property and the space between buildings is considered
  - < Referring to a booklet of illustrations distributed to members this evening, Mr. Grant pointed out that the proposal is complimentary, consistent with character, and respectful of the nearby heritage buildings and the Citadel. The booklet forms a part of the official file for this meeting
  - < Contrary to what might be suggested by the staff report regarding the purchase of the adjacent property, owners have a right to develop their own land without purchasing other land. Development should not be blocked for that reason
  - < A mixed use is appropriate for this site
  - < The media reports regarding offers to purchase the lands in question are not correct
  - < The proposal went to the Heritage Advisory Committee (HAC) first on March 31/04 and at that time the Committee was generally satisfied with the project as complimentary to the adjacent properties. No explanation has been given, in the absence of changes to the proposal, why the matter was sent back to HAC. This undermines the credibility of the process.
  - < The appropriate recommendation would be to set a date for a public hearing

Mr. Grant then responded to questions from members of the Committee.

In response to a question from Mr. Kempton regarding the lack of detail on the south wall, Mr. Grant noted that the adjacent property could be developed and detail (e.g. windows) would not be appropriate. Mr. Grant went on to note that the wall would be broken up by staggered panels in response to the recommendations coming out of the wind study.

Mr. Kempton suggested that false windows on that entire side would be more appropriate. He pointed out that the south wall looks out over the mouth of harbour and that this loss of view was unfortunate.

**Mr. Alan Parrish, President of Heritage Trust of Nova Scotia**, addressed the Committee noting that Ms. Elizabeth Pacey, a member of the Board of Directors would, along with himself, make the presentation this evening. Mr. Parrish noted that Heritage Trust has been interested in this application since the outset. He noted that the Heritage Trust had commented the first time the matter had come before the Heritage Advisory Committee and had submitted a letter to staff outlining the views of Heritage Trust with regard to this matter.

**Ms. Elizabeth Pacey** addressed the Committee making the following points:

At this point, approximately 6:45 p.m., Ms. Ternoway joins the meeting.

- < Halifax is one luckiest cities in the world. Not many have such a treasure as the Citadel. The Halifax Citadel is the most visited national historic site.
- < Development within the downtown has, for many years, been planned for and planned with Citadel Hill and the Town Clock in mind.
- < The policies of the Municipal Planning Strategy (MPS) are very important as they are the fundamental tools to ensure that the Citadel is considered when developing in the downtown
- < Viewplane legislation is also very important. There is a need for height controls in that control of height in the foreground of the views is necessary
- < Under the Municipal Planning Strategy, as of right height is 40 feet. New developments in this area have generally been sensitive and complimentary
- < New development must be in keeping with the MPS. The intent of the policy is low to medium rise.
- < Using an illustration prepared by Phil Pacey which he believes to be accurate, Ms. Pacey indicated what the building would look like from the roadway around Citadel Hill. A copy of this illustration is on file.
- < Heritage Trust supports the content and recommendations of the staff report
- < Based upon the MPS, 17 and 20 stories do not meet the requirements of the policy

Mr. Grant, representing the applicant, clarified relative to the impact of the height of the building that Brunswick Street is 135 feet from sea level. Mr. Grant further indicated that the illustration provided by Mr. Pacey was incorrect and submitted an illustration modelled with hard data that indicates the impact of the height of the building is much less significant.

Mr. Porter clarified that based upon the design to this point, staff has determined that winter wind around the building on Grafton Street would be 2.5 times whatever the wind speeds called for that day. Mr. Porter went on to note that staff has requested a view of the development from Citadel Hill, but to date has not received this information. He went on to advise that the matter went before the Heritage Advisory Committee first relative to the formulation of the staff report and then to be considered as a recommendation going before Community Council.

Mr. Clary Kempton, commenting on the proposal, indicated that in he approved in principle of the development. He went on to note that the lower section of the proposed development was in keeping with the streetscape and that the development met the viewplanes. The property does not abut a heritage property, but is more in keeping with the heritage properties than many of the larger buildings in the area. Mr. Kempton further noted that heights often create a positive dynamic.

Mr. Kempton noted that he was concerned, however, regarding the lack of detail on the south wall. He went on to indicate that this should be corrected and suggested that this wall duplicate the style on the streetscape elevation. Making further suggestions, Mr. Kempton

commented that the upper ten stories could be set back with windows. He further indicated that a discussion with the adjacent landowners regarding the development of their property would be appropriate. Mr. Kempton expressed concern that an opportunity to have a quality development on this site was being lost.

Mr. Gary Porter and members of the applicants team responded to additional questions from members of Committee.

Ms. Beverly Miller addressed the matter expressing a number of concerns having a basis in the Municipal Planning Strategy and contained in the proposed development agreement. Ms Miller pointed out with reference to the wind study, that an unfriendly pedestrian situation will be created as a result of this development. Ms. Miller indicated that the people would not be encouraged to frequent the ground level retail proposed given the wind speeds which will be created.

Ms. Miller went on to note that the development does not correspond to the plan relative to the delivery of goods.

Mr. Grant noted that a layby was being proposed on Market Street to address this issue.

Mr. Porter advised that it was his understanding that delivery of goods would be accommodated underground. He went on to note that a layby was not included on the plans provided and that he did not believe it would not be staff's policy to approve a layby. Mr. Porter indicated that he would confirm this prior to the matter going to Peninsula Community Council.

Mr. Grant pointed out that deliveries can be scheduled so as not to interrupt traffic (i.e. late night/early morning hours).

Referring to the requirements within the MPS regarding planting and vegetation, Ms. Miller commented that she saw nothing in the proposal which would correspond to these requirements.

Mr. Grant indicated that the applicant had considered some rooftop landscaping, however, the experiences of others have not been positive in this regard. He went on to note, however, that the developer would consider this possibility if Council believed this to be desirable.

Ms. Miller noted that although the development meets the requirements of the MPS in terms of sensitivity to heritage buildings, she was not sure that this made the development compatible with the Citadel. Ms. Miller went on to indicate that in her opinion the development was both technically and sociologically inappropriate. She commented that the MPS had been adopted after a significant public participation process and that she was reluctant to

approve a project which does not correspond with what is laid out in the MPS. Concluding her remarks, Ms. Miller indicated that she would not support the development.

In response to a question from Councillor Sloane regarding an appropriate building height, Mr. Porter indicated that staff is of the opinion that 12 stories would be appropriate. He pointed out that staff believe a two storey transition from Brunswick Street is reasonable.

Mr. Grant suggested that the viewplanes were developed to protect the critical views and still allow for a maximization of the investment of the developer.

Ms. Ternoway commented that in her opinion it was not a question of height, but of quality of design. She went on indicate that there is no maximization of quality for the site with the seeming preference being to simply ask for less height. Ms Ternoway went on to suggest that the quality in this instance does not match the height and that requiring a reduction in height does not necessarily mean the quality of the development is improved.

**MOVED by Ms. Ternoway, seconded by Councillor Sloane the District 12 Planning Advisory Committee recommend that Peninsula Community Council refuse to enter into the development agreement with Midtown Tavern & Grill Ltd., presented as Attachment A of the staff report dated May 21, 2004, to allow a hotel/commercial building at 1684 Grafton Street, Halifax, for the following reasons:**

- < **lack of details/windows on the south wall of the building**
- < **the indication from the developer that there will be a layby for deliveries and clarification by staff on whether or not laybys are supported by HRM policy. (Non compliance with Policy 3.5.3 which states “Truck loading and unloading which is required as a service to the business of the CBD should be accommodated, but should not unnecessarily impede nor disrupt automobile or transit movement and should not discourage or endanger pedestrian movement”.) Concern was expressed regarding the narrowing of the sidewalk.**
- < **the effect of the wind on pedestrians and how it relates to the intention of the MPS to create a pedestrian friendly downtown. (Non-compliance with Policy 7.5 which states “The design of new developments in the CBD should be such that normal wind levels on outdoor pedestrian routes and in public open spaces will be acceptable”.)**

Speaking to the motion, Councillor Sloane noted that this particular matter was of concern to everyone who used the downtown. She went on to note that the issue appeared to be a matter of height versus quality. Councillor Sloane noted that the development met the



viewplane legislation, but the decision is if the development will in fact impede a view. Concluding her remarks, Councillor noted that the issue of quality is as difficult a question.

Following a restating of the concerns of the other members of the Committee, the **MOTION WAS PUT AND PASSED UNANIMOUSLY.**

Ms. Ternoway assumes the Chair and Ms. Miller takes her seat at the Committee..

**6. CASE 00628 - HALIFAX MPS AND LUB AMENDMENT/DEVELOPMENT AGREEMENT - 5837 CUNARD STREET AND 2372 JUNE STREET**

- A staff report dated May 18, 2004 prepared for Paul Dunphy, Director, Planning and Development Services, was before the Committee for consideration.

Mr. Gary Porter briefly outlined the application by Amalthea Holdings Limited to amend the Halifax Municipal Planning Strategy and the Land Use By-law to enable a development agreement at 5837 Cunard Street and 2372 June Street and for a development agreement to permit an apartment building on that site, as found in the May 18, 2004 staff report.

Highlights of Mr. Porter's presentation include:

- The trend in the area is to eliminate commercial uses and move to residential
- The proposal before the Committee is the outcome of many meetings
- The community agrees with the proposal although not unanimously
- Members of the community living closer to the project have had a greater say under the voting system used
- Since the report was prepared the developer has been able to add 11 additional parking stalls within the same footprint
- Staff is recommending approval of the application

Mr. Porter and the developer then responded to questions from members of the committee.

Ms Miller expressed concern regarding the future of the neighbourhood relative to the changing of the Municipal Planning Strategy. Ms. Miller indicated that she did not know if R-3 zoning was an appropriate zoning for this property. She further expressed concern that balconies had replaced open space in the proposal. Ms. Miller indicated that she would not be supporting this application.

Ms. Ternoway commented that the proposal had improved significantly since the public meeting in February. Mr. Porter and the developer addressed concerns she had relative to the consistency between the Development Agreement and the drawings.

**MOVED by Mr. Kempton, seconded by Councillor Sloane that the District 12 Planning Advisory Committee recommends that Peninsula Community Council:**

- 1. Recommend that Regional Council give First Reading to the proposed amendments to Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use Bylaw as contained in Attachment A of the staff report dated May 18, 2004 and to schedule the public hearing.**
- 2. Recommend that Regional Council approve the amendments to Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use Bylaw as contained in Attachment A of the staff report dated May 18, 2004**

**and further that Peninsula Community Council:**

- 1. Move Notice of Motion for the development agreement, as contained in Attachment B of the May 18, 2004 staff report, to permit a 150-unit building, and to schedule a joint public hearing with Regional Council**
- 2. Contingent upon the approval by Regional Council of the above Municipal Planning Strategy and Land Use By-law amendments and the coming into effect of said amendments, approve the development agreement, as contained in Attachment B of the May 18, 2004 staff report.**
- 3. Require that the development agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

**MOTION PUT AND PASSED.**

**7. REGIONAL PLANNING - ALTERNATIVE CONSULTATION**

- A folder of information relating to the Halifax Regional Municipality Regional Planning process was before the Committee for consideration.**

Ms. Maureen Ryan, Planner, made a brief presentation relating to Regional Planning. She outlined the key differences between Alternatives A, B and C as found in the Guidebook to HRM's Alternatives for Growth.

Ms. Miller suggested that members would have benefit from attending one of the Open Houses being sponsored by Regional Planning across HRM.

In response to a question regarding the level of detail the Regional Plan will involve, Ms. Ryan noted that the Regional Plan will provide an overall settlement policy including the transit system, transit corridors, greenspace, and preservation of water bodies. The Regional Plan will provide a framework for future community planning. Ms. Ryan indicated that a Regional Municipal Planning Strategy and Land Use By-law will address matters of regional consequence rather than local. Ms. Ryan indicated that the Regional Planning Deliverables Chart would provide the Committee further information on the mandate of Regional Planning. Ms. Ryan committed to providing a copy for distribution to the Committee.

**8. STATUS UPDATES**

**8.1 Monthly Status Sheet**

The Committee reviewed status sheet items impacting District 12.

**8.2 Decisions of Community Council**

Decisions of Community Council regarding Case 00527 - Development Agreement, Gerrard Lodge, 1225/1230 Barrington Street, Halifax and Case 00570 -, Amendment to Development Agreement, Halifax Shopping Centre Annex, 6990 Mumford Road, were submitted for the information of the Committee.

**9. NEW BUSINESS - None**

**10. NEXT REGULAR MEETING DATE**

As a number of members of the Committee would not be available for a meeting on June 28, 2004, the meeting was moved to July 5, 2004 beginning at 7:00 p.m.

11. ADJOURNMENT

There being no further business, the meeting adjourned at 10:00 p.m.

Sherrill Murphy  
Legislative Assistant