

HALIFAX REGIONAL COUNCIL  
MINUTES

July 30, 2013

PRESENT:

Mayor Mike Savage  
Deputy Mayor Reg Rankin  
Councillors: Barry Dalrymple  
David Hendsbee  
Bill Karsten  
Lorelei Nicoll  
Gloria McCluskey  
Darren Fisher  
Waye Mason  
Jennifer Watts  
Linda Mosher  
Russell Walker  
Stephen Adams  
Matt Whitman  
Brad Johns  
Steve Craig  
Tim Outhit

STAFF:

Mr. Richard Butts, Chief Administrative Officer  
Mr. Martin Ward, Municipal Solicitor  
Ms. Cathy Mellett, Municipal Clerk  
Mr. Quentin Hill, Legislative Assistant  
Mr. Ted Aubut, Legislative Assistant

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**1. INVOCATION**

The Mayor called the meeting to order at 2:30 pm with the Invocation being led by Deputy Mayor Rankin.

**2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS**

Council observed a moment of silence in memory of Daniel Brownlow.

Council observed a moment of silence in memory of Burnley “Rocky” Jones.

Councillors provided a number of community announcements and acknowledgements.

**3. APPROVAL OF MINUTES – June 25, 2013 Committee of the Whole**

**MOVED by Councillor McCluskey, seconded by Councillor Nicoll that minutes of June 25, 2013 Committee of the Whole be approved, as amended. MOTION PUT AND PASSED.**

**4. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

Additions:

13.1 Appointment of Interim Town Crier- Councillor Hendsbee

13.2 Weekly Green Cart Collection Services – Information Item 1 – Councillor Adams

13.3 Councillor Karsten – Rescission of Part I of Motion – February 26, 2013 Halifax Regional Council

**MOVED by Councillor Johns, seconded by Councillor Whitman that the agenda, as amended, be approved. MOTION PUT AND PASSED.**

**5. BUSINESS ARISING OUT OF THE MINUTES – NONE**

**6. MOTIONS OF RECONSIDERATION – NONE**

**7. MOTIONS OF RESCISSION – NONE**

**8. CONSIDERATION OF DEFERRED BUSINESS – NONE**

**9. PUBLIC HEARINGS**

**9.1 Case 16417: Municipal Planning Strategy and Land Use By-law Amendments for 2570 Windsor Street, 6225 Willow Street and 6223 Willow Street, Halifax (Joint Public Hearing)**

The public hearing was held later in the day. See page 15.

- **CORRESPONDENCE, PETITIONS & DELEGATIONS- NONE**

**10. REPORTS**

**10.1 CHIEF ADMINISTRATIVE OFFICER**

**10.1.1 Award Tender No. 13-168, Centennial Pool Locker Room Renovation**

A staff report dated June 27, 2013 was before Council.

**MOVED by Councillor Mason, seconded by Councillor Watts that Halifax Regional Council award Tender No. 13-168 to the lowest bidder meeting specification, Bird Construction, for a Total Price of \$791,900 (HST fully rebated), with funding from Project No. CB000002 – Multi District Facilities – Upgrades (Bundle), as outlined in the financial implications section of the June 27, 2013 report.**

Councillor Watts expressed support for the project moving forward. She inquired when the project would be completed and if staff considered bringing the facility up to existing accessibility standards.

Mr. Greg McKay, Project Manager, advised that the pool would be closed for eighteen weeks and noted that there were procedures in place to ensure that the contractor would meet the deadlines. He advised that the facilities would be renovated to current accessibility standards.

**MOTION PUT AND PASSED UNANIMOUSLY (17 in favour).**

Councillor Dalrymple left the meeting.

**10.1.2 Halifax Water Sewer System – Chain of Lakes Trail**

A report dated June 28, 2013 was before Regional Council.

**MOVED by Councillor Mosher, seconded by Deputy Mayor Rankin that Halifax Regional Council:**

- 1. Endorse the use of the Chain of Lakes Trail as the preferred corridor for a wastewater conveyance system from Lakeside Park Drive to the Trail's termination on Joseph Howe Drive, with connection to the Bedford Highway Interceptor Sewer.**

**2. Authorize the Mayor and Municipal Clerk to enter into an Easement Agreement with the Halifax Regional Water Commission for the required portions of the Chain of Lakes Trail based on easement unit values as set out in Table 1 of the June 28, 2013 report.**

Councillor Mosher advised that the trail is an important asset in the community and will be shut down for almost two years for this project to go forward. She expressed concern about the potential of sewage system leaks and the possibility of contamination of nearby rivers, lakes and streams. Councillor Mosher also noted that tearing up the trail was a significantly cheaper cost to the tax payer than other options. She requested that HRM staff be involved with Halifax Water in the public consultations. The Councillor also wanted to know why staff was using the 2009 market value of the trail and not the current value, as she felt that the trail had increased in value since 2009. Councillor Mosher, referring to legacy projects, indicated that this work should add value to the trail.

Mr. Peter Stickings, Manager Real Estate and Land Management, advised that the approach in using the 2009 market value was a cost recovery for HRM. He noted that Halifax Water had agreed to leave some legacy enhancements along the trail.

Deputy Mayor Rankin stated that he supported the project. He noted that in 2007, Regional Council agreed to find a solution for the approved development projects in the Beechville Lakes/Timberlea area. He advised that a feasibility study determined that rerouting the sewage through the Chain of Lakes trail was the best financial and least disruptive option. He requested that any legacy funds generated from the project be used to advance projects in the area.

Councillor McCluskey questioned if the conveyance system being expanded was due to the Brunello Estates development. She inquired what the cost of the expansion conveyance system is and if the cost was being placed on the ratepayers, or was the developer covering some of the costs.

Mr. Shepherd stated that the treatment plant at Lakeside/Timberlea has been at capacity for a few years. He noted that Brunello Estates is not the only driver for the expansion of the facility. He explained that the serviceable boundary allows for far more development than just current developments and the expansion is required to serve the boundary. He stated that the cost of the project would be approximately 20-25 million and all ratepayers of HRM would be covering the cost. *(Note: This statement was later clarified by Halifax Water indicating 90% of the costs for the project would be funded from regional development charges and 10% from the general HRW rate payers)*

Councillor Watts noted that this is the type of development that is concerning for people, when the cost of build out and the impact on individuals is unknown.

Mr. Shepherd stated that the current wastewater treatment facility is at capacity. He explained that the serviceable boundary area was developed through the Municipal

Planning Strategy (MPS). He advised that the landowners in that boundary area have a defined right to develop in the serviceable area. He further advised that HRM would be at risk if unable to provide sewage capacity to landowners in the serviceable boundary.

**MOVED by Councillor Mosher, seconded by Councillor Walker that Halifax Regional Council amend the motion to request a staff report regarding the proceeds of the easement being retained in a reserve to be used in the trail area.**

Discussion ensued on the amendment.

In response to questions of Council, Mr. Richard Butts, CAO advised that the amendment did not affect parts one or two of the motion in the staff report.

**MOTION PUT AND PASSED (9 in favour, 8 against).**

Those voting in favour were: Mayor Savage; Deputy Mayor Rankin; and Councillors Dalrymple, Hendsbee, Karsten, Mosher, Walker, Adams and Johns.

Those voting against were: Councillors Nicoll, McCluskey, Fisher, Mason, Watts, to Whitman, Craig, and Outhit

The amended motion was now before Council.

**MOVED by Councillor Mosher, seconded by Deputy Mayor Rankin that Halifax Regional Council:**

- 1. Endorse the use of the Chain of Lakes Trail as the preferred corridor for a wastewater conveyance system from Lakeside Park Drive to the Trail's termination on Joseph Howe Drive, with connection to the Bedford Highway Interceptor Sewer.**
- 2. Authorize the Mayor and Municipal Clerk to enter into an Easement Agreement with the Halifax Regional Water Commission for the required portions of the Chain of Lakes Trail, based on easement unit values as set out in Table 1 of the June 28, 2013 report.**
- 3. Request a staff report regarding the proceeds of the easement being retained in a reserve to be used in the trail area.**

Further discussion ensued on the amended motion, following which the **MOTION WAS PUT AND PASSED (13 in favour, 3 against).**

Those voting in favour were: Mayor Savage; Deputy Mayor Rankin; and Councillors Hendsbee, Karsten, Nicoll, Fisher, Mason, Mosher, Walker, Adams, Johns, Craig, and Outhit.

Those voting against were: Councillors McCluskey, Watts, and Whitman. Councillor Dalrymple was not present for the vote.

### **10.1.3 Property Acquisition - 6830 Bayers Road, Halifax**

A staff report dated June 25, 2013 was before Regional Council.

Councillor McCluskey advised that there were portions of the report that she wished to discuss however, she noted that they were in the In Camera report.

**MOVED by Councillor McCluskey, seconded by Councillor Hendsbee to defer Item 10.1.3 Property Acquisition - 6830 Bayers Road to In Camera.**

**MOTION PUT AND PASSED (11 in favour, 5 against).**

Those voting in favour were: Mayor Savage; and Councillors Hendsbee, Karsten, Nicoll, McCluskey, Fisher, Mason, Watts, Walker, Johns, and Craig.

Those voting against were: Deputy Mayor Rankin and Councillors Mosher, Adams, Whitman and Outhit.

Councillor Dalrymple was not present for the vote.

Councillor Johns left the meeting.

### **10.1.4 Proposed Amendments to Administrative Order 45, respecting Private Road Maintenance - Fee for Range Road Land Owner's Association**

A report dated July 9, 2013 was before Regional Council.

**MOVED by Councillor Hendsbee, seconded by Councillor Nicoll that Halifax Regional Council:**

- 1. Approve an annual uniform charge of \$150.00 per property, to be applied against properties abutting Range Road, as depicted in the map showing in Appendix A of the July 9, 2013 report, effective with the 2013-14 fiscal year for the purpose of funding the road maintenance activities of the Range Road Land Owner's Association.**
- 2. Approve amending Administrative Order 45, Respecting Private Road Maintenance, by adding Schedule 9, respecting a Uniform Charge for the Range Road Land Owner's Association, attached hereto as Appendix B of the July 9, 2013 staff report.**



**3. Subject to Council approval of Schedule 9 of Administrative Order 45, authorize the Mayor to sign on behalf of HRM, a Management and Operating Agreement between HRM and the Association.**

Councillor Hendsbee noted that page 2 of the report should read that the community of Grand Desert is located in District 2 and not District 1.

**MOTION PUT AND PASSED UNANIMOUSLY (15 in favour).**

Councillors Dalrymple and Johns were not present for the vote.

**10.1.5 Airport Noise Contour Boundary – Charter Amendment**

A report dated July 8, 2013 was before the Committee.

**MOVED by Councillor Hendsbee, seconded by Councillor Karsten that Halifax Regional Council support a provincial amendment to the Municipal Government Act and HRM Charter, clarifying municipal authority around land use planning and regulation near airports.**

**MOTION PUT AND PASSED UNANIMOUSLY (15 in favour).**

Councillors Dalrymple and Johns were not present for the vote.

**10.1.6 Case 18006: Bonus Zoning Agreement – Mixed-Use Development at Queen, Clyde and Birmingham Streets, Halifax**

Councillors Dalrymple and Johns returned to the meeting.

A report dated July 17, 2013 was before Regional Council.

**MOVED by Councillor Mason, seconded by Councillor Karsten that Regional Council adopt, by resolution, the bonus zoning agreement as provided in Attachment A of the July 17, 2013 report for the mixed-used development bounded by Queen, Clyde, Birmingham Streets in Halifax.**

Councillor Mason noted there was some concern about the change in the bonus zoning agreement. He advised that the developer will maintain the commitment under the terms of sale, that there will be a percentage of housing that will be below market cost. He clarified that since there is no provincial program that would provide subsidy support to low income housing on the site, there was a need to find an alternative to allow the bonus zoning. He explained the increased public and hourly parking on the site was the best available option to permit the bonus zoning for the area.

Councillor Watts voiced concern that the change in the bonus density agreement would set a precedent for future developments.

Mr. Sean Audas, Development Officer, Community Services and Recreation, advised that every application has to go through the Design and Review Committee and they look at every application based on its merits. He noted that there are criteria in the Downtown Halifax Land Use Bylaw (LUB) which the application would be assessed against.

In response to a question from Councillor McCluskey, Mr. Audas advised that there would be approximately 10 units of affordable housing in the development.

Ms. Jane Fraser, Director, Planning and Infrastructure, added that the Province is releasing their housing strategy and is looking at new methods of delivering housing affordability.

**MOTION PUT AND PASSED UNANIMOUSLY (17 in favour).**

## **10.2 COMMUNITY PLANNING AND ECONOMIC DEVELOPMENT STANDING COMMITTEE**

### **10.2.1 School Review Process**

A report dated July 23, 2013 was before Regional Council.

**MOVED by Councillor Watts, seconded by Councillor Nicoll that Halifax Regional Council approve HRM participation in the School Review Process by having the Mayor send a letter on behalf of Regional Council, outlining the mutual interest HRM and the HRSB has in community planning and regional plan growth targets, as well as our interactions related to funding, a multi-year capital planning process and surplus school disposal.**

Councillor Watts explained that the Province had asked for people to become involved in the school review process. She noted that while education is not the mandate of the municipality, it is important to have some input of location, closings and access of schools and the effects of each on a community level.

**MOTION PUT AND PASSED UNANIMOUSLY (17 in favour).**

## **10.3 EXECUTIVE STANDING COMMITTEE**

### **10.3.1 Union of Nova Scotia Municipalities (UNSM) Caucus Structure**

A report dated July 22, 2013 was before Regional Council.

**MOVED by Councillor Walker, seconded by Councillor Nicoll that Halifax Regional Council support UNSM retaining the population – based caucus structure which**

groups Nova Scotian municipalities into three categories: Regional, Towns and Rural.

**MOTION PUT AND PASSED UNANIMOUSLY (17 in favour).**

**10.4 MEMBERS OF COUNCIL**

**10.4.1 Councillor Watts – Establishment of a Non - Profit Society to Plan the 100<sup>th</sup> Anniversary of the Halifax Explosion**

A Request for Council Consideration from Councillor Jennifer Watts was before Council.

**MOVED by Councillor Watts, seconded by Councillor Fisher that Halifax Regional Council request a staff report on the establishment of a non-profit society to plan the commemoration of the 100th anniversary of the Halifax Explosion in 2017 that would include terms of reference for the society and define the relationships between the society and HRM.**

Councillor Watts stated that the Halifax Explosion was a historically significant event for Halifax and it is important to begin planning for the commemoration of this event. Councillor Watts clarified that she had met with staff and a non-profit society seemed to be the best option for raising funds and to encourage citizen participation. She requested that the staff report examine this proposal and consider the best options.

Councillor Hendsbee requested staff also look at the Halifax Foundation as a possibility for being the non-profit society. He noted that the Halifax Foundation has historical connections to the Halifax Explosion.

**MOTION PUT AND PASSED UNANIMOUSLY (17 in favour).**

**11. MOTIONS**

**11.1 Councillor Adams**

Councillor Adams gave Notice of Motion at the July 23, 2013 meeting of Halifax Regional Council.

**MOVED by Councillor Adams, seconded by Councillor Walker that Halifax Regional Council request a staff report outlining options to include a protective canopy in section 32 “Vending By Artisans/Craftspeople”, sub-section 6(c), of By-Law C-500, Respecting Commerce and Vending on Municipal Lands. The staff report is to include information such as acceptable material for the canopy, size and methods for securing the canopy to the table/kiosk.**

Councillor Adams explained that he has received a number of requests from some vendors on the waterfront who are often unprotected from varying weather conditions such as extreme heat and rain.

Councillor Hendsbee requested staff look at the implications of what would happen if the canopies included promotional advertising, particularly beverage companies.

Mayor Savage exited the meeting at 2:30 p.m. and Deputy Mayor Rankin assumed the Chair.

**MOTION PUT AND PASSED UNANIMOUSLY (16 in favour).**

Mayor Savage was not present for the vote.

**11.2 Councillor Mason**

Councillor Mason gave Notice of Motion at the July 23, 2013 meeting of Halifax Regional Council.

**MOVED by Councillor Mason, seconded by Councillor Watts that Halifax Regional Council request staff to offer the Friends of Halifax Common an application for Marketing Levy Special Events Reserve funding and request an Exception report to be submitted to the Special Events Advisory Committee at their next meeting for the Committee's consideration.**

Councillor Mason advised that the Friends of Halifax Common had only received federal funding a month ago. In response to a question from the Deputy Mayor, Councillor Mason clarified the intent of the motion was to provide the group with an opportunity to submit an application to the Special Events Advisory Committee (SEAC).

Councillor Hendsbee noted a lack of consistency when putting late applications forward. He indicated there are many groups who have late applications and they should be treated equally.

Councillor Dalrymple questioned why the Friends of Halifax Common had not made application for the first or second intake of applications.

Councillor Mason noted that the event is in the fall and suggested that it might be appropriate for SEAC to ask questions around the timing of their application.

**MOTION PUT AND PASSED (15 in favour, 1 against).**

Those voting in favour were: Deputy Mayor Rankin; and Councillors, Dalrymple, Hendsbee, Karsten, Nicoll, Fisher, Mason, Watts, Mosher, Walker, Adams, Whitman, Johns, Craig, and Outhit.

Those voting against were: Councillor McCluskey.

Mayor Savage was not present for the vote.

### **11.3 Councillor Craig**

Councillor Craig gave Notice of Motion at the July 23, 2013 meeting of Halifax Regional Council

**MOVED by Councillor Craig, seconded by Councillor Watts that Halifax Regional Council amend Administrative Order No. 17 Respecting Remuneration for Members of Council to enable an automatic review component by:**

- a) Establishing an independent Halifax Regional Council Compensation Committee to be convened by the Chief Administrative Officer one year prior to a general HRM Municipal Election.**
- b) That the Council Compensation Committee review previous recommendations, current state of the council compensation and relevant benchmark data.**
- c) That the Council Compensation Committee be tasked to establish the remuneration direction of compensation, which may include change(s) in philosophy and formula, for the following Council's four year term of office through recommendation to Council.**
- d) That the outgoing Council accept the recommendation for the incoming Council's 4 year term and that staff prepare a report on these amendments which will then be submitted to Regional Council for approval.**

Mayor Savage entered the meeting and assumed the Chair.

Councillor Craig explained that this motion was an effort to create in policy, an independent third body setting remuneration with a regular review process. It would allow for the independent body to alter philosophies and formulas to change with the times as they wish. He cautioned that if the motion did not pass, Council would at some point again have to debate Council remuneration.

Deputy Mayor Rankin stated that the previous Council did not have anything to do with the formation of the existing Committee. He stated that the motion before Council was essentially the same as Council had previously approved.

Councillor Dalrymple noted that there is nothing in the motion that explained why there was a need to change and he was quite happy that remuneration was currently out of the hands of Council.

Councillor Outhit explained that he liked the idea that Councillor salary would be set for four years. He stated he did not think the current system was broken but agreed that there is always room for review.

Councillor Mason stated that he would support the motion because he sees that the motion is providing a regularized review. He agreed that a periodic check is a proper thing for Council to consider.

Councillor Johns expressed frustration that the issue continues to find its way before Council.

Councillor Watts indicated she would support the motion saying that a four year review and having the salary set for four years is appropriate.

Councillor Mosher urged Council not to support the motion as there is already an independent arm's length process that reviews Council salary.

Councillor Craig clarified that the motion is not about the amount of salary. He also noted that there is no longer a committee to review salary, but only a formula. He explained that the CAO is not authorized to review that formula unless there is a motion from Council. He stated that the intent of the review of the policy was to ensure the issue does not come back before Council.

**MOTION DEFEATED (7 in favour, 10 opposed).**

Those voting in favour were: Mayor Savage; and Councillors Hendsbee, Nicoll, Mason, Watts, Craig, and Outhit.

Those voting against were: Deputy Mayor Rankin; and Councillors Dalrymple, Karsten, McCluskey, Fisher, Mosher, Walker, Adams, Whitman, and Johns.

**11.4 Councillor Hendsbee**

Councillor Hendsbee gave Notice of Motion at the July 23, 2013 meeting of Halifax Regional Council.

**MOVED by Councillor Hendsbee, seconded by Councillor Karsten that Halifax Regional Council request a report regarding amending Administrative Order 46 Respecting HRM Asset Naming Policies to expand the definition with respect to section 4(k) "park features" to include: benches, pedestrian bridges, gazebos, shelters, outdoor rinks, multi-use play pads, sports courts, and flagpoles.**

A brief discussion ensued.

**MOTION PUT AND PASSED UNANIMOUSLY (17 in favour).**

Council recessed at 5:15 p.m.

Council reconvened at 6:00 p.m.

At the request of the Deputy Mayor, Regional Council dealt with item 13.1, Appointment of an Interim Town Crier, prior to commencing the public hearing.

### **13. ADDED ITEMS**

#### **13.1 Councillor Hendsbee – Appointment of Interim Town Crier**

This matter was added during the approval of the agenda. A request for Council Consideration dated July 30, 2013 was before Council.

**MOVED by Councillor Hendsbee, seconded by Councillor Nicoll that Halifax Regional Council accept the recommendation of the Nova Scotia Guild of Town Criers and appoint Mr. David Nimmo, a resident of Dartmouth, as the Interim Town Crier for central HRM, with a stipend of \$300 per month, to include expenses of \$100, effective August 1, 2013. This appointment is to run until a competition is held to identify and appoint a permanent Town Crier for HRM.**

#### **MOTION PUT AND PASSED UNANIMOUSLY.**

The Mayor thanked Councillor Hendsbee, the Guild of Town Criers and Josh Bragg for their work on this file.

### **9. PUBLIC HEARINGS**

#### **9.1 Case 16417: Municipal Planning Strategy and Land Use By-law Amendments for 2570 Windsor Street, 6225 Willow Street and 6233 Willow Street, Halifax**

The following documents were before Council:

- A report from Halifax & West Community Council dated June 13, 2013
- A minute extract from the Halifax Regional Council meeting held on June 25, 2013
- A copy of the staff presentation dated July 30, 2013
- A copy of the presentation given by Ms. Heather Bond of Michael Napier Architecture, representing the applicant

Correspondence was received from Sharon Nicolle, Jim and Lata Hall, David Fry, Noni MacDonald, Judy Dudar, Ms. BJ Edmondson and John Boeing, Winston S. Parkhill, Kevin Lamarque, Diane Dubowski, Doreen Parnell, Roberta Sharp, Avery Dakin-Clarke, Kristin Schmitz, Dr. Michael J. and Jean Larsen, Anthony Goode, Barbara Ficks, Valerie Bachynsky, Brian & Janet Delo, Susan C. Brousseau, Cathy Carmody, Clarke Paynter, Ruth Stackhouse, Kathy Ells, Janet McGinity, Vievenne Dineen, Nancy Bowes, Deidre Dacanay, Freeman Dryden, David Harrison, Marlene Coffey, Susanne A. Dittmer, Rod Malay, Dave Smith, Shelley Sarwal, Don Howard, Joanne Coffey, Ethel Kostman, Robert Zinck, Sharon Purdy, William L. Hyde, George Harding, John Taiani, Lousia Home, Patricia Brennan-Alpert, John Kirk, Margo Kirk, Ann Foyle, Erin Martin, Trudy

Stevenson, Ralph Wilkinson, Joanne Syms, Eileen Dockerty, Kimberlyn McNabb, Jonathon Lampier, Mary Ellen & Jan Rainey, Jane Reid, George Lee, Gordon Bradley, Kris Larson, Patrick and Elaine Jay, Janet Bardon, Maria Caldarozzi, Patricia MacDonald, V. M. Salsman, Norval Collins, Pete Smith, the following medical professionals: Barry Clark, Timothy Holland, Susan Atkinson, Stephanie Connidis, Jennifer Leverman, Joanna Zed, Aletha Lacas, Anna Neumann, Isabelle Vallee, Mancreet Gill, David Sibley, Christine Saveland, Amanda Coakes, Laura Burke, Brianee Castonguay and Sheena Manning, and Marlene Coffee, Liz Cunningham and Shelly Sarwal on behalf of neighbours.

Councillor Watts declared a potential conflict of interest as she is a member of the congregation of St. John's United Church. The Councillor took a seat in the gallery.

The Mayor reviewed the rules of procedure before inviting staff to present Case 16417.

Mr. Richard Harvey, Acting Urban Design Project Manager, Planning & Infrastructure, presented Case 16417, an application by St. John's United Church to amend the Municipal Planning Strategy (MPS) and the Halifax Peninsula Land Use By-law (LUB) in order to accommodate the construction of a 59-unit mixed-used institutional and residential building. The site currently houses a large church and adjoining administrative building and is zoned General Residential (R-2).

Mr. Harvey explained that the church faces Windsor Street and extends along Willow Street. The administrative building, a two storey house, is behind the church. Both are located in the Medium Density designation and are surrounded by detached single family dwellings to the south; a mixture of detached, semi-detached and multi-unit dwellings, including a three-storey apartment building, to the north; and low-rise commercial uses to the east.

Next, he showed images of the proposed redevelopment, which combines an apartment building for seniors, a church, and community facility uses. The building will face Willow Street while access to underground parking will be from Windsor Street. He noted that the design has undergone a number of changes in response to feedback from neighbours. For instance, the scale has been reduced and the entrance to the parking garage, moved from Willow to Windsor Street.

Mr. Harvey noted that the proposal is at odds with R-2 Zoning on two fronts:

- The R-2 Zone caps building height at 35 feet. The Windsor Street side of the proposed development will be 72 feet.
- The R-2 Zone does not permit all of the uses that the applicant is proposing.

In light of this, the applicant is requesting amendments to the MPS and LUB. These amendments, and the resulting development agreement, would set specific conditions regarding height, setbacks and massing.



Mr. Harvey noted that staff had carefully reviewed the applicant's proposal and the planning context. While they see merit in providing housing options to seniors, they continue to be concerned about the size of the proposal relative to neighbouring buildings. He reminded Regional Council that the MPS encourages the retention and stability of existing neighbourhoods. It also speaks to the need for infill that is compatible with its surroundings. Staff, he concluded, do not feel that these conditions have been met and on these grounds recommend that the amendments requested not be approved.

The Mayor thanked Mr. Harvey for his presentation and invited members of Regional Council to ask questions of clarification.

Councillor Adams wished to know if the matter before Regional Council could be appealed.

Mr. Harvey explained that the matter at hand has two steps. The first, consideration of amendments to the MPS, is not appealable. The second, consideration of the development agreement by Halifax & West Community Council, is appealable.

Councillor Nicoll observed that green space is an important component of neighbourhood compatibility. She asked staff to confirm that the development includes front yard and rooftop green space.

Mr. Harvey replied in the affirmative, adding that landscaping requirements are included in the proposed development agreement.

Councillor Johns wished to know why this case is before Regional Council rather than Halifax & West Community Council.

Mr. Harvey responded that Community Council is not empowered to amend the MPS. Policy amendments must be considered by Regional Council.

To this, Mr. Martin Ward, Municipal Solicitor, added that Halifax & West Community Council, on June 10, 2013 recommended that Regional Council consider amending the applicable planning policies.

Councillor Fisher wished to know when the MPS was drafted. He also asked staff to clarify the scope of tonight's hearing.

Mr. Harvey indicated that the MPS was developed in the 1970s. As for the hearing, it will consider policy amendments only. If they are approved and subsequently implemented, then Halifax & West Community Council would consider the proposed development agreement.

Councillor Mason asked if the height of the building will be expressed in height or in storeys.

Mr. Harvey noted that the development agreement will be very specific in this regard.

Deputy Mayor Rankin, quoting clause 2.6 of the MPS, noted that lands no longer used for institutional purposes shall be at a scale and for uses compatible with the neighbourhood. He wished to know if there are circumstances that would justify the removal of this clause.

Mr. Harvey was unaware of any such circumstances, noting that compatibility is still an important consideration when assessing development applications.

Councillor Outhit was of the understanding that the project could change at the development agreement stage. In other words, the architectural renderings before Regional Council may not be the final product. He asked for staff to comment on this.

Mr. Harvey acknowledged that changes could indeed be made to the development agreement at a later stage.

As there were no more questions, the Mayor opened the hearing, inviting the applicant to the microphone.

**Ms. Heather Bond** of Michael Napier Architecture explained that Spirit Place is a 59-unit residential development for seniors who wish to stay in the neighbourhood but who cannot - or no longer wish to - maintain a single family home.

She reminded Regional Council that the current property supports a church as well as numerous community programs. The proposed development will do the same with added services for seniors. She felt the mission of Spirit Place would make the area more vibrant and that the design would nicely integrate into the existing streetscape. She cited, as an example, the proposed terraces which have been designed to complement neighbouring porches. Of note too was the massing of the building: to minimize impacts on Willow Street, the volume was distributed to the Windsor Street side of the property. Ms. Bond noted that this is in keeping with urban design principles, which shelter inner streets and encourage growth along corridors. Just as importantly, the project aligns with HRM's goals of encouraging compact, mixed-used developments on major streets.

Ms. Bond believed the project to be a good example of community-driven change which will reinforce, not detract from, the existing neighbourhood. She then invited her client to say a few words.

**Ms. Louisa Horne** of St. John's United Church noted that the church is deeply rooted in and committed to the community. She described the many services it has offered since the 1930s, including its work with immigrant families. She believed one of its strengths is its ability to evolve to meet the needs of the neighbourhood. Spirit Place was developed within this context.

Ms. Horne explained that the existing church is not salvageable. In light of this, strategic visioning sessions were held to reflect on the future of the site. The current proposal, a mixed-use building offering prayer space, community facilities and enriched care for seniors, emerged from this exercise. She noted that hundreds of people have been consulted and the design modified a number of times in order to accommodate concerns raised.

The Mayor thanked Ms. Bond and Ms. Horne for their presentation and invited members of Regional Council to ask questions of clarification.

Councillor Johns asked the applicant to elaborate on the services they envisage for seniors.

Ms. Horne clarified that Spirit Place will not be a nursing home. However, it will offer a range of services, from housekeeping to meals, to enrich the quality of life of tenants.

Councillor Craig wished to know if all units would be accessible at or beyond accessibility best practices.

Ms. Horne replied that Spirit Place will exceed - by two or three times - the number of accessible and barrier-free units required. Units will be built with flexibility in order to change with the changing needs of the seniors who live in them.

Councillor Craig asked if all units were intended for seniors.

Ms. Horne noted that Spirit Place will be designed to fit many lifestyles, not just for seniors. However, it is likely that the services provided will attract mostly senior tenants.

Councillor Nicoll wished to know what factors, other than economic viability, the applicant considered when determining massing. She also wondered if the applicant has been in discussions with St. Vincent's, a nearby nursing home.

Ms. Bond replied that the number and design of the units, the quality of the construction, and maximal use of the front yard were all considered. She replied in the affirmative to the second question.

Councillor McCluskey asked the applicant to clarify whether all units could be reserved for seniors.

Ms. Horne did not believe non-seniors could be excluded from taking up residence at Spirit Place.

There being no further questions, the Mayor invited all residents, for or against the proposal, to the microphone.

**Ms. Shelley Sarwal** of Willow Street indicated that she did not support the development. She found the scale of the building to be too large for the neighbourhood, noting that it would be twice the volume and eleven feet higher than the existing church. Ms. Sarwall commended the church for wanting to provide housing for seniors and for their good work in the community. However, she felt that neighbours' concerns had not been adequately addressed.

**Mr. Theodore Migas** of Willow Street believed the development, in its current form, will have a negative effect on the neighbourhood. He believed the proposal was too large for the site and was concerned about the precedent this could set for other church sites awaiting redevelopment. He compared Spirit Place to St. Vincent's noting that the former is unobtrusive because it is set back far from the street. He also compared it to the former Orthodox Church at Queen and Morris streets which has been turned into condominiums. He felt this was a creative way to use the space and to preserve the streetscape. He asked Regional Council not to proceed with the proposal as is and requested that the applicant go back to the drawing board.

**Ms. Eileen Dockerty** of Willow Street described the positive neighbourhood dynamic on her R-2 zoned street, and how the proposal could negatively affect this. She expressed support for the Spirit Place concept but at a smaller scale, suggesting that it be reduced from seven storeys to four. She noted that Willow Street is narrow during winter months and was concerned that increased street parking (resulting from this development) would exacerbate existing problems. She was also concerned about a possible change in the entrance to Spirit Place. She asked Regional Council to side with staff and vote down the proposal.

**Ms. Anna Migas** of Willow Street thanked nine Councillors for visiting her property. She explained that she had attended St. John's United Church and was not opposed to change. However, she opposed this project because it is too large for the property. She asked Regional Council to have confidence in HRM Planning professionals, who had the same concerns. She was disappointed that this had become such a contentious issue and hoped a compromise could be reached.

**Ms. Donna Smith** of Willow Street argued that the proposed development is incompatible with the neighbourhood, which is made up of two-storey, R-2 zoned homes. Moreover, she expressed concern over increased on-street parking, particularly in the winter, and the impact of the underground parkade on the health of the trees lining the street. She asked that Regional Council vote against the project.

**Ms. Jane Reid** of North Street reiterated many of the concerns raised previously, including the loss of green space. On this point, she noted that heavily paved lots can cause run-off problems as evidenced recently in Toronto.

**Mr. Mike Sangster** of Dartmouth explained that he grew up in the area. He argued that there are inadequate housing options for seniors in HRM, and that Spirit Place would

help solve this problem. On these grounds, he was in favour of the project, and hoped that similar developments would spring up.

**Ms. Marlene Coffey** of Willow Street indicated that strong, vibrant neighbourhoods make HRM healthy. She worried that the construction of a seven-storey building would undermine the small scale and intimacy that make her neighbourhood special. She also expressed concern over increased traffic and the design of the building, which favours one-bedroom apartments over family-sized units. While she supported the Spirit Place concept, she did not support its size. She asked that Regional Council vote against the project.

**Mr. Don Howard** of North Street noted that he and his wife accept that the property will be developed. However, he was worried about the impact of the building on his backyard, both in terms of noise and water run-off. He found seven-storeys to be incompatible with the neighbourhood and at odds with HRM policy.

**Mr. Pete Smith** of Willow Street argued that the proposal far exceeds what is allowable in the R-2 Zone and is incompatible with the neighbourhood. He agreed that affordable housing for seniors is in the public interest. However, the applicant has provided few details as to the affordability of these units. According to data from the Canadian Mortgage & Housing Association, an affordable one-bedroom apartment on the peninsula would be \$744 per month and a two-bedroom, \$990.

**Mr. Marshall Burgess** of Willow Street put forward the following arguments in favour of the development:

- The community has been without St. John's United Church for seven years, and it's time to bring it back. Spirit Place does this.
- Spirit Place combines prayer space, housing and a community facility: it's an innovative way to redevelop the site.
- The church has been a good neighbour, organizing numerous programs of benefit to the community including the breakfast club at Oxford Street School.
- Spirit Place responds to the shortage of affordable housing for seniors.
- The development will provide greenspace on the rooftop and community space at the front.
- The applicant has been extremely accommodating to concerns raised by neighbours. At some point, the public good must trump private interests.
- The size of the building will be blocked by the large trees that line the street.

He concluded by asking that Regional Council give this project a chance.

**Ms. Liz Cunningham** of North Street was disappointed by the lack of attention to the effects of this project on her street. She noted that she is supportive of well-reasoned development, that is, development that compliments the character of existing neighbourhoods. Spirit Place does not do this because it is too large for the site. She agreed that the church is a good neighbour, and she applauded them for the Spirit

Place concept. However, she felt the project should not go ahead until the applicant reaches a compromise with the neighbourhood over height.

**Mr. Alex Keaveny** of Willow Street described the neighbourhood in which he lives, noting that most lots are shallow and contain two-storey homes. The proposal, he continued, is inconsistent with this streetscape: it comes in well above the height limit and well below the backyard setback requirement. Mr. Keaveny welcomed development in the neighbourhood, noting his support for the construction of the mosque on St. Mathius Street and the renovations of an apartment building on Windsor Street. However, development must add value to and be compatible with the neighbourhood. He did not feel Spirit Place, in its current iteration, did this because it is too big for the lot. R-2 Zoning requirements must be respected.

**Mr. John Kirk** of Walnut Street, and a member of St. John's United Church, expressed support for Spirit Place. He noted that there is a lack of housing options for seniors on the peninsula, and believed the problem would only worsen as seniors make up a larger percentage – up to 25% by 2026 – of the population. Redeveloping church sites, like this one, would provide the housing needed and allow seniors to remain in their communities. He asked that Regional Council support the project.

Councillor McCluskey wished to know how much Spirit Place intended to charge for rent.

Mr. Kirk replied that rental rates will depend on the features of the building and individual units.

Deputy Mayor Rankin asked if Spirit Place had considered becoming a not-for-profit.

Mr. Kirk responded that Spirit Place is a non-profit society and committed to providing social housing for seniors who cannot afford more expensive options. He confirmed that these will be rental units, not condominiums.

**Mr. John Taiani** of Willow Street deemed the project at odds with the neighbourhood. He agreed that the peninsula must be developed – but in a way that compliments the integrity of existing neighbourhoods. He asked that the project, in its current form, be rejected in order to make way for a compromise between the applicant and the community.

**Mr. Julian West** of Willow Street noted that he believed the project will have a negative impact on the neighbourhood. Of particular concern was the effect of increased traffic. Many children pass through this area on their way to Oxford Street School. He was concerned that the small setback of Spirit Place will reduce sight lines resulting in more accidents involving pedestrians.

**Mr. Wendall Brown** of Novalea Drive encouraged Regional Council to vote in favour of Spirit Place. He believed that St. John's United Church has been a good neighbour and

offered valuable services to the community. Spirit Place is a continuation of this legacy, mixing worship and community space with housing for seniors. Contrary to what was said earlier, he felt that the applicant had listened to and incorporated input from neighbours into the design.

**Ms. Hilda Power** of Willow Street, and a member of the congregation, noted that the church sought to engage the community in a number of ways. It hosted five open houses, four of which were directed towards immediate neighbours; two design events; and established a community liaison group. Next, she described the many changes that were made to the design as a result of concerns raised by neighbours:

- The initial design considered eight or nine storeys. Responding to neighbours, it was reduced to seven.
- The initial design had the church and front entrance on Windsor Street. Responding to neighbours, the design was altered with the church and main entrance moving to Willow Street.
- The initial design had a commercial-style front on Windsor Street through which groups could access the community space. Responding to neighbours, the design was changed.
- The initial design had the parkade entrance on Willow Street. Responding to neighbours, the entrance has been changed to Windsor Street.
- The initial design had a more significant street wall. Responding to neighbours, the building has been terraced to break up the massing.
- The initial design had less greenspace. Responding to neighbours, setbacks were increased and greenspace added to the rooftop.

All in all, there have been twelve major changes to the design. In doing so, Ms. Power felt the church has made every effort to reach a compromise with the community. She asked that Regional Council support this initiative that will enhance the neighbourhood.

Regional Council recessed at 8:02 pm. The meeting resumed at 8:16 pm.

**MOVED by Councillor Mason, seconded by Councillor Craig that Regional Council defer all remaining items, except Notices of Motion, to the next meeting of Halifax Regional Council scheduled for August 6, 2013. MOTION PUT AND PASSED.**

The Mayor asked the next speaker, for or against Case 16417, to the microphone.

**Mr. Jeff Scott** of Willow Street indicated that he would like to remain in the neighbourhood when he is older. Spirit Place would allow him to do just that. He believed that healthy neighbourhoods are ones where all ages are represented. He commended the applicant for the enriched living concept proposed and for the space earmarked for community uses.

**Ms. Leslie Griffiths** of Duncan Street indicated that she is a long-time member of the congregation of St. John's United Church. She believed the Spirit Place concept is a

good one – one that allows the church to continue delivering neighbourhood services, including those for seniors who might otherwise move off the peninsula. She reminded everyone that the building proposed is not much bigger than the existing church and that HRM policies encourage density on main corridors, like Windsor Street, and on the peninsula more generally. For these reasons, she asked Regional Council to support the project.

**Mr. Jim Hall** noted that he has lived on Chestnut Street for 46 years. During that time, he has watched many seniors leave because they were too infirm to live independently in their homes. He believed Spirit Place was a good option for seniors in the area. He believed that the applicant is embedded in the community and will continue to reach out to neighbours during and after construction.

**Ms. Joanne Syms** of North Street explained that her house is 45 feet from the church wall. This was of concern to her when she bought the house 20 years ago. However, she had been reassured by the municipality and realtors that the church site was zoned R-2. She asked that zoning rules be respected. On the need for compromise, Ms. Syms agreed that the applicant hosted numerous meetings and modified the design based on feedback received. However, to her great disappointment, height, the most important issue, was never addressed: the applicant simply stated that it must be big to be economically viable.

**Mr. Jim Sharpe** of St. John's United Church spoke in favour of the proposal. He described a number of programs run by the church, including Sunday School, the Oxford School breakfast program and services for people living with HIV and AIDS. Spirit Place will ensure that services like these continue. It will have multi-use space for meetings and recitals, a community kitchen, and housing for seniors who wish to stay in the neighbourhood.

**Mr. Paul Robinson** of Preston Street noted that many churches across the municipality are faced with deteriorating buildings and shrinking congregations. This leaves two options: sell or redevelop the space. St. John's United Church has come up with an innovative concept that will allow them to stay and to serve the broader community. He believed the applicant has gone to great lengths to respond to the concerns of neighbours. Moreover, the project will provide affordable housing, will increase density without significantly impacting traffic, and will be of great benefit to the community – more than if the site was developed as an apartment block. He requested that Regional Council support the proposal.

**Mr. Boris Mirtchev** of North Street explained that Spirit Place will be three metres from his backdoor. While he supports the concept, he was concerned about the design, namely its height, massing and limited setbacks. He also voiced concern over the church's ability to absorb the cost of such a project, and over the future of the site should a developer purchase it. He asked Regional Council to support staff's recommendation and, in doing so, direct the applicant to reach a compromise with neighbours over height.



**Mr. Norval Collins** of Cunard Street submitted a list of the developments approved in the north-end. He observed that many of these, including a mixed-use building on Kaye Street, are seven-storey buildings - the same height as Spirit Place. That the former fulfills a larger public benefit than the latter is all the more reason why it should be approved.

**Mr. Sean Foreman**, an active member of St. John's United Church, noted his support for Spirit Place. He believed the consultation process was comprehensive and the end result – the proposal before Regional Council - was creative and timely. Instead of selling the land to the highest bidder, the church will create affordable residential units for seniors. He hoped Regional Council would have the courage to amend the MPS so that this much needed development can move forward.

**Ms. Jane Spurr** of Seaforth Street noted that there is a lot of traffic along Windsor Street, both cars and pedestrians. She was concerned that Spirit Place will reduce sight lines and result in more accidents. She was also concerned about the precedent Spirit Place would set for other churches – including five between Willow Street and Quinpool Road - wishing to sell land or redevelop. On these grounds, she asked that Regional Council agree with staff and refuse the proposal.

**Mr. Andrew Rav-Chaplin** of Windsor Street noted that the height and volume of the proposed building are too large for the site. He wished to know if it could be reduced to respect the character of the existing neighbourhood.

**Mr. Allan MacLellan**, who lives adjacent to the site, indicated that the volume of Spirit Place is out of step with the lot and with the neighbourhood. He reminded Regional Council that the applicant does not have the financial burden of acquiring the property. Given this, he wondered if 59 units are really necessary. He asked that Spirit Place be scaled appropriately.

**Mr. Robert Gaudet** of High Street agreed with Mr. MacLellan, namely that the height and volume of Spirit Place are not in keeping with the neighbourhood.

**Ms. Karen Arthur**, formerly of Windsor Street, expressed support for the redevelopment as it would have a lot of benefits for the community.

**Mr. Adam Conter** of Duffus Street noted that the applicant made significant changes to the design, including relocating the prayer space from Windsor to Willow Street. He noted, too, that HRM policies encourage the development of vacant lots and of the peninsula. Spirit Place is in keeping with both of these goals.

**Ms. Hannah Horne-Robinson** of Preston Street indicated that there is a mix of building heights on the peninsula. Given this, she saw no problem with the seven storeys proposed. She thought seniors would make great neighbours because they are quiet.

Finally, she stressed the importance of having high quality accommodations for seniors, which is what Spirit Place would provide.

**Michael Craig** of Seaforth Street expressed support for the proposal because it will allow seniors to stay in their neighbourhood. He did not want to see the vacant church for another five years. He also did not want to see an apartment block go up as of right. He felt the proposal complemented the neighbourhood.

As there were no further names on the speakers list, the Mayor called for additional speakers.

**Ms. Janice Kinney** of St. John's United Church indicated that change can be good, and that policies are meant to be flexible. Spirit Place, as she saw it, represents progressive change: it encourages the retention of the existing character of the neighbourhood all the while providing an important social service. She asked that the project be approved.

The Mayor called three more times for speakers. There being none, he invited the applicant to respond to comments made.

**Ms. Horne** thanked everyone for participating, and made to the following points:

- Residents should be concerned about streetscape more than height. She felt that Spirit Place, at seven storeys, is low enough to blend in with the neighbourhood.
- By proceeding by way of a development agreement, HRM and residents have input in the process. If, instead, the church sold the property to a developer, they could build as of right.
- Spirit Place provides much needed housing for seniors, and it does so by filling a vacant lot on the peninsula.
- Concerns over vehicular and pedestrian traffic along Windsor Street will no doubt be addressed by HRM as they develop the Windsor-Vernon-Seymour bicycle lane.
- Compact, peninsula living means people live close to one another, and close to busy streets.
- Spirit Place will interact with Windsor, Willow and North streets. As such, all three streets were taken into account as indicated in the architectural renderings.
- The church has made many compromises, including moving the prayer space from Windsor Street to Willow Street. Doing so reduces the scale of Spirit Place along that street. At its most westerly point, it will be comparable in height to the adjacent houses.
- Rental rates will not be determined until the project is approved.
- The staff report does not have any concerns about traffic, parking, wind or shadows.
- Spirit Place will enrich the neighbourhood and may become a model for other communities.

**MOVED by Councillor McCluskey, seconded by Councillor Karsten that the hearing be closed. MOTION PUT AND PASSED.**

**MOVED by Councillor Mosher, seconded by Councillor Walker that Halifax Regional Council approve the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law, as contained in attachments F and G of the staff report dated May 27, 2013.**

Councillor Mosher thanked residents for the quality of their comments. She noted that she used to live in the neighbourhood, and could appreciate many of the points raised about scale, liveability and walkability. She was disappointed that the church could not be salvaged. However, she felt that the application was sensitive to the community and that the height was appropriate given that Windsor Street is an arterial road. She would therefore be voting in favour of the motion.

Deputy Mayor Rankin noted that everyone had spoken positively about the mission of Spirit Place. At issue is the height. He agreed that massing and scale are important, however, no one – neither HRM staff nor residents – have indicated what height would be reasonable, to the great frustration of the applicant. He agreed that there is a real need for social housing, especially now because 1,000 Nova Scotians turn 65 years old every month. He also pointed out that HRM has an obligation to meet its densification targets. For these reasons, he would be supporting the motion.

Councillor Fisher acknowledged that the MPS supports retaining the current scale of neighbourhoods. However, it also states that amendments may be required if there has been a change in circumstances. The hearing has shown that circumstances have indeed changed, both at the community and regional level. Given this, he expressed support for the motion.

Councillor Hendsbee explained that he had driven through the area, noticing the Gladstone development not far from the subject property. For context, he had also reviewed the HRM by Design principles, which promote mixed-use, mobility, housing affordability, neighbourhood stability and scale. He believed Spirit Place achieves all of these goals. As for height, he noted that the structure will only be one storey higher than the current church. For all of these reasons, he would be supporting the motion.

As it was 10:00 pm, the Mayor asked if Regional Council wished to reconvene at another time or extend the session in order to conclude their deliberations.

**MOVED by Councillor Hendsbee, seconded by Councillor Karsten that Regional Council extend beyond 10:00 pm. MOTION PUT AND PASSED.**

Regional Council recessed at 10:00 pm. The meeting resumed at 10:12 pm.

Councillor Mason thanked residents for the quality of the debate and the applicant, for the interesting proposal. He noted that HRM's revitalization strategy promotes density on main roads. However, Windsor Street is not comparable to nearby corridors like Quinpool Road, which are wider and support more commercial uses. Given this, he

questioned whether the scale and massing of Spirit Place was appropriate, for the street and for the lot.

Councillor McCluskey indicated that when people move into a neighbourhood, they want to know how nearby properties are zoned. She felt that Spirit Place, despite its noble mission, was incompatible with neighbourhood zoning. She agreed that density ought to be a goal but HRM should also be concerned with maintaining healthy and happy neighbourhoods. St. John's United Church, she continued, has done great work and been a great neighbour. The neighbours, meanwhile, wish to see development take place so long as it is compatible with the community. However, Spirit Place, in its current form, is not appropriate. Residents have good reason to be concerned because it will impact their neighbourhood and housing values.

Councillor Adams explained that he would be voting against the motion for the following reasons:

- HRM Planning staff are of the opinion that the building is too large for the lot.
- Spirit Place is not in keeping with the R-2 zone. Neighbours purchased their homes on the assumption that they would be next to a church, not a church/apartment building/community centre.
- HRM's density goals should be realized, but responsibly. He reminded his colleagues that the density plan is over twenty-five years and need not be accomplished in the first six years of the plan.
- Regional Council's decision should be based on land-use rather than tenants.
- Approval of Spirit Place would set a dangerous precedent in terms of permitted development on church sites.

Councillor Karsten hoped that the applicant and neighbours could find common ground to move forward. While he appreciated the public benefit of Spirit Place, he noted that he would be supporting the neighbours and voting against the motion. Like Councillor Adams, he took seriously the concerns raised by staff and felt that the MPS should not be amended in these circumstances.

Councillor Johns expressed support for the Spirit Place concept and for greater density in the urban core. However, he was concerned that even with a development agreement HRM could not ensure the project's vision, as presented, is carried through, including the commitment to affordable housing. He noted that HRM had entered into a development agreement with a church in his area: a few years later, it was sold to a developer who significantly changed the design. He did not want this to happen again. He believed Spirit Place was too high and covered too much of the lot.

Councillor Craig similarly supported the Spirit Place concept and development of the site. However, he found the scale was incompatible with the neighbourhood and wanted assurances the housing will be for seniors. He believed moving forward with this project would be a risk. Instead, Regional Council should consider developing policy for all vacant church sites. In the meantime, he hoped the applicant would go back to the drawing board to address the issue of scale.

Councillor Nicoll congratulated the applicant for proposing affordable housing for seniors. However, she was disappointed that they had not provided information as to why seven-storeys was necessary. As this was absent, she would be voting against the motion.

Councillor Outhit acknowledged that this was a difficult decision because of the services proposed for the site. He was not convinced that if the building were smaller that neighbours would be satisfied. He also questioned comments about the current use of the site. He was of the understanding that the church is vacant. This was problematic for a number of reasons, including for housing values.

Councillor Dalrymple wondered what would happen to the site if the applicant and neighbours were unable to reach a compromise. After all, the church could sell it to a developer. The end result may be worse than the proposal currently before Council. He also believed the proposal aligned with HRM's density goals. However, residents moved into the neighbourhood on the understanding that it was zoned R-2. Spirit Place, despite its commendable programming, is not compatible.

Councillor Whitman indicated that he would not support the motion. The Councillor hoped the motion would be defeated and then he hoped the church would reach a compromise with the neighbours.

Councillor Walker spoke of a similar project in his district, where a church lot was converted into a thirteen-storey building. He believed it fit in with the neighbourhood as would Spirit Place. He recognized that neighbours were concerned about the height, but observed that no one has proposed what height would be satisfactory. This left the applicant in a difficult situation. As for the development agreement process, he believed it offers a great measure of protection, ensuring what is proposed will be built. He concluded by expressing support for the motion.

Councillor Fisher asked staff to clarify that the amendments requested are specific to the a church being on the property.

Mr. Harvey replied that the amendments, if approved, would set the parameters for the development of a mixed-use building on the subject property.

Councillor Johns, addressing Councillor Walker's comment about development agreement, indicated that HRM is unable to enforce a development agreement once it changes hands.

At this time, Regional Council was prepared to vote on the following motion:

**MOVED by Councillor Mosher, seconded by Councillor Walker that Halifax Regional Council approve the proposed amendments to the Halifax Municipal**

**Planning Strategy and the Halifax Peninsula Land Use By-law, as contained in attachments F and G of the staff report dated May 27, 2013.**

**MOTION PUT AND DEFEATED (6 in favour, 10 against).**

Voting in favour of the motion were Mayor Savage, Deputy Mayor Rankin and Councillors Hendsbee, Fisher, Mosher and Walker.

Voting against were Councillors Dalrymple, Karsten, Nicoll, McCluskey, Mason, Adams, Whitman, Johns, Craig and Outhit.

Councillor Watts, having declared a potential conflict of interest, neither participated nor voted on this matter.

The Mayor thanked everyone for attending the hearing.

**12. IN CAMERA**

**12.1 Property Matter**

**12.1.1 Sandy Point Property**

This item was deferred to the August 6, 2013 meeting of Halifax Regional Council due to time constraints.

**13. ADDED ITEMS**

**13.1 Councillor Hendsbee – Appointment of Interim Town Crier for Central HRM**

This matter was dealt with earlier in the meeting. See page 15.

**13.2 Councillor Adams – Information Item 1. Weekly Green Cart Collection**

This item was deferred to the August 6, 2013 meeting of Halifax Regional Council due to time constraints.

**13.3 Councillor Karsten – Rescission of Part I of Motion – February 26, 2013 Halifax Regional Council**

This item was deferred to the August 6, 2013 meeting of Halifax Regional Council due to time constraints.

**14. NOTICES OF MOTION**

**14.1 Councillor Walker**

“Take notice that at the next regular Regional Council meeting, to be held on Tuesday, the 6<sup>th</sup> day of August, 2013, I will request that staff initiate a planning process to establish comprehensive planning policies that enable additional commercial and residential developments on the lands located within Dutch Village Road and neighbouring areas, as outlined in Map 1 to be circulated.”

**15. ADJOURNMENT**

The meeting adjourned at 10:58 pm.

Cathy J. Mellett  
Municipal Clerk

**INFORMATION ITEMS**

1. Memorandum from the Director of Transportation and Public Works dated June 25, 2013 re: Weekly Green Cart Collection Services
2. Memorandum from the Municipal Clerk dated July 22, 2013 re: Requests for Presentation to Council – None