

HALIFAX & WEST COMMUNITY COUNCIL

MINUTES

August 7, 2013

PRESENT:

Councillor Linda Mosher, Chair  
Councillor Wayne Mason, Vice Chair  
Deputy Mayor Reg Rankin  
Councillor Jennifer Watts  
Councillor Stephen Adams  
Councillor Russell Walker

STAFF:

Mr. Randolph Kinghorne, Senior Solicitor  
Mr. Sean Audas, Development Officer  
Mr. Andrew Faulkner, Development Officer  
Mr. Seamus McGreal, Planner  
Ms. Jillian MacLellan, Planner  
Ms. Dali Salih, Planner  
Mr. Paul Sampson, Planner  
Mr. Kurt Pyle, Supervisor of Planning Applications  
Ms. Jane Cooper, Operations Manager, Development Approvals  
Ms. Cathy Mellett, Municipal Clerk  
Mr. Ted Aubut, Legislative Assistant

TABLE OF CONTENTS

1.	CALL TO ORDER.....	3
2.	APPROVAL OF MINUTES – July 22 & 30, 2013.....	3
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS.....	3
4.	BUSINESS ARISING OUT OF THE MINUTES.....	3
4.1	Status Sheet Review.....	3
5.	MOTIONS OF RECONSIDERATION – NONE.....	3
6.	MOTIONS OF RESCISSION - NONE.....	3
7.	CONSIDERATION OF DEFERRED BUSINESS – NONE.....	3
8.	HEARINGS.....	3
8.1	Variances.....	3&6
8.1.1	Case 18445: Appeal of Variance Refusal, 2046 Oxford Street <b>Bookmark not defined.</b>	3&7
8.1.2	Case 18640: Appeal of Variance Refusal, 5691 Bilby Street.....	3&8
8.2	Public Hearings.....	3&11
8.2.1	Case 18254: LUB Amendment and Development Agreement for 2776-2778 Gottingen Street.....	3&14
8.2.2	Case 17456: LUB Amendment and Development Agreement for 3065 Robie Street.....	3&18
8.2.3	Case 17756: LUB Amendment and Development Agreement for 5659 Almon Street and 2814 Isleville Street.....	3&23
8.2.4	Case 18216: Rezoning of 4 York Redoubt Crescent, Fergusons Cove.....	3&11
9.	CORRESPONDENCE, PETITIONS AND PRESENTATIONS.....	4
9.1	Correspondence.....	4
9.2	Petitions - NONE.....	4
9.3	Presentations - NONE.....	4
10.	REPORTS.....	4
10.1	Case 18699: Amendment to the Timberlea/Lakeside/Beechville Land Use By-law to permit larger Home Child Care Operations.....	4
10.2	Case 18536: Extension of Non-Conforming Residential Building, 2138- 2140 Connaught Avenue.....	4
10.3	Case 16803: Development Agreement Signing Extension, 2569-2581 Brunswick Street.....	5
10.4	Case 18229: Development Agreement for a Day Care Centre at 60 Scotch Pine Terrace, Halifax.....	5
11.	MOTIONS - NONE.....	5
12.	ADDED ITEMS.....	5
13.	NOTICES OF MOTION.....	5
13.1	Councillor Mosher.....	5
13.2	Councillor Mason.....	6
14.	PUBLIC PARTICIPATION.....	6
15.	NEXT MEETING DATE – September 23 <sup>rd</sup> (Cpt. Spry Community Centre).....	25

16. ADJOURNMENT ..... 25

**1. CALL TO ORDER**

The Chair called the meeting to order at 5:30 p.m. in the Council Chamber at City Hall, 1841 Argyle Street, Halifax.

**2. APPROVAL OF MINUTES – July 22 & 30, 2013**

**MOVED by Councillor Adams, seconded by Councillor Mason that the minutes of July 22, 2013 and July 30, 2013 be approved, as presented. MOTION PUT AND PASSED.**

**MOVED by Councillor Watts, seconded by Councillor Mason that the in camera minutes of July 30, 2013 be approved, as presented. MOTION PUT AND PASSED.**

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

Community Council agreed to:

- Complete all items, including public participation, before opening the public hearings;
- Defer Case 18445: Appeal of Variance Refusal, 2046 Oxford Street, to the next meeting; and
- Hold the hearing for Case 18216: Rezoning of 4 York Redoubt Crescent before all other hearings.

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

**4. BUSINESS ARISING OUT OF THE MINUTES**

**4.1 Status Sheet Review**

Community Council agreed to remove the following items from the status sheet because an information report on this matter had been received in March 2013:

- July 9/12: Property for Mainland South Heritage Society

**5. MOTIONS OF RECONSIDERATION – NONE**

**6. MOTIONS OF RESCISSION - NONE**

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

**8. HEARINGS**

All hearings were heard later in the meeting. Please refer to page 6.

**9. CORRESPONDENCE, PETITIONS AND PRESENTATIONS**

**9.1 Correspondence - NONE**

**9.2 Petitions - NONE**

**9.3 Presentations - NONE**

**10. REPORTS**

**10.1 Case 18699: Amendment to the Timberlea/Lakeside/Beechville Land Use By-law to permit larger Home Child Care Operations**

A staff report dated July 17, 2013 was before Community Council.

**MOVED by Deputy Mayor Rankin, seconded by Councillor Mason that Halifax & West Community Council give First Reading to the proposed amendment to the Timberlea/Lakeside/Beechville Land Use By-law to increase the number of child care spaces permitted within a two-unit dwelling from three (3) to five (5) children, as contained in Attachment A of the staff report dated July 17, 2013 and schedule a public hearing.**

**MOTION PUT AND PASSED.**

The hearing was scheduled for September 23, 2013.

**10.2 Case 18536: Expansion of Non-Conforming Residential Building, 2138-2140 Connaught Avenue, Halifax**

The following documents were before Community Council:

- A staff report dated July 23, 2013
- Correspondence from Catherine Stevens-Doane dated August 1, 2013
- Correspondence from Jim & Rosemarie Drummond dated April 22, 2013

**MOVED by Councillor Walker, seconded by Councillor Mason that Halifax & West Community Council move Notice of Motion to consider approval of the proposed development agreement presented in Attachment A of the staff report dated July 23, 2013 to expand the existing non-conforming residential building at 2138-2140 Connaught Avenue, Halifax and schedule a public hearing.**

**MOTION PUT AND PASSED.**

The hearing was scheduled for September 23, 2013.

**10.3 Case 16803: Development Agreement Signing Extension, 2569-2581 Brunswick Street, Halifax**

A supplementary staff report dated July 26, 2013 was before Community Council.

**MOVED by Councillor Watts, seconded by Councillor Mason that Halifax & West Community Council approve a further extension of one year to the time period required for the development agreement at 2569-2581 Brunswick Street as originally approved by Peninsula Community Council on March 5, 2012 and extended on September 10, 2012, to be signed by the property owner.**

**MOTION PUT AND PASSED.**

**10.4 Case 18229: Development Agreement for a Day Care Centre at 60 Scotch Pine Terrace, Halifax**

A staff report dated July 25, 2013 was before Community Council.

**MOVED by Deputy Mayor Rankin, seconded by Councillor Walker that Halifax & West Community Council give First Reading to consider the proposed rezoning of 60 Scotch Pine Terrace, Halifax, from Schedule K to the R-1 (Single Family Dwelling) Zone as contained in Attachment A of the staff report dated July 25, 2013 and schedule a public hearing.**

**MOTION PUT AND PASSED.**

The public hearing was scheduled for September 23, 2013.

**11. MOTIONS - NONE**

**12. ADDED ITEMS - NONE**

**13. NOTICES OF MOTION**

Councillor Mosher stepped down as Chair at 5:40 p.m., with Councillor Mason assuming the role of Chair.

**13.1 Councillor Mosher**

*“Take notice that at the next regular meeting of Halifax & West Community Council, to be held on September 23, 2013, I intend to move a motion directing staff to initiate the process to amend the Land Use By-law for Mainland Halifax to prohibit the parking of commercial vehicles over a specific weight in residential areas.”*

Councillor Mosher returned to the Chair at 5:41 p.m.

### 13.1 Councillor Mason

*“Take notice that at the next regular meeting of Halifax & West Community Council scheduled for September 23, 2013 I will request a staff report detailing possible amendments to the Halifax Peninsula Land Use By-law to implement bedroom limits and/or gross floor area limits in the R-2a Zone.”*

## 14. PUBLIC PARTICIPATION

**Mr. Allan Ruffman** of Fergusons Cove commented on the following issues:

- *Order of Business:* He was surprised that Public Participation was being held at the beginning of the meeting instead of at the end. He noted that this change was not advertised in advance of the meeting.
- *Density Bonusing:* He explained that the purpose of density bonusing is to increase the number of affordable housing units. Given this, he found it bizarre that HRM would exchange housing for parking on the Mary Ann site at the corner of Queen and Clyde streets.
- *Wharfs:* He was concerned by the number of new wharfs that were being built with houses on top of them. He cited, as an example, the construction underway at 536 Purcell’s Cove Road. He asked that that this be addressed.
- *Traffic Slowing:* He noted that broad arrows had been effective traffic slowing infrastructure, and was disappointed that HRM was no longer using them.
- *Unightly Property:* He described the poor condition of a home at Bellevue Avenue and Inglis Street, and asked HRM to investigate.
- *Sidewalks:* While he was pleased that sidewalks were being repaired in the South-End, he observed that many streets, including Kempt Road, have no sidewalks. He asked that this be given priority.
- *Heritage Properties:* Section 6.8 of the Halifax Mainland Secondary Planning Strategy allows for the redevelopment of a heritage property by way of a development agreement. He noted that this option should also be extended to Planning District 5, which includes Fergusons Cove.

The Chair thanked Mr. Ruffman for his comments. She agreed that Public Participation is usually held at the end of the meeting. However, in this particular case, routine matters, including Public Participation, were scheduled at 5:30 p.m. and hearings at 6:00 p.m. This was clearly stated on the agenda.

Community Council recessed at 5:50 p.m. The meeting resumed at 6:00 p.m.

## 8. HEARINGS

### 8.1 Variances

#### 8.1.1 Case 18445: Appeal of Variance Refusal, 2046 Oxford Street, Halifax

The following documents were before Community Council:

- A staff report dated July 22, 2013
- Correspondence from Jeffrey Miller dated August 4, 2013
- Correspondence from Pamela & Gerry Whelan dated August 5, 2013

The Chair reviewed the rules of procedure and invited staff to present Case 18640.

Mr. Sean Audas, Development Officer addressed a notification issue before describing the variances requested.

He explained that the rules governing variance hearings require that all property owners within 30 metres of the subject property be given 7 days notice of the hearing. This is to ensure that those most affected by the decision have the opportunity to address Community Council. For Case 18640, staff endeavoured to do just that: notices were hand-delivered to all but one property owner within 30 metres of 2046 Oxford Street. The remaining notice was couriered to Ontario where the owner resides permanently.

Mr. Audas submitted the shipment summary for the Ontario delivery. He noted that Purolator attempted to deliver the notice on July 31, 2013, some 7 days before the hearing. As the resident was not home, the courier left a note indicating that they had attempted to make a delivery. On August 2, 2013, 5 days before the hearing, the courier successfully delivered the package.

Mr. Audas wished to know if, in light of this information, Community Council wanted to proceed with the hearing or defer it until September 23, 2013.

The Chair asked if the notice arrived in the time required.

Mr. Audas replied in the affirmative, noting that the courier had been on site within the notification period.

The Chair asked the Solicitor to comment on this matter.

Randolph Kinghorne, Senior Solicitor pointed out that the envelope arrived on time but was not left on the doorstep. This means the resident was unaware of its contents until August 2, 2013, well beyond the notification period. He recommended that Community Council err on the side of caution and defer the hearing until September.

The Chair noted that the letter had arrived on time. HRM, she continued, cannot control whether or not residents are home when the notice is delivered. On these grounds, she felt that the hearing should go ahead as scheduled.

Deputy Mayor Rankin felt that a deferral was in order. After all, the resident did not have access to the notice until August 2, 2013, only 5 days before the hearing.

**MOVED by Councillor Walker, seconded by Councillor Adams that that Case 18445, Appeal of Variance Refusal for 2046 Oxford Street, be heard on September 23, 2013. MOTION PUT AND PASSED.**

The Chair recommended that this matter be dealt with first on September 23, 2013. She also recommended that HRM, on a go forward basis, require no signature upon delivery in order to avoid this from happening again.

**8.1.2 Case 18640: Appeal of Variance Refusal, 5691 Bilby Street, Halifax**

The following documents were before Community Council:

- A staff report dated July 24, 2013
- Correspondence from Toni White-Goodridge dated July 29, 2013
- Correspondence from Colleen MacNeil dated July 31, 2013
- Correspondence from David & Susan Wilson dated August 6, 2013
- Correspondence from Evelyn Bostwick dated August 6, 2013

The Chair invited staff to present Case 18640.

Mr. Andrew Faulkner, Development Officer, explained that the owner of 5691 Bilby Street applied for three variances in order to renovate and convert the existing home into a three dwelling:

- A variance to the minimum lot area, from 8,000 to 3,333 square feet;
- A variance to the lot frontage requirement, from 80 to 33.33 square feet; and
- A variance to the side yard setback requirement, from 6 to 2.3 feet.

He noted that staff's refusal to grant these variances had been appealed, which is why the matter is before Community Council.

Mr. Faulkner described the property, noting that it is a single unit dwelling zoned R-2 (General Residential) near Agricola Street. On May 1, 2013 the owner was issued a building permit was to convert the building into three units. During an inspection one month later, HRM found that the structure had been raised three feet to accommodate a basement apartment. The increase in height was deemed contrary to the permit and section 43J of the Halifax Peninsula Land Use By-law. As a result, a Stop Work Order was issued. Shortly thereafter, the property owner filed the request for variances.

Mr. Faulkner indicated that the building meets all other by-law requirements.

Mr. Audas read from section 250(3) of the *HRM Charter*, which outlines three criteria by which the Development Officer may not grant variances:

- If the variance violates the intent of the development agreement or land use by-law;
- If the difficulty experienced is general to the properties in the area; and

- If the difficulty experienced results from an intentional disregard for the requirements of the development agreement or land use by-law

On the first point, Mr. Faulkner noted that Section 2.4 of the Municipal Planning Strategy (MPS), which supersedes the land use by-law, promotes the stability and character of residential areas. The subject property is surrounded mostly by two-storey residential buildings. The original permit, he continued, would have been in-keeping with this character because all changes were to be internal. However, by raising the building, the owner has created the only two and a half storey building (as viewed from the street) in the immediate area. Mr. Faulkner believed this to be out of character with the neighbourhood and contrary to the intent of the by-law.

On the second point, he had taken into account the characteristics of the neighbourhood to determine whether the subject property has specific challenges in meeting the by-law. He found that the challenges posed were not unique: none of the lots in the neighbourhood, including the lot in question, were large enough to accommodate a three-unit dwelling. As the difficulty experienced is generalized, Mr. Faulkner concluded that a variance was not in order.

Finally, on the third point, he reminded Community Council that the permit issued was for an internal conversion. By proceeding, instead, with major structural work, the owner had intentionally disregarded the requirements of the by-law.

Mr. Faulkner, in his concluding remarks, indicated that Community Council can allow or refusal the appeal.

The Chair thanked Mr. Faulkner for his presentation and invited members of Community Council to ask questions of clarification.

Councillor Watts wished to know how many parking spots will be required if the appeal is granted.

Mr. Faulkner explained that an internal conversion requires no additional parking. However, an external conversion, like that proposed by the appellant, requires dedicated parking for three cars. He did not believe the lot at 5691 Bilby Street was large enough to accommodate this.

Deputy Mayor Rankin observed that the owner explicitly requested to develop three units. Less explicit was his request to raise the basement. He asked staff to comment on next steps.

Mr. Faulkner reiterated that the MPS encourages the protection of established neighbourhoods. He felt the variances request were significant, and at odds with the protections cited. The exterior must remain intact to maintain the character of the neighbourhood.

As there were no more questions of clarification, the Chair invited the appellant to the microphone.

**Mr. Allan Offman** of Cornwall Street explained that he wants to convert a single-unit dwelling into three separate units, including one in the basement. To comply with the Building Code, he had planned to dig out the basement. However, this proved impossible: after the permit was issued, construction crews hit shale and could not dig down. Instead, he asked crews to build up, thereby increasing the height of the structure. He apologized for this oversight. At the time, he was unaware that this was in contravention of his permit. He did not mean to intentionally disregard the rules. When this came to his attention, he immediately obeyed the Stop Work Order and secured the site.

Mr. Offman agreed that, at two and a half storeys, his home is now larger than the two storey homes of his neighbourhood. Despite this, he felt it continued to blend in because the façade has not changed. He also noted that his home has a flat roof and as such the increase in height does not look out of place compared to the pitched-roof homes on the street. As for parking, he stated that by removing the garage he would have enough space for the three spots required. Finally, he believed his project to be in keeping with HRM's density goals for the peninsula.

The Chair invited members of Community Council to ask questions of clarification.

Deputy Mayor Rankin asked if it had always been Mr. Offman's intent to convert the basement into residential unit.

Mr. Offman replied in the affirmative. The building inspector had told him that the basement height was not to code, which is why he raised the building.

The Chair invited property owners within 30 metres of the subject property to the microphone.

**Ms. Gillespie** of Agricola Street expressed concern over parking, namely that the backyard would have to be converted into a parking lot. Otherwise, she was supportive of the variances requested.

**Ms. Colleen MacNeil** of Bilby Street stated that the variance request should be refused because it is contrary to the land use by-law. She asked Community Council to respect and enforce the by-law.

The Chair called three more times for speakers. There being none, it was **MOVED by Councillor Adams, seconded by Councillor Walker that the variance appeal hearing be closed. MOTION PUT AND PASSED.**

Councillor Watts, in accordance with Administrative Order 1, put the following motion on the floor:

**MOVED by Councillor Watts, seconded by Councillor Adams that Halifax and West Community Council allow the appeal of Case 18640.**

Councillor Watts indicated that she would be supporting the decision of the Development Officer. She recognized the difficulty presented, namely the lack of space in the basement. However, she felt the variances requested were a significant departure from the land use by-law and at odds with the character of the neighbourhood. She also reiterated Ms. Gillespie's concern over parking.

Deputy Mayor Rankin noted that the appellant had been told that he must increase the height of the basement in order to make it a habitable unit. He therefore built up when digging down became impossible – and he did so at great expense. The Deputy Mayor did not believe the appellant intentionally disregarded the work permit and felt that parking was not an issue. He concluded his remarks by expressing support for the appeal.

**MOTION PUT AND DEFEATED.**

The decision of the development officer was therefore upheld.

**8.2 Public Hearings**

**8.2.4 Case 18216: Rezoning of 4 York Redoubt Crescent, Fergusons Cove**

A staff report dated July 3, 2013 was before Community Council.

The Chair asked staff to present Case 18126.

Mr. Seamus McGreal, Heritage Planner, explained that the applicant wishes to convert a vacant church into a bed and breakfast. To do this, the property, which has municipal heritage status, must be rezoned from the P-2 (Community Facility) Zone to the R-2a (Residential Home Occupation) Zone.

Mr. McGreal noted that the property is located north of the York Redoubt National Historic Site and surrounded by residential uses zoned R-2a. He showed an aerial view of the property, pointing to the existing, vacant church which is zoned P-2. Under the R-2a Zone, the maximum lot coverage is 35% and the maximum height is 35 feet. The front yard setback is 20 feet and the rear and side yard setbacks, 8 feet.

Mr. McGreal showed a number of photos of the church, noting that the church and property have municipal heritage status. He explained that the septic field and parking will be out front along the Fergusons Cove Road. In the long-term, the applicant is interested in subdividing the property and building behind the church.

He confirmed that the Secondary Planning Strategy allows for lots in an abutting zone to be rezoned. In considering this request, staff considered a number of criteria, including

compatibility and the potential damage to heritage value. On the first point, he explained that the surrounding community is low density residential with large wooded lots. On the second point, he reminded Community Council that Regional Council reviewed and approved alterations to the existing building.

On the matter of parking and on-site services, he noted that the Province has authorized access via York Redoubt Crescent and requires that the well be installed by a licenced well driller.

Mr. McGreal, in his concluding remarks, recommended that Community Council approve the rezoning.

The Chair thanked Mr. McGreal for his presentation and invited members of Community Council to ask questions of clarification.

Councillor Watts wished to know what would happen if the rezoning was approved but the building never became a bed and breakfast.

Mr. McGreal replied that the property owner would have to be in compliance with the requirements of the R-2a Zone whether or not he follows through with the bed and breakfast.

The Chair then invited the applicant to the microphone.

**Mr. Tom Foster**, the applicant, thanked Councillors for approving the alterations to the church. He noted that rezoning is the next step, and is critical because the current, P-2 zoning does not allow residency in the building. He indicated that neighbours are in support of the project.

The Chair thanked Mr. Foster for his remarks and invited residents, for or against the proposal, to the microphone.

**Mr. Allan Ruffman** of Fergusons Cove Road explained that he lives directly to the north of the subject property. He asked that the motion clearly identify the property that will be rezoned. To do this, he recommended that the Property Identification Number (PID 400079733) or the survey plan (Lot 1SM1) be added to the motion. He believed this to be necessary because the lot varied in size before it was purchased by the church. He also commented on the process followed by HRM in handling this application. Instead of approving major alterations and then rezoning the property, HRM should have proceeded by way of a development agreement.

**Mr. Brett Ryan** of Fergusons Cove Road commended Mr. Foster for stepping in to restore the church, which is currently in a state of disrepair. He asked Community Council to approve the rezoning.

**Mr. Patrick Murphy** of Young Street expressed support for the project, noting that the bed and breakfast would be within walking distance of a tourist destination, and could therefore have a positive economic impact on the community.

**Ms. Linda Christenson- Ruffman** of Fergusons Cove similarly expressed support for the rezoning and the restoration of the church albeit with certain reservations:

- She questioned the process that HRM had followed.
- She drew attention to water run-off problems in the neighbourhood. – problems that may become worse if more trees are removed from the subject property. She encouraged the applicant to install a parking lot with a light environmental footprint to mitigate run-off.

The Chair called three more times for speakers. There being none, **it was MOVED by Councillor Walker, seconded by Councillor Watts that the public hearing be closed. MOTION PUT AND PASSED.**

Councillor Watts asked staff to comment on the issues raised by Mr. Ruffman and Ms. Christen-Ruffman, namely that:

- The PID and survey plan should be referenced in the motion; and
- Run-off from tree removal should be mitigated.

Mr. McGreal saw no harm referencing the survey plan. However, he did not feel it was appropriate to reference the PID because PID numbers change. As for the trees, he reminded Community Council that the property – not just the church - has heritage status. Removing a large number of trees could therefore jeopardize the heritage status.

Councillor Adams wished to know the significance of including the PID in the motion.

Mr. Kurt Pyle, Supervisor of Planning Applications, felt that the motion was complete as written.

The Chair asked the Solicitor to comment on this.

Mr. Kinghorne replied that an amendment was not necessary because the motion and supporting documents clearly refer to the subject property.

**MOVED by Councillor Adams, seconded by Councillor Walker that Halifax & West Community Council approve the proposed rezoning of 4 York Redoubt Crescent, Fergusons Cove. From the P-2 (Community Facility) Zone to the R-2a (Residential Home Occupation) Zone, as contained in Attachment A of the staff report dated July 3, 2013.**

**MOTION PUT AND PASSED.**

**8.2.1 Case 18254: LUB Amendment and Development Agreement for 2776-2778 Gottingen Street, Halifax**

The following documents were before Community Council:

- A staff report dated June 26, 2013
- Correspondence from Ashley Morton dated January 21, 2013
- Correspondence from Marion Clyde dated July 25, 2013
- Correspondence from David Jackson dated August 1, 2013
- Correspondence from Lois Randall dated August 6, 2013
- Correspondence from Phil Pacey received August 7, 2013

The Chair invited staff to present Case 17456.

Mr. Paul Sampson, Planner explained that the applicant wishes to develop an eight-storey, mixed-use building with ground floor commercial space and residential units above at 2776-2778 Gottingen Street. The site has been vacant since 2007 when a fire destroyed the previous building containing the North End Diner.

Mr. Sampson described the location of the property, noting that it fronts onto Gottingen, Bloomfield and Almon streets and is zoned C-2 (General Business). The immediate area contains a mix of building uses and styles.

He then outlined the changes made to the proposal since the Public Information Meeting of January 23, 2013, the most significant being to the Almon Street side of the property. Originally, there was to be a blank wall right on the property line. The building has since been stepped back. There will be fewer units on that side of the building as a result. Almon Street, he continued, will be landscaped and serve as the entrance to surface parking.

Mr. Sampson explained that the applicant is requesting an amendment to the Halifax Peninsula Land Use By-law and approval of a development agreement. In reviewing this request, staff had considered the compatibility of the new development relative to the adjacent properties and uses. On this, he noted the following:

- The building's height and mass is much less than that which could be achieved by as of right development;
- To minimize potential land use conflicts, the ground level is reserved for commercial uses, possibly a pub or restaurant; and
- The building contains a low rise street wall, which includes substantial amounts of glass and ground-level landscaping.

Mr. Sampson indicated that a traffic impact study had been carried out and no issues were identified. Metro Transit also reviewed the proposal and will adjust the frequency of Bus Route 7 accordingly. Halifax Water had no concerns with the proposal.

He therefore recommended that Community Council approve the amendment to the land use by-law and consider the development agreement at a future meeting.

The Chair thanked Mr. Sampson for his presentation and invited members of Community Council to ask questions of clarification.

Councillor Watts wished to reassure residents that Metro Transit and the traffic authority are aware that this is one of many developments slated for the area, and assess each proposal within that context.

There being no further questions, the Chair invited the applicant to give a presentation.

**Mr. Ross Cantwell** of Cantwell & Company noted that there has been a hole in the community ever since the pub burned down. He saw this project as an opportunity to stitch back the neighbourhood.

Mr. Cantwell explained that many HRM by Design elements are incorporated into the proposal. For instance, the building steps back to blend in with existing buildings; there is a lot of open space, including on the rooftop; the design utilizes existing water and transportation infrastructure; and the building is close to amenities.

He described the materials to be used, noting that the brick will tie in nicely with the buildings across the street at Canadian Forces Base Stadacona. Many of the other materials, like the cladding on the front, have been used at comparable developments in the north-end.

He thanked Community Council for the opportunity to present, noting that the owner is excited to proceed with this project.

The Chair opened the floor to questions of clarification.

Councillor Watts asked Mr. Cantwell to comment on blasting as well as the number, size and affordability of proposed units. She was particularly interested in knowing about the number of two-bedroom units.

Mr. Cantwell replied that construction crews will only be digging one level below grade. As such, he did not anticipate significant problems. As for the size of the units, they reflected demographics. He noted, for instance, that more and more people in HRM are living by themselves, which is why the majority of units will be one-bedrooms. However, at least 20 of the 70 units will have two or more bedrooms. He deemed these larger units appropriate for families.

The Chair invited residents for or against the proposal to the microphone.

**Mr. Peter Lavell** of Belle Aire Terrace expressed concern over the density of the site. By his calculations, the proposed development will be 76% more dense than a development that proceeded as of right. He agreed that there are benefits to densification but felt the project in question lacked green space and other amenities that would appeal to families. Moreover, he was concerned that the small units would attract

transient tenants rather than people interested in laying roots in the community. He also found the building to be out of scale with the surrounding area. On these grounds, he asked Community Council not to support the project.

**Ms. Elizabeth Pacey** of Yukon Street indicated that Halifax is a historic city with a number of very interesting Victorian and Edwardian buildings, including in the Bloomfield neighbourhood, which borders the subject property. She believed the proposed development was too big for the lot and for the neighbourhood. In addition to being intrusive, she also worried that it would put more pressure on historic homes that abut the property. She asked that Schedule Q not be expanded and the development agreement not be approved in the interest of protecting the integrity of the neighbourhood.

**Mr. Phil Pacey** of Yukon Street noted that he and his wife own a registered heritage property near the subject property. In 1994, the City of Halifax considered, but opted not to apply Schedule Q to properties east of Robie Street. He believed that nothing has changed since that time to merit overturning that decision. As for the design, he felt it provided insufficient green space to the detriment of the tenants and passersby. He also expressed concern over setbacks, angle planes and massing. Overall, he felt the building was inconsistent with the land use by-law and too large for the site.

**Mr. Allan Ruffman** of Fergusons Cove asked staff and Community Council to put more faith in HRM by Design, which was shaped by public input, instead of circumventing the process by way of Schedule Q.

**Mr. Patrick Murphy** of Young Street did not object to the proposed height of the building. However, he encouraged the applicant to install public art to improve the pedestrian experience. He noted that the North-End Pub, which used to be on the site, was an important gathering spot for the community. He hoped that a similar use would be included in the plans. Finally, he noted that HRM has no policies on affordable housing. Until such time as this void is filled, unit price will be driven by the market.

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

**Mr. Cantwell** noted the following:

- Under the existing zoning (C-2), there is significant development capacity on the site.
- Angle controls posed a challenge. This is one of the reasons the owner opted to proceed by way of a development agreement instead of by as of right.
- Rental rates are artificially high on the peninsula because of the restricted supply. Adding more units meets density and affordability goals.
- The original proposal included landscaping on the second floor podium. In response to feedback from residents, the latest version calls for landscaping on Gottingen Street and on the perimeter of the parking area on Almon Street. Trees

will be retained on Bloomfield Street and a community deck will be added to the building.

- Parking spaces have been retained on Almon Street to support the ground floor commercial space.

**MOVED by Councillor Walker, seconded by Councillor Mason that the public hearing be closed. MOTION PUT AND PASSED.**

**MOVED by Councillor Watts, seconded by Councillor Mason that Halifax & West Community Council adopt the amendment to Map ZM-2 of the Halifax Peninsula Land Use By-law as presented on Attachment A and Maps 1, 2 and 3 of the staff report dated June 26, 2013.**

Councillor Watts thanked everyone for their comments. She noted that residents of the peninsula are looking forward to having a meaty discussion about urban densification and its implications on neighbourhood preservation and quality of life.

She expressed support for the project because she felt the size, scale, amenities and mix of units were appropriate. She also felt that the site was conducive to density given that it sits on a main road, is close to transit and within walking distance of downtown. She believed this project had potential to support neighbourhood regeneration but acknowledged that as density increases, HRM will need to respond to public space needs.

Deputy Mayor Rankin indicated that the proposal was a nice blend of residential and commercial – a blend which could not have been assured through as of right development. He agreed with Councillor Watts that Gottingen Street is a good place to build density because of its proximity to downtown. He also agreed with a comment made earlier, that nothing has happened since 1994. It is precisely because of this inactivity that HRM needs to consider using tools to spur development. Applying Schedule Q was one such tool. He indicated that he would be voting in favour of the motion.

**MOTION PUT AND PASSED.**

Community Council recessed at 8:02 p.m. The meeting resumed at 8:15 p.m.

### **8.2.2 Case 17456: LUB Amendment and Development Agreement for 3065 Robie Street, Halifax**

The following documents were before Community Council:

- A staff report dated June 26, 2013
- Correspondence from David Jackson dated August 1, 2013
- Correspondence from Matthew Steele dated August 2, 2013
- Correspondence from Ryan Nesbitt dated August 3, 2013
- Correspondence from Kevin Pope dated August 4, 2013

- Correspondence from Adam Gallant dated August 4, 2013
- Correspondence from Lois Randall dated August 5, 2013
- Correspondence from Kirby Putnam dated August 7, 2013

The Chair invited staff to present Case 17456.

Mr. Paul Sampson, Planner explained that the property owner wishes to develop an 18-storey mixed-use building, with two floors of commercial space, on the corner of Robie and Demone streets. As this is not permitted under current zoning, the applicant has requested to proceed by way of a development agreement.

Mr. Sampson showed a map of the area, noting that the property currently houses a commercial building with on-site parking. Nearby, there is a tavern, a gas station, Oland's Brewery, a strip mall and ten-storey commercial building. The area also includes two and two and a half storey homes.

Mr. Sampson noted that the property is currently zoned C-2 (General Business), which has no restrictions on front, side or rear yards but limits the height to 80 feet. He indicated that applying Schedule Q was more beneficial than as of right development because it would ensure that the public is consulted and that the matter is reviewed by Community Council. It also limits potential zoning conflicts.

Mr. Sampson described the proposed development, noting the following features:

- The base will contain two commercial levels with the option of changing the second floor to residential.
- The top floor will likely be mechanical.
- The building will be located close to sidewalks with a number of entrances and awnings to create a pleasant street-level feel. Floors 3 to 18 will be setback from the 2-storey base.
- High quality building materials will be used.
- The ground level will be landscaped as will the fourth floor rooftop. Should the top floor be converted from mechanical to residential, then landscaping provisions kick in.

Impact studies, he continued, have been conducted for traffic, water and wind. Both the Traffic Authority and Halifax Water have determined that the existing infrastructure will support the development. As for wind, the initial study raised some concerns. Given this, the development agreement requires additional wind testing especially on the podium above fourth level.

Mr. Sampson concluded his remarks by recommending that Community Council approve the application of Schedule Q. By doing so, they will have the opportunity to consider the development agreement at a future meeting.

The Chair thanked Mr. Sampson for his presentation and invited members of Community Council to ask questions of clarification.

Councillor Watts asked staff to list the changes that have been made to the design since the Public Information Meeting of February 2012. She also asked for information about the shadow study that was conducted.

Mr. Sampson noted the following:

- The original design had one more storey than the current design. However, the height of the storeys has also grown, the end result being that the overall height is smaller but only by 8.5 feet.
- The tower will have more glass than previously planned.
- An area of the building has been removed, thereby reducing the massing.
- The rear yard setback has been increased so that the balconies are not as close to abutting properties.
- The building will shadow the sidewalk. However, of greater concern to staff is the building's wind impact.

Councillor Watts wished to know if the building design may change as a result of wind testing.

Mr. Sampson replied that rooftop infrastructure, like trellises and gazebos can mitigate the effects of wind.

There being no further questions, the Chair invited the applicant to the microphone.

**Mr. Greg Zwicker** of Genivar Consulting indicated that he was representing his client, Banc Properties Limited. He saw this project as an exciting opportunity to add more density to the urban core and, in doing so, add to the tax base. He reminded Community Council that the site is on a major commuter route and within close proximity to amenities.

Mr. Zwicker showed images of the proposed building, noting that the tower will sit on a four-storey podium. Inside, the building will be made up of 135 to 148 units, many of which will be 1,700 square feet. All will be equipped with individual water source heat pumps. He noted that 5% of units will be offered at below market value in response to the need for affordable housing. The underground parking garage will accommodate a minimum of 150 cars. Outside, there will be 30 parking spaces, dispersed on all three sides, to support the commercial uses.

Mr. Zwicker indicated that the building would have no significant impact on traffic because cars can enter and exit from Robie Street and Agricola Street. As for wind, the design of the building, namely the podium and third-floor cornice, will act as a buffer. A more comprehensive wind study will be carried out to explore this further. Finally, he showed Community Council a series of images showing the building's shadow effect, in three different seasons.

He noted that the building would support local commercial space and that the owner is willing to work with the community on a public art project.

The Chair thanked Mr. Zwicker for his presentation and invited members of Community Council to ask questions of clarification.

Councillor Watts was pleased that the owner had given thought to affordability and had designed units large enough for families. She wished to know what other on-site amenities would appeal to families.

**Mr. Alex Halef** of Banc Properties replied that there will be a large multipurpose room, a fitness area, a business centre, and a landscaped podium, possibly with a gazebo. Families will also enjoy all of the amenities at the Hydrostone Market.

Councillor Watts observed that many of these amenities seemed geared towards adults rather than families.

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

**Mr. Fraser Miller** of Connolly Street expressed support for the development as he thought it would rejuvenate the neighbourhood. He thought it was a good idea to have more people living on the peninsula and in close proximity to transit.

**Mr. Peter Lavelle** of Belle Aire Terrace was concerned about the size of the building and its compatibility with the neighbourhood. He reminded Community Council that the new convention centre, in a prime downtown location, is only 14 storeys. At 18 storeys, the proposed building will tower over the neighbourhood. He acknowledged that nearby sites, like the Piercey's lands, may be able to accommodate a large building but he did not think this subject property could do so. After all, it backs onto two-storey duplexes. He asked that the applicant go back to the drawing board.

**Mr. Jack Bryant** indicated that he was part of a study in the 1980s that explored how to spur development in various neighbourhoods, including in the north-end. Since that time, he has observed positive changes in the neighbourhood, which now has more amenities and new residential buildings, like the Gladstone. He particularly liked the village feel and cultural life of the area.

Mr. Bryant noted that currently only 73,000 people live on the peninsula. He saw the proposed development as a way to strengthen density within walking distance of amenities and downtown. He therefore asked Community Council to support the project.

**Mr. Michael Cuvelier** of Columbus Street explained that he grew up 100 feet from the subject property. He agreed that the site should be developed in order to bring more people back to the peninsula. However, he felt the proposal was too large relative to the neighbouring two-storey homes. The applicant, he continued, originally planned for 22

storeys and has reduced that to 18. He felt that the height was still out of sync given that comparable buildings in the area are 10 to 14 storeys.

Also of concern to Mr. Cuvelier was that the applicant owned the lots that abut the site – the Robie Food site and the Lion’s Head Tavern site. He predicted that the applicant would develop these sites at the same height. Finally, he questioned the results of the traffic impact study, noting that Demone Street is the entry point for trucks to the Oland Brewery. He believed additional car traffic would therefore be disruptive.

**Mr. Jerry Blumenthal** of Heatherwood Court indicated that he had been involved in this project as former Councillor for the north-end. He liked the idea of building on a major corridor like Robie Street, which has many amenities, is close to downtown and is within walking distance of the shipyards, which are expected to hire 2,000 to 3,000 new workers. He acknowledged that some of the tenants will be transient. However, the size of the units will also accommodate young families. He believed the project met urban density goals, would strengthen the vibrancy of the Hydrostone Neighbourhood, and bring much needed affordable housing to the area.

**Mr. Tim Ambrose** liked the design of the building, and felt that it would rejuvenate the stretch of Robie Street between Almon and Young streets. He believed it would provide housing options to young families and to seniors who wish to stay in the neighbourhood.

**Mr. Alex Frith** of Agricola Street noted that he lives directly behind the proposed development. He found it strange that Community Council was considering such a tall building when, only moments ago, it rejected a request to increase the height of a Bilby Street home by 3 feet.

He also noted the following:

- Oland’s Brewery needs Demone Street as a trucking route. The development will disrupt this.
- Development is appropriate when it is in-keeping with the spirit and character of the community. He felt that the residents were not adequately consulted and that the applicant was not willing to compromise.
- HRM should be focusing on rejuvenating the downtown and ensuring that residents can get there easily, by bus and bicycle.

**Mr. Patrick Murphy** of Young Street expressed the following concerns:

- The largest towers in the neighbourhood are 10 and 12 storeys high. The proposal surpasses this significantly.
- There is a lot of traffic moving through this area already. Adding an 18-storey building to Robie Street will only make this worse.
- The brewery nearby uses a lot of water. Mr. Murphy questioned whether existing infrastructure could support a development of this size.
- The amenities proposed will likely not attract families. He suggested that the applicant add a swimming pool and more green space.

- Designating 5% of the units affordable, while commendable, does not sufficiently address the need for affordable housing.

**Mr. Hugh Cook** of Agricola Street explained that his family has lived in the area since the 1960s, and that he would seriously consider moving out of the neighbourhood if the project is approved. He believed the building was too high and set a bad precedent for future development. He also noted that more residents would likely have attended the hearing if it had not been held during the summer.

The Chair called three more times for speakers. There being none, **it was MOVED by Deputy Mayor Rankin, seconded by Councillor Walker that the public hearing be closed. MOTION PUT AND PASSED.**

**MOVED by Councillor Watts, seconded by Councillor Rankin that Halifax & West Community Council adopt the amendment to Map ZM-2 of the Halifax Peninsula Land Use By-law as presented in Attachment A and Maps 1 and 2 of the staff report dated June 26, 2013.**

Councillor Watts indicated that she has thought long and hard about this project in the context of the Centre Plan, which addresses growth opportunities and challenges in the Regional Centre. She was disappointed by the turnout at tonight's hearing.

She did not feel there was a compelling argument to strike down the project on the basis of traffic. HRM will need to work hard to make sure public transit and active transportation options are in place. However, even with those in place, residents of the peninsula may go through a difficult period as development intensifies.

She was also confident that there was the sewer capacity to support development of the site.

However, of chief concern was height. She noted that density is important but must be transitional to protect existing communities. She was not sure this was the case here. She acknowledged that tall buildings were planned nearby on Young Street, but argued that the Young Street site and the Robie Street site are quite different. A decision on the first should not result in the same decision on the second.

Councillor Mason explained that corridor studies, for Robie Street, Quinpool Road and other arteries in the Regional Centre, are underway. The sooner they are complete, the better Community Council can judge whether a project is appropriate. In the meantime, he asked that this project go ahead. He liked the idea of coming off the MacKay Bridge and seeing a well-designed tower that supports the revitalization of Robie Street.

Councillor Mosher stepped down as Chair at 9:33 p.m. Councillor Mason assumed the Chair.

Councillor Mosher made the following points in support of the motion:

- The stretch of Robie Street between Almon and Young streets is primarily commercial. The home owners in the area knew, when they purchased their property, that they were buying in to a commercial area.
- HRM policies encourage density on the peninsula, and the development of corridors. This project meets both objectives.
- The shipyards are hiring, which means there is a need for more housing options on the peninsula and, in particular, in the north-end.
- Residential units will be large enough to accommodate families. This is not the case of other nearby developments, like on the Bloomfield property.
- The subject property is zoned for a large-scale building and can be developed as of right. Proceeding by development agreement will ensure that setbacks are maximized and massing minimized.

Councillor Mosher reassumed the Chair at 9:35 p.m.

Councillor Watts appreciated that the applicant had considered the affordability and size of the units. She also liked elements of the design. However, she remained concerned about height, compatibility and transition. Moreover, she felt that the most affected residents had not had enough time to reflect on this project, and voice their opinion. On these grounds, she would be voting against the motion.

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

#### **8.2.3 Case 17756: LUB Amendment and Development Agreement for 5659 Almon Street and 2814 Isleville Street, Halifax**

The following documents were before Community Council:

- A staff report dated June 28, 2013
- Correspondence from David Jackson dated August 1, 2013
- Correspondence from Matthew Steele dated August 2, 2013
- Correspondence from Lois Randall dated August 5, 2013

The Chair asked staff to present Case 17756.

Ms. Dali Salih, Planner explained that the applicant wishes to construct a seven-storey residential building with ground floor commercial space at the northwest corner of Almon and Isleville streets. As the current zoning does not allow a development of that size, the applicant wishes to apply Schedule Q and proceed by way of a development agreement.

Ms. Salih described the location, size and make-up of the property, noting that it is comprised of two lots: the first is vacant and the second has a two-unit dwelling. The applicant plans to remove the dwelling in order to build a 42 unit residential building with commercial space on ground floor and two levels of parking underneath.

She explained that the subject property is zoned C-2 (General Business) and designated major commercial. This means that minimal front yard setbacks are allowable. She also noted that Community Council must first amend the land use by-law, by including the property in Schedule Q, before it can consider the proposed development agreement. The former addresses issues like the quality of finishes and restricts density to 95 people per acre.

Ms. Salih indicated that the underground parking will connect to Isleville Street and the above ground parking, to a private laneway. No issues were identified in the traffic impact statement. As for open space, the applicant will provide rooftop and indoor amenity space.

Ms. Salih concluded her presentation by recommending that Community Council approve the amendment to the Halifax Peninsula Land Use By-law as outlined in the staff report of June 28, 2013.

The Chair thanked Ms. Salih for her presentation and opened the floor to questions of clarification from members of Community Council. There being none, she invited the applicant to the microphone.

**Mr. Michael Napier** of Michael Napier Architecture spoke on behalf of the property owner. He noted that the design and scale of this project is similar to Hydrostone Place on Isleville Street.

Mr. Napier outlined the following design elements:

- Originally, all parking connected to the private laneway. This is no longer the case: the underground parking connects to Isleville Street. At grade parking and bicycle parking enter/exist through the lane.
- The façade is highly articulated.
- The building will be comprised of 1 and 2 bedroom units, from 700 to 1,160 square feet. There will only be 7 units per floor.
- Applying Schedule Q to the property will allow the project to go ahead while the Centre Plan is being developed. The alternative would have been as of right development. He believed the latter was preferable.
- The scale of this development is appropriate for an urban arterial road.

The Chair thanked the applicant and invited members of Community Council to ask questions of clarification.

Councillor Watts observed that 33% of the units will have two or more bedrooms. She wished to know why 33% was selected.

Mr. Napier replied that at the Public Information Meeting of October 2012, a resident had requested three bedroom units. In reality, units of this size are difficult to fill. Instead, two-bedroom units are better options because they can accommodate couples as well as families. One-bedroom units, meanwhile, appeal to young people.

The Chair invited residents for or against the proposal to the microphone.

The Chair called three more times for speakers. There being none, **it was MOVED by Councillor Rankin, seconded by Councillor Walker that the public hearing be closed. MOTION PUT AND PASSED.**

**MOVED by Councillor Watts, seconded by Councillor Mason that Halifax & West Community Council adopt the amendment to Map ZM-2 of the Halifax Land Use By-law as presented on Attachment A of the staff report dated June 28, 2013.**

Councillor Watts indicated that at the Public Information Meeting of October 2012, there had been a number of questions about the blank wall, the laneway and parking. She asked for confirmation that these issues have been addressed.

Ms. Salih replied that all property owners who abut the lane will have access rights to it. As for parking, she reiterated that the entrance to the underground parking garage has been changed to Isleville Street. Finally, on the matter of the blank wall, she drew attention to the proposed development agreement, which requires the applicant to utilize green walls.

Councillor Watts expressed support for the project. She felt the height was appropriate and that it will support the commercial development of the area, which is in transition.

**MOTION PUT AND PASSED.**

#### **15. NEXT MEETING DATE**

The next regular meeting was scheduled for September 23, 2013 at the Captain Spry Community Centre.

#### **16. ADJOURNMENT**

The meeting adjourned at 10:00 pm.

Ted Aubut  
Legislative Assistant