

Attachment E: Public Meeting Minutes - Case 18966



DISTRICT 7 & 8 PLANNING ADVISORY COMMITTEE PUBLIC MEETING MINUTES September 17, 2015

PRESENT: Mr. Brenden Sommerhalder, Chair
Ms. Katherine Kitching, Vice Chair
Mr. Adam Hayter
Mr. Michael Bradfield
Mr. Michael Haddad
Mr. Grant Cooke
Councillor Jennifer Watts
Councillor Wayne Mason

REGRETS: Ms. Sunday Miller
Mr. John Czenze

STAFF: Mr. Carl Purvis, Community Planning

OTHERS: Mr. Jacob JeBailey, Reign Architects
Mr. Cesar Saleh, WM Fares group

The following does not represent a verbatim record of the proceedings of this meeting.

The agenda, supporting documents, and information items circulated to the District 7 & 8 Planning Advisory Committee are available online: <http://www.halifax.ca/boardscom/D78PAC/150917d78pac-agenda.php>

The meeting was called to order at 7:12 p.m. and was adjourned at 9:22 p.m.

1. CALL TO ORDER

The Chair called the meeting to order at 7:12 p.m. He described the role of the PAC in hosting the public meeting, reviewing Case 18966 and he outlined the agenda for the public meeting.

2. PUBLIC PARTICIPATION

2.1 Case 18966 - Application by APL Properties Limited to amend the Halifax Municipal Planning Strategy (MPS) and Halifax Peninsula Land Use By-law (LUB) to permit the application of a development agreement allowing a mixed use development consisting of a new residential tower of 29 storeys on a four to seven storey podium at 6009-6017 Quinpool Road, Halifax.

Mr. Carl Purvis, Senior Planner, presented Case 18966. He described the scope of the application and the process. He distinguished Case 18966 from Case 19281, which was being considered through a separate application process. Mr. Purvis described the site location in terms of abutting residential uses. Mr. Purvis described the site in terms of the Land Use Bylaw, stating that three zones applied to the site: C-2, C-2C, and a small portion zoned R-3. He described the site in terms of the Peninsula North Secondary Plan Area and Quinpool Road Commercial Plan Area. He also described the site in terms of existing height precincts. Mr. Purvis described the initiation report submitted to Council in June 2014. He highlighted that the report was initiated subject to staff addressing the proposal's design control principles for building height, mass, density, shadowing and spacing between towers. He stated that the proposal was initially a 22 and 11 storey proposal. Mr. Purvis commented on the Open House held October 1, 2014, where the proposal had changed to a 28 and 12 storey tower proposal. He also noted that a survey was conducted during the time period of the open house. He highlighted concerns around the methodology of the survey but stated that overall it had proved useful in gathering information. He stated that the proposal had changed architects since the Open House and featured a reduction from 2 towers to 1 tower, a reduction of the tower width to reduce shadow impact, an increase from 28 to 29 storeys, and increased architectural detail to the podium. Mr. Purvis described how the application related to the Centre Plan. He stated that area policy is in need of a comprehensive review, which the Centre Plan intends to address; however, Case 18966 was initiated prior to the Centre Plan. He stated that Council would have a number of options once the Case progressed, including but not limited to including it in the Centre Plan.

On behalf of the applicant, Mr. Jacob JeBailey, Reign Architects introduced the application as Willow Tree Tower. He described the site location in terms of a well-established residential area and well-established commercial area. He described the site as a gateway. Mr. JeBailey described the etched glass pattern of the corner podium's streetwall. He described the proposal's streetscape as being permeable retail with landscaped features and an inset plaza at the corner of Robie and Quinpool Road, which would serve as the primary residential access. He stated that the second floor would overhang to provide for rain protection. Mr. JeBailey displayed elevations of the site in addition to floor plans showing a mix of bedroom units and outdoor amenity space. He stated that the inset balconies that would have the purpose of breaking up the overall mass of the building. Mr. JeBailey also displayed a shadow study for the site. He gave the following estimates for bedroom counts: 1 Br, 37%; 1 Br + Den, 7%; 2 Br, 53%; and 3 Br 7%. He noted that the total commercial area was proposed to be 10,000 sq. ft, outdoor amenity to be 4,200 sq. ft, and there were 199 parking stalls.

The Chair opened the floor to public participation.

Ms. Candace Stevenson, resident of Halifax, was against the development due to its density of over 500 persons per acre and its height. She indicated she appreciated the podium but would like to see the tower portion removed. Ms. Stevenson stated that the development did not benefit the neighbourhood and she questioned the need for the residential and commercial units in terms of the requirement for rental space. She questioned why it was being considered and requested that the Centre Plan first be put in place.

Ms. Andrea Arbic, of Halifax, commented that the proposal was inappropriate for the neighbourhood and that it violated current policy. She stated that the dense buildings in proximity to the development predated the MPS and should not be used as justification. She indicated that the proposal would rival Fenwick Tower and was not desirable overall. She was concerned against privatizing public spaces and reiterated that the density was far in excess. She stated that the stepped down podium was not sufficient. Ms. Arbic questioned if the developer would be required to give evidence that circumstances had changed to justify the amendment to planning policy.

Regarding the requirement for evidence that circumstances had changed, Mr. Purvis responded that the test given at the time for Council was if the circumstances had changed enough to warrant an assessment of the application. In terms of what has changed specifically in the community, Mr. Purvis pointed to new and larger buildings, including the construction of the building at Vernon and Quinpool as well as the St. Pat's site. When questioned if Council's rationale could be provided, Mr. Purvis explained that by and large Council communicates through resolution and that was in its approval of the application's initiation, which could be found in the minutes of Regional Council.

Ms. Judy Haiven, resident of Halifax, stated disapproval of the proposal, indicating that revisions were not serious changes but cosmetic. She stated disapproval that the revisions included an additional storey. She stated that the development did not conform to any of the existing rules and had little benefit to the community.

Ms. Tanya Dutton, Halifax, stated disapproval for the 29 storey building, though she approved of the design of the podium. She noted that the height was inappropriate for the nearby Victorian homes and for the Halifax Commons. She stated that she did not perceive any benefit to the community and stated concern for the effect on the Commons in terms of shadowing and enjoyment of the Commons.

Ms. Karla Nicholson, Quinpool Road Main Street District Association, read a position statement by the District Association. She stated that the Association has reviewed the revised concept drawings and supports the proposed project. She stated that the proposal set a good tone for high quality development projects upcoming on Quinpool Road. Ms. Nicholson stated that the current office parking structure on site had outlived its useful life. She stated that a standalone commercial office was not viable. She voiced support for the proposed mixed use strategy. Ms. Nicholson highlighted that the Association's board agreed the tower façade facing the Commons required a softer treatment or more iconic design. She suggested that short term parking entrance locations and commercial vehicle access require considerable consideration and additional study of the Parker Street entrance by HRM staff in conjunction with the former St. Patrick's high school site. Ms. Nicholson stated that approval of coordinated concept plans would have a positive impact on nearby residential, occupational and recreational uses.

Ms. Beverly Miller, of Halifax, questioned why the application was being considered. She listed figures for the number of apartment units approved on the peninsula and questioned the need for more residential units on the peninsula. She also questioned the viability of the commercial uses on the ground floor, given the vacancy rate of commercial buildings. Ms. Miller stated that there were no exceptional circumstances to warrant an amendment to the MPS. She stated that she was not aware of any residents' dissatisfaction with the existing planning strategies. Ms. Miller highlighted the findings in the Stantec report, which stated there was enough developable lands available for 39 years without disrupting existing neighbourhoods. She commented that there were enough exceptional circumstances to warrant rejecting the proposal.

Mr. Andrew Murphy, of Purcell's Cove, stated concern for creating a real estate bubble in Halifax. He stated that the two neighbouring Robie Street projects taken together would amount to 400 units, which comprised what the whole peninsula might achieve in one year. He indicated that the demand might be feasible for a denser city, but not for Halifax. He stated that if the density of the proposal was replicated for 10 percent of land on the peninsula there would be an 800 year supply of units. He stated concern for the precedent being set in terms of density. Mr. Murphy also stated concern regarding land development rights. He suggested the city perform an inventory of existing units and avoid creating an over-supply of

units. He questioned what the benefits were for locals in terms of affordable housing or home ownership. He also stated there was an unbalance in Halifax respecting the number of homeowners to rentals.

Mr. Steve Parcell, Halifax, stated that a ballot had been distributed regarding whether the two neighbouring proposals met MPS criteria. He stated that the MPS and LUB were the guiding policies in Halifax and should expedite development and minimize negotiations with individual developers. He highlighted that the proposed development as described in June, 2014 staff report did not conform in terms of height, population density, landscaped open space, or parking. Mr. Parcell stated that circumstances have not changed enough to warrant the application's consideration. He questioned why the proposal was being considered, stating it was clear the proposal was not contributing towards the public good.

Mr. Ian Porter, of Halifax, stated that the exiting of traffic onto Parker Street would create an unreasonable amount of traffic and would lead to congestion on Robie Street. He questioned if the proposal would foreclose the possibility of the installation of a gateway for the city such as a roundabout. He also questioned why the application was being considered ahead of the Centre Plan or the St. Pat's site.

Mr. Purvis responded that Parker Street was determined to be the entry point through the process of elimination and that the parking entrance issue had not yet been resolved. Regarding the roundabout, Mr. Purvis stated that the property line cuts into the property which created an L shape and the plaza, so that a roundabout would not be precluded in the future. He further responded that the Centre Plan was initiated following this application; but nevertheless, at a time of future consideration Council may reconsider the proposal in light of the new information from the Centre Plan.

Mr. Danny Chedrawe, Westwood Developments, highlighted existing policies in contrast to policies set out in the Regional Plan to increase population on the peninsula. He questioned if the developer would consider a building at the scale of what is currently present with an architecturally pleasing building. He highlighted that the shadow study did not show the new Oval Pavilion building under construction due west of the oval.

Mr. Andy Lynch, of Quinpool Road, indicated the site would set the tone as to the future of Quinpool Road. He stated concern for inconsistencies in the rationale that there had been enough change in the neighbourhood to warrant considering an MPS amendment for the site. He highlighted that the Vernon and Quinpool development was of a far lesser height. He questioned why the site would be allowed to double the density to 550 persons per acre over the current planning criteria. Mr. Lynch requested that a set of consistent criteria be applied to all of Quinpool Road, including the adjacent development on Robie Street.

Mr. Tristan Cleveland, of Duncan Street, questioned if it was possible at this stage to require a community benefit as part of the development agreement. Mr. Purvis responded that there was no policy currently in place, or tools such as density bonusing at the moment; however, such a tool may be available to Council later on. Mr. Cleveland highlighted how HRM Alliance supported density on the peninsula; however, the Alliance would like to see growth occur in a complementary fashion. He stated that the height of the proposal was too great, and a more reasonable height was possible. He stated that a development agreement would create an extraordinary amount of wealth for the applicant but that a share of this wealth should also go into improving the community.

Ms. Jan Catano, resident of Quinpool Road, indicated she had attended the St. Pat's site open house meeting. She described criteria given at the meeting such as permeability and neighbourhood impact and questioned if those criteria of public accessibility went into the consideration of nearby developments. She noted change in her neighbourhood including the Vernon street development, Ben's Bakery and a number of empty lots. Ms. Catano stated concern for applications being considered in isolation of each other. She also voiced concern regarding the ability of Council to alter what was permitted on potential sites though amendments to the MPS.

Mr. Purvis responded that the St. Pat's site was a different process because the Municipality owned the land. He also highlighted the differences in the site context and pedestrian desire lines running through it. Regarding the concern for being considered in absence of the Centre Plan, Mr. Purvis highlighted the goals of the Centre Plan and noted that Council has the ability to change policies on a site by site basis.

Ms. Robie Austen questioned the height of the building in feet. Mr. Purvis clarified it was 291 feet to the penthouse and 301 feet to the elevator access. Ms. Austen highlighted that 291 feet was double the height of the existing building.

Mr. Graham Reed, of Armdale, stated that a good building was possible under the existing policy and other jurisdictions had greater structural and legal restrictions than Halifax. He commented that little reference had been given to the Halifax Commons Plan. Mr. Reed recommended that staff uphold existing planning policies. He voiced concern for the scale of the building and its detrimental effect on the surrounding neighbourhood and the Commons. He commented that over-dense buildings may prohibit the infill of empty lots and he suggested an immediate restriction on any building over 6 storeys until those empty lots were occupied.

Mr. Jim Guild, resident of Halifax, voiced concern for amending municipal planning policies and concern for the precedent it would set. He commented on the poor state of parking on Quinpool Road. Mr. Guild suggested that no development agreements be made in this area until the Centre Plan was completed.

Ms. Janet Shotwell, of Murray Place, stated disapproval for the application in terms of its height. She questioned the aesthetics of all-glass buildings in terms of privacy and permeability. She commented on the application in terms of livability, stating that residents would not enjoy privacy on the second floor and would likely result in unattractive curtains across the glass façade. She echoed previous speakers' comments that there was no reason for the proposal's consideration at this site in the absence of an overall and consistent policy.

Mr. Alan Ruffman, Ferguson's Cove, stated disapproval for the application. Mr. Ruffman questioned the state of the Municipal Government Act. He asked that staff refuse the application. He questioned whether the proposal justified the consideration it was being given.

Ms. Peggy Cameron questioned the purpose of the public meeting for effective consultation. She noted that there had been discussion regarding the Quinpool area plan but stated disappointment that there had been no comments regarding the Halifax Common Plan. Ms. Cameron questioned if the Plan was understood. She commented that there was little respect for the Halifax Common and voiced disapproval for the height and the aesthetic of the building. She stated that the application would negatively affect the open space left in the Halifax Common. She questioned if those present had read the plan or performed studies on pedestrian use of the Common. She questioned what the effects of wind would be on the Common.

Mr. Purvis responded to a number of comments, stating that he was certainly available to meet with residents to discuss any details of the proposal. He commented that there were no view plain restrictions on the site and indicated he had read and possessed a copy of the Halifax Commons plan. He stated that the plan would not be required to be amended and for that reason it was not part of the presentation. Mr. Purvis also stated that a wind study would be required later on in the process.

The Chair stated that the applicant would have time to respond to the comments presented.

Mr. Cesar Saleh thanked those in attendance and those who came forward to speak. Regarding access off Parker Street, he stated that a study had been performed and submitted to HRM. Regarding impact of the shadow study and the new Oval Pavilion, he indicated that they would amend the shadow study to take the building into consideration. Regarding building form and replacing the existing building and parkade with a structure of a similar height, he stated that it would not be possible from a design and economic standpoint. Mr. Saleh commented that a wind study was to be performed. He highlighted that the building would have some positive aspects in mitigating wind due to the street wall and setback.

Regarding the issue of precedent, he stated that every site was unique and what the applicant was proposing was in response to the site. He stated that the applicant was pleased with the building but would return and see what changes they could accommodate in attempts to respond to the comments.

3.0 ADJOURNMENT

The Chair adjourned the meeting at 9:22 p.m.

Andrew Reid
Legislative Assistant