

CHEBUCTO COMMUNITY COUNCIL

MINUTES

MAY 7, 2001

THOSE PRESENT: Councillor Sheila Fougere, Chair
Councillor Dawn Sloane
Deputy Mayor Jerry Blumenthal
Councillor Russell Walker
Councillor Linda Mosher
Councillor Diana Whalen
Councillor Sue Uteck

ALSO PRESENT: Barry Allen, Municipal Solicitor
Roger Wells, Regional Coordinator, Planning Services
Sandra Shute, Assistant Municipal Clerk

Regrets: Councillor Stephen D. Adams

TABLE OF CONTENTS

1.	Call to Order	4
2.	Approval of Minutes	4
3.	Approval of the Order of Business and Approval of Additions and Deletions	4
4.	Business Arising from the Minutes	
4.1	Status Sheet Items	
4.1.1	Improvements to Kearney Lake Road	4
4.1.2	C-2A Zoning - Mainland South	4
4.1.3	Herring Cove Road Project re Costing of Initiatives	4
4.1.4	Improvements to Traffic Flow to and from Bayers Lake Park	5
4.1.5	Feasibility of Removing Bed and Breakfasts in the R-1 zone and allow in R-3 zone on Peninsula	5
4.1.6	Number of Cellular Sites already on the Peninsula	5
4.1.7	Status of Rooming Houses Regulations/Bylaw	5
4.1.8	Guidelines re Term "Substantially in Conformance"	5
4.1.9	Area Rate for Snow Removal from Sidewalks	5
4.1.10	1079 Queen Street - Safety Features	5
4.1.11	Kidston Farm - Rockingstone Road - Initiation of Development Agreement Process	5
5.	Motions of Reconsideration - None	5
6.	Motions of Rescission - None	6
7.	Consideration of Deferred Business	
7.1	Request by a Resident to Relocate Public Participation Portion of Agenda to an Earlier Point in the Meeting	6
8.	Public Hearings	
8.1	Case 00315 - Development Agreement to Permit a Parking Garage with Retail Component and a Parking Lot at 1529-71 Granville Street, 1532-62 Hollis Street, 5561-53 Salter Street (Lot 1A)	6

9.	Correspondence, Petitions and Delegations - None	15
10.	Reports	
10.1	Appointments to Halifax/Halifax County Watershed Advisory Board	15
10.2	Case 00350 - Kearney Lake Road, Halifax	15
11.	Motions - None	15
12.	Added Items - None	15
13.	Notices of Motion - None	15
14.	Public Participation	15
15.	Next Meeting Date	16
16.	Adjournment	16

1. CALL TO ORDER

The meeting was called to order at 7:00 p.m. in the Council Chambers at 2750 Dutch Village Road, Halifax.

2. APPROVAL OF MINUTES

MOVED by Councillor Walker, seconded by Deputy Mayor Blumenthal to approve the following Minutes as circulated:

**Regular Meeting - April 2, 2001
Special Council Session - April 10, 2001
Special Council Session - April 11, 2001
Special Council Session - April 17, 2001
Peninsula and Western Region Community Council - February 28, 2001**

MOTION PUT AND PASSED.

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

MOVED by Councillor Sloane, seconded by Councillor Whalen that the Order of Business, as circulated, be approved. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet Items

4.1.1 Improvements to Kearney Lake Road

No further information.

4.1.2 C-2A Zoning - Mainland South

Public Hearing scheduled for May 16, 2001.

4.1.3 Herring Cove Road Project re: Costing of Initiatives

Councillor Adams was not in attendance to provide an update.

4.1.4 Improvements to Traffic Flow to and from Bayers Lake Park

Councillor Whalen advised this is being discussed at the staff level and information may be forthcoming at the next meeting.

4.1.5 Feasibility of Removing Bed and Breakfasts in the R-1 Zone and allow in R-3 Zone on Peninsula

No further information.

4.1.6 Number of Cellular Sites Already on the Peninsula

No further information.

4.1.7 Status of Rooming House Regulations/By-Law

No further information.

4.1.8 Guidelines re Term “Substantially in Conformance”

This item has not been addressed to date.

4.1.9 Area Rate for Snow Removal from Sidewalks - Districts 15, 16, 17 & 18

Councillor Fougere advised staff indicated that the report would not be available at this meeting because a similar report is being prepared for Regional Council. Staff advised they cannot meet the deadline for Community Council due to the research and workload involved relative to this issue.

Councillor Sloane requested that District 12 be included as part of the information request.

4.1.10 1079 Queen Street - Safety Features

No further information.

4.1.11 Kidston Farm - Rockingstone Road - Initiation of Development Agreement Process

No further information.

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS

7.1 Request by a Resident to Relocate Public Participation Portion of the Agenda to an Earlier Point in the Meeting

MOVED by Councillor Walker, seconded by Deputy Mayor Blumenthal that the format of the Agenda not be changed. MOTION PUT AND PASSED.

8. PUBLIC HEARINGS

8.1 Case 00315 - Development Agreement to Permit a Parking Garage with Retail Component and a Parking Lot at 1529-71 Granville Street, 1532-62 Hollis Street, 5561-63 Salter Street (Lot 1A)

A Staff Report dated April 5, 2001, on the above noted, was before Community Council.

Mr. Roger Wells, Regional Coordinator of Planning Services, with the aid of overheads, and a rendering, outlined the report. During his presentation, he pointed out the following:

- Halifax Regional Municipality has retained the Hardman Group as the designer and operator of the facility. The Municipality is the owner and, therefore, also the proponent.
- Regional Council agreed to add underground wiring to the proposal which addresses a policy in the Municipal Planning Strategy.
- Regional Council agreed to improvements to landscaping and the addition of benches, brackets and decorative lighting at pedestrian access points which improved the project's compatibility with the Municipal Planning Strategy.
- It was found that approximately 50' of extra retail space on Granville Street, amounting to 1000 sq. ft. could be added; however, the cost was prohibitive. Cost benefit analysis indicated that HRM would be subsidizing any retail space that would be put in that particular location.
- Staff believed it was not the intent of the MPS Policy to insist on retail development for every street facade in the downtown. Other uses were also encouraged.
- The Hardman Group came forward with a proposal for eight illuminated display windows. This proposal was accepted by Regional Council as an alternative for providing more retail on Granville Street.

- Any future RFP for the remainder of the block would make retail development mandatory. Staff cannot recommend that retail development follow all the way along Granville Street in order to satisfactorily meet the policy in the Municipal Planning Strategy. With the future RFP to be negotiated for the remainder of the block, retail will be included such that a significant portion of the total block will have a retail component.
- Community Council must be satisfied that the development reasonably complies with the Policies and intent of the Municipal Planning Strategy. According to the Municipal Government Act, any Development Agreement involving municipal expenditure must be approved by Regional Council. Approvals took place on March 20, 2001 and April 10, 2001.
- Since the award of the RFP, there has been a negotiating process to determine the final elements/components of the Development Agreement such that the end result will be reasonably consistent with the Municipal Planning Strategy.
- Staff advises that the project and the Development Agreement before Community Council satisfactorily complies with Municipal Planning Strategy policy and recommends approval.
- This proposed parking garage is a compromise of development elements, design elements and financial considerations.

Councillor Fougere then called for those wishing to speak either in favour or against the proposed Development Agreement.

Ms. Kate Carmichael, Executive Director, Downtown Halifax Business Commission raised the following points:

- The parking garage should also be a catalyst, attractive to development.
- Downtown Halifax is compact and development will impact the entire neighbourhood.
- The proposed development goes against everything learned about good urban design.
- Downtown Halifax Business Commission worked with Real Estate Services for the last two years on this project and sat on the evaluation team. Views have been presented to Regional Council on a number of occasions and the parking garage should include retail on Granville Street.

Ms. Karen McAskill, Chair, Downtown Halifax Business Commission raised the following points:

- She acknowledged that Councillors were provided with material prior to the meeting.
- Community Council should not assume that HRM is satisfied with the proposed Development Agreement. Community Council should be satisfied and has an obligation to test the proposed Development Agreement against the MPS and against the best interests of the community.

- Community Council has the ability to recommend amendments to the proposed Development Agreement without holding a second Public Hearing. She referred to a recent decision of the Utility and Review Board which makes it clear that it is possible to make amendments to a proposed Development Agreement. She read comments of the Utility and Review Board in that case.
- Community Council should take into account the views of the public with respect to compliance with the MPS and impact on the community.

Mr. Peter Henry, Architect advised his firm was hired to review the proposed HRM parking facility. He raised the following points where it was felt there would not be compliance with the MPS:

- Retail should be part of the ground floor and feeling of safety associated with ground floor retail. The proposed building does not have it.
- The 4600 sq. ft. of retail proposed is somewhat deceiving. The retail space is not accessible immediately from the street.
- The proposed retail space is in the wrong place; it should be spread all along Granville and Hollis Streets, on the flat streets, not the short sloping street.
- Pedestrian linkages should be improved.
- Public safety on the street, walking past the parking garage late at night - the walls are left open and people can lurk behind columns.
- This building does not comply with the MPS. Retail space is not enough, it is in the wrong place, wrong type, would contribute to unsafe conditions and does not reinforce the vital aspects of the District.

Mr. Greg Taylor, Vice Chair, Downtown Halifax Business Commission raised the following points:

- He was President of Colliers International, who was responsible for bringing Mountain Equipment Co-op to downtown. Mountain Equipment Co-op is a strong destination retail and will pull other retail into this sector of downtown.
- He commented on financial projections by the Hardman Group. Comments regarding these financial projections were included in the package provided to Councillors before this meeting.
- Sprinklering is a separate issue and the extra 1000 sq. ft. will not trigger the cost. To add \$300,000 for capital expenditures for this development results in an extra \$6300 a year in debt servicing costs.
- HRM is already subsidizing retail space in the development. For the first five years, HRM will fund extra money. He was looking for a compromise which will dramatically improve the development.

Councillor Uteck asked Mr. Taylor what the best case scenario would be if the parking garage were laid out as per the Downtown Halifax Business Commission. In response, Mr. Taylor said that question was better directed to the construction consultants.

Councillor Mosher referred to a letter dated May 1, 2001 to Kate Carmichael from Tom Rath. She understood it was not just sprinklers but there would have to be a different deck structure, beams, columns, electrical and mechanical and a fire wall. She pointed out that staff did not receive a copy of the submission provided to Councillors.

Ms. Denise MacDonald, Manager of the new Mountain Equipment Co-op provided information on what she saw Mountain Equipment Co-op bringing into the community and the history of the company.

Ms. Stephanie Sadero and Ms. Linda Tam, Graduate Students at Dalhousie University, raised the following points:

- There should not be a parkade at all. If so, it should be smaller. There is a need to diversify transportation and encourage walking, car pooling, bicycling.
- They questioned the need for 571 parking spaces and so many stories in the heart of downtown.
- They cited the available parking spaces at present and the number of parking spaces found vacant and available within walking distance of downtown.
- The existing spaces should be promoted and reduce the parkade by 50%. If you build it, they will come but at what cost.
- If the proposed parking garage is built, there should be retail space at least on the four corners accessible from the street, bike racks, ceiling height to accommodate van pools, reserved parking for car pools at a reduced rate to discourage single-occupant vehicles, green parkade, lighting for pedestrians and invest an equal amount in alternatives.

Ms. Suzanne Saul, Attica Furnishings, Granville Street stated that retail attracts retail. Shops on Salter Street were ill conceived. The parking garage could be around for 80 years and would have an impact for all that time.

Ms. Shawn Drome, Halifax Trading and Guidepost, Granville Street said he was not sure what the impact of Mountain Equipment Co-op would be as they would be in direct competition. There are businesses waiting for Mountain Equipment Co-op to open, however. HRM and the Hardman Group could not make the proposal work because a development should not go on a side street.

Deputy Mayor Blumenthal asked how much retail space was proposed for the parking garage at this time. In response, Mr. Wells advised that there would be 4550 sq. ft. on Salter Street. The proposal the Hardman Group was asked to evaluate was for an additional 1000 sq. ft.

Deputy Mayor Blumenthal asked Mr. Drome if he thought 1000 sq. ft. in a parking garage would make a big difference to development of business downtown. In response, Mr. Drome advised he thought it would, but he would never expand to Salter Street.

Mr. George McLellan, Deputy Chief Administrative Officer, Halifax Regional Municipality made the following points in support of the proposal, speaking on behalf of staff:

- He expressed concern with some of the aspects of the dynamics this evening. The Public Hearing is to consider the views of the public but tonight there are a number of highly energized interest groups in attendance.
- This was staff's third effort to come up with a development that will not even replace the parking that will be lost.
- The review of the procurement process included representatives from the Halifax Downtown Business Commission.
- By no means and at no time was there a promise that retail would be part of this proposal. It was agreed to consider it.
- The Hardman Group won largely because of the amenities they brought forward.
- Staff had a difficult time getting the proposal through Regional Council.
- If the proposal is not approved, then Community Council would have to consider who suffers. The proposal was to replace parking spaces that were lost.
- He has seen no one come forward wanting to lease the space.
- A proposal which was given to Councillors, which staff has not seen and, therefore, has not had a chance to consider.

Ms. Rachael Brighton, Downtown Halifax Business Commission raised the following points:

- The Commission does not have a particular obsession with Granville Street but has concerns with retail according to the MPS. The public has taken its expectations from the MPS.
- In areas where there is pedestrian access and traffic, there should be retail or commercial, which is what the MPS says.
- The number of benches did not address the activity in the area.
- She questioned how everything would fit on Granville Street from Salter to Blowers Street with trees bordering.
- The only reason the proposal now meets the MPS is because of add ons.
- Management of display windows is very time consuming.
- She questioned the issue of extra costs of sprinklering to be triggered by retail.

- The proposal is being presented as a compromise and reasonably consistent with the MPS. She asked Community Council to embrace the MPS.

Mr. Bill Campbell, Director of Planning, Downtown Development Corporation, 1750 Lower Water Street raised the following points:

- The Corporation is strongly in support of providing a parking facility and the undertaking of the Municipality.
- The Corporation is committed to ensuring that high quality development happens in downtown.
- The Corporation, just as the Municipality, is committed to building legacies. Some of these currently exist such as Granville Mall, Founders Square and Bishops Landing. Scotia Square, however, was created prior to the current MPS.
- The Corporation sees the design of the parking garage as falling short in terms of meeting the objectives of the MPS and would like to see more effort made in terms of providing a brick facade for the eight floors to make the development fit in better. Financing could take place over a longer period of time to pay for this.
- All efforts should be made to provide active commercial at the ground level.
- There is a need to commit to high quality development rather than just meeting standards.
- There is a need to maximize the structure for parking. There is no parking being provided underground below the Hollis Street level.
- This is Phase I of two phases. He hoped the financial capability of this phase is being based on the financial return of both phases.
- Consideration of the legacy that will be left.

Acknowledging that Mr. Campbell had originally been involved in this proposal in 1994/95, Councillor Uteck asked him if there was a plan at that time for retail at the ground level. In response, Mr. Campbell advised that the concept was for a high quality Cadillac parking garage.

Mr. Hugh Pullen, 6262 Oakland Road raised the following points:

- This issue is consideration of a parking garage when, at the same time, a lot of people are talking about increasing public transit.
- The Staff Report indicates that 50% of parking spaces will be for long term parking and the rest for retail parking. What happens now is that people who have no public transit and work downtown come in with cars and need parking. He suspected that the parking garage will be full of long term parking Monday to Friday and no one will come for retail.
- HRM is competing with itself.

- He asked for a deferral for time to give more thought to the project as it could be around for 80 years.

Mr. Bill Hardman, Chair, Hardman Group provided an overview of the site and surrounding area with the aid of maps. He also raised the following points:

- With the next phase, it has been indicated there will be substantial retail space on Granville and Hollis.
- Developing an additional 1000 sq. ft. for \$529,000 does seem rich.
- To create the additional 1000 sq.ft., the costs are legitimate. The area must be sprinklered.
- The public indicated they wanted retail, bike racks, van parking and limited green space included in the proposal. This is all included. Additionally, the complex will be very well lit.

Councillor Uteck asked if a design change were to be made for retail space on Granville Street, how long would it be before the project could begin.

Mr. Hardman, in response, advised that the original date had been March to get underway. If there is another redesign, it would be January/February with winter construction.

Councillor Uteck stated that at no time did the RFP request retail on Granville Street. She asked if it had been assumed through the MPS that it would be there.

Mr. Hardman indicated there was a clause that said weighting would be given if retail was included in the development.

Councillor Mosher asked Mr. Hardman to address the statement that retail is proposed for the wrong place, not enough of it and it should be on a flat street.

Mr. Hardman, in response, indicated the retail is on flat streets - Hollis and Granville. It goes all the way back.

Councillor Mosher asked Mr. Hardman if he had received the package that had been circulated to Councillors. Mr. Hardman replied no.

Councillor Mosher asked for clarification regarding safety and the possibility of people lurking.

Mr. Hardman advised that where there is question of it being on ground level and someone can hide, a railing will be constructed. Lighting for safety will be comparable to Purdys Wharf, if not better.

Mr. Jim Lawley, Beaufort Avenue stated that other projects will be judged against this project. This is an opportunity to put life back into the area. Mountain Equipment Co-op will be an incredible draw. Parking downtown is desperately needed. HRM should not go with the minimum as far as the MPS is concerned. With regard to this project, he would like to see more ground floor retail.

Mr. Ira McCrea, Chair, Armour Group of Companies raised the following points:

- He had been a member of the Mayors Task Force on Parking.
- The project is vital to downtown. It technically meets the intent of the MPS but it would be nice to see more retail.
- He did not think Mountain Equipment Co-op would be coming if there was no parking garage in the future.
- Staff responded to a request that the RFP build in as much space for retail as possible. The developer responded in that fashion. The facility is badly needed.

Ms. Bea Solyom submitted a document entitled "Public Consultation Policy - Projects which Derogate from the City Plan or the Urban Planning By-law (draft)". During the course of her presentation, she referred to same. She advised she did renderings for the Downtown Business Commission for display windows on Granville Street. She objected to the entire project. If there is an urban plan, she would like to see it. Urban development is an emerging issue.

The Chair then called for further speakers for or against the application. There were none.

MOVED by Deputy Mayor Blumenthal, seconded by Councillor Sloane to close the Public Hearing. MOTION PUT AND PASSED.

At 9:05 p.m. it was agreed to a recess. The meeting resumed at 9:15 p.m.

Councillor Sloane stated that 1000 sq. ft. is not a lot of space and this is only Phase I. The rest of the block will be developed and the next phase will be a large development that will compliment Mountain Equipment Co-op.

MOVED by Councillor Sloane, seconded by Councillor Mosher to approve the Development Resolution, attached as Appendix "A" to the Staff Report dated April 5, 2001, to permit a parking garage with commercial component and parking lot at 1529-71 Granville Street, 1532-62 Hollis Street, 5561-63 Salter Street (Lot 1A).

Further, to require the Development Resolution be signed within one hundred and twenty (120) days from the date of approval by Community Council, or the date of any

other approvals required as the case may be, unless an extension thereof is granted by the Community Council at the request of the applicant; otherwise, this approval will be void and obligations arising hereunder shall be at an end.

Deputy Mayor Blumenthal said the question was whether or not the development meets the MPS. The Municipality is not as wealthy as some of the other cities cited tonight. HRM has other commitments such as solid waste, harbour solutions. He was upset that the Waterfront Development Corporation wants the parking garage to help improve their development. He was satisfied with the staff recommendation. He wanted to see other modes of transportation. A parking garage is only one part of a transportation strategy.

Councillor Uteck advised she supported the motion. The moral dilemma for her with regard to this proposal was that there was no mention of the amount of retail space that would be acceptable. The Downtown Halifax Business Commission had a place at the table and three other bids were turned away because it was felt they were not compatible. There was no one else who wanted to do the garage and, therefore, HRM had to step forward. A major concern she had was the figure of \$595,000. Community Council has the ability to recommend amendments and the ability to reject the proposal. Any amendment, however, would have to go back to Regional Council for approval of expenditures. She knew that if it went back to Regional Council, it would not go through. There had been narrow votes at Regional Council previously to acquire the land, to go ahead with the parking garage and the amendments already approved.

Councillor Whalen advised she understood the vision was there about five years ago. The design chosen was chosen because of its aesthetic value. The Downtown Halifax Business Commission played a role in the selection process. When it came back to Regional Council, it was pointed out there were aspects not in compliance with the MPS. Regional Council did the conscientious thing and made the changes that were necessary. There was no question there was a compromise. The costs required to provide 1000 sq. ft. do not make financial sense. There will be an opportunity to extend retail at the end of the block and there will be retail at the corners. By rejecting the proposal, there is a risk that the entire project will be delayed or perhaps even shelved. She supported the motion.

Councillor Mosher said she agreed that if the proposal goes back to Council, the whole project could be shelved. She thought the proposal reasonably carried out the intent of the MPS. The next phase will include retail space. She did not see any solutions from anyone speaking at this meeting. She was not convinced that 1000 sq. ft. of retail will dramatically change the vitality of downtown. She supported the motion.

Councillor Sloane agreed with the risk of sending amendments back to Regional Council. She acknowledged that different modes of transportation are being considered to alleviate

traffic problems downtown. She planned on working with staff in good faith with regard to the second phase and making sure there is retail included.

MOTION PUT AND PASSED UNANIMOUSLY.

9. **CORRESPONDENCE, PETITIONS AND DELEGATIONS**

9.1 **Presentation re Recreation Playground - Cambria Park**

Mr. Larry Pope was not in attendance.

10. **REPORTS**

10.1 **Appointments to Halifax/Halifax County Watershed Advisory Board**

A Staff Report dated April 19, 2001 was before Community Council.

Councillor Walker indicated he was willing to put forward a motion but wanted to know in what Districts the proposed two new members lived and requested that staff provide a list of all members and information as to under what section in the Terms of Reference they fall.

It was agreed to request a staff report with regard to Councillor Walker's concerns.

MOVED by Councillor Walker, seconded by Councillor Whalen that Community Council appoint Don Mason and Mark Leaman as new members of the Halifax/Halifax County Watershed Advisory Board. MOTION PUT AND PASSED.

10.2 **Case 00350 - Kearney Lake Road, Halifax**

MOVED by Councillor Whalen, seconded by Deputy Mayor Blumenthal to defer this issue until the May 16, 2001 meeting as Regional Council will not deal with this issue until May 8, 2001. MOTION PUT AND PASSED.

11. **MOTIONS** - None

12. **ADDED ITEMS** - None

13. **NOTICES OF MOTION** - None

14. **PUBLIC PARTICIPATION**

Mr. Earl Wagner, 20 Randolph Street, Fleming Heights outlined concerns with the yield sign at Glenora, MacLennan and Bridgeview being replaced by a stop sign at the bottom of a steep hill and removal of the stop sign on Bridgeview Drive which controls the north side traffic. He asked for a traffic count in the north/south direction and why there was a change.

MOVED by Councillor Mosher, seconded by Councillor Whalen to request a report from Traffic Services with regard to the above issue. MOTION PUT AND PASSED.

15. **NEXT MEETING DATE**

MOVED by Councillor Walker, seconded by Councillor Sloane to change the regular meeting date from June 4, 2001 to June 11, 2001. MOTION PUT AND PASSED.

16. **ADJOURNMENT**

On a motion from Deputy Mayor Blumenthal, the meeting adjourned at 9:55 p.m.

Sandra M. Shute
Assistant Municipal Clerk