

Item No. 9.1
Halifax Regional Council
September 28, 2010
October 19, 2010

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: Original signed
Councillor Jerry Blumenthal, Chair, Peninsula Community Council

DATE: September 16, 2010

SUBJECT: Case 16038: Lounges in Restaurants – Quinpool Road, Halifax

ORIGIN

Peninsula Community Council Meeting of September 13, 2010.

RECOMMENDATION

It is recommended that Halifax Regional Council give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law, as provided in Attachments A and B of the August 27, 2010 staff report and schedule a public hearing.

BACKGROUND/DISCUSSION

A staff report was submitted to Peninsula Community Council for its September 13, 2010 meeting. Community Council passed a motion recommending Regional Council schedule a public hearing.

BUDGET IMPLICATIONS

None associated with this report. Please refer to the attached staff report for budget implications.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

Not applicable with this report.

ALTERNATIVES

No alternatives were provided. Please refer to the attached staff report for alternatives.

ATTACHMENTS

Attachment 'A': Staff report dated August 27, 2010.

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Sheilagh Edmonds, Legislative Assistant



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Peninsula Community Council
September 13, 2010

TO: Chair and Members of Peninsula Community Council
Original signed

SUBMITTED BY: Paul Dunphy, Director of Community Development

DATE: August 27, 2010

SUBJECT: Case 16038: Lounges in Restaurants – Quinpool Road, Halifax

ORIGIN

March 2, 2010 motion of Regional Council:

MOVED BY Councillor Uteck, seconded by Councillor Sloane that Halifax Regional Council initiate the process to consider area-wide amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-Law to allow lounges in association with, but subordinate to restaurants through the development agreement process within the Commercial Designation of the Quinpool Road Commercial Area Plan. MOTION PUT AND PASSED.

RECOMMENDATION

It is recommended that Peninsula Community Council recommend that Regional Council:

1. Give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law, as provided in Attachments A and B of this report, and schedule a public hearing.
2. Approve the amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law as provided in Attachments A and B of this report.

BACKGROUND

In response to an information report dated January 8, 2010, Peninsula Community Council passed a motion on February 8, 2010 requesting that Regional Council initiate the plan amendment process to consider permitting lounges in association with restaurants through the development agreement process in the Commercial designation of the Quinpool Road Commercial Area Plan. On March 2, 2010, Regional Council passed a motion initiating that process.

Zoning

Most of the commercial properties along Quinpool Road are zoned C-2C (Minor Commercial – Quinpool Road) under the Halifax Peninsula Land Use By-law (LUB) (Map 1). Resulting from the detailed area planning process for the Quinpool Road Commercial Area Plan, the C-2C Zone permits a wider range of commercial uses than the more widespread C-2A (Minor Commercial) Zone. While restaurants are permitted in the C-2C Zone, lounges are not.

Exceptions along Quinpool Road include the southwestern and northwestern corners of Robie Street and Quinpool Road, which are both zoned C-2 (General Commercial) and the southwestern corner of Vernon Street and Quinpool Road, which is also zoned C-2 (General Commercial). These properties were zoned to match their existing use, and the C-2 Zone would permit a lounge by right in these locations.

Designation

The lands fronting on Quinpool Road from Robie Street to Beech Street on the southern side and from Robie Street to Poplar Street on the northern side are designated Commercial under the Quinpool Road Commercial Area Plan (Map 2). The intent of the Halifax Municipal Planning Strategy (MPS) policies within the Quinpool Road Commercial Area Plan is to encourage commercial and mixed commercial / residential development which strengthens the Quinpool Road area, in keeping with the scale and character of the adjacent residential neighbourhoods.

Except for a site-specific policy put in place under a 2006 MPS amendment (for the Quincy's / Athens restaurant at 6273 Quinpool Road), lounges are not specifically referenced in the policies for the Quinpool Road Commercial Area Plan. Currently, for properties zoned C-2C, with the exception of 6273 Quinpool Road, lounges are not permitted as-of-right, by development agreement, or through a rezoning process.

Licensing

While the C-2C Zone does not permit lounges, it does permit restaurants, which may be licensed. Under Nova Scotia Alcohol and Gaming Authority regulations, a licensed restaurant is not allowed to sell alcoholic beverages except when purchased with a meal. With a lounge license,

food service must be available when the establishment is open, but it is not necessary for a customer to buy food in order to purchase an alcoholic beverage. Under Provincial regulations, lounges may be open until 2 am; however, HRM may further restrict hours through a development agreement.

Approval Process

The proposed amendments are the first step before a lounge could be established in association with a restaurant on Quinpool Road. If Regional Council approves the amendments contained in Attachments A and B, they will be sent to the Province for review before coming into effect. Once the amendments are in effect, each restaurant would have to go through public consultation and negotiate a development agreement for their specific lounge proposal. After a public hearing, Peninsula Community Council would make a decision on the development agreement.

DISCUSSION

Considering a plan amendment

Amendments to the MPS are not considered routine and while Regional Council has the ability to amend an MPS, it is under no obligation to do so. However, in this case, it is not clear that the situation for Quincy's / Athens is different than the situation for any other restaurant on Quinpool Road. The properties within the Commercial designation are more similar than they are different: while a range of commercial uses are permitted, the commercial area is also nearly surrounded by residential uses. As stated in the information report dated January 8, 2010, "a site specific approach is not recommended in this case, as the C-2C zoned properties located within the Quinpool Road Commercial Plan Area have similar features, chief among them their relative proximity to residentially-zoned lands".

Proposed policy

The amendments contained in Attachments A and B propose to revise the existing policy set for 6273 Quinpool Road (Quincy's / Athens), making the option for a development agreement available to all commercially designated properties in the Quinpool Road Commercial Area Plan. In response to feedback received at the public information meeting, the policy has been fine-tuned with regard to hours of operation and potential impacts on adjacent residential uses:

- The lounge must be secondary to the restaurant (i.e. the maximum floor area dedicated to the lounge cannot exceed 50% of the total seating area);
- In no case shall the lounge be open later than midnight, and the policy allows for further restriction, if necessary; and
- Any outdoor features, such as seating, patios or music, would only be permitted in locations where potential impacts on adjacent residential uses are minimized, such as the Quinpool Road side of the establishment.

Public information meeting

Approximately 19 members of the public attended a public information meeting (PIM) held on June 16, 2010. Minutes of the meeting are included as Attachment D, and correspondence received through email is included as Attachment E.

Concerns raised at the PIM and through email included the size of potential lounges, hours of operation, and noise (from deliveries or outdoor seating). Staff believe these issues have been addressed through the revisions to the existing policy (Attachment A). In addition, a question regarding video lottery terminals (VLTs) was asked at the PIM.

While a lounge license is the first step towards a VLT, it is the simplest step, preceding an approval process through the Atlantic Lotto Corporation, including a site assessment and financial analysis. All of the VLTs permitted in Nova Scotia are accounted for with existing accounts. Less than half of all applications for VLT accounts are approved. For the Halifax Peninsula, three applications for VLTs were received in the first half of 2010, and all three applications were denied.

Conclusion

To balance the intent of the Quinpool Road Commercial Area Plan both to strengthen commercial development in the area and to respect the scale and character of the adjacent residential neighbourhoods, staff recommend that Regional Council approve the proposed amendments to the Quinpool Road Commercial Area Plan to allow future consideration of lounges in association with restaurants in the Commercial Designation through development agreement.

BUDGET IMPLICATIONS

The costs to process this planning application can be accommodated within the approved operating budget for C310 Planning & Applications.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through a

Public Information Meeting held on June 16, 2010. A public hearing must be held by Council before they can consider approval of any amendments.

For the Public Information Meeting, notices were posted on the HRM website, in the newspaper and mailed to property owners within the notification area as shown on Map 1. Attachment D contains a copy of the minutes from the meeting. Should Council decide to proceed with a Public Hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area will be notified as shown on Map 1.

The proposed MPS amendment will potentially impact local residents, property owners and business owners in the immediate area.

ALTERNATIVES

1. Regional Council may choose to approve the requested amendments provided in Attachments A and B of this report. This is the recommended course of action.
2. Regional Council may choose not to approve the amendments provided in Attachment A and B of this report. Regional Council is under no obligation to consider a request to amend its MPS and a decision not to amend the MPS cannot be appealed.
3. Regional Council may choose to either adopt certain amendments but not others outlined in this report, or alternatively request that additional amendments not identified in this report be made, in which case an additional staff report or public hearing may be required.

ATTACHMENTS

Map 1	Location and Zoning
Map 2	Generalized Future Land Use
Attachment A	Amendments to the Halifax Municipal Planning Strategy
Attachment B	Amendments to the Halifax Peninsula Land Use By-law
Attachment C	Excerpt from the Halifax MPS – Policy Review
Attachment D	Minutes from June 16, 2010 Public Information Meeting
Attachment E	Correspondence

Case 16038: Lounges in Restaurants – Quinpool Road, Halifax
Community Council Report


- 6 -

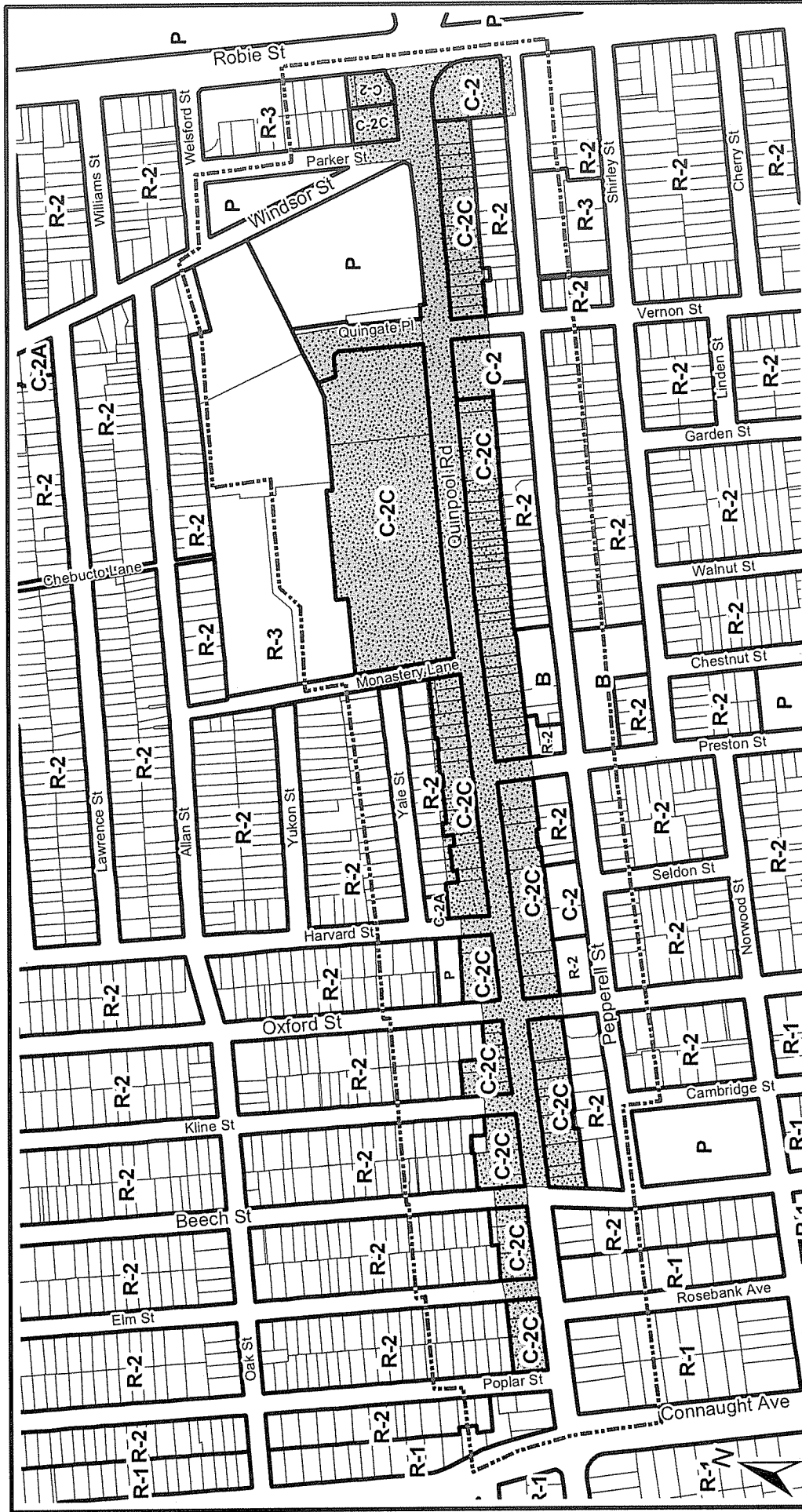
September 13, 2010

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by : Mackenzie Stonehocker, Planner I, 490-4793

Original signed

Report Approved by:  Kelly Denty, Acting Manager of Planning Services, 490-6011



Map 1 - Location and Zoning

Quinpool Road Commercial Area Plan
Halifax

Area designated C (Commercial) under
the Quinpool Road Commercial Area Plan

Area of notification

Halifax Peninsula
Land Use By-Law Plan

Zone

- R-1 Single Family Dwelling
- R-2 General Residential
- R-2A Townhouse
- R-2T Multiple Dwelling
- R-3 Neighbourhood Commercial
- RC-1 Local Business
- C-1 General Business
- C-2 Minor Commercial
- C-2C Minor Commercial - Quinpool Road
- P Park and Institutional
- B Bakery

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES




This map is an unofficial reproduction of a
portion of the Zoning Map for the plan area
indicated

HRM does not guarantee the accuracy of
any representation on this plan.



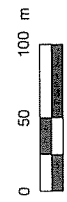
Map 2 - Generalized Future Land Use

Quinpool Road Commercial Area Plan
Halifax

 Area designated C (Commercial) under the Quinpool Road Commercial Area Plan

Halifax Plan Area
Quinpool Road Commercial Area Plan

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

HRM does not guarantee the accuracy of any representation on this plan.

Attachment A:
Amendments to the Halifax Municipal Planning Strategy

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Halifax Municipal Planning Strategy is hereby amended as follows:

1. By replacing Policies 2.8 and 2.8.1 of the Quinpool Road Commercial Area Plan – Commercial Facilities section with the following:
 - 2.8 Notwithstanding the provisions of Policy 2.1.1, a lounge in association with a restaurant may be considered by development agreement in areas designated “Commercial” on the Generalized Future Land Use Map (Map 9h) of this Section.
 - 2.8.1 Considering the proximity to a primarily residential area, any proposal for a lounge use must be carefully evaluated in order to minimize any negative impact on the residential area. Therefore, when determining whether to enter into a development agreement under Section 2.8, Council shall consider the following:
 - (a) the lounge use shall be secondary to a restaurant use;
 - (b) the maximum floor area dedicated to the lounge use shall not exceed 50% of the total seating area of the combined restaurant / lounge establishment;
 - (c) the hours of operation of the lounge shall be limited, and in no case shall the lounge be open later than midnight; and
 - (d) any outdoor features, such as outdoor seating, patios or music, shall only be permitted in locations where potential impacts on adjacent residential uses are minimized.

I HEREBY CERTIFY that the amendments to the Municipal Planning Strategy for Halifax, as set out above, were passed by a majority vote of the Regional Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2010.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2010.

Municipal Clerk

Attachment B:
Amendments to the Halifax Peninsula Land Use By-law

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Halifax Peninsula is hereby amended as follows:

1. By replacing Section 98A regarding Quinpool Road – Development Agreements with the following:

QUINPOOL ROAD - DEVELOPMENT AGREEMENTS

- 98A In the Quinpool Road Commercial Area, Council may, by development agreement pursuant to Section XII, Part II, of the Municipal Planning Strategy:

Commercial Designation

- i) permit a lounge in association with a restaurant in accordance with Policies 2.8 and 2.8.1.

I HEREBY CERTIFY that the amendments to the Land Use By-law for Halifax Peninsula, as set out above, were passed by a majority vote of the Regional Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2010.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2010.

Municipal Clerk

Attachment C:
Excerpt from the Halifax MPS – Policy Review

Quinpool Road Commercial Area Plan – Relevant Commercial Facilities Policies

Policy 2.1 *The Quinpool Road Commercial area should service a market area comprising a large part of the City. Due to this extended market area, and its relative importance to the City as a focus of commercial activity, this centre shall be encouraged to offer a wider range of commercial activity than normally associated with a minor commercial centre as established in Policy 3.1.2 of Part II, Section II of the Commercial Policy Set.*

Policy 2.1.1 *In areas designated “Commercial” on the Generalized Future Land Use Map (Map 9h) of this Section, the City shall permit the following uses: retail shops and rental services, personal services, household repair shops, offices, parking structures, parking lots, bakeries, service stations, restaurants, wholesale uses in conjunction with retail uses, institutions, commercial schools, business services, and residential uses in single-use or mixed-use buildings.*

Comment **The Minor Commercial Zone for Quinpool Road (C-2C) permits a larger range of commercial uses than the standard C-2A (Minor Commercial) Zone, but neither zone permits stand-alone lounges. Policy 2.1 allows Council to consider a “wider range of commercial activity” in this area, which could potentially include lounges in association with permitted restaurants.**

Policy 2.8 *Notwithstanding the provisions of Policy 2.2.1, a lounge in association with a restaurant may be considered by development agreement at 6273 Quinpool Road (PID 00177055).*

Policy 2.8.1 *Considering that 6273 Quinpool Road is located adjacent to a primarily residential area, any proposal for a lounge use must be carefully evaluated in order to minimize any negative impact on the residential area. Therefore, when determining whether to enter into a development agreement as authorized under 2.8, Council shall consider the following:*

- (a) the lounge use shall be secondary to a restaurant use;*
- (b) the maximum floor area dedicated to the lounge use shall be 50% of the total seating area of the combined restaurant/lounge establishment; and,*
- (c) the hours of operation of the lounge may be limited.*

Comment **Policies 2.8 and 2.8.1 were added to the Quinpool Road Commercial Area Plan in 2006, as a result of a site-specific MPS amendment. The rationale used for the 2006 amendment would also be applicable to the rest of the**

commercially designated properties in the Quinpool Road Commercial Area Plan.

Relevant City-wide Residential Environments Policies

Policy 2.4 *Because the differences between residential areas contribute to the richness of Halifax as a city, and because different neighbourhoods exhibit different characteristics through such things as their location, scale, and housing age and type, and in order to promote neighbourhood stability and to ensure different types of residential areas and a variety of choices for its citizens, the City encourages the retention of the existing residential character of predominantly stable neighbourhoods, and will seek to ensure that any change it can control will be compatible with these neighbourhoods.*

Comment **By requiring lounges to be in association with and subordinate to restaurants, which are a typical use along Quinpool Road, change is expected to be compatible with the residential neighbourhood. Furthermore, the development agreement process would allow for careful site-specific analysis of any future lounge proposals.**

Policy 2.4.1 *Stability will be maintained by preserving the scale of the neighbourhood, routing future principal streets around rather than through them, and allowing commercial expansion within definite confines which will not conflict with the character or stability of the neighbourhood, and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.*

Comment **The proposed amendments would not lead to commercial expansion of the Quinpool Road commercial area: no new lands would be added to the Commercial designation. The proposed policy (Attachment A) contains criteria designed to avoid conflict with adjacent residential uses, such as requiring the lounge to be secondary to the restaurant and limiting outdoor impacts.**

Attachment D:
Minutes from June 16, 2010 Public Information Meeting

HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE # 16038

7:00 p.m.
Wednesday, June 16, 2010
Bloomfield Center, Halifax

IN ATTENDANCE: Mackenzie Stonehocker, Planner, HRM Planning Services
Hilary Campbell, Planning Technician, HRM Planning Services
Sharlene Seaman, Planning Controller, HRM Planning Services
Councillor Jennifer Watts
Councillor Sue Uteck
Councillor Jerry Blumenthal

PUBLIC IN
ATTENDANCE: Approximately 19

The meeting commenced at approximately 8:05 p.m.

1. Opening remarks/Introductions/Purpose of meeting - Mackenzie Stonehocker

Ms. Stonehocker opened the meeting by introducing herself as a planner for the Western Region of Halifax Regional Municipality (HRM). She then introduced HRM staff and the Councillors present.

She stated that HRM has opened an application to think about amending the Quinpool Road Commercial Area Plan to consider lounges within restaurants, through the development agreement process. The purpose of the meeting is to explain the process of amending the plan, as well as the development agreement process, and to hear public comments and questions concerning the application. She then gave the overall guidelines for the meeting.

2. Overview of planning process/Presentation of Proposal - Mackenzie Stonehocker

Ms. Stonehocker reiterated that HRM was looking into amending the Quinpool Road plan and that no decisions had been made. She advised how notification works in regard to the sign up list.

Ms. Stonehocker showed the Quinpool Road area on a map, showing the properties with a

Commercial designation outlined in black and the notification area outlined in red. She stated that this area is mostly zoned C-2C, the minor commercial zone specific to Quinpool Road. In this zone, restaurants are permitted as-of-right. Licensed restaurants are permitted, where you can have a drink with dinner, but lounges are not permitted – you cannot drink without having food. She noted that there were a few exceptions, such as Freemans and the hotel at the corner of Quinpool and Robie. These have a different zoning that allows stand-alone lounges as-of-right. Through a development agreement, Athens is also permitted a lounge, not stand-alone, but in association with the restaurant.

She gave some background concerning the Athens example. She clarified that back in 2006 there was a site specific Municipal Planning Strategy (MPS) amendment to the Quinpool Road Commercial Area Plan that allowed Council to enter into a development agreement for a lounge in association with the Quincy's restaurant (now Athens). That policy is still in the Quinpool Road plan, but it only applies to 6273 Quinpool Road.

Ms. Stonehocker stated that in February of this year there was an information report submitted to the Peninsula Community Council. The report made a point that if HRM were looking into this idea, the entire Quinpool Road commercial area should be looked at and not just specific properties because the properties along Quinpool are similar. They have similar features and one of those similarities is that they are relatively close to residential areas. This is why HRM is not considering nightclubs, as an example, in this area.

She noted that in March of this year, Regional Council directed staff to investigate lounges within restaurants and conduct public consultation. Regional Council was very specific that we are not looking at stand-alone lounges. One of the first steps in the planning process is this meeting.

She then reiterated that Regional Council gave staff a very specific proposal to look into:

- Only properties with a Commercial designation in the Quinpool Road plan are to be considered.
- If a policy is to be added to the plan, it will require each proposal to go through a development agreement; there would be no as-of-right capabilities for lounges.
- If a restaurant wants to add a lounge to their business, it would have to be subordinate to the restaurant. This means that the seating area for the restaurant has to be larger than the seating area for the lounge.

Ms. Stonehocker advised that with this particular case, they are looking at adding a policy to the Quinpool Road plan and are not considering a lounge for any specific restaurant. Each of HRM's Municipal Planning Strategies has a variety of policies that allow staff and Council to consider development agreements for various things. If a developer wishes to enter into a development agreement with the city, they need to follow the criteria listed in the applicable policy.

She then stated that the current process, to make changes to the Quinpool Road plan, starts with preliminary research, such as an information report. The next step is a public information meeting (PIM), to answer questions and get comments and feedback from the public. Depending on the

feedback, staff might draft a new policy. If staff thinks a new policy should be added to the plan, they would recommend that in their staff report. Staff would send the report to Regional Council and Council would schedule a public hearing. The public hearing is a second opportunity for the public to speak. Also, written submissions can be sent to the Municipal Clerk's office in advance of the public hearing. After the public hearing, Council will make their decision, based on staff's recommendation and the public hearing. If Council approves the plan amendment, there would be a new policy that would list the things to be considered when someone wants to do a lounge within a restaurant on Quinpool Road.

Ms. Stonehocker stated that if Regional Council added the new policy to the Quinpool Road plan, a restaurant would need to get a development agreement, which is another public process, similar to the current meeting. The developer would submit their plans, showing that the lounge is smaller than the restaurant. There would then be a public information meeting. Staff would draft an agreement that addresses the criteria listed in the policy. The staff report with the draft development agreement would go to Peninsula Community Council, who would make a decision on whether or not HRM should enter into a development agreement for that project. Whether Council refuses it or approves it, there is an appeal period for a development agreement application. In addition to the public process with HRM, the developer would also have to update their liquor license with the Province.

She explained the practical aspects if these lounges existed in restaurants. There would be two levels of regulation: one from the Provincial liquor license and one from the Municipal development agreement. Most of the existing restaurants are probably licensed with "eating establishment" liquor licenses. This means that you can have a glass of wine with dinner, but you have to order food. A "lounge" liquor license allows people to purchase a drink without buying food. However, food service must be available whenever people are ordering drinks. This means that the lounge cannot be open without the kitchen being open.

Ms. Stonehocker stated that a typical lounge in another area could sell liquor until 2 am but since HRM would be using the development agreement process, that wouldn't necessarily apply here. A development agreement may limit the hours of operation for the permitted uses; in the case of the Quincy's / Athens development agreement, the lounge was limited to midnight. Any of these new lounges would have to be in association with and subordinate to the restaurant. When applying for a liquor license from the Province, you also need to submit your Municipal approvals, so the lounge portion would be limited to the area shown in the development agreement.

She advised that after tonight's meeting, staff will continue research, taking into consideration any issues raised at the meeting and the comments will be used to guide research. A staff report will be written, which will include a recommendation for Council. The report and recommendation will go to Regional Council to set a date for a public hearing. The public in attendance at tonight's meeting will be notified if they signed the notification sheet. The PH will be held and Regional Council will make a decision regarding the plan amendment. If the plan is amended and if that new policy was approved, it would be added to the Quinpool Road Commercial Area Plan. A restaurant would have

to make their own application for a development agreement, which is another public process. HRM's aim in investigating this possibility without an application from a specific restaurant is that staff, Council and the public can consider the entire area equally, without giving more weight to one property over another.

Ms. Stonehocker then reiterated the overall rules and guidelines, provided her contact information and opened the floor for further questions.

3. Questions/Comments

Councillor Uteck asked for clarification concerning lounges. She had been getting calls inquiring if this would be like 'downtown'. She asked what percentage of a typical restaurant on Quinpool Road would be considered a lounge area.

Ms. Stonehocker stated that it would be less than half of the total seating area. For example, if the restaurant seats forty people, nineteen people can be lounge and twenty-one people restaurant.

Raymond Davis, Quinpool Road is a business owner. He feels that he is still considered to be a visitor to Halifax. His children went to Dalhousie University and he was attracted to the city because of that initially. One of his children had been invited to the East Coast Music Awards, so he had an idea that the downstairs of his business could be converted into a "music place / restaurant". He wasn't particularly interested in just music but he was attracted to Halifax's "unsung history" and the people. He wanted to see more poetry and spoken word. In developing the restaurant, his idea was for house entertainment, not just music. His dilemma is that Haligonians are big beer drinkers who might not want a meal with their beer. As per the current regulations, once the meal is finished, so is the alcohol. The current laws limit what can happen on Quinpool Road.

He stated that he likes to go out and dance. When he does go 'downtown', he feels that he is the oldest or second oldest person there. The city is full of college students, which he isn't opposed to. There are some people that would like to listen to music and dance that would like a different scene. He talked about Stayners on the waterfront. He thinks the size of the buildings on Quinpool does not really fit the kind of entertainment / nightclubs that the "downtown" could fit. He had been at a nightclub downtown that had one hundred eighty additional students and he believes that Quinpool Road could never house that amount of people. He thinks that there is no fear of having a lounge that is subordinate to a restaurant. The number of patrons and the size of the restaurant is already controlled by the restaurant license. He feels that the kinds of facilities that would develop on Quinpool would probably be more like Stayners, which is usually clearing out by eleven o'clock. It is more like a pre-night club.

He thinks that the proposed legislation goes a long way towards helping the neighborhood. Many have children going to school in the area. The parents of these children are like himself and would like more of an interlude place. He asked about the secondary process as he feels that once the criteria is set and laid down, it is in place. He asked for clarification.

Ms. Stonehocker stated that for any development agreement application, whether for a lounge, or an apartment building, or to modify a heritage building, the legislative process does include public consultation to ensure that those comments are heard and also because a development agreement is a discretionary approval by Council, so there is some room to negotiate. If it's an apartment building which backs onto single unit dwellings, there would be room to hear the developer's comments and to hear public comments to talk about landscaping that might be needed on the site. This is a way to ensure that each individual development agreement fits that property as best as it can.

Holly Clifford asked about hours and locations. She noted that the present regulations for lounges stated that they should be closed by 2 am. She wanted to know the names of the three properties on Quinpool that have special development agreements to allow their lounges. Also, when do they close.

Ms. Stonehocker stated that there is only one property with a development agreement, which is Qunicy's / Athens and they must close by midnight. For properties that have a different zoning that allows lounges as-of-right, they are not limited in their hours by the municipality. Freemans is not under a development agreement so they are probably able to stay open until two but that is not something she is sure of.

Holly Clifford expressed that she is concerned about the development agreement process as every site is individual.

Ms. Stonehocker advised that in the case of Freemans, it is grand fathered. In the case of the C-2 Zone, it was put on when the Plan came in to match the existing buildings.

Holly Clifford noted that the development agreement goes on with the property and not with the owner. She asked if when a development agreement is in effect, if a building was renovated or a building next door was purchased or a building was completely rebuilt, would that development agreement still follow on that footprint.

Ms. Stonehocker stated that the agreement would continue with the new owner but the development agreement also includes floor plans, so depending on what changes are planned for the site, the development agreement might have to be amended.

Holly Clifford stated that is doable, you would have to go before council and do the whole public participation process again. She asked whether if in the future it could be done by a site plan approval process issued by a development officer, should Council deem that it is a more efficient way to go. She noted that it was not set in stone.

Ms. Stonehocker stated that if they wanted to change it from a development agreement process to a site plan approval process or an as-of-right process with a zone, Planning staff would have to do a similar meeting again to make the change. Regional Council could always tell staff to have another look.

Karla Nicholson, General Manager for the Quinpool Road Main Street District Association, asked if there are any other Business Districts like Quinpool Road, with an equivalent number of business bound to the laws of HRM in regards to the Halifax Municipal Planning Strategy and the Halifax Land Use By-law. Are there any other restaurants in the city that face this unfairness in the competitive market? She is not able to find any answer or get an answer on that.

Ms. Stonehocker stated that there might be a similar situation, from a consumer's point of view, along Spring Garden Road. However, that area is covered by a different set of plans: the new Downtown Halifax Plan.

Karla Nicholson asked if that street was bound to the same lounge license laws.

Ms. Stonehocker stated that they were not in the past, but she is not sure what the new plan states. The old plan stated that lounges could be only six hundred square feet in area.

Karla Nicholson stated that from her point of view, it is not a fair playing ground for the Quinpool Road restaurants and it is very hard to compete in today's market, given the taxes that they pay and the amount of minimum wage. She is wondering if anyone else is facing the same challenges that they are.

Ms. Stonehocker stated that Quinpool Road is a very unique situation as it is a highly commercial street but there are also single unit dwellings on the other side of the block. These unique aspects may work for or against the idea of lounges.

Pamela Whelan asked what square footage was legislated or allowed when the Quincey's application went forth in 2005. Where is fifty percent coming from?

Ms. Stonehocker stated that the fifty percent does come from the Quincy's policy. The policy also states that the lounge must be subordinate to the restaurant. The actual size in the Quincy's development agreement is six hundred square feet for the lounge.

Pamela Whelan asked if this application is based on that policy.

Ms. Stonehocker answered that Regional Council stated that the lounge would be subordinate to the restaurant.

Pamela Whelan is concerned about the Buckley's site, as it is a very large site that sits vacant. It has a downstairs and an upstairs. She thinks this might be a very appealing place for someone that knows they could have a very large lounge. She asked what would prevent that establishment from becoming a very large lounge.

Ms. Stonehocker stated that the policy maximum would let them use fifty percent of the building for a lounge but there would still be a public process, as all development agreements need to go through

the process. The public would be able to say what number would be too much, and the developer might be able to adjust their plans to negotiate.

Pamela Whelan stated that looking at the places on Quinpool Road, it is very much a concern. She asked about noise by-laws. She noted that there are residential streets behind these businesses. She asked if there was particular consideration for those residents if there was an outdoor patio.

Ms. Stonehocker stated that again, there would have to be a public process in negotiating the specific development agreement. If the developer was suggesting a patio, they would show their plans at the public information meeting, and the public could give feedback as to whether that would be acceptable at certain times, or even at all. That is also beyond the Noise By-law.

Jay Krawchuk stated that his street runs from Harvard and dead ends at Monastery. He stated that he has lived in five major cities in Canada, and when it comes to the closing time for these lounges, a precedent is usually established with the first application. He feels that if he had to come to a public information meeting every time a business submitted an application, he would have to be attending these often. Buckley's could house a lounge. The Central Grill, which is currently closed, could be a very attractive site to house a lounge.

He is already subject to a huge amount of noise because Athens has two accesses: one to the parking lot and one for their garbage trucks, which start showing up at 5 to 6 in the morning. The by-laws state that waste management and trucks are not suppose to be on the road until 7 am. The propane trucks, the cooking oil disposal units and the waste management trucks are there really early.

He stated that Yale Street during the day tends to be a parking lot for those people who work on Quinpool. By five or six, the street clears out. If this becomes more of an issue for lounges, he feels that his street will also be a parking lot at night. There is no adequate parking for people on Quinpool Road. Even though the map states that you can go all the way down to Poplar, once you get past Harvard, there aren't many business that could host a lounge. The thoroughfare on the street currently is very high at rush hour. His children's bedrooms are at the front of his house and he is concerned about beer truck deliveries late at night, if they were to run out of beer. His street only has parking on one side of the street parking from eight am to six pm. After that people can line the street on both sides but after that there will only be passage for one car. He doesn't think the lounges are a bad idea but he would like to see permit parking like other major cities. He would like to be able to listen to music at a lounge but he is nervous about having vehicle noise and the people leaving at two in the morning.

Bandana Ghose asked if there was to be a vote meeting after the meeting.

Ms. Stonehocker advised that, after the meeting, staff would write a report recommending in favor or against the application. Council will set a date for a public hearing. The public will get a chance to speak. At the end, Council will debate and vote on a yes or no decision.

Raymond Davis was happy to hear the points people made showing the impact lounges could have on the residential area. He brought up the fact the Halifax is going forward as it is a very enticing province. There are a lot of people who like the scenery and want to invest. The more popular the city, the higher the number of people living there. This means that there is pressure on the city to develop. In the overall planning of the city, the issues of growth have to be looked at, such as parking. Businesses pay tax which helps with other things such as education and trash pick up.

He commented that commercial taxes are far heavier than residential taxes. A good portion of the city's revenue comes from the business owners. Commercial spaces have increased over the years, existing now where residential uses to be. This is a reality of urban life and city development. There are pressures to preserve things how they are but he believes that Halifax is set to grow. The immigration pass is opening up. He does not think squeezing the life out of what a restaurant can actually function as should be limited. There is a need to expand infrastructure, such as parking, but they should not be against the idea of a lounge license.

Karla Nicholson stated that she does represent Quinpool Road and they do want to work with the community. The businesses she spoke with do not want to open large lounges, have VLTs or cabarets, or upset the residents that support the businesses, which they are well aware of. She does understand the here and now but it seems to her that there are so many policies in place, that even if this application is passed, there will still be a number of hoops to jump through. She believes that each time there will be a room full of people that will say how they feel. She doesn't think that should mitigate businesses from having the chance to speak and say why they should be able to have a level, competitive, playing field as other restaurants in HRM.

Councillor Watts wanted two points of clarification concerning the process. She advised that this process is to pass a plan amendment that would basically take one of the steps out of the process of a restaurant applying for a lounge license. If, for example, the decision of Regional Council was not to approve the plan amendment, restaurants could still ask for a plan amendment specific to their site. If Council approved their application, they would then have to go through a development agreement process. She understood that Quincy's was approved by going through that process. Because there are some outstanding requests, the Planning department came forward with this application to look at making an overall plan amendment. This would mean this step would be skipped. If this application is not approved by Council, it does not preclude that there would still not be individual applications continuing to go forward to Council.

Ms. Stonehocker stated that her comment was correct. Right now staff is looking at all of the Quinpool Road commercial properties. Professional planners are looking at the potential plan amendment as a more general thing to the area. If Regional Council did say no, as in the Councillor's example, if a business tried to change it again, we would end up here again in the same position, except there would be a floor plan which would be specific to that particular business. This would perhaps not be appropriate for other equal properties in the area.

Councillor Watts noted that the decision will not really affect the process and this is important to know. She thinks that one of the reasons why the application came forward is to see whether there were things that people could say at the meeting, generally, that they would not like to see happening.

She asked about the floor plan. If a building has a backyard courtyard, would the committee want to see the lounge extended there or should the lounge be contained inside the building. She asked if there was a way of putting something in the development agreement about VLTs or is this handled by the province. She is interested in looking at this process to see if there are certain agreements where the community could say that, we know the applications will come anyway but are there certain general standards we can set to make the process clearer.

Ms. Stonehocker stated the way that development agreements and the new policy works is that anything added to the Quinpool Road plan, all businesses under that plan have the opportunity to use the new policy. For example, the Quincy's policy states that hours will be restricted. It does not state a specific time but only comments on restriction. If the public feedback at this point is that they are very in favor of restricted hours and give very direct feedback, with a certain time, it can go right into the policy. This would avoid fighting about the hours every time there was a meeting. The flip side to that is that once the number is in policy, it is written in policy.

Ms. Stonehocker advised that she is not sure if the VLT topic is covered under the Charter. Regarding patios and tables, it can be written in the development agreement, as to whether or not they can be placed outside or only inside. If the public feedback is that it should be written in policy, then it will be considered.

Holly Clifford asked what the difference is between a lounge and a cabaret is. Is the difference an open kitchen that serves food at any time. Lounges might be a great way to get more money but she believes that cabarets are not allowed on Quinpool.

Ms. Stonehocker advised that the Municipality would use the terms 'cabaret' and 'lounge' the same way the Liquor Licensing Board would. Both places sell drinks without requiring a food purchase. Your personal experience might be the same at either, but from a land use by-law and a liquor licensing point of view, they are different. The lounge must have food available and the latest they could remain open is 2 am. A cabaret can be open until 3:30 am.

Holly Clifford stated that aside from hours and food, there are no other differences. It's a rose by any other name. Are there any requirements for parking with a cabaret.

Ms. Stonehocker advised that it would have to go through the land use by-law. She can't imagine a cabaret having parking requirements. However, there are parking requirements for restaurants.

Fred Pegly asked Ms. Stonehocker what time she went to bed.

Ms. Stonehocker stated around 11 o'clock.

Mr. Pegly stated that so do most of the people that live over one hundred feet from Quinpool Road. One hundred feet is what separated all of the residential community. The building behind him is about fifteen feet from his building. He does not want loud music after 11 o'clock and probably not even before 11 o'clock on the days he goes to bed before than. He is very interested in restricted hours.

Tony Nahas wanted to clarify as he thought there might be confusion regarding a lounge license. He does not think a typical lounge license consists of live music and entertainment. All he is suggesting is that someone could come to a restaurant to have a glass of wine or a beer with or without a meal. He stated that he does not want to be at his restaurant until 2 or 3 in the morning cleaning up after people that are still in the restaurants. He does not want people on the streets as there are enough children on the street from high school dances, etc. He has seen vandalism on the walls and noted that he has had a lot of cleaning to do in the morning.

Mr. Nahas is not interested in cleaning up after late night drinking. He does not want loud music as that should stay downtown. All he is asking for is for his patrons to enjoy a beer or a glass of wine before going to the theater or a show. He does not want to be open past 11 o'clock, no live singers or entertainment. He just wants his patrons to enjoy a social drink without having to purchase a meal.

Noah Gallagher changing the policy is a good idea. He thinks that some people just want to go for a beer and not eat any food. Maybe only one person is eating but the rest of the people can have a drink. He lives on the street and he thinks that noise is just a part of living. Halifax people seem to want to be more reserved than people from other cities. He has a child that will be growing up in the community and he would rather his son have a beer on Quinpool instead of going downtown. At least he knows where his son will be. He thinks it is a great idea as this is what they do in other countries.

Stephen Feist welcomes lounges on Quinpool and thinks it has been longstanding to have something like this on the street. He feels that Quinpool has grown to the stage where lounges are appropriate. He thinks that the policy should be more restricted than what is being suggested at this time.

He agrees that lounges should be subordinate to restaurants. He would also like to see in the policy, a statement that says all lounges will be closed by 12 o'clock. He also agrees that it should be restricted from being outside, except the front of the building. He believes that having a deck or patio around back as a part of the lounge and is adjacent to residential is totally inappropriate. He also notes that there should be no outside music or speakers. This should be written into the policy. This would ensure good guidelines in the plan so when each development agreement is evaluated, the residents has something a little more concrete to go with in trying to make sure it is a development that is appropriate to the Quinpool area. He would like to see the businesses be

complementary to the residential neighborhood and with those factors added to the policy, you will see that the development is complementary to the residents.

Councillor Sue Uteck asked for clarification. If this step in the process is not removed, the process will still continue. She stated that under Nova Scotia liquor and gaming law, every individual development agreement has a separate hearing to apply for the lounge license. This goes through the Nova Scotia Utility and Review Board (NSURB). The cabaret licensing would require the consent of the neighborhood and Regional Police, and it does require a specific amount of square footage. She stated that there isn't a building on Quinpool Road that could apply for a cabaret license due to their size. She believes that it has to be seventeen to twenty thousand square feet.

Ms. Stonehocker confirmed that when the city does a plan for a lounge license or a cabaret, there is a separate approval process through the NSURB. They hold their own public hearing. There would be an additional meeting.

Councillor Uteck added that the NSURB takes HRM's decision into consideration, whether it be an approval or rejection..

4. Closing comments/Adjournment

Mrs. Stonehocker asked for any other questions, gave her contact information, and thanked everyone for attending the meeting.

The meeting adjourned at approximately 8:05 p.m.

Attachment E:
Correspondence

During this case, correspondence was received from the following individuals who wished their opinions to be a part of the public record:

- Pat Lynch
 - Jenny-Kate Hadley
 - Mike and Jean Larsen
 - Janet Brush
 - Paula Lee
-

June 14, 2010

Dear Sue and Mackenzie,

Thank you for speaking to me this morning regarding the above mentioned. This e-mail will register my objections to this amendment for the following reasons;

1. I understand that there are already a couple of lounges operating on Quinpool Rd. which have been approved on a case by case basis. Why then would there be a need for any amendment to this current by-law if there is already a process in place which will allow these operations? The only reason for this current amendment, therefore, is to make it an even easier process for any commercial operation to open additional lounges. Worse case scenario (which often becomes a reality) is that lounges are opened up on every block and in every backyard of residents living on either side of Quinpool Rd.
2. Downtown Halifax, or the “Entertainment District” of Halifax, continues to suffer from a lack of business. This amendment will set up Quinpool Rd. in direct competition with the downtown entertainment area where lounges are a competitive edge. Why would Council set up a situation where the city is essentially cannibalizing itself in this regard? It does not make sense.
3. Quinpool Rd. borders the Sir Charles Tupper School area. It is reputed to be a very popular and desirable residential area of Halifax because of the favourable reputation of this particular school and residential district. Opening the door further for lounge operations is in direct conflict with the character and nature of this part of this city and again serves no practical purpose and once more sees the city cannibalizing its own assets.

Please attach this e-mail to the report that is being circulated as a result of the Public Information Meeting being planned for Wednesday, June 16, 2010.

Yours truly,
Pat Lynch

June 15, 2010

Dear Sue and Mackenzie,

This e-mail will register my objections to this amendment for the following reasons;

1. Quinpool Road is currently struggling with various issues all ready:
 - a) Significant and almost daily vandalism and graffiti
 - b) Reduced parking which leads to overflow onto our side streets and has increased side street traffic and the speed at which people travel down our residential streets
 - c) Individuals who ask for money for food and shelter from pedestrians and often get belligerent when request are denied
 - d) Increased reports of assaults and crime on the street

The last thing we need is to add more opportunities for people to consume alcohol and "hang out" in this neighborhood. We are all ready very concerned for the safety of our children.

2. The police are busy enough trying to deal with our requests for response to parties in rental properties, theft and vandalism, fights and gatherings of teenagers at Tupper school at night after dark. Our area does not appear to be part of a regular nightly patrol or these issues would have been dealt with years ago. Increasing the opportunities for drinking on Quinpool Road will only further exacerbate our current problems and leave neighbors feeling unsafe.
3. We have schools very close to Quinpool Road -- Sir Charles Tupper, Oxford Street School, Cornwallis Jr High, and Citadel High School. Children are exposed to enough all ready and do not need to be surrounded by the scenes we see on Argyle and other lounge plagued streets in Halifax.

I urge you to fight for neighborhoods and for their safety. I grew up in this area and chose to purchase a home in the neighborhood as an adult because of the wonderful experiences and the feeling of community I had growing up. I am worried that this is consistently eroding away and I think we need to do what we can do preserve neighborhoods and to keep constituents safe.

Best,
Jenny-Kate Hadley

June 15, 2010

Sue,

This is just to note our thorough and determined opposition to the proposal to permit the further expansion of lounges along and in the area of Quinpool Road. There are a variety of well known factors that impact both positively and negatively on the residents of the area, and our view (and that of anyone else we've talked to) is that more lounges along Quinpool Road would be a decided negative. We would sincerely appreciate it if you considered and supported our views on this.

Best wishes,
Mike and Jean Larsen

June 16, 2010

I was at the public meeting tonight, but I didn't speak. I have considered the points made by the people there, and have come to the following conclusions.

I am in favour of the proposal you made tonight, but with certain restrictions built into the policy;

1. Lounges will close at midnight,
2. There will be no VLTs,
3. The square footage of a lounge area would be restricted to less than 50% OR a fixed figure, say 600 sq. feet, whichever is smaller. This would prevent a building like Buckleys having a lounge big enough to accommodate a large - and loud - band.
4. Any outside activity, such as a patio eating area, would be only allowed on the sidewalk on Quinpool Road.

My hope is to see a few small lounges, with occasional entertainment such as small music groups, spoken word artists, stand-up comics, etc.

Thank you for the opportunity to express my views.

Yours truly,
Janet Brush

July 5, 2010

Good Morning:

My husband and I attended the above-noted public meeting a couple of weeks ago, from more of an interest perspective, as we are residents in the area, rather than from a predetermined point of view. We sat and listened open-mindedly to the arguments and concerns that were voiced at this meeting and would like to offer the following.

We thought the intention of the meeting was not to discuss the possibility of cabarets and/or large night-clubs opening on Quinpool Rd., as some people in attendance dwelled upon, but rather to discuss the idea that restaurants could offer customers a drink without the requirement of ordering food. We found that this meeting got side-tracked due to these comments, and as a result, people lost perspective of what was being proposed at this meeting.

We fully understand the concerns around bars opening on Quinpool Rd., being that it is a residential area, as we both have lived in this area most of our lives. However, when other residents complain about noise, we find it a bit surprising that these residents chose to live in this area. Inner-city areas can be noisy and that is the way of life. Perhaps they should have considered this when they chose to live on peninsular Halifax. There are already two drinking establishments on Quinpool Rd., and we do not hear complaints about disturbances caused by these establishments. One resident complained about garbage and/or delivery trucks early in the morning. These exist now, but he was speculating that it would be worse with the delivery of beer and wine, even though, as I understand it, there are regulations around the times in which trucks are permitted to deliver. Maybe the existing regulations should be better enforced.

Along the idea of regulations, we feel that there should be parameters set similar to the final proposal made by a resident at the meeting. These parameters should apply to all restaurant owners. These regulations could include: closing by 12:00 midnight, no loud music outside, no loud music (inside) after 9:00pm, no patios on the residential side of the properties (only on the Quinpool Rd. street side, i.e., in front of the establishments), and enforcement of regulated delivery and pick-up times for trucks. If there are any other specific requirements, then the individual establishment applies for these through the regular public process.

To conclude, we feel that the allowance of restaurants to serve a drink without the patron having to order food is long overdue, and we fully support it. We plan on attending future meetings, but we would appreciate if you would include these comments when making a decision on this topic.

Sincerely,
Paula Lee