

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL SPECIAL SESSION MINUTES June 30, 1998

PRESENT:

Mayor Walter Fitzgerald
Deputy Mayor Reg Rankin
Councillors: Bill Dooks
Gordon R. Snow
David Hendsbee
Ron Cooper
Harry McInroy
Jack Greenough
Condo Sarto
Bruce Hetherington
Clint Schofield
John Cunningham
Jerry Blumenthal
Graham L. Downey
Larry Uteck
Sheila Fougere
Russell Walker
Bill Stone
Ron Hanson
Barry Barnet
Robert P. Harvey
Peter Kelly
Jack Mitchell

REGRETS:

Councillor Stephen Adams

STAFF MEMBERS:

Mr. Dan English, Deputy Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Sandra Shute, Assistant Municipal Clerk

Table of Contents

1.	Invocation	3
2.	Approval of the Order of Business and Approval of Additions and Deletions	3
3.	Public Hearings	
3.1	Second Reading By-law S-401 to Amend S-400 Respecting Street Improvements	3
3.2	Second Reading By-law L-100 Respecting Local Improvement Charges	4
3.3	Second Reading By-law T-400 Respecting Truck Routes	4
3.4	Case 7504 - Development Agreement Application - Lot 4, Ramsgate Lane of the Melville Ridge Senior Citizens Retirement Community	5
3.5	Metro Turning Point, Men's Shelter	9
3.6	Case 7629 - Development Agreement Application - Waterfront Development Corporation and Southwest Properties Limited - Bishop's Landing	22
4.	Adjournment	36

1. INVOCATION

Mayor Fitzgerald called the meeting to order at 6:00 p.m., followed by an Invocation.

ACKNOWLEDGEMENTS

At later points in the meeting, Mayor Fitzgerald acknowledged the presence in the gallery of Jerry Pye, MLA, Peter Delefos, MLA and Edmund Morris, former Mayor of Halifax, former MLA, MP and Cabinet Minister.

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

There were no additions or deletions to the Agenda.

MOVED by Councillors Hetherington and Greenough that the Order of Business be approved. MOTION PUT AND PASSED UNANIMOUSLY.

3. PUBLIC HEARINGS

3.1 Second Reading By-law S-401 to Amend S-400 Respecting Street Improvements

C A Memorandum prepared for Mr. George McLellan, Deputy Chief Administrative Officer, on the above noted, was before Council.

Mr. Kulvinder Dhillon, Director of Engineering and Transportation Services, reviewed the matter at hand.

There were no questions from members of Council. Mayor Fitzgerald called for speakers either in favour or against the By-law. No one came forward.

MOVED by Councillors Blumenthal and Hetherington to close the Public Hearing. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillors Hetherington and Blumenthal to give Second Reading of By-law S-401 to Amend S-400 Respecting Street Improvements. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillors Sarto and Snow to give Third Reading of By-law S-401 to Amend S-400 Respecting Street Improvements. MOTION PUT AND PASSED UNANIMOUSLY.

3.2 Second Reading By-law L-100 Respecting Local Improvement Charges

C A Memorandum prepared for George McLellan, Deputy Chief Administrative Officer, on the above noted, was before Council.

Mr. Kulvinder Dhillon, Director of Engineering and Transportation Services, reviewed the matter at hand.

There were no questions from members of Council. Mayor Fitzgerald called for speakers either in favour or against the By-law. No one came forward.

MOVED by Councillors Stone and Sarto to close the Public Hearing. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillors Greenough and Blumenthal to give Second Reading of By-law L-100 Respecting Local Improvement Charges. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillors Hetherington and Blumenthal to give Third Reading of By-law L-100 Respecting Local Improvement Charges. MOTION PUT AND PASSED UNANIMOUSLY.

3.3 Second Reading By-law T-400 Respecting Truck Routes

C A Supplementary Report submitted by Dan English, Deputy Chief Administrative Officer, on the above noted, was before Council.

Mr. Kulvinder Dhillon, Director of Engineering and Transportation Services, reviewed the matter at hand.

Mayor Fitzgerald called for speakers either in favour or against the By-law. No one came forward.

MOVED by Councillors Hetherington and Greenough to close the Public Hearing. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Uteck referred to Robie Street being made a part time, as opposed to a full time, truck route between Quinpool Road and Inglis Street because Inglis Street was a part time route. Otherwise, there would be a full time route into a dead end. He questioned why Robie Street was still on the full time schedule.

Responding to Councillor Uteck's question, Paul Connors, Superintendent of Traffic Services advised that to satisfy the By-law, any trucking vehicle, no matter what destination, can go by the closest route. If there is a dead end, however, there was an attempt to limit choices. Without Robie Street being extended, they would have the flexibility to use any street they like. If Council wished to remove it, however, Council could do so.

Councillor Uteck agreed to go with staff's recommendation but reserved the right to bring this concern back if it becomes a problem in the future.

Councillor Schofield asked for clarification that the following roads remained truck free: Victoria Road from Albro Lake Road to downtown, Woodland Avenue from Victoria Road to Lancaster and Albro Lake Road from Victoria Road to Lancaster. Mr. Connors confirmed that they were all truck free except for local deliveries.

MOVED by Councillors Greenough and Blumenthal to give Second Reading to By-law T-400 Respecting Truck Routes. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillors Blumenthal and Snow to give Third Reading to By-law T-400 Respecting Truck Routes. MOTION PUT AND PASSED UNANIMOUSLY.

3.4 CASE 7504 - DEVELOPMENT AGREEMENT APPLICATION - LOT 4, RAMSGATE LANE OF THE MELVILLE RIDGE SENIOR CITIZENS RETIREMENT COMMUNITY

C A Report from Chebucto Community Council dated May 14, 1998, on the above noted, was before Council.

With the use of overheads, Mr. Gary Porter, Planner, presented the Staff Report.

There were no questions from members of Council.

Mayor Fitzgerald called for members of the public wishing to speak in favour of the application or against the application.

Ms. Donna Hogan, 30 Melville Avenue

Ms. Hogan, reading from prepared text, spoke against the application, making the following comments:

- C Although at the start of the project, it was to happen over five years, it was now in its 13th year. Over this time frame, residents have had to endure noise from truck traffic and construction and continue to attend meetings such as this.
- C The developer agreed to ensure that the quality and quantity of potable water be maintained at a minimum standard that presently exists on the private system for those residents along Melville Avenue. Residents have had to supply their own drinking water until recently when the developer stepped in to supply bottled water.
- C The developer states, if the residential facility is approved, it will install the main laterals to the buildings, now on wells, at its cost, within five feet of the foundation. Connection to the buildings would be the property owner's responsibility. Melville Ridge Holdings should be responsible for full connections, not just up to five feet from the homes.
- C If a decision is made not to amend the Municipal Planning Strategy, when would the developer be accountable to the residents for the damaged water supply.
- C There should be no more amendments until the situation is rectified; however, if HRM enforces all the guidelines set out and allows no future changes, then she would compromise her position also.

On a question from Councillor Sarto regarding the proposed blasting By-law, Mr. Anstey advised that the present By-law just enacted would only apply to future blasting. There was a By-law respecting blasting in the former City of Halifax which could have had some application in the early 1990's when some of the other work went on.

Councillor Blumenthal asked for clarification re the status of the residents' drinking water. Ms. Hogan advised that the residents have been supplying their own drinking water for five to seven years and provided some background information in this respect. In March or April the developer stepped in and began supplying bottled water.

Councillor Fougere asked if pyritic slate caused the level of arsenic to rise in the well water. In reply, Ms. Hogan advised it was not arsenic but other levels and the information was contained in the Staff Report.

On a question from Councillor Kelly as to how many homes have been affected, Ms. Hogan advised that probably all 15 homes were being provided with water at this time.

Councillor Kelly asked for staff input as to whether or not the damage to the wells was due to construction of Melville Ridge and, if so, would it be rectified through this particular contract. In response, Mr. Porter advised that it has not been definitively determined where the damage has occurred but the quantity and quality of water in the wells on Melville Avenue has deteriorated since 1991. Staff has worked with Department of Environment in this respect

and since there was an indication that the quality has gone down, staff advised the developer it was responsible because he agreed in the Development Agreement to maintain the quantity and quality of water. Since the present application was on-going at the time and part of the proposal was to install the water line, in consultation with the residents, it was agreed to supply bottled water in the interim as long as the residents were happy with that. If the application tonight is approved, the developer will install the water line. If it is not approved, then staff will go back to the developer and decide, in consultation with the residents, how the matter should be resolved.

On a question from Councillor Kelly as to what was the minimum standard and quality to be maintained, Mr. Porter advised that the agreement dated 1991 states the developer shall maintain the quantity and quality of water as it presently exists. He agreed that it has gone down but it has not gone down below safe drinking levels.

Councillor Kelly asked if it would be possible, in this particular contract process, to install to the homes rather than staying 5' away. In reply, Mr. Porter advised it could be negotiated; however, the figure of 5' was chosen more as an industry standard. This could be done through Chebucto Community Council at the Development Agreement stage.

Councillor Schofield asked Ms. Hogan if the water lines were connected inside the houses, would all 15 homeowners be satisfied. Ms. Hogan, in reply, advised she could not speak on behalf of the other residents but she personally would be happy as long as there were no more changes.

Mr. Peter McDonough on behalf of Melville Ridge Holdings Limited

Mr. McDonough, on the applicant's behalf, spoke in support of the proposal making the following points:

- C The quality of water on Melville Avenue has deteriorated somewhat from 1991; however, it was safe drinking water according to the Canadian standards.
- C His client has been providing bottled water to all the residents. If the change to the Municipal Planning Strategy is granted, water will be installed to all residents. With regard to Councillor Kelly's suggestion of connecting right to the house, this was just the first step in the process and he had not had a chance to talk to his client. The Development Agreement would have to be negotiated and come back to Chebucto Community Council. There were concerns with shrubbery around the homes and the 5' could have been an arbitrary figure.
- C In the last two weeks, resulting from concerns from the residents, the building has been further altered to include a 35' no touch zone from the property line to the front of the building, 50' setback from the property line to where the building begins and 40' setback from the property line to where the driveway comes in on the east end.

Mr. Walter White, 34 Melville Avenue

Mr. White, speaking against the application, made the following comments:

- C He circulated a copy of the following information to each member of Council: 1) Letter dated April 6, 1990 from City of Halifax re alleged contamination of his well water; 2) Letter dated February 20, 1990 from Department of Health providing information on well water bacterial and chemical quality and 3) Copy of Letter dated February 7, 1995 from Jacques Whitford Environment to MAHPAL Development Limited re 1994 Domestic Well Water Quality Monitoring for Melville Ridge. He provided further information re these letters.
- C His expenses to date have been \$259 for water, \$718 for parts and \$1,485 for an oil fired water heater because the short life span for a coil in his furnace is 5-6 months because of extremely corrosive water.
- C The developer filled in a pond approximately 10-15' deep with a brook which flowed from the pond, permitting drainage. Once the pond was filled, it interfered with the flow of water resulting in runoff on an alternate route at the back end of his property, creating a swamp and killed trees. Subsequently, he sent a Petition through City Council which requested that a representative from the developer address the concerns and provide a response, which was never done.
- C In September, 1997, before Chebucto Community Council, Mr. Mallory, 14 Melville Avenue brought forward concerns that the brook has dried up but the brook now runs over Mr. White's property.
- C While water levels continue to grow, a resolution must be pursued so as not to damage just his property but the potential of affecting four more buildings on Purcells Cove Road.

Mr. Peter Corkum, 28 Melville Avenue

Mr. Corkum, speaking in support of the application, made the following comments:

- C It was not right to have a neighbourhood continually needing to defend itself and fight to have problems corrected. There should be more accountability placed on developers when the Development Agreement is signed.
- C Since some changes have been made by the developer, the project presently with the conditions in the amendment and the plan showing the proposed building at 50' from Melville Avenue is bearable. He would, therefore, endorse the Staff Report.

Mr. Peter McDonough in Rebuttal

Mr. McDonough made the following comments during his rebuttal:

- C After conferring with his client, the developer agreed that if the residents would like the laterals brought to the foundation wall (instead of within 5' of the foundation wall), it is acceptable.
- C The developer has had numerous contacts with Mr. White. There is an Information Report to Council dated June 10, 1997 which deals with the Petition. The Staff Report included the fact that staff was satisfied that the development was proceeding in accordance with the approved Development Agreement. Runoff is intercepted and drained into the storm sewer on Ramsgate Lane provided by the developer. The area located upstream of lands of Ramsgate Lane and the infilling does not direct the runoff towards the properties on Melville Avenue or Purcells Cove Road but drains to Ramsgate Lane which has curb, gutter and storm sewer to receive the runoff. It appears the development, particularly the infilling of the low areas, has not increased runoff over the petitioners' properties and meets the Development Agreement requirements.

Mayor Fitzgerald pointed out that Council was dealing with amendments to the Planning Strategy, not the actual Development Agreement.

There were no further speakers for or against the application.

MOVED by Councillors Cunningham and Blumenthal to close the Public Hearing. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Hanson spoke in support of the amendment.

MOVED by Councillors Hanson and Mitchell that the Halifax Municipal Planning Strategy as set out in Appendix C of the Staff Report dated April 8, 1998 be amended to enable a Development Agreement to permit an 80-bed residential care and retirement facility on Lot 4 in the Melville Ridge Senior Citizens retirement community, incorporating the suggestions as outlined in correspondence dated May 1, 1998 from Mr. Peter Corkum. The revised amendments are outlined in Appendix A of the attached Information Report dated May 12, 1998. MOTION PUT AND PASSED.

3.5 METRO TURNING POINT, MEN'S SHELTER

- C A Supplementary Report submitted by Val Spencer, Director, Priority and Policy Group, on the above noted, was before Council.

Written submissions were received from the following:

Ms. P. M. "Charlie" Holgate

Jeff and Dorothee Rosen
Brunswick Street Neighbourhood Committee
Homeowners of 2125 Brunswick Street
Metro Turning Point Centre

With the use of overheads, Barb Nehiley, Principal, Societal Issues presented the Staff Report.

Councillor Downey asked why a building could not be built on the present site where Metro Turning Point is located now. In response, Ms. Nehiley advised the present site was not recommended because the land is being held for changes in the road. The whole eastern side of Barrington Street was being held for future development and planning and it would be very costly to demolish the current building as it was like a cement bunker. It was not considered feasible to build on the site while the current building is there.

Councillor Downey then asked why the building adjacent to Turning Point had been given a long term lease if there was consideration being given to widening Barrington Street in the next ten years. Ms. Nehiley, in response, said it was likely the terms of the lease would provide for ending the lease which was quite different from selling a piece of land and building a building on it all the while knowing that in possibly ten years they would be asked to sell it and move again. Metro Turning Point was looking for a permanent home, considering the degree of investment they were putting into the facility.

Councillor Downey stated there was no funding available at this time for further widening of Barrington Street approved by HRM.

On a question from Councillor Kelly as to the value of the current building, Ms. Nehiley advised she did not know that. Further, on a question from Councillor Kelly as to the value of the site proposed, Ms. Nehiley advised the appraised value was \$85,000 but staff was recommending the sale to Metro Turning Point for one dollar.

Councillor Kelly then asked what would happen to the present building. In reply, Ms. Anne Feist, Real Estate Services advised that nothing would be done in the short term - probably a year - as it could not be reused. Long term alternatives for the use of the site would have to be considered.

On a question from Councillor Kelly as to where the health problems were in the building, Phil Townsend, Facilities and Traffic Systems advised, in response, that there were sub-surface water problems. Attempts to solve the problem in the interior in the past have failed with continued regrowth of the mould. The problem would have to be solved from outside which would require severe intervention and it would be difficult to expose the foundation to

waterproof it. Staff was not convinced that the problem could even be remediated successfully after discussions with contractors.

On a question from Councillor Dooks as to when the abutters had become involved and when had input been obtained from the community, Ms. Nehiley replied that Council had received a report in March. Subsequently, Metro Turning Point had determined if the land was appropriate for their use by way of a tender call. Metro Turning Point planned to have meetings with the neighbours to discuss what could be done to minimize the impact of the site. After that, the June 1 report came recommending the sale for less than market value. There were community meetings held on June 4 and June 18. An advertisement was placed in the newspaper.

Councillor Dooks advised he represented a person who owned property in the area who was upset because there had been no contact and, therefore, no ability to express a view. Councillor Schofield asked how much money the former City of Halifax had put into the building when it was renovated in 1987. In response, Ms. Nehiley advised she did not know the exact amount but there were funds available from the Federal government through the International Year of the Homeless.

Councillor Schofield then asked for clarification respecting granting the land for one dollar. In response, Ms. Nehiley advised that HRM underwrites maintenance of the building and Metro Turning Point was a tenant of HRM and pays a fairly low rent. To close the building and have Metro Turning Point move to its own facility would end future expenditures with regard to subsidizing rent and maintenance.

Councillor Harvey asked for confirmation that there was mould and fungal contamination in the building as we speak. In response, Phil Townsend advised that under normal circumstances the building would be condemned.

Subsequently, Councillor Harvey asked if the building were a school, would it be open. Mr. Townsend advised absolutely not. Councillor Harvey then spoke in support of the need for an alternate location within 24-48 hours as the first step in addressing the problem. People were living under unhealthy circumstances in a building owned by HRM and this was unacceptable.

Councillor Blumenthal, in agreeing with Councillor Downey, pointed out he has not seen a report on the widening of Barrington Street.

In response to a question from Councillor McInroy regarding the portion of land under lease, Ms. Nehiley stated that it was not a lease but a licence to use the land. Metro Turning Point has made accommodation for that section but still has to look at whether it can move further to meet setback requirements. Currently, the proposed design does not go over the line into the licenced area but the abutter would like to have some stability in owning it. Metro Turning

Point would like an opportunity to hold onto the land for now and make an arrangement later in case it is required.

Mayor Fitzgerald then called for speakers for and against the proposal.

Ms. Anne Ault, 2143 Brunswick Street

Ms. Ault, speaking against the application, making the following comments:

- C She read a letter written to Council on June 19, 1998 which contained the indication that she moved from Ontario on February 20, 1998 and purchased her home at 2143 Brunswick Street. She requested a reply to the questions she had posed in her letter.
- C Councillor Downey supported the rights of the residents and indicated he wanted the current building torn down and rebuilt on the same spot.
- C Do not ruin the revival of a historically interesting downtown neighbourhood.
- C When she bought her property, she was not aware of the location of Metro Turning Point.
- C She was not against the homeless but against the rights being taken away as property owners. There were safety hazards and real estate values to take into account. Metro Turning Point was not in her backyard right now.

Ms. Heather Ray, Rosebank Avenue, Halifax

Ms. Ray, Chair, Board of Metro Turning Point, speaking in support of the proposal, made the following comments:

- C The sale of the property in question would allow Metro Turning Point the opportunity to rebuild and relocate.
- C Inadequate and unhealthy conditions have existed for the last several years. Cost estimates to repair the building were \$250,000 with no guarantee of elimination of the problems.
- C 16 potential buildings plus additional lots were considered for a new location but the only suitable location was the one in question due to financial, prohibitions and, at times, public resistance.
- C She highlighted the contributions of the Metro Turning Point.
- C The proposed building would take into consideration concerns expressed at a Public Meeting by some potential neighbours.
- C There have been crowded working and living conditions in the current facility over the past two years.
- C Metro Turning Point has been a good neighbour over the years and has been attentive to concerns raised by clients.

On a question from Councillor Mitchell as to how many people were served daily, Ms. Ray advised that when they moved from downstairs to upstairs, they had to cut down on beds. It was currently an average of 30 per night. The new facility would serve at least 50.

On a question from Councillor Stone as to the location of the garden area, Ms. Ray advised it would be up and to the left at the back of the building.

Councillor Stone then asked if there have been any security problems with the current building. In reply, Ms. Ray said they were very vigilant and watchful so they did not occur. In terms of moving across the street, she suggested walking through the area to see what is there and what the property is utilized for in its vacant condition. It was fair to say that if there was a very nice building in that location which was staffed, none of those things would be going on. She did not think security problems were a concern.

Mr. Bill Hyde, Fowler Bauld and Mitchell, Architects

Mr. Hyde, speaking in support of the application, made the following comments:

- C He outlined the planning process to develop the design. This included two community meetings to which the neighbourhood was invited. He commented on the concerns raised at the first meeting and advised that no one came to the second when the finished design was presented to the community.
- C He provided information on the design of the proposed building, map of neighbourhood, elevations and retention of trees.
- C The possibility of redesigning the building so that the garden parcel can be sold will be considered but there was not enough time. They were confident, however, it could be done. Both options were viable.
- C The proposed site is an excellent location for the facility and they have tried to create a building that represents the legitimate concerns of the community.

Councillor Stone asked who owned the fence. In reply, Mr. Hyde advised it was an existing fence and felt the people who created the garden would like to see it retained.

Councillor Downey asked if Mr. Hyde had been engaged to design a building on any of the 16 sites under consideration. In reply, Mr. Hyde advised he was engaged after this particular site had been identified.

Ms. Mary Colin Chisholm, 2125 Brunswick Street

Ms. Chisholm, speaking against the proposal, made the following comments:

- C 2125 Brunswick Street was the house with the garden being discussed.

- C She could not accept that this was the only solution - to go from a state of ignorant bliss to it will happen in her backyard. Her house and the next four houses were historic properties and all face historic properties. Assessment has more than doubled in the last 14 years which was a testament to their stewardship.
- C How could HRM expect the residents to continue keeping the neighbourhood up with a Men's Shelter literally in their backyard.
- C She understood the safety and convenience aspects of relocating across the street but the street was actually a comfort, safety and security barrier for the residents on Brunswick Street.
- C There was a genuine security threat from Turning Point. Three years ago there was a fire on the wall of the church and someone smashed all the windows of the church over a year ago. The men were now going to be moved even closer to residences.
- C There were two children in her house and she questioned a Men's Shelter in the backyard with 50 men per night.
- C This proposal happened really quickly and had all the appearances of happening quickly for a reason.
- C She was not insensitive or uncaring and did not want to be labelled a Nimby Noodle. Turning Point should be commended for the work it does but it better not pretend what the work is. The issue was what you are doing to a short street that really works now and is maintained and presumably a part of the cultural heritage of Halifax.

Ms. P.M. "Charlie" Holgate, Musquodoboit Harbour

Ms. Holgate, speaking against the proposal, made the following comments:

- C She owns 2135 Brunswick Street, a rooming house with a two-bedroom apartment on the lower level and nine rooms on two levels above. Since she purchased the property in 1992, she upgraded it gradually.
- C Her assessment had risen from \$129,000 in 1993 to \$148,500 in 1999.
- C Metro Turning Point will change the whole nature of the area. No one knew of the proposal until June, 1998. More study was required.

Ms. Linda Moore, 2125 Brunswick Street

Ms. Moore, speaking against the proposal, made the following comments:

- C If Turning Point were approved, would they be able to buy the land outright from HRM or have to wait a year and negotiate with Turning Point. It was preferred to buy the land from HRM now at fair market value. They had tried to buy the land in 1984 but had not been successful but were given a licence for the land.
- C Time was needed to examine whether or not this was the best location for Turning Point.

- C Traffic down the stairs which were attached to her house would increase and it happens very late at night. When her daughter was 11 years old, she had several distressing experiences with homeless men coming through that traffic area.

Mr. Alan Ruffman, 202 Fergusons Cove Road

Mr. Ruffman, speaking against the proposal, made the following comments:

- C There has been no talk of Harbour Drive North and the expansion of Barrington Street to four lanes for years.
- C There was another piece of HRM owned land further down the road on the same side of Barrington Street with a "For Sale" sign on it by Turner Drake with similar qualities.
- C The development was going too fast. Every piece of land on the east side was owned by HRM, for 30 years with loss of income and development opportunity.

Ms. Barbara Morton Winters, 2159 Brunswick Street

Ms. Winters, speaking against the proposal, made the following comments:

- C After having heard that the proposed property was being considered as a site for Metro Turning Point in November, 1997, she had expressed her concerns to Planning Department in a letter and requested to be informed and involved in any plans being considered. At that time, she had been advised that nothing definite was decided and many HRM owned properties were being considered. The next was receipt of a notice from Metro Turning Point for a meeting on June 4 for input into the design of the planned structure. She questioned the apparent disregard of the request to be kept informed.
- C Putting the shelter adjacent to private homes is not in keeping with the broader perspective of charity. There must be some sense of safety, security and peace and quiet. There were areas of the downtown where, when the working day is over, are left practically vacant for the night. These should be considered as an alternative.
- C The green space behind her property and Barrington Street itself tends to lend to the separation of keeping the public from the private. The mix of a homeless shelter and family dwellings is not fair to any.

Mr. Blair Beed, 6467 Summit Street

Mr. Beed, speaking against the proposal, made the following comments:

- C If nothing else is available, then the east side of Barrington Street should be the location. The property at the corner of Cornwallis and Barrington was for sale but this

was changed to consider widening the corner. This lined up with the Turning Point proposal and the plan should be revised.

Ms. Myrna King, 5234 Cornwallis Street

Ms. King, speaking against the proposal, made the following comments:

- C She purchased her property fully aware of the services existing in the neighbourhood, was in support of community services, recognized the need for a new shelter to house homeless men and supported it staying in the neighbourhood. She did not, however, support the relocation to 2170 Barrington Street resulting in the removal of trees that presently act as a buffer to the noise of highway traffic and the Halifax Shipyard. Two trees have already been removed and there was no application to remove them.
- C She recommended rebuilding on the present site or other alternatives within the neighbourhood. The use of 2170 Barrington Street needs to be thoroughly assessed for the overall impact it may have.

Mr. Craig Walkington, 5230 Cornwallis Street

Mr. Walkington, speaking against the proposal, made the following comments:

- C His home would be less than 50 yards from the proposed site, which he purchased in January, 1998. When he investigated what was around his home before he purchased, he realized that Turning Point and other community service facilities were within the area. He investigated with HRM staff the land at the corner of Cornwallis and Barrington Street and was told that it was declared surplus but there was no plan. Given the situation today, he would not have purchased his property and would have been willing to lose his deposit and had invested additional monies into renovations of his property since he bought it.
- C He checked with a number of real estate agents who indicated that his home would drop in value 10-15%. Would there be a corresponding reduction in taxes. His home would be undervalued and he might not be able to sell it because of a shelter less than 50 yards from his deck.
- C The land on the corner of Cornwallis and Brunswick Street has archeological significance. The proposed site for Turning Point might also have historical significance and should be studied before any evidence is destroyed or lost completely.
- C Was it realistic to expand Barrington Street in that location when there are already four lanes.
- C He supported the efforts of Metro Turning Point.

Mr. David Hood, Agricola Street

Mr. Hood, speaking in support of the application and having worked at Metro Turning Point for the past six years as a Social Worker, made the following comments:

- C Given the last number of speakers, it pointed out very clearly how property values, and, as much as he respected environmental concerns, the rights of a tree can somehow be put ahead of a group of people who have lived in air that you would not let your children breathe but yet allow a group of people to continue to do so. Suddenly now archeological and heritage concerns are coming to the forefront.
- C His seven-year old son came with him to Metro Turning Point and knew many of the homeless men in the area by sight and a few by name. He did not see a threat from these people nor exposure to his family. His children needed the exposure to be reminded of a side of this community that largely goes unnoticed.
- C There are residents of Metro Turning Point among us tonight but other people here tonight do not know who they are and have not felt a threat from them. Members of Metro Turning Point circulate throughout the community on a daily basis and are members of the community. These people deserved dignity and respect.
- C He requested that there be no more studies done, which could take months or years. This was a good site and they had worked hard to find alternatives. He could not see how a modern, nicely designed building in your backyard could somehow threaten property values; it was the use of the building that was a threat.

Mr. Michael Burke, 2585 Poplar Street

Mr. Burke, Director of Hope Cottage, speaking in support of the application, made the following comments:

- C Even though the men were poor and homeless, they were people and needed representation. In two weeks, there would be an application for an addition to Hope Cottage and most of those who frequent Turning Point are among those who attend Hope Cottage. He provided financial information and statistics on the homeless.
- C He empathized with the residents but encouraged Council to have a reputable Turning Point for the homeless.

Mr. Harold Crowell, 1326 Lower Water Street

Mr. Crowell, speaking in favour of the proposal, made the following comments:

- C He provided background information into the setup of Metro Turning Point.

- C The property under consideration tonight was known as a place where huge quantities of Lysol were consumed and it did not add to the backyards of the buildings on Brunswick Street.
- C There was pressure to get the problem resolved because there was a current building unfit for habitation. He wanted to see a way for the conflict to be resolved between Turning Point and the residents of Brunswick Street. He suggested someone from Brunswick Street on the Board of Turning Point.

Mr. Bill Mont, Halifax Businessman

Mr. Mont, speaking against the proposal, made the following comments:

- C Something could probably be done with the current building.
- C An alternative could be the Old City Hospital on University Avenue or other buildings HRM owns.

Rev. Gus Pendleton, Russell Street

Rev. Pendleton, Brunswick Street United Church, speaking in support of the application, made the following comments:

- C He gave the history of Brunswick Street United Church and how it has served the community.
- C He disagreed with the concern for security as there was no place where you could be safe the way you want to be.
- C Turning Point was a sick building and he had seen people go to the hospital clearly because of what they were breathing there and staff unable to continue there.
- C The green belt was in fact a place of death and called by the folk he served "The Jungle".
- C Giving people a respectable place to go to would make the lot safer than it is now. It was time to take the next step and not wait another two or three years.
- C He provided information on the people who stay at Turning Point.

Mr. John Martin

Mr. Martin, speaking in support of the proposal, made the following comments:

- C He supported David Hood's comments.
- C He said he has been to Turning Point and asked if anyone here had been. The men were homeless and helpless. Being homeless was not a candidate for being a criminal.

Mr. William Cleveland, North Street

Mr. Cleveland, speaking in support of the proposal, made the following comments:

- C Up until six weeks ago, he was a resident of Turning Point. He had no home to go to during the winter months. Did he look like someone who was going to rob someone, knock in windows. The people were down as low as they could get.
- C Last year he slept outdoors all summer because he did not know about Turning Point. He did not have any money to go to the Salvation Army and Salvation Army recommended Turning Point.
- C Homeless people are in need of a shelter.

Calhoun, 2125 Brunswick Street

A young man from 2125 Brunswick Street, speaking against the proposal, made the following comments:

- C There were all kinds of buildings near the Salvation Army where Metro Turning Point could go. He respected the homeless and spoke to them.

Mr. Edmund Morris, Halifax

Mr. Morris, speaking in support of the proposal, made the following comments:

- C He provided background history into Metro Turning Point which came about as a result of co-operation.
- C He was satisfied that if Council will deal with this matter now, there will be substantial provincial financial assistance. In order to get it finalized, however, it is desirable that Council indicate clearly that it would convey the property.
- C The present building was brought to the attention of HRM in January, 1997 by Public Health Department who indicated there should be a relocation sought and the building eliminated. In April, 1997, Council passed motions extending fairly substantial financial assistance to assist Turning Point to relocate.
- C The Public Hearing tonight was to consider the conveyance of a piece of land; there would be no need for a Public Hearing if the present location could be revived.
- C If there are any more delays, it will enter into a new winter season. He had been with a group who found a frozen man in "The Jungle". It was lucky last winter there were no fatalities; we cannot risk it again.
- C The east side of Barrington Street is changing; a ramp is being built out of Barrington into the bridge and it was unknown what further development would take place from the Cogswell interchange.
- C This Public Hearing taken together with the Public Hearing in two weeks time for the extension to the back of Hope Cottage to provide additional meals will allow entering the winter season believing that we have heard the call of the homeless.

Lulu Keating, 2125 Brunswick Street

Ms. Keating, co-homeowner, speaking against the application, made the following comments:

- C The new location for Metro Turning Point has to be one that works for the whole community. The proposed relocation does not work for the community.
- C Will there be good community feeling if there is any incident that impedes on the homeowners in the area. Frequently, fire trucks are at Metro Turning Point and there was an attempt to burn the church a second time. It was not a question of keeping Turning Point out but integrating it with the community. It has to be an equitable agreement.
- C There were references to the fact that residents were speaking from fear but the fear is a real concern. Some residents of Turning Point have had mental health problems or are emotionally unstable. This small minority of people does represent a real threat to children, to the properties and to the community. It would be better for Turning Point to continue to look for an alternative location where there are no abutting neighbours so the next time the fire trucks are called, it is not against the fence of an abutting neighbour.

**MOVED by Councillors Hetherington and Greenough to close the Public Hearing.
MOTION PUT AND PASSED.**

Councillor Downey stated he did not support the present proposed site. He supported the homeless but, when the proposal came before Council, Turning Point asked for the present building to be turned over for one dollar. When people talked about realignment of Barrington Street and were putting this ahead of the homeless, nothing was going to happen to the east side of Barrington Street for 10-12 years. HRM owns all kinds of land in the neighbourhood where Turning Point could go. He recognized the present building was unfit but it was up to HRM to close it; he asked why it was not done a long time ago. The present building could have been torn down and another one built when they asked for it for one dollar. Now they were asking for the site across the street for one dollar. He supporting finding a location on the east side.

Councillor Hendsbee stated he supported the recommendation. As Chairman of the Grants Committee, this organization has been before the Committee the last couple years trying to find a home for the homeless. "The Jungle" site was probably the best location to put a new facility and get rid of a dangerous area. It would auger well with the neighbourhood, and fit in aesthetically. If the residents wanted to buy the property, he asked what would they do with it - make it a garden where it would still be used as "the Jungle".

MOVED by Councillors Hendsbee and Mitchell that Council sell HRM properties as specified in Appendix 1, to the Metro Turning Point Society, a charitable, non-profit organization, at less than market value for the purpose of relocating their men's night shelter from 2155-57 Barrington Street which is no longer suitable for use. The recommended price is one dollar.

Councillor Cooper expressed concern with the process to date, particularly the short time frame and when there were so many sides involved. There is a threat of future use of the east side of Barrington Street although there was nothing concrete. What was important was the future of the Turning Point - societal issues. He agreed with Councillor Harvey that the short term problem had to be addressed. He wanted to see reconsideration given to the complete strip along Barrington Street to make the residents feel more comfortable.

MOTION PUT AND PASSED (WITH A TWO-THIRDS VOTE BY A SHOW OF HANDS).

Councillor Harvey stated that HRM was a landlord as far as Metro Turning Point was concerned at this time. It was ironic that HRM wanted to close down rooming houses that were unsuitable yet HRM owned one itself.

MOVED by Councillor Harvey and Deputy Mayor Rankin that staff, in conjunction with Metro Turning Point and Department of Community Services, report on a short term solution before Regional Council recesses for the summer to advise where Metro Turning Point could move to temporary quarters, which would be safe and healthy.

Councillor Harvey said it may sound like a very tall order to find a place for 30 people but if there was a natural disaster, thousands of people could be housed in hours. EMO might have some suggestions and there might be some opportunity to utilize schools during the summer break.

MOTION PUT AND PASSED.

MOVED by Councillors Walker and Mitchell to hold a recess. MOTION PUT AND PASSED.

The recess took place at 9:20 p.m. and Council resumed at 9:45 p.m.

3.6 CASE 7629 - DEVELOPMENT AGREEMENT APPLICATION - WATERFRONT DEVELOPMENT CORPORATION AND SOUTHWEST PROPERTIES LIMITED - BISHOP'S LANDING

- C A Report from Peninsula Planning Advisory Committee dated June 8, 1998, on the above noted, was before Council.

Written submissions were received from the following:

Paul Suanis/Michaele Matthews
E. Joy Smith
Waterfront Development Corporation
Heather Drope and the Mayor's response
Andrew Orr and the Mayor's response
Emma Katherine Pye
J. A. Smith, M.D.
Citizens of the Waterfront

With the use of overheads and pictures, Mr. Paul Morgan, Planner, presented the Staff Report.

Mayor Fitzgerald asked how Council wished to proceed, since it was 10:00 p.m.

MOVED by Councillors Uteck and Blumenthal to extend Council's time frame until the public submissions are heard and make a decision then on how to proceed. MOTION PUT AND PASSED UNANIMOUSLY.

Mayor Fitzgerald then called for speakers for or against the application. It was agreed to allow speakers five minutes.

Greg Taylor, Secretary-Treasurer, Downtown Halifax Business Commission

Mr. Taylor, reading from prepared text, made the following comments:

- C Downtown Halifax Business Commission's Strategic Plan included an initiative to encourage more medium to high density residential housing in downtown and the waterfront area.
- C The Commission supports the further development of residential uses in the downtown core.
- C He provided statistics on the economic benefits of the proposed project.
- C The Commission was in support of further development of residential uses in the downtown core.
- C He did not want to defend the merits of a specific project but, from a policy perspective, the Commission supports residential development.

Mr. James Young, Atlantic Provinces Masonry Industry, Fredericton

Mr. Young, speaking in support of the application, made the following comments:

- C Not only will a development of the stature of Bishop's Landing help the land value of the surrounding area, it will beautify the area with an aesthetically pleasing combination of masonry materials. The combination of clay brick, sandstone and granite will help blend in with the downtown.
- C A project of this magnitude will be beneficial to the local economy, about \$2 million in masonry construction.

Mr. Paul MacKinnon, Edinburgh Street

Mr. MacKinnon, speaking on behalf of the Spring Garden and Area Business Association and in support of the application, made the following comments:

- C The Association's policy is to encourage and support the residential development in the downtown core. It was time to bring people back to the downtown. A prosperous downtown was good for the entire Municipality.
- C A parking lot is not the best use of the land in question, although there was a requirement for customer parking. Any parking lost because of development should be replaced in some manner.

Mr. Fred Kilcup, Manager, Halifax Farmers Market

Mr. Kilcup, speaking against the application, made the following comments:

- C Given that the Planning Advisory Committee is recommending that no public parking be allowed on the harbour side of Lower Water Street, this would have a serious impact on the Farmers Market and may cause them to leave downtown. Why would this be the only area on the waterfront not permitted to have public parking.
- C The Market made a proposal to Waterfront Development Corporation in 1992 to develop the Bishop's Landing site but did not receive any support from other levels of government. There was also a request made to move the Market to other municipally-owned buildings with no support. The reason was that the Market should stay in the downtown where it belongs.
- C Another market is being developed on the Dartmouth Waterfront, with federal/provincial/municipal funding including parking, yet the Farmers Market gets no support from any government body.
- C Vending space is provided to 100 local independent producers from urban, suburban and rural areas of HRM and other areas of Nova Scotia. If the Market disappears, owners and farmers will lose jobs and income.
- C Support for the market represents an opportunity for Council to build ties between the many diverse areas of HRM.

- C There should be simple consideration of basic needs, parking integrated into a waterfront setting encompassing commercial, residential development that provides access for customers.
- C A true Farmers Market cannot survive without street level parking.

He submitted 550 letters supporting the position of the Farmers Market.

Mr. Peter Delefes, MLA Halifax Citadel

Mr. Delefes, speaking in opposition to the application, made the following comments:

- C The waterfront properties should be developed for the use of all Haligonians and Nova Scotians.
- C As the MLA, he had concerns with the role of the Halifax Waterfront Development Corporation which was a provincial Crown corporation, in planning the waterfront, particularly with Bishop's Landing.
- C Approval should be withheld until such time as a detailed area Plan for the entire waterfront area can be prepared with input from the community at large.
- C Waterfront Development Corporation had a lack of consultation with the general public in planning for the waterfront. This was a source of the problem that many citizens had with the project.
- C There was an ineffectual Municipal Development Strategy as it pertains to the waterfront area. It was vague in many areas and did not meet all of the criteria.
- C Waterfront Development Corporation, over the past 20 years, has acquired a large number of projects without consulting the general public. It maintained it had a plan and engaged in a consultative process with key stakeholders, not including the public. Each of the projects evolved as a separate entity without a vision of how the entire waterfront might look. Most projects to date have been successful and attractive.
- C By acquiring two properties which had approved developments of 13 and 16 stories, the Corporation has been able to prevent high rise development from proceeding.
- C Had the public been consulted in the formulation for the Bishop's Landing site, the Bishop's Landing proposal would never have reached the drawing board.
- C In recent weeks, a Petition to stop the development, has been signed by about 2000 people. What was most objectional was the proposal's scale and appearance. It was an overpowering, monolithic structure. The buildings would occupy most of the land area between Water Street and the walkways with a minimum open space for public use. A large section of the view of the harbour will be cut off and possibly create a wind tunnel effect along Water Street.
- C According to many, including the Heritage Advisory Committee, the proposed development contravenes a number of sections of the Municipal Development Strategy.

- C Residential buildings should be integrated with commercial space, parkland, open space, parking, marinas and pedestrian walkways with all areas of the development well planned, aesthetically pleasing and in the right scale.
- C The objection of many people to the project in no way impugns the reputation of the developer, Southwest Properties nor Dr. Jim Spatz.

Councillor Schofield commented that he thought the Heritage Advisory Committee's concerns had been addressed.

Mr. Winston Settle, Stewiacke

Mr. Settle, speaking in opposition to the application, made the following comments:

- C Residential should be away from the water, not on the waterfront side.
- C He expressed support for the Farmers Market.
- C There has been a lack of consultation on the part of Waterfront Development Corporation.
- C If there is no parking across from the Farmers Market, it will push the Market out of its present location.
- C The helipad will continue to be used, including helicopters from the Offshore. This was not compatible with residential uses.
- C There should be standards and criteria for the waterfront including that land use be for public purposes and not confined for use by a limited number of persons.

Mr. Fred Were, President, Waterfront Development Corporation

Mr. Were, speaking in support of the application, made the following comments:

- C Farmers Market was important as well as parking revenues to the ability to maintain and improve further public walkways.
- C By the year 2000, it was anticipated that a public walkway will be completed from the Casino site south to the cruise ship and Pier 21 facility.
- C There was sensitivity to human scale development. The density on the 13 and 16 story developments was 400% more than the density on the proposed site. The present proposal is a low density, low rise development.
- C Development of South Battery would allow for development on a human scale and density that everyone wanted. While there was a comment made that there has not been sufficient consultation, the project was announced after the selection of the developer. There was consultation prior to that through consultants. The acquisition of the former Cunard site along with the other two sites provides an unparalleled opportunity to ensure there is an exciting development with sensitivity to the people who want to live and work in the area.

- C This development will contribute needed taxation revenue. The project will be a very dynamic catalyst for developing the economy of the downtown business community. The solutions discussed with Council and staff on parking and other important issues will balance and answer the concerns.

Mr. Charlie Martin, Lower Water Street

Mr. Martin, speaking against the application, made the following comments:

- C If a large scale project were to go elsewhere in the downtown area, the economic spinoffs would be the same. This was the last large piece of land on the waterfront. If something was built now, it would be there forever.
- C There has never really been a Plan that invited the public to participate. Will there be, sometime in the future a wish that something else had been done with the land, i.e. a world-scale aquarium. There needed to be a long term plan that the public could participate in.
- C The Planner indicated that 38% of the project would be public land but when he looked at the walkway, he felt he would be walking in somebody's back yard. The walkway being opened shortly would be used but once Mr. Spatz's building opened, he felt the public would use it far less.
- C A view of the waterfront was not if you stand in a certain doorway and look through a corridor and see the water.

Mr. Bill Campbell, Director of Planning and Development, Waterfront Development Corporation

Mr. Campbell, speaking in favour of the application, made the following comments:

- C During the consultation process when the development was in front of the public, there were comments made that there was a need for a Plan for the waterfront. There was, in fact, a Plan which was used in evaluating the development.
- C As part of Halifax's overall planning strategy, there is a detailed Plan for the Halifax Central Business District, of which the waterfront is part, which was developed in the mid-70's with public consultation and approved in 1978.
- C During that same period, a detailed Plan was produced for the Halifax waterfront development area which was also approved in 1978 and had considerable citizen participation. There were over 60 policies which the proposed development met.
- C Staff, Planning Advisory Committee and the Heritage Advisory Committee made a recommendation for approval, which was based on evaluation of those policies.
- C In 1980, there was collaboration on a very detailed design process where criteria was developed for the Halifax waterfront development area. Those documents are used to this day to help design and give the vision to the waterfront area.

- C In 1985 there was a review by the City to extend the Central Business District from Salter Street down to the Nova Scotia Power Corporation property. It was not extended that far, however, and Council reaffirmed the residential intent of developing this land.
- C In the mid-1980's there was a detailed design study begun but not completed. Although not completed, an analysis shows that much of the development meets the policies of the document which was in a draft form in front of the public.
- C In 1990, Waterfront Development Corporation undertook a market feasibility study for the property in an attempt to determine the best possible use for it.
- C in 1995, Waterfront Development Corporation developed a Strategic Property Plan which involved consultation throughout the community with major stakeholders. It also developed a Strategic Business Plan and undertook a wide user survey of users of the waterfront to determine what types of uses they wanted to see.
- C In the mid-1990's the former City undertook a study of parking needs in the downtown which resulted in the very important strategy now being implemented by HRM to develop a new parking facility. Part of the rationale for the facility was the eventual loss of the temporary parking on the waterfront.
- C All this planning work over the past two years has culminated in this development which Waterfront Development Corporation and Southwest Properties are proposing. There has been significant planning.

Ms. Gloria Shebow, Tobin Street

Ms. Shebow, speaking against the application, made the following comments:

- C The proposed development was a plan to obliterate the last truly accessible panoramic view of the harbour to put up an apartment complex when an apartment complex could actually beautify some of the empty lots on the other side of the street or Hollis Street.
- C Transforming the parking lot into green space with a treed parking area with low lying shrubbery would be an asset to the community. Beneath some of that green space, a treatment plant could be installed to help clean the harbour.
- C The quick fix to financial problems is not necessarily the right one when you look down the road a few years. This would be the final and most devastating blow to deprive a clear view of the beautiful harbour.
- C Tourists spend more than locals. The proposed apartments will be luxury apartments but there was the possibility that those who would live there would only spend a portion of the year there.

Ms. Shebow showed six pictures of the area and indicated views of the harbour.

Ms. Tara Shebow, Tobin Street

Ms. Shebow, speaking against the application, made the following comments:

- C Having lived in Vancouver and experienced apartment buildings along the waterfront there, it was very cold and you felt you were walking in someone's backyard.
- C At least part of the Halifax waterfront could be used for recreational uses to bring more money to the downtown area.

Mr. Hugh Pullen, 6262 Oakland Road

Mr. Pullen, President of the local Residents Association, speaking against the application, made the following comments:

- C At the Public Information Meeting in January, the architect indicated that 40% of the available land would be used implying that the public interest area constitutes the majority of the development. Most of the public interest area is waterlot. Despite the claim of 60% public use, the two buildings will dominate the actual land available. Few municipal taxpayers will use the waterlot unless they own a boat. There will either be crowded public space or a perception of private territory for building residents.
- C Despite the Implementation Policy in the Municipal Planning Strategy, 3.5.2 and 3.5.5 and Attachment V of the Development Agreement application, there is perception that the Development Agreement and precedents are used to circumvent the Halifax Waterfront Development area objectives and policies. Policy 2.3.3.3 concerning residential development of high density low rise buildings is ignored. Buildings along Lower Water Street should only be maximum of four stories instead of a minimum of five.
- C There is a perception that development is piecemeal, uncoordinated and market driven rather than publicly oriented. Questions arise concerning the whole area, i.e. the future of the Farmers Market, the location of the sewage treatment plant, adequate parking facilities, development on other vacant spaces, conflict with the future use of the Port.
- C This development should be delayed until there is an agreed and acceptable Plan for the whole area - Sackville, Hollis, Terminal Road and the waterfront. The Bishop's Landing proposal should be scaled back so it does not dominate the area quite so much.

Ms. Rosalie Morash, Fergusons Cove

Ms. Morash, speaking against the application, made the following comments after showing a picture of the sign that had been posted on the waterfront indicating the proposed development.

- C The citizens do not want the project. Rather than enhancing tourism, it sabotages what is best about Halifax by destroying a generous open view of the harbour with a historical setting and the Brewery as anchor.
- C It negatively affects the Brewery Market and the accessible parking.
- C The so-called public areas of the development are too confined and since directly under the windows of apartments, not credible as public areas.
- C The complex will create a tunnel affect on Lower Water Street and block views for future apartment buildings, i.e. Lower Water and Morris.
- C Once the ambience of the area is destroyed, no amount of planning for the remaining sites will rescue what could have been.
- C There could be a compromise with those who wanted to bring in revenue to the downtown.

Ms. Morash showed a site design for the area which was proposed in consultation with others as an option.

Mr. Derek Power, Brunswick and Cornwallis Streets

Mr. Power, who had a kitchen in the Brewery Market, speaking against the application, made the following comments:

- C The younger people in the area would rather have studios or something more creative and use the waterfront for walks.
- C It was necessary to focus on being a city of the new Millennium rather than a city from the old school. There were many options for the waterfront where HRM can make money rather than going for the big projects.
- C As a member of the Farmers Market, he found it difficult to do business here as a young person. There were other options than Mr. Spatz's development.

Mr. Barry Zwicker, Wallace Macdonald and Lively

Mr. Zwicker, President of the Urban Development Institute of Nova Scotia, speaking in support of the application, made the following comments:

- C UDI had a presentation from Waterfront Corporation and Southwest Properties with respect to the project. Following that, there was a motion for UDI to support the project as a needed residential project on the waterfront which was passed unanimously. Neither of the above were members of UDI.
- C UDI would be holding a Canada Conference hopefully in 1999 in Halifax. They wanted to see the diversity in residential development and the waterfront developments in Halifax, Dartmouth and Bedford, which were all seen in a positive light.

Mr. Ken Evong, 99 Lincoln Cross Road, Halifax

Mr. Evong, speaking in support of the application, made the following comments after advising he owned a heritage property close to the proposed project:

- C The more people living in the downtown area in developments such as Bishop's Landing will stimulate business and provide more tax revenue.
- C He wanted to move to Bishop's Landing to live and enjoy the unique businesses in the downtown core there now and those that will develop as the result of Bishop's Landing. There is a waiting list for people to live in Bishop's Landing now.
- C Delaying the project will result in other developers who may want to locate downtown from doing so and go somewhere else.

Mr. Graeme Duffus, 1110 Barrington Street

Mr. Duffus, Barrington South Neighbourhood Group, speaking against the application, made the following comments:

- C He gave a history of development since 1983 re planning issues. In particular, he referred to the fact that in 1987 staff decided it was not important to carry on with the plan and put it in abeyance.
- C It was important to understand where the project does not conform to the policies, particularly heritage policies. Heritage Advisory Committee had listed a number of things they felt there was non-conformance. He questioned the quorum of 4-2 for Planning Advisory Committee.
- C Policy 3.5.5 did not conform. As well, residential development in the southern sub-area should be either low rise high density or mixed use with commercial services related which meant the project did not conform.
- C If this application was approved, he believed there were strong grounds for appeal to the Utility and Review Board. If there was a commitment by Council to undertake a very quick secondary planning for the southern sub-area or remaining waterfront lands within nine months, it would go a long way to alleviating people's concerns.
- C The Market would not survive without parking.

Mr. Bill Mont, Halifax

Mr. Mont, speaking against the application, advised he had no businesses along the waterfront but made the following comments:

- C There would be not much of a view from the Brewery. The waterfront was priceless.
- C He was not against Mr. Spatz but disturbed with the Waterfront Development Corporation who are the guardians of the people's waterfront. There was a need for

- a large open area in the downtown for big events. The planned residential development will create a high wall blocking off most of the Brewery building.
- C With over 300 units involved, there would be raw sewage going right out into the harbour.
- C Tourism potential in the area is tremendous and if the residential project goes through, he suspected that other smaller properties on either side could go residential as well which would leave no large open area on the waterfront.
- C Peninsula Planning Advisory Committee had only four members out of 10 or 12 voting in favour. This did not represent a large group. Even Heritage Advisory Committee put 12 points of concern attached to their decision.
- C He was not against office and residential development on the waterfront if it is done in the proper place. The project could be downsized and moved over towards Salter Street away from the Brewery.
- C Was there an archeological assessment of the site. Federal land was supposed to be given over to the Indians first.

Ms. Ann Archibald Fraser, Calgary/Larch Street, Halifax

Ms. Fraser, speaking in opposition to the application, made the following comments:

- C This was a handsome development and a quality building but it was the wrong building in the wrong place. High rise does not belong on the waterfront. People can see from their apartments on the seventh floor whether they are 10 blocks from the harbour and did not need to be spitting distance of the harbour. There should be setback on the high density buildings.
- C It was a pleasure to emerge from the Market through the arches and see the harbour.
- C With this particular piece of land, there was a once-in-a-lifetime chance and it was time to look at it again, think about the density and view.

Ms. Elizabeth Snell, 5184 Bishop Street

Ms. Snell, speaking against the application, made the following comments:

- C The project is designed from only one street point of public access to send the very opposite signal. The Bishop Street entrance is too narrow and the buildings too encroaching. Instead of beckoning the public in towards their tax supported boardwalk and percentage of public land, it sends a message of private property - keep out - no trespassing - for tenants only.
- C Why not site the buildings which flank the one street opening back from Bishop Street so as to be more inviting and allow a lateral view of the water.

Ms. Katherine Tucker, Northridge Road, Halifax

Ms. Tucker, speaking against the application, made the following comments:

- C She was not opposed to residential development downtown but was opposed to putting the apartment complex on the last bit of undeveloped waterfront land in the downtown.
- C There was a need for more tourists to come to Halifax yet the current waterfront space soon will not be able to accommodate them. There should be space to accommodate festivals and other public gatherings.
- C The waterfront should be a place of enjoyment for everyone, not just for a few.

Ms. Iris Steele, Bedford

Ms. Steele, speaking against the application, made the following comments:

- C It should be kept the way it is instead of building ugly high rise buildings, destroying the heritage.
- C The area should be parkland.
- C As for the boardwalk, you would be able to be there when they flush their toilets in the proposed apartment building and watch it rush out into the harbour.

Mr. Alan Ruffman, Fergusons Cove

Mr. Ruffman, speaking against the application, made the following comments:

- C This was land that was going to be sold for less than market value and which was being put together in a planning vacuum. As more and more people learned about the project, more began to get interested.
- C Every sq. ft. of this land was purchased at \$50 sq. ft. by the provincial government to bail out National Sea Products. Then because some of the land did not belong to Waterfront Development, it had to go back and purchase part of the boardwalk for \$15 sq. ft. The citizens had a huge investment in the land.
- C He was frustrated with the lack of planning. There was the Municipal Development Plan for 1978 but Heritage Advisory Committee and Planning Advisory Committee expressed concerns about that. He recommended it be deferred and think about what part of the waterfront could be kept for walkways and views and instruct staff to get serious about a planning study that will go from the Summit Place to Pier 21.

International Brotherhood of Electrical Workers

A gentleman, speaking on behalf of the above and in support of the application, made the following comments:

- C The development will create many needed jobs for members and other workers in the construction industry.
- C The spinoff effects of the project will enhance and enrich businesses in the downtown core.
- C There will be an increase in the tax base.
- C It will help suppliers of materials in the construction industry.

Ms. Nancy Curley, Smith Street

Ms. Curley, speaking against the application, made the following comments:

- C Much of the general public is not aware that the Waterfront Development Corporation belongs to the people of Nova Scotia; however, it appears the WDC is not acting on the people's behalf but as a commercial real estate company.
- C The land was purchased for \$4 million; how could the Waterfront Development Corporation explain why they were willing to sell the land for \$2 million.
- C The original architect's drawing indicated five stories. By January, 1998, there were nine stories. She had the original drawings even though Mr. Spatz had indicated there had been no change in the drawings.
- C The helipad cost the taxpayer \$800,000 but there was question whether it would stay if the people paying a lot for their fancy development did not want it. Someone had told her it would be moved which meant more cost to the taxpayers.
- C There will be a wonderful marina and front walkway for the residents of Bishop's Landing but others would feel like intruders.
- C Selling the last piece of beautiful waterfront would be like selling the picturesque Public Gardens.

Ms. Curley submitted further pages of a Petition signed against the development.

Mr. Jim Spatz, President, Southwest Properties Ltd.

Mr. Spatz, speaking in support of the project, made the following comments:

- C He provided background information on the development, ownership and management of properties throughout Halifax and Bedford over the past 50 years by his company.
- C Having responded to a public proposal call, Southwest Properties' proposal was evaluated against other proposals and was fortunate to be selected. An agreement was subsequently concluded to jointly develop the site. The plan will balance the private development with significant and enhanced public access and amenities to be developed by WDC.
- C Southwest will lease, with an option to purchase, approximately 60% of the land site for construction of 238 apartments in two buildings, which will be the best rental

- accommodations in Halifax. WDC will maintain public ownership of approximately 40% of the site as well as the entire waterlot which will be developed for public access. Bishop Street will not be narrowed but continued down between the two buildings and will, in fact, be widened. Bishop Street will open onto a new public plaza, over an acre in size, that will be similar to what you see at the bottom of Sackville Street and, when not required for events, will be available for much needed parking.
- C Parking on the site is important, notwithstanding that PAC recommended acceptance of the proposal but without parking.
- C There will be a new public plaza, an extension of the boardwalk along the entire water's edge at 20', a new public park where people can actually sit, a redevelopment of the helipad wharf for emergency use only.
- C The marina will be available to anyone with a boat to come, dock and explore the downtown at no charge.
- C If the development goes ahead, Southwest will make a significant contribution to the development of all the public spaces. To say that this is shutting off access to the waterfront, when the reality is that there is a gravel parking lot there, is just not the case.
- C The residential component will see 6-700 new residents living downtown. There was presently a waiting list of over 100 people who wanted to make Bishop's Landing their home. It will add approximately \$300,000 annually in property tax to HRM's revenue with very little new cost.
- C Halifax's Municipal Plan targets the goal of having more people live downtown and targets this very site for residential development. The plan developed by the citizens initiative in the 1980's - the proposal was largely in accord with it. Staff has said the development meets all the shalls and 98% of the shoulds.
- C As to the effect of the plan on the neighbourhood, there were concerns regarding the height of the proposed development. Southwest unilaterally decreased the height by two stories in order to be responsive and try to make the project that any reasonable person could support. It was now six stories above enclosed parking.
- C The Brewery will have 6-700 new customers for the Farmers Market who will not need to drive but simply walk across the street to shop.
- C The people who presently shop at the Farmers Market can park in the parking provided with this development, the land to the north and south, the new municipal parking structure and finally they can park in Southwest's building.
- C Southwest was committed to continuing to own the building and to improving the neighbourhood.

Councillor Hendsbee referred to a letter signed by the owner of the Brewery properties that he was in support of the project and feels it will improve the business for the retail tenants of the Brewery.

With regard to the public component of the property - 40%, Councillor Hendsbee said he hoped the tenant would be aware that it was for public use and with public use comes noise.

This was a critical area for such things as the Buskers and the Jazz Festival. In response, Mr. Spatz pointed it would be an apartment building. He agreed, however, to make this crystal clear to prospective tenants. From the outset, as part of the agreement with Waterfront Development Corporation, during the daylight hours and into the evening, people should be aware that if they wanted a quiet place to live, they should live elsewhere.

At 12:05 a.m., Mayor Fitzgerald acknowledged it was Canada Day and wished everyone Happy Canada Day.

With regard to parking, Councillor Mitchell asked if there was an agreement to let the people from the Farmers Market use the parking lot and, if so, how many parking spaces would they be able to use. In response, Mr. Spatz said there was a parking lot proposed to continue in WDC's ownership between the buildings for approximately 50 cars. WDC recently acquired the properties to the north and south and the long term solution was to build a parking structure for the entire downtown. The lot that HRM has purchased is adjacent to the Brewery Market block. From Southwest's point of view, they wanted the Farmers Market to thrive and anything they could do to help it happen, they would do including making excess parking available for Saturday morning.

**MOVED by Councillors Hendsbee and Hetherington to close the Public Hearing.
MOTION PUT AND PASSED.**

MOVED by Councillors Hendsbee and Downey that the Development Agreement proposed by Waterfront Development Corporation and Southwest Properties Ltd. be approved.

A recorded vote on the motion took place.

MOTION PUT AND PASSED.

Those who voted in favour were: Councillors Dooks, Snow, Hendsbee, Greenough, Sarto, Hetherington, Schofield, Cunningham, Blumenthal, Downey, Uteck, Fougere, Stone, Barnet, Harvey, Kelly, Deputy Mayor Rankin, Councillor Mitchell and Mayor Fitzgerald.

Those who voted against were: Councillors Cooper, McInroy, Walker and Hanson.

Councillor Adams was absent.

The vote was 19 in favour and 4 against.

On a Point of Order, Councillor Hendsbee stated that with all the other concerns expressed by the public with development in the area, staff should be instructed to initiate a planning process for the rest of the lands from Summit Place to Pier 21.

When this was not met with acceptance, Councillor Hendsbee asked to put this forward as a Notice of Motion.

Mayor Fitzgerald ruled his request out of order.

4. ADJOURNMENT

MOVED by Councillors Dooks and Hetherington that the meeting adjourn at 12:10 a.m. on July 1, 1998.

Vi Carmichael
Municipal Clerk