

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL
COMMITTEE OF THE WHOLE
MINUTES

March 24, 2009

PRESENT: Mayor Peter Kelly
Deputy Mayor David Hendsbee
Councillors: Steve Streach
Barry Dalrymple
Lorelei Nicoll
Andrew Younger
Bill Karsten
Jackie Barkhouse
Jim Smith
Mary Wile
Dawn Sloane
Sue Uteck
Jennifer Watts
Russell Walker
Debbie Hum
Linda Mosher
Stephen D. Adams
Brad Johns
Robert Harvey
Tim Outhit
Reg Rankin
Peter Lund

REGRETS: Councillors: Gloria McCluskey
Jerry Blumenthal

STAFF: Mr. Dan English, Chief Administrative Officer
Mr. Wayne Anstey, Deputy Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Julia Horncastle, Acting Municipal Clerk
Ms. Shawnee Gregory, Legislative Assistant
Ms. Melody Campbell, Legislative Assistant

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6. CALL TO ORDER

The Mayor called the meeting to order at 9:50 a.m.

7. APPROVAL OF THE MINUTES - March 3, 2009

Deputy Mayor Hendsbee advised that he was not in attendance at the March 3, 2009 meeting.

MOVED BY Councillor Wile, seconded by Councillor Nicoll, that the minutes of March 3, 2009 be approved as amended. MOTION PUT AND PASSED.

3. HRM BY DESIGN

C A report dated March 17, 2009 was before Council.

C A report dated March 13, 2009 was before Council.

Ms. Dale Godsoe, Chair of the Urban Design Task Force, provided opening comments prior to the presentation. She advised that the plan would be coming forward for first reading on April 7, 2009 with the public hearing being scheduled for the beginning of May.

Mr. Andy Fillmore, HRM By Design Project Manager, provided the presentation on HRM By Design as it pertained to design, height, heritage and process involving the process for plan adoption.

Councillor Rankin entered the meeting at 10:42 a.m.

Council recessed at 10:49 a.m.

Council reconvened at 11:14 a.m.

A discussion ensued with Mr. Fillmore and Mr. Paul Dunphy, Director of Community Development, responding to questions of clarification. The following points were noted:

C The HRM By Design Lunch and Learn session was provided for new Councillors and no information had been provided there that the public had not received, however, the information from that particular session would be made available;

C Height bonusing will be administered by both of the development officer and the Design Review Committee. They will work within the body of the plans and initiatives that are underway to ensure balance;

- C There will be mandatory public consultation at the beginning of the design and pre application process in the form of public information meetings, kiosks and enhanced use to the planning website;
- C There will be no height bonuses in the designated heritage areas;
- C Affordable housing was more part of the HRM functional plan; not HRM by Design.
- C The Regional Parking Strategy addressed the downtown parking issue; not HRM by Design.

Councillor Johns entered the meeting at 11:56 a.m.

Mayor Kelly advised that Item 4 - HRM Revised Debt Servicing Plan would be deferred to the March 31, 2009 Committee of the Whole meeting.

Council recessed at 12:04 p.m.

Council reconvened 1:30 p.m. with Deputy Mayor Hendsbee as Chair.

Council continued discussion on the HRM by Design presentation.

Councillor Outhit stated that HRM needs to continue to invest in its economic development.

Mayor Kelly entered the meeting at 1:34 p.m. and assumed the Chair.

Councillor Sloane suggested that HRM work with the province to ensure all types of housing are located in the area.

Councillor Adams entered the meeting at 1:37 p.m.

In response to a question by Councillor Sloane, Mr. Fillmore advised that the provincial heritage strategy time frame is 2008-2013. Mr. French in response to a question by the Councillor, advised that the proposed incentives offered to owners working on their properties will not be retroactive.

Councillor Mosher and Councillor Barkhouse entered the meeting at 1:40 p.m.

Councillor Watts advised that the open house concept is not the best model, noting that public consultation enables individuals to speak to the issues.

Councillor Smith noted that this process included two and a half years of public consultation, adding that although not perfect it is certainly moving in the right direction.

Councillor Watts suggested that other forms of density can be created by building out, not always building up. She expressed concerns regarding sustainability, environment and historic design.

In response to a query by Councillor Watts, Mr. Dunphy clarified the role of the functional plans and its relation to HRM by Design. The Councillor advised that time lines for the functional plans would be helpful. Mr. Dunphy advised that these plans come to Council every year for review.

Councillor Sloane suggested that HRM work with the Province to determine what will take place on the Provincial Government's undeveloped land.

In response to a question by Councillor Watts, Mr. Fillmore advised that the plazas and the esplanade planned near the Citadel will bring the Citadel area back to the daily life of HRM residents. The details of the area will be addressed in the transportation and street scape functional plans. Councillor Watts advised that not all areas need to be developed as open space is important to the area.

In response to a query by Councillor Walker, Mr. Fillmore advised that the Cogswell Interchange lands are in mid to long term planning. He added that Council will be advised in the coming months of the plans for the Queen Street lands.

Councillor Watts raised concerns regarding the site plan approval process adding that public consultation needs to take place. Mr. Fillmore advised Council that public consultation has taken place many times along the process and that staff are adding other communication methods as well.

Councillor Harvey stated that there has been no lack of public consultation during this process, adding that it has been a three year process.

Mr. Austin French, Supervisor, Planning Services, and Ms. Kelly Denty, Supervisor, Planning Applications, presented HRM by Design - Active Development Agreement Applications and Trade & Convention Centre Project to Council.

Following the presentation, the following issues were brought forward by Council as it related to the active development agreement applications:

Councillor Sloane advised that the developers knew when they submitted their applications that HRM by Design was moving forward. She suggested that the two applications on Barrington Street not be grandfathered due to the proposed Barrington Street Heritage Conservation District.

Councillor Uteck noted that these developers bought land and have gone through the process in good faith with HRM. Mr. French advised that active applications are applications that have gone through the process including all required studies. Ms. Donovan clarified that the decision regarding these applications is open to Council as there is no as of right to the proposals.

In response to a question by Councillor Outhit, Mr. French advised that the developments proposed for Barrington Street do not affect the viewplanes. Mr. French advised, in response to a question by the Councillor regarding development time lines, that the three year option is a concession. The Councillor advised he would like to have the development time frame shortened to one or two years, preferably one year.

Councillor Younger advised that he can see the merits in options, adding that his inclination is to not grandfather any of the applications.

In response to a question by Councillor Lund, Mr. French advised that if HRM by Design is approved, the proposals are redundant.

Councillor Walker questioned whether these applications could be considered under HRM by Design. Mr. French advised that they could with each site having a specific policy attached.

Councillor Wile raised concerns regarding building height in reference to the proposed Barrington Street Heritage Conservation District as indicated in the development agreement applications. She added that these proposed heights would not fit in the area.

Councillor Harvey stated that if the applications are grandfathered, it will erode the integrity of HRM by Design and the proposed Barrington Street Heritage Conservation District.

Councillor Younger advised that there have been many instances in HRM where grandfathering has not taken place.

Council brought the following concerns forward as it relates to the World Trade and Convention Centre.

Councillor Walker noted that this is a special project in HRM and should be considered so in HRM by Design.

Councillor Sloane raised concern that Council has no idea of how the site will look, as Council has not seen the plans.

Councillor Hum raised concern that the public interest clause is too vague, and she suggested that the terminology be fine tuned.

In response to a comment by Councillor Harvey, Mr. French stated that the Policy 89 draft was circulated to Council in the spring, adding that this policy relates to any project of this scale.

In response to a query by Councillor Younger, Mr. French advised that a provincial project could operate outside of municipal policy.

Council recessed at 3:40 p.m.

Council reconvened at 3:50 p.m.

Councillor Streach entered the meeting at 3:50 p.m.

Mr. Luc Oulette, Planner, provided the presentation MPS/LUB Amendments - Heritage Trust Alternative Proposal for Downtown Halifax to Council.

Following the presentation, the following issues were brought forward by Council:

In response to a question by Councillor Sloane, staff advised that if a proposal is not approved the \$1500 fee is returned to the appellant. The \$1000 processing fee is not returned. Although, in this instance only, the entire amount can be refunded. The Councillor clarified that if the proposal is not approved, Heritage Trust is able to come forward to speak during the public hearing.

MOVED BY Councillor Smith, seconded by Councillor Sloane that Regional Council approve in principal the design, plan and by-laws of HRM by Design being brought forward for First Reading April 7, 2009;

MOVED BY Councillor Walker, seconded by Councillor Adams the motion be amended to include the Halifax Herald and Midtown Site to accommodate the World Trade and Convention Centre and come back to Council with a proposal at First Reading. MOTION PUT AND PASSED.

Councillor Outhit suggested that the development time line be one year.

MOVED BY Councillor Watts, seconded by Councillor Sloane the motion be amended to include a report on an additional policy to be included under 3.23 of the MPS that Council prioritize the Housing Affordability Functional Plan and negotiate with the Provincial Government to develop legislation to enable HRM to require a percentage

of affordable housing in development proposal within HRM by Design. MOTION PUT AND PASSED.

MOVED BY Councillor Smith, seconded by Councillor Younger that Regional Council not grandfather the four current development agreement applications currently before HRM.

Discussion ensued regarding the merits of grandfathering or not grandfathering the applications.

Councillor Streach advised that he supports grandfathering in this case as they were submitted prior to HRM by Design.

Councillor Outhit stated that the World Trade and Convention Centre site was approved. He added that if these applications are not approved, Council will be inconsistent in its decisions.

Councillor Uteck advised these are four large projects for the area and they should be permitted by Council.

Councillor Mosher advised that staff has made a sound recommendation and she added that these developments need to go forward. She added that HRM needs to grow the downtown.

Councillor Johns noted these applications came in last May, adding that the developers were well aware that HRM by Design was coming forward.

Councillor Sloane raised concern that if these applications are grandfathered, it would undermine the integrity of the proposed Barrington Street Heritage District.

Due to time constraints Council agreed to adjourn and continue discussion on Tuesday, March 31, 2009.

4. HRM REVISED DEBT SERVICING PLAN

This item was deferred to March 31, 2009.

5. ADJOURNMENT

The meeting was adjourned at 4:53 p.m.

Ms. Julia Horncastle
Acting Municipal Clerk