

HALIFAX REGIONAL MUNICIPALITY

PENINSULA COMMUNITY COUNCIL MINUTES JULY 12, 2004

PRESENT: Councillor Sue Uteck, Chair
Councillor Dawn Sloane
Councillor Sheila Fougere
Councillor Jerry Blumenthal

STAFF: Mr. Mike Moreash, Municipal Solicitor
Ms. Sherryll Murphy, Legislative Assistant

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1. CALL TO ORDER

The meeting was called to order at 7:05 p.m.

2. APPROVAL OF MINUTES - June 14, 2004 (Regular) and June 22, 2004 (Special)

MOVED by Councillor Fougere, seconded by Councillor Blumenthal that the minutes of the regular meeting of Peninsula Community Council held on June 14, 2004 and the special meeting of Peninsula Community Council held on June 22, 2004, as distributed, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Item 8.2.1 - Appeal of the Decision of the Development Officer to Refuse a Variance Application at 2437 Davison Street was moved up on the agenda to be dealt with immediately following Consideration of Deferred Business.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet

4.1.1 Correspondence - Stuart Grossert, Questions re 6199 Coburg Road

- Correspondence dated July 12, 2004 from Mr. Grossert was distributed to members of Community Council.

Councillor Uteck noted that this matter was not yet complete and should remain on the status sheet.

4.1.2 Presentation/Public Participation - Use of Path, 855 Marlborough Woods

- An information report dated July 7, 2004 prepared for Paul Dunphy, Director, Planning and Development Services, was distributed to members of Community Council.

Noting that this report had been distributed to Community Council this evening, Councillor Uteck requested that consideration of the report be deferred to the September meeting. The matter is to remain on the status sheet until that time.

4.1.3 Public Participation - Eric Turner - Motion re Public Participation Process

No information regarding this matter was received. This matter will remain on the status sheet.

4.1.4 Public Participation - Mr. Alan Ruffman - Eligibility to Speak at Variance Hearing, Signalization - Veterans Avenue and Sidewalk - Foot of Hollis & Barrington Streets at Superstore

- The following information was before Community Council for consideration:
 - < correspondence to Mr. Ruffman providing an April 23, 2002 report from Barry Allen regarding the eligibility to speak at a Variance Hearing
 - < an e-mail from Ken Reashor, Traffic Authority, relative to signalization at Veterans Avenue
 - < information from Greg Rice, Design Engineer, relative to the sidewalk at the foot of Hollis & Barrington Streets at the Superstore

This matter can be removed from the status sheet.

5. MOTIONS OF RECONSIDERATION - None

6. MOTIONS OF RESCISSION - None

7. CONSIDERATION OF DEFERRED BUSINESS - None

8.2.1 Appeal of the Decision of the Development Officer to Refuse a Variance Application at 2437 Davison Street

- A staff report dated July 7, 2004 prepared for Mr. Paul Dunphy, Director, Planning and Development Services, was before Council for consideration.
- The following correspondence was distributed to members of Community Council:
 - < Letter from Kay Smith dated July 7, 2004 supporting the Development Officer's decision
 - < Letter from Carol Ann Karmanov, President, Greenstem Housing Co-operative in support of the appeal

Mr. Andrew Faulkner, Development Technician, briefly reviewed the July 7, 2004 staff report regarding the application for a variance at 2437 Davison Street. Mr. Faulkner advised that staff is recommending that Council uphold the decision of the Development Officer.

Mr. Faulkner then responded to questions from members of Community Council.

Councillor Sloane noted that the driveway is a shared driveway and will remain so.

The Chair called for persons wishing to speak in favour of or against the variance application.

Ms. Kathleen Smith, Halifax

Ms. Smith addressed Community Council noting that her concerns were twofold, concern with the shared driveway and with the density of the area. Ms. Smith indicated that, in fact, the variance being considered is significant for the area. Concluding her comments, she urged Council to make the right decision.

The Chair called three times for persons wishing to speak in favour of or against the proposed variance.

Hearing none it was **MOVED by Councillor Sloane, seconded by Councillor Fougere that Peninsula Community Council overturn the decision of the Development Officer and allow the appeal. .**

Councillor Sloane submitted the following two pieces of correspondence relative to this matter:

- < Letter from Kay Smith dated July 7, 2004 in support of the Development Officer's decision
- < Letter from Carol Ann Karmanov, President, Greenstem Housing Co-operative Limited in support of the application for a variance at 2437 Davison Street

MOTION PUT AND PASSED UNANIMOUSLY.

8. HEARINGS

8.1 Public Hearings

8.1.1 Case 00620 - Development Agreement - Gladstone Lands

- < A staff report dated June 10, 2004 prepared for Paul Dunphy, Director of Planning & Development Services, was before Council for consideration.

- Information relating to the Wind Impact Statement, Adjacent Commercial Zones, and the Shadow Study, along with sketches of the proposed development, were distributed to members of Community Council.

Mr. Paul Sampson, Planner, provided an overview of the proposal for a mixed residential development on 6.7 acres of land fronting on Gladstone and Clifton Streets as found in the June 10, 2004 staff report. He noted that the Nova Scotia Department of Labour and Environment is satisfied that the applicant's proposed action plan for environmental clean-up meets the Departmental requirements. Mr. Sampson indicated that the finalized action plan will have to be reviewed prior to any permits being issued. Concluding his remarks, Mr. Sampson advised that staff is recommending approval of the application.

The Chair noted that the proponent has submitted a package of information relative to the Wind Impact Statement and the Shadow Impact.

In response to a question from Councillor Blumenthal, Mr. Sampson indicated that if the development is approved, this Community Council could, when appropriate, request that a further traffic study be undertaken.

The Chair called for persons wishing to speak in favour of or against the proposed development.

Danny Chedrawe, Representing the Applicant

Mr. Chedrawe addressed Community Council and noted that Westwood Developments were chosen through a public tendering process by Canada Lands based on price, design and sensitivity to the neighbourhood. Mr. Chedrawe went on to make the following points with regard to the proposal:

- the development of these lands will revive an existing neighbourhood
- the development will include a variety of affordable housing types including seniors and families
- living in the heart of the city has many benefits including the fact that public transportation becomes an attractive option
- there are benefits to HRM, for example, very little money or no money will have to be spent on infrastructure
- the development will, in fact, enhance the infrastructure as the proposed park will be a turnkey situation which Westwood Developments will pay for and handover to HRM
- the design of the development blends modern architecture with the simplicity and charm of 1920s and 30s architecture

Concluding his remarks, Mr. Chedrawe encouraged Community Council to approve the proposed development.

Ms. Petrolla Koutralakis, Halifax

Ms. Petrolla addressed Community Council on behalf of her parents, Harry and Georgia Marcos, indicating that in general her parents liked the design. However, they do have concerns with regard to the height of the two residential towers. She indicated that a more appropriate height would be eight or nine stories. Ms. Koutralakis indicated that her parents were concerned about increased traffic and the density of the proposal.

Mr. Eli Chater, Almond Street

Mr. Chater addressed Community Council noting that he was the owner of the neighbouring residential building. Mr. Chater made the following points:

- In his opinion the wind impact study does not provide sufficient information with which to make a decision
- Requested that Community Council require as a condition of the development agreement that a complete wind impact study be undertaken by the proponent
- The shadow impact on his building is not minimum in his opinion
- The shadow from this development will have a negative impact on the energy performance of the passive solar energy capabilities of his building

Mr. Chater submitted his comments for the record.

Mark Ross, Windsor Street

Mr. Ross addressed Community Council expressing concern regarding the impact of allowing buildings of this height in this part of the city. Commercial buildings in the area are five to six stories. Mr. Ross indicated that allowing this development would change the character of the area to a large degree. Mr. Ross further noted that the public area appears to be a landscaped walkway.

James Caven, Gladstone Street

Mr. Caven addressed Community Council indicating that he was disappointed with how this development has proceeded. He commented that this development will totally change the character of the neighbourhood. Mr. Caven went on to express concern regarding the increase in density and the expanse of wall along Clifton Street. In conclusion, Mr. Caven indicated that the proposal should not be approved.

Bill Sewell, Deacon Street

Mr. Sewell addressed Community Council regarding the matter and made the following points:

- felt that the notice for the public hearing was insufficient and suggested that this was “development by stealth”
- expressed concern that locating a 13-14 storey building here was poor planning
- the proposed development will represent an enormous change in the neighbourhood and requires more discussion
- suggested that if seniors are to be living in these towers, there may be problems during power outages
- although the homes on Gladstone Street are in keeping with the neighbourhood and 1920s and 30s architecture, they certainly would not have had these towers located behind them during that period
- traffic, shadows and wind are all concerns
- traffic is already a problem on Deacon Street

Dan Goodspeed, Architect

Mr. Goodspeed addressed Community Council making the following points with regard to the proposal and the concerns of previous speakers:

- the development before Community Council is considered to be a medium density format
- if the proponent were to develop five or six storey buildings, there is a possibility that the site would contain seven buildings
- the development is located just off Robie Street and the applicant believes this is an appropriate location for mid to high rise buildings
- the height of the buildings has been reduced in recognition of the concerns regarding height
- the shadow studies indicate that the impact on 6116 Almon Street will be limited to the morning hours (none past noon)
- the wind study delineates the wind control measures incorporated in the design
- the wall on Clifton Street is only one storey rather than the 13 or 14 suggested
- an emergency generator will be installed in each building

Mr. Goodspeed responded to questions regarding the Gladstone streetscape.

Mr. Rod Campbell, Livingstone Street

Mr. Campbell addressed Council making the following points:

- the existing site is derelict
- the site is contaminated and there is a cost to that clean-up
- he considers this to be smart growth, right in the centre of the Peninsula
- this is a fantastic place to have residential development
- this type of development will stop the urban sprawl which is causing HRM such concern
- the proposal will address the need for affordable housing

In closing, Mr. Campbell applauded the efforts of the developer and Canada Lands in bringing this development forward.

Henry Duffett, Windsor Terrace

Mr. Duffett addressed Council pointing out that the contaminated soil would not be removed from the site, simply contained. He went on to express concern that the location of a 13 storey building in this area would set a precedent. Mr. Duffett commented that the six stories referred to earlier in the meeting sounds ideal. Mr. Duffett went on to note that traffic in the area is already a problem.

The Chair called three times for persons wishing to address Council in favour of or opposed to the development.

Hearing none, the following motion was placed.

MOVED by Councillor Blumenthal, seconded by Councillor Sloane that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

Following a brief questioning of staff it was **MOVED by Councillor Blumenthal, seconded by Councillor Fougere that Peninsula Community Council:**

1. **Approve the Development Agreement, presented as Attachment I of the June 10, 2004 staff report, to permit a mixed residential development on the Gladstone and Clifton Street lands.**
2. **Require that the development agreement be signed within 120 days, or any extension thereof granted by Community Council on request of the applicant, from the date of final approval by Community Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED UNANIMOUSLY.

8.1.2 Case 00605 - 12684 Grafton Street

- A staff report dated May 21, 2004 prepared for Paul Dunphy, Director of Planning and Development Services, was before Community Council for consideration. Also circulated to Community Council were visual representations for the proposed Midtown development from a variety of perspectives dated July 2, 2004.
- A report from the District 12 Planning Advisory Committee dated June 1, 2004 and a report from the Heritage Advisory Committee dated June 7, 2004 were also before Community Council for consideration.

The following correspondence was received relative to this matter:

- Fax from Sonia Salisbury Murphy, MD dated July 2, 2004
- Letter from Margaret Pugsley dated July 5, 2004
- Letter from Claudia Giles dated July 5, 2004
- Letter from Judith Fingard, PhD, FRSC dated July 5, 2004
- Letter from Doris Butters dated July 5, 2004
- Letter from Mrs. Allan O'Brien dated July 5, 2004
- Fax from Alvin Comiter dated July 6, 2004
- Email from Peter Waite, Professor Emeritus of History, Dalhousie University, dated July 6, 2004
- Letter from Bonita Price dated July 6, 2004
- Letter from Douglas Simmons dated July 6, 2004
- Letter from Ian F. McKee dated July 6, 2004
- Fax from Mark A. Stewart, MBA, CA dated July 7, 2004
- Letter from James Wiltshire dated July 7, 2004
- Letter from Stephanie Robertson dated July 7, 2004
- Letter from Sharon and Roy George dated July 8, 2004
- Letter from Charlotte Lindgren dated July 8, 2004
- Letter from Pat Langmaid dated July 8, 2004
- Letter from Robert G. Grant, Solicitor, Stewart McKelvey Stirling Scales dated July 8, 2004
- Letter from Jean Brown dated July 8, 2004
- Fax from George Rogers dated July 9, 2004
- Fax from Blair Beed dated July 9, 2004
- Fax from Howard Epstein, MLA, Halifax Chebucto dated July 9, 2004

- Email from Michael Bradfield dated July 9, 2004
- Letter from Paul McCulloch dated July 9, 2004
- Letter from Joyce McCulloch, Past President, Heritage Trust of Nova Scotia dated July 9, 2004
- Letter from Brenda Shannon, Board Member for Nova Scotia Heritage Canada Foundation, dated July 9, 2004

- Fax from Brian Thompson dated July 10, 2004
- Email from Dr. Kenna Manos dated July 10, 2004

- Fax from W. Rea MacKay dated July 11, 2004

- Fax from Donald Patton dated July 12, 2004
- Fax from Susan Charles, Executive Director, Federation of Nova Scotian Heritage dated July 12, 2004
- Fax from Arthur Carter dated July 12, 2004
- Fax from Dr. Iain C. Taylor dated July 12, 2004
- Email from Patricia Manuel dated July 12, 2004
- Letter from Alan Ruffman dated July 12, 2004
- Letter received on July 12, 2004 from Jens Jensen, President, Provincial Heritage Property Owners' Association of Nova Scotia

- Petition in opposition to the proposed development containing approximately 320 signatures
- Petition in opposition to the proposed development containing approximately 37 signatures

Mr. Gary Porter, Planner, with the aid of overheads, gave a brief overview of the proposal for a 17 storey hotel/commercial building at 1684 Grafton Street.

Mr. Porter, noting that staff's recommendation was to refuse the application, reviewed with Community Council several policies under the Municipal Planning Strategy which the development does not meet. Mr. Porter commented that the height of the proposal was of particular concern to staff and advised that staff does not consider the proposal to be sensitive and complimentary to the Citadel. Concluding his remarks, Mr. Porter noted that the Heritage Advisory Committee agrees with the staff recommendation as does the District 12 Planning Advisory Committee, albeit, without the same concern for height.

Robert Grant, Stewart McKelvey Stirling Scales

Mr. Grant, on behalf of the applicant, addressed Community Council making the following points:

- Community Council has the discretion to approve this development and it is appropriate to do so; the staff report provides this as one of the options under the Alternatives section
- with regard to concerns regarding the height and scale of the project, the provisions of the MPS give Community Council the authority to determine an appropriate height for this site, the MPS does not specify what is an appropriate height
- the proposed project is outside the view planes
- with reference to the Planning Advisory Committee Report, the proposed layby has been removed from the proposal
- the design includes features to offset the findings of the wind study
- the project now includes windows on the south side

Alan Parrish, President of Heritage Trust

Mr. Parrish addressed Community Council advising that he had submitted a letter to the June 14, 2004 meeting of Community Council regarding this matter. He went on to note that there were two factors in the decision regarding this matter tonight, firstly the vision Peninsula Community Council has for the downtown and secondly, the provisions of the MPS. Mr. Parrish asked Community Council what their vision of Halifax was - a Toronto type city or a more special and unique place like Quebec City.

Mr. Parrish commented that downtown Halifax has enjoyed a renaissance in the last decade and is a special place. He noted that the harbour and the Citadel bookend the downtown. Mr. Parrish indicated that just as development which negatively impacts the harbour would not be acceptable, neither is development which negatively impacts the Citadel. The Citadel is equally deserving of protection. Mr. Parrish noted that there is protection in the MPS for the Citadel. Mr. Parrish suggested that moving from the four stories existing on Brunswick Street to the proposed 17 stories on Grafton Street could not be considered 'stepping up' in height. Mr. Parrish urged Community Council not to allow private profit to impact on the Citadel

Elizabeth MacKenzie, Lower Water Street

Ms. MacKenzie addressed Community Council indicating that she lived and worked in the downtown and walked to work. She noted that the walk to work is already quite windy. Ms. MacKenzie pointed out that there is a need for more hotel rooms in downtown and suggested that it was appropriate to locate taller buildings in this area of town. Ms. MacKenzie indicated that she supported the proposed development at 1684 Grafton Street.

Jens Jensen, Heritage Property Association of Nova Scotia

Mr. Jensen addressed Community Council noting that:

- his organization advocated for the preservation of provincial heritage properties
- built heritage of this city is very important
- he and his organization have reservations with regard to the proposed development
- this development will impact the appearance and people's appreciation of the surrounding buildings
- there are heritage buildings in the immediate area which will be diminished as a result of the development
- the Citadel is the jewel in the crown of HRM's and Nova Scotia's built heritage
- the development will dominate the Citadel and create a wall with only peek holes to view the harbour

Brian Thompson, Ecology Action Centre

Mr. Thompson addressed Community Council making the following points:

- the Ecology Action Centre was quite surprised that the application had been approved for public hearing
- the height of the development vastly exceeds the 40ft. permitted
- this narrowly focussed request should not supercede the publicly accepted MPS policy
- referring to the long-term implications, this development will obstruct the view from the citadel for a very long time
- the Municipality laid out in the MPS the plan for the development of the downtown

Bruce MacCharles, Rufus Avenue

Mr. MacCharles addressed Community Council noting that:

- he appreciates the policy in place, however, he also appreciates the public hearing process
- he feels that the proposal fits nicely with the area
- development in the downtown needs to be consistent with the vision and values of HRM - "open for business"
- HRM must reward entrepreneurship and the applicants are perhaps one of the best ambassadors for this City
- the applicants have also proven that they are very good corporate citizens

Joseph Simatovic, Halifax

Mr. Simatovic addressed Community Council in support of the proposed development. Noting that the Midtown is a family run tavern, Mr. Simatovic commented on the sense of community exhibited by the Grant family. He went on to note that the Midtown is somewhat outdated and the family needs the security that this development will bring. Mr. Simatovic noted that he found the development attractive and aesthetically pleasing.

A copy of Mr. Simatovic's comments are on file.

Patrick LeRoy, Halifax

Mr. LeRoy addressed Community Council indicating that:

- he welcomed the opportunity to have input
- he did not represent any special interest group
- he was in favour of the proposed development
- contrary to the initial reaction, the Purdy's development is recognized today as a signature development
- in his opinion the Midtown proposal is unique in design and sensitive to the surrounding area
- the abhorrence to high rise development must be eliminated if HRM is to take on the we are "open for business" persona
- development of the downtown is a matter to be discussed by everyone living in HRM, particularly as 20,000 from across HRM work in the downtown

A copy of Mr. LeRoy's comments are on file.

Hugh Pullen, Oakland Road

Mr. Pullen addressed Community Council making the following points:

- he sympathized with the development
- he fears that high rise development will eventually remove half the view of the harbour from the Citadel
- suggested that this was only the first of three developments - a second high-rise on the adjacent lot and development of the Halifax Herald building
- the wall of buildings which will result will reduce the importance of the Citadel and the harbour
- urged Community Council to approve the proposal with modifications or refuse for further consideration

Iain Taylor, Halifax

Mr. Taylor addressed Community Council referring to correspondence he had submitted and noting that he was opposed to the development. Mr. Taylor commented that, in his opinion, this matter need not have been brought to a public hearing as it does not meet the MPS. He went on to state that the development will be detrimental to the urban quality of the downtown core and in particular the views from Citadel Hill. The building is out of scale with the surrounding area and this, in architectural terms, is very bad manners.

Paul McCulloch, Dresden Row

Mr. McCulloch addressed Community Council, on behalf of Executive Director of the Federation of Nova Scotia Heritage, Susan Charles and read from her letter dated July 12, 2004, recorded above, in opposition to the proposal.

Alan Hartling, Douglas Avenue

Mr. Hartling addressed Community Council in support of the proposal making the following points:

- the Grant family is trying to grow their business
- the proposed tower is quite good looking and not an eyesore
- the proposed development has its own charm and character
- this tower is no more obtrusive than other towers in the city

Howard Epstein, MLA

Mr. Epstein addressed Community Council in opposition to the proposal and made the following points:

- he supports the recommendation of staff
- this is a clear and obvious case of the proposed development not meeting the policies of the MPS
- the staff report has laid out in appropriate detail the problems with the proposal
- he suggested that the wind impacts were not in keeping with the policies of the MPS
- expressed concern regarding the process by which the matter has come to this hearing and suggested that the matter should not be before Community Council
- the only course of action open to Community Council is to uphold the staff report and reject the proposal
- if Peninsula Community Council is considering some reduced proposal (i.e. twelve stories), it should proceed as a new application

Mr. Epstein concluded his remarks indicating that his comments represented the views of

residents in Districts 11, 13 and 14.

Judith Fingard, Halifax

Ms. Fingard addressed Council in support of the staff recommendation and opposed to the proposal. Ms. Fingard referred to her letter recorded above and indicated that she was in opposition to the proposal on the basis of the staff report and for the reasons given by previous speakers.

Ms. Fingard went on to indicate that she was before Community Council this evening representing the Royal Nova Scotia Historical Society. She pointed out that the Citadel was a very important historical landmark and the most visited national heritage site in Canada. Ms. Fingard expressed concern with the loss of view from the Citadel. In closing she commented that she was in favour of both taverns and high-rises, in the right places

Paul MacKinnon, Executive Director, Downtown Business Improvement District

Mr. MacKinnon addressed Community Council noting the following:

- advised that he was a member of the Heritage Advisory Committee
- with reference to the height, the MPS does not speak to exactly what are appropriate heights
- the proposed tower is very narrow
- suggested that in this instance trade offs are important with height not being a negative, providing the ground level is attractive allowing for a vibrant retail area
- it is important that the design be lively at the street level
- more hotels are needed in the downtown
- the proposal represents an increase in tax dollars
- expressed concern that the process relative to this particular development was quite adversarial and that there was a need for more public input at the beginning of the process

Mark Smith, Falmouth

Mr. Smith addressed Community Council in support of the Midtown proposal. He went on to note that it appears that the importance of heritage properties differs, dependant upon their location. Mr. Smith indicated that the addition of new hotel rooms to Halifax is very positive. The Midtown tavern is well know within the sports world and this is an opportunity to ensure that it is around for another 50 or 60 years. In conclusion, Mr. Smith stated that he believed the project should move forward.

Donald Chisholm, HRM

Mr. Chisholm addressed Community Council making the following points:

- he appreciates the various organizations that preserve our heritage
- there is a time to embrace change and, while admiring buildings left by our forefathers, we must move forward with modern buildings that will also stand the test of time
- once the rules for development have been established, developers must meet those criteria
- if the development community does not agree with the rules, it should have the opportunity to bring forward proposed changes
- if all or most of the rules have been met, one person should not have the authority to stop development
- this proposal will provide needed hotel space
- the Midtown Tavern has been a landmark in Halifax since 1949
- Mr. Chisholm looks upon this project as a step toward growth in Halifax

Heather Ann Getson, Historic Sites and Monuments Board

Ms. Getson, on behalf of the Historic Sites and Monuments Board, pointed to the historical significance of Citadel Hill and suggested that the letter of the law does not capture the full intent of the MPS in this instance. She encouraged Peninsula Community Council not to allow further encroachment on the view from the Citadel.

Ms. Getson went on to note that Halifax is very fortunate in terms of tourism, but this should not be taken for granted as good tourism rests on the preservation of culture and heritage. If you lose the authenticity, it cannot be replaced. Ms. Getson went on to note that a bank of towering structures near the Citadel and the resulting encroachment of views from the Citadel, could well result in a loss of tourism.

Brian Howell, Halifax

Mr. Howell addressed Council in support of the proposal noting the following:

- the Midtown Tavern is a local establishment which has been a benefit to his business serving as an unofficial boardroom for business with clients
- it will be excellent when his clients have access to entertainment and accommodation under the same roof

Jane Smith, Grafton Street

As one of the closest neighbours of the proposal, Ms. Smith indicated that she supports the project.

Barbara Hinds, Halifax

Ms. Hinds addressed Community Council commenting as follows:

- Ms. Hinds indicated that she was opposed to the application
- the proposed development creates an immediate wall between the Halifax Citadel and the Halifax Harbour
- the development will interfere with the visibility of the town clock
- building 17 stories or even 12 stories on this site is not right and there should be much more public input into this issue than has been allowed
- the development is contrary to the 40ft. height limitation

Brenda Shannon, Board Member of Heritage Canada Foundation of NS

Ms. Shannon addressed Community Council highlighting the points found in her letter of July 9, 2004 recorded above. Ms. Shannon stated that the development cannot meet the requirements of the Municipal Planning Strategy and members of Community Council must uphold the values contained within those policies.

Elizabeth Pacey, Yukon Street

Ms. Pacey addressed Community Council noting that the magnificence of the star shaped citadel and the wonderful views from the Citadel are rivals for other great international attractions. Ms. Pacey noted that contained within the MPS is a view protection system which includes view planes and height controls. She noted that the proposed development contravenes the MPS by blocking the view from the Citadel.

Ms. Pacey indicated that the development controls set out in the MPS influenced the decision of the Federal government to restore the Citadel. In closing, she noted that the economics of the Citadel cannot be ignored. The Citadel attracts a great number of tourists to this City.

Beverly Miller, South Street

Ms. Miller addressed Community Council as follows:

- if the developer wants to build a building on the site, they can if the requirements of the MPS are met
- this development is before Community Council tonight because it does not meet the requirements of the MPS
- she disagrees with the height for all the reasons previously given
- noted that the wind study indicated a level of wind she did not believe was in keeping with a pedestrian friendly downtown

- she reviewed with Community Council the various policies of the MPS which the proposed development contravenes including sections dealing with height, pedestrian friendly downtown, access from the street and landscaping
- noted that staff, the Planning Advisory Committee and the Heritage Advisory Committee have all recommended against this development
- reminded Council that approving this proposal would have a very long term effect on the downtown

Ms. Miller submitted her presentation for the file.

Janet Morris, Halifax

Ms. Morris addressed Council noting the following:

- she was concerned that this proposal would set a precedent for future developments in the downtown
- she is concerned about the impact of the proposal on the heritage nature of the downtown core
- this particular location is part of the pulse of downtown life
- visitors to our City in the off season visit the Argyle Street and Grafton Street area
- it is important that this section of the city be people friendly
- the essence of this city is it's heritage nature and this is not the location for this type of building
- pointed out that the view from Citadel Hill incorporates George's Island and the proposed building will block the view of George's Island from the entrance to the Citadel
- the policies of the MPS should not be disregarded

Scott Meek, Oland Brewery

Mr. Meek addressed Community Council in support of the proposal. Mr. Meek went on to note that the Midtown is about customers and community. He went on to suggest that it is a landmark in the downtown core. Mr. Meek indicated that the Midtown should have the opportunity to continue their position of influence in the downtown. In closing, he asked Community Council to support the proposal.

Graham Reid, Armdale

Mr. Reid addressed Community Council on behalf of the Urban Issues Committee of the Ecology Action Centre. Mr. Reid highlighted the following:

- development in this area should not be out of scale with the existing buildings nor should it threaten the integrity of the view from Citadel Hill
- the publicly accepted MPS should not be tossed aside for the narrow focus of a site specific development
- several of the buildings in the area are in keeping with the MPS
- efforts should be made to avoid the 'Vancouverization' of Halifax
- there is ample space elsewhere on the Peninsula to allow for high rise development
- new development should add value not devalue the area
- staff and the public agree, Community Council should accept the recommendations of staff and the public

Shirley Marriott, Victoria Road

Ms. Marriott addressed Community Council indicating that development should not obstruct the view from the Citadel. She went on to note that the adoption of the MPS was a hard won battle and now that the policy is in place, it should not be changed on a whim. If the height does not come down, the development should not be considered.

Dave Randall, Roy Crescent

Mr. Randall addressed Community Council advising that he supports the project and feels it would be a tremendous asset to the downtown core. He commented that it would be a bonanza to have more hotel space. In closing, Mr. Randall indicated that the Midtown is a successful small business that wants to stay in business.

Wayne Marriott, Halifax

Mr. Marriot addressed Community Council in support of the project. He went on to note that:

- it is important to recognize that HRM needs to have development in the downtown.
- this proposal complies with the view planes
- there is a need for more hotel rooms
- heritage is more than just bricks and mortar, it is also friendly people
- this development will ensure that the Midtown is here to be enjoyed by all

Richard Connolly, Elm Street

Mr. Connolly addressed Community Council advising that he believes that the essence of Halifax are people. Mr. Connolly indicated that he was strongly in favour of the proposal.

Jeff Cameron, Parkland Drive

Mr. Cameron addressed Community Council in support of the proposal and indicated that it is important for visitors to Halifax to be able to stay downtown. Visitors can then easily visit the unique shops and see the sites.

Judith Cabrita, President, TIANS

Ms. Cabrita addressed Community Council noting that she was not against hotel space if it is appropriate. She is concerned about the protection of a very valuable asset, the Citadel, perhaps one of the most important sites in Canada. Ms. Cabrita noted that the tourists who come to experience the culture and historic flavour of Halifax, stay longer and spend more money.

Paul Huber, Armshore Drive

Mr. Huber addressed Community Council noting that the MPS governs the way in which the downtown will be developed. This proposal seeks to bend the rules. Mr. Huber noted that staff's recommendation to refuse this proposal is the right thing to do and Community Council should reject the proposal.

Phil Pacey, Halifax

Mr. Phil Pacey addressed Community Council indicating that the proposal should be refused. Using photographs, Mr. Pacey pointed to the buildings in the area which met the requirements of the MPS and are in keeping with the historical nature of the area. He then superimposed a sketch of the proposal over the photographs indicating that the proposed building is totally out of scale with the surrounding buildings. Mr. Pacey went on to note that the building would block the view of George's Island from the Citadel. Mr. Pacey reviewed with Community Council the guidance in the Plan and pointed out, once more, that the proposal was inconsistent with the policies of the Plan. A copy of Mr. Pacey's remarks are on file.

Jim Gallant, Rockingstone Road

Mr. Gallant addressed Community Council in support of the application noting that the view planes under the MPS were not being blocked. Noting that he understood the concern for the Citadel, Mr. Gallant indicated that heritage appeared to be well taken care of in Halifax.

Gordon Rudolph, the Developer

Mr. Rudolph addressed the Community Council noting that the wind analysis undertaken illustrates that the wind levels will be acceptable. He went on to note that on Grafton Street, where there is some question of the appropriateness of wind, staggered panes have been added to mitigate any problems. He further pointed out that there are no firm rules about

height contained within the MPS, in fact, decisions on height are at the discretion of Community Council.

The Chair called three times for persons wishing to address Community Council. Hearing none, the following motion was placed.

MOVED by Councillor Fougere, seconded by Councillor Blumenthal that the public hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

Staff responded to questions regarding the proposal brought forward by Councillor Sloane. Councillor Sloane submitted a letter from Allan Ruffman in which he points out errors in the advertisement for the public hearing. She asked if, as suggested by Mr. Ruffman, that the public hearing should be deferred.

Following a brief conference with the Chair, Mr. Moreash, Municipal Solicitor, indicated that what he understands from Mr. Ruffman's letter that the published notice of hearing may have over-stated the height of development. Mr. Moreash went on to advise that he saw no procedural defect in proceeding with the application on the basis that it is before Community Council. Mr. Moreash further explained that if there was an overstatement of the height of the development, no one was misled to his or her detriment.

Councillor Sloane addressed the matter indicating that she was glad to hear that windows had been added and that the layby had been removed. Referring to the public outcry, Councillor Sloane indicated that she believed HRM should strive to make the downtown as good as possible.

Councillor Sloane noted that the proposal being discussed is not compliant with Sections 3.1.2, 3.5.1, 3.5.3, 3.5.4, 6.3, 6.3.1, 5.2, 7.2, 7.2.1, and 7.5 of the Municipal Planning Strategy. The Councillor suggested that this proposal would set precedent in the downtown. Councillor Sloane submitted a petition, recorded above, in opposition to the proposal containing approximately 320 names.

Councillor Sloane noted that page nine of the staff report talked about the need for development to be compatible in the community. She went on to suggest that a review of the view protection system should be undertaken to ensure that it is complete enough to protect the views from the Citadel Hill. Councillor Sloane stressed that HRM is a special place. She noted that she had a legal obligation to follow the MPS and **MOVED that the application for a development agreement at 1684 Grafton Street be refused based on the fact that it conflicts with the MPS policies listed above.**

As there was no seconder to the Motion, the **MOTION WAS LOST.**

Councillor Blumenthal submitted a petition in support of the proposal containing approximately 820 signatures.

MOVED by Councillor Blumenthal, seconded by Councillor Fougere that Peninsula Community Council:

- 1. Approve the application for a development agreement, generally as found in the June 1, 2004 staff report, permitting a 17 storey hotel/commercial building at 1684 Grafton Street and as set out in the revised plans which incorporate the windows on the south wall.**
- 2. Require that the development agreement be signed within 120 days, or any extension thereof granted by Community Council on request of the applicant, from the date of final approval by Community Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

Councillor Blumenthal noted that heritage is not just buildings, heritage includes people. The Councillor went on to note the need for businesses, both small and large, in Halifax and commented that change is necessary.

Councillor Uteck takes a seat at Community Council and Councillor Blumenthal assumes the Chair.

Councillor Uteck, speaking in support of the motion, referred to the question put forward tonight regarding what is the vision for Halifax. Councillor Uteck stated that her vision for Halifax was a blend of the new and the old. The Councillor went on to note that heritage is being replicated in Halifax and that tourists do not come to see replication, but to see authentic heritage.

Councillor Uteck referred to comments made with regard to the bending of MPS rules and noted that in 1993, when this strategy was approved, there was a rule put in that Municipal Council has the discretion to decide the extent to which a building may increase in height as distance from Citadel Hill increases. She noted that this area was developed at that time and the public accepted that discretionary authority with regard to height. Councillor Uteck went on to note that the definition of the term "adjacent" is open to interpretation.

Councillor Uteck commented note that in terms of view planes, the Midtown proposal had the least impact on the view planes of all the buildings listed in the table on page 9 of the staff report. Concluding her remarks, Councillor Uteck noted that in other historical cities there is a mix of old and new existing side by side.

Councillor Uteck resumed the Chair and Councillor Blumenthal took his seat.

MOTION PUT AND PASSED with Councillor Sloane voting against the motion.

8.2 Variance Hearings

8.2.1 Appeal of the Decision of the Development Officer to Refuse a Variance Application at 2437 Davison Street

This matter was dealt with earlier in the meeting. (See page 5.)

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence

9.1.1 Councillor Sloane - Correspondence re 5579-5587 Morris Street

Councillor Sloane submitted correspondence on behalf of Cheryl Tissington regarding 5579-5587 Morris Street. This correspondence will be referred to staff.

9.2 Petitions - None

9.3 Presentation - None

10. REPORTS

10.1 DISTRICT 12 PAC

10.1.1 Case 00662: Amendment to Development Agreement- 5251 South Street, Halifax

- A report from Heather Ternoway, Chair, District 12, PAC, dated July 6, 2004, was before the Community Council for consideration.

MOVED by Councillor Sloane, seconded by Councillor Blumenthal that Peninsula Community Council:

1. **Move Notice of Motion for the amendment agreement, attached to the June 11, 2004 staff report , for 5251 South Street, Halifax, and schedule the public hearing for September 13, 2004.**
2. **Approve the proposed amending agreement, presented as Attachment 1 of the staff report dated June 11, 2004, for 5251 South Street, Halifax.**
3. **Require that the amending agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**
11. **MOTIONS** - None
12. **ADDED ITEMS** - None
13. **NOTICES OF MOTION** - None
14. **PUBLIC PARTICIPATION** - None
15. **NEXT MEETING** - September 13, 2004
16. **ADJOURNMENT**

There being no further business, the meeting adjourned at 10:45 p.m.

Sherryll Murphy
Legislative Assistant