

HALIFAX REGIONAL MUNICIPALITY

**PENINSULA COMMUNITY COUNCIL
MINUTES
March 6, 2006**

PRESENT: Councillor Sheila Fougere, Chair
Councillor Patrick Murphy
Councillor Dawn Sloane
Councillor Sue Uteck

STAFF: Ms. Donna Keats, Solicitor
Ms. Jennifer Weagle, Legislative Assistant
Ms. Sherryll Murphy, Legislative Assistant

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1. CALL TO ORDER

The meeting was called to order at 7:04 p.m. in Council Chambers, City Hall.

2. APPROVAL OF MINUTES - February 13, 2006

MOVED by Councillor Sloane, seconded by Councillor Uteck, that the minutes of the February 13, 2006 meeting of Peninsula Community Council, as distributed, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Deferred:

8.2.2 Appeal of the Approval of Variance No. 12642 - 2693 Agricola Street, Halifax

8.2.3 Appeal of the Approval of Variance No. 12439 - 6435 Roslyn Road, Halifax

MOVED BY Councillor Murphy, seconded by Councillor Sloane, that the agenda, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet

4.1.1 Petition - Councillor Fougere - Amendments to In-Home Occupation By-Law

C An Information Report on the above, dated March 2, 2006, was before Community Council.

An Information Report was received on this item. Councillor Fougere indicated that she has met with the property owner and an application is being made to amend the zoning by-law. This item will be removed from the status sheet.

4.1.2 Closure of HRM Private Lane - June Street to Princess Place

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

4.1.3 Harvey Street Parking Lot - Townhouses

Councillor Sloane advised she would be making a Notice of Motion later in this meeting. This item is to remain on the status sheet.

4.1.4 Amendments - Gross Floor Area Dwelling Requirements

This item will be discussed later in the meeting under Item 10.2.1. This matter is to remain on the status sheet.

4.1.5 CN Property Maintenance

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

5. MOTIONS OF RECONSIDERATION - None

6. MOTIONS OF RESCISSION - None

7. CONSIDERATION OF DEFERRED BUSINESS

7.1 Letter from Fisheries and Oceans Canada re: Infilling of Northwest Arm (Deferred from February 13, 2006)

Mr. Roger Wells, Senior Advisor, Harbour Plan, Regional Planning, addressed the Committee, providing an oral update on this matter. At the request of Councillor Uteck, Mr. Wells advised he would provide an information report for the April meeting of Peninsula Community Council.

Mr. Wells noted the following during his update and in response to questions from Community Council:

- C HRM is a member of a multi-agency committee dealing with water lot infilling, coastal development, and navigation issues along the Northwest Arm.
- C The Committee includes representatives from Fisheries and Oceans Canada, Transportation Canada, Halifax Port Authority, Nova Scotia Department of Environment and Labour, and Nova Scotia Department of Natural Resources.
- C The issue of preserving green space along the Northwest Arm will be dealt with through the Harbour Plan, which proposes a neighbourhood planning process along the Northwest Arm.
- C The Committee has discussed the identification of opportunities and proposed types of uses for each water lot around the harbour, such as military use, marine-dependant industrial use, or amenity space use.

8. HEARINGS

8.1 Public Hearings - None

8.2 Appeal Hearings

8.2.1 Appeal of the Approval of Variance No.12574 - 6153 Murray Place, Halifax

C A staff report dated February 26, 2006 on the above noted was before Community Council.

Mr. Andrew Faulkner, Development Officer, Planning and Development Services, reviewed the report with Community Council, noting that this matter is an appeal of the Development Officer's decision to approve a variance from Gross Floor Area requirements to permit an addition to a single unit dwelling. Mr. Faulkner clarified that the staff recommendation is to uphold the Development Officer's decision to approve the variance.

Responding to questions of Community Council, Mr. Faulkner clarified that the proposed addition is to add a master bedroom with en-suite bath and storage.

Councillor Fougere opened the appeal hearing and called for speakers.

Mr. Brad McCrea, Halifax

Mr. McCrea noted that new neighbours moved into 6140 South Street yesterday and have not received notification of the appeal. Mr. McCrea went on to note that the drawings for the addition are tasteful, however, he is concerned that allowing this variance may be a "tipping point" whereas the neighbourhood is stable to a point and allowing change results in the neighbourhood becoming unstable. He further commented that allowing a 40% variance will set a bad precedent for the neighbourhood. Mr. McCrea indicated that the neighbourhood is concerned about losing green space and by allowing this appeal, half of the backyard on this property will be lost.

Mr. Rob Morgan, Halifax

Mr. Morgan advised that he is the owner of the property in question. He noted that the property was purchased in October 2005 and his family has undertaken numerous renovations to the interior and exterior of the house. He further noted that the property was previously used as an illegal rooming house and he and his family wish to maintain the integrity of the neighbourhood. Mr. Morgan advised he and his wife have two children, with a third on the way, and the addition of the master bedroom will allow for a bedroom for

each child and one for he and his wife. He commented that at 450 square feet per floor, the house will not be a “monster home” or infringe on the green space of the neighbourhood. Mr. Morgan further commented that the backyard is important for his family and the house will not appear larger than other houses in the neighbourhood from the street.

Councillor Fougere called three times for any further speakers.

Hearing none, it was **MOVED by Councillor Sloane, seconded by Councillor Uteck, that the appeal hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

MOVED by Councillor Uteck, seconded by Councillor Murphy, that Peninsula Community Council uphold the decision of the Development Officer to approve the variance.

Councillor Uteck commented that the Gross Floor Area requirements were not meant to prevent families from living on the peninsula, they were meant to prevent student rooming houses.

Councillor Murphy commented that the renovation of this house from a student rooming house to a single family home sets a positive example.

Councillor Sloane commented that both speakers have the same goal of preserving and respecting their neighbourhood. She noted that she hopes to see more rooming homes returned to family homes and the proposed addition is keeping within the needs of Mr. Morgan’s family.

MOTION PUT AND PASSED UNANIMOUSLY.

8.2.2 Appeal of the Approval of Variance No. 12642 - 2693 Agricola Street, Halifax

C A staff report dated February 26, 2006 on the above noted was before Community Council.

This item was deferred to the April 10, 2006 meeting of Peninsula Community Council during the approval of the agenda, due to *Municipal Government Act* notification requirements.

8.2.3 Appeal of the Approval of Variance No. 12439 - 6435 Roslyn Road, Halifax

C A staff report dated February 26, 2006 on the above noted was before Community Council.

This item was deferred to the April 10, 2006 meeting of Peninsula Community Council during the approval of the agenda, due to *Municipal Government Act* notification requirements.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions - None

9.3 Presentations - None

10. REPORTS

10.1 Staff Reports - None

10.2 District 12 PAC Reports

10.2.1 Case 00866: Amendments to the Halifax Peninsula Land Use By-Law Respecting Gross Floor Area Requirements

C A District 12 PAC report dated February 28, 2006, with attached February 13, 2006 supplementary report and January 5, 2006 staff report, was before Community Council.

Mr. Richard Harvey, Planner II, reviewed the report with Community Council. Mr. Harvey noted that if Community Council decides to set a public hearing date, a more detailed presentation will be provided at that time. He further noted the following:

- C Staff is of the opinion that the GFA requirements are too excessive and are negatively impacting normal family home improvements,
- C Staff are therefore recommending the removal of the GFA requirements from the Land Use By-Law,
- C The regulations that were put in place limiting the number of bedrooms are the regulations that are having an effect on preventing the rooming house problem, not the GFA requirements,
- C Evidence of the impact of the GFA requirements is set out in the Supplementary Report, and are also evidenced by the variance appeal heard earlier in the meeting.

Further to comments from Councillor Sloane regarding the short period of time that the regulations have been implemented, Mr. Harvey advised that staff feel that they have had

sufficient time to experience the impacts of the GFA requirements. He further advised that the GFA requirements have increased staff's workload due to the number of applications being made that normally wouldn't require an application and the significant amount of work involved in evaluating a variance request.

Councillor Uteck commented that the 2006 construction season is upcoming and since Peninsula Community Council only meets monthly, this issue should be pushed forward as soon as possible. She noted that she had 21 phone calls regarding the issue of GFA variance requests this month.

MOVED BY Councillor Uteck, seconded by Councillor Murphy, that Peninsula Community Council:

- 1. Give First Reading to consider the proposed amendments to the Halifax Peninsula Land Use By-Law (Attachment 'A' of the staff report dated January 5, 2006), and schedule a joint public hearing of the Peninsula Community Council and the Chebucto Community Council; and**
- 2. Approve the proposed amendments to the Halifax Peninsula Land Use By-Law.**

Councillor Fougere clarified that the joint public hearing of the Peninsula Community Council and the Chebucto Community Council would be held on April 10, 2006 in Council Chambers, City Hall.

Councillor Sloane assumed the position of Chair and Councillor Fougere took a seat in Council.

Councillor Fougere noted that she would rather hear each individual variance application and the individual circumstances of that application than remove the requirements after less than six months. She further noted that she has no objection to having this issue go to a public hearing, provided it is properly advertised.

Councillor Fougere resumed the Chair and Councillor Sloane took her seat.

MOTION PUT AND PASSED.

10.2.2 Case 00877: Halifax Port Authority Development Agreement

- C A District 12 PAC report dated February 28, 2006, with attached February 15, 2006 staff report, was before Community Council.**

Mr. Richard Harvey, Planner II, reviewed the report with Community Council. Mr. Harvey clarified that the Halifax Port Authority (HPA) development agreement was initially approved by Peninsula Community Council on August 3, 2005, however, the 120 days within which Council requires that a development agreement be signed has expired. This necessitates that the agreement come to Peninsula Community Council again for approval. Mr. Harvey noted that there have been several minor, non-harbour related changes to the original Development Agreement, namely the following:

- C The inclusion of clauses to indicate that the Halifax Port Authority (HPA) is not ceding any of its crown corporation rights by entering into the development agreement.
- C A broadening of the allowable uses within the Immigration Annex space that was previously identified for a bakery/café use to allow for more flexibility.
- C Exterior facade improvements to the building.

Mr. Harvey went on to clarify the following with regard to the changes to the development agreement:

- C The changes regarding the HPA crown corporation rights will not, in the opinion of staff, materially change any rights of the Municipality or those of the HPA.
- C The changes to the allowable uses to the bakery/café will allow for the preparation of prepared meals.
- C The exterior facade improvements had been raised by the HPA since the agreement was endorsed by the District 12 PAC on February 27, 2006, and therefore, District 12 PAC did not have the opportunity to comment on these changes. These facade changes are a simple improvement to the building, and with the current zoning, only require a permit and are not required to be included in the development agreement. Staff are, however, recommending that these exterior facade changes be included as part of the development agreement allowances since that specific part of the building will be occupied by the Nova Scotia College of Art and Design, and not solely for HPA use.

Mr. Harvey advised that he will bring the exterior facade changes before District 12 PAC prior to a decision being made by Peninsula Community Council and request that District 12 PAC provide a supplementary report to Peninsula Community Council with a recommendation on the facade changes.

MOVED BY Councillor Sloane, seconded by Councillor Uteck, that Peninsula Community Council:

1. **Give Notice of Motion to consider the proposed Halifax Port Authority development agreement (Case 00877) with the non-harbour related changes**

as described in the staff report dated February 15, 2006, along with facade changes as described by staff at the March 6, 2006 meeting of Peninsula Community Council.

- 2. Schedule a public hearing for this matter, which will be held at the April 10, 2006 meeting of Peninsula Community Council.**
- 3. Request that District 12 PAC provide a supplementary report with regard to the exterior facade changes.**

Mr. Harvey clarified that there will be no change to the building height and further clarified that the bakery/café will not have a liquor license.

Councillor Uteck requested clarification on the following points:

- C What authority HRM has over HPA as a crown corporation if, for example, traffic drawn to the commercialization of the site interferes with the day-to-day operations of the Port.
- C Whether the issue of HPA paying a grant in lieu of taxes will be revisited considering the increasing commercialization of the site.

Mr. Harvey advised that he cannot speak to the tax issue, however staff are of the opinion that in order to keep within the MPS, the limit of allowable changes has been reached on this site. A larger district concept with further non-harbour related uses would require a significant review of this area and possibly a redesignation to a specialized district. He further noted that staff analysis has indicated that measures such as additional traffic signals will not be warranted through the changes described in the development agreement.

At the request of Councillor Murphy, Mr. Harvey clarified that the expiration of the 120 day time frame for the signing of the development agreement was due to inattention to the agreement, not because of difficulties with negotiations. He further clarified that activities specifically relating to the port occur as-of-right, and non-port related uses do require Municipal approval.

MOTION PUT AND PASSED.

MOVED BY Councillor Uteck, seconded by Councillor Murphy, that Peninsula Community Council request from staff a report regarding the impacts on taxation of commercial entities on Halifax Port Authority lands and Regional Council's authority with regard to taxation of this commercial development. MOTION PUT AND PASSED.

11. **MOTIONS** - None
12. **ADDED ITEMS** - None
13. **NOTICES OF MOTION** - None
14. **PUBLIC PARTICIPATION**

Mr. Hugh Pullen, Halifax

Mr. Pullen advised that he is the President of the Peninsula South Community Association. He indicated that he hopes to see the issue of port security addressed in the near future.

Mr. Pullen further noted that Gross Floor Area requirements are an example of how the south end was designed in a different age for different needs. He commented that the student housing demand is decreasing and the demand for affordable housing for seniors in strategic locations close to medical facilities is rising. Mr. Pullen suggested that there may be a need to commission a study on patterns of accommodation on the Peninsula to better plan for the next ten to twenty years.

15. **NEXT MEETING**

The next meeting of Peninsula Community Council is scheduled for April 10, 2006.

16. **ADJOURNMENT**

There being no further business, the meeting adjourned at 8:10 p.m.

Jennifer Weagle
Legislative Assistant