

**HALIFAX AND WEST COMMUNITY COUNCIL
MINUTES
June 11, 2019**

PRESENT: Councillor Stephen D. Adams, Chair
Councillor Lindell Smith, Vice-Chair
Councillor Waye Mason
Councillor Russell Walker
Councillor Shawn Cleary

REGRETS: Councillor Richard Zurawski

STAFF: Donna Boutilier, Solicitor
David Perusse, Legislative Assistant

The following does not represent a verbatim record of the proceedings of this meeting.

The agenda, reports, supporting documents, and information items circulated are online at halifax.ca.

The meeting was called to order at 6:01 p.m. and moved In Camera (In Private) at 6:59 p.m.. Community Council reconvened in public session at 7:06 p.m. and adjourned at 7:07 p.m.

1. CALL TO ORDER

The Chair called the meeting to order at 6:01 p.m. in Council Chamber, 3rd Floor City Hall, 1841 Argyle Street, Halifax.

2. APPROVAL OF MINUTES - NONE

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

MOVED by Councillor Walker, seconded by Councillor Cleary

THAT the agenda be approved as presented.

MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES – NONE

5. CALL FOR DECLARATION OF CONFLICT OF INTERESTS – NONE

6. MOTIONS OF RECONSIDERATION – NONE

7. MOTIONS OF RESCISSION – NONE

8. CONSIDERATION OF DEFERRED BUSINESS - NONE

8.1 Case 22005: Internal Residential Conversions in the Peninsula West Area 1 Schedule of the Land Use By-Law for Halifax Peninsula

The following was before Community Council:

- A staff recommendation report dated March 14, 2019
- A supplementary staff report dated May 13, 2019
- A memorandum from the Chair of the Halifax Peninsula Planning Advisory Committee dated February 27, 2019

MOVED by Councillor Cleary, seconded by Councillor Walker

THAT Halifax and West Community Council schedule a public hearing to consider approval of the proposed amendments to the Land Use By-law for Halifax Peninsula, as set out in Attachment A of the staff report dated March 14, 2019, to allow for the internal conversion of existing residential dwellings to a maximum of 6 units in Peninsula West Area 1.

Councillor Cleary noted that they wished for the alternative proposal set out in the supplementary staff report to go forward for a public hearing, and requested that members of Community Council defeat the motion on the floor.

MOTION PUT AND DEFEATED.

MOVED by Councillor Cleary, seconded by Councillor Walker

THAT Halifax and West Community Council give First Reading to consider approval of the proposed amendments to the Land Use By-law for Halifax Peninsula, as set out in Attachment A of the May 13, 2019 staff report, to allow for the internal conversion of existing residential dwellings to a maximum of 6 units in Peninsula West Area 1, and schedule a public hearing.

MOTION PUT AND PASSED.

9. NOTICES OF TABLED MATTERS – NONE

10. HEARINGS

10.1 Public Hearings – NONE

10.2 Variance Hearings

10.2.1 Case 21866: Appeal of Variance Approval – 1101 South Park Street, Halifax

The following was before Community Council:

- A staff recommendation report dated April 25, 2019
- A staff presentation titled “Case 21866: Appeal of Variance Approval – 1101 South Park Street, Halifax“

Laura Walsh, Planner, provided Community Council with a presentation on Case 21866: Appeal of Variance Approval – 1101 South Park Street, Halifax. Walsh noted that the variance was to allow construction of an accessory building (shed) in the rear yard of 1101 South Park Street.

The Solicitor reviewed the rules of procedure for variance hearings and the Chair invited the Appellants to come forward and address Community Council.

After calling three (3) times, the Chair noted that the Appellants were not present.

The Chair invited the Property Owner to come forward to address Community Council.

Rick Gibson, owner of the subject property, spoke to Community Council about the requested variance, noting that they are looking to build a small shed on their lot. They noted that they applied for a building permit a year ago, with their neighbour expressing concern regarding the proposed setback. They noted that the setback is already four (4) ft from the property line, and what they are proposing to construct is smaller than the structure that was there before. They further noted that they have an agreement with their abutting neighbour that the fence between their properties would not be damaged during the construction, or compensation would be paid in the event that it is. They concluded that they have taken reasonable steps to accommodate their neighbours.

The Chair called (3) times for anyone in the notification area wishing to address Community Council on this matter. There being none, it was MOVED by Councillor Mason, seconded by Councillor Cleary

THAT the public hearing close.

MOTION PUT AND PASSED.

MOVED by Councillor Mason, seconded by Councillor Cleary

THAT Halifax and West Community Council allow the appeal.

Councillor Mason, noting that the Appellants failed to appear for the hearing, stated that the appeal request is an example of the growing issue of the variance appeal process being abused to simply impede otherwise legitimate developments.

MOTION PUT AND DEFEATED. (Development Officer’s decision upheld.)

The Chair thanked Walsh for the presentation.

10.2.2 Case 21855: Appeal of Variance Approval – 1624/26 Henry Street, Halifax

The following was before Community Council:

- A staff recommendation report dated May 27, 2019
- A staff presentation titled “Case 21855: Appeal of Variance Approval – 1624/26 Henry Street, Halifax“
- Correspondence submitted by Patrick Moen, and Brad Abernethy

Laura Walsh, Planner, provided Community Council with a presentation on Case 21855: Appeal of Variance Approval – 1624/26 Henry Street, Halifax. Walsh noted that the variance was to allow an addition to the rear of an existing two-unit dwelling at 1624/1626 Henry Street in Halifax. The addition will replace and expand upon an existing one-storey portion of the building.

The Solicitor reviewed the rules of procedure for variance hearings and the Chair invited the Appellants to come forward and address Community Council.

After calling three (3) times, the Chair noted that the Appellants were not present.

The Chair invited the Property Owner to come forward to address Community Council.

Andrew Tilley and Patricia McPhee, owners of the subject property, spoke to Community Council about the requested variance, noting that they are not intending on building a rooming house on their street; rather, they are looking to increase the living space in their property to make it more suitable for two families. They noted that the planned renovation would be at the back of the house, and would thus be less disruptive to the neighbourhood.

The Chair called (3) times for anyone in the notification area wishing to address Community Council on this matter. There being none, it was MOVED by Councillor Mason, seconded by Councillor Cleary

THAT the public hearing close.

MOTION PUT AND PASSED.

MOVED by Councillor Mason, seconded by Councillor Cleary

THAT Halifax and West Community Council allow the appeal.

Councillor Mason, noting that the Appellants failed to appear for the hearing, stated that the appeal request is another example of the growing issue of the variance appeal process being abused to simply impede otherwise legitimate developments.

MOTION PUT AND DEFEATED. (Development Officer's decision upheld.)

The Chair thanked Walsh for the presentation.

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

The Legislative Assistant noted that the Municipal Clerk's Office received correspondence relating to items 10.2.2, 13.2.2, 13.2.3, and 13.2.4. This correspondence was circulated to members of Community Council.

For a detailed list of correspondence received, refer to the specific item.

11.2 Petitions - None

11.3 Presentations - None

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS

13.1 STAFF

13.1.1 Case 20658: Amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law, and a proposed development agreement for a large site with frontage onto Bayers Road and Young Street, Halifax

The following was before Community Council

- A staff recommendation report dated May 15, 2019
- A memorandum from the Chair of the Halifax Peninsula Planning Advisory Committee dated September 27, 2017

MOVED by Councillor Cleary, seconded by Councillor Smith

THAT Halifax and West Community Council:

1. Recommend that Halifax Regional Council give First Reading to consider the proposed amendments to the Municipal Planning Strategy for Halifax and the Land Use By-law for Halifax Peninsula, as set out in Attachments A and B of the staff report dated May 15, 2019, to allow a building that is a maximum of six storeys [plus penthouse(s)] along Bayers Road and three storeys [plus penthouse(s)] along Young Street by development agreement at 6438, 6442, 6450, 6454, and 6460 Bayers Road and 6419, 6421, 6425, 6431, 6439, 6443, 6449, 6453, 6457, 6459, 6461, 6461A, 6465, and 6467 Young Street, Halifax, and schedule a joint public hearing;
2. Recommend that Halifax Regional Council adopt the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law, as set out in Attachments A and B of the staff report dated May 15, 2019; and
3. Give Notice of Motion to consider the proposed development agreement, as set out in Attachment C of the staff report dated May 15, 2019, to permit a building with three components:
 - A six-storey [plus penthouse(s)] mixed-use or apartment house component on Bayers Road;
 - A three-storey [plus penthouse(s)] apartment house component on Young Street; and
 - A three-storey townhouse component on Young Street, at 6438, 6442, 6450, 6454, and 6460 Bayers Road and 6419, 6421, 6425, 6431, 6439, 6443, 6449, 6453, 6457, 6459, 6461, 6461A, 6465, and 6467 Young Street, Halifax. The joint public hearing for the proposed development agreement shall be held concurrently with the public hearing referenced in Recommendation 1.

MOTION PUT AND PASSED.

13.1.2 Case 21115: Development Agreement for a 9-storey building on Quinpool Road and Pepperell Street, near Preston Street, Halifax

The following was before Community Council

- A supplementary staff recommendation report dated May 22, 2019
- A memorandum from the Chair of the Halifax Peninsula Planning Advisory Committee dated June 25, 2018

MOVED by Councillor Mason, seconded by Councillor Cleary

THAT Halifax and West Community Council give Notice of Motion to consider the proposed development agreement, as set out in Attachment A of the supplementary staff report dated May 22, 2019, to permit a 9 storey, mixed-use building on Quinpool Road with a 3.5 storey section facing Pepperell Street, and schedule a joint public hearing with Regional Council to be held concurrently with the public hearing referenced in Recommendation 1 of the report to Regional Council dated May 8, 2019.

Responding to questions from members of Community Council, Sean Gillis, Planner II, noted that the two (2) main changes to the proposed development since the matter came before the Halifax Peninsula Planning Advisory Committee (HPPAC), are that the mid-rise portion of the building between Quinpool and Pepperell streets has been increased, and a ninth-floor penthouse was added.

MOTION PUT AND PASSED.

13.1.3 Case 20520: Amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law for 6330 and 6324 Quinpool Road, between Oxford Street and Preston Street

The following was before Community Council

- A staff recommendation report dated May 11, 2019

MOVED by Councillor Mason, seconded by Councillor Cleary

THAT Halifax and West Community Council recommend that Halifax Regional Council:

- 1. Give First Reading to consider the proposed amendments to the Halifax Municipal Planning Strategy and the Land Use By-law for Halifax Peninsula, as set out in Attachments A and B of the staff report dated May 11, 2019, to permit by development agreement an 8-storey (plus penthouse), mixed-use building at 6330 and 6324 Quinpool Road, with a 4-storey portion facing Pepperell Street, and schedule a public hearing; and**
- 2. Approve the proposed amendments to the Halifax Municipal Planning Strategy and the Land Use By-law for Halifax Peninsula, as set out in Attachments A and B of the staff report dated May 11, 2019.**

Councillor Mason expressed a concern with the allowable street wall height on Pepperell Street, noting that a street wall greater than three (3) storeys may be too much for the surrounding buildings, based on other recent developments in the area.

MOVED by Councillor Mason, seconded by Councillor Cleary

THAT the motion be amended to read as follows:

- 1. Give First Reading to consider the proposed amendments to the Halifax Municipal Planning Strategy and the Land Use By-law for Halifax Peninsula, as set out in Attachments A and B of the staff report dated May 11, 2019, to permit by development agreement an 8-storey (plus penthouse), mixed-use building at 6330 and 6324 Quinpool Road, with a 3-storey portion (plus penthouse) facing Pepperell Street, and schedule a public hearing; and**
- 2. Approve the proposed amendments to the Halifax Municipal Planning Strategy and the Land Use By-law for Halifax Peninsula, as set out in Attachments A and B of the staff report dated May 11, 2019, with an amendment to Attachment A to restrict development to 3 storeys (plus penthouse) on the part of the site closer to Pepperell Street.**

Responding to questions from members of Community Council, Gillis suggested that Community Council provide clarification in the motion as to whether the concern is the total height of the development, or the street wall height.

Councillor Mason noted it is the street wall height, and suggested the following additional amendment:

THAT the motion be amended to add the following:

- 1. ...with a 3-storey portion (plus penthouse) facing Pepperell Street, with up to a 3-storey street wall, and schedule a public hearing; and**
- 2. restrict development to 3 storeys (plus penthouse) on the part of the site closer to Pepperell Street, with up to a 3-storey street wall.**

The additional amendment was considered friendly by Community Council.

MOTION TO AMEND PUT AND PASSED.

The motion before Community Council was as follows:

MOVED by Councillor Mason, seconded by Councillor Cleary

THAT Halifax and West Community Council recommend that Halifax Regional Council:

- 1. Give First Reading to consider the proposed amendments to the Halifax Municipal Planning Strategy and the Land Use By-law for Halifax Peninsula, as set out in revised Attachment A, included as Attachment 2 of the committee report dated June 12, 2019 and Attachment B of the staff report dated May 11, 2019, to permit by development agreement an 8-storey (plus penthouse), mixed-use building at 6330 and 6324 Quinpool Road, with a 3-storey portion (plus penthouse) facing Pepperell Street, with up to a 3-storey street wall, and schedule a public hearing; and**
- 2. Approve the proposed amendments to the Halifax Municipal Planning Strategy and the Land Use By-law for Halifax Peninsula, as set out in revised Attachment A, included as Attachment 2 of the committee report dated June 12, 2019 to restrict development to 3 storeys (plus penthouse) on the part of the site closer to Pepperell Street, with up to a 3-storey street wall and Attachment B of the staff report dated May 11, 2019.**

MOTION PUT AND PASSED AS AMENDED.

13.1.4 Case 21984: Development Agreement for 2486 Creighton Street, Halifax

The following was before Community Council

- A staff recommendation report dated May 9, 2019
- A memorandum from the Chair of the Halifax Peninsula Planning Advisory Committee dated February 27, 2019

MOVED by Councillor Smith, seconded by Councillor Mason

THAT Halifax and West Community Council give Notice of Motion to consider approval of the proposed development agreement, as set out in Attachment A of the staff report dated May 9, 2019, to allow for a single unit dwelling with a professional office or home occupation, with modified lot standards, at 2486 Creighton Street, Halifax, and schedule a public hearing.

MOTION PUT AND PASSED.

13.2 BOARDS AND COMMITTEES

13.2.1 Case 20159: Amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law, and a proposed development agreement to enable re-development of an eight storey (plus penthouse) multiple dwelling at 5713 Victoria Road, Halifax

The following was before Community Council

- A recommendation report from the Chair of the Heritage Advisory Committee dated June 6, 2019, with attached staff recommendation report dated May 9, 2019
- A memorandum from the Chair of the Halifax Peninsula Planning Advisory Committee dated May 28, 2019

MOVED by Councillor Mason, seconded by Councillor Cleary

THAT Halifax and West Community Council:

- 1. Recommend that Halifax Regional Council give First Reading to consider the proposed amendments to the Municipal Planning Strategy for Halifax and the Land Use By-law for Halifax Peninsula, as set out in Attachments A and B of the staff report dated May 9, 2019, to allow an 8 storey (plus penthouse) mixed-use building by development agreement at**

5713 Victoria Road and 1102 and 1106 South Park Street, Halifax, and schedule a joint public hearing;

- 2. Recommend that Halifax Regional Council adopt the proposed amendments to the Municipal Planning Strategy and the Land Use By-law, as set out in Attachments A and B of the staff report dated May 9, 2019; and**
- 3. Give Notice of Motion to consider the proposed development agreement, as set out in Attachment C of the staff report dated May 9, 2019, to permit an eight storey (plus penthouse) residential building at 5713 Victoria Road and 1102 and 1106 South Park Street, Halifax. The public hearing for the proposed development agreement shall be held concurrently with the public hearing referenced in Recommendation 1.**

MOTION PUT AND PASSED.

13.2.2 Case 20218: Amendments to the Halifax Municipal Planning Strategy and Land Use By-law for Halifax Peninsula for lands fronting Spring Garden Road, Robie Street and Carlton Street, Halifax

The following was before Community Council

- A recommendation report from the Chair of the Heritage Advisory Committee dated June 6, 2019, with attached staff recommendation report dated May 24, 2019
- A memorandum from the Chair of the Halifax Peninsula Planning Advisory Committee dated August 21, 2018
- Correspondence submitted by Lisa Tremblay, Brenda O'Brien, Alex de Saint Sardos, Brad Abernethy, Michael Young, Irene Lorch-Wauchope, Peter Fillmore, Kristina McMillan, Flint Scheartz, Peggy Cameron, Lezlie Oler, Gerry Post, Alan Hayman, Ella Dodson, David Chipman, Linda Dodds, Roberto De Antueno, Janet Shotwell, Richard Stahl, Mary Sorrentino, Leslie Pezzack, Katherine Kitching, Dan Goodspeed, Jennifer Powley, Graham Read, Janet Maybee, Rebecca Robertson, Wendy Scott, Judith Fingard, Omri Haiven, Linda Cameron, Claire Dykhuis, Peter Lavell, Colleen Freake, Katheryn Johnson, Marie-Isabell Schilk, Elizabeth Precious, Odessa Spore, Richard Mueller, Sara Kirk, Molly DeShong, and Art Irwin

MOVED by Councillor Mason, seconded by Councillor Cleary

THAT Halifax and West Community Council recommend that Halifax Regional Council:

- 1. Give First Reading to consider the proposed amendments to the Halifax Municipal Planning Strategy and Land Use By-law for Halifax Peninsula, as set out in Attachments A and B of the staff report dated May 24, 2019, to permit by development agreement, a mixed-use development on lands fronting Spring Garden Road, Robie Street and Carlton Street, Halifax, and schedule a public hearing; and**
- 2. Adopt the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law, as set out in Attachments A and B of the staff report dated May 24, 2019.**

Councillor Smith, noting that there was correspondence submitted by the Applicant outlining the public benefit of the proposed development, requested that staff come prepared to discuss the public benefit of the proposed development when the matter comes forward for a public hearing.

Responding to questions from members of Community Council, Tyson Simms, Planner III, noted that if Council approves the Municipal Planning Strategy (MPS) amendments, the Applicant would then have up to two (2) years to complete the development agreement process, after which, the time limitations would default to those outlined in the Centre Plan.

MOTION PUT AND PASSED.

13.2.3 Case 20761: Amendments to the Halifax Municipal Planning Strategy and Land Use By-law for Halifax Peninsula for lands fronting Robie Street, College Street, and Carlton Street, Halifax

The following was before Community Council

- A recommendation report from the Chair of the Heritage Advisory Committee dated June 6, 2019, with attached staff recommendation report dated May 24, 2019
- A memorandum from the Chair of the Halifax Peninsula Planning Advisory Committee dated September 24, 2018
- Correspondence submitted by Lisa Tremblay, Brenda O'Brien, Alex de Saint Sardos, Brad Abernethy, Michael Young, Irene Lorch-Wauchope, Peter Fillmore, Kristina McMillan, Flint Scheartz, Peggy Cameron, Lezlie Oler, Gerry Post, Alan Hayman, Ella Dodson, David Chipman, Linda Dodds, Roberto De Antueno, Janet Shotwell, Richard Stahl, Mary Sorrentino, Leslie Pezzack, Katherine Kitching, Dan Goodspeed, Jennifer Powley, Graham Read, Janet Maybee, Rebecca Robertson, Wendy Scott, Judith Fingard, Omri Haiven, Linda Cameron, Claire Dykhuis, Peter Lavell, Colleen Freake, Katheryn Johnson, Marie-Isabell Schilk, Elizabeth Precious, Odessa Spore, Richard Mueller, Sara Kirk, Molly DeShong, and Art Irwin

MOVED by Councillor Mason, seconded by Councillor Cleary

THAT Halifax and West Community Council recommend that Halifax Regional Council:

- 1. Give First Reading to consider the proposed amendments to the Halifax Municipal Planning Strategy and the Land Use By-law for Halifax Peninsula, as set out in Attachments A and B of the staff report dated May 24, 2019, to permit by development agreement, a mixed-use development on lands fronting Robie Street, College Street and Carlton Street, Halifax, and schedule a public hearing; and**
- 2. Adopt the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law, as set out in Attachments A and B of the staff report dated May 24, 2019.**

MOTION PUT AND PASSED.

13.2.4 Case 20417: Development Agreement for 2267 Brunswick Street, Halifax

The following was before Community Council

- A recommendation report from the Chair of the Heritage Advisory Committee dated June 6, 2019, with attached staff recommendation report dated May 9, 2019
- Correspondence submitted by Joe Metlege and Andrew Nahas

MOVED by Councillor Smith, seconded by Councillor Mason

THAT Halifax and West Community Council give Notice of Motion to consider the revised proposed development agreement as set out in Attachments A and B of the supplementary staff report dated May 9, 2019, to permit an 8 storey residential building at 2267 Brunswick Street, Halifax and schedule a new public hearing.

MOTION PUT AND PASSED.

13.3 MEMBERS OF COMMUNITY COUNCIL

14. MOTIONS - NONE

15. IN CAMERA (IN PRIVATE)

15.1 Personnel Matter

A matter pertaining to an identifiable individual or group.

This matter was dealt with In Camera (In Private), and the following was ratified during public session:

MOVED by Councillor Cleary, seconded by Councillor Walker

THAT Halifax and West Community Council:

1. Direct the Chief Administrative Officer as outlined in the private and confidential staff report dated May 29, 2019; and
2. Direct that the private and confidential report dated May 29, 2019, not be released to the public.

MOTION PUT AND PASSED.

16. ADDED ITEMS - NONE

17. NOTICES OF MOTION – NONE

18. PUBLIC PARTICIPATION

The Chair called three (3) times for any members of the public wishing to address Community Council; there were none.

19. DATE OF NEXT MEETING

- July 9, 2019;
- August 6, 2019.

20. ADJOURNMENT

The meeting was adjourned at 7:07 p.m.

David Perusse
Legislative Assistant