



**HALIFAX AND WEST COMMUNITY COUNCIL
MINUTES
August 9, 2023**

PRESENT: Councillor Waye Mason, Acting Chair
Councillor Shawn Cleary
Councillor Kathryn Morse

REGRETS: Councillor Lindell Smith, Chair – Parental Accommodation
Councillor Patty Cuttell, Vice Chair
Councillor Iona Stoddard

STAFF: Elise Martino, Solicitor
Annie Sherry, Legislative Assistant
Dorothy Maponga, Legislative Assistant

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

The agenda, reports, supporting documents, information items circulated, and video (if available) are online at halifax.ca.

The meeting was called to order at 6:08 p.m. and adjourned at 7:02 p.m.

1. CALL TO ORDER AND LAND ACKNOWLEDGEMENT

The Acting Chair called the meeting to order at 6:08 p.m. and acknowledged that the meeting took place in the traditional and ancestral territory of the Mi'kmaq people, and that we are all treaty people.

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

Additions: None

Deletions: None

MOVED by Councillor Cleary, seconded by Councillor Morse

THAT the agenda be approved as presented.

MOTION PUT AND PASSED.

3. CALL FOR DECLARATION OF CONFLICT OF INTERESTS – NONE

4. HEARINGS

4.1 PUBLIC HEARINGS

4.1.1 Case PLANAPP-2023-00034 - Substantive amendment to a development agreement, 2720 Gottingen Street, Halifax

The following was before Community Council:

- Heritage Advisory Committee report dated May 24, 2023 with attached staff report dated May 17, 2023
- Extracts from the June 13, 2023 Halifax and West Community Council minutes and the July 4, 2023 Halifax and West Community Council draft minutes
- Correspondence from Peter Lavell, John Snow, Bradford Jewers, and Ronald Pink on behalf of Elizabeth Pacey
- Staff presentation dated August 9, 2023

Seamus McGreal, Planner III gave a presentation and responded to questions of clarification from Community Council. McGreal outlined the scope of the proposed amendment, which would extend the existing restaurant use onto a patio in the rear yard.

The hearing opened at 6:24 p.m.

The Chair invited the applicant to come forward and address Community Council.

Myles Baldwin, Applicant spoke to the importance of the approval of the proposed patio on the operation of the business and highlighted that the license for the proposed patio would include restricted operating hours to minimize noise. Baldwin highlighted that the business had not received any formal noise complaints from the City, alcohol and gaming, or food and safety, and noted the importance of allowing exceptions and flexibility to preserve historical properties in the City and responded to questions of clarification from Community Council.

The Chair reviewed the rules of procedure for public hearings and called for anyone wishing to speak on the matter.

David Wallbridge on behalf of Elizabeth Pacey, Halifax spoke to concerns with the proposed amendment and highlighted that the operators of the pub made no attempt to engage Pacey on the proposed amendment to the development agreement. Wallbridge noted that section 4.3 of the Municipal

Planning Strategy requires that the impact on residential uses, noise, and hours of operation be minimized, and that the proposed amendment would not minimize the impact on neighbours as non-amplified musical instruments would still be permitted. Wallbridge referenced policies that required that regulations in a development agreement minimize potential conflict between a proposed development and neighbours and suggested that being asked to call compliance once a conflict arises would not mitigate conflict.

John Snow, Halifax spoke to their concerns with the proposed amendment as a nearby property owner and highlighted that although formal complaints had not been filed, there had been noise issues and complaints directly to the owners of the property. Snow highlighted that the capacity decrease from the initial 35 to 25 may be evidence of noise concerns, and that the pub was situated in zone ER-1 which permits single unit dwellings, secondary suites, home offices and others which were not related to the current use of the property or the proposed patio.

The Chair invited the applicant to respond to questions raised by the public.

Baldwin noted that the capacity of proposed patio would be 25 people, that the patio would be open six days a week, and there would be no amplified music. Baldwin highlighted that the business was a family-friendly establishment and families have been in support of the proposed patio.

MOVED by Councillor Cleary, seconded by Councillor Morse

THAT the hearing be closed.

MOTION PUT AND PASSED.

The hearing closed at 6:55 p.m.

McGreal highlighted that the amending development agreement limits capacity on the proposed patio to 25 people. McGreal clarified that the proposed amendment would not allow for amplified or non-amplified music on the patio, and that non-amplified music was only allowed inside the building.

MOVED by Councillor Cleary, seconded by Councillor Morse

THAT Halifax and West Community Council:

- 1. Approve the proposed amending development agreement, which shall be substantially of the same form as set out in Attachment A of the staff report dated May 24, 2023; and**
- 2. Require the agreement be signed by the property owner within 120 days or longer if warranted, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED.

5. ADJOURNMENT

The meeting was adjourned at 7:02 p.m.

Dorothy Maponga
Legislative Assistant