

**HALIFAX AND WEST COMMUNITY COUNCIL
MINUTES
May 7, 2019**

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

STAFF: Meg MacDougall, 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 6:02 p.m. and adjourned at 7:15 p.m.

1. CALL TO ORDER

The Chair called the meeting to order at 6:02 p.m. in Council Chamber, 3rd Floor City Hall, 1841 Argyle Street, Halifax.

2. APPROVAL OF MINUTES – April 9, 2019

MOVED by Councillor Zurawski, seconded by Councillor Walker

THAT the minutes of April 9, 2019 be approved as presented.

MOTION PUT AND PASSED.

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

Additions:

16.1 Case 21115: Amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law, and a proposed development agreement to enable a 9 storey building on Quinpool Road and Pepperell Street, near Preston Street

Deletions:

13.1.5 Case 21979: Amendment to the Building Height Requirements of the Land Use By-law for Halifax Peninsula for 2165 Gottingen Street, Halifax

MOVED by Councillor Zurawski, seconded by Councillor Walker

THAT the agenda be approved as amended.

Two-thirds majority vote required.

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

9. NOTICES OF TABLED MATTERS – NONE

10. HEARINGS

10.1 Public Hearings

10.1.1 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 memorandum from the Chair of the Halifax Peninsula Planning Advisory Committee dated February 27, 2019
- Correspondence submitted by Kenneth Dewar, Martin Reid, Dorothy Hahn, Erik Hahn, Tony Blouin, Tara Blouin, Gillian Allen, Amir Nevo, Kara Allen, Gregory Cormier, and Fay Cormier

Councillor Cleary noted that they have spoken with staff and wish to bring some amendments to the staff recommendation for Case 22005. They noted that staff have advised that these proposed amendments would constitute a “substantial amendment,” and would thus require a supplementary staff report and a new public hearing. As a result, Cleary requested that Community Council consider deferring the public hearing on this item, while requesting a supplementary staff report on the requested amendments.

MOVED by Councillor Cleary, seconded by Councillor Walker

THAT Halifax and West Community Council:

- 1. Defer the public hearing for Case 22005: Internal Residential Conversions in the Peninsula West Area 1 Schedule of the Land Use By-Law for Halifax Peninsula; and**
- 2. Request a supplementary staff report incorporating the following amendments to sections (c) and (d) of Attachment A of the staff report dated March 14, 2019:**
 - (c) where a conversion is to:**
 - (i) three or four dwelling units, two of the total dwelling units shall be a minimum of two bedrooms and 690 square feet;**
 - (ii) five dwelling units, three of the total units shall be a minimum of two bedrooms and 690 square feet; or**
 - (iii) six dwelling units, four of the total dwelling units shall be a minimum of two bedrooms and 690 square feet**
 - (d) one separately accessible parking space at least 8 feet wide and 16 feet long is provided for each new two-bedroom dwelling unit, as per section (c) above; and.....**

MOTION PUT AND PASSED.

10.1.2 Case 21288: Land Use By-law Amendment and Development Agreement for 2859 Robie Street, Halifax

The following was before Community Council:

- A staff recommendation report dated March 15, 2019
- A memorandum from the Chair of the Halifax Peninsula Planning Advisory Committee dated July 10, 2018
- A staff presentation titled “Case 21288”
- A presentation from the Applicant titled “Robie / Bilby Mixed-Use Development”
- Correspondence submitted by Ezio Dini, Jana Dempsey, Cooper Lee, and Elizabeth Manning

Melissa Eavis, Planner III, Current Planning, Urban Enabled Applications, provided Community Council with a presentation on Case 21288: Land Use By-law Amendment and Development Agreement for 2859 Robie Street, Halifax, to add 2859 Robie Street, Halifax into Schedule Q of the Land Use By-law for Halifax Peninsula and for a development agreement to allow a nineteen (19) storey mixed use building.

Responding to questions from members of Community Council, Eavis noted that this item is not coming forward as part of the Centre Plan, as staff are unable to consider current planning applications under the Centre Plan, which is yet to be implemented.

The Chair invited the Applicant to come forward to provide Community Council with a presentation on Case 21288.

Cesar Saleh, WM Fares Architects, provided Community Council with a presentation on Case 21288: Land Use By-law Amendment and Development Agreement for 2859 Robie Street, Halifax.

Responding to questions from members of Community Council, Saleh noted that the application commenced in 2014, with there being significant changes since then. They noted that some of the feedback provided by the Halifax Peninsula Planning Advisory Committee has been incorporated into current proposal; these include maintaining tree coverage along the street, as well as a reduction in signage.

The Chair opened the public hearing and called three (3) times for any members of the public wishing to come forward to speak to the matter. There being none, it was MOVED by Councillor Mason, seconded by Councillor Smith

THAT the public hearing close.

MOTION PUT AND PASSED.

MOVED by Councillor Smith, seconded by Councillor Mason

THAT Halifax and West Community Council Adopt the amendment to Map ZM-2 of the Land Use By-law for Halifax Peninsula as set out in Attachment A of the staff report dated March 15, 2019.

Councillor Smith noted that they have outstanding concerns with the height of the street walls on Bilby and Macara Streets. Councillor Smith asked Community Council to consider referring the matter to staff to explore additional alterations to the development agreement.

MOVED by Councillor Smith, seconded by Councillor Mason

THAT Halifax and West Community Council direct staff to engage with the Applicant on the side street walls on Macara and Bilby Street to limit the street wall to three (3) storeys when considering the development agreement, and come back to Community Council with any alterations reached.

Several members of Community Council took issue with the proposed motion, noting that no members of the public came forward at the public hearing requesting these changes. It was also noted that the request would delay the matter, with others noting that they do not think the street wall height poses any aesthetic issues.

MOTION PUT AND DEFEATED.

Community Council returned to consideration of the original motion.

MOTION PUT AND PASSED.

The Chair thanked Eavis for the presentation.

10.2 Variance Hearings - NONE

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

The Legislative Assistant noted that the Municipal Clerk's Office received correspondence relating to item(s) 10.1.1, 10.1.2, and 13.1.7. This correspondence was circulated to members of Community Council.

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

11.2 Petitions

The Legislative Assistant submitted a petition on behalf of Kara Allen, containing 68 signatures from Halifax Peninsula West End residents in opposition to the staff recommendation for Case 22005: Internal Residential Conversions in the Peninsula West Area 1 Schedule of the Land Use By-Law for Halifax Peninsula.

11.3 Presentations - None

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS

13.1 STAFF

13.1.1 Proposed Development Agreement Case 20267: Amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law, and a proposed development agreement to enable a five-storey building on lands fronting Chebucto Road, Beech Street and Elm Street, Halifax

The following was before Community Council

- A staff recommendation report dated November 28, 2018
- A memorandum from the Chair of the Halifax Peninsula Planning Advisory Committee dated December 11, 2017

MOVED by Councillor Cleary, seconded by Councillor Zurawski

THAT Halifax and West Community Council:

- 1. Approve the proposed development agreement for a five-storey plus penthouse mixed-use building at 6482 Chebucto Road, 2586 Beech Street and 2585 Elm Street, Halifax, which shall be substantially of the same form as contained in Attachment C of the staff report dated November 28, 2018; and**
- 2. Require the development agreement be signed by the property owner within 120 days, 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.

13.1.2 Case 22166: Discharge of Development Agreement on lands at 1749-1759 Vernon Street, Halifax

The following was before Community Council

- A staff recommendation report dated March 13, 2019

MOVED by Councillor Mason, seconded by Councillor Cleary

THAT Halifax and West Community Council:

- 1. Approve, by resolution, the proposed Discharging Agreement, which shall be substantially of the same form as set out in Attachment A of the staff report dated March 13, 2019; and**
- 2. Require the Discharging Agreement be signed by the property owner within 120 days, 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.

13.1.3 First Reading Case 21979: Amendment to the Requirements of the Land Use By-law for Halifax Peninsula for 2165 Gottingen Street, Halifax

The following was before Community Council

- A staff recommendation report dated April 8, 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 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 staff report dated April 8, 2019, to amend the maximum building height and setback requirements for 2165 Gottingen Street, Halifax and schedule a public hearing.

MOTION PUT AND PASSED.

13.1.4 First Reading Case 20983: Rezoning of lands at the intersection of Wentworth Drive and Dunbrack Street, Halifax

The following was before Community Council

- A staff recommendation report dated April 4, 2019

MOVED by Councillor Walker, seconded by Councillor Cleary

THAT Halifax and West Community Council give First Reading to consider approval of the proposed amendment to the Land Use By-law for Halifax Mainland, as set out in Attachment A of the staff report dated April 4, 2019, to rezone properties at the intersection of Wentworth Drive and Dunbrack Street from R-2 to R-4 and R-2T, and schedule a public hearing.

MOTION PUT AND PASSED.

13.1.5 First Reading Case 21979: Amendment to the Building Height Requirements of the Land Use By-law for Halifax Peninsula for 2165 Gottingen Street, Halifax

The following item was deleted from the agenda during the approval of the order of business as it is a duplication of item 13.1.3.

13.1.6 First Reading Case 20632: Amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law, and a proposed development agreement for 2440, 2442, 2444, 2446, 2448, 2450, 2452 and 2454 Agricola Street, Halifax

The following was before Community Council

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

MOVED by Councillor Smith, 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 March 27, 2019, to allow a five storey (plus penthouse) building by development agreement at 2440 Agricola Street, 2442 Agricola Street, 2444 Agricola Street, 2446 Agricola Street, 2448 Agricola Street, 2450 Agricola Street, 2452 Agricola Street, and 2454 Agricola Street, Halifax, and schedule a public hearing;**
- 2. Recommend that Halifax Regional Council adopt the proposed amendments to the MPS and the LUB, as set out in Attachments A and B of the staff report dated March 27, 2019; and**
- 3. Give Notice of Motion to consider the proposed development agreement, as set out in Attachment C of the staff report dated March 27, 2019, to permit a five storey (plus penthouse) building at 2440 Agricola Street, 2442 Agricola Street, 2444 Agricola Street, 2446 Agricola Street, 2448 Agricola Street, 2450 Agricola Street, 2452 Agricola Street, and**

2454 Agricola 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.

13.1.7 First Reading Case 20774: Amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law, and a proposed development agreement to enable an eight storey building (plus penthouse) on the lands fronting Wellington Street, Halifax

The following was before Community Council

- A staff recommendation report dated April 11, 2019
- A memorandum from the Chair of the Halifax Peninsula Planning Advisory Committee dated June 25, 2018
- Correspondence submitted by Rebecca Jamieson, Pat Whitman, and Chris Annand

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 April 11, 2019, to allow an eight storey (plus penthouse) residential building by development agreement at 1110, 1116, 1120, 1122, 1126A/1126B/1126C and 1130/1132 Wellington Street, Halifax, and schedule a 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 April 11, 2019; and
3. Give Notice of Motion to consider the proposed development agreement, as set out in Attachment C of the staff report dated April 11, 2019, to permit an eight storey (plus penthouse) residential building at 1110, 1116, 1120, 1122, 1126A/1126B/1126C and 1130/1132 Wellington Street, Halifax. The public hearing for the proposed development agreement shall be held concurrently with the public hearing referenced in Recommendation 1.

Councillor Mason requested that that the public hearing for this item be scheduled on an agenda where there are no other public hearings.

MOTION PUT AND PASSED.

13.2 BOARDS AND COMMITTEES - NONE

13.3 MEMBERS OF COMMUNITY COUNCIL

13.3.1 Councillor Adams

The following was before Community Council:

- A request for Community Council consideration form dated May 2, 2019

On behalf of Councillor Adams, Councillor Cleary moved the following motion:

MOVED by Councillor Cleary, seconded by Councillor Walker

THAT Halifax and West Community Council request a staff report containing amendments to the Land Use By-law for Planning District 5 that would alter the definition of senior citizen housing in order to enable private ownership and management of this land use.

MOTION PUT AND PASSED.

14. MOTIONS - NONE

15. IN CAMERA (IN PRIVATE) – NONE

16. ADDED ITEMS

16.1 First Reading Case 21115: Amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law, and a proposed development agreement to enable a 9 storey building on Quinpool Road and Pepperell Street, near Preston Street

The following was before Community Council:

- A staff recommendation report dated April 11, 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 April 11, 2019, to permit a 9 storey, mixed-use building on Quinpool Road with a 3 storey section facing Pepperell Street, and schedule a joint public hearing with Halifax and West Community Council;
2. Recommend that Halifax Regional Council adopt 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 April 11, 2019; and
3. Give Notice of Motion to consider the proposed development agreement, as set out in Attachment C of the staff report dated April 11, 2019, to permit a 9 storey, mixed-use building on Quinpool Road with a 3 storey section facing Pepperell Street. The public hearing for the proposed development agreement shall be held concurrently with the public hearing referenced in Recommendation 1.

MOTION PUT AND PASSED.

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

- May 13, 2019 – Special Meeting;
- June 11, 2019 – Regular Meeting.

Due to the increased volume of items coming before Community Council for hearings, members of Community Council agreed to hold an additional meeting in June to be scheduled by the Legislative Assistant.

20. ADJOURNMENT

The meeting was adjourned at 7:15 p.m.

David Perusse
Legislative Assistant