

**HALIFAX AND WEST COMMUNITY COUNCIL
MINUTES
August 6, 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: Sara Knight, 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 6:00 p.m. Community Council recessed at 6:30 p.m. and reconvened at 6:33 p.m. The meeting adjourned at 8:16 p.m.

1. CALL TO ORDER

The Chair called the meeting to order at 6:00 p.m. in Council Chamber, 3rd Floor City Hall, 1841 Argyle Street, Halifax.

2. APPROVAL OF MINUTES – July 9, 2019

MOVED by Councillor Cleary, seconded by Councillor Zurawski

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

MOTION PUT AND PASSED.

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

MOVED by Councillor Cleary, seconded by Councillor Walker

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

9. NOTICES OF TABLED MATTERS – NONE

10. HEARINGS

10.1 Public Hearings

10.1.1 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
- A staff presentation titled “Public Hearing: Case 21984”

Paul Sampson, Planner II, provided Community Council with a presentation on Case 21984: Development Agreement for 2486 Creighton Street, Halifax.

Responding to questions from members of Community Council, Sampson noted that while the Halifax Peninsula Planning Advisory Committee was in favour of the proposal, staff’s recommendation to refuse the proposed development agreement is based on staff’s assessment that the proposal is not in keeping with the policies under the Municipal Planning Strategy (MPS). Specifically, staff cited policies 4.6 (b) and (c), being that the problems faced by the property are not unique to the area, and that the modifications are necessary for the development.

The Chair invited the Applicant to come forward to address Community Council.

Margo Young, EDM Planning Services Ltd, Applicant, spoke to Community Council about the proposal under Case 21984: Development Agreement for 2486 Creighton Street, Halifax. They expressed the view

that their proposal is not inconsistent with the MPS policies, and asked Community Council to vote for the alternative motion to schedule a public hearing for the development agreement.

Responding to questions from members of Community Council, Young noted that there would be two (2) parking spots on the lot if the proposal were approved.

The Chair opened the public hearing and called for any members of the public wishing to come forward to speak to the matter.

Omar Gandhi, Halifax, noted that they are the owner of the property. They noted that the project would be a benefit for the north end Halifax community. A small studio would be operated out of the property, which would allow the employees to live and work in the north end of Halifax. They additionally noted that a local construction firm would be hired for the job, added to the local economy. They asked Community Council to approve the proposed development agreement.

Kathy Young, Gottingen Street, requested clarification as to where the building is going to be built, as well as the purpose of the new construction.

Margo Young responded to some of the questions that were raised during the public hearing. They noted that the property is located at 2486 Creighton Street. They additionally noted that Omar Gandhi would live there and operate a studio out of the property on the ground floor.

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

THAT the public hearing close.

MOTION PUT AND PASSED.

MOVED by Councillor Smith, seconded by Councillor Walker

THAT Halifax and West Community Council refuse to approve the proposed development agreement, as set out in Attachment A of the staff report dated May 9, 2019, as it is not reasonably consistent with the Halifax Municipal Planning Strategy in that the requested modification of lot standards is not necessary to secure an appropriate development of the lot and the conditions necessitating the modification are not unique to the lot.

Responding to questions from members of Community Council, Sampson noted that even if an office was not part of the proposal, this development would still have to proceed through the development agreement process, as the lot frontage and setbacks would require modification through a development agreement.

Councillor Smith noted that they support the proposal, noting that when you look at the surrounding area, the proposed development is not inconsistent with the character of the neighbourhood. They noted that the north end would benefit from such a project, and agreed with the recommendation of the HPPAC. They asked members of Community Council to defeat the staff recommendation and approve the alternative to schedule a public hearing to consider the development agreement.

MOTION PUT AND DEFEATED.

MOVED by Councillor Smith, seconded by Councillor Mason

THAT Halifax and West Community Council:

- 1. Approve the proposed development agreement for a single-unit dwelling with a professional office or home occupation, with modified lot standards, at 2486 Creighton Street, Halifax, which shall be substantially of the same form as contained in Attachment A of the staff report dated May 9, 2019; 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.

The Chair thanked Sampson for the presentation.

10.1.2 Case 21795: Development Agreement for Child Care Centre at 56 Kearney Lake Road, Halifax

The following was before Community Council:

- A staff recommendation report dated May 30, 2019
- A staff presentation titled "Public Hearing - Case 21795 Development Agreement for 56 Kearney Lake Drive, Halifax"

Jamy-Ellen Klenavic, Planner II, provided Community Council with a presentation on Case 21795: Development Agreement for Child Care Centre at 56 Kearney Lake Road, Halifax. The proposed development agreement would allow a daycare for up to sixteen (16) children.

The Chair invited the Applicant to come forward to address Community Council.

Caesar Saleh, WM Fares, on behalf of LSJ Holdings (Wedgewood's Little School), Applicant, spoke to Community Council about the proposal for Case 21795: Development Agreement for Child Care Centre at 56 Kearney Lake Road, Halifax. Saleh noted that the site is currently operated as a daycare. The Applicant was initially seeking approval for forty-six (46) children, but after consultation with HRM staff, they have agreed to reduce this amount to sixteen (16) children. This would only be two (2) additional children than are already approved for the site.

Responding to questions from members of Community Council, Saleh noted that there would be no changes to the premises, the Applicant is only seeking approval for two (2) additional children at the daycare.

The Chair opened the public hearing and called for any members of the public wishing to come forward to speak to the matter.

Glen Taylor, Wedgewood Avenue, expressed their support for the proposal, noting that it respects the integrity of the neighbourhood and those residing in it, as well as the R-1 zoning of the area.

Irene Finney, Wedgewood Avenue, expressed their concerns with the proposal. Although they commended the owners for reducing the number of permitted children, they noted that they still believe that two (2) additional children is too many for the site. They noted that they already experience issues with parking on that corner, and this proposal would only add to the problem.

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

THAT the public hearing close.

MOTION PUT AND PASSED.

MOVED by Councillor Zurawski, seconded by Councillor Walker

THAT Halifax and West Community Council:

1. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A of the staff report dated May 30, 2019; and
2. Require the 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.

The Chair thanked Klenavic for the presentation.

10.1.3 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 staff recommendation report dated April 11, 2019
- A supplementary staff report dated May 22, 2019
- A memorandum from the Chair of the Halifax Peninsula Planning Advisory Committee, dated January 25, 2018
- A staff presentation titled "Public Hearing Case 21115"

Myles Agar, Principle Planner, provided Community Council with a presentation on Case 21115: Development Agreement for a 9-storey building on Quinpool Road and Pepperell Street, near Preston Street, Halifax.

The Chair invited the Applicant to come forward to address Community Council.

Christina Lovitt, WSP, on behalf of Façade Investments Ltd., Applicant, provided Community Council with a presentation on Case 21115: Development Agreement for a 9-storey building on Quinpool Road and Pepperell Street, near Preston Street, Halifax.

The Chair called three (3) times for any members of the public wishing to come forward to speak on the 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:

1. Approve the proposed development agreement for a 9 storey, mixed-use building on Quinpool Road with a 3.5 storey section facing Pepperell Street, which shall be substantially of the same form as set out in Attachment A of the report dated May 22, 2019;
2. Approve, by resolution, the proposed partial discharging agreement, which shall be substantially of the same form as set out in Attachment F of the report dated April 11, 2019; and
3. Require that both the partial discharging agreement and 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.

The Chair thanked Agar for the presentation.

10.2 Variance Hearings

10.2.1 Case 22182: Appeal of Variance Refusal – 2424 Armcrescent East Drive, Halifax

The following was before Community Council:

- A staff recommendation report dated July 10, 2019
- A staff presentation titled “Case 22182 Variance Hearing 2424 Armcrescent East Dr. Halifax”
- Correspondence submitted by Anne Folkins, Anthony Folkins, Winifred Milne, Ruth Geddes, and Dorothy Haley

Andrew Faulkner, Development Officer, provided Community Council with a presentation on Case 22182: Appeal of Variance Refusal – 2424 Armcrescent East Drive, Halifax. Faulkner noted that the variance is being sought to increase the allowable gross floor area. The allowable gross floor area under the By-law is 3,632 square feet, and the requested variance would increase that to 4,100 square feet. This would allow permeant access to the top floor of the renovated property. Faulkner noted that while there was no intentional disregard for the By-law in the renovations to the property, the variance is not in keeping with planning policy considerations; specifically, the problem faced is not unique when compared to other properties in the area.

Responding to questions from members of Community Council, Faulkner confirmed that regardless of Community Council’s decision on the variance appeal, the exterior of the property would remain the same.

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

Louis Thomas, Appellant, spoke to Community Council about their appeal of the variance refusal. They noted that they have been transparent with the Municipality throughout the planning and construction process, and it was HRM who approved the building permit nine (9) months ago. They are now asking that they be able to build permanent access to the top floor of the property, the construction for which was approved by the HRM.

The Chair then called for anyone in the notification area wishing to address Community Council on this matter to come forward.

Archie Morrison, Armcrescent East Drive, noted that they have no objection to the variance being sought.

Michael Herrich, Armcrescent West Avenue, expressed their opposition to the variance being sought. They noted that the property jets out above the roofline of surrounding properties, and that the property in questions towers over their backyard. This has created issues with shadows and access to sunlight. They expressed their concern about the impact that this will have on their property value, and those of their immediate neighbours. They noted that they support the decision of the development officer and encouraged Community Council not to overturn their decision.

Don Miller, Armcrescent East Drive, expressed their opposition to the variance being sought. They expressed concern with the precedent that approving the variance will set in terms of building large houses that do not conform to planning by-laws. They noted that such precedents could encourage HRM residents on the Peninsula to risk overbuilding in contravention of Land-Use By-laws (LUB). They noted that the property in question is not in keeping with the character of the neighbourhood. They questioned the owner’s choice to commence construction without obtaining permission for permanent access to the top floor.

Claud Carter, Chebucto Road, questioned HRM planning staff's decision to approve a building permit knowing that the property owner could not get permanent access to the top floor while still being compliant with gross floor area limitations. They noted the property owner was, to a certain extent, being set up if HRM staff approved the building permit knowing that they would require a variance.

Ruth Gebbis, Armcrescent East Drive, expressed their opposition to the variance being sought. They noted that several neighbours of the property called the HRM when the renovations were being constructed, as it was clear that they did not fit in with the character of the neighbourhood. They questioned whether the property owner intentionally disregarded the requirements of the LUB, knowing that they would require a variance.

Brice Walsh, Armcrescent East Drive, noted their opposition to the variance being sought. They expressed their concerns with the height of the building, noting that it is not in keeping with the character of the neighbourhood. They noted that the extra space on the top floor was never intended to be an attic, and that the property owner knew that they did not have approval for permanent access to this space. They noted that HRM planning staff generally have to approve proposals put before them where they do not violate the LUB. They questioned whether it was always the owner's intention to apply for a variance. They supported the decision of the Development Officer and encouraged Community Council to do the same.

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

THAT the variance hearing be closed.

MOTION PUT AND PASSED.

MOVED by Councillor Cleary, seconded by Councillor Walker

THAT Halifax and West Community Council allow the appeal.

Responding to questions from members of Community Council, Faulkner noted that neighbouring properties are also permitted to build residential properties up to a height of thirty-five (35) feet, like the property in question. Faulkner additionally noted that if the variance refusal is upheld, the options available to the property owner would include razing half the floor area in their basement to balance out the permissible gross floor area, or they could forego having permanent access to the new space. In either case, and regardless of whether the appeal is granted or not, the exterior size of the building would remain unchanged.

MOTION PUT AND PASSED (Development Officer's decision overturned.)

The Chair thanked Faulkner for the presentation.

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

The Legislative Assistant noted that the Municipal Clerk's Office received correspondence relating to item(s) 10.2.1. This correspondence was circulated to members of Community Council.

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

11.2 Petitions

11.3 Presentations

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS

13.1 STAFF

13.1.1 Case 20577: Amendments to the Municipal Planning Strategy for Halifax and Land Use By-law for Halifax Peninsula, and a proposed development agreement to enable an eight-storey building (plus penthouse) on the lands fronting Robie Street, Cunard Street, and Compton Avenue, Halifax

The following was before Community Council:

- A staff recommendation report dated March 22, 2019
- A memorandum from the Chair of the Halifax Peninsula Planning Advisory Committee, dated January 22, 2018

MOVED by Councillor Smith, seconded by Councillor Mason

That Halifax and West Community Council:

1. Approve the proposed development agreement for an eight-storey (plus penthouse) mixed-use building at 2180 Robie Street, 2178 Robie Street, 2176 Robie Street, 2166 Robie Street, 2164 Robie Street, 2162 Robie Street, 6020 Cunard Street, 6018 Cunard Street, 6014 Cunard Street, and 6025 Compton Avenue, Halifax, which shall be substantially of the same form as contained in Attachment C of the staff report dated March 22, 2019; and
2. Require the proposed 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 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. Approve the proposed development agreement for 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, which shall be substantially of the same form as contained in Attachment C of the staff report dated March 27, 2019; 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.

13.1.3 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, 2018

MOVED by Councillor Mason, seconded by Councillor Cleary

THAT Halifax and West Community Council:

1. Approve the proposed development agreement for an eight storey (plus penthouse) mixed-use building at 5713 Victoria Road and 1102 and 1106 South Park Street, Halifax, which shall be substantially of the same form as contained in Attachment C of the staff report dated May 9, 2019; 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.

13.1.4 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 Walker

THAT Halifax and West Community Council:

1. Approve the proposed development agreement for a building with three components (a six-storey plus penthouse component on Bayers Road, three-storey plus penthouse component on Young Street, and three-storey 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, which shall be substantially of the same form as contained in Attachment C of the staff report dated May 15, 2019; and
2. Require the proposed 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.

13.1.5 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

MOVED by Councillor Cleary, seconded by Councillor Walker

THAT Halifax and West Community Council:

1. Approve the proposed development agreement for an eight storey (plus penthouse) residential building at 1110, 1116, 1120, 1122, 1126A/1126B/1126C and 1130/1132 Wellington Street, Halifax, which shall be substantially of the same form as contained in Attachment C of the staff report dated April 11, 2019; 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.

13.2 BOARDS AND COMMITTEES - NONE

13.3 MEMBERS OF COMMUNITY COUNCIL - NONE

14. MOTIONS - NONE

15. IN CAMERA (IN PRIVATE) - NONE

16. ADDED ITEMS - NONE

17. NOTICES OF MOTION – NONE

18. PUBLIC PARTICIPATION

The Chair called for any members of the public wishing to address Community Council.

Kathy Young, Gottingen Street, expressed their concern with regards to a proposal to build a thirteen (13) storey building on Gottingen Street.

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

19. DATE OF NEXT MEETING

- September TBD, 2019;
- October 15, 2019.

20. ADJOURNMENT

The meeting was adjourned at 8:06 p.m.

David Perusse
Legislative Assistant