



**HALIFAX & WEST COMMUNITY COUNCIL
MINUTES
June 17, 2014**

PRESENT: Councillor Linda Mosher, Chair
Councillor Wayne Mason, Vice Chair
Councillor Jennifer Watts
Councillor Russell Walker
Councillor Stephen Adams
Councillor Reg Rankin

REGRETS: None

STAFF: Ms. Karen Brown, Solicitor
Mr. Liam MacSween, Legislative Assistant

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

The agenda, supporting documents, and information items circulated to Community Council are available online: <http://www.halifax.ca/Commcoun/west/140617hwcc-agenda.php>

The meeting was called to order at 7:00 p.m. and recessed at 9:13 p.m. and adjourned at 10:28 p.m.

1. CALL TO ORDER

The Chair called the meeting to order at 7:00 p.m.

2. APPROVAL OF MINUTES – May 6 & May 20, 2014 (Special Meeting)

MOVED by Councillor Watts, seconded by Councillor Walker that the Minutes of May 6 & May 20, 2014 (Special Meeting) be approved as presented.

MOTION PUT AND PASSED.

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

Additions:

- 13.1 Case 18834: Stage II Development Agreement for Rockingham South, Halifax Mainland

Deletion:

- 8.2.1 Case 18820 – Appeal of Variance Refusal - 13 Round Tuit Road, Whites Lake

At the request of Councillor Watts, Halifax and West Community Council agreed by consensus to move the following items up on the agenda to be dealt with before the scheduled public hearing(s):

Item No. 10.1.1 - Supplementary Report - Case 18462: MPS Amendments and Development Agreement for 7067 Chebucto Road, Halifax (former Case 17397)

Item No. 10.1.2 - Supplementary Report - Case 18555 – LUB Amendment and Development Agreement - 2857-2863 Isleville Street and 5559 Bilby Street, Halifax

MOVED by Councillor Watts, seconded by Councillor Mason that the agenda be approved as amended.

MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES – NONE

5. MOTIONS OF RECONSIDERATION – NONE

6. MOTIONS OF RESCISSION – NONE

7. CONSIDERATION OF DEFERRED BUSINESS – NONE

8. HEARINGS

8.1 PUBLIC HEARINGS

8.1.1 Case 18547 – LUB Amendment and Development Agreement – 2183 Gottingen Street, Halifax

This matter was dealt with later in the meeting. Please see pages 5-14.

8.1.2 Case 18548 – LUB Amendment and Development Agreement – 2215 Gottingen Street, Halifax

This matter was dealt with later in the meeting. Please see pages 15-18.

8.2 VARIANCE APPEAL HEARINGS

8.2.1 Case 18820 – Appeal of Variance Refusal - 13 Round Tuit Road, Whites Lake

The following was before Community Council:

- *A staff recommendation report dated May 13, 2014*

This item was removed from the agenda during the approval of the order of business due to the withdrawal of the Variance Appeal by the Applicant.

8.2.2 Case 19074 –Appeal of Variance Approval, 6618 Regent Road, Halifax

This matter was dealt with later in the meeting. Please see pages 14-15.

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence

The Legislative Assistant noted correspondence which was received and distributed to Members of Halifax and West Community Council in relation to Item No. 8.1.1 and Item No. 8.1.2.

9.2 Petitions - NONE

9.3 Presentation - NONE

10. REPORTS

10.1 STAFF

10.1.1 Supplementary Report - Case 18462: MPS Amendments and Development Agreement for 7067Chebucto Road, Halifax (former Case 17397)

The following was before Community Council:

- *A supplementary staff report dated May 20, 2014*

MOVED by Councillor Walker, seconded by Councillor Rankin that Halifax and West Community Council:

- 1. Approve the proposed development agreement, presented in attachment A of the staff report dated May 20, 2014**
- 2. Require that 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**

Councillor Walker noted that the development agreement stipulates that the blank walls of the proposed development must be filled with greenery. He commented that the development will be positive addition to the area.

MOTION PUT AND PASSED.

10.1.2 Supplementary Report - Case 18555 – LUB Amendment and Development Agreement - 2857-2863 Isleville Street and 5559 Bilby Street, Halifax

The following was before Community Council:

- *A supplementary staff report dated May 20, 2014*

MOVED by Councillor Watts, seconded by Councillor Mason that Halifax and West Community Council:

- 1. Approve the proposed development agreement, presented in attachment A of the staff report dated May 27, 2014.**
- 2. Require that 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.

8.1.1 Case 18547 – LUB Amendment and Development Agreement – 2183 Gottingen Street, Halifax

The following was before Community Council:

- *A staff information report dated May 6, 2014*
- *A Memorandum from the District 7 & 8 Planning Advisory Committee dated November 6, 2013*
- *A motion memo for the consideration of Halifax and West Community Council on June 17, 2014*
- *Correspondence received between June 4 and June 17, 2014 received by the Office of the Municipal Clerk and distributed to Halifax and West Community Council for the June 17 meeting from: Thomas Boyd; Brian R.F. Lugar; Dr. Terrie Logue; D. Andrew Boswell; Debbie Richardson; Wayne Carlon; Deborah Woolway; Dwayne Flynn; Tim Leary; Graham Furgeson; Margaret J. MacQaurrie; Scott MacKnight; Susan Woolway; Gary Vermeir; Gwen Davies; Paul MacKinnon; Andy Fillmore; Colin MacLean; Paul Begin; Cathy Levangie; Gary Moore and Isaac Borefyn; Norman Greenberg; Robert and Jane Merchant; Deborah Allen; Miriam Regan; Wendy Lill; Charlotte Wilson-Hammond; Catherine Banks; Phil Smith; Eric Stotts; Bobbi Zahra; Jeremy Webb; Jo-Anne Galloway; Dawn McNutt; Sarah MacLaren; Edward Edelstein; Rev. Rhonda Y. Britton; A.J. Murphy*

The Chair read the procedures respecting public hearings and invited staff to give a presentation on Case 18547. Mr. Mitch Dickey, Planner provided a presentation on Case 18457.

The Chair thanked Mr. Dickey for his presentation and requested questions of clarification from members of Halifax and West Community Council.

Councillor Watts inquired if Mr. Dickey could highlight the suggested changes to the proposed development that were highlighted by the District 7 and 8 Planning Advisory Committee.

Mr. Dickey noted that the District 7 and 8 Planning Advisory Committee brought forward concerns about the exterior of appearance of the building as well as the lack of landscaping. He commented on discussions that were held by the committee pertaining to the amount of amenity space available on the street level, that consideration should be given to the pedestrian experience along all frontages, including those along Gottingen and Maitland Street but especially along Prince William Street, and the potential blank wall posed there and that the proposed townhouse units be revaluated to reflect the local character of the area. Mr. Dickey further noted that staff consulted with the developers and that a major redesign of the proposed townhouse units was undertaken as well. He commented that substantial improvements have taken place with respect to the design concerns by the developer.

Councillor Rankin referenced page four, paragraph one of the staff report dated May 6, 2014 and noted the various policies respecting height on Gottingen and Maitland Street. He stated that the C-2 zoning, which is applied to the subject area, has no restrictions on lot coverage for commercial or residential developments and inquired if the developers yielded rights with respect to these provisions.

Mr. Dickey remarked that the developer proposed a high quality design which exceeds what is likely in an as-of- right scenario. He noted that the additional height is appropriate given the design of the proposed development.

Councillor Rankin commented that many of the letters received by Community Council address concern regarding height and lot coverage of the building and suggested that the developer has also made concessions with respecting height and lot allowances in the C-2 zone.

Mr. Dickey commented that the intent of the Municipal Planning Strategy in which the subject property is located is to provide for high density development. He commented that the developer could have requested further height and density allowances under the C-2 zoning requirements but did not.

The Chair thanked Mr. Dickey for his comments and requested that the applicant come forward and present to Community Council.

Mr. Ross Cantwell, applicant and Real Estate Consultant with the Housing Trust of Nova Scotia provided a presentation on Case 18457. He noted that the organization is a non-profit housing group with a volunteer Board of Directors, of which he is a member. He commented that the Housing Trust of Nova Scotia is quite concerned about the development of Gottingen Street neighbourhood and the additional pressure that is being put on the people in that neighbourhood in terms of affordability. He advised that he Board of Directors of the Housing Trust of Nova Scotia brings a great deal skills and expertise to the table and noted the various credentials of the Board. He provided further commentary on the mandate of the Housing Trust and stated the organizations long term goal of existing as a financial sustainable NGO (Non-Governmental Organization) which provides affordable housing solutions for the public.

Mr. Cantwell provided commentary on the formation of a Community Liaison Committee to assist with the design of the building. He noted that the target tenant demographic for the affordable units can be classified as the working poor but suggested that they are every-day hard working men and women who require affordable housing solutions. Mr. Cantwell provided an overview of the changes made to the development proposal through the Community Liaison committee which include:

- Reduced the Height of both buildings
- Creation of 3 Bedroom units for family housing
- New cladding and exterior look
- Balconies for all units
- Addition of outdoor decks at both buildings
- Changes to windows - coverings more affordable

- Better walkways at entrance level
- Changed orientation and size of retail spaces

Mr. Cantwell suggested that the proposed development will bring approximately \$10 to \$15 million dollars in household income to the area. He thanked Community Council for their time and turned the presentation to Mr. Eugene Pieczonka of Lyndon Lynch Architecture to provide a more detailed presentation respecting the design characteristics of the proposed development.

Mr. Eugene Piezonka, Lyndon Lynch Architecture provided a presentation on Case 18457 and stated that the buildings which comprise the subject property are designed to contribute to the urban experience. He commented that the intent of the design is to create a sense of place that contributes the character of the neighbourhood. He noted the Gottingen street area has differing design conditions and noted that construction of town house units along Maitland Street as well as retail and open spaces along Gottingen to adapt to the character of the neighbourhood. He advised of changes made to the set- back of the buildings and gave a detailed overview of the overall design of the buildings.

Mr. Piezonka provided commentary relating to the units which will comprise both of the proposed buildings and noted that each building will offer communal space. He further stated that he hopes the design will promote additional development along Maitland Street. He remarked that the building materials have been made to emulate that character of the North end and that overall the design for both buildings are made to address the need for affordable housing. He concluded by thanking the members of Halifax and West Community Council and stating that he believes that the development will positively contribute to the neighbourhood.

The Chair asked for questions of clarification from members of Halifax and West Community Council. There were no further questions of clarification, as such the Chair opened the public hearing and requested that members of the public come forward to address Community Council on Case 18547.

Ms. Clair Waque, speaking as the owner and manager of the Bus Stop Theatre located on Gottingen Street, requested that Halifax and West Community Council not approve the proposed development as she believes it will negatively impact her business. She commented that in her view, consideration has not been properly given to the surrounding properties that are in close proximity to the proposed development. She requested that Halifax and West Community Council consider increasing the setback of the development from 10 feet to 17.5 feet. She explained that her property is sandwiched between the subject area and that if the project is approved, it will severely limit her development potential and future goals for her property.

Ms. Waque commented that increasing the setback will help mitigate the shadows and the reduction of light from the development. She stated her concern about the lack of a snow load study and other information that has not been provided to surrounding property owners. She advised that the back lot of her property is empty at the current time, with the exception of her greenhouse, garden and pond. She reiterated her point that her future plans and development potential of this space will be negatively affected by the proposal and encouraged Council to not approve the amendments to the Land Use By-law.

Ms. Bobbie Zahra, of 660 Franklyn Street thanked Halifax and West Community Council for the opportunity to address this issue. She commented that she has lived through the decline of Gottingen Street and was able to watch it come back. She explained that her particular interest in this development is The Performance Arts Lodge (PAL) component of the proposed development. She stated that the value of the arts community to HRM has been immeasurable and the idea of supporting a mixed use building will prove that HRM is in support of the arts community. She added that the Performance Art Lodge will contribute to the vibrancy of the neighbourhood and will be very beneficial in terms of economic development. She expressed her support and enthusiasm for the project.

Mr. Andrew Murphy, of 2128 Gottingen Street commented that he is usually worried about not enough density being proposed in new developments. In this case, he noted his concern is that if the proposed development is approved it will create a precedent for developers wanting the same type of density in other parts of HRM. He explained that if every developer obtains this type of density the supply for housing will greatly exceed demand creating a significant short fall in the value of housing investment in Halifax. He suggested that the proposed development is contrary to the Centre Plan model and the density, size and character of the proposed buildings are not necessary for a city like Halifax.

Mr. Ed Edelstein, owner of 2169-79 Gottingen Street, stated that part of his property abuts the subject property. He commented that he is opposed to the proposed amendments to the Land Use By-law and noted that as a local developer, he believes that the proposed development will negatively affect the community. He advised that the height of the proposed development is too high and that the unit mix is 83% single bedroom or studio apartments. He asserted that this does not encourage families to move to the area. He remarked that there would be no other area on the peninsula where this type of mix would be allowed. He requested that Halifax and West Community Council keep to the policy guidelines which require that 50 % of a large scale mixed use development be comprised of two and three bedroom units. He further commented that staff advertised the project as six story building and that under building guidelines, the project is in fact an eight story building. He requested that Halifax and West Community Council not uphold an untrue project which was it was presented to the public.

Mr. Richard Hadley, commented that he is representative for ACTRA (Alliance of Canadian Cinema, Television and Radio Artists), a union which represents professional performers in the media. He commented that the proposed project has allocated 25 units to the Performing Arts Lodge (PAL) which provides affordable housing to people within the arts community. He commented that artists have a hard time saving when they are just starting out and their work is often sporadic and underpaid. He commented that PAL will bring a great deal of benefit to the project if it is approved. Mr. Hadley stated that most people are being forced out of the peninsula because of the cost of housing and referenced the ongoing gentrification of the North End of Halifax. He concluded by stating that it is encouraging to see organizations such as PAL aligning with developers who are trying to stop that trend.

Ms. Holly Aresnault, 6-2580 Connaught Avenue, stated that she has been a professional musician for 33 years and that she can conservatively estimate that rent has varied between 50

and 75% of her monthly income since beginning her profession. She noted that artists will benefit greatly from affordable housing on the peninsula. She advised that affordable housing will allow artists with more income to see more theater buy more books and enjoy live music, which helps foster creativity so that they may prosper. She commented that many artists do not do what they do for money alone, and that most have a hierarchy of needs which is different from that of the population at large.

Ms. Maxine Wagner, of Maitland Street, commented that she has been a resident of the North End for 55 Years and has been in her Maitland Street home for 41 years. Like a previous speaker, she noted that she has witnessed the complete turn-around of Gottingen Street which was not attributable to the construction of tall buildings but rather to the people of that community. She advised that the construction of the proposed development will be a step backwards in her opinion and noted derogatory comments made by the developer about the condition of the houses in the surrounding area.

Ms. Wagner stated that she has experienced problems with demolition work that has been undertaken at the former MET site in which one of the buildings of the proposed development will be constructed. She commented on illegal parking that takes place at the sight and remarked that her house has been hit by debris no less than six times. She concluded by expressing her concerns for the safety of the area and that the future plans to develop the site should not be supported.

Ms. Nancy Morgan, of Dartmouth, commented that she is the Executive Dartmouth of Theater Nova Scotia and that she represents hundreds of individual members of the theatre community, 85% of whom reside in HRM. She noted that the project that is being proposed provides a valuable option for people who want to live within that neighbourhood and fits with HRM's plan to revitalize communities across the municipality.

Mr. Isaac Hashem of Hammonds Plains commented that he is a Chartered Accountant who works downtown. He noted that he sits on the Board of Directors for the Housing Trust of Nova Scotia and got involved with the organization to lend his expertise as an accountant to help people obtain affordable housing. He explained that his childhood experience of being raised by a single mom and the anxiety that was felt by his family also influenced his decision to volunteer with the Heritage Trust of Nova Scotia. He concluded his comments by requesting that Halifax and West Community Council approve the amendments to Land Use By-law to allow for the proposal.

Mr. Tim Leary, 21 Redwood Avenue, stated that he was present at the first meeting in the 1970's which proposed the formulation of the Performing Arts Lodge project. He commented that he is now retired as an actor and that his last performance was at the Bus Stop Theatre. He explained that there is a strong need for the services which PAL provides for artists in Halifax and referenced other PAL projects which have been successful in other cities across Canada. He concluded his remarks by stating that it is appropriate to move ahead with proposed development.

Ms. Ann Pocket, of Maynard Street stated that she was a member of the Community Liaison Committee and believes that the Housing Trust of Nova Scotia has the best interest of the community at heart. She commented that she is a big supporter of urban density and worries that she may have purchased the last reasonably priced home in the area, which is a problem. She concluded by requesting that Halifax and West Community Council support the proposal to allow for the development of the project to help bring more affordable housing solutions to the community.

Ms. Jennifer Contrand, 2223 Brunswick Street commented that providing affordable housing is very beneficial to the community. She stated that it is important that people understand that the community that she lives in, which is also where the subject property is located, is very diverse. She expressed her concern that the proposed buildings look out of character and for the working poor who still may not be able to afford to live in the building. She also expressed further concern that those on social assistance will not be accepted as tenants if the project goes forward.

The Chair called two times for further speakers.

Mr. Ezra Edelstein, 2242 Maitland Street, commented on the uniqueness of the Peninsula North zoning district. He provided commentary on a number of developers that have demonstrated that innovative and unique designs and uses for the community. He explained his belief that it is possible to build affordable housing units within the allowable height precincts. He provided further commentary with respect to the height provisions and noted that 83% of the units in the proposed development are one bedroom or smaller which does not support families. He concluded by stating that if the neighbourhood is to be supported it is essential that larger units be incorporated in to the design of new structures.

Ms. Beverly Miller, 2224 Maitland Street commented that her house has been there for 200 years and that she has owned it for the past 27 years. She noted derogatory marks made by the developer separate from the staff report which are misleading. She stated that, by her calculations, only 8 of the proposed 240 units are family size and questioned the rational of staff to put the proposed development under schedule Q to allow for the proposal to be considered by development agreement. She advised that the proposed development does not prevent conflict with existing uses in the neighbourhood but rather creates them and that no comprehensive site plan was conducted as per the provisions of schedule Q. She remarked that the proposal is not consistent with the Municipal Planning Strategy and requested that Halifax and West Community Council not support the project as it is being presented by staff and the developer.

Ms. Janet Morris, 5425 Portland Place, stated that her property is within the Service Boundary for notification of the public hearing. She commented that like the previous speaker, she is concerned about the applicability of the proposal. She advised that if the proposal is approved, it will overwhelm the existing area. She further expressed her concern regarding the height of the proposed buildings and the effect that it will have on other architecture in the area, particularly the many historic churches that are located nearby.

The Chair thanked the speakers for their comments and called three more times for further speakers to address Halifax and West Community Council. None were present. The Chair inquired if the applicant would like to respond to the comments that were made.

Mr. Ross Cantwell, applicant and Real Estate Consultant with the Nova Scotia Housing Trust remarked that he would like to apologize to Ms. Maxine Wagner for any characterization of the neighbourhood that may have come forward with the site plan proposal which took place three and half years ago. He commented that the issues respecting parking that she is experiencing in that area is illegal and that he has been trying to address that by hiring a local business person to manage and oversee the area. He provided commentary on remarks made by adjacent neighbours respecting the bus stop theatre and indicated that through the joint venture with the Performing Arts Lodge, the developers were looking to incorporate a performing arts centre within the development. He advised that there were several discussions about working with Bus Stop Theatre to provide this space.

With respect to comments regarding density, Mr. Cantwell explained that affordable housing projects can be undertaken with five or six floors but stated that more affordable units are required. He commented on a growing crisis in Halifax in that there are less than one hundred units of affordable housing within the municipality. He further commented that most of the funding for affordable housing projects from the provincial government has gone to rural communities.

Mr. Cantwell stated that the funding provided by the Province of Nova Scotia is \$25,000 per unit, a figure which goes much further in smaller communities as opposed to the urban core of Halifax. He further noted that it must be recognized that the building costs in HRM are much higher than in other parts of the province. He suggested that the Housing Trust of Nova Scotia would love to build more family sized units within the development but must restrict itself to the realities of the funding formulas that are available. He added that the units in the proposed development have been designed with the latest demographics which reflect smaller families. He concluded by stating his confidence that the development will be a positive addition to the community.

Councillor Watts noted several comments which were raised about the ratio of affordable housing units to market units within the development. She inquired if there will be a staff or community board established to oversee the process of selecting tenants.

Mr. Cantwell commented that the 50/50 model has been best practice with respect to affordable housing in Canada over the past 50 years. He explained that the model equates to 50 percent affordable units and 50 percent market units for the entire development. He advised that this model is also used elsewhere in North America and provided commentary on the successful application of the model in an affluent area of San Francisco. He commented that differing socio-economic levels within the buildings will likely not be an issue.

In terms of the process to identify tenants, Mr. Cantwell stated that the Nova Scotia Housing Trust will be working with the Community Liaison Groups to establish guidelines for the selection of tenants. He noted that there will be qualifications to get in to the building and that

tenant income will be verified to see whether or not the individual(s) qualify for an affordable unit. He provided further commentary on provisions that will be made in the case of a rise in an existing tenant's income whereby they will be converted to a market unit to make room for a new tenant who may require assistance.

MOVED by Councillor Rankin, seconded by Councillor Adams that the public hearing be closed. MOTION PUT AND PASSED.

The Chair asked for staff to come forward to respond to questions of clarifications from Halifax and West Community Council.

Councillor Mason inquired about comments made regarding a comprehensive site plan as a qualification for schedule Q properties.

Mr. Mitch Dickey, Planner commented that Schedule Q represents an optional layer in the Land Use By-law that Council can chose to apply to take away the as-of-right options for developers. He explained that schedule Q triggers the requirement for public consultation and requires a development agreement process for developers seeking to undertake larger developments. He commented that schedule Q has been used in 15 or 20 cases over the past few years.

Councillor Watts requested clarification regarding the discrepancies noted by speakers in the advertisement for the public hearing. She also requested commentary on the request from the Bus Stop Theater property owner on changing the set back of the proposed development. She further requested clarification on the comments made regarding the number of smaller units not being allowed for other developments within the planning district.

Mr. Dickey commented that part of HRM voluntary public engagement policy requires the developer place a sign on the subject property to inform the public about what they are requesting. He noted that the primary address of the subject property is 2183 Gottingen Street at which point the proposed development is a six story building. He added that staff did not see a problem with manner in which the public hearing was advertised.

With respect to the Bus Stop Theatre request, Mr. Dickey noted it is technically possible to accommodate the step back request but it is not financially feasible for the developers. He commented that the ten foot step back is the absolute minimum that staff would be comfortable with for a the building that is being proposed. Mr. Dickey noted that it might be appropriate to consider looking at tree planting, vines or shrubs to be added to create a visual buffer or green buffer between the proposed development and the Bus Stop Theater

Mr. Dickey stated that there is no question that the proportion of smaller units is very high in the proposed development. He commented that many developments have gone forward with the argument that smaller units are market driven. Typically, he noted that staff tries to achieve a mix of at least one third of the units being two bedrooms or larger for developments such as the one being proposed. He noted that recently the market for larger units has diminished. He suggested that it would be nice to have more family sized units within the proposed development but it is the opinion of staff that the density requirements have been fulfilled for the proposal

before Community Council. He further commented that there are a number of three bedroom town house units incorporated in the proposed development.

The Chair requested further information regarding the advertisement for the public hearing that was placed in the newspaper.

Mr. Dickey commented that the advertisement stated the civic address of the site which is 2183 Gottingen Street and referred to the development as a six storey building.

Ms. Karen Brown, Solicitor stated that it is her understanding from the planner that the main address for the site is in fact 2183 Gottingen Street which is the address that is used for the advertisement. She stated that the proposed development from the Gottingen Street side of the site is six stories. She further noted that the proposed development is a through-lot which goes on to Maitland Street but the primary address is on Gottingen Street.

The Chair further inquired if the proposed development affects the development potential of the back lot of the Bus Stop Theatre property.

Mr. Dickey commented that the Bus Stop Theater is within the C-2 zone and is subject to the 40 foot height limit. He noted that the property could be built up to the maximum height and that there is no density limit for that site. He further commented that the owners of the Bus Stop Theater could apply for schedule Q if they so choose. He noted that that the concern that was expressed by the speaker is that the two buildings will be side by side and that there is the potential for loss of solar access. He noted that it is very common for this situation to happen and is not addressed in the plan policy. He stated that the Bus Stop Theater property is open for development and substantial development rights to exist for that property.

MOVED by Councillor Watts, seconded by Councillor Mason that that Halifax and West Community Council adopt the amendment to Map ZM-2 of the Halifax Peninsula Land Use By-law as presented in Attachment A and Schedule A of the staff report dated May 6, 2014.

Councillor Watts thanked those who were in attendance and came out to speak on the proposal. She noted the decision before Community Council is very challenging to undertake and speaks to the interest and dynamic nature of how development is happening within the community. She commented on the level of community engagement that was undertaken by the developer and staff and noted that although she is not a huge fan of height of the proposal she is in support of the development. She noted that she understands the concerns about gentrification in the area and noted that the development is very unique at offering affordable housing. She explained that the proposal is an admirable step forward for the community and commended the relationship with PAL is supporting the arts community.

Councillor Rankin stated that he is satisfied with the essential features of the proposal and noted that it is an innovative way of providing affordable housing.

Councillor Mason commented that he will focus on the affordable housing piece of the proposal. He noted that condos and apartments are not particularly affordable for working families with low incomes. He stated that there is a mandate in the municipality to have a commitment to affordable housing in the planning process and commented that he will be supporting the motion.

Councillor Watts stated that she thinks that the development is exciting. She commented that it is located in an intensive commercial zone and will benefit the local economy. She remarked that she would like staff to look at the treatment of the wall that abuts the Bus Stop Theater. She also noted that she has heard from small businesses who express their wish to see this development going forward.

MOTION PUT AND PASSED.

Halifax and West Community Council recessed for a short break at 9:13 p.m.

Halifax and West Community Council reconvened at 9:19 p.m.

The Chair suggested that Item No. 8.2.2 – Case 19074 – Appeal of Variance Approval, 6618 Regent Road, Halifax be moved up on the agenda due to time constraints.

MOVED by Councillor Adams, seconded by Councillor Walker that Item No. 8.2.2 be moved up on the agenda. MOTION PUT AND PASSED.

8.2.2 Case 19074 –Appeal of Variance Approval, 6618 Regent Road, Halifax

The following was before Community Council:

- *A staff recommendation report dated May 20, 2014.*

The Chair read the rules respecting Variance Appeal Hearings and invited staff to present on Case 17074.

Ms. Brenda Seymour, Development Technician, gave a presentation on Case 19074.

The Chair thanked Ms. Seymour for her presentation and requested questions of clarification from Community Council. As there were none, The Chair invited the applicant to come forward and address Community Council.

Mr. Ben Travst, applicant, owner of the property adjacent to the subject property, stated that he would respectfully disagree with the Development Officer and suggested that the requested variance violates the intent of the Land Use By-Law. He commented that the Municipal Planning Strategy is designed to protect the character of the neighbourhood and the proposed plan for the lot will not fit with the character of the community. He commented that the size of the lot is such that the owners cannot fit the front steps within the area. He explained that the owners of the property intend to use the property as a training building for skilled Trades people which will greatly extend the construction time at the property. Mr. Travst noted that he initially intended to purchase the property from the owners, but cannot afford to do so at this time. He

requested that Halifax Community Council refuse the variance appeal to maintain the character of the neighbourhood.

The Chair thanked Mr. Travst for his comments and requested questions of clarification from members of Community Council. As there were none, the Chair requested that the respondent come forward to address Community Council.

Mr. Ron MacDonald, property owner of 6618 Regent Road and respondent, noted that he and some other investors bought the property with the intention to construct a home on the lot. He stated that he intended to use the property as a training home to instruct those learning to be skilled Trade persons. He advised that the requested variances are to accommodate a new porch which will allow for more storage space in the home. He commented that he did not believe that the request would be out of character of the neighbourhood, given that there are many similar homes with similar features and characteristics within the area. He concluded his comments by requesting that Halifax & West Community Council approve the request for a variance.

The Chair thanked Mr. MacDonald and requested

MOVED by Councillor Walker, seconded by Councillor Adams Halifax and West Community Council allow the appeal of the Variance requested at 6618 Regent Road.

Councillor Walker inquired if the intent of the Land Use By-law was violated.

Mr. Sean Audas commented that staff determined the requested variance met the intent of the Land Use By-law as the adjustments to the structure were minor and in keeping with the character of the neighbourhood.

In response to a question of clarification, Ms. Karen Brown, Solicitor noted that the motion on the floor, if approved, would overturn the decision of the Development Officer to approve the variance.

Councillor Watts stated her intention to vote against the motion on the floor and support the current property owners request for the variance.

MOTION PUT AND DEFEATED.

Therefore the request for the appeal of the variance was denied and the decision of the Development Officer was upheld.

**8.1.2 Case 18548 – LUB Amendment and Development Agreement – 2215
Gottingen Street, Halifax**

The following was before Community Council:

- *A staff information report dated May 6, 2014*
- *A Memorandum from the District 7 & 8 Planning Advisory Committee dated November 6, 2013*

Halifax & West Community Council Minutes
June 17, 2014

- *A motion memo for Halifax and West Community Council's consideration on June 17, 2014*
- *Correspondence received between June 4 and June 17, 2014 received by the Office of the Municipal Clerk and distributed to Halifax and West Community Council for the June 17 meeting from: Thomas Boyd; Brian R.F. Lugar; Dr. Terrie Logue; D. Andrew Boswell; Debbie Richardson; Wayne Carlon; Deborah Woolway; Dwayne Flynn; Tim Leary; Graham Furgeson; Margaret J. MacQaurrie; Scott MacKnight; Susan Woolway; Gary Vermeir; Gwen Davies; Paul MacKinnon; Andy Fillmore; Colin MacLean; Paul Begin; Cathy Levangie; Gary Moore and Isaac Borefyn; Norman Greenberg; Robert and Jane Merchant; Deborah Allen; Miriam Regan; Wendy Lill; Charlotte Wilson-Hammond; Catherine Banks; Phil Smith; Eric Stotts; Bobbi Zahra; Jeremy Webb; Jo-Anne Galloway; Dawn McNutt; Sarah MacLaren; Edward Edelstein; Rev. Rhonda Y. Britton; A.J. Murphy*

The Chair read the rules respecting the procedures of the public hearing and invited staff to give a presentation on Case 18547. Mr. Mitch Dickey, Planner gave a presentation on Case 18458. The presentation and staff report is on file, and can be viewed online at <http://www.halifax.ca/Commcoun/west/140617hwcc-agenda.php>.

The Chair thanked Mr. Dickey for his presentation and inquired if the applicant wished to respond to the staff presentation. Mr. Ross Cantwell, Applicant indicated that he did not wish to respond to the staff presentation.

The Chair opened the public hearing and requested that members of the public come forward to address Community Council on Case 18548.

Mr. Andrew Murphy of a 2128 Gottingen Street noted that he is Chartered Accountant as well as a developer. He provided commentary on scale and construction economics. He suggested that larger developments often require a greater amount of financing and materials to construct, and as a result, often do not get built. He noted that the proposed development will have a chilling effect on Gottingen Street as it does not encourage local entrepreneurs to develop innovative properties that are fitting with the character of the neighbourhood. He requested that Halifax and West Community Council consider the Centre Plan.

At 9:47 p.m. Councillor Mason noted that a motion is required to extend the meeting past 10:00 p.m. as outlined in Administrative Order One.

MOVED by Councillor Mason, seconded by Councillor Watts, to extend the meeting past 10:00 p.m.

MOTION PUT AND PASSED.

Mr. Isaac Hashem of Hammonds Plains explained that he is a member of the Board of Directors of the Nova Scotia Housing Trust and commented that Halifax needs more affordable housing opportunities. He further commented that the proposed development is beneficial for those who work very hard and are having a tough time making it month to month.

Mr. Ed Edelstein of 2169-71 Gottingen Street expressed concern that the proposed development was advertised incorrectly and that the public was misled with respect to the proposal. He reiterated earlier points regarding creating a precedent for height exemptions at a time when the Centre Plan is not quite complete. He further noted that he is in no way against affordability but there is no way to mandate affordability. As a builder he commented that he thinks that the proposal is out of scale for the community and is saddened to see this go ahead.

The Chair called three more times for further speakers. There were none. The Chair invited the applicant to respond to the comments that were made.

Mr. Ross Cantwell, applicant, stated that the Housing Trust of Nova Scotia will work very closely with Department of Community Services to obtain more funding for the project. He commented that there is a sunset clause on the Development Agreement and that the development plan is to begin with the MET property first and then move to the Diamonds property immediately thereafter. He advised of the composition of the Board of Directors and outlined their various credentials and expertise to ensure that the proposed development can be effectively managed. He concluded by stating that he believes this proposal will set a precedent of public benefit for the area in providing affordability that is rarely seen in other developments.

Councillor Rankin inquired about the integrity of the agreement between the Province and the Nova Scotia Heritage Trust. He further inquired if there is a clear requirement that the Housing Trust needs to deliver on 50% affordability.

Mr. Cantwell commented that an application for the affordable units was made under the Province's Affordable Housing Program. He explained that the program stipulated that 58 affordable units would be required for the MET property as well as 65 affordable units for the building on the Diamonds property. He noted that there are slightly fewer market grade units and the ratio is approximately 52% affordable units to 48% market units. He commented that the Nova Scotia Housing Development Corporation has registered a mortgage against each property for the equity which was provided to the Housing Trust of Nova Scotia. He noted that the mortgage is completely forgivable subject to the Housing Trust meeting their commitments of the Contribution Agreement with the province.

Councillor Rankin further inquired if all of the Board Members are volunteers in terms of compensation. Mr. Cantwell replied in the affirmative and noted that all time by Board members is volunteered time.

Councillor Rankin expressed his support for the proposal and noted that it is the best example of affordable housing that he has seen in a while.

MOVED by Councillor Walker, seconded by Councillor Adams that the public hearing be closed.

MOTION PUT AND PASSED.

MOVED by Councillor Watts, seconded by Councillor Mason that that Halifax and West Community Council adopt the amendment to Map ZM-2 of the Halifax Peninsula Land Use By-law as presented in Attachment A of the staff report dated May 6, 2014.

Councillor Watts echoed her previous comments made at the first public hearing and commented that she is aware the approving the development comes at a risk. She noted that it represents a new model in the city and that the development will have a significant impact on Gottingen Street and the surrounding area. She commented that she is looking forward to see how this development will evolve.

Councillor Rankin expressed his support for the proposal and noted that he believes that the height of the building is appropriate. He provided further commentary on the affordability aspect of the proposal.

MOTION PUT AND PASSED.

11. MOTIONS - NONE

12. IN CAMERA - NONE

13. ADDED ITEMS – NONE

13.1 Case 18834: Stage II Development Agreement for Rockingham South, Halifax Mainland

The following was before Community Council:

- *A staff information report dated June 6, 2014*

Ms. Jill MacLellan, Planner gave a presentation on Case 18834.

MOVED by Councillor Walker, seconded by Councillor Mason that It is recommended that Halifax and West Community Council:

- 1. Approve, by resolution, the Stage II Amending Agreement as shown in Attachment “A” of the staff report dated June 6 report to allow for the development of Phase I of Rockingham South, Halifax; and**
- 2. Require that 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 shall be void and any obligations arising hereunder shall be at an end.**

Councillor Walker expressed his support for the proposed amendments to the development agreement and noted that it will be beneficial to the area.

Councillor Watts requested further information with respect to a nearby watercourse and whether or not a buffer was being considered for the area.

Ms. MacLellan replied in the affirmative and noted that a 10 metre buffer to protect nearby wetlands will be utilized.

Councillor Rankin requested further information respecting additional bus stops along Dunbrack Street. Ms. MacLellan noted that she did not have information respecting additional bus stops available but would follow up with the Councillor at a later date.

MOTION PUT AND PASSED.

14. NOTICES OF MOTION - NONE

15. PUBLIC PARTICIPATION

Public Participation held and closed. No speakers present.

16. DATE OF NEXT MEETING – June 26, 2014

17. ADJOURNMENT

The meeting was adjourned at 10:28 p.m.

Liam MacSween
Legislative Assistant