



**HALIFAX AND WEST COMMUNITY COUNCIL
MINUTES
January 19, 2016**

PRESENT: Councillor Steve Adams, Chair
Councillor Russell Walker, Vice Chair
Councillor Wayne Mason
Councillor Jennifer Watts
Councillor Reg Rankin

REGRETS: Councillor Linda Mosher

STAFF: Ms. Karen Brown, Solicitor
Mr. Andrew Reid, 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/160119hwcc-agenda.php>

The meeting was called to order at 6:00 p.m. and Community Council adjourned at 7:41 p.m.

1. CALL TO ORDER

• **Election of Chair**

The Legislative Assistant called the meeting to order at 6:00 p.m. and called for nominations of the Chair.

MOVED by Councillor Mason, seconded by Councillor Walker

THAT Councillor Adams be nominated as Chair for Halifax and West Community Council.

As there were no other nominations, MOVED by Councillor Mason, seconded by Councillor Walker

THAT nominations be closed.

MOTION PUT AND PASSED.

The Legislative Assistant declared Councillor Adams as Chair of Halifax and West Community Council for a one-year term.

The Chair called for nominations of the Vice Chair.

MOVED by Councillor Watts, seconded by Councillor Mason

THAT Councillor Walker be nominated as Vice Chair for Halifax and West Community Council.

As there were no other nominations, MOVED by Councillor Mason, seconded by Councillor Watts

THAT nominations be closed.

MOTION PUT AND PASSED.

The Chair declared Councillor Walker as Vice Chair of Halifax and West Community Council for a one-year term.

2. APPROVAL OF MINUTES – December 16, 2015

MOVED by Councillor Watts, seconded by Councillor Mason

THAT the minutes of December 16, 2015 be approved as circulated.

MOTION PUT AND PASSED.

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

MOVED by Councillor Mason, seconded by Councillor Rankin

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 19695 – Development Agreement to Permit a Change in Use to a Non-Conforming Use at 1210/1222 Henry Street, Halifax**

The following was before Community Council:

- *A staff recommendation report dated November 27, 2015*
- *A memorandum from the Chair of the Districts 7 & 8 Planning Advisory Committee dated September 29, 2015.*
- *A staff presentation dated January 19, 2016*

Ms. Dali Salih presented Case 19695 as contained in the staff report dated November 27, 2015.

The Chair called on the applicant to present.

Mr. Geoff Keddy, representative of the applicant, did not wish to speak.

The Chair described the rules of the public hearing and proceeded to open the floor to the public.

Ms. Beverly Miller, of South Street, stated that the development agreement should require restrictions on number of seats and capacity and also constrain the ability of the owner to obtain a liquor license. She stated that the area of the proposal was a vulnerable area of the South End and this should also be a consideration.

Ms. Peggy Walt, of Edward Street, commented regarding existing problems of garbage and noise in the neighbourhood. She questioned if a seating capacity number could be given, as she did not see it in the development agreement. Ms. Walt highlighted the sensitivity of Henry Street, highlighting the number of student rentals. She requested updates on waste removal be provided.

The Chair called three times for any additional speakers. No one came forward.

MOVED by Councillor Walker, seconded by Councillor Mason

THAT the public hearing be closed.

MOTION PUT AND PASSED.

MOVED by Councillor Mason, seconded by Councillor Walker

THAT the Halifax and West Community Council:

1. **Approve the proposed development agreement, as contained in Attachment A of the report dated November 27, 2015; and**

2. **Require that 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.**

Councillor Mason questioned how seating would be dealt with and if it could be regulated through the development agreement. He noted that the development agreement stated garbage could not be stored outside. He questioned if the agreement would regulate receptacles on the patio.

Ms. Salih responded that seating would be regulated through fire and national building codes. She stated she would follow up regarding whether seating capacity could be set within the development agreement. Ms. Salih confirmed the agreement would require under section 3.12 that waste be screened. She noted the development agreement specifically stated under 3.12.1 that waste receptacles would have to be emptied daily.

Councillor Mason stated concern for the liquor license issue.

MOVED by Councillor Mason, seconded by Councillor Watts

That part 1 of the motion be amended to add the terms and conditions “that the property may not be considered for a restaurant, tavern or lounge liquor license.”

The Chair questioned if this was a substantive change. Ms. Brown responded that it was likely not to be considered a substantive amendment. She questioned if the applicant was in agreement with the amendment.

Mr. Geoff Keddy, representative of the applicant, responded there were no plans to obtain a liquor license.

The question was called for on the amendment.

AMENDMENT WAS PUT AND PASSED.

The question was called for on the main motion. The motion now reads:

THAT the Halifax and West Community Council:

1. **Approve the proposed development agreement, as contained in Attachment A of the report dated November 27, 2015 with the addition to the terms and conditions “that the property may not be considered for a restaurant, tavern or lounge liquor license”; and**
2. **Require that 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.

10.1.2 Case 19857: LUB Amendment (Schedule L) and Development Agreement for 3085-3077 Oxford Street and 6393-6387 Young Street, Halifax

The following was before Community Council:

- *A staff recommendation report dated November 27, 2015*
- *A memorandum from the Chair of the Districts 7 & 8 Planning Advisory Committee dated July 28, 2015.*
- *A staff presentation dated January 19, 2016*
- *A letter from Ms. Ardith Kyte dated January 18, 2016 re: Case 19857*

Ms. Jill MacLellan presented Case 19857 as contained in the staff report dated November 27, 2015. She noted that the District 7 & 8 Planning Advisory Committee's recommendation regarding texture and colour on the third and fourth floor had been considered by applicant; however, a portion of industrial façade was desired to remain for the purposes of breaking up the mass of the building. Ms. MacLellan also commented on the request to remove clause 5.1a made at first reading at the December 16, 2015 Halifax and West Community Council meeting and indicated that the removal of the clause had been implemented in the development agreement.

The Chair called on the applicant to present.

The applicant did not wish to speak at this time.

The Chair described the rules of the public hearing and proceeded to open the floor to the public.

Ms. Margaret Brown, of Young Street, stated she did not object to the building height, density, or mixed use but stated concern for additional vehicular traffic. She highlighted that the entrance of the parking garage on Young Street was a busy area. Ms. Brown stated further concern for customer parking and customers' desire to park on street. She questioned when the most recent study had been performed regarding traffic and parking in the area. She noted that changes to Windsor Park parking costs had greatly affected parking in the area. Ms. Brown suggested that on street parking be provided for the commercial portion of the building.

Mr. Tom Simpson, of Oxford Street, commented regarding the vegetation buffer and questioned what trees could be saved. Councillor Watts clarified that the trees in question were located on the applicant's property.

Ms. Jennifer Sutherland, of Young Street, stated there was not much consideration given for nearby residences on Young Street. She stated concern for the proximity of the underground parking garage to her property and potential effects during the construction of the garage. She requested more accurate renderings of the appearance of the fence from the neighbours' perspective, its drop in elevation, and how it would fit with the existing property.

MOVED by Councillor Mason, seconded by Councillor Watts

THAT the public hearing be closed.

MOTION PUT AND PASSED.

Mr. Vincent Van Den Brink, applicant, gave further clarification to a resident's comment that the trees would need to be removed if it touched the parking garage's foundation. He noted that more greenery would be added to the site in its place. Mr. Van Den Brink described how the building fit with the residential buildings on Young Street, stating that half of the building fronting Young Street would be residential. He further clarified that a wood fence would separate adjacent properties from the roof of the parking garage, stating that the neighbours would be looking at the wooden fence and not a retaining wall.

Councillor Watts questioned the relationship of the entrance to the parking garage with the next door neighbour and discussion regarding the drop in elevation, as identified by the Planning Advisory Committee. Ms. MacLellan responded that by removing the house on the adjacent property there may be additional setback for the neighbour and there would be flexibility for the location of the wooden fence. Regarding the change in elevations, a wooden fence would be located across the property line with a vegetation buffer. Ms. MacLellan noted that the developer would work with the urban forester to retain as many trees as possible.

MOVED by Councillor Watts, seconded by Councillor Mason

THAT the 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 report dated November 27, 2015.

Councillor Watts commented on problems around parking and congestion with the development. She stated that this was a larger issue on the peninsula and there were options to look at in terms of parking controls and restrictions. She highlighted the Regional Parking Study underway. She also stated she would be inquiring about a parking analysis in the area. Councillor Watts agreed with the approach in working with the change in elevation but requested that the issue of parking access be further clarified.

Councillor Watts noted that section 3.3.3 of the development agreement allocated 5 three-bedroom units in the overall types of units. She requested an amendment to section 3.3.4 regarding an increase or decrease in types of units. Councillor Watts stated the amendment would prevent against automatic reduction of the five three-bedroom units while providing the applicant flexibility to come back to Community Council with non-substantive amendments.

Council discussed the proposed amendment and its purpose. Ms. MacLellan outlined that if Council removed this section, any change to unit configuration would be substantive unless a non-substantive provision was added to the agreement. Ms. MacLellan confirmed that the Councillor's concern was regarding the flexibility to decrease the three-bedroom unit count.

The Solicitor highlighted the difference in process between substantive and non-substantive amendments, where the former would require public hearing and the later a decision by resolution. She advised that if the Councillor's motion was to provide for the later, a provision should also be included under section 5.1 for non-substantive amendments.

MOVED by Councillor Watts, seconded by Councillor Mason

THAT Section 3.3.4 of the development agreement exclude any decrease to section 3.3.3(d) "5 three-bedroom units" and that under section 5.1 of the agreement, the following be added: "(g) any change in 3.3.3(d) be considered non-substantive"

The Solicitor noted that the decision before Council was whether to amend the land use bylaw. She noted staff will return with a supplementary report to regarding the development agreement. Ms. MacLellan confirmed that the amendment would only apply to decreasing the number of 3 bedroom counts, but that the 3 bedrooms could be increased automatically. She confirmed that a supplementary report would return with the amendments.

Council agreed that the amendment could be provided to staff as direction but voted on once the development agreement comes back in the supplementary report for approval.

MOTION TO AMEND WITHDRAWN.

Councillor Mason highlighted a number of precedents for three-bedroom unit requirements and requested the Centre Plan provide further clarification on types of occupancy. He voiced approval for ensuring the number of three-bedroom units in the agreement remains.

Council discussed the merits and demerits of considerations for unit configurations. Certain Councillors commented on the view of the applicant and the need for a consistency of criteria. Other Councillors highlighted that consideration for family-sized units was in the history of previous plans on the peninsula. It was also highlighted that family-sized units were identified in the public process and by the Planning Advisory Committee and that it was within the means of Council to impose regulations in this regard.

The Solicitor further clarified that if Council refuses the development agreement, it would be required to give reasons why it does not carry out the intent of the Municipal Planning Strategy, and be subject to appeal.

MOTION PUT AND PASSED.

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

The Legislative Assistant noted that one letter of correspondence had been received for Item 10.1.2 and distributed to all members of Council.

11.2 Petitions – NONE

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS

13.1 STAFF

13.1.1 Case 19862: LUB Amendment (Schedule Q) and Development Agreement for 5543-5555 Almon Street and a vacant property on Isleville Street, Halifax

The following was before Community Council:

- *A staff recommendation report dated January 12, 2016*
- *A memorandum from the Chair of the Districts 7 & 8 Planning Advisory Committee dated June 23, 2015.*

MOVED by Councillor Watts, seconded by Councillor Walker

THAT the Halifax and West Community Council:

- 1. Give First Reading to consider approval of the proposed amendment to Map ZM-2 of the Halifax Peninsula Land Use By-law, as contained in Attachment A of the staff report dated January 12, 2016, to include a vacant property on Isleville Street (PID 00161398) and 5555, 5549, and 5543 Almon Street, Halifax, in Schedule Q and schedule a public hearing;**
- 2. Move Notice of Motion to consider the proposed development agreement, as contained in Attachment B of the staff report dated January 12, 2016, to allow for a 7-storey residential building containing ground floor commercial uses and schedule a public hearing. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1;**

Councillor Watts requested clarification on and whether the 30-inch setback had been accommodated. She also questioned the residential unit number and size and requested clarification on the definition of a den. Mr. Agar responded that according to Schedule C of the proposed development agreement, above grade the building is required to be set back 28 inches on Isleville Street. Regarding the requirement for two bedroom units and den, he stated that it would provide opportunity for family type units as the den could be used as a bedroom.

The Chair questioned the number of parcels as there were only three civic addresses. Mr. Agar responded that one property had not been assigned a civic number.

MOTION PUT AND PASSED.

13.1.2 Case 20113: Non-Substantive Amendments to the Existing Development Agreement for “Long Lake Village” (formerly “Rockcliffe Village”), Halifax

The following was before Community Council:

- *A staff recommendation report dated January 10, 2016*

MOVED by Councillor Walker, seconded by Councillor Rankin

THAT the Halifax and West Community Council:

- 1. Approve, by resolution, the proposed Amending Development Agreement as contained in Attachment A of the report dated January 10, 2016, to allow for an increase in the overall residential population density within Long Lake Village, Halifax; and**
- 2. Require the Amending 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.

14. MOTIONS

15. IN CAMERA (IN PRIVATE)

15.1 Personnel Matter

The following matter was dealt with in open session.

15.1.1 Districts 7 & 8 Planning Advisory Committee

MOVED by Councillor Watts, seconded by Councillor Mason

THAT the Halifax and West Community Council approve the leave of absence as outlined in the private and confidential report dated January 4, 2016.

MOTION PUT AND PASSED.

16. ADDED ITEMS – NONE

17. NOTICES OF MOTION – NONE

18. PUBLIC PARTICIPATION

Ms. Eileen Maxwell, Hienish Avenue, commented on leaf removal in her area. She stated that leaves covering stormwater drains were not being picked up and were causing issue. She proposed a leaf removal program. She stated that the leaves were preventing citizens from clearing snow from the drains.

Councillor Watts responded that a staff report was recently requested on leaf collection at Regional Council to address this issue.

19. DATE OF NEXT MEETING – February 17, 2016

20. ADJOURNMENT

The meeting was adjourned at 7:41 p.m.

Andrew Reid
Legislative Assistant