

**HALIFAX AND WEST COMMUNITY COUNCIL
MINUTES
June 12, 2018**

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

STAFF: Meg MacDougall, Solicitor
Krista Vining, Legislative Assistant
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. adjourned at 8:28 p.m.

1. CALL TO ORDER

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

2. APPROVAL OF MINUTES – May 15, 2018 and May 22, 2018 (special)

MOVED by Deputy Mayor Mason, seconded by Councillor Zurawski

THAT the minutes of May 15, 2018 and the special meeting minutes of May 22, 2018 be approved as circulated.

MOTION PUT AND PASSED.

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

MOVED by Councillor Cleary, seconded by Councillor Smith

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 20923: Application for a Development Agreement, 2720 Gottingen Street, Halifax

The following was before Community Council:

- A report from the Heritage Advisory Committee dated April 26, 2018 with attached staff recommendation report dated March 16, 2018
- A memorandum from the Halifax Peninsula Planning Advisory Committee dated September 12, 2017
- Correspondence from Jane Hart, Don Smith, Sandra Patterson and Judith Meyrick

Aaron Murnaghan, Principal Heritage Planner, Regional Planning presented the application to enter into a development agreement at 2720 Gottingen Street, Halifax to allow for a restaurant, pub and up to three residential units within the existing registered heritage building. A copy of the presentation is on file.

In response to a question raised, Murnaghan confirmed that the restaurant's hours of operation would be Sunday to Thursday 11 a.m. to 11:30 p.m. and Friday to Saturday 11 a.m. to 12:30 a.m.

The Chair opened the public hearing and invited the applicants to come forward and address Community Council.

Myles Baldwin, applicant spoke about the history and challenges of purchasing and renovating 2720 Gottingen Street, Halifax. Baldwin explained that there was still work to be done if they were granted

permission to continue. Baldwin recognized the support they had from the community but knew they could not satisfy everyone. They held meetings with the community and created an online information portal on their website where the public could email them. Baldwin explained that the proposal creates a complete community that is safe and walkable and that that the building was appropriate in scale. They were excited to engage with their patrons and share the history of the home. Baldwin noted that the pub is accessible and asked for the opportunity to create a place where people could come together and they could serve the community.

The Chair reviewed the rules of procedure for public hearings and called for members of the public to come forward and speak for or against the matter.

Kenneth Melay, Black Street commented on the improvements made in the community over the years. Melay supported the work done to restore the house, commenting that there were many business establishments and entrepreneurs in the area. Melay stated that many people were disappointed that the applicants could not have a patio. They did not want to see the home demolished as was done to many older homes on Young Street. Melay explained that they had submitted a petition to the Clerk's Office in support of the proposal. It was noted that Councillor Smith would submit the petition later in the meeting.

Jim Ballenger, Gottingen Street spoke in support of the proposal. They understood the immediate neighbours had concerns which were addressed. Ballenger commented on heavy traffic in the area which in their opinion should not be a reason to deny the proposal. They also spoke to their experience living in Britain and the importance of a well-run neighbourhood pub for gathering and social events.

Sandra Patterson, Gottingen Street was concerned with the location of the pub in relation to the Barry House. Patterson spoke about the lack of privacy and friction between themselves and the tenants and work done by the applicants' contractors on their property line. Patterson explained that the community fought to keep the residential zoning on Gottingen Street. There are currently eight (8) restaurants and bars within walking distance and Patterson suggested a Monday to Friday 9 a.m. to 5 p.m. business establishment would better suit the neighbourhood. Patterson spoke about their experience working in the restaurant business and how they did not want to live next door to a pub.

Clarisse Deveau, Northwood Terrance agreed with comments made around the improvements to the neighbourhood and restoration work on the home. They were not opposed the restaurant having a patio and looked forward to the pub, which would give residents the feeling of being in a public house in England.

The Chair called three times for any other members of the public wishing to speak on the matter, there were none.

Myles Baldwin, applicant indicated that they had met with staff from the Barry House to discuss potential impact and the Barry House did not see any concerns. Baldwin explained that there are other shelters around the city that are close to bars and do not have issues if the establishments are well managed. In response to concerns around work done on the neighbour's property line, Baldwin said it was a miscommunication and how they have tried to be good neighbours and not negatively impact their neighbours.

MOVED by Deputy Mayor Mason, seconded by Councillor Cleary

THAT the public Hearing be closed.

MOTION PUT AND PASSED.

In response to a question raised, Aaron Murnaghan explained that Section 6.8 of the Halifax Municipal Planning Strategy encourages the retention of heritage buildings.

MOVED by Councillor Smith, seconded by Councillor Cleary

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 March 16, 2018; and**
- 2. Require the agreement be signed by the property owner within 120 days or longer if warranted, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

Members appreciated the applicants' efforts to reach out, speak and listen to neighbours, HRM staff and the community, acknowledging that not everyone would be supportive of the proposal. They commented on the work to restore the building without losing the heritage, and how it would benefit the community.

MOTION PUT AND PASSED.

10.1.2 Case 20719: Land Use By-law Amendment, Development Agreement, and Development Agreement Discharge for 5516, 5530 and 5532 Bilby Street

The following was before Community Council:

- A staff recommendation report dated April 24, 2018
- A memorandum from the Halifax Peninsula Planning Advisory Committee dated June 29, 2017

Jennifer Chapman, Planner II, Urban Enabled Applications presented the application of WM Fares, on behalf of Stack House Development Inc., to add 5516 Bilby Street, Halifax into Schedule Q of the Halifax Peninsula Land Use By-law. It was noted that 5530 and 5532 Bilby Street are identified on Schedule Q and are subject to an existing development agreement for an 8-storey, 35 unit mixed use building. The applicant proposes to discharge this agreement and enter into a revised agreement to incorporate 5516 Bilby Street into the development proposal. A copy of the presentation is on file.

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

Cesar Saleh, WM Fares Architects representing the applicant Stack House Development showed photographs of the proposal approved in 2014 and the modifications to include 5516 Bilby Street. They noted that the zoning allows for a 10-storey building with 100% lot coverage as-of-right. Saleh explained that the build lot will increase by 58 percent but the height would remain the same. There are plans for 52 parking spaces. Saleh further explained that as a result of the public consultation, the building has been setback six (6) feet and there is an option to plant trees as a buffer from the street and adjacent neighbours. Saleh also spoke to the indoor and outdoor amenity space. A copy of the presentation is on file.

The Chair reviewed the rules of procedure for public hearings and called three times for members of the public to come forward and speak for or against the matter; there were none.

MOVED by Deputy Mayor Mason, seconded by Councillor Smith

THAT the public Hearing be closed.

MOTION PUT AND PASSED.

MOVED by Councillor Smith, seconded by Councillor Walker

THAT Halifax and West Community Council adopt the amendment to Map ZM-2 of the Halifax Peninsula Land Use By-law as set out in Attachment A of the staff report dated April 24, 2018.

MOTION PUT AND PASSED.

10.2 VARIANCE HEARINGS

10.2.1 Case 21204: Appeal of Variance Approval – 1820 Vernon Street, Halifax

The following was before Community Council:

- A staff recommendation report dated May 15, 2018

Dean MacDougall, Planner II presented the variance request to relax the minimum lot area requirement to allow conversion of an existing two-unit dwelling to a three-unit dwelling at 1820 Vernon Street, which was approved by the Development Officer and is being appealed. A copy of the presentation is on file.

The Solicitor reviewed the rules of procedure for variance hearings.

The appellant was not present.

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

Dale LePage, property owner advised that the project began in 2014 and they had no plans to put an addition on or increase the size of the property. They hired a surveyor and in consultation with HRM staff and LePage's lawyer, there were no issues to consolidate the lands. LePage assured neighbours the property would be regularly maintained and the mess from the basement cleanup had been resolved. LePage clarified that the third unit was a bachelor and noted that they would respect whatever decision the Community Council made.

MOVED by Councillor Cleary, seconded by Councillor Walker

THAT the variance hearing be closed.

MOTION PUT AND PASSED.

MOVED by Deputy Mayor Mason, seconded by Councillor Cleary

THAT Halifax and West Community Council allow the appeal.

Members who did not support the appeal, encouraged the property owner to talk with neighbours. They recognized the property owner's efforts to resolve the issues with property maintenance. Members reflected on the way the dwelling was placed on the property and the encroachment on the left side. It was noted that the variance request was made because of a blanket approach to the zoning and how there are other properties in this area that are non-conforming because of property line definition.

MOTION PUT AND DEFEATED. (Development Officer's decision upheld.)

10.2.2 Case 21250: Appeal of Variance Approval – 1172 Rockcliffe Street, Halifax

The following was before Community Council:

- A staff recommendation report dated May 29, 2018
- A written submission from Andrew S. Wolfson, Boyne Clarke

Laura Walsh, Planner II presented the variance request to amend the permit application to alter the passageway in a manner that would create a habitable space and make the accessory structure part of the main dwelling at 1172 Rockcliffe Street, which was approved by the Development Officer and is being appealed.

The Chair reviewed the rules of procedure for variance hearings and invited the appellants to come forward and address Community Council.

John Burke, appellant referred members to their submission made by solicitor Andrew S. Wolfson, Boyne Clarke. Burke explained that a variance cannot be granted if the difficulty experienced is general to properties in the area, or if the variance violates the intent of the development agreement or land-use by-law. The lots on Rockcliff Street are very steep and the difficulty experienced with this development is general to the properties in the area. They spoke about the impact the proposal would have on their property and how the garage would sit just 16 feet from their residence, where their main entrance, family room and master bedroom is located. They explained that the variance request is almost a 50 percent reduction from the required minimum distance of the 30-foot set back outlined in the Land Use By-law. They suggested that neighbouring property owners did not have any issue meeting this requirement and that the garage could be placed on the property to fit within existing regulations.

Gary Bliss, appellant pointed out that Map 1 Notification Area mailed to residents in the 100 metres incorrectly identified an existing garage on the property. Bliss clarified that a garage has never been on the property and that there is only a garden shed. Bliss indicated they did not support the variance and suggested that any hardship was due to the circumstances of the property and shared by all properties in the area. The problems relate to the topography, setback and yard requirement and were not unique to this property and were shared by other properties on the north-west arm. Bliss saw no justification to set a precedent in the neighbourhood based on this variance request.

Peter Canfield, Blind Terrance did not see significant reasons that would merit the variance being granted.

The Chair called three times for any other speakers within the notification area to come forward and address Community Council; there were none.

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

Joe Zareski, Architecture 49, representing the property owners explained the many unique features of the lot. The lack of street frontage pushes the mass of the building toward the waterfront, which can not be accommodated because of the 30-foot sewer easement requirement, and therefore forces the garage to one side of the property and influenced where the house could be built. The property owner's preference is to make the garage more useable and part of a walkout from the dwelling's basement. The slope of the land has been integrated into the home. Zareski pointed out that many of the homes within 100 metres do not adhere to the 30-foot setback requirement.

Zareski responded to questions around the topography of the land and the passageway, which they viewed more as a mudroom than a breezeway. They also explained that a revised Map 1 Notification Area was sent to residents.

Sean Audas, Principal Planner - Development Officer, Planning and Development responded to questions raised by Community Council on the definition of a habitable space and 30-foot setback requirement. Audas clarified that a habitable passageway would be part of the living area and may include a washroom.

MOVED by Deputy Mayor Mason, seconded by Councillor Cleary

THAT the variance hearing be closed.

MOTION PUT AND PASSED.

MOVED by Deputy Mayor Mason, seconded by Councillor Cleary

THAT Halifax and West Community Council allow the appeal.

It was noted that there was ample room on the property to accommodate a garage with or without a connection to the house.

MOTION PUT AND DEFEATED. (Development Officer's decision upheld.)

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

The Legislative Assistant noted that correspondence was received for Items 10.1.1 and 10.2.2. This correspondence was circulated to Community Council.

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

11.1.1 Residents of District 9 re: development at 116 Purcells Cove Road, Halifax

Councillor Cleary noted they would be giving Notice of Motion later in the meeting.

11.2 Petitions

11.2.1 Councillor Smith

Councillor Smith submitted a petition containing 37 signatures from residents in support of the proposed Public House on Gottingen Street (Case 10.1.1).

11.3 Presentations

11.3.1 Responsible Cat Ownership – Patti Green, Ecology Action Centre and Nova Scotia Bird Society

Veronica Sheerwood and Patti Green, Ecology Action Centre discussed responsible cat ownership and concerns with overpopulation. They asked the Municipality to hire an external consultation to analyse the issue and recommend the best policy and program framework required. They emphasised the need for a vision or strategy, continued spay neuter programs, public education, identification program, low cost registration, and cost benefit analysis program evaluation. A copy of the presentation is on file.

The Chair noted that this presentation had also been made to the Harbour East-Marine Drive Community Council on June 7, 2018 and HEMDCC had requested a staff report.

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS

13.1 STAFF

13.1.1 Case 21599: Rezoning, 6048 Stairs Street, 6042 Stairs Street, 6038 Stairs Street, 6034 Stairs Street, 6054 Stairs Street, 6055 Livingstone Street and 6031 Livingstone Street, Halifax

The following was before Community Council:

- A staff recommendation report dated April 26, 2018
- A memorandum from the Halifax Peninsula Planning Advisory Committee dated April 23, 2018

MOVED by Councillor Smith, seconded by Councillor Walker

THAT Halifax and West Community Council give First Reading to consider the proposed amendment to the Halifax Peninsula Land Use Bylaw, as set out in Attachment A of the staff report dated April 26, 2018, to rezone lands at 6048 Stairs Street, 6042 Stairs Street, 6038 Stairs Street, 6034 Stairs Street, Halifax from R-2 to C-3; and 6054 Stairs Street, 6055 Livingstone Street and 6031 Livingstone Street, Halifax, from C-2 to C-3, and schedule a public hearing.

MOTION PUT AND PASSED.

Public Hearing scheduled for July 10, 2018.

13.1.2 Case 21419: Rezoning, Powers Road, Whites Lake (PID 41420837)

The following was before Community Council:

- A staff recommendation report dated April 10, 2018

MOVED by Councillor Cleary, seconded by Councillor Walker

THAT Halifax and West Community Council give First Reading to consider approval of the proposed amendment to the Land Use By-law for Planning District 4 (Prospect), as set out in Attachment A of the staff report dated April 10, 2018, to rezone lands at Powers Road, Whites Lake (PID 41420837) from the RA-3 (Residential A-3) Zone to the RA-4 (Residential A-4) Zone and schedule a public hearing.

MOTION PUT AND PASSED.

Public Hearing scheduled for July 10, 2018.

13.1.3 Case 19514: Amendments to the Halifax Municipal Planning Strategy and Mainland Halifax Land Use By-law and associated development agreements for the former Motherhouse Lands, Bedford Highway, Halifax

The following was before Community Council:

- A staff recommendation report dated June 1, 2018

MOVED by Councillor Walker, seconded by Deputy Mayor Mason

THAT Halifax and West Community Council recommend that Regional Council:

- 1. Give First Reading to consider the proposed amendments to the Halifax Municipal Planning Strategy (MPS) and Mainland Halifax Land Use By-law (LUB), as set out in Attachments A and B of the staff report dated June 1, 2018, to allow the development of a mixed-use community on the former Motherhouse lands in Halifax, and schedule a public hearing;**
- 2. Approve the proposed amendments to the Halifax Municipal Planning Strategy (MPS) and Mainland Halifax Land Use By-law (LUB), as set out in Attachments A and B of this report, to allow the development of a mixed-use community on the former Motherhouse lands in Halifax;**
- 3. Give Notice of Motion to consider the proposed development agreement, as set out in Attachment C, to permit the development of a mixed-use community on the 47 acre portion of the former Motherhouse lands in Halifax. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1; and**
- 4. Give Notice of Motion to consider the proposed development agreement, as set out in Attachment D, to permit the development of a mixed-use community on the 26 acre portion of the former Motherhouse lands in Halifax. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1.**

MOTION PUT AND PASSED.

14. MOTIONS – NONE

15. IN CAMERA (IN PRIVATE) – NONE

16. ADDED ITEMS – NONE

17. NOTICES OF MOTION

17.1 Councillor Cleary

“TAKE NOTICE THAT at the next meeting of Halifax and West Community Council on June 26, 2018, I will bring forward a motion to request a staff report on not allowing any further rezoning of shoreline properties along the Northwest Arm from the Armdale Rotary to Purcell’s Cove until a full review of the Halifax Mainland Land Use Bylaw has been completed.”

18. PUBLIC PARTICIPATION

Crissy McDow, Waverley spoke to their business Lady Drive Her, which is made up of female drivers operating out of the Halifax Stanfield Airport. They explained the long waiting list to get a roof light permit and how the Taxi Commission has three categories: taxi, limousine and accessible wheelchair vans. McDow commented on the lack of female representation in the industry and wanted a new category created for female drivers so they could obtain permits without having to go on the wait list. McDow spoke about safety issues and giving female passengers a choice of male or female driver. It was noted that they would be making a presentation to the Transportation Standing Committee in June.

Pat McGilvery, taxi driver supported Lady Drive Her and giving people a choice of male or female drivers. McGilvery has been operating out of the Halifax Stanfield Airport for the past 20 years and wanted gender equality in the taxi industry. They echoed points made around safety and supported the creation of a new category for female drivers.

Caroline Collins, Middle Sackville and taxi driver also operated out of the Halifax Stanfield Airport and agreed with McDow and McGilvery’s comments about the taxi industry and safety issues.

19. DATE OF NEXT MEETING – June 26th additional and July 10, 2018

20. ADJOURNMENT

The meeting was adjourned at 8:28 p.m.

Krista Vining
Legislative Assistant