

**HALIFAX AND WEST COMMUNITY COUNCIL
MINUTES
February 5, 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: Donna Boutilier, 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. and adjourned at 9:16 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 – January 8, 2019

MOVED by Councillor Cleary, seconded by Councillor Walker

THAT the minutes of January 8, 2019 be approved as presented.

MOTION PUT AND PASSED.

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

Councillor Smith requested that Item 10.1.2 Case 21606, be moved before Item 10.1.1 Case 21081.

Councillor Walker requested that Item 11. Correspondence, Petitions & Delegations be moved to take place before Item 10.1.1 Case 21081 as well.

MOVED by Councillor Walker, seconded by Councillor Zurawski

THAT the agenda be approved as amended.

Two-thirds vote required.

MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES – NONE

5. CALL FOR DECLARATION OF CONFLICT OF INTERESTS – NONE

6. MOTIONS OF RECONSIDERATION – NONE

7. MOTIONS OF RESCISSION – NONE

8. CONSIDERATION OF DEFERRED BUSINESS

8.1 Case 22019: Residential Conversions in the South End and Peninsula Centre Detailed Plan Areas

The following was before Community Council:

- A staff recommendation report dated November 14, 2018
- A memo from the Halifax Peninsula Planning Advisory Committee on Case 22019 dated December 3, 2018

MOVED by Councillor Mason, seconded by Councillor Cleary

THAT Halifax and West Community Council give First Reading to consider approval of the proposed amendments to the Halifax Peninsula Land Use By-law, as set out in Attachment A of the staff report dated November 14, 2018, and schedule a public hearing.

MOTION PUT AND PASSED.

9. NOTICES OF TABLED MATTERS – NONE

10. HEARINGS

10.1 Public Hearings

10.1.1 Case 21081: Rezoning for 59 Kearney Lake Road, Halifax

The following was before Community Council:

- A staff recommendation report dated November 7, 2018
- A staff presentation on Case 21081: Rezoning for 59 Kearney Lake Road, Halifax
- Correspondence submitted by Aaron Carpenter, Stacy Wentzell, Linda Jessop, Sarah Medill, Kyle Turner, Heather Lynch, Harvey Neave, Greg Sewell, Jillian Achenbach, Robert Knapp, Maria Murray, Yanna Theoharopoulos, Don Murray, George Samara, Colin Darlington, William MacDonald, Liane MacMullin, Sandy MacMullin, Glen Taylor, Denise Bearisto, Yvette Serroul, Andrew Macdonald.

Darrell Joudrey, Planner II, provided Community Council with a presentation on Case 21081: Rezoning for 59 Kearney Lake Road, Halifax, to rezone the lands at 59 Kearney Lake Road, Halifax from R-1 (Single Family Dwelling) to R-3 (General Residential and Low-Rise Apartment) to enable a multiple unit residential building.

Responding to questions from members of Community Council, Joudrey, speaking to concerns relating to increased traffic along Kearney Lake Road, noted that Traffic Services concluded that the rezoning and development of a limited number of units is not expected to have a significant impact.

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

Christina Levitt, WSP Canada Inc., provided Community Council with a presentation on Case 21081. They noted that under the current zoning, four (4) large single unit dwellings could be built on the subject lots. They noted that the proposed redevelopment possible under the rezoning would be consistent with the character of the neighbourhood, noting other multi-unit residential buildings in the area. They similarly noted that the traffic impact study, indicated that the redevelopment would not be expected to significantly impact traffic in area. Levitt additionally noted that the proposed redevelopment under the rezoning would provide much needed housing diversity for the mainland and help to meet the needs of a growing community.

The Chair then called for anyone wishing to address Community Council on this matter.

Colin Darlington, Halifax, expressed opposition to the rezoning. They noted the large amount of correspondence that has been submitted to Community Council in opposition to the matter. They added that the Traffic Impact Study cited by the Applicant was conducted in 2015, expressing serious concerns regarding its current validity. Darlington noted that denying the rezoning would not be contrary to the policy intent, and would prevent a slow chipping away of the character of the neighbourhood. They requested that members of Community Council refuse the proposal.

Erika Dube, Halifax, expressed opposition to the rezoning. They expressed concern that the proposed redevelopments under the rezoning would tower over the surrounding properties, as it would be built on a ridge; seriously compromising the privacy of surrounding properties. They additionally noted that the proposed redevelopment would significantly undermine the existing character of the neighbourhood, which is largely comprised of single unit dwellings. Speaking to an affordable housing aspect of the proposed redevelopment, they noted that there has been no actual mention of what the monthly rent would be.

Erin Carpenter, Halifax, expressed opposition to the proposed rezoning. They noted that the neighbourhood does not have the capacity to support such developments without further infrastructure, and without further undermining the character of the neighbourhood. They noted that the local school is already overcrowded, and increased density in the neighbourhood would exacerbate these issues. They expressed the view that the infrastructure in the area should be addressed first before consideration of any such rezoning and redevelopment to increase density. They additionally expressed concern that the Traffic Study is outdated.

Glenn Taylor, Halifax, expressed opposition to the proposed rezoning. They noted that a previous rezoning that was similar in nature was denied, and the decision was upheld by the Nova Scotia Utility Review Board. They noted that the Traffic Study was prepared in 2015, and is outdated. They noted that the volume of traffic has significantly increase since 2017, which is not captured in the study. They cited additional concerns relating to the current capacity of the existing infrastructure in the neighbourhood to accommodate increased density.

Irene Phinney, Halifax, expressed opposition to the proposed rezoning. They noted that other developments in the area are already contributing to the growing traffic congestion in the neighbourhood. They expressed concerns regarding the environmental impact of the proposed redevelopment, which includes a decrease in greenspace. They noted that many neighbourhood children have to cross Kearney Lake Road for school, and the increased traffic pressure poses a danger for pedestrians. They asked Community Council to deny the application.

Janice Theoharopoulos, Halifax, spoke in support of the proposed rezoning. They noted that development such as what is being proposed would assist in provide increased options for accessible affordable housing in the community, to the benefit of the elderly community and others.

Patty Boeing, Halifax, expressed opposition to the proposed rezoning. They expressed the view that the proposed redevelopment would be incompatible with the character of the neighbourhood. They encouraged members of Community Council to vote against the application.

Barbara Cinalgis, Halifax, spoke in support of the proposed rezoning. They noted that the area needs more affordable and diverse housing options. They additionally expressed the view that the proposed redevelopment would fit well with the character of the neighbourhood.

Whipple Smith, Bedford, spoke in support of the proposed rezoning. They noted that from an environmental perspective, there are not significant environmental concerns relating to the proposed redevelopment; adding that the R-3 zoning would allow for more tree coverage and less issues with runoff than if the lots were all developed individually. They additionally noted that this would provide increased accessible housing options for elderly residents.

Kirkos Theoharopoulo, Halifax, spoke in support of the proposed rezoning. They noted that they frequent Kearney Lake Road, and they have never encountered issues with traffic congestion. They noted that under the proposed redevelopment, there would be a good privacy buffer that would be maintained. They additionally noted that there is a need for more affordable housing options in the area, and this redevelopment would beneficially contribute to alleviating this need. They asked Community Council to judge the rezoning on its merits.

Bill MacDonald, Halifax, expressed opposition to the proposed rezoning. They cited their prior experience with similar developments and their impacts on the surrounding neighbourhood; noting increases in individuals cutting through adjacent properties as shortcuts. They noted that many current residents purchased their properties based on the existing character of the neighbourhood, which is overwhelmingly single unit dwellings. They noted that zoning should be for the orderly and predictable development of land. They asked members of Community Council to deny the application.

Stacy Wentzell, Halifax, expressed opposition to the proposed rezoning. They stated that there is overwhelming community opposition to the rezoning. They cited the policy considerations that must be considered when examining a proposed rezoning, which include the adequacy of services, integrity of existing neighbourhood, character of the neighbourhood, etc.. They noted that the proposed redevelopment does not fit the scale of the neighbourhood, or the existing character of the neighbourhood. They added that the proposed developments would tower over the surrounding properties.

Jillian Achenbach, Halifax, expressed opposition to the proposed rezoning. They expressed concerns regarding the impact the that the proposed development would have on greenspace, as well as a negative impact on runoff; particularly given the slope to adjacent properties. They expressed the view

that the redevelopment cannot proceed without significantly impacting the character of the neighbourhood. They noted that traffic congestion is already an issue on Kearney Lake Road, and that the proposed redevelopment would only further contribute to this growing issue. They added that there is already a precedent in the neighbourhood for denying a rezoning application such as the one currently before Community Council.

Yana Theoharopoulos, Halifax, spoke in support of the proposed rezoning. They noted that the development would be a positive contribution towards increasing the density of the urban core. They noted that traffic is not an issue in the area. They added that the proposed redevelopment is exactly the type of proposal that the city should support.

Stephan Angilopolis, Halifax, spoke in support of the proposed rezoning. They noted that the type of housing that would be provided under the proposed redevelopment is in high demand in the area. They noted that the redevelopment would contribute to affordable housing options in the area as well. They additionally expressed concerns regarding the potential patchwork development that is the only alternative under the current R-1 zoning. They asked members of Community Council to support the rezoning.

Kyle Turner, Halifax, expressed opposition to the proposed rezoning. They noted that the proposed redevelopment is not in keeping with the character of the neighbourhood, and would negatively impact residence in the larger area. They noted that development has to be done responsibly and take into account the existing neighbourhood, which the proposed redevelopment does not. They asked members of Community Council to deny the application.

Vicente Bonilla, Halifax, expressed opposition to the proposed rezoning. They noted that there is already significant traffic congestion in the Kearney Lake Road area.

Andrew McDonald, Halifax, expressed opposition to the proposed rezoning. They noted that such rezonings and redevelopments should be permitted only when they provide a substantial public benefit, which the current proposal does not. Such proposals need to be balanced against the interests of residents who purchased their properties with an expectation of predictability regarding the development of the neighbourhood. They noted that there is no evidence of an affordable housing component in the proposed redevelopment. They added that once it is rezoned, the Municipality will largely lose control over the issue of affordable housing; they will just have to take the developers at their word.

J.C. Achenbach, Halifax, expressed opposition to the proposed rezoning. They noted that the Municipal Planning Strategy (MPS), speaks to consideration of whether a proposed rezoning and redevelopment fits the scale of the existing neighbourhood. They expressed the view that the proposed redevelopment would not be in keeping with the scale of the neighbourhood. They expressed concerns regarding the buffer and reduction of greenspace. They additionally noted that the redevelopment will require extensive excavation work, which will cause significant disruption to the neighbourhood.

Dawn Murrey, Halifax, spoke in support of the proposed rezoning. They expressed the view that there is not a significant traffic congestion issue on Kearney Lake Road. They additionally noted that currently, there are not sufficient housing options in the neighbourhood, particularly for the elderly population. They noted that the proposed redevelopment would contribute to the availability of affordable housing options. They additionally added that they support this type of infilling, rather than urban sprawl.

Charlie Brownlow, Halifax, spoke in support of the proposed rezoning. They noted that traffic in the area is not an issue.

Andrew Current, Halifax, expressed opposition to the proposed rezoning. They expressed the view that traffic is a big issue in the area, and that the intersection of Kearney Lake Road and Dunbrack Street is dangerous. The proposed redevelopment would negatively contribute to this growing issue. They noted that Community Council should consider the needs of local residents when examining the application.

Loretta Bennett, Halifax, expressed opposition to the proposed rezoning. They noted that many residents chose to buy their properties due to the existing character of the neighbourhood. They expressed the view that the proposed redevelopment is not in keeping with the scale of the neighbourhood, would significantly alter the character of the neighbourhood, and would negatively impact adjacent properties. They expressed opposition to a four (4) storey building being constructed on the crest of a hill, allowing it to tower over surrounding properties and compromise privacy. They additionally noted that there is currently no shortage of apartments in the larger area.

Sam MacMullin, Halifax, expressed opposition to the proposed rezoning. They noted that traffic in the Kearney Lake Road area is a significant issue which needs to be addressed prior to any consideration of rezoning. They noted that the Traffic Study does not provide an accurate representation of the current issues on Kearney Lake Road. Speaking to the danger to bikers and pedestrians, they noted that their daughter was struck by a car while walking on Kearney Lake Road.

Lori Bennett, Halifax, expressed opposition to the proposed rezoning. They expressed the view that residents have invested in the community, and purchased their properties due to the character of the neighbourhood, and the expectation that development of the area would be stable and predictable. They noted it would be unfair to then allow a few individuals to gain at the expense of the larger community. They noted that the proposed redevelopment is not consistent with the character of the neighbourhood. They additionally noted that the Traffic Study is out of date and does not take into account the large number of developments that have gone up since 2015, as well as those that are already approved. They questioned the affordable housing component of the redevelopment. They added that a majority of residents would prefer four (4) single unit dwellings to the proposed multi-unit redevelopment.

William Gooding, Halifax, expressed opposition to the proposed rezoning. They noted that there is overwhelming community opposition to the proposed rezoning and redevelopment. They added that the community is not opposed to development, just the wrong type of development, which the current proposal is in their view.

Milly McCormack, Halifax, expressed opposition to the proposed rezoning. They questioned whether there is any affordable housing component of the redevelopment, and noted that they would like to know the price point.

Denise Beairsto, Halifax, expressed opposition to the proposed rezoning. They noted that the schools in the community are already overcrowded, and that there is significant traffic congestion on Kearney Lake Road. The proposed redevelopment would negatively contribute to these issues. They noted that there is no evidence that there would be an affordable housing component to the redevelopment. They noted that as a professional realtor, there is not a shortage of apartment dwellings in the area based on their experience. They provided members of Community Council with photographs of traffic congestion along Kearney Lake Road.

Patricia Pierce, Halifax, expressed opposition to the proposed rezoning. They noted that there is significant traffic congestion along Kearney Lake Road, which currently poses danger to commuters and pedestrians alike. They noted that there are also a sizeable number of accidents caused by deer crossings. They added that there are already affordable housing options nearby.

Susan Godwin, Halifax, expressed opposition to the proposed rezoning. They noted that the Traffic Study used is out of date, and was compiled using data from off-peak months. They noted the large volume of opposition to the rezoning from the community, and asked Community Council to deny the rezoning.

Daniel Deal, Halifax, expressed opposition to the proposed rezoning. They expressed the view that there was not sufficient public consultation for the apartment buildings that already exist in the neighbourhood, and that if there had been, they likely would not have been approved. They asked Community Council to deny the rezoning.

The Chair invited the Applicant forward to speak for a second time.

Tina and Dimiti Panopolis, the property owners, noted that the characteristics of the property will be maintained should the rezoning be granted. They decided that a multi-unit building is a preferable development option for the property over the four (4) separate dwellings. In advancing this proposal, they are hoping to create new affordable housing options in the community.

Christina Levitt noted that it is inevitable that when there is a proposed development such as the one before Community Council, that there will be public concerns. They noted that the concerns expressed during the public hearing are typical of most developments. Speaking to the Traffic Study, they noted that it was accepted by HRM traffic engineering staff. They additionally noted that HRM staff have found the proposals to be consistent with the MPS. With regards to affordable housing, they pointed out that renting in this area is more affordable than on the Peninsula, as well as more affordable than single-unit dwellings.

The Chair then called three (3) times for anyone else wishing to address Community Council on this matter; there being none, it was MOVED by Councillor Walker, seconded by Councillor Cleary

THAT the public hearing close.

MOTION PUT AND PASSED.

MOVED by Councillor Walker, seconded by Councillor Zurawski

THAT Halifax and West Community Council adopt the amendment to Map ZM-1 of the Halifax Mainland Land Use By-law, as set out in Attachment A of the staff report dated November 7, 2018.

Several Councillors expressed concerns regarding the traffic situation along Kearney Lake Road, and the vocal opposition of the community.

Councillor Walker asked members of Community Council to vote against the staff recommendation. With much of the neighbourhood being comprised of single unit dwellings, Walker noted that the rezoning would allow for development that is not in keeping with the scale and existing character of the neighbourhood. They also cited concerns relating to the pressures being placed on community infrastructure, pointing to traffic congestion in particular. They noted that Kearney Lake Road cuts through the heart of the community, and the volume of traffic creates dangers for pedestrians and school children crossing. They additionally cited the overwhelming community opposition to the rezoning, with many residents expressing the view that the proposals do not meet the needs and interests of the community. Walker noted that greater public buy-in in such matters, while not mandatory, is desirable.

MOTION PUT AND DEFEATED.

10.1.2 Case 21606: Amendment to the Building Height Requirements of the Halifax Peninsula Land Use By-Law for 5450 Cornwallis Street, Halifax

The following was before Community Council:

- A staff recommendation report dated November 13, 2018
- An memo from the Halifax Peninsula Planning Advisory Committee on Case 21606, dated June 25, 2018
- A staff presentation on Case 21606: Amendment to the Building Height Requirements of the Halifax Peninsula Land Use By-Law for 5450 Cornwallis Street, Halifax

Paul Sampson, Planner II, provided Community Council with a presentation on Case 21606: Amendment to the Building Height Requirements of the Halifax Peninsula Land Use By-Law for 5450 Cornwallis Street, Halifax, to amend the building height and setback provisions for 5450 Cornwallis Street, Halifax.

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

Sylvia Parrish, Delmore Buddy Daye Learning Institute, spoke to Community Council about the proposal to amend the building height and setback provisions for 5450 Cornwallis Street, Halifax. They noted that the purpose of the request is to eventually increase the space available for classes, seminars, and other community events at the Delmore Buddy Daye Learning Institute. They noted that at the moment, they do not have a defined start date on when the project would get underway, as it is dependant on securing funding.

Shelley Dickey, Shelley Dickey Land Use Planning, noted that the current Land Use By-law (LUB) permits the current uses of the Delmore Buddy Daye Learning Institute, but prohibits the height increase being sought. They noted that a four (4) storey building would be considered a medium raise building and would be in keeping with the policy intent. They asked members of Community Council to allow an increase in the height.

The Chair then called for anyone wishing to address Community Council on this matter.

Doug Martin, Halifax, asked when the construction is proposed to start and how long it will take to complete.

The Chair then called three (3) times for anyone else wishing to address Community Council on this matter; there being none, it was MOVED by Councillor Mason, seconded by Councillor Walker

THAT the public hearing close.

MOTION PUT AND PASSED.

MOVED by Councillor Smith, seconded by Councillor Mason

THAT Halifax and West Community Council adopt the amendments to the Land Use By-law for Halifax Peninsula, as set out in Attachment A of the staff report dated November 13, 2018.

MOTION PUT AND PASSED.

10.2 Variance Hearings - NONE

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

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

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

11.2 Petitions

11.2.1 Councillor Walker

Councillor Walker submitted a petition on behalf of Jillian Achenback, containing 313 signatures, opposing the application to rezone 59 Kearney Lake Road from R-1 to R-3.

11.2.2 Councillor Walker

Councillor Walker submitted a petition on behalf of Tina and Dimiti Panopolis, containing 63 signatures, expressing support for the application to rezone 59 Kearney Lake Road from R-1 to R-3.

11.3 Presentations - None

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS

13.1 STAFF

13.1.1 Case 20323: Amendments to the Halifax MPS and Halifax Peninsula LUB and associated development agreement for the former Ben's Bakery Lands on Quinpool Road, Pepperell Street, Preston Street and Shirley Street, Halifax

The following was before Community Council:

- A staff recommendation report dated August 23, 2018

MOVED by Councillor Mason, seconded by Councillor Cleary

THAT Halifax and West Community Council:

1. **Approve the proposed development agreement for a mixed-use building on Quinpool and Pepperell Streets, stacked townhouses on Preston Street and Pepperell Street, a 6-storey residential building on Pepperell Street, and townhouse buildings on Shirley Street, which shall be substantially of the same form as contained in Attachment C of the staff report dated August 23, 2018; 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.

13.1.2 Case 20369: Rezoning for 635, 651, 661, 669, 677, 685, 693 and 701 St. Margaret's Bay Rd., Halifax

The following was before Community Council:

- A staff recommendation report dated January 14, 2019

MOVED by Councillor Cleary, seconded by Councillor Mason

THAT Halifax and West Community Council refuse the proposed land use by-law amendment as set out in Attachment A of the staff report dated January 14, 2019.

Councillor Cleary noted that they disagreed with the staff recommendation, stating that the rezoning would permit greater density which is desirable and could be incorporated into the existing properties with relative ease. Cleary asked that Community Council vote against the staff recommendation.

Responding to questions from members of Community Council, Melissa Eavis, Planner III, Current Planning, noted that a plan amendment would be required to change the zone, whether it be to R-3 or an R-2P. They further noted that there is currently no other zoning that would permit the density being sought. They provided further clarification on what procedural steps would be needed to initiate a plan amendment.

MOTION PUT AND DEFEATED.

MOVED by Councillor Cleary, seconded by Councillor Walker

THAT Halifax and West Community Council give First Reading to consider approval of the proposed amendments to the Halifax Peninsula Land Use By-law, as set out in Attachment of A of the staff report dated January 14, 2019, and schedule a public hearing.

Councillor Smith requested that when this item comes back to Community Council, that staff provide a breakdown of zoning options and what would be allowed in the different types of zones.

MOTION PUT AND PASSED.

14. MOTIONS - NONE

15. IN CAMERA (IN PRIVATE)

15.1 APPROVAL OF IN CAMERA (IN PRIVATE) MINUTES – January 8, 2019

This matter was dealt with by the Community Council in public session.

MOVED by Councillor Walker, seconded by Councillor Cleary

THAT the In Camera (In Private) minutes of January 8, 2019 be approved as presented.

MOTION PUT AND PASSED.

16. ADDED ITEMS - NONE

17. NOTICES OF MOTION - NONE

18. PUBLIC PARTICIPATION

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

Kumar Schratt, Halifax, thanked Regional Council for approving a budget that includes funds for improvements to infrastructure, cycling lanes and transit.

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 – March 7, 2019

20. ADJOURNMENT

The meeting was adjourned at 9:16 p.m.

David Perusse
Legislative Assistant