

**HALIFAX AND WEST COMMUNITY COUNCIL
MINUTES
July 9, 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 6:02 p.m. and adjourned at 8:50 p.m.

1. CALL TO ORDER

The Chair called the meeting to order at 6:02 p.m. in Council Chamber, 3rd Floor City Hall, 1841 Argyle Street, Halifax.

2. APPROVAL OF MINUTES - June 5, 2019 & June 11, 2019

MOVED by Councillor Zurawski, seconded by Councillor Mason

THAT the minutes of June 5, 2019 and June 11, 2019 be approved as presented.

MOTION PUT AND PASSED.

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

Members of Community Council requested that item 11.2 Petitions, be brought forward to take place prior to item 10. Hearings.

MOVED by Councillor Walker, seconded by Councillor Cleary

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 - NONE

9. NOTICES OF TABLED MATTERS – NONE

10. HEARINGS

10.1 Public Hearings

10.1.1 Case 22005: Internal Residential Conversions in the Peninsula West Area 1 Schedule of the Land Use By-Law for Halifax Peninsula

The following was before Community Council:

- A staff recommendation report dated March 14, 2019
- A supplementary staff report dated May 13, 2019
- A memorandum from the Chair of the Halifax Peninsula Planning Advisory Committee, dated February 27, 2019
- A staff presentation titled "Case 22005"
- Correspondence submitted by Kenneth Dewar, Martin Reid, Dorothy Hahn, Erik Hahn, Tony Blouin, Tara Blouin, Gillian Allen, Amir Nevo, Shirley Nevo, Gregory Cormier, Fay Cormier, and Robert Jack

Dean MacDougall, Planner II, Current Planning, provided Community Council with a presentation on Case 22005: Internal Residential Conversions in the Peninsula West Area 1 Schedule of the Land Use By-Law (LUB) for Halifax Peninsula.

Responding to questions from members of Community Council, MacDougall noted that the number of lots that would be eligible under the proposed amendments to the LUB, would be approximately twenty (20) out of one hundred and ninety (190) properties.

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

Kenneth Dewar, Joseph Street, Halifax, spoke in opposition to the proposed amendments. They noted that they attended a public information meeting on the proposal last fall, at which the majority of community members in attendance expressed their opposition. They noted that there has not been an adequate response to the concerns raised during that meeting in the staff report before Community Council. They noted that the proposal would change the character of the neighbourhood.

Gillian Allen, Joseph Street, Halifax, expressed their opposition to the proposed amendments, noting that it would change the character of the neighbourhood. They noted that currently, it is a relatively affordable community in terms of housing, particularly for the peninsula. They added that the proposed amendments heavily favour landlords, and not tenants or those who reside in the community. They question how these amendments meet the objectives in the Municipal Planning Strategy (MPS), specifically, as they relate to maintaining the integrity of existing residential neighbourhoods.

Amir Nevo, Sherwood Street, Halifax, noted that they are a property owner in the neighbourhood, and that they support the proposed amendments. They noted that the amendment would significantly benefit eligible properties in the area, including their own. They added that as they are internal conversions, it would be adding density without significant visible alterations to the neighbourhood, or 'invisible density.'

Martin Reid, Phillip Street, Halifax, spoke in opposition to the proposed amendments. They cited concerns over increased pressures on parking, as well as the Municipality's commitment and ability to effectively monitor and enforce the requirements under the amended LUB. They requested clarification as to the reason for the change in the proposal from a minimum of 1000 sq. ft for an internal conversion, to 690 sq. ft on a sliding scale. They additionally requested clarification on the formula for the sliding scale.

John Whitterburn, Roosevelt Drive, Halifax, expressed their support for the comments made by members of the public in opposition to the proposed amendments. They expressed their own concerns relating to increased traffic for what is a residential neighbourhood. They questioned why there was not more of a compromise put forward by the Municipality to respond to some of the concerns raised by residents.

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

THAT the public hearing close.

MOTION PUT AND PASSED.

At the request of members of Community Council, MacDougall addressed some of the questions that were raised during the public hearing. With regards to the 'sliding scale' formula, they explained that the allowable conversion depends on a combination of the minimum requirement of 690 sq. ft per unit, and the number of units being sought. They added that the decision to change the proposal from a minimum requirement of 1,000 sq. ft to 690 sq. ft for internal conversions, as well as the limit of six (6) units, was done at the direction of Community Council.

Responding to questions from members of Community Council, MacDougall noted that the adoption date set out in Attachment A of the supplementary staff report dated May 13, 2019, would be the 2019 date, if approved.

MOVED by Councillor Cleary, seconded by Councillor Walker

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 May 13, 2019.

Councillor Cleary provided further clarification on the amendments, noting that they initiated the proposal after speaking with residents, rather than the item being initiated by developers. The internal conversions that will be enabled by the LUB amendments would allow for 'invisible density.' They noted that the particular neighbourhood has seen a decline in population in recent years, and this is a means of increasing density. They added that such internal conversions will also likely lead to an increase in affordable housing options.

MOTION PUT AND PASSED.

The Chair thanked MacDougall for the presentation.

10.1.2 Case 20417: Development Agreement for 2267 Brunswick Street, Halifax

The following was before Community Council:

- A recommendation report from the Chair of the Heritage Advisory Committee dated June 6, 2019, with attached staff recommendation report dated May 9, 2019
- A memorandum from the Chair of the Halifax Peninsula Planning Advisory Committee, dated May 29, 2017
- A staff presentation titled "Case 20417"
- A presentation from the Applicant titled "2267 Brunswick Street"
- Correspondence submitted by Joe Metlege, Andrew Nahas, and Andrew Murphy

Darrell Joudrey, Planner II, provided Community Council with a presentation on Case 20417: Development Agreement for 2267 Brunswick Street, Halifax, to permit an eight (8) storey residential building. Joudrey outlined the feedback on Case 20417 provided by the Halifax Peninsula Planning Advisory Committee (HPPAC), and the Heritage Advisory Committee (HAC), as well as the modifications made by the Developer as a result.

Responding to questions from members of Community Council, Joudrey and Carl Purvis, Major Projects Planner, noted that when this item first came before Community Council in 2018, direction was provided to staff to engage with the Developer to seek revisions to the proposal so that the height of the building does not exceed the roofline of neighbouring St. Patrick's Church. Joudrey explained that the proposal currently before Community Council, although reduced in height, still exceeds the roofline. Joudrey further explained that after further consultation, the Developer declined to put forward a revised proposal meeting the requested height limitation sought by Community Council. Purvis noted that if a Developer does not want make revisions to their proposal requested by the Municipality, then staff are still obliged to bring forward their proposal to Community Council, as the Developer has the right to appeal any decision to the Nova Scotia Utility Review Board.

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

Ron Smith, Studio Works International, Applicant, provided Community Council with a presentation on Case 20417: Development Agreement for 2267 Brunswick Street, Halifax, to permit an eight (8) storey residential building. They outlined some of the revisions made to the proposed development agreement in response to some of the concerns raised by the HPPAC, as well as the HAC. They additionally noted that they have received support for their current eight (8) storey proposal from St. Patrick's Church.

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

Blair Beed, speaking on behalf of St. Patrick's Church, noted that they met with the Developer to discuss and review their revised proposal. They noted that sufficient compromises were made to the proposal,

and that St. Patrick's Church is now in support of the revised development agreement. They noted that the Developer has done a good job of seeking to maintain the heritage features of the building, even though it is not a registered heritage property.

Joan McCraig, Halifax, spoke in opposition to the proposal. They noted that they are the owner of an adjacent registered heritage property, and that they have been required to go to great lengths to meet the requirements for maintaining a registered property. They now find it troubling that the Developer may be permitted to proceed without having to give due consideration of the heritage aspects of the neighbourhood. They cited concerns that the building would be right in the Citadel view plane. They expressed concerns with the blank western façade. In the Applicant's presentation, they noted that there would be balconies on this side of the building, but this was not shown in the staff presentation of the proposal; they requested clarification on this point. They noted that the Developer has not been receptive to the advice of Community Council, the HPPAC, and the HAC, and as a consequence, Community Council should deny the proposal.

Ezra Epstein, Halifax, spoke in opposition to the proposal, noting that they are the owner of an adjacent registered heritage property. They questioned whether eight (8) storeys is truly required to make the development economically viable. They cited another proposal from the Developer on Gottingen Street, which is only five (5) storeys, and at a comparable price per sq ft.

Andrew Murphy, Purcell's Cove Road, noted that they were speaking on behalf of the Heritage Trust of Nova Scotia. They spoke in opposition to the proposal, noting that Brunswick Street is one of Canada's most important heritage areas and needs to be protected. They expressed concern that this proposal is coming through prior to the approval of the Centre Plan, which identifies this area as a potential future Heritage Conservation District. They noted that eight (8) storeys is not necessary from an economic viability point of view, pointing to the Developer's five (5) storey development on Gottingen Street. They pointed out that Community Council has already provided direction that the height of the building should not exceed the roofline of the church.

Michael Lowen, Halifax, noted that they own several properties on the street, and that they have no objections to the proposed development. They added that the Developer has an excellent track record of making significant improvements to the neighbourhood.

Ron Smith, Applicant, responded to some of the questions and concerns raised during the public hearing. Smith confirmed that their proposal includes balconies on the western facing façade. They further noted that they did not de-register the building as a heritage property; rather, this was done by the church prior to it being conveyed to them.

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

THAT the public hearing close.

MOTION PUT AND PASSED.

MOVED by Councillor Smith, seconded by Councillor Walker

THAT Halifax and West Community Council:

1. **Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachments A and B of the staff report dated May 9, 2019; and**
2. **Require the agreement be signed by the property owner within 180 days, or an extension thereof granted by Council on request of the property owner, from the date of the 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 Smith noted that while they were initially hesitant on this revised proposal, the revisions made by the Developer, along with the support of the church, are good steps forward. They questioned the impact bringing the building down one more storey would truly have.

MOTION PUT AND PASSED.

The Chair thanked Joudrey for the presentation.

10.2 Variance Hearings

10.2.1 Case 21864: Appeal of Variance Approval – 14 Melvin Road, Halifax

The following was before Community Council:

- A staff recommendation report dated June 18, 2019
- A staff presentation titled “Case 21864: Appeal of Variance Approval – 14 Melvin Road, Halifax”

Rosemary MacNeil, Principal Planner/Development Officer, provided Community Council with a presentation on Case 21864: Appeal of Variance Approval – 14 Melvin Road, Halifax to allow construction of a two-storey addition to an existing single unit dwelling at 14 Melvin Road. They explained that there is a setback requirement of eight (8) ft, with the requested variance being for four (4) ft. They added that the four (4) ft setback would be permitted as of right for the garage portion, but not the dwelling portion, which is the subject of the variance.

Responding to questions from members of Community Council, MacNeil confirmed that if there were no residential component to this proposal (i.e. just a garage), then there would be no requirement for a variance.

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

Rod Giffen, Appellant, spoke to Community Council about their appeal of the variance. They noted that their lot backs onto the property in question. They noted that the previous owners of the subject property had dug out the gradual grade between their properties, resulting in a steep twenty (20) ft drop off on the back of their lot. They noted that this reduced water drainage, and created hazards for those on their property. They noted that they had come to a tentative agreement with the prior owner to construct a fence on their property guarding against this drop off; however, this promise was never fulfilled. They noted that they are now opposed to the allowing the current owner to now build extensions to their home on this site.

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

Cynthia Robinson, owner of the subject property, spoke to Community Council about the requested variance, noting that the wall that the Appellant is referring to is not actually on their property. They noted that the two limited areas for which they have requested a variance would not interfere with their neighbours. They added that runoff and drainage are not issues on the site where they plan to build, and that there is no right of way. They additionally noted that other surrounding neighbours have no objections to their plans.

Councillor Smith took Chair at 8:14 p.m.

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

THAT the public hearing close.

MOTION PUT AND PASSED.

MOVED by Councillor Adams, seconded by Councillor Cleary

THAT Halifax and West Community Council allow the appeal.

Councillor Adams took note of the fact that if there was no residential component to the proposal, then the property owner would be permitted to build these extensions as of right. They noted that, upon listening to the Appellant, most of their grievances appear to be with the previous owner of the property, and are not directly related to the variance current before Community Council. They added that regardless of whether the variance is permitted or not, it will not impact the current state of water drainage caused by the previous owner's excavation. On a balance of these factors, Adams noted that they would not support the appeal.

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

Councillor Adam retook the Chair at 8:19 p.m.

The Chair thanked MacNeil for the presentation.

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

The Legislative Assistant noted that the Municipal Clerk's Office received correspondence relating to items 10.1.1, 10.1.2, and 13.2.1, as well as correspondence submitted by Wendy McDonald dated July 8, 2019. This correspondence was circulated to members of Community Council.

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

11.2 Petitions

The Legislative Assistant submitted a petition on behalf of Kara Allen, containing 68 signatures from Halifax Peninsula West End residents in opposition to the staff recommendation for Case 22005: Internal Residential Conversions in the Peninsula West Area 1 Schedule of the Land Use By-Law for Halifax Peninsula.

11.3 Presentations

11.3.1 Short-term Rental Policy on the Halifax Peninsula - Bill Stewart

The following was before Community Council:

- A request to present to Halifax and West Community Council dated May 20, 2019

Bill Stewart, Neighbours Speak Up, provided Community Council with a presentation on short-term rental policy on the Halifax Peninsula. Stewart spoke to the growing issue of short-term rentals by non-resident property owners, and the negative impacts it is having on HRM communities and neighbourhoods.

They noted that the Provincial Government is current deliberating Bill 101 - *Tourist Accommodations Registration Act*, which would set out a framework for regulating the short-term rental industry. However, they expressed concerns with the legislation, suggesting that it does not adequately address the issues of rentals from non-resident property owners. For instance, these rentals are operated like a commercial enterprise, but they are only taxed as residential properties, and it appears that this will remain unchanged under the new legalisation. Stewart additionally noted that the Province will be consulting with Municipalities on this legislation, and requested that Community Council and HRM staff consider the recommendations of Neighbours Speak Up, as set out in their correspondence with Community Council.

Noting that there is a staff report on short-term rental policy currently being prepared, Councillor Smith suggested a motion that the recommendations of Neighbours Speak Up, as presented to Community Council, be forwarded to HRM staff for consideration in the preparation of the upcoming report.

MOVED by Councillor Smith, seconded by Councillor Mason

THAT Halifax and West Community Council direct that the presentation and recommendations received from Neighbours Speak Up at the July 9, 2019 meeting of Halifax and West Community Council be forwarded to staff for consideration in the upcoming staff report on short-term rentals within the Municipality.

Councillor Zurawski suggested that staff's presentation also include research into the impact of money laundering in the short-term rental industry.

MOTION PUT AND PASSED.

The Chair thanked Stewart for the presentation.

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS

13.1 STAFF

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

The following was before Community Council:

- A staff recommendation report dated May 30, 2019

MOVED by Councillor Zurawski, seconded by Councillor Walker

THAT Halifax and West Community Council give notice of motion to consider the proposed development agreement, as set out in Attachment A of the staff report dated May 30, 2019, to consider the expansion of an existing child care centre at 56 Kearney Lake Road allowing up to 16 children, and schedule a public hearing.

MOTION PUT AND PASSED.

13.2 BOARDS AND COMMITTEES

13.2.1 Launching the Point Pleasant Park Interactive Mapping Application

The following was before Community Council:

- A recommendation report from the Chair of the Point Pleasant Park Advisory Committee dated June 27, 2019
- Correspondence submitted by Wendy McDonald

MOVED by Councillor Smith, seconded by Councillor Mason

THAT Halifax and West Community Council direct staff to move ahead and launch the Point Pleasant Park Interactive Mapping Application to the public as has been presented the Point Pleasant Park Advisory Committee.

MOTION PUT AND PASSED.

13.3 MEMBERS OF COMMUNITY COUNCIL - NONE

14. MOTIONS - NONE

15. IN CAMERA (IN PRIVATE)

15.1 Approval of In Camera (In Private) Minutes – June 11, 2019

The following item was dealt with by Community Council in public session.

MOVED by Councillor Walker, seconded by Councillor Cleary

THAT Halifax and West Community Council approve the June 11, 2019 In Camera (In Private) minutes as presented.

MOTION PUT AND PASSED.

16. ADDED ITEMS - NONE

17. NOTICES OF MOTION – NONE

18. PUBLIC PARTICIPATION

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

19. DATE OF NEXT MEETING

- August 6, 2019;
- September 11, 2019.

20. ADJOURNMENT

The meeting was adjourned at 8:50 p.m.

David Perusse
Legislative Assistant