



**HALIFAX AND WEST COMMUNITY COUNCIL  
MINUTES  
January 23, 2018**

PRESENT: Councillor Stephen D. Adams, Chair  
Councillor Wayne Mason  
Councillor Shawn Cleary  
Councillor Russell Walker  
Councillor Richard Zurawski

REGRETS: Councillor Lindell Smith, Vice Chair

STAFF: Karen Brown, Solicitor  
Sheilagh Edmonds, 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](http://halifax.ca).*

*The meeting was called to order at 6:00 p.m. Community Council recessed at 7:51 p.m. and reconvened at 7:55 p.m. Community Council moved into an In Camera (In Private) session at 8:47 p.m. and reconvened at 8:55 p.m. Community Council adjourned at 8:56 p.m.*

**1. CALL TO ORDER**

The Chair called the meeting to order at 6:00 p.m

**2. APPROVAL OF MINUTES – December 13, 2017**

MOVED by Councillor Zurawski, seconded by Councillor Cleary

**THAT the minutes of December 13, 2017 be approved.**

**MOTION PUT AND PASSED.**

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

Additions:

16.1 Case 19532 Part 1 – Discharging Existing Development Agreements & Partial Rezoning to Schedule K – The Mainland Common Area, Halifax.

Deletions:

10.2.2 Case 20885: Appeal of Variance Approval – 14 Vimy Avenue, Halifax (Appellant withdrew)

MOVED by Councillor Walker, seconded by Deputy Mayor Mason

**THAT the agenda be approved as amended.**

Two-third majority 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 19858: Development Agreement for 6345 Coburg Road**

The following was before Community Council:

- A supplementary staff report dated September 21, 2017
- Correspondence was submitted from Ann Carmichael

David Lane, Planner III, provided the staff presentation outlining the proposed development agreement to allow for a five storey, multiple unit residential development at 6345 Coburg Road, Halifax. David pointed out that the hearing was originally scheduled for the September 12, 2017 meeting of Halifax and West Community Council, however, in between notice of motion and the scheduled public hearing, the property owner brought on new consultants to the project to complete detailed building drawings in anticipation of future construction. The new consultant identified several engineering and construction concerns relating to the southeast corner of the site, and were found to be significant enough, that changes to this southeast corner of the project were required. Changes include the following:

- Removing 1 of the 2 previously proposed parkade accesses to the site, limiting the overall total number of parkade access points to one within the new design;
- Introduction of a new landscaped setback along the entire extent of the eastern property line measuring 2.36 metres (7'9") in depth which replaces the previously proposed parkade access; and
- Extending the eastern building face 0.89 metres (2'11") closer to the eastern property line and adjacent 4 storey building.

David went on to advise that changes to both the site plan and elevation plans have been made to reflect the above, and are included as schedules within a revised development agreement included as Attachment A of the supplementary staff report. In addition to changes to the schedules of the previously proposed agreement, a single clause has also been deleted relating to a previously proposed retaining wall which was located on the shared eastern property line. This wall is no longer required in the new single parkade access proposal and, as such, clause 3.4.1(e) of the previous agreement has been deleted in the revised version attached to the supplementary staff report. David concluded the presentation advising that the proposal remains reasonably consistent with MPS policy.

There were no questions of clarification from Community Council

The Chair opened the public hearing, inviting the proponent to come forward.

Rebecca MacKenzie, Ekistics Planning and Design, addressed Community Council and elaborated on the changes in the proposed development, noting that the landscape plan is more intense than the previous plan and that the building is substantially the same, but the building is in a lighter palette and horizontal linear cladding.

There were no questions from Community Council

The Chair invited members of the public to come forward if they wished to speak on this application.

Cathy Cody addressed Community Council and advised that her home was located in back of the proposed development. Cathy expressed concern with the development, specifically:

- The footprint of the building appears to be 74% of the property and not less than 70 percent as was expected.
- There are seven separate entrances to the main level of the building; concerned that this is for retail development
- 28 balconies will result in excessive noise in an area of primarily residential properties with backyards.
- There will be very little space between the proposed development and her property.
- Concern that there may be a rooftop patio; want assurance that there won't be one.
- Concern that surrounding trees will be removed.
- Concern if shale rock is determined to be present, then it will require blasting.

Blair Miller, a resident of the immediate area in question expressed concern that the proposed development was going from a four-unit building to 28 units. Blair questioned if there was assurance that

there will not be any commercial space in the development; also, concern was expressed about the impact on privacy.

The Chair called three times for additional speakers; there being none, the Chair invited David Lane to address points raised by the speakers.

David Lane addressed Community Council and clarified the following points:

- Development Agreements are very restrictive, and the land use in the area in question is strictly residential; to change the land use, a public hearing and plan amendment would be required. This application is specific to residential multi-unit.
- The lot coverage could be 100 percent; however in the development agreement process there is negotiation; the proposal is as presented.

Rebecca MacKenzie addressed Community Council and clarified the following:

- there is one main entrance to the building; there are seven units which have ground or landscaped floor access, and these are private accesses to those units.
- The highest floor height is 10 ft and this is on the first floor and is due to structural reasons and there is no 'floor to floor' height over 11 ft.
- There will be excavation at rear of the property which will impact the root-balls of the trees along there; the current plan is for more intensive planting along the rear and they will plant trees of a type that will grow of similar height and scale; also, smaller and medium planting will be carried out to balance out the buffer.
- There is no roof-top terrace; roof access will only be for maintenance matters.

MOVED by Deputy Mayor Mason, seconded by Councillor Walker

**THAT the public hearing close.**

**MOTION PUT AND PASSED.**

In response to a question by Deputy Mayor Mason, David Lane provided clarification on the Blasting Bylaw and how it would be applicable in an application like this proposal.

MOVED by Deputy Mayor Mason, 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 Attachment A of the September 21, 2017 supplementary staff report; 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.**

Deputy Mayor Mason spoke in support of the application, highlighting the following points:

- The number of parking spaces provided in the building – it has been determined in a number of recently new buildings that the 1 to 1 ratio of parking spots are not used.
- Blasting concerns are addressed by 3<sup>rd</sup> party insurance
- Six exterior doors on the main floor in addition to the main entrance – Council has been advocating this idea as it creates a better neighbourhood atmosphere when the residents of the units have their front steps at sidewalk level.

**MOTION PUT AND PASSED.**

### 10.1.2 Case 20894: Substantive Amendments to an Existing Development Agreement for 5511 Bloomfield Street, Halifax

The following was before Community Council:

- A staff report dated November 7, 2017.
- Correspondence was submitted from Jane Finlay-Young, Gwen Lambert, and Paul Hannon

Stephanie Salloum provided the staff presentation on the application for substantive amendments to an existing development agreement that enables a mixed-use development located at 5511 Bloomfield Street, Halifax. Stephanie reviewed the detailed changes to the development agreement, noted as follows:

- Increase the maximum number of residential units permitted from 70 to 95 units;
- Increase the minimum number of units having two or more bedrooms from 22 to 40 units;
- Remove the surface parking lot (16 spaces) and locate all parking underground;
- Construct a four-storey addition fronting Almon Street;
- Remove the parking entrance from Almon Street;
- Increase the minimum number of required parking spaces from 70 to 72 spaces;
- Re-locate the outdoor amenity space from the rooftop and second level podium to a landscaped podium on the fifth floor of the proposed addition;
- Expand the penthouse level to allow three residential units;
- Extend the streetwall on Bloomfield Street; and
- Extend the building footprint to cover the majority of the lot.

Stephanie advised that on a recent site visit staff determined that a few portions of the building were out of compliance and a 'stop work' order was issued on those portions last Thursday.

Stephanie advised that the developer did not make any changes to the design as a result of the public consultation and the recommendations from the Planning Advisory Committee.

Additional comments from Stephanie:

- With the proposed addition, there will be a separation distance of 24.5 feet between the property owned by Northwood and the addition
- A small setback along Almon Street would allow some landscaping
- A couple of vehicular parking spaces were removed to allow for bicycle parking; if there is a requirement for additional bike parking, then a request could be made to the Request a Rack Program which places bicycle racks in the right of way.

There were no questions from Community Council.

The Chair opened the hearing and invited the proponent to come forward.

Connor Wallace, WSP, addressed Community Council on behalf of the owner. Connor reviewed the existing development agreement and then outlined the proposed amendments. In the presentation, Connor reviewed the proposed changes the developer was seeking. Connor then addressed the comments from the Planning Advisory Committee and provided the following points:

- Extension of the Bloomfield Street streetwall – in working with staff it was determined that it was desirable to carry the three-story form along Bloomfield Street to provide a more human scale look
- Concern about limited setback and nearly 100 percent of lot coverage – there is 24.5 ft. separation distance between the proposal and the Northwood building and within that distance there is a pathway that connects Almon Street through the Northwood building to the surface parking, and there would be some smaller scale and tree plantings between the pathway and the proposed addition. Staff and the proponent determined that there is significant separation

distance and similarities in scale to the Northwood building i.e. both buildings being four storey forms were appropriate considering the policy that applies to the site.

- Street and sidewalk interface – the developer and staff believe that this proposal is improving the streetscape and how the building relates to the street through the proposed amendments—by removing the surface parking lot they are introducing a streetwall which is common practice to create activity on the street; there are commercial frontages at grade that are divided up into separate entrances rather than one long commercial entrance; they are slightly setback from the street which will allow some landscaping to be introduced.
- Concern over a lack of street level trees – in response the developer is setting the building back slightly and proposed to introduce landscaping; also, there are two Elm trees on Bloomfield Street where the building meets the street, and both of those trees will be preserved.
- Bike parking – meets the Land Use Bylaw requirements.— 39 class A spaces and 12 class B spaces and these are disbursed across the site, indoors and outside.
- Total amenity space – landscaped terrace and roof top deck are 3000 square feet in total, and their proposal is to move the 5<sup>th</sup> floor common space to an outdoor podium which would sit on top of the addition and it would be 3000 square feet.

The Chair reviewed the rules of procedure for public hearings and invited members of the public to speak at this time.

Peter Lavelle, Halifax expressed concerns with regard to the stop work order being issued on parts of the building and the insufficient call for public feedback. Mr. Lavelle expressed support for six stories on the site, for providing open space, but did not want the building to fill the entire lot. Peter also commented that there is a need for good site lines from the parking lot along Bloomfield Street, and expressed concern that the development will put pressure on the adjacent streets for parking. Peter questioned the greenspace on the roof top, suggesting it maybe positive for the building tenants but not for the community.

Catherine Kitchen, Halifax, expressed concern with the small notification area advising that even though the development was on her street she did not get a notification. Catherine suggested that the parking entrance should be from Almon Street and not Bloomfield Street which is more residential and has a lot of children. Catherine also commented on the increase of only two parking spaces compared with 25 more units; that the penthouse should be toned down and that there should be more amenity space for the neighbourhood. Catherine questioned whether there would be any implications on the developer for building on a 'yet to be approved' plan, and advised that the street wall on Boomfield was confusing because it was difficult to tell whether green space was being lost or not.

Mick Owen, Halifax, addressed Community Council and asked for the proposal to be rejected and follow the recommendations from the Planning Advisory Committee. With regard to the application, Mick expressed concern with the greater volume being requested, the removal of surface parking, the ongoing construction without proper approvals, and noted that the re-opening of the development agreement may not stop the developer from doing it again. Mick also questioned where street off-loading for the commercial spaces would occur, and pointed out that Almon Street is being proposed for a bike lane.

Cliff White, Halifax, spoke in opposition to the proposal. In reference to the stop work order, Cliff suggested that the developer being in noncompliance was reason enough to reject this application. Cliff advised that as a resident of the neighbourhood for 40 years, this proposal doesn't add anything neighbourhood and that having it cover the whole lot is a backwards step. Cliff also expressed concern about parking and noted that the building will add 25 new residents with only two parking spaces, and that having the parking garage entrance on Bloomfield would impact on the quality of life of the residents of the street.

Nancy Lee, Halifax, addressed Community Council indicating concern that the developer is in non-compliance, and that developer did not take into account any of the recommendations from the Planning Advisory Committee.

The Chair called three times for further speakers; there being none, the Chair invited the proponent the opportunity to respond to any comments that were raised.

Connor Wallace addressed Community Council and provided clarification on comments that were raised. With regard to parking concerns, Connor advised that a traffic impact study was done in regard to this application where the residential entrance to the building was examined by traffic engineers for the consultant and the municipality and site distances were reviewed and accepted by both. It was always the intention to have the residential parking entrance off Bloomfield Street; the Almon Street entrance was for the surface parking lot; a detailed look at the site lines and safety concerns with regard to the Bloomfield Street entrance was undertaken. Regarding the concern of current construction on the surface parking lot off Almon Street, Connor explained that the underground parking lot was below the surface parking lot, and the construction that residents saw on the surface parking lot, had to do with the work of the underground parking lot below it. Connor addressed the comments about the stop work order and advised of being made aware late last week that a stop work order had been issued, and clarified that there was no work going on a year in advance of the agreement associated with the surface parking lot – it was more recent work on the site that required HRM to issue the order

MOVED by Councillor Cleary, seconded by Councillor Walker

**THAT the public hearing close.**

**MOTION PUT AND PASSED.**

Stephanie Salloum responded to questions of clarification.

Sean Audas, Development Officer, responded to questions concerning the process of issuing stop work orders for construction that is non-compliant.

MOVED by Deputy Mayor Mason, seconded by Councillor Walker

**THAT Halifax and West Community Council**

- 1. Approve the proposed amending development agreement, which shall be substantially of the same form as set out in Attachment A of the November 7, 2017 staff report; 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, which is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

Councillor Mason indicated support for what was proposed in the application for the Almon and Gottingen Streets sides of the development, but would not support the application because of the impact of the three stories along Bloomfield Street. The Councillor explained that he initially supported the 8 stories because the building came down in height as it came closer to the residential neighbourhood, which is essentially a wood-frame neighbourhood with R-2 zoning and a mixture of single-family homes and over/under duplexes. The Councillor also expressed concern with the proposed penthouse; and suggested that the C-2 rules that allow construction of a building up to maximum height at the property line, next to a wood-frame house were out of date.

**MOTION PUT AND DEFEATED.**

Community Council recessed at 7:51 p.m.

Community Council reconvened at 7:55 pm.

### 10.1.3 Case 20725: Development Agreement for 180 Prospect Road, Halifax

The following was before Community Council:

- A staff report dated November 30, 2017.

Jacqueline Belisle, Planner II provided the staff presentation on the application by Halifax Exhibition Centre Inc. for a service station, convenience store, restaurant and car wash at 180 Prospect Road. In concluding the presentation, Jacqueline pointed out a minor revision to recommendation 1 as follows: *“with an amendment to Section 4.3.2 of the proposed development agreement in Attachment A which removes the words “should Council approve an extension to the Urban Service Area.”* Jacqueline advised that this is further clarification that will prevent the applicant from coming back in the future for an amendment to the development agreement, for something that could be administratively handled.

The Chair opened the public hearing, inviting the applicant to come forward at this time.

Glen Woodford addressed Community Council advising that he was a consultant on the project and was representing the applicant. Glen advised that the staff presentation was very thorough and the only other information to add was that a traffic study was carried out and it was reviewed by the Department of Transportation (because the proposal connects on to the Prospect Road) and they have provided their approval. As well, Halifax Water has reviewed the plan and are in favour of the water connection that is in the water service boundary now. There is a sewer main in the street and Halifax Water has indicated there is capacity and is supportive of a sewer connection. Glen explained that the administrative aspect that it is not within the service boundary means that it must be tidied up before there is connection to the sewer. Glen further explained that this proposal is a smaller parcel of the overall proposal but it has been set up in such a way by HRM and Transportation and Infrastructural Renewal that the entrance further down could serve as an entrance to the larger parcel.

In response to a question, Glen explained that they can hook into the water main now, and it is in the water service boundary; but with regard to the sewer line, there is the ability to hook into the sewer line, however, it is not within the sewer boundary and, therefore, the plan Community Council is considering this evening involves an on-site septic system. Glen added that, in future, if Council approves an amendment to the Plan that would bring it within the sewer boundary, they would then connect to the sewer line.

The Chair called three times for any other speakers; there being none, it was

MOVED by Councillor Cleary, seconded by Councillor Walker

**THAT the public hearing close.**

**MOTION PUT AND PASSED.**

MOVED by Councillor Walker, 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 November 30, 2017 staff report with an amendment to Section 4.3.2 of the proposed development agreement in Attachment A which removes the words “should Council approve an extension to the Urban Service Area.”**

**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.**

**10.2 VARIANCE APPEAL HEARINGS**

**10.2.1 Case 19997: Appeal of Variance Refusal – 5516 Falkland Street, Halifax**

The following was before Community Council:

- A staff report dated November 30, 2017.

Sean Audas, Development Office provided the presentation on the reasons for refusing the variance request to relax the required lot area, lot frontage, lot coverage, left side yard and right side yard requirement to enable an addition to be constructed and convert a single unit dwelling to a two-unit dwelling at 5516 Falkland Street.

In response to a question, Sean advised that the applicant intends to add more living space in the living room.

The Chair opened the appeal hearing and invited the appellant to come forward.

Nanci Lee advised that the variance request was to enable an 8ft. addition at the rear which will enable conversion of one to two housing units. Nanci added that approval would allow a modest renovation that is in scale with the neighbourhood, and that her house is currently 1000 sq. ft. and this would enable two units of 650 sq. ft. Nanci suggested there is precedence in the neighbourhood, with 7 homes on Falkland and Creighton streets that are two-unit dwellings. Further, this request would not impact the neighbourhood or change the character of the home and this was the sort of gentle density that the draft Centre Plan is in favour. Nanci also explained that her motivation is to enable affordable housing using the community trust model, which has proven successful across the United States and Canada

The Chair called for anyone who received notification that wished to address Community Council, to come forward at this time. The Chair called three times; there being none, it was

MOVED by Deputy Mayor Mason, seconded by Councillor Walker

**THAT the appeal hearing close.**

**MOTION PUT AND PASSED.**

MOVED by Deputy Mayor Mason, seconded by Councillor Zurawski

**That Halifax and West Community Council allow the appeal, overturning the decision of the Development Officer.**

Deputy Mayor Mason and Councillor Cleary spoke in favour of appeal, advising that the variance request was reasonable.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.2.2 Case 20885: Appeal of Variance Approval – 14 Vimy Ave, Halifax**

This item was deleted during the Approval of the Order of Business.

**11. CORRESPONDENCE, PETITIONS & DELEGATIONS**

**11.1 Correspondence**

Correspondence was received for items: 10.1.1, 10.1.2, and 10.2.2.

11.2 Petitions - none

11.3 Presentation - None

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS

13.1 STAFF

13.1.1 Staff Presentation – Update on Centre Plan

Carl Purvis, Planning Applications, provided an update to the Community Council on the Centre Plan.

14. MOTIONS - NONE

16. ADDED ITEMS

16.1 Case 19532 Part 1 – Discharging Existing Development Agreements & Partial Rezoning to Schedule K – The Mainland Common Area, Halifax.

The following was before Community Council:

- A staff report dated December 7, 2017

MOVED by Councillor Zurawski, seconded by Councillor Walker

**THAT Halifax and West Community Council:**

1. Approve, by resolution, the proposed discharging agreement of the Stage I and Stage II development agreements for Parcel 2, which shall be substantially of the same form as set out in Attachment A;
2. Approve, by resolution, the proposed discharging agreement of the Stage I development agreement for Parcel 3, which shall be substantially of the same form as set out in Attachment B;
3. Require both discharging agreements be signed by the property owner(s) within 120 days, or any extension thereof granted by Council on request of the property owner(s), 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;
4. Give First Reading to consider approval of the proposed rezoning, as set out in Attachment C, to rezone a portion of Parcel 2 from I-2 (Radio Transmitter) Zone to Schedule 'K' Zone, and schedule a public hearing.

**MOTION PUT AND PASSED.**

17. NOTICES OF MOTION – NONE

18. PUBLIC PARTICIPATION

No one came forward to address Community Council during public participation.

At 8:47 p.m. Community Council convened in camera (in private).

At 8:55 p.m. Community Council reconvened in public.

**15. IN CAMERA (IN PRIVATE)**

**15.1 Minutes**

MOVED by Councillor Walker, seconded by Councillor Cleary

**THAT the minutes of November 15, 2017 be approved.**

**MOTION PUT AND PASSED.**

**15.2 Personnel Matter – Halifax Peninsula Planning Advisory Committee Appointment**

MOVED by Councillor Cleary, seconded by Councillor Zurawski

**THAT Halifax and West Community Council:**

- 1. Ratify the Citizen appointment to the Halifax Peninsula Planning Advisory Committee for a term to November 30, 2018 as outlined in Attachment 1 of the December 18, 2017 staff report, and passed in the In Camera ( In Private) session held on this date;**
- 2. It is further recommended that the citizen appointment be released to the public following ratification and notification of the successful candidate.**
- 3. The December 18, 2017 Private and Confidential staff report not be released to the public.**

**MOTION PUT AND PASSED.**

**19. DATE OF NEXT MEETING – February 20, 2018**

**20. ADJOURNMENT**

The meeting adjourned at 8:56 p.m.

Sheilagh Edmonds  
Legislative Assistant