



**HALIFAX REGIONAL COUNCIL
SPECIAL MEETING MINUTES
July 15, 2019**

PRESENT: Mayor Mike Savage
Deputy Mayor Tony Mancini
Councillors: Steve Streach
David Hendsbee
Bill Karsten
Sam Austin
Waye Mason
Shawn Cleary
Russell Walker
Stephen Adams
Matt Whitman
Lisa Blackburn
Tim Outhit

REGRETS: Councillors: Lorelei Nicoll
Lindell Smith
Richard Zurawski

STAFF: Jacques Dubé, Chief Administrative Officer
John Traves, Municipal Solicitor
Sherryl Murphy, Deputy Clerk
David Perusse, Legislative Assistant

The following does not represent a verbatim record of the proceedings of this meeting.

The agenda, reports, supporting documents, information items circulated, and video (if available) are online at halifax.ca.

The meeting was called to order at 6:03 p.m. and recessed at 8:15 p.m. Council reconvened at 9:06 p.m. and adjourned at 10:17 p.m.

1. CALL TO ORDER

The Mayor called the special meeting to order at 6:03 p.m.

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

MOVED by Councillor Whitman, seconded by Councillor Karsten

THAT the agenda be approved as presented.

MOTION PUT AND PASSED.

Councillor Mason submitted a petition from Peggy Cameron with 813 signatures from Halifax residents in opposition to the two proposals in Cases 20218 and 20761.

3. CALL FOR DECLARATION OF CONFLICT OF INTERESTS - NONE

4. PUBLIC HEARING

4.1 Case 20218 - Amendments to the Halifax Municipal Planning Strategy and Land Use By-law for Halifax Peninsula for lands fronting Spring Garden Road, Robie Street and Carlton Street, Halifax

The following was before Council:

- A report from Halifax and West Community Council dated June 12, 2019 with attached report from the Heritage Advisory Committee dated June 6, 2019, and attached staff report dated May 24, 2019 and a memo from the Halifax Planning Advisory Committee dated August 21, 2018.
- An extract of draft minutes – Halifax Regional Council – June 18, 2019
- A staff presentation titled “Case 20218: MPS & LUB Amendments”
- A presentation from the Applicant titled “Spring Garden West”
- Correspondence submitted by Valerie Taylor, Susan Sherwin and Richard Campbell, Karen Ritchie, Margaret Sagar, Mary Ansell, Adam Conter, Margo Grant, Sharon Nicolle, Donna Andrews, Linda Scherzinger, Elissa Barnard, Howard Epstein, Peggy Walt, Matthew Steele, Janet Brush, Susan Church and Donald Church, Peggy Cameron, Terry Kanellakos, Lesley Ann Patten, Cliff Williams, Roberto De Antueno and Liliana Colombo and Nicolas Tetreault.

Tyson Simms, Planner III, provided Council with a presentation on Case 20218.

Mayor Savage invited the Applicant to come forward and address Council.

Kris Skiba, Dixel Developments Limited, on behalf of the Applicant, Lawen Group, provided Council with a presentation on Case 20218, and their proposed development on Spring Garden Road, Robie Street and Carlton Street, Halifax.

The Deputy Clerk reviewed the rules of procedure for public hearings and opened the public hearing for anyone wishing to speak on the matter.

Wes Campbell, Halifax, spoke in support of the proposed development plans. They noted that they have been a long-time resident in a neighbouring residential building, and that it is an excellent place to live. They noted that the development would allow for more residents to enjoy the community and would provide further amenities for those who already reside there.

Larry Haiven, Halifax, spoke in opposition to both of the proposals before Council. They noted that they are a resident of Schmidville and partook in the efforts to have the neighbourhood designated as a

Heritage Conservation District in response to the loss of buildings with historic value to the Municipality. They are now concerned that the loss of heritage is taking place in this neighbourhood. As currently proposed, these two development proposals would result in the loss of significant heritage buildings along Spring Garden Road. They noted that heritage preservation should be one of the central lenses through which Council examines these proposals. They additionally noted that a 3D model of the proposed developments has been produced for the two developments, which provide a more accurate picture of their impact on the neighbourhood. They requested that Council consider these 3D renderings.

Claire McNeil, Halifax, expressed concerns with the proposed development. Speaking to the affordable housing component of the proposal, they suggested that staff re-examine how to best achieve additional affordable housing through the utilization of density bonusing. They expressed their concern that Council has only rarely used density bonusing as a means of achieving greater affordable housing on the Halifax peninsula. They added that no high-density development should be approved without an examination of how density bonusing agreements can be utilized for greater affordable housing.

Judy Haiven, Halifax, expressed their opposition to both of the development proposals before Council. Citing recent news articles, they expressed the view that Council has not been critical enough of high-rise development proposals on the peninsula, and that Council does not adequately take into consideration the concerns of impacted residents. They drew Council's attention to the petition that was submitted in opposition to the proposals currently before Council, signed by over 800 residents. They added that sixteen (16) affordable housing units is not enough for a development of this size.

Gavin Giles, Halifax, spoke in support of the proposed development. They noted that Councillor Zurawski has been on the record about the need for the Municipality to reduce the need for cars for residents and stated that densification in the Halifax urban core is one of the best ways to do this. They noted that you cannot achieve sufficient densification with the current housing stock on the peninsula, but rather, modern planning and development is required. They cited Buenos Aires as an example of a dense urban centre where many residents live in apartments in close proximity to where they work. They asked Council to support the proposal.

Janet Shotwell, Halifax, voiced their concerns with the proposed development, noting that while previous speakers have indicated that the affordable housing component of the development would be approximately 20 percent, in reality, the number would be closer to 5 percent. They recognised the need for density but stated that Council should make greater efforts to achieve density without approving high rise buildings, as thirty (30) storeys is excessive for Halifax. They added that the setback and stepbacks are not sufficient to offset the visual impact of such a tall high-rise. They noted that wind and sunlight are important considerations that are never given enough weight during the approval process. They cited the Nova Centre, and the strong winds that it has caused as an example.

Beverly Miller, Halifax, spoke in opposition to the proposed development. They noted that the property in question is already covered by a Municipal Planning Strategy (MPS), which was developed over many years. This should not be changed without significant consultation and input from the community. They expressed their concern that Council has appeared to be willing to pursue density at any cost. They expressed the view that the property can be developed sensibly without the destruction of existing heritage buildings. They also questioned the impact that the developments would have on local businesses and noted that insufficient environmental consideration is given during the approval process.

Hadrian Lang, Halifax, noted that they are currently a Masters of Architecture student, and that they have produced a 3D model/rendering of the proposed development. They expressed the view that such 3D renderings give decision makers and the community a more accurate idea of the impact of a proposed development. They promote greater transparency, public trust, and understanding of proposals. They cited other jurisdictions, such as Vancouver, who are currently examining making such 3D modeling a requirement for such developments. They requested that Council require that all developers make 3D files for their developments available to the public and suggested that Council start with the current proposal.

Responding to questions from members of Council, Lang noted that with regards to the impact of requiring 3D modeling in such development proposals, based on their jurisdictional research, it has been found that 3D modeling has resulting in a decrease in community hostility towards new development proposals. They added that their model was produced through the Dalhousie print shop using a 3D printer.

Janet Stevenson, Halifax, spoke in opposition to the two proposals. They noted that thirty (30) storeys is excessive for Halifax. They expressed their concerns regarding the impact the development would have on traffic congestion in the area, as well as the impact on wind and sunlight. They noted that it is unfair to the public to examine the proposals for Cases 20218 and 20761 individually, as they are inseparably intertwined with each other. They expressed the view that greater consultation with the community should be required for such developments and supported the proposal to make 3D modeling a requirement. They encouraged Council to look to other recent examples of good development in the area, pointing to the Mary Ann building, and the Doyle; both in the Spring Garden area. They added that the impact that the proposed developments would have on local heritage would be devastating. They additionally expressed their concerns with regards to inadequate affordable housing, noting that in Montreal, there is a requirement for 20 percent affordable housing units in such developments.

Elizabeth Fennel, Halifax, noted that while they are not necessarily in opposition to the two proposals, each needs to take more consideration of the other, rather than the planning for the two proposed developments proceeding individually. They suggested that the two development proposals require a holistic design and approach, and the Developers need to work together to coordinate their developments.

Lucas Pierce, Halifax, expressed their concerns with the two proposals, particularly with regards to how the two development proposals are not being considered together. They noted that the two proposals are collectively threatening to destroy the better part of an entire city block yet, are being considered separately. They suggested that Council cannot get an accurate picture of the true impact that both developments would have on the area, such as the impact on wind, when considering the two items separately. They suggested that Council needs to take more time to examine alternative means of pursuing densification without the detrimental loss of local heritage.

Ian Johnson, Halifax, spoke in opposition to the proposal, noting that the scale of the proposed development is excessive for the neighbourhood and Halifax. They noted that they have been troubled by the trend in Halifax towards such high-rise developments and noted that they are out of character with the City. They expressed the view that the development would have a negative impact on traffic congestion, as well as access to services in the area. They also noted the potential negative impact on wind and access to sunlight. They added that affordable housing needs to be a central component of any development proposal of this scale. They additionally cited their concerns regarding the impact on local heritage buildings.

Henry Poirot, Halifax, voiced their concerns with the proposed development, specifically, its impact on local heritage buildings. They noted that the site is located in close proximity to the Public Gardens, which are internationally recognised as an example of Victorian era heritage and design in the City. They expressed the view that Council should be very cautious about taking any steps that would undermine or diminish this valuable part of the heritage of the City. They suggested that Council make a greater effort to look at this development and others through the lens of heritage and tourism.

Kenna Mannis, Halifax, questioned the use of the term “human scale” in this case, as it is in relation to a proposed development for a thirty (30) storey building; suggesting that the use of the term is a bit disingenuous in this instance.

Annie Belem, Halifax, noted that they are originally from Toronto, but decided to relocate to Halifax. They noted that one of the key reasons for doing so was the beautiful heritage and character of the city, which

is something that residents and Council should be very reluctant to jeopardize through such developments.

Kayla Breser, Halifax, encouraged Council to take time to re-examine the two development proposals. They noted that as a pedestrian, it is difficult to walk in the area during the winter due to the wind and ice. They expressed concern that this would only be made worse with the addition of two large high-rise buildings.

Jim Henman, Halifax, noted that they reside on the fifth floor in a building along Spring Garden Road, and that it is already quite noisy due to traffic. They questioned whether there was an adequate plan for how to deal with an increase in traffic resulting from the two developments. They additionally expressed skepticism that the buildings would encourage a reduction in car used by residents, or a reduction in the total number of cars in the area.

Pamela Gates, Halifax, expressed their concerns with all the new high-rise developments taking place on the Halifax Peninsula. They noted that the availability of affordable housing options on the peninsula for residents on fixed incomes is of particular concern. They questioned whether an average HRM resident could afford the rent for these units.

Andrea Orvik, Halifax, noted that they are reluctant to address Council on this item as they are skeptical about what impact it will actually have. However, they expressed their concern that such developments threaten to destroy what makes Halifax unique and such a wonderful place to live.

Donna McCann, Halifax, noted that the proposed development does not adequately incorporate affordable housing. They requested that Council defer consideration until further affordable housing can be incorporated into the development proposal.

The Mayor called three (3) times for any other members of the public wishing to speak on the matter. There being none, the Mayor invited the Applicant to come forward and respond to any items raised during the public hearing.

Kris Skiba responded to some of the concerns raised during the public hearing. They noted that the residential component of the building would consist of apartments, rather than condominiums. They stated that there has been no dishonesty on the part of Dixel Developments Limited in relation to the renderings for the proposal; adding that they would be happy to share all of their information with Council if they request. They noted that the Lawen Group has an excellent track record of protecting heritage in the Municipality. With regards to traffic, they noted that a traffic impact study will be part of the development; adding that in their experience, in the urban core, such development result in far fewer cars than units.

Responding to questions from members of Council, Skiba noted that an increase in height allows for more density, which generally leads to more affordable rents. Density also assists with the economics of providing amenities. With regards to density bonusing agreements, they noted that this is a matter that will be examined in the development agreement, should Council approve the amendments. Traffic and shadow studies would also be part of the development agreement stage.

It was then MOVED by Councillor Mason, seconded by Councillor Cleary

THAT the public hearing be closed.

MOTION PUT AND PASSED.

Responding to questions from members of Council, Simms noted that considering Cases 20218 and 20716 together is challenging, as the owner of each property is free to individually apply for a development agreement for their respective properties, and this may not happen at the same time. Staff

would encourage the two owners to coordinate as much as possible so that the design of each development accommodates and is responsive to the other.

MOVED by Councillor Mason, seconded by Councillor Whitman

THAT Halifax Regional Council adopt the proposed amendments to the Halifax Municipal Planning Strategy and Land Use By-law for Halifax Peninsula, as set out in Attachments A and B of the staff report dated May 24, 2019, to permit by development agreement, a mixed-use development on lands fronting Spring Garden Road, Robie Street and Carlton Street, Halifax.

Responding to further questions from members of Council, Simms noted that they are not aware of any plans from the Developer to incorporate any of the historic facades along Spring Garden Road. They further noted that this area has been identified as an area for potential high density in the regional centre. With regards to affordable housing, Simms noted that if the amendments were approved, there would be no requirement for the Developer to seek a density bonusing agreement, however, this would be a requirement under the Centre Plan once it is adopted.

Responding to a question from a member of Council, John Traves, Municipal Solicitor, noted that Council's authority to require 3D modeling could be the subject of a staff report.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Nicoll, Smith and Zurawski

The Mayor thanked Simms for the presentation.

Council recessed at 8:15 p.m. and reconvened at 9:06 p.m.

4.2 Case 20761 - Amendments to the Halifax Municipal Planning Strategy and Land Use By-law for Halifax Peninsula for lands fronting Robie Street, College Street, and Carlton Street, Halifax

The following was before Council:

- A report from Halifax and West Community Council dated June 12, 2019 with attached report from the Heritage Advisory Committee dated June 6, 2019, and attached staff report dated May 24, 2019 and a memo from the Halifax Peninsula Planning Advisory Committee dated September 24, 2018.
- An extract of draft minutes – Halifax Regional Council – June 18, 2019
- A staff presentation titled “Case 20761: MPS & LUB Amendments”
- A presentation from the Applicant titled “Case 20761: Site Specific MPS Amendment”
- Correspondence submitted by Valerie Taylor, Susan Sherwin and Richard Campbell, Karen Ritchie, Margaret Sagar, Mary Ansell, Margo Grant, Sharon Nicolle, Donna Andrews, Linda Scherzinger, Elissa Barnard, Howard Epstein, Peggy Walt, Matthew Steele, Janet Brush, Susan Church and Donald Church, Peggy Cameron, Noel Sampson and Jim Meek.

Tyson Simms, Planner III, provided Council with a presentation on Case 20761.

Mayor Savage invited the Applicant to come forward and address Council.

Connor Wallace, ZZap Consulting Incorporated, on behalf of the Applicant, 3088962 Nova Scotia Limited, provided Council with a presentation on Case 20761, and their proposed development on Robie Street, College Street, and Carlton Street, Halifax.

The Deputy Clerk reviewed the rules of procedure for public hearings and opened the public hearing for anyone wishing to speak on the matter.

Janet Shotwell, Halifax, voiced their concerns with the proposed development, noting the potential negative impact it may have on wind in the area. They noted that College Street already experiences issues with a wind tunnel along the Tupper building, adding that the two developments would likely add to the problem. They additionally expressed skepticism about the effectiveness of wind impact studies.

Lucas Pierce, Halifax, noted that they appreciate the efforts that this proposal has made to preserve and maintain some of the surrounding heritage buildings. However, they expressed concern about the access routes to this building for both residents, and those trying to access with vehicles. They noted their concerns about the potential unforeseen consequences of a significant increase in density. They additionally voiced their concerns relating to a potential negative impact on wind, noting that they would like to know whether the Municipality would have the authority to direct that the design be amended to address any issues identified in a wind impact study.

Ian Johnson, Halifax, spoke in opposition to the proposal, noting that the scale of the building is excessive. They noted that they take issue with the two proposals being considered separately, despite their joint impact on the neighbourhood. They additionally cautioned against 'one-off' site specific amendments to the MPS, noting that it may collectively add up to something that Council never intended. They additionally noted that Council and staff should have considered a Heritage Conservation District for the area.

Hadrian Lang, Halifax, noted that one of the renderings of the proposed development, as provided in the Applicant's presentation, was not quite accurate, as it had two lighting sources; suggesting that the rendering does not provide an accurate depiction of light. They noted that this would be one example of how 3D modeling can assist in the approval process for such developments and provide decision makers and the public with a more accurate picture of the proposals before them.

Mark Lang, Halifax, noted that the proposal before Council is fundamentally different than that for Case 20218. The renderings provided do not show where the access and egress for vehicles using the building will be located. They additionally noted that College Street is a small street that would have trouble accommodating an increased level of traffic resulting from the development. They added that generally, this area is likely not equipped to accommodate this level of density.

The Mayor called three (3) times for any other members of the public wishing to speak on the matter. There being none, the Mayor invited the applicant to come forward and respond to any items raised during the public hearing.

Wendel Thomas, co-Applicant and member of the property ownership group, spoke to Council about the proposal and responded to some of the concerns raised during the public hearing. They noted that a significant amount of time was taken when putting this proposal together, and that the preservation of heritage was something that they took very seriously. They noted that they are seeking Council's approval so they can make an excellent addition to Halifax.

MOVED by Councillor Cleary, seconded by Councillor Walker

THAT Halifax Regional Council proceed past 10:00 p.m.

MOTION PUT AND PASSED.

It was then MOVED by Councillor Cleary, seconded by Councillor Mason

THAT the public hearing be closed.

MOTION PUT AND PASSED.

Responding to questions from members of Council, Simms noted that with regards to a wind impact study, it would be a quantitative and qualitative study focusing on the impact on the site and surrounding area. In terms of coordinating the two neighbouring developments, Simms reiterated that each developer would have the right to apply individually for a development agreement, should the Municipal Planning Strategy amendments be approved. They added that staff will make best efforts to encourage the two Developers to coordinate as much as possible during this process. Simms added that a development agreement that comes before Halifax and West Community Council for approval would contain provisions for construction mitigation.

MOVED by Councillor Mason, seconded by Deputy Mayor Mancini

THAT Halifax Regional Council adopt the proposed amendments to the Halifax Municipal Planning Strategy and the Land Use By-law for Halifax Peninsula, as set out in Attachments A and B of the staff report dated May 24, 2019, to permit by development agreement, a mixed-use development on lands fronting Robie Street, College Street and Carlton Street, Halifax.

MOTION PUT AND PASSED UNANIMOUSLY.

Not present: Councillors Nicoll, Smith and Zurawski

5. ADJOURNMENT

The meeting adjourned at 10:17 p.m.

Kevin Arjoon
Municipal Clerk