



**HALIFAX & WEST COMMUNITY COUNCIL
MINUTES
December 16, 2014**

PRESENT: Councillor Linda Mosher, Chair
Councillor Wayne Mason, Vice-Chair
Councillor Russell Walker
Councillor Steve Adams
Councillor Reg Rankin

REGRETS: Councillor Jennifer Watts

STAFF: Ms. Karen Brown, Solicitor
Mr. Liam MacSween, Legislative Assistant

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

The agenda, supporting documents, and information items circulated to Community Council are available online: <http://www.halifax.ca/commcoun/west/141216hwcc-agenda.php>

The meeting was called to order at 6:00 p.m. Community Council moved into an In Camera session at 7:16 p.m. and reconvened at 7:22 p.m. Community Council adjourned at 7:24 p.m.

1. CALL TO ORDER

The Chair called the meeting to order in Council Chambers, 3rd Floor City Hall, 1841 Argyle Street, Halifax.

- **Election of Chair and Vice Chair**

The Legislative Assistant called for nominations for the Position of Chair of Halifax & West Community Council.

MOVED by Councillor Walker, seconded by Councillor Rankin that Councillor Adams be nominated for the position of Chair.

The Legislative Assistant called three more time for further nominations. There were none.

MOVED by Councillor Walker, seconded by Councillor Mason that nominations for the Election of Chair cease. MOTION PUT AND PASSED.

The Legislative Assistant called for the question with respect to the position of Chair.

MOTION PUT AND PASSED.

Councillor Adams was elected as Chair of Halifax & West Community Council.

Councillor Adams assumed the position of Chair of Halifax & West Community Council and opened the floor for nominations for the position of Vice-Chair

MOVED by Councillor Mosher, seconded by Councillor Walker that Councillor Rankin be nominated for the position of Vice-Chair.

The Chair called for further nominations for the position of Vice-Chair. There were none.

MOVED by Councillor Mason, seconded by Councillor Walker that nominations for the position of Vice Chair cease. MOTION PUT AND PASSED.

The Chair called for the question with respect to the position of Vice-Chair.

MOTION PUT AND PASSED.

Councillor Rankin was elected to the position of Vice-Chair of Halifax & West Community Council.

2. TABLING OF 2014 ANNUAL REPORT

The following documentation was before Community Council

- *A staff report dated December 8, 2014*

MOVED by Councillor Mason, seconded by Councillor Mosher that Halifax & West Community Council table the 2014 Annual Report.

Councillor Mosher thanked the Legislative Assistant for preparing the annual report.

MOTION PUT AND PASSED.

- **Public Participation for Annual Report**

Public participation held and closed. There were no speakers present.

MOTION PUT AND PASSED.

3. APPROVAL OF MINUTES – November 25, 2014

MOVED by Councillor Walker, seconded by Councillor Mason that the minutes of November 25, 2014 be approved as presented.

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

Additions:

Item No. 14.1 – Councillor Mosher – Request for Staff Report – Parking on Quinpool Road.

MOVED by Councillor Rankin, seconded by Councillor Mason that the agenda be approved as amended. MOTION PUT AND PASSED.

5. BUSINESS ARISING OUT OF THE MINUTES

6. MOTIONS OF RECONSIDERATION – NONE

7. MOTIONS OF RESCISSION – NONE

8. CONSIDERATION OF DEFERRED BUSINESS – NONE

9. HEARINGS

9.1 PUBLIC HEARINGS

9.1.1 Case 19185 – Development Agreement – 5826 South Street, Halifax

The following was before Community Council:

- *A staff recommendation report dated October 30, 2014*
- *A memorandum from the Chair of District 7 & 8 Planning Advisory Committee dated May 30, 2014*

The Chair invited Ms. Dali Salih, Planner, to present on Case 19185. Ms. Salih provided a presentation on Case 19185 respecting a Development Agreement for 5826 South Street, Halifax.

The Chair thanked Ms. Salih for her presentation and asked members of Halifax & West Community Council for questions of clarification. There were no questions of clarification from members of Community Council.

The Chair read the rules of procedure with respect to public hearings and invited the applicant to come forward to address Community Council.

Mr. Barbra Stead-Coyle, of Bedford, noted that she represents the Canadian Cancer Society and commented that her organization plays an integral part in providing cancer care to residents of Nova Scotia. She advised that in 1990, the Canadian Cancer Society opened the current facility with 34 beds to provide care to those suffering from cancer and seeking treatment in Halifax. She noted that the current

facility has two family rooms with pull out sofas for family members travelling with patients who receive medical care in the city. She further advised that the average stay for a patient at their current facility is about four days, but can last for months depending on the treatment that needs to be provided.

Ms. Stead Coyle commented that Nova Scotians deserve the right to have access to the best cancer care that can be provided and stated that the Lodge provides a shoulder for those individuals to lean on. She stated that the proposed development is not just for the 1400 Nova Scotians who travel to Halifax for care per year, but also provides respite day space for those that live in HRM and have significant wait times between medical appointments. She encouraged members of Community Council to approve the proposed development agreement.

The Chair thanked Ms. Stead-Coyle for her comments and requested questions of clarification from members of Halifax & West Community Council, there were none.

The Chair opened the public hearing and requested members of the public to come forward to address Community Council on Case 19185. There were no speakers present.

The Chair called three times for speakers to come forward to address Community Council, no further speakers were present.

MOVED by Councillor Mason, seconded by Councillor Walker that the public hearing be closed. MOTION PUT AND PASSED.

The Chair invited the Applicant to address Community Council for a final time. The Applicant respectfully declined.

MOVED by Councillor Mason, seconded by Councillor Mosher that Halifax and West Community Council:

- 1. Approve the proposed development agreement for 5826 South Street, Halifax, as contained in Attachment A of the October 30, 2014 staff report; and**
- 2. Require that the 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, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**
- 3. Approve, by resolution, the discharge of the existing development agreement for 5826 South Street, Halifax, as shown in Attachment B of the staff report dated October 30, 2014, to take effect upon the registration of the new development agreement; And;**
- 4. Require the discharge agreement be signed by the property owner not later than 120 days from the date the new development agreement has been approved by Council, or any extension thereof granted by the Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including any applicable appeal period for the new development agreement, whichever is later, otherwise this discharge agreement shall be void**

Councillor Mason thanked Ms. Stead Coyle for her thoughtful presentation and expressed his support for the staff recommendation. He advised of the importance of the proposed facility and the benefit that it will have in the community and for those who require the services that are provided.

Councillor Mosher agreed with Councillor Mason's assessment and expressed her support for the proposed project.

MOTION PUT AND PASSED.

9.1.2 Case 19165 – Amendments to the Land Use By-law for Halifax Peninsula Regarding Rooftop Mechanical Penthouses for University uses

The following was before Community Council:

- *A staff recommendation report dated November 6, 2014*
- *A memorandum from the Chair of District 7 & 8 Planning Advisory Committee dated July 16, 2014*

The Chair invited Mr. Richard Harvey, Major Project Planner, to present on Case 19165. Mr. Harvey provided a presentation on Case 19165 respecting Amendments to the Land Use By-law for Halifax Peninsula regarding Rooftop Mechanical Penthouses for University uses

The Chair thanked Mr. Harvey for his presentation and asked members of Halifax & West Community Council for questions of clarification. There were no further questions from members of Community Council. The Chair read the rules of procedure respecting public hearings and invited the applicant to come forward and address Community Council.

Mr. Nathan Rogers, of Connolly Street, Halifax stated that he is the Assistant Director of Capital Operations at Dalhousie University and represents the Applicant, Dalhousie University. He noted that the request before Community Council is not project specific and provided commentary on Dalhousie's upcoming large capital expenditure program. He remarked that the University is investing \$ 400-500 million in expanding research needs. He advised that the roof top penthouse options allows for greater flexibility for future projects and noted that Dalhousie is looking for consistency with respect to its design plans for future development. He advised that in the past Dalhousie has had a history of placing mechanical infrastructure on rooftops that are exposed. He further advised of recent practices to enclose mechanical units to enhance maintenance access, sound reduction, and esthetics. He concluded by stating that he believes that the proposed amendment to the Land Use By-law is applicable in this circumstance and reiterated an earlier point of trying to alleviate potential concerns in the future by addressing the issue now.

The Chair thanked Mr. Rodgers for his comments and requested questions of clarification from members of Community Council There were no further questions from members of Community Council.

The Chair opened the public hearing and invited members of the public to address Community Council on Case 19165.

Ms. Beverly Miller, of South Street, noted that she resides on the edge of Dalhousie University's property. She stated that she immediately began to make inquiries respecting the proposal and requested that Community Council send the application back to HRM Planning for further review. She inquired as to why there was no public information meeting held on the matter and expressed her view that the lack of public engagement is unacceptable, particularly in a municipality which has a detailed public engagement strategy.

Ms. Miller commented that the request from Dalhousie will apply to all University properties and all commercial and residential buildings within the zone. She advised of a letter she received by Ms. MacLellan, Planner which alluded to this point and commented that there are no specific restrictions within the Land Use By-law that pertain to the type of equipment that can be used in roof top penthouses and the pollution that may be caused from its use. In closing, she expressed her view that if Dalhousie wants an amendment specifically for research buildings, it should come back with a proposal which includes a public information meeting and to properly identify the restrictions that it is seeking. She noted that every precaution should be made to encourage people to live on the peninsula and that allowing for rooftop penthouses will make the neighbourhood less attractive place to live.

Mr. Allan Haymen, of Oakland Road, Halifax referred members of Community Council to map 2-C as contained in the staff report dated November 6, 2014. He identified his residence on the map and noted

that his property abuts the Dalplex. He shared his concern with other neighbours in the area as to the future plans for the Dalplex site and whether or not a noisy roof top penthouse's will be utilized in the future. He advised that there are no mechanical structures on the roof at the Dalplex now as it has an inflatable roof but expressed his concern for future uses on the site. He spoke to his concern that the amendment will apply to the entire U-1 zone which is for the most part, very low density. He advises that he has no problem with the amendment being applied to the U-2 zone as it comprises higher density and mixed use buildings. He expressed his concern regarding the applicability of the amendments in the U-1 zone, south of South Street, and advised that Community Council should consider amending the Land Use By-law to exclude these lands in the U1 zone.

In response to a follow up question from Councillor Rankin, Mr. Haymen commented that his property is located on the last lot on Oakland Road. He reiterated an earlier point respecting exemptions to the proposal to place restrictions for the usage of roof top mechanical penthouses in the U-1 Zone south of South Street.

Councillor Rankin thanked Mr. Haymen for his response and requested that the applicant respond after the public hearing has closed.

The Chair thanked members of the public for their comments and asked for further speakers to come forward to address Community Council. There were no further speakers present.

**MOVED by Councillor Walker, seconded by Councillor Mosher that the public hearing close.
MOTION PUT AND PASSED.**

The Chair invited the Applicant to address Community Council for a final time.

Mr. Nathan Rogers, Applicant, thanked Mr. Hayman and Ms. Miller for their comments and stated that Dalhousie tries hard to connect with neighbours to convey its plans for the area. He advised that the University has been in contact with neighbours regarding this matter and understands the concerns in the community respecting noise, esthetics and pollution. He advised that the nature of the penthouses as requested is to reduce and alleviate these issues. He commented that the proposed amendment includes a setback, ten feet from the roof line to provide residents with added certainty that any potential impact of the usage of mechanical penthouses would be minimized. He reiterated an earlier point stated that Dalhousie is striving to create a consistency of development regulation across its properties.

Councillor Mason inquired if Dalhousie has made a commitment to install a penthouse mechanical unit at the Dalplex site as part of future development.

Mr. Rogers noted that Dalhousie intends to use fan coil systems at the Dalplex site for the proposed expansion. He advised that the fan coil system technically would be underground and advised that the proposed amendment is not considered for work on the expansion of the fitness centre.

In response to a follow up question from Councillor Rankin, Mr. Rodgers commented that there are very few residential properties within the U-1 zone. He advised that the small properties which do exist in this area would not substantiate the need for a roof top mechanical penthouse.

MOVED by Councillor Mason, seconded by Councillor Walker that Halifax and West Community Council approve the proposed amendments to the Land Use By-law for Halifax Peninsula regarding rooftop mechanical penthouses for university uses, as contained in Attachment A of the staff report dated November 6, 2014.

Councillor Mason noted that he spoke with representatives from Saint Mary's University and the Atlantic School of Theology and advised that these institutions also fall within the U1 zone. He expressed his view that the need for mechanical roof top penthouses as part of institutional buildings has been demonstrated.

Councillor Mason requested further information with respect to the public engagement process.

Ms. Karen Brown, Solicitor noted that as stated by Mr. Harvey in his presentation, there is no requirement in the HRM Charter that a public information meeting needs to be held for a Land Use By-law amendment.

Mr. Harvey noted that HRM has a public participation program with respect to Municipal Planning Strategy amendments which is highlighted in the staff report dated November 6, 2014. He advised that staff works diligently to gauge the appropriate measure of public engagement. In this instance, he noted that staff sent notification to the property owners, inviting them to the public hearing. He further advised that there is no exact requirement for a public information meeting other than the undertaking of a Municipal Planning Strategy amendment.

Councillor Mason commented, with respect to noise pollution and environmental issues that Dalhousie University is subject to provincial environmental regulations and HRM by-laws respecting noise, like all other residents in the area. He expressed his view that an amendment to the proposed amendment is not warranted at this time.

Councillor Mosher noted that the height requirements for the area have been in place since 1950 which was outlined in the staff report. She stated that Dalhousie has been trying to approve environmental efficiency for quite some time and that she views the proposed amendment as an enhancement.

MOTION PUT AND PASSED.

9.2 VARIANCE APPEAL HEARING – NONE

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence

The Legislative Assistant noted correspondence received on Item Number 9.1.2 which was distributed to Community Council prior to the meeting.

10.2 Petitions

10.3 Presentation - NONE

11. REPORTS

11.1 STAFF – NONE

11.2 MEMBERS OF HALIFAX & WEST COMMUNITY COUNCIL

11.2.1 Councillor Mosher – Request for Staff Report - Increase of Notification Area for Variance Appeals

The following was before Community Council:

- *An Added Items Request form dated December 11, 2014*

MOVED by Councillor Mosher, seconded by Councillor Mason that Halifax and West Community Council recommend that Halifax Regional Council request a staff report regarding the implications of increasing the notification distances for variance appeals from the current 30 meter radius to a 100 meter radius including potential amendments to the Halifax Municipal Charter.

Councillor Mosher commented that she moved a similar motion at the former Chebucto Community Council in 2006 and would like a report to come back for the consideration of Regional Council which examines this issue. She advised that Halifax & West Community Council often has the highest number

of variance requests and noted that she believes that the 30 meter notification radius is not large enough to capture all neighbours who may be affected by the proposed variance. She advised that it is important that staff consult with residents as part of the report process.

Councillor Walker commented that a one hundred meter radius may be too large. He requested if the report could examine an increase to 50 meters as well. Councillor Mosher indicated that she would consider Councillor Walker's suggestion as a friendly amendment.

The following amendment was proposed:

MOVED by Councillor Walker, seconded by Councillor Mason that the requested staff report examine increasing the notification distance from 30 meters to 50 meters and up to 100 meters.

Councillor Rankin expressed his support for the recommendation and commented that he hopes it is prepared for Council's consideration in a timely manner.

MOTION PUT AND PASSED.

The motion before Halifax & West Community Council now reads:

MOVED by Councillor Mosher, seconded by Councillor Mason that Halifax and West Community Council recommends that Halifax Regional Council request a staff report regarding the implications of increasing the notification distances for variance appeals from the current thirty (30) meter radius to fifty (50) and up to one hundred (100) meters, including potential amendments to the Halifax Municipal Charter.

AMENDED MOTION PUT AND PASSED.

12. MOTIONS – NONE

13. IN CAMERA

13.1 Personnel Matter

13.1.1 Citizen Appointments to the District 7 & 8 Planning Advisory Committee – Private and Confidential Report

This matter was dealt with later in the meeting. Please see pages 9-10.

13.1.2 Citizen Appointments to the Point Pleasant Park Advisory Committee – Private and Confidential Report

This matter was dealt with later in the meeting. Please see pages 9-10.

14. ADDED ITEMS

14.1 Councillor Mosher – Request for Staff Report – Parking on Quinpool Road

The following documentation was before Community Council:

- *An added items request form dated December 16, 2014*
- *Correspondence from Ms. Karla Nicholson General Manager, Quinpool Road Mainstreet District Association, dated December 10, 2014.*

MOVED by Councillor Mosher, seconded by Councillor Mason that Halifax & West Community Council recommend that Halifax Regional Council:

1. **Request a staff report investigating potential opportunities for the installation of a temporary pay and display parking lot with the property managers of the former service station at the intersection of Quinpool Road and Harvard Street to augment limited parking in the area. And;**
2. **Assess any temporary parking opportunities within the Quinpool catchment area.**

Councillor Mosher noted a steady decline in parking on Quinpool Road due to large scale developments in the area. She provided commentary on a vacant brownfield site that used to be a service station but has remained empty for quite some time. She advised that she does not know who owns the property specifically and commented on its potential as a temporary parking lot. She provided commentary respecting the opportunity for HRM to partner with the owners of the site to help alleviate parking concerns in the area.

Councillor Mason commented that there is a short term problem with respect to parking in the area and expressed his interest in the findings of the proposed staff report.

Councillor Rankin commented that he is intrigued with the proposal of the requested staff report and noted that Quinpool Road can be viewed as an unfriendly street in terms of parking.

Councillor Mosher commented that the Quinpool Road Business Commission has done what they can to identify solutions to the parking issue and have made an effort to promote opportunities in their literature. She advised that a temporary Metro Park type solution may be beneficial for the area.

MOTION PUT AND PASSED.

15. NOTICES OF MOTION – NONE

16. PUBLIC PARTICIPATION

Public participation held and closed. No speakers present.

17. DATE OF NEXT MEETING – To be Determined

17.1 Approval of the 2015 Meeting Schedule

The following documentation was before Community Council

- *The proposed 2015 meeting Schedule*

Councillor Rankin suggested that the meeting scheduled for July 14, 2015 be removed from the proposed schedule and another tentative meeting date be scheduled in its place for June 22, 29 or July 5.

MOVED by Councillor Mason, seconded by Councillor Mosher that the proposed 2015 meeting schedule be approved as amended.

MOTION PUT AND PASSED.

13.1.1 Citizen Appointments to the District 7 & 8 Planning Advisory Committee – Private and Confidential Report

This matter was dealt with during an In Camera session.

13.1.2 Citizen Appointments to the Point Pleasant Park Advisory Committee – Private and Confidential Report

This matter was dealt with during an In Camera session.

The following motion in relation to items 13.1.1 and 13.1.2 was ratified in public session:

MOVED by Councillor Mason, seconded by Councillor Rankin that Halifax and West Community Council appoint:

- 1. Four Citizens to the District 7 & 8 Planning Advisory Committee as outlined in the private and confidential staff report.**
- 2. Three citizens to the Point Pleasant Park Advisory Committee as outlined in the private and confidential with a request to with a request to Regional Council to waive the limit on maximum length of service of one member for a term to November 2016.**
- 3. That the citizen nominations be released to the public following ratification and notification of the successful candidates**

MOTION PUT AND PASSED.

18. ADJOURNMENT

The meeting was adjourned at 7:24 p.m.

Liam MacSween
Legislative Assistant