

**PENINSULA AND WESTERN REGION  
COMMUNITY COUNCIL**

**MINUTES**

**OCTOBER 25, 2000**

THOSE PRESENT: Councillor Rankin, Chair  
Councillor Blumenthal  
Councillor Uteck  
Councillor Fougere

ALSO PRESENT: Barry Allen, Municipal Solicitor  
Paul Morgan, Planner  
Gary Porter, Planner  
Blair Blakeney, Manager, Parks and Open Spaces  
Sandra Shute, Assistant Municipal Clerk

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1. **INVOCATION**

The meeting was called to order at 7:00 p.m. with an Invocation at 2750 Dutch Village Road, Halifax. At later points in the meeting, the Chair recognized Councillor Elect Dawn Sloane and Bill Estabrooks, MLA who were in attendance.

2. **APPROVAL OF MINUTES**

2.1 **Special Meeting - September 26, 2000**

**MOVED by Councillors Fougere and Uteck to approve the Minutes of Special Meeting held on September 26, 2000 as circulated. MOTION PUT AND PASSED.**

2.2 **Regular Meeting - September 27, 2000**

**MOVED by Councillors Fougere and Uteck to approve the Minutes of Regular Meeting held on September 27, 2000. MOTION PUT AND PASSED.**

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

Added Items:           Royal Canadian Legion Lakeside - Request for Portion of HRM  
  Lands - St. Margaret's Bay Road and Greenhead Road  
  - Councillor Rankin

**MOVED by Councillors Blumenthal and Fougere to adopt the Order of Business as amended. MOTION PUT AND PASSED.**

4. **BUSINESS ARISING OUT OF THE MINUTES** - None

5. **MOTIONS OF RECONSIDERATION** - None

6. **MOTIONS OF RESCISSION** - None

7. **CONSIDERATION OF DEFERRED BUSINESS**

7.1 **Case 00291 - Proposed Wireless Communication Equipment on the Life Sciences Building, Dalhousie University**

This matter was deferred from the September 27, 2000 meeting.

Councillor Rankin acknowledged a request for members of the public to speak. He pointed out that this was not a Public Hearing and asked if Community Council members would agree to hear from the public.

Paul Morgan, Planner provided an overview of the request from Rogers Wireless Inc. He explained that the application was a licence application with Industry Canada and not under municipal jurisdiction; however, Industry Canada allows for consultation and an opportunity for local authorities to have some say as to where these antenna are located. He indicated background material from Industry Canada entitled "Frequently Asked Questions" re potential health impacts from radiocommunication transmitters - Safety Code 6. This material was provided after the last meeting for further information. He indicated that Community Council, although the final decision rests with Industry Canada, can comment on aesthetic concerns but could not make any judgement on health related concerns. With that said, however, Community Council could hear the residents and if health concerns were raised, Industry Canada could be advised. Staff was recommending approval in terms of aesthetics; there was substantial separation distance from the nearest residence and, to a large extent, other university buildings surround the location.

It was agreed to hear from the public.

Ms. Elizabeth Ryan, Oxford Street stated that residents were not concerned with aesthetics but that a public process be followed as per the information from George Hastings of Industry Canada where individuals would be informed. A month ago individuals were not informed and, to her knowledge, were still not informed in her area.

In response to Ms. Ryan, Mr. Morgan advised that the people who had a view of the antenna were notified but there were few people who had a view. Some members of the public have been quite diligent and notified some residents because he got a lot of calls.

Ms. Ryan stated there has been nothing on paper with regard to this issue. When she called people at Dalhousie about the issue, they knew nothing about it.

Mr. Morgan stated that Industry Canada does not stipulate the public process.

Mr. Bill Lord, Director of Facilities Management, Dalhousie University read from a Memorandum sent by him to the Vice-President of Dalhousie which recommended favourable consideration. Dalhousie had requested an independent report on EMF emissions. The Biology Department is the building in question and they were asked if they had any concerns. Biology Department indicated they had no concerns unless there were possible health problems. A check was also made with the Director of Environmental Health and Safety for the University. The installation must be to Industry Canada and Health Canada regulations. The original plan for the equipment was on the roof but it was

decided to mount it in a bunker so that it would be hidden from view. Dalhousie has assured itself there will not be a health problem. Dalhousie did not go to the public as it would if it were constructing a new building because Dalhousie felt it had taken all steps necessary to ensure safety. The proposed installation is far from any residential building.

Councillor Uteck asked if there was a policy concerning these towers and how many are on the Peninsula. In response, Mr. Morgan advised he did not know how many there were because the practice of staff is that if the zoning permits the use, staff presumes that Council pre-authorized the use and issues development permits.

Councillor Uteck said she understood that if the installation does not go on the Dalhousie building, there will be one somewhere on the Peninsula and it could mean a tower. In response, Mr. Morgan advised that Industry Canada has the final say in issuing the licence. If they do not grant the licence at this particular location, they would be inclined to grant it somewhere else.

Councillor Rankin pointed out that staff has examined the aesthetics issue and Community Council at the last meeting encouraged the public to go to the relevant jurisdictions at Health Canada and Industry Canada. He added there have not been any letters of concern to cause alarm. Community Council clearly indicated it would not be taking a position on health matters.

Ms. May Lui referred to a report which shows in most cases increased risk for childhood leukemia from towers and, in the United States, requests are being made to move them to industrial and commercial areas. She felt the proposed tower could be put in a safer place. She expressed concern re notification of the public.

Councillor Fougere reiterated that the Municipality does not have jurisdiction over where towers are placed. Industry Canada has indicated a consultation process with the Municipality through municipal land use authorities to comment on the compatibility with the surrounding neighbourhood in terms of zoning and aesthetics. Regardless of what Community Council decides, she suggested sending a letter along with the recommendation to indicate to Industry Canada that the feedback from the public relates not only to aesthetics and compatibility with the surrounding neighbourhood but very much with health concerns and it would behoove Industry Canada to lay down a policy for public consultation with the surrounding residential community by the applicant so that there is some framework for public participation.

Councillor Uteck pointed out that the proposal in question was the lesser of two evils from having a tower in the area instead. She understood the residents' concerns but she would rather have the installation on a building. She requested a Staff Report on how many cell sites there are on the Peninsula currently.

**MOVED by Councillors Uteck and Fougere to adopt the staff recommendation to support the proposed installation of wireless communication equipment on the Life Sciences Building, Dalhousie University. Further, to advise Industry Canada that the feedback obtained from the public relates not only to aesthetics and compatability with the surrounding neighbourhood (zoning) but also with health concerns. Further, it would behoove Industry Canada to lay down a policy for public consultation with the surrounding residential community by the applicant so that there is some framework for public participation. MOTION PUT AND PASSED.**

**MOVED by Councillors Uteck and Fougere that staff be requested for provide a report on the number of cellular sites already situated on the Peninsula. MOTION PUT AND PASSED.**

Councillor Rankin requested that Health Canada participate in these sessions and be in attendance to answer questions from the public.

8. **PUBLIC HEARINGS**

8.1 **Case 7074 - Proposed Amendments to the Low Density University (U-1) Zone, Halifax Peninsula Land Use By-law**

A Staff Report dated August 23, 2000 was before Community Council. Gary Porter, Planner provided an overview of the Staff Report with the aid of overheads. During the course of his presentation, he advised that Chebucto Community Council is also required to consider the proposed Land Use By-law amendments because a small portion of Polling Districts 15 and 17 are included within that jurisdiction. As indicated in the Staff Report, there is a significant amount of Plan Policy which supports restricting the scale of university uses adjacent to residential areas. On that basis, staff has drafted amendments to the U-1 zone which will require that university student residential accommodations in the U-1 zone comply with the requirements of the R-1, R-2, R-2A, R-2T or R-3 zone based on the number of units in a building. The only exception would be that there would not be a parking requirement for residential units and there would not be a front yard setback where there is no residential development on either side. Staff was recommending approval of the amendments as outlined in the report.

Councillor Uteck asked for clarification regarding parking requirements. In response, Mr. Porter advised that there were a lot of cars coming to the university but generally those living on campus do not have cars.

Councillor Uteck referred to the fact there were 1730 parking spaces in 1982 when the Peninsula Centre Plan was drafted based on the number of spaces the university provided at that time. More students have cars now than in 1982.

Councillor Fougere asked if staff looked at statistics in any other area. In response, Mr. Porter advised that staff looked at by-laws in other jurisdictions and at other universities and tried to ascertain what the current situation is.

The Chair then called for speakers for or against the application.

Mr. Bill Lord, Director of Facilities Management, Dalhousie University advised that with regard to housing on campus, Dalhousie does not allow cars. Students have to have special permits and special reasons. The cars that are allowed have to be kept in a special lot on campus. The cars that are coming in are being driven in from other parts of the Municipality.

Ms. Beverly Miller, South Street referred to page 10 of the Staff Report re the additions of Sections 70AB(5) and 70AB(6) and asked for clarification of these sections.

With regard to Section 70AB(5), Mr. Porter explained that if you construct a two-unit dwelling, it would normally be permitted in an R-2 zone; therefore, reference would be made to the requirements of the R-2 zone for a two-unit dwelling in a U-1 zone.

With regard to Section 70AB(6), Mr. Porter explained that a building constructed containing units without kitchens would be considered a rooming house and would have to comply with requirements of the R-3 zone.

Mr. Owen Carrigan, 6112 Coburg Road referred to page 6 of the Staff Report re Dalhousie Campus Plan. He stated that the majority of neighbours who had input into development of the Dalhousie Campus Plan did not agree with the recommendations in that Plan. The neighbours presented an alternative plan for development and identified a substantial vacant property on the spine of Dalhousie campus. The architects agreed that there was ample space on the spine to put up whatever buildings would be required in the foreseeable future. Two major buildings plus the one being constructed now have been put on the spine which has prevented conflict between the neighbours and Dalhousie but the Campus Plan has Dalhousie penetrating the entire neighbourhood.

Mr. Carrigan went on to refer to parking and stated that residence parking lots are full. Residence regulations change from one administration to another and the fact that Dalhousie does not allow parking now does not mean this cannot be changed. The only guarantee the neighbours have with regard to parking is if it is written in the By-law. The space that Dalhousie is going to expand into for residences will be located in houses vacated in the neighbourhood. That will be where the problem will be as the neighbourhood does not have one single parking space available. There should be a provision for parking included in this application. With regard to future residential development, this could be carried on by private developers and the concern was that



University regulations would not apply to private developers. Developers are turning residences into "Animal House". By-laws are not being enforced resulting in vandalism, noise, garbage. The Dalhousie Arts building will mean that all kinds of private housing stock, now used for offices and classrooms, will be vacated and there was nothing to prevent the university from selling those houses to developers and nothing to prevent developers coming into U-1 zones and developing private residential accommodation. University regulations would not apply to these houses if they are sold.

Mr. Hugh Pullen, 6262 Oakland Road voiced objection to Section 70AB(6) with regard to the reference to the R-3 zone as it applies to boarding houses, rooming houses and lodging houses. Boarding houses and rooming houses were different. Rather than introducing R-3 zone requirements into an R-1 and R-2 area, it would better meet the intent of land use with respect to zoning density if it were included in the U-2 zone. The R-3 provision would officially sanction what is perceived as a growing problem in the area around Dalhousie. With respect to parking, the 1730 parking spaces which Dalhousie must supply are a negotiating tool with its unions. The ability for students to park in those spaces is limited.

Ms. Therese Dube, 6071 South Street pointed out that if students living on campus do not have cars, their friends do, resulting in noise late at night when they leave. There were problems with people coming out of Frat Houses and she wanted control over the students. She asked if there could be something included in a rental agreement to abide by the Noise By-law and someone to contact when there are problems.

Mr. Barry Allen, Municipal Solicitor advised that what Community Council is considering is the regulation of the Land Use By-law. The problems the speaker addressed deals with the behavior of people. Leases would be under the provincial Tenancy Act.

Mr. Darryl Haley, 1149 Cartaret Street expressed concern with the lack of regard for the residents of the adjacent areas of Dalhousie. There was a need for Dalhousie to recognize a process for notification of residents. He suggested a three-party process - HRM, the residents and Dalhousie - to sit down and talk about the area, what Dalhousie is doing, what HRM is not doing and what the residents are suffering.

With regard to the parking issue, Mr. Haley advised that there is a growing concentration of residential units around the South/Henry Street area. He questioned the definition of low versus high density and where residential units are placed in low density areas. Something also had to be done about decorum, land value/land use and maintenance of Dalhousie properties. A Plan struck in 1990 is not something that is valid in 2000.

Mr. Eric Thompson, Westmount Subdivision advised he owned property on South Street. There was very little U-1 zoning in the South End that is not owned or controlled by the

university. The bulk of Dalhousie University is U-2 zoning. The major problem in the South End is non-conforming uses which the Municipality should be looking into. His major concern is what happens if a building is destroyed by fire, if the building has to be repaired or replaced in the original form. He was not in favour of the proposal as written because it did not refer to his concerns.

**MOVED by Councillors Uteck and Fougere to close the Public Hearing. MOTION PUT AND PASSED.**

Councillor Uteck stated she could not support the application this evening because she was not comfortable with the parking issue and there was also the question of the possibility of a private developer coming in and this loophole would have to be closed off. There was the question of current uses being grandfathered. Because of the time frame, when the process was started, she felt there needed to be more public feedback and written comments before Community Council could go ahead.

Mr. Porter asked for clarification as to what Community Council was asking for since he was hearing that a decision was going to be deferred.

Councillors, therefore, listed the further information required:

- parking issue - lack of sufficient parking for students
- current issues to be grandfathered
- statistics from other universities across the country, particularly those in central residential neighbourhoods re parking
- what would happen in the U-1 zone when the properties are sold to private developers
- Noise By-law violations, follow up with police
- possibility of three-party committee - Dalhousie, HRM and representatives from the neighbourhood

Mr. Porter pointed out that what was being proposed is an increase in the restrictions. Right now there were none and the proposed changes may not go far enough. With regard to change of ownership changing the rules, the rules apply to the land regardless of the owner. If anything, the number of units would be decreased by the proposed amendments, not increased.

Mr. Porter also referred to the fact that Chebucto Community Council would also be holding a Public Hearing in this matter. He saw this Community Council as lead Council and would have to advise Chebucto Community Council if this Community Council decided on a deferment.

**MOVED by Councillors Uteck and Fougere to defer a decision on the application for further public input and receipt of further information from staff. MOTION PUT AND PASSED.**

It was hoped that the information would be available for the next meeting of this Community Council.

9. **CORRESPONDENCE, PETITIONS AND DELEGATIONS** - None

10. **REPORTS**

10.1 **Case 00293 - Request to Discharge Development Agreement - 2451-2453 James Street, Halifax - Lands of 3039961 Nova Scotia Limited**

A Staff Report dated October 17, 2000 was before Community Council.

Councillor Fougere asked what would be the process should the Development Agreement be discharged. In response, Mr. Porter advised that the property would be subject to the zoning. With regard to the legal matter, it would go forward.

**MOVED by Councillors Blumenthal and Fougere to adopt the recommendation of staff to discharge the Development Agreement dated May 25, 1982 between Nova Scotia Armature Works Limited and the City of Halifax filed at the Registry of Deeds in Book 3585, at page 555 (draft discharging agreement attached as Appendix A to the Staff Report dated October 17, 2000). MOTION PUT AND PASSED.**

10.2 **Kearney Lake Estates - Parkland**

A Staff Report dated October 23, 2000 was before Community Council. Blair Blakeney, Regional Coordinator, Park Planning and Development provided an overview of the report. A request was received from a group of residents in Kearney Lake Estates to have the Municipality consider the acquisition of lands in their subdivision for the purpose of a neighbourhood park/playground. Mr. Blakeney explained that the recommendation from staff is to put the request on hold at this time and the reasons for this recommendation.

The following pieces of correspondence were before Community Council:

- Letter dated October 24, 2000 from Rebecca Attenborough in support of parkland.
- Letter dated October 24, 2000 from Elizabeth Bowering in support of parkland.

Councillor Rankin advised he supported staff's recommendation to investigate the possibility of acquiring parkland in relation to the new application which is adjacent to the

present subdivision. At the same time, however, public consultation could go forward and, if necessary, staff could always go back to the first proposal in the existing subdivision. He acknowledged there may be some people in Kearney Lake Estates who do not want the parkland. He also acknowledged that staff was looking for an opportunity to provide access for children to public land within their own subdivision.

**MOVED by Councillors Uteck and Fougere that staff put on hold the negotiations for the acquisition of parkland until further investigation of a recently filed development application is completed. Further, that staff undertake further community consultation to resolve the concerns for a neighbourhood park/playground. MOTION PUT AND PASSED.**

11. **MOTIONS** - None

12. **ADDED ITEMS**

12.1 **Royal Canadian Legion Lakeside - Request for Portion of HRM Lands at St. Margaret's Bay Road and Greenhead Road**

Councillor Rankin requested a Staff Report to determine the merit of allocating a portion of HRM lands in Lakeside - at the location of the HRM Administration Offices. On said site there is a portion of land at the corner that could possibly be allocated to accommodate a Cenotaph and sign supporting the Royal Canadian Legion. The portion of land was estimated to be 30' x 30'.

**MOVED by Councillors Blumenthal and Fougere to request a Staff Report in this regard. MOTION PUT AND PASSED.**

13. **NOTICES OF MOTION** - None

14. **PUBLIC PARTICIPATION**

Ms. Elizabeth Bowering, President of the Ratepayers Association for Kearney Lake Estates stated she did not want proposed parkland to become an issue where neighbour is against neighbour and she did not want the neighbours to feel the proposal is being pushed on them. There were 14 children spread across several households and they had to go outside the subdivision for parkland. The houses on the non-lake side did not have access to the water; children had no access to the water. The individuals opposing the parkland feared an influx of teenagers from outside the subdivision and do not want the playground situated next to them. The proposal was for a small park, a tot lot.

Mr. Peter Buntain, 7 Belle Street advised his property is immediately adjacent to the proposed tot lot. The 17 homes in the neighbourhood were canvassed. The homes are on 2-4 acre lots and most of the people especially on the water side are older and their children are grown up. He bought his lot with the indication that the lot next door was not going to be developed for parkland. In canvassing the neighbourhood, there were 14 signatures on a Petition against the tot lot which represented eight homes. He hoped all the neighbours were canvassed thoroughly to ensure there was a will in the neighbourhood for the tot lot. He pointed out that the proposed new development would bring 14 more homes. The homes in the subdivision were relatively privileged and the back yards have play equipment that HRM could not build the equivalent of in a tot lot.

Ms. Beverly Miller, 6182 South Street referred to a Staff Report on Case 7350 - Request to Consider Amendments to the Municipal Planning Strategy and Land Use By-law concerning by-right development on non-conforming uses. She asked for clarification on the purpose of the amendments. Subsequently, Councillor Fougere provided the information requested and advised that a Public Hearing would be held at some future date.

Mr. Hugh Pullen, 6262 Oakland Road referred to non-conforming uses and asked that the upper limit be specified. The proposed U-2 building in the South End is a development as of right and there can be a seven-storey building on a residential lot if the project goes ahead. It would stand out in a low-rise area.

15. **MEETING DATES**

Next Meeting - Wednesday, November 22, 2000

Subsequent Meeting - Wednesday, January 24, 2000

16. **ADJOURNMENT**

On a motion from Councillor Blumenthal, the meeting adjourned at 9:15 p.m.

Sandra M. Shute  
Assistant Municipal Clerk