

# **HALIFAX REGIONAL MUNICIPALITY**

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## **PENINSULA COMMUNITY COUNCIL MINUTES JANUARY 13, 2003**

**PRESENT:** Councillor Sheila Fougere, Chair  
Councillor Jerry Blumenthal  
Councillor Dawn Sloane  
Councillor Sue Uteck

**STAFF:** Mr. Barry Allen, Municipal Solicitor  
Ms. Sherryll Murphy, Legislative Assistant

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**1. CALL TO ORDER**

The meeting was called to order at 7:00 p.m.

**2. APPROVAL OF MINUTES - DECEMBER 9, 2002**

**MOVED by Councillor Sloane, seconded by Councillor Blumenthal that the minutes of the December 9, 2002 meeting of Peninsula Community Council be approved, as distributed. MOTION PUT AND PASSED UNANIMOUSLY.**

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

The following item was added to the agenda:

- 4.2 Presentation - Heather Ternoway - Thesis Research re Information required by all Participants in the Planning Process

The Chair noted that in addition to Ms. Riding, Ms. Tania Li would also be presenting under item 4.1 Presentation: Traffic Concerns

**4. PRESENTATIONS**

**4.1 Presentation - Traffic Concerns**

- (i) Milo Stenning Riding
- (ii) Tania Li

Ms. Stenning Riding and Ms. Li, utilizing a video, gave a presentation with regard to safety and traffic concerns on Jubilee Road. Ms. Li, in her closing comments, indicated that residents would continue to seek the support of Community Council in addressing safety and traffic concerns. A copy of this presentation is on file.

The Chair thanked Ms. Riding and Ms. Li for their presentation.

**4.2 Presentation - Heather Ternoway - Thesis Research re Information required by all Participants in the Planning Process**

Ms. Ternoway made a brief presentation outlining her thesis research, an information needs assessment directed at determining the information needs of all participants in the planning process. Ms. Ternoway invited all present to complete a questionnaire relative to her research.

**5. BUSINESS ARISING OUT OF THE MINUTES**

**5.1 Status Sheet**

**5.1.1 Adherence to TAC Manual**

- An information report dated January 10, 2003 submitted by David McCusker, Traffic Authority, was before Community Council for consideration.

This matter is to be removed from the status sheet.

**5.1.2 Responsibility of Traffic Authority/Liability**

- An information report dated December 11, 2002 submitted by Wayne Anstey, Municipal Solicitor, was before Community Council for consideration.

Mr. Allen commented briefly on the Municipality's position with regard to employee liability and noted that HRM carries liability insurance insuring both the Municipality and its employees in respect of claims made relative to their duties.

This matter is to be removed from the status sheet.

**5.1.3 Overhead Lights Preston/Jubilee Intersection**

- An information report dated January 10, 2003 submitted by David McCusker, Traffic Authority, was before Community Council for consideration.

This matter is to be removed from the status sheet.

**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 00507 - Application to Amend the Development Agreement, Brenhold Limited, Halifax**

- First Reading was given to this matter on December 9, 2002.

Mr. Kevin Barrett, Heritage Planner, addressed Council briefly reviewing the application to amend the development agreement for the Brenhold Development at the corner of Spring Garden Road and Summer Street as found in the staff report dated November 4, 2003. Mr. Barrett noted that the applicant has requested a further amendment to their proposal which would provide for limited commercial use on the ground floor of the atrium.

Mr. Barrett noted that he had received calls from the public expressing concern regarding the height of the building. Mr. Barrett assured Community Council and the public that the amendments being considered tonight in no way impacted the previously approved height of the buildings. In conclusion, Mr. Barrett indicated that staff was recommending approval of the application, with the proposed further amendment outlined above.

Mr. Barrett then responded to questions from members of Community Council.

**Mr. Blair Bead, 6467 Summit Street**

Mr. Bead expressed concern regarding the possible future use of the proposed second floor commercial space. He suggested that if a group of doctors were to locate in this space, this would only add to the parking difficulties being experienced in the area.

**Mr. Danny Chedrawe, Garden Crest Development Limited**

Mr. Chedrawe, the applicant, addressed Community Council briefly reviewing the proposed amendments. Mr. Chedrawe made the following points relative to the proposed amendments:

- an atrium would be a much more attractive and safe alternative to an alleyway between two buildings
- a glass atrium on Spring Garden Road is preferable to a simple outdoor patio
- residential space on the second floor would not be quality space, the provision for professional office space results in a better residential environment
- underground parking has been doubled within the Development Agreement
- a service courtyard has been included to handle deliveries and maintenance trucks

In conclusion, Mr. Chedrawe indicated that he believed this amendment was a positive move which improves the overall development.

**Mr. Bill Jordan, President, Friends of the Public Gardens**

Mr. Jordan addressed Community Council noting that this development was initially approved in the 1980s. Subsequent to that an amendment had been approved to the agreement without a public hearing. Mr. Jordan noted that the Court of Appeal has already commented on this agreement. Mr. Jordan went on to emphasize the need to maintain the facade. He expressed concern that the elevator housing which appears in the new drawings extended beyond the approved height of the building.

In response, Mr. Barrett indicated that the elevator housing had been included in the original drawings. Under By-law 71 there is a height exception for elevator enclosures/mechanical equipment. If the area does not exceed 10% of the total roof, there is no height restriction placed on such enclosures.

In conclusion, Mr. Jordan submitted that the proposed change is significant and goes against the ruling of Mr. Justice Hall and the Court of Appeal, insofar, as it does not maintain the heritage value and character of that building.

The Chair called three times for persons wishing to speak and hearing none it was **MOVED by Councillor Blumenthal, seconded by Councillor Uteck that the public hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Sloane directed a number of questions to Mr. Barrett and noted that she also had a number of questions from a resident which she would forward to Mr. Barrett for response.

**MOVED by Councillor Sloane, seconded by Councillor Uteck that Peninsula Community Council:**

1. **Adopt the amendment development agreement, presented as Attachment II to the November 4, 2002 staff report, to permit facade improvements, a three storey atrium, a one storey atrium and professional office use on the second floor of the twelve story residential building.**
2. **Further amend Part 4, page 7 as follows:**
  4. **The Existing Agreement shall be amended by adding Clause 3 (paragraph 8) to read as follows:**
    - **a three storey atrium to connect the twelve storey residential building with the three storey commercial building, the first floor for common use *and limited commercial use (commercial use not to exceed twenty (20) percent of the total ground floor area of this atrium)*, a corridor bridge on the second level, and the third floor**

to provide a barrier-free access from the ' Area of Refuge' to the firefighters elevator within the 12 storey residential building.

3. Require that the development agreement be signed within 120 days, or any extension thereof granted by Community Council on request of the applicant, from the date of final approval by Community Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**9.1.2 Case #005229 - Amendment to Existing Development Agreement, 1599 Grafton Street**

- First Reading was given to this matter on December 9, 2002.

Mr. Paul Sampson, Planner, gave a brief overview of the request by Grafton Developments Inc. to amend the development agreement for 1599 Grafton street to change the use of the building from multiple unit residential to a hotel as contained in the December 6, 2002 staff report. Mr. Sampson noted that staff was recommending approval of the amendment.

Mr. Sampson, with input from the applicant, then responded to a number of questions from members of Community Council clarifying the following:

- On street parking for hotel entrance would be on Grafton Street
- Roof top coloring would remain bronze, however, the applicant is considering some minor changes to the cladding
- Available parking will remain unchanged from the residential proposal (56 spaces)
- In terms of providing a lay by for the hotel, the applicant is proposing space equal to three parking spaces. This proposal will be dealt with separately through Design Engineering and the Traffic Authority

**Ms. Beverly Miller, 6182 South Street**

Ms. Miller expressed concern regarding the dead space which would be created by the location of a garage door on Argyle Street. She went on to indicate that this space is not attractive to the walking public. With reference to the change in use, Ms. Miller indicated she had no concerns.

**Mr. Alan Ruffman, 202 Ferguson Cove Road**

Mr. Ruffman expressed concern that this change in use resulted in the loss of a significant component of the proposed residential use in the downtown. Mr. Ruffman further indicated that he was concerned that the applicant was proposing further minor changes (i.e. cladding) which would not form part of any public process. Mr. Ruffman recommended that Community Council defer this matter and deal with it as one package at the next meeting.

**Mr. Blair Bead, 6467 Summit Street**

Mr. Bead addressed Community Council expressing concern regarding parking and commented that downtown should always be pedestrian focussed. He indicated that he had no concerns regarding the change of use from residential to hotel.

**Ms. Doreen Malone, Neptune Theatre**

Ms. Malone voiced concern with regard to parking. Noting that Argyle is already congested, Ms. Malone asked if this project would have short term and long term parking available for use by other than the hotel. She went on to stress the importance of Argyle remaining a pedestrian friendly street. She further requested that the developer work out the construction schedule with the neighbouring businesses.

**Mr. Doug Miller, Architect**

Mr. Miller indicated he was the architect for the project and responding to Ms. Malone's question indicated that he saw no reason why short and/or long term parking could not be made available to neighbouring businesses. Mr. Miller went on to commit that the developer would not bring forward any changes to the materials/colours of the building.

The Chair called three times for persons wishing to speak and hearing none it was **MOVED by Councillor Sloane, seconded by Councillor Uteck that the public hearing close.**

After a brief discussion it was **MOVED by Councillor Sloane, seconded by Councillor Uteck that Peninsula Community Council:**

- 1. Approve the amending development agreement, presented as Attachment I to the December 6, 2002 staff report, to permit a change of use of the building from multiple unit residential to a hotel.**
- 2. Require that the development agreement be signed within 120 days, or any extension thereof granted by Community Council on request of the applicant, from the date of final approval by Community Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and**

obligations arising hereunder shall be at an end.

**MOTION PUT AND PASSED** with Councillor Blumenthal voting against the motion.

9.2 Variance Hearings - None

10. CORRESPONDENCE, PETITIONS AND DELEGATIONS

10.1 Correspondence - None

10.2 Petitions - None

10.3 Delegations - None

11. REPORTS

11.1 Case 00455 - Application for Amendment to the Halifax Municipal Planning Strategy and Land Use By-law for 1252-54-56 Hollis Street (SET DATE FOR PUBLIC HEARING)

- A staff report dated December 18, 2002 submitted by Mr. Paul Dunphy, Director Planning and Development, was before Community Council for consideration.

**MOVED** by Councillor Uteck, seconded by Councillor Sloane that Peninsula Community Council:

1. Recommend that Regional Council give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law, presented as Attachment V of the December 18, 2002 staff report, and schedule a public hearing for February 11, 2003;
2. Recommend that Regional Council adopt the amendments to the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law presented in Attachment V of the December 18, 2002 staff report.

**MOTION PUT AND PASSED UNANIMOUSLY.**

12. MOTIONS - None

13. ADDED ITEMS - None

**14. NOTICES OF MOTION - None**

**15. PUBLIC PARTICIPATION**

**Mr. Hugh Pullen, 6262 Oakland Road**

Mr. Pullen, expressing concern regarding problems with parking in the area of the hospitals and university, suggested that HRM construct a parking garage on municipally owned lands at the IWK presently used as a parking lot.

In response, Councillor Uteck noted that the IWK has recently come forward with a proposal for a six storey parking garage. The Councillor indicated that this garage would space in excess of the needs of the IWK. The proposal will be required to proceed through the normal process.

**Mr. Alan Ruffman, 202 Ferguson Cove Road**

Mr. Ruffman noted that a former grave site is being used as a parking lot. He indicated that it was his understanding that this use is permitted through an agreement which provided that the site can be used as a parking lot until such time as the cost of the demolition was recouped. In light of the previously mentioned parking garage, Mr. Ruffman encouraged Council to include within any future negotiations the taking back of the piece of the Commons at the corner of Summer and University Avenue which is presently used as a parking lot.

Mr. Ruffman referred to the lack of sidewalk along the extension of Hollis Street near the Superstore and requested that Community Council put this sidewalk in the upcoming budget.

Councillor Sloane noted that budget requests of this nature were to have been in place by the end of November. However, she indicated she would contact staff with regard to have it included in this year's budget and if that is not possible, have it placed in the 2004-2005 budget.

**Mr. Graham Hicks, 5355 Young Street**

Mr. Graham Hicks expressed concern regarding the lack of sidewalk on a small portion of Upper Water Street just past the Casino and asked why there was no sidewalk in this location.

Councillor Sloane advised that work relative to the realignment is still ongoing and that the sidewalk will be installed in conjunction with the Harbour Solutions project work.

**16. NEXT MEETING**

The next meeting of Peninsula Community Council will be held on Monday, February 10, 2003 beginning at 7:00 p.m.

**17. ADJOURNMENT**

There being no further business, the meeting adjourned at 9:00 p.m.

Sherryl Murphy  
Legislative Assistant