

HALIFAX REGIONAL MUNICIPALITY

PENINSULA COMMUNITY COUNCIL MINUTES APRIL 14, 2003

PRESENT: Councillor Dawn Sloane, Acting Chair
Councillor Jerry Blumenthal
Councillor Sue Uteck

**ABSENT WITH
REGRETS:** Councillor Sheila Fougere

STAFF: 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 - February 10, 2003**

MOVED by Councillor Blumenthal, seconded by Councillor Uteck that the minutes of the Peninsula Community Council meeting held on February 10, 2003, be approved, as distributed. MOTION PUT AND PASSED UNANIMOUSLY.

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

Deletion

9.2.1 Case 3037933 - Appeal of Development Officer's decision to approve a Variance at 1014-1018 Barrington Street, Halifax

MOVED by Councillor Uteck, seconded by Councillor Blumenthal that the Order of Business be approved, as amended. MOTION PUT AND PASSED UNANIMOUSLY.

4. **PRESENTATION: NORTH END COMMUNITY GARDENING ASSOCIATION - Mr. David McCall, Project Coordinator**

Mr. David McCall, Project Coordinator, gave a brief presentation regarding the North End Community Gardening Association, inviting all present to attend a public meeting on April 23, 2003 at 7:00 p.m. at Gorsebrook School the purpose of which is to plan a community garden for the Southend of Halifax.

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

5.1 **Status Sheet**

5.1.1 **Petition - Peninsula Community Council re Comprehensive Planning Process for University Avenue**

No report was available for this meeting. This matter is to remain on the agenda.

5.1.2 Petition - Peninsula Community Council re Comprehensive Planning Process for Ecole Beaufort

No report was available for this meeting. This matter is to remain on the agenda.

5.1.3 Disposal of Snow by Contractors

- An information report dated February 21, 2003 prepared for Rick Paynter, Director of Public Works and Transportation, was before Council for consideration.

Councillor Blumenthal noted that the report referred to two snow storage locations, but did not clearly identify where contractors could dispose of snow if they cannot do so in the harbour. He requested that staff clarify whether contractors had access to the snow storage locations.

6. MOTIONS OF RECONSIDERATION - None

7. MOTIONS OF RESCISSION - None

8. CONSIDERATION OF DEFERRED BUSINESS - None

9. HEARINGS

9.1 Public Hearings - None

9.2 Variance Hearings

9.2.1 Appeal of Development Officer's Decision to Approve a Variance at 1014-1018 Barrington Street, Halifax. Case No. 037933

This matter was deleted from the agenda during the setting of the agenda.

10. CORRESPONDENCE, PETITIONS AND DELEGATIONS

10.1 Correspondence - None

10.2 Petitions - None

10.3 Delegations - None

11. REPORTS

11.1 Case # 00561: Application to Consider a Development Agreement - Atlantic News, 5560 Morris Street, Halifax

- A staff report dated March 25, 2003 prepared for Paul Dunphy, Director of Planning and Development, was before Community Council for consideration.

MOVED by Councillor Uteck, seconded by Councillor Blumenthal that Peninsula Community Council give Notice of Motion to consider an application by Stephen and Michele Gerard for a signage development agreement for the Atlantic News, 5560 Morris Street, Halifax and schedule a public hearing for May 12, 2003. MOTION PUT AND PASSED UNANIMOUSLY.

11.2 Case # 00455: Application for a Development Agreement - 1252-56 Hollis Street

- A staff report dated March 17, 2003 prepared for Paul Dunphy, Director of Planning and Development, was before Community Council for consideration.

MOVED by Councillor Uteck, seconded by Councillor Blumenthal that Peninsula Community Council give Notice of Motion to consider an application by Rockstone Investments Limited for a Development Agreement at 1252-56 Hollis Street and schedule a public hearing for May 12, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

11.3 Case # 00540: Municipal Planning Strategy and Land Use Bylaw Amendment - Corner of Chester Avenue and Connolly Street, Halifax

- A staff report dated April 2, 2003 prepared for Paul Dunphy, Director of Planning and Development, was before Community Council for consideration.

MOVED by Councillor Blumenthal, seconded by Councillor Uteck that Peninsula Community Council:

- 1. Recommend that Regional Council give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and Peninsula Land Use Bylaw as contained in Attachment "A" of the April 2, 2003 staff report and schedule a public hearing for May 20, 2003.**
- 2. Recommend to Regional Council that the amendments to redesignate the lands at Chester Avenue and Connolly Street, as set out in Attachment "A" of**

the report, to “Residential Environments” and to rezone to R-2T (Townhouse) Zone, be adopted.

MOTION PUT AND PASSED UNANIMOUSLY.

11.4 Case # 00461: Amendments to the Halifax Municipal Planning Strategy and Land Use Bylaw - 1270 Oxford Street, Halifax

- A staff report dated March 25, 2003 prepared for Paul Dunphy, Director of Planning and Development Services, was before Community Council for consideration.

MOVED BY Councillor Uteck, seconded by Councillor Blumenthal 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 Bylaw, presented as Attachment IV of the March 25, 2003 staff report and schedule a public hearing for May 27, 2003.**
2. **Give Notice of Motion to consider approval of the proposed Development Agreement, as presented in as Attachment V of the March 25, 2003 staff report and schedule a joint public hearing with Regional Council.**
3. **Recommend that Halifax Regional Council adopt the amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use Bylaw, presented in Attachment IV of the report.**

MOTION PUT AND PASSED UNANIMOUSLY.

11.5 Case # 00572: Amendment to Halifax Municipal Planning Strategy - Height Precincts, South End

- A staff report dated March 25, 2003 prepared for Paul Dunphy, Director of Planning and Development Services, was before Council for consideration.

MOVED by Councillor Uteck, seconded by Councillor Blumenthal that Peninsula Community Council recommend to Halifax Regional Council that:

1. Staff be instructed to initiate a process to amend Section V of the Halifax Municipal Planning Strategy with respect to the establishment of height precincts.
2. The public participation be undertaken in accordance with the Public Participation Resolution adopted by Regional Council on February 25, 1997.

Councillor Uteck noted that this section of the Municipal Planning Strategy has not been reviewed in twenty years and is a very controversial topic. She noted that she was looking forward to the public participation portion of this process.

MOTION PUT AND PASSED UNANIMOUSLY.

11.6 Case # 00451: Request for a Municipal Planning Strategy/Land Use Bylaw Amendment to Permit a Lounge at 5576 Fenwick Street, Halifax

- A staff report dated April 2, 2003 prepared for Paul Dunphy, Director of Planning and Development Services, was before Community Council for consideration.
- Correspondence dated April 10, 2003 from Andrew McLeod, President, MCJ Restaurant Limited, "My Other Brother Darrell's Restaurant".

Given that the applicant has been located in the neighbourhood for ten years and that the situation in the neighbourhood has changed (increased commercial uses), it was **MOVED by Councillor Uteck, seconded by Councillor Blumenthal that Peninsula Community Council recommend that:**

1. Regional Council give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and Peninsula Land Use Bylaw as contained in Attachment "B" of the staff report dated April 2, 2003 and schedule a public hearing for May 13, 2003;
2. Regional Council adopt the amendments to the Halifax Municipal Planning Strategy and Peninsula Land Use Bylaw to permit a lounge use at 5576 Fenwick Street through development agreement as set out in Attachment "B" of the staff report dated April 2, 2003.
3. Further that Peninsula Community Council Move Notice of Motion for the proposed development agreement, attached as Attachment "C" to of the staff

report dated April 2, 2003 to permit a lounge use at 5576 Fenwick Street, and to schedule a joint public hearing with Regional Council for May 13, 2003.

MOTION PUT AND PASSED UNANIMOUSLY.

11.7 Appointments - District 12 PAC

- A memorandum dated April 9, 2003 from Sherryll Murphy, Legislative Assistant, was before the Community Council for consideration.

MOVED by Councillor Uteck, seconded by Councillor Blumenthal that Peninsula Community Council

1. **Approve the following citizen appointments to the District 12 Planning Advisory Committee for a two year term:**

**Ms. Beverly Miller
Ms. Heather Ternoway
Ms. Mia Rankin
Mr. Clary Kempton**

2. **Amend the District 12 Planning Advisory Committee Terms of Reference to provide:**
 - **That the Councillor for District 12 is appointed for a two year period**
 - **That the Committee meet on the fourth Monday of each month.**

12. **MOTIONS** - None

13. **ADDED ITEMS** - None

14. **NOTICES OF MOTION** - None

15. **PUBLIC PARTICIPATION**

Ms. Elinor Eggar Reynolds, Jubilee Road

Ms. Reynolds distributed photographs taken on March 23, 2003 and expressed concern regarding the unsightly condition of 6290 Jubilee Road. She indicated that the property was a disgrace and urged Community Council to take action to have the situation corrected.

Councillor Uteck indicated that she had been of the understanding that the property was being addressed and noted that she would follow up on the matter.

Ms. Tania Li, Jubilee Road

Ms. Li addressed Community Council referring to the February 3, 2003 information report and noted that the response was unsatisfactory. Ms. Li noted that safety is an issue with collisions a routine occurrence. She went on to indicate that policy already existed relative to Jubilee Road which discouraged the overuse of Jubilee Road and this policy should be adhered to regardless of what steps will be proposed in the upcoming transportation planning. Ms. Li went on to note that residents are not asking that the policy be changed, simply that staff be accountable and transparent in the application of the policy. She stressed that it was not enough for staff to simply say it is safe enough, it is not safe enough. In conclusion, Ms. Li requested that the following questions be formally referred to staff for response.

Councillor Uteck noted that she had received a draft report from staff with regard to this matter and had requested staff to provide additional information relative to specific questions. Thus, the report was not available for this evening's meeting.

The Chair advised that the questions will be included in the minutes and a request made to staff to respond in a timely manner, perhaps for the next meeting of Community Council.

Overall Safety on Jubilee

1. a) Do you consider that an accident rate of 2 per month is acceptable on a single lane, residential collector street (only 1km, Connaught to Robie).
b) If yes, by what criteria? If no, what safety improvements do you propose?
2. a) Do you consider that speeding (20-40% of vehicles above 50 kph) is acceptable on a street with schools, playgrounds, and 3-5000 pedestrians crossing daily (see residents' and traffic department's pedestrian counts).
b) If yes, by what criteria? If no, how do you propose to reduce speeds to safe levels?
- 3 a) Do you consider that a continuous stream of fast moving vehicles, one every 3 seconds between 6am and 12 midnight, gives safe access to Jubilee from side streets and driveways?
b) If yes, by what criteria? If not, what solution to you propose?

Specific Safety Issues

4. Intersection of Jubilee/ Connaught

- a) Do you agree that a very busy intersection (22,000 vpd) at the entrance to a well-used public park should be set up to prioritize pedestrian safety over maximum, fast, movement of vehicles?
- b) If not, what is the justification for giving vehicles priority over pedestrian safety?
- c) Do you agree that the conditions described in the residents "safety issues" report pose serious safety hazards? (vehicles approach too fast, do not yield to pedestrians, ignore no left turn signs, pedestrians follow the shortest crossing route where they can see approaching vehicles instead of turning their backs to them, confusion around the Conrose car park, etc).
- d) If yes, what changes do you propose to make the intersection safer? If no, by what criteria are these safety hazards acceptable?
- e) If you do not trust the residents observations of hazards at the intersection, will you agree to conduct a safety audit by the end of March?

5. Chicanes: We have in mind a chicane that allows opposing vehicles to pass, but forces them to slow down/ drive carefully.

- a) Do you agree that a chicane on Jubilee between Beech and Cambridge would have NEGLIGIBLE impact on peak hour vehicle flow, since vehicles are already moving slowly at that time?
- b) Do you agree that a chicane would bring significant safety benefits to the busiest section of Jubilee off-peak?
- c) Do you agree that it would have NO significant impact on emergency vehicle access?

6. Safety, Preston/ Jubilee

Traffic department proposes no significant change at this intersection. The overhead crosswalk light has been replaced, but this will not reduce accidents, the most serious of which have occurred in broad daylight. Pedestrians continue to cross on both sides of the intersection.

- a) Do you consider that the accident history at this intersection is acceptable?
- b) If yes, by what criteria. If no, how do you propose to make the intersection safer?
- c) Do you recognize the safety benefits (reduced collisions, reduced pedestrian injury) of all-way stop control (AWSC) documented by several engineering studies and presented in the Linseman report, Appendix 1.?
- d) If not, what contrary safety data and AWSC studies can you show us?
- e) Do you agree that pedestrian counts are a standard part of the TAC criterion for AWSC?
- f) If yes, why were pedestrian volumes NOT considered in your determination that AWSC is not warranted at this location?
- g) Do you agree that a 1-2 week, mechanical count during March (with universities in session) would provide data relevant to reviewing AWSC at this intersection? If yes, PLEASE do the count immediately because the time window is very short.

7. Use of Jubilee/ Use of Oxford/ Use of Quinpool

- a) Do you agree that two lane Oxford (Jubilee to Quinpool) has more capacity than single lane Jubilee?
- b) Do you agree that the flashing light from Oxford to Quinpool works fine in the pm peak, even when Quinpool is busy?
- c) Do you agree to have this flashing light operate 24/7 to give vehicles on Oxford direct access to Quinpool? If not, what the reasons?
- d) What is the reason for forcing single lane Jubilee (Oxford to Connaught) to carry 22,000 vpd when two lane Oxford carries only 12,000 vpd?
- e) Why is single lane Jubilee (Oxford to Connaught) made to carry MORE volume west bound (10,654) than the parallel section of 2- lane, arterial Quinpool (10,358)?
- f) Do you agree that cancelling the green flashing light Oxford to Jubilee in the off-peak hours so that traffic heads directly to Quinpool on Oxford would make better use of the capacities of these wider, two lane streets?

g) Do you agree that cancelling the green flashing light would have significant safety benefits for Jubilee in the off-peak? (e.g. by creating a break in the stream of traffic so that residents can access Jubilee from side streets and driveways)?

8. Urgent Safety Issues/ Regional Planning

a) We have been informed by Mayor Kelly and Anne Muecke that urgent traffic safety issues should be addressed immediately and not postponed for regional planning. If you do not concur, please explain.

b) We believe that the modifications we have proposed will have only modest or very local impact on vehicle volumes: their main purpose is to address urgent safety issues. Thus they should not be postponed. Do you agree?

9. Municipal Development Plan

The MDP states "the city shall discourage the use of Jubilee Road as a main thoroughfare to and from the institutional areas on Robie Street." Mr McCusker states (18/9/2001): "no physical or operational measures to increase capacity on Jubilee Road have been or are planned to be undertaken. We agree that doing so would be in violation of the MDP"

a) Do you agree that widening Jubilee at the intersection with Oxford was a physical measure to increase the capacity of Jubilee?

b) Do you agree that installing a green flashing light from Robie to Jubilee is an operational measure to increase capacity on Jubilee?

c) Do you agree that installing a green flashing light Oxford to Jubilee is an operational measure to increase capacity on Jubilee?

d) Do you agree that these installations contradict Mr McCusker's statement quoted above?

e) If yes, restoring the credibility of the traffic department requires clear action: phasing out the green flashing lights, OR a clear statement by the traffic department that it does not recognize or respect the provisions of the MDP regarding Jubilee.

10. Improved flow on Quinpool

Changes to Quinpool that will improve flow without negative effects on merchants have been promised by the traffic department or recommended by the Mayor's traffic study, but not installed. Please update us on the following:

a) When will the planned second turning lane Robie to Quinpool announced to us last March by Mr McCusker be installed?

b) When will the planned pedestrian activation of crossing signals on Quinpool and Robie announced to us last March by Mr McCusker be installed? (Pedestrian activation allows more green time to be given to the arterials and is used where pedestrians are intermittent. The relevant intersections are Quinpool at Connaught, Preston, Vernon; Robie at Jubilee, University, South and Inglis).

c) The Mayor's traffic study 1991 recommended banning left turns onto Preston and onto Monastery Lane. When will this be implemented? If not, why not?

d) The Mayor's traffic study recommended removal of all curbside parking on arterial Quinpool and the provision of off-street parking spaces. What action is being taken to put this into effect?

e) Where trade-offs must be made, what policy or Council decision justifies prioritizing the "needs" of merchants over the safety "needs" of residents and the "needs" of drivers for safe and efficient passage on the arterial system?

Mr. David Brookly, Queens Street

Mr. Brookly addressed Community Council in opposition to the proposal for a lounge at 5576 Fenwick Street. He went on to note that a petition is being prepared which will include the names of a number of others who do not agree with this proposal. Mr. Brookly went on to indicate that he believed the lounge would be detrimental to the neighbourhood, particularly as it relates to noise and on Friday and Saturday nights.

Councillor Uteck responded that given that the applicant has been a resident of the neighbourhood for ten years (10), it is only fair that the application proceed to a public hearing.

Beverly Miller, South Street

Ms. Miller questioned exactly what changes had occurred in the Fenwick Street neighbourhood noting that there had been no change to the residential component in the neighbourhood.

16. NEXT MEETING - MONDAY, MAY 12, 2003

17. ADJOURNMENT

There being no further business, the meeting adjourned at 7:45 p.m.

Sherrill Murphy
Legislative Assistant