

PENINSULA COMMUNITY COUNCIL
MINUTES

July 11, 2011

PRESENT: Councillor Dawn Sloane, Chair
Councillor Jennifer Watts, Vice Chair
Councillor Jerry Blumenthal

REGRETS: Councillor Sue Uteck

STAFF: Ms. Kirby Grant, Solicitor
Ms. Sheilagh Edmonds, Legislative Assistant

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1. CALL TO ORDER

The Chair called the meeting to order at 7:02 p.m.

2. APPROVAL OF MINUTES – None

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

There were no additions or deletions to the agenda. The agenda was accepted as presented.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Business Arising: None

4.2 Status Sheet: No updates were submitted.

5. MOTIONS OF RECONSIDERATION – NONE

6. MOTIONS OF RESCISSION – NONE

7. CONSIDERATION OF DEFERRED BUSINESS – NONE

8. HEARINGS

8.1 Public Hearings - None

8.2 Variance Appeal Hearings

8.2.1 Variance 16752 – 3317 Robie Street, Halifax

A staff report dated June 29, 2011 was submitted.

Mr. Marc Ouellet, Development Technician presented the staff report, reviewing the reasons why the Development Officer refused variances to reduce the frontage and area requirements needed to convert an existing single unit dwelling to a two unit dwelling at 3317 Robie Street, Halifax. Mr. Ouellet advised that the required area and frontage for a two unit dwelling are 5,000 square feet and 50 feet respectively, and the variances requested were for a reduction of area and frontage to 3,000 square feet and 30 feet respectively.

Mr. Ouellet advised that the application was refused because:

- it was contrary to the intent of the by-law which is to control the number of dwelling units depending on area and frontage; and
- the difficulty experienced in this situation is general to the area.

Mr. Ouellet responded to questions from Community Council.

In response to questions from Councillor Blumenthal, Mr. Ouellet advised that according to the information provided by the applicant, it will involve only internal work to the dwelling. He also advised that there were no concerns raised by surrounding neighbours.

The Chair reviewed the Rules of Procedure for variance appeals and opened the hearing. She called three times for anyone wishing to speak, there being none it was **MOVED by Councillor Watts, seconded by Councillor Blumenthal that the variance appeal close. MOTION PUT AND PASSED.**

MOVED by Councillor Blumenthal, seconded by Councillor Watts that the decision of the Development Officer be overturned and the variance granted. MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence: None

9.2 Petitions: None

9.3 Presentations: None

10. REPORTS

10.1 Staff

10.1.1 Case 16376: MPS/LUB Amendments for the area bounded by Oakland Road, Bellevue Avenue, Inglis Street, and Beaufort Avenue

A staff report dated June 8, 2011 was submitted.

MOVED by Councillor Watts, seconded by Councillor Blumenthal that Peninsula Community Council 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 as provided in Attachment A and B of the June 8, 2011 staff report, and schedule a Public Hearing.

Councillor Watts noted that some residents had comments in regard to the proposed amendments. She advised that Councillor Uteck was unable to be here this evening but in consultation with her and the planner on this case, Councillor Uteck has advised that for those who had concerns about the lot coverage and the height mechanism, she would be willing to meet and discuss this with residents, and that these could be potentially changed at the public hearing.

MOTION PUT AND PASSED.

10.1.2 Case 01325: MPS/LUB Amendments and Development Agreement for the former St. Joseph's Church Site on Gottingen Street, Halifax

A staff report dated June 15, 2011 was submitted.

A letter (via e-mail) dated June 28, 2011 was submitted.

MOVED by Councillor Blumenthal, seconded by Councillor Watts that Peninsula Community Council recommend:

- 1. That Regional Council give First Reading to consider the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law, as contained in Attachments A and B of the June 15, 2011 staff report, and schedule a joint public hearing; and**
- 2. Move Notice of Motion to consider the proposed development agreement, as contained in Attachment C of the June 15, 2011 staff report, to allow for a 9-storey mixed-use residential and commercial building on the eastern side of Gottingen Street, between Kay and Russell Streets, Halifax, site of the former St. Joseph's Church. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1.**

Councillor Watts noted some concerns she asked Community Council to be cognizant of when the matter is dealt with at public hearing, as follows:

- parking concerns
- housing affordability (i.e. is there any mechanism within this development of looking at affordable housing)
- the proposed amendments of the planning strategy in regard to the townhouses at grade and the impact of raising a level above grade through the development agreement process
- mobility issues for people accessing these developments.

Councillor Watts questioned if there was a proposed number of townhouses and whether it is fixed or would be negotiated and open to a decision later on in terms of the Development Agreement (i.e. transfer between commercial and townhouses)

Mr. Luc Ouellet, Planner responded that there are a fixed number of townhouses in the Agreement, however, he added that through non-substantive amendment later on there is the possibility to turn the commercial area into townhouses if the commercial area is not deemed to be feasible.

MOTION PUT AND PASSED.

10.2 Committee Reports: None

10.3 Members of Peninsula Community Council:

**10.3.1 Councillors Watts and Blumenthal – Verbal Update from the
Transportation Standing Committee – Bayer’s Road Widening**

At the recommendation of the Chair, Community Council agreed to deal with this matter as an information session following the adjournment of the meeting.

11. MOTIONS: None

12. ADDED ITEMS: None

13. NOTICES OF MOTION: None

14. PUBLIC PARTICIPATION

No one came forward to address Community Council during public participation

15. NEXT MEETING DATE – September 12, 2011

16. ADJOURNMENT

The meeting adjourned at 7:20 p.m.

Sheilagh Edmonds
Legislative Assistant

Information Meeting

Councillors Watts and Blumenthal – Verbal Update from the Transportation Standing Committee – Bayer’s Road Widening

Councillor Sloane, Chair, called the Information Session to order at 7:21 p.m. and turned the meeting over to Councillor Watts, advising that she would be providing an overview on the proposal for the Bayer’s Road widening, from the information she has received as a member of the Transportation Standing Committee. She added that following this, members of the public will be invited to address Community Council and provide their comments on the issue.

Councillor Watts explained that at the June 23, 2011 meeting of the Transportation Standing Committee two recommendations came forward. One was to endorse the recommendation of the Regional Plan Advisory Committee to forward the Road Network Functional Plan to Regional Council for adoption in principle. The second one dealt with adopting, in principle, the Bayer’s Road Corridor Widening Study as it applies to Bayer’s Road (i.e. the CN overpass to Windsor Street) and looking at it in terms of securing a required right-of-way recommended in the Plan. Councillor Watts advised that when this came to the standing committee some members were concerned about the limited public notification, and the huge impact these reports would have on the road development and expansion of Bayer’s Road. At the meeting, a request was put forward that the Road Network Functional Plan be placed on a Committee of the Whole agenda and this would give Council an opportunity for full discussion about the Plan, and put forward recommendations. Councillor Watts noted that this is scheduled for the September 13, 2011 Committee of the Whole. Following this the report will go back to the September 23, 2011 meeting of the Transportation Standing Committee where a decision would be made and then forwarded to Regional Council for debate, probably in October.

Councillor Watts advised that in the interim there is time to review the reports and gain an understanding of the full impact of the widening.

Councillor Watts provided the following chronology of the issue of the Bayer’s Road widening:

- The idea of establishing road corridors and road widening started in 1994 with the Go Plan.
- 1997 a public consultation on the Go Plan had a number of individuals speak out in opposition to it.
- In 1999 the Interim Regional Transportation Strategy was developed; it was based on the Go Plan, and it was a Strategy confirming the idea of road corridors and the need for widening in certain places
- In 2005 a motion was put forward at Regional Council to reconsider widening Bayer’s Road to four lanes but this was defeated.

- In 2006 the Regional Plan contained within the Plan was the acceptance of the development of Bayer's Road as a planned project, specifically stating that widening to 5 or 6 lanes between the CN Rail overpass and Connaught Avenue, and to 4 lanes between Connaught Avenue and Windsor Street.
- In 2007 Regional Council agreed to carry out a study with the Province which looked at the implications of widening on Highway 102 and Bayer's Road; there was a public meeting in 2009; and the Consultant's (Stantec) Report is the result of the Study and it advises of a plan for the widening of Bayer's Road

Councillor Watts added that, in detailing the history of this matter, it's clear that staff have been working on this and that a lot of the development plan for Bedford West and Bedford South is predicated on the idea that people will be using the Bayer's Road as a corridor. Therefore, there is discussion in the Planning Department on the need to have the road widened or increase the road capacity in order to facilitate these planned developments.

Councillor Watts pointed out that in the Regional Plan, the Transportation Master Plan has been broken out into five functional plans, one of which is the Road Functional Plan. She noted that in the Road Functional Plan the Bayer's Road widening to five and six lanes (CN Overpass to Connaught Avenue) and four lanes between Connaught and Windsor Street is a 'planned project'. Councillor Watts stressed the point that once Council accepts the report, then it is accepting this as a planned project.

Councillor Watts encouraged everyone to review the Road Functional Plan and review the Bayer's Road Corridor Study. She noted that the Stantec Report emphasises that the focus of the widening not be in the section staff were recommending (i.e. CN overpass to Connaught and have a High Occupancy Lane) and were recommending between Connaught and Oxford, which is much more residential and will have a greater impact on people. Councillor Watts also noted that the report provides two options for pedestrians crossing the CN overpass and advised that people need to be aware of the impact these will have on the area. Councillor Watts noted the following pertinent points:

- 90 properties along Bayer's Road, and 42 properties along the Highway 102 corridor will be directly impacted by construction
- Overall total cost, excluding the purchase of properties is \$292 million (in 2009)

In closing her remarks, Councillor Watts advised that it seems that this issue is going down the path of a very expensive and negatively impacted neighbourhood development that will have a staggering cost, and that Province also has a role to play in this issue and they must be engaged in it.

Councillor Blumenthal noted that he has been fighting Bayer's Road widening for many years. He added that a question he has with regard to this issue is that there is no discussion of rail lines. Councillor Blumenthal explained that the discussion is around

widening a corridor for everyone to get on the Peninsula with no discussion of the environment or Active Transportation.

Councillor Sloane stepped down from the Chair so she could speak to this matter. Councillor Watts assumed the Chair.

Councillor Sloane expressed concern about the proposed widening of Bayer's Road and the impact it would have on the area. She pointed out that Active Transportation does not seem to garner the attention of Regional Council because most of the Councillors are from the suburbs and rural areas of the Municipality and their residents benefit from the parking availability around the city. Councillor Sloane advised that in her view, Bayer's Road was not the problem, but that it was time to think of other alternatives like rail and active transportation initiatives.

Councillor Sloane assumed the Chair.

The Chair then opened the meeting to members of the public to come forward and present their comments to Community Council.

Mr. Peter Rogers, Halifax, expressed concern about the Municipality's lack of attention to the idea of active transportation. He cited a recent personal example of this, explaining that he and his family wanted to bike along the Chain of Lakes Trail, however, the only way to get to the trail-head was either along Bayer's Road, or the Fairview Overpass, or through the round-a-bout. He advised that the safest route for them to travel was Bayer's Road but they had to ride on the sidewalk due to the speed of the vehicles. Mr. Rogers also advised that he attended the 2009 public consultation meeting and found that there was a complete lack of consideration of how pedestrians and cyclists would deal with the intersection of Bayer's Road and Romans Avenue. Mr. Rogers advised that Council needs to focus more attention and give a higher priority to active transportation.

Mr. Bernie Smith, Purcell's Cove, advised that the widening proposal is a concern for the business community in the North End, and that it would result in people using the North End as way to get to the downtown area more aggressively than before. He also noted that there is a concern that it would change the whole nature of the area and make it a less liveable place. Mr. Smith added that there needs to be more focus on transit.

Ms. Janet Stevenson, Halifax, advised that she attended the 2009 public meeting and it appears that the Consultant's study doesn't reflect what the public had to say, and she suggested that Regional Council should be made aware of this fact. She also advised that everyone should pass on the message that even if you don't live on Bayer's Road, this project will impact on the quality of life of those living in the area.

Ms. Jenna Dempsey advised that she owns a business on Agricola Street and lives on Oxford Street and that she was opposed to the widening. She noted that she has read

the Consultant's report and feels that it will simply move more traffic into the North End. She added that the real reason behind it is to facilitate growth in Bedford West and Bedford South.

Mr. Jim Guild spoke in opposition to the widening of Bayer's Road. He advised that it was unnecessary and that the Municipality should be striving to discourage motorists from bringing their vehicles into the city and encouraging more transit use instead.

Mr. David Cho advised that he has operated the Look Ho Ho restaurant on Bayer's Road for many years. He indicated he concurred with the previous speakers and does not feel it is necessary to widen Bayer's Road. Mr. Cho noted that in his view the traffic over the past few years is not as bad as it was previously, and that the rush hour traffic is acceptable when compared with other cities. He added that widening Bayer's Road will disrupt a community for the purpose of having rush hour traffic move a few minutes faster, and pointed out that after 6:00 p.m., the traffic is minimal.

Councillor Blumenthal indicated that he strongly supported the idea of 'high occupancy lanes' and feels that this is something that needs further exploration. He suggested that there would be no need to widen Bayer's Road if there was a high occupancy lane for buses. Councillor Blumenthal expressed his appreciation to everyone for coming out this evening and providing their comments.

Councillor Watts also expressed her appreciation to everyone for coming out this evening and she encouraged all to discuss this issue with their family and friends and encourage them to contact their councillors with their comments.

In closing, the Chair noted that petitions were a good way to present concerns to Council, and she thanked everyone for attending this evening.

The meeting adjourned at 8:19 p.m.

Sheilagh Edmonds
Legislative Assistant