

PENINSULA COMMUNITY COUNCIL
MINUTES

December 12, 2011

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

STAFF: Ms. Karen Brown, Senior Solicitor
Ms. Sheilagh Edmonds, Legislative Assistant

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1. CALL TO ORDER

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

2. APPROVAL OF MINUTES – November 14, 2011

MOVED by Councillor Uteck, seconded by Councillor Sloane that the minutes of November 14, 2011 be approved. MOTION PUT AND PASSED

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

Deletion:

8.2.3 Variance Appeal: #17331 – 5528 Merkel Place, Halifax

Mr. Sean Audas, Development Officer addressed Community Council and explained that, very recently, staff became aware the notification distributed on this variance application contained an incorrect number in regard to distance, and this is why staff were asking that the appeal be postponed. Mr. Audas provided apologies to Community Council, the residents, and the applicant and advised that staff are required to re-circulate amended notices, therefore, were requesting that the Variance Appeal be deleted from tonight's agenda and placed on the January 9, 2012 agenda..

Councillor Blumenthal advised that he wanted to add an item to the January 9, 2012 agenda regarding the Muecke and Harrison Study on the Bloomfield Report. He also requested that staff be present to speak to the matter.

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

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Business Arising: None

4.2 Status Sheet: No Updates

5. MOTIONS OF RECONSIDERATION – NONE

6. MOTIONS OF RESCISSION – NONE

7. CONSIDERATION OF DEFERRED BUSINESS – None

8. HEARINGS

8.1 Public Hearings

8.1.1 Case 17156: Amendments to the Land Use By-law for Halifax Peninsula to rezone 4 properties on the corner of South Street and LeMarchant Street from U-1 to U-2, to amend the Height Precincts Map and to amend the U-2 Zone.

First Reading of this matter was given at Peninsula Community Council's meeting of November 14, 2011.

A staff report dated November 9, 2011 was before Community Council for consideration.

Correspondence was submitted from:

Beverly Miller
Brad McRae
Catherine Stevens Doane

The Chair reviewed the procedures for public hearing.

Ms. Jillian MacLellan, Planner, provided the staff presentation on the application by Dalhousie University to have four parcels of land at the corner of South Street and LeMarchant Street rezoned from U-1 (Low-Density University) to U-2 (High-Density University) to allow the development of a seven storey building to provide student residence and student services. She also noted that the application includes housekeeping amendments to the ZM-17 Height Precincts Map and the U-2 Zone, of the Halifax Peninsula Land Use Bylaw.

Ms. MacLellan responded to questions from Community Council.

Councillor Uteck indicated that there was some confusion in the community because the Municipal advertisement of this Hearing was different from what Dalhousie has on a billboard on their property, and she asked the Municipal Solicitor to clarify.

Ms. Karen Brown, Senior Solicitor advised that the matter under consideration this evening is a rezoning which is different from an application for a Development Agreement. She added that if it were a development agreement, the proposed development would be set out in wording in the ad but this is a rezoning and the applicant can do anything that is permitted in that zone. It is not approval of a specific proposed project.

Mr. Jeff Lamb, Assistant Vice President of Facilities Management for Dalhousie University addressed Community Council and advised that he did not have a specific proposal to present, as their application was a rezoning request. He noted that their intended use of the property could be done under the U1 zoning but it will be a much different shape and would be located closer to the street and would not fit with the use

of the other piece of property they are considering developing. Mr. Lamb explained that the U-2 zoning would enable them to construct a building which makes better use of the land, and that is set further back from the street. He added that they are looking to have the rezoning in a timely fashion because the number of students from within Nova Scotia attending the university is declining and they have to attract students from out of the Province. Their campus Master Plan identified the need for 700 new beds on campus over the next few years, and presently they require 300 new beds to meet current needs. He noted that they are targeting 2013 and feel it is important for the University and community as more students will be able to live on campus instead of out in the community.

Mr. Alan Hayman, Halifax, addressed Community Council and made reference to a letter he sent to the Councillors requesting postponement of this hearing until Dalhousie provides more information to the neighbourhood. He advised that Dalhousie should provide the neighbours information on: drawings showing all entrances, ventilation systems, air conditioning systems, exhaust system, vehicular parking, windows, landscaping, and exterior colour scheme. Mr. Hayman pointed out that the neighbours were told the building would be attached to the Dalhousie rink, but now there are plans to demolish the rink in 2012. He added that Dalhousie may put a portion of the building on the former rink site. Mr. Hayman also noted that Dal has said the siting of the new rink will be on the south side of South Street but in the 1980's the University made a commitment that no further structures would be built south of South Street other than for the Dalplex. Mr. Hayman advised that these are major developments that will have a long term lasting effect on Dalhousie's neighbourhood. In conclusion, Mr. Hayman asked Community Council to postpone the hearing until January or February and require the University to adequately address its neighbour's concerns.

Mr. Aidan Evans, Halifax, advised that he was opposed to the building in question, citing concerns about the construction, parking, and increase in traffic and noise, and he asked Community Council to use its influence to mitigate some of the adverse impacts of construction. Mr. Evans also advised that Dalhousie has only given out vague details on the proposal and he requested that Community Council defer the matter until Dalhousie provides further information.

Ms. Beverly Miller, Halifax addressed Community Council and advised that she lived across the street from the proposed site. Ms. Miller concurred with the previous speaker's comment that this matter should be deferred until more information is provided by Dalhousie and that the residents get assurance as to their plan. Ms. Miller suggested that, in addition to having the concerns of the residents addressed, a wind study should be carried out as this is a large pedestrian area. She also noted that she had concerns about the amount of increased traffic, whether a physical boundary will be constructed between the building and the neighbours, and that there may be another driveway created on South Street.

Mr. Brad McRae, Halifax, advised that he felt Dalhousie University was not being open and transparent on this matter, and that most of the residents feel they have no input or control over what Dalhousie is doing to their neighbourhood. Mr. McRae added that the neighbourhood has dealt with issues as a result of a high student population living in this area and this proposal will only further exacerbate the problems of disorderly students and noise. Mr. McRae asked that research and best practices be applied in regard to the harmful effects of excessive noise caused by the construction, and the number of students that will be living in a four and a half block area.

Mr. Lawrence MacEachern, Halifax, indicated that he worked on South Street and he spoke about the adverse affect that unacceptable noise levels have on a neighbourhood, and suggested ways in which Dalhousie and/or the Municipality could mitigate these affects. Mr. MacEachern suggested that a noise assessment should be done as a condition for approving the rezoning.

The Chair called three times for any further speakers; there being none, it was **MOVED by Councillor Blumenthal, seconded by Councillor Sloane that the public hearing close. MOTION PUT AND PASSED.**

The Chair advised that the proponent may take an opportunity to respond to any of the comments raised.

Mr. Lamb advised that the University is committed to doing a better job of communicating and noted that they have been carrying out consultation for two years on their Master Plan, which has been a public process. He also pointed out that they have an accessible website, and have had several public meetings and made commitments to involve neighbours. Mr. Lamb added that they do not have a detailed design yet and that unforeseen issues have arisen with arena, and they are committed to discussing this problem with HRM. With regard to concerns raised about traffic, Mr. Lamb advised that additional student accommodations will result in less traffic because those students will no longer have to drive to campus. With regard to noise, Mr. Lamb advised that part of their student orientation emphasizes that the students are living within a residential neighbourhood. As well, he noted that each residence floor has two 2 RA's and the design of the building will have the student lounges facing Wickwire Avenue and the main entrance will be at the north end of the University, along LeMarchant Street.

MOVED by Councillor Uteck, seconded by Councillor Sloane that decision on this matter be deferred until the January 9, 2012 Peninsula Community Council meeting.

Councillor Uteck noted that in addition to the people that have shown up this evening to speak on this matter, she has received numerous e-mails from individuals who were unable to be present at tonight's hearing. She explained that the community recognizes a student residence will be constructed on the site, however, she was moving a motion to defer decision in order that she and staff can work further with Dalhousie and the

residents so that the community can reach a comfort level with regard to several issues. She added that before making a decision, she needs assurance on issues such as the construction site and traffic during construction, the placement of loading/unloading bays, metro transit bus laybys, and landscaping. Councillor Uteck indicated that she would like to have time to carry out further consultation and then have staff prepare a supplementary report for the January 9 meeting, and Community Council will be in a better place to make a decision.

MOTION PUT AND PASSED.

8.2 Variance Appeal Hearings

8.2.1 Variance Appeal: #17243 – 6319 Cornwall Street, Halifax

The Chair reviewed the rules of procedure for variance appeals.

A staff report dated November 30, 2011 was submitted.

Ms. Connie Sexton, Development Technician, outlined the staff report with regard to an application for variance of the side yard setback requirements of the Land Use By-law for the location of a shed at 6319 Cornwall Street, Halifax. She noted that the minimum side yard requirement is six feet, and the shed was 10 inches from the side property line. In her presentation she advised that the Development Officer approved the variance, but it was appealed by the property owner of 6331 Cornwall Street. In reviewing the three criteria of the Land Use Bylaw requirements, by which the Development Officer bases his decision, Ms. Sexton advised that the Development Officer determined there was no violation of the intent of the land use bylaw; and that the difficulty experienced with this property is not general to the properties in the area. She also advised that there was no intentional disregard for the requirements of the Land Use Bylaw.

There were no questions of clarification.

The Chair opened the hearing and advised that the appellant may come forward at this time to speak. The Chair called three times for the appellant to come forward.

The Chair advised that if the owner of the property in question wished to speak, he could do so at this time.

Mr. Allan Offman, the property owner, addressed Community Council and indicated that he did not have a presentation to provide, noting that staff has provided a satisfactory presentation of his situation.

MOVED by Councillor Uteck, seconded by Councillor Sloane that the Variance Appeal hearing close. MOTION PUT AND PASSED.

MOVED by Councillor Uteck, seconded by Councillor Blumenthal that the decision of the Development Officer to approve the variance be upheld.

Councillor Uteck indicated she had no difficulty supporting this variance as the applicant has complied with everything staff requested of him.

MOTION PUT AND PASSED.

8.2.2 Variance Appeal: #17304 – 6475 London Street, Halifax

Councillor Watts left the Chair and Councillor Blumenthal assumed the Chair.

Councillor Uteck advised that she would remove herself from discussion/vote on this item due to a possible perceived conflict of interest.

A staff report dated December 5, 2011 was submitted.

Correspondence was submitted from Sandra Barss and Steve Martin

Mr. Trevor Creaser, Development Officer, provided a presentation outlining his reasons for refusing the variance from the lot frontage, lot area and gross floor area requirements of the Land Use Bylaw to replace a two-unit dwelling with a three-unit dwelling at 6475 London Street, Halifax. In his remarks he advised that the property currently has a two unit dwelling which is deficient under the current Land Use Bylaw requirements for the lot frontage and lot area, and that the application for variance was made for the construction of a three unit dwelling.

Mr. Creaser outlined the criteria under the Land Use Bylaw in which he reviewed the application and advised that it was refused because, to permit an increase to a three unit dwelling on a property that does not meet the requirements for lot size and area for a two unit dwelling violates the intent of the land use bylaw. He also advised that most of the properties within the notification area are of similar size or smaller and would experience the same difficulty, therefore, the difficulty experienced is general to the properties in the area.

In response to a question by Councillor Watts, Mr. Creaser confirmed that the current two unit dwelling on the property does not meet the setback requirements.

Mr. Geoff Keddy addressed Community Council and advised that he was the architect for the project. Mr. Keddy provided an architectural rendering of the project, and pointed out that it has been modified from the original drawings and the elevations are now different from what is in the staff report. He also noted that the three unit dwelling contains two three-bedroom units, and one two-bedroom unit. Mr. Keddy pointed out that the current building sits on the front property line and is only 2' 6" from the sideyard property line. He noted that it is old, run down, does not meet today's energy efficiency standards, and the owners and he feel that a new building would be an improvement to

the neighbourhood. Mr. Keddy indicated that the property owner is contemplating possibly making the units condominiums but has not yet made a decision in this regard. Mr. Keddy also noted that in order to make the project financially viable, three units are required.

Mr. Blair Landry, a resident within the notification area advised that he was opposed to the variance. He added that he appreciates the financial considerations and that the residents on the street would like to see the property improved, however, when he moved to the neighbourhood 17 years ago the house was a single-family dwelling at that time. Subsequently, it was sold several times and became a multi-unit building. Mr. Landry noted that the property is currently up for sale and suggested that if it does not make financial sense today, then it is a problem of someone paying more for it than what it is worth. He pointed out that it should not be the city's or the residents responsibility to fix this mistake. Mr. Landry added that the character of his street is changing with the multi-units that are being constructed and he was concerned this evening when he heard that there was now another new set of drawings in regard to the building. In closing, Mr. Landry advised that in the past there have been others on the street who have applied to turn their two unit properties into a three unit dwelling and those were denied. He asked Community Council to refuse the variance.

Mr. Paul Rowe, a resident within the notification area spoke in opposition to the variance request. Mr. Rowe read and submitted his remarks. He advised that the property is an eyesore, and that the rendering presented by the architect this evening looked great but that he would prefer if it were only two-units. Mr. Rowe referred to the applicant's reasoning of why he felt the variance should be granted and pointed out that financial viability is not a criteria for determining whether to grant a variance, and that to suggest it supports the HRM by Design principle of increased density is not sound because if it is an appropriate reason, then the laws should be changed.

The Chair called three times for anyone else wishing to speak; there being none, it was MOVED by Councillor Sloane, seconded by Councillor Watts that the variance appeal hearing close. MOTION PUT AND PASSED.

Councillor Watts advised that in addition to the comments provided by the speakers, she has received letters from four other residents in the neighbourhood who have raised concerns, particularly about an increase in the density. She added that everyone is in agreement that the house in question requires improvement, and that the proposal by the architect in regard situating it on the lot and setback from the property line are appreciated. Councillor Watts indicated, however, that concerns raised of the impact in increased density and the past history of the property regarding issues of noise and parking, she could not support overturning the Development Officer's decision.

MOVED by Councillor Watts, seconded by Councillor Sloane that Peninsula Community Council uphold the decision of the Development Officer to refuse the request for variance.

Councillor Sloane noted that similar requests have been made in the past and they have been struck down; and therefore to overturn the decision of the Development Officer on this matter would set a precedent.

MOTION PUT AND PASSED.

Councillor Watts assumed the Chair

8.2.3 Variance Appeal: #17331 – 5528 Merkel Place, Halifax

This item was deleted during the Approval of the Order of Business, and will be placed on the agenda for the January 9, 2012 agenda.

Peninsula Community Council recessed at 8:29 p.m.

Peninsula Community Council reconvened at 8:34 p.m.

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence: None

9.2 Petitions

9.3 Presentation

9.3.1 Street Sweeping Program – Staff Presentation

An Information Report dated October 24, 2011, regarding this matter had been submitted at Peninsula Community Council's meeting of November 14, 2011.

Mr. Don Pellerine, Superintendent of Streets, provided a presentation on the 2011 Street Sweeping Program.

The Chair advised that the presentation would be uploaded to Community Council's agenda webpage.

Mr. Pellerine responded to questions.

10. REPORTS

10.1 Staff

10.1.1 Meeting Schedule for 2012

A report dated December 5, 2011 was submitted from the Legislative Assistant

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

1. Approve the following regular meeting dates for 2012:

**January 9
February 13
March 12
May 14
June 11
September 10
November 12
December 10**

2. Approve a rescheduled April meeting date for April 16, in lieu of the Easter Monday holiday.

3. Approve a rescheduled October meeting date for October 15, in lieu of the Thanksgiving holiday.

MOTION PUT AND PASSED

10.2 Committee Reports: None

10.3 Members of Peninsula Community Council: None

Councillor Watts left the Chair and Councillor Blumenthal assumed the Chair.

11. MOTIONS

11.1 Councillor Watts

MOVED by Councillor Watts, seconded by Councillor Sloane that staff provide a report on the feasibility of having a system used by Bylaw Services that would enable staff to report infractions of bylaws (garbage, snow clearance, etc.) in an immediate and direct way to property owners as opposed to delivering notices of infractions on door handles of rental properties or in tenant mailboxes.

Councillor Watts advised that she has had discussion with bylaw services staff and was informed that there are some possible avenues that can be explored such as easy access to technology. She added that she was interested in bringing this matter forward because of the direct impact to the neighbours who have to deal with garbage left out for days on end or lack of snow clearance. Councillor Watts pointed out that there are landlords who are concerned about their properties and it would be beneficial to them and the neighbourhood as a whole, if the landlord could receive immediate

notification rather than waiting for their tenants to inform them which may or may not happen.

Councillor Uteck noted that several years ago she requested a similar report and one of the problems encountered was that notification was often lost when the properties changed owners.

MOTION PUT AND PASSED.

Councillor Watts assumed the Chair.

12. ADDED ITEMS: None

13. NOTICES OF MOTION - None

14. PUBLIC PARTICIPATION

The Chair reviewed the Rules of Procedure for public participation.

The Chair advised that it has come to her attention there maybe people in attendance who want to speak about Case 01325 (former St. Joseph's Church site). She explained that a joint public hearing between Regional Council and Peninsula Community Council was held on September 27, 2011, therefore any comments made at this time on this matter would not become part of the public record concerning this case, and would not be recorded in the minutes this evening.

The following individuals came forward to address Community Council:

Peter Green, a resident of the North End, addressed Community Council to speak about an agenda item on the December 13, 2011 Regional Council agenda concerning the former Saint Patrick's Alexandra School and a development proposal. Mr. Green advised that the Community has not had sufficient time to come together to develop a plan for a community resource centre. He indicated that the community needs the school for a resource centre and he urged Community Council members to defer the matter.

Lynn Jones, Halifax, spoke in regard to the former Saint Patrick's Alexandra School advising that the Community has a vision for the school and the City should give it the opportunity carry out its vision.

Kristie Money, Halifax addressed Community Council in regard to Case 01325 the former St. Joseph's Church site.

Jessie Blackwood, Halifax, addressed Community Council and advised that he was the Director of St. George's Youth Net, which offers after school programming for the youth of the neighbourhood and it also offers a lunch program at Joseph Howe. Mr.

Blackwood spoke in support of having Saint Patrick's Alexandra School remain as a community facility, and noted that a number of community groups have put forward proposals for the site.

Ethan Neval, Halifax, addressed Community Council in regard to Case 01325, the former St. Joseph's Church site.

Bernard Smith addressed Community Council, advising that he works in the North End. Mr. Smith addressed the report on the agenda of Regional Council concerning the Saint Patrick's Alexandra site and encouraged the Councillors to strongly consider providing a community component to this proposal. He pointed out that three community groups have expressed an interest in using the school and suggested that they would not need the entire site. He added that part of the site could be sold and another part could be used for community programming and services and operated by the community groups.

Robin Trail, Director of Shambala School addressed Community Council and advised that he was representing 110 families. Mr. Trail spoke of the desperate need for a sustainable development plan for the city and requested that Council put forward motions on sustainability that match the dialogue from the Province.

John Murphy, Halifax, addressed Community Council in regard to Case 01325, the former St. Joseph's Church site.

Mr. Murphy also spoke in support of maintaining the Saint Patrick's Alexandra School site as a community facility and indicated that it should be considered for use of the youth of the area.

Lana MacLean addressed Community Council in regard to the former Saint Patrick's Alexandra School site, speaking in support of maintaining it for community use. She advised that as a social worker she was aware of the needs of the children of the area, and in her view if the proposed development proceeds it would engender another traumatic event in the lives of children who have already been disadvantaged.

Burnley Rocky Jones, Halifax, spoke in regard to the former Saint Patrick's Alexandra School site and indicated that he felt that in the evaluation of the proposals the non-profit groups were not measured on what they could bring to the table. Mr. Jones advised that the community has a shortage of services and that this is an opportunity for the community to run its own services and operate at a profit. He suggested that this issue should be put on the back burner to allow the community to plan, which it has not had an opportunity to do.

Pam Cooley, Halifax, addressed Community Council and advised that she was currently the owner of CarShare Halifax but prior to this she had a 30 year career in community engagement. Ms. Cooley noted that HRM was carrying out a review of regional planning and that a community planning process in the North End is required

and she questioned why it was not being done. She suggested that with the recent awarding of the shipbuilding contract to Irving Shipyards, and the current development going on in the North End, the community needs to come together and get creative. She referred to the Woodward's Building Case in Vancouver, and encouraged everyone to review it and use it as a process to follow for development in the North End.

Robert Mackillop, Halifax, addressed Community Council in regard to Case 01325, the former St. Joseph's Church site.

Susan Corning, Halifax, addressed Community Council in regard to Case 01325, the former St. Joseph's Church site.

Rob Randall, Halifax, addressed Community Council in regard to Case 01325, the former St. Joseph's Church site.

Scott Barbar addressed Community Council and advised that he was past resident of the North End. He spoke in support of having community groups operating within the former Saint Patrick's Alexandra School.

15. NEXT MEETING DATE - January 9, 2012

16. ADJOURNMENT

The meeting adjourned at 9:58 p.m.

Sheilagh Edmonds
Legislative Assistant

INFORMATION ITEMS

An Information Report dated November 14, 2011 regarding Westmount Subdivision Area and Rezoning Policies was submitted.