



**HARBOUR EAST-MARINE DRIVE COMMUNITY COUNCIL
MINUTES
December 7, 2017**

PRESENT: Councillor Bill Karsten, Chair
 Councillor Tony Mancini, Vice Chair
 Councillor David Hendsbee
 Councillor Lorelei Nicoll
 Councillor Sam Austin

STAFF: Joshua Judah, Senior Solicitor
 Krista Vining, Legislative Assistant

The following does not represent a verbatim record of the proceedings of this meeting.

The agenda, reports, supporting documents, and information items circulated are online at halifax.ca.

*The meeting was called to order at 6:04 p.m. Community Council recessed at 9:20 p.m. and reconvened at 9:30 p.m. They recessed again at 9:35 p.m. and reconvened at 9:37 p.m. Community Council moved into In Camera (In Private) at 9:42 p.m. and reconvened in public at 9:52 p.m.
The meeting adjourned at 9:53 p.m.*

1. CALL TO ORDER

The Chair called the meeting to order at 6:04 p.m.

TABLING OF 2017 ANNUAL REPORT

The following was before the Community Council:

- Staff recommendation report dated November 3, 2017

MOVED by Councillor Austin, seconded by Councillor Nicoll

THAT Harbour East-Marine Drive Community Council accept and table the 2017 Annual Report as presented.

MOTION PUT AND PASSED.

- **Public Participation of Annual Report**

Councillor Karsten called three times for members of the public to come forward and speak to the annual report. There were no speakers.

2. APPROVAL OF MINUTES – November 2, 2017

MOVED by Councillor Nicoll, seconded by Councillor Mancini

THAT the minutes of November 2, 2017 be approved as circulated.

MOTION PUT AND PASSED.

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

Community Council agreed to address Item 11.1 Correspondence and Item 11.2 Petitions prior to Item 10.1.1 Public Hearing for Case 20269.

MOVED by Councillor Nicoll, seconded by Councillor Austin

THAT the order of business be approved as amended.

Two-third majority vote required.

MOTION PUT AND PASSED.

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

The Legislative Assistant noted that correspondence was received for item 10.1.1. This correspondence was circulated to the Community Council.

For a detailed list of correspondence received refer to the specific agenda item.

11.2 Petitions

11.2.1 Councillor Austin

Councillor Austin submitted a petition on behalf of the Banook Area Residents Association containing 428 signatures from residents opposed to the rezoning and development proposal for a 9 storey, 90 unit high rise residential building at 307 Prince Albert Road and 5 Glenwood Avenue, Dartmouth (Case 20269).

4. BUSINESS ARISING OUT OF THE MINUTES – NONE

5. CALL FOR DECLARATION OF CONFLICT OF INTERESTS – NONE

6. MOTIONS OF RECONSIDERATION – NONE

7. MOTIONS OF RESCISSION – NONE

8. CONSIDERATION OF DEFERRED BUSINESS – NONE

9. NOTICES OF TABLED MATTERS – NONE

10. HEARINGS

10.1 PUBLIC HEARING

10.1.1 Case 20269: Rezoning and Development Agreement – 307 Prince Albert Road and 5 Glenwood Avenue, Dartmouth

The following was before the Community Council:

- A staff recommendation report dated September 29, 2017
- Correspondence from Hon Timothy Olive, Mike Murphy, Patty Snow, Gary Vermeir, Marlene Corey, Carl Helmick, Vivien Blamire, William and Mary McKenna, Carl Huntington, Michael Carven, Stephane Kirchhoff, Bruce Nunn, Catherine Carven, Sheilia Sperry, Monique and Laurence Wilkinson, Anne Timmins, Elaine Keene, Tracy Taylor, Derek, Lesley and Lauren Latham, Andrea D’Sylva, Olivia Smith, Cecilia Smith, Erik Gyurcsanyi, Carl Huntington and Kim Morrison, Linda Fairn, Charlie Burnet, Wendy Lill, John Dalziel, Karen F. Beazley, Kim MacIntyre, Virginia Schonhoffer, Andrea McQuillin, Derek, Lesley and Lauren Latham, Andrea D’Sylva, Cecilia Smith, Jeff Weatherhead, Steven Courchene, Tryna Booth, Christel and Edward Ramsay, Barry J. Cameron, John and Judy Dudar, M. D. Duncan, Diane and Ron Noseworthy, Tasha Armenta, Ryan Keddy, Pam Rubin, Roberto Armenta, Louise Mussett, Maurice E. Lloyd, Marina and Jim Lothian, Helen Jones, Lorena MacDonald, Dale Hudson, Sean Wilson, Nancy Bowes, Arlene Diepenbrock, Janice Foote, Larry Clark, Shelagh Skerry, Peter Stephenson, Rosie Porter, Judi Conlon, Janet M. Stevenson, Susan Gannett, Eileen Bowness, Susan Hare-LeBlanc, Geri Kaiser

Luc Ouellet, Planner III presented the application of Monaco Investments Partnership to enable the development of a nine storey multi-unit residential building with ground floor commercial uses at 307 Prince Albert Road and 5 Glenwood Avenue, Dartmouth. It was noted that as the proposal cannot be enabled through the existing zoning applied to the lands, the applicant has requested the following:

1. a rezoning of 307 Prince Albert Road from C-2 (General Business) to GC (General Commercial);
2. a rezoning of 5 Glenwood Avenue from R-2 (Two Family Residential) to R-4 (Multiple Family Residential – High Density); and
3. entering into a development agreement with the Municipality to allow the proposed building.

A copy of the staff presentation is on file.

Staff responded to questions of clarification. In response to a question on the status of the Centre Plan, the Solicitor advised that Community Council can only consider current policies and legislation currently enacted and can not anticipate what might be in the future.

The Chair opened the public hearing and invited the applicant to come forward to address the Community Council.

Kevin Riles, President and CEO of KWR Approvals Inc., representing the applicant, reviewed the proposal, showing the design changes to reduce the height from 15 storeys to nine storeys (eight storeys plus penthouse). The redesign also includes:

- the elimination of the Prince Albert Road driveway; relocating the building's driveway further from the Prince Albert Road intersection
- indoor parking with 106 stalls
- a minimum of 33% of the 90 condominium dwelling units will be two bedrooms or more

A copy of the presentation is on file.

Riles responded to questions of clarification on the design changes from the original proposal made in 2010 for 15 storeys, 95 units with no commercial.

The Chair reviewed the rules of procedure and called for members of the public to come forward and speak for or against the matter.

Maurice Lloyd, Dartmouth stated that the community wants development at the proposed site. They noted that the previous proposal for 15 storeys and 95 units was completely out of scale and in 2011, the Nova Scotia Utility and Review Board (UARB) upheld the decision of the Harbour East-Marine Drive Community Council to reject the proposal. Lloyd indicated that there was nothing to suggest that the current proposal for nine storeys and 90 units would be supported by the community. They further spoke to the infrastructure surrounding the area and asked members to reject the proposal and only consider and approve developments that support the objectives of the community (e.g. six storeys or less).

Heather Murray, Dartmouth commented on developments being built further away from the city core. Murray pointed out that on average a signal family home outside the downtown core has two to three vehicles, and drive wherever they need to go, causing large amounts of traffic. They proposed walkable communities as a solution to reduce the number of vehicles on the roads.

Gloria McCluskey, Dartmouth expressed support for the concerned residents. McCluskey commented on the previous proposal. They were concerned with the impact the development would have on Lake Banook's world class paddling course. McCluskey pointed out that there is a 35-foot height restriction around the lake in order to protect it but that the development was outside of this restricted area. They provided examples where other cities and countries do not permit or have high buildings around the lakes with paddling courses. It was suggested that when developers are purchasing the land, they should do so based on what legally can be built there. McCluskey asked the members to defeat the proposal.

Lorena MacDonald, Dartmouth compared the proposal to the Banook Shores condominium, which is the closest high density building in the area at four storeys, plus penthouse and 62 units. MacDonald spoke to traffic issues at the intersection of Glenwood Drive and Prince Albert Road. They noted that parking is permitted on both sides of Glenwood Drive and there are no sidewalks. There have been many accidents from motorists trying to turn onto Prince Albert Road. MacDonald explained that the addition of 90 units would increase the traffic. The speaker was concerned that the developer could choose to change the building from a condominium to an apartment building with smaller units. They explained that in 2011 the UARB asked the community to work with the municipality and the developer on a vision for this site, which they see as being no more than six storeys. MacDonald also commented on the development having full lot coverage under the rezoning which is unreasonable for the neighbourhood.

Liz Campbell, District 6 stated that any development on or near a lake or watershed in the Municipality needs to be sympathetic to its surrounding and community spaces. It would be ideal if developers worked in concert with the local community, people directly affected, to create a vision. The speaker supported the community engagement and work undertaken to date on the centre plan initiative and asked members to reconsider taking this into account when making their decision. Campbell commented on the impact to Lake Banook and the risk to the world class paddling course if the development is approved. They suggested it would also set a precedent for future development in this area, highlighting other impacts to the lake from other developments. Campbell suggested that the proposal was reliant on

outdated data (e.g. traffic and wind studies) and the instruments used for the wind study was not certified or credited for calibration. They further spoke to the impact on Dartmouth's identity and wanted the developer to withdraw their application and work with the community to develop the site that would enhance the community.

Carl Huntington, Glenwood Avenue opposed the development as it does not meet the requirements of the Dartmouth Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for scale, massing, height and density. The speaker echoed comments made about the UARB decision in 2011 and community consultation held for RP+5 and the centre plan initiative. Huntington commented on the impact the proposal would have on the look and feel of Lake Banook and for those who use it. The speaker sought compatibility for the neighbourhood and asked the members to reject the proposal.

Kim Morrison, Glenwood Avenue expressed similar points regarding the development not meeting the requirements of the MPS and LUB. They suggested that commercial development should not be permitted in a residential zone and were concerned for children's safety walking to school. Morrison commented on how the development would increase commercial traffic, tenants and visitors would park on the street, and it would also negatively impact the enjoyment of their property, backyard privacy and property value for years. Morrison asked the members to vote against the proposal.

Rhonda Roche, Dartmouth spoke to the community's vested interest in the centre plan initiative. They questioned why the development was before Community Council, and suggested that the developer could make minor changes to the building's façade after construction had started.

Jeff Weatherhead, Ashton Lane compared the development's density rates to other condos and apartments in the area. Weatherhead was concerned with the rate of growth and density the development would bring to the area, setting a precedent for future developments. They had confidence that the Community Council would determine what is fair and reasonable height for the site. Weatherhead supported as-of-right development for the site and commented on the UARB's 2011 decision, asking members to refuse the proposal.

Marion Eisner, Glenwood Avenue wanted the proposal to be denied.

Archie Munroe, Ashton Lane echoed points made on the UARB's 2011 decision and concerns around density rates and traffic issues. Munroe wanted the proposal to be denied.

Paul Mombourquette, Glenwood Avenue spoke about the impact on neighbouring properties, density rates, the paddling course and traffic. Similarly, Mombourquette commented on the UARB's 2011 decision, the development's lack of compatibility with the neighbourhood, and how it was not in keeping with the Dartmouth MPS and LUB. They did not want the proposal to be approved.

Adam Conter, Halifax supported the proposal, providing examples of areas in Dartmouth where redevelopment has benefited the community (e.g. 66 Ochterloney Street). They welcomed new opportunities to the area that would add viability. Conter suggested that traffic issues could be addressed by adding traffic lights at Glenwood Avenue.

Irene Schofield, Dartmouth spoke in opposition to the proposal, explaining that they would support a four to six storey building for that site. They noted that the community has tried to get traffic lights to no avail, highlighting the many motor vehicle accidents. In addition to traffic and parking issues on Prince Albert Road, Schofield provided the example of the challenges for commercial trucks trying to make deliveries.

Nancy McInnis Leek, Glenwood Avenue echoed points made around density concerns and having a friendly safe community.

Charlie Burnet, Dartmouth urged the members to reject the proposal as it does not fit with the proposed Centre Plan and nature of the area.

Cheryl Crocker, Celtic Drive asked that the proposal be rejected. They spoke to the challenges and dangers of trying to cross Prince Albert Road with their children, and having to stop because it was unsafe. They thought the addition of ninety units would only make crossing the street harder. Crocker supported having a family oriented community and developing density where people can walk safely.

Mike Murphy, Dartmouth referenced the petition submitted by the Banook Area Residents Association earlier in the meeting. They were not opposed to development on this site but wanted development that was reasonable and in keeping with the area. Murphy also pointed out a potential hazard of sunlight reflecting off the building's glass windows making it difficult for drivers to see.

John Dalziel, Dartmouth did not support the development.

Sandra Inglis, Dartmouth spoke to the impact to Lane Banook and the potential loss in revenue for the Banook Canoe Club. They spoke about protecting the lake, reiterating points made about traffic and parking issues.

Alison Crowe, Glenwood Avenue did not support the proposal. They commented on how the developer had purchased the properties at 5 and 9 Glenwood Avenue and then selling 9 Glenwood Avenue. Crowe explained that the developer did not disclose their plan for 5 Glenwood Avenue at the time of the sale.

Margaret Cassidy, Dartmouth spoke to traffic hazards and density rates. They commented on the windfall from the development and the impact it would have on the neighbourhood, particularly to adjacent homes. Cassidy commented that good development design should include choices, and asked that the proposal be denied as it is not compatible with the neighbourhood.

Agnes Gyurcsanyi, Dartmouth did not support the proposal's extreme height and density, which would increase traffic in the area.

Peter Neville, Colburn Walk echoed points made on high winds, increased traffic, the impact on Lake Banook and the Banook Canoe Club. They too saw a vision of a family friendly neighbourhood that is safe for children and people to walk.

Heather Clark, Dartmouth supported comments made opposing the proposal and the 2011 decision by the UARB. Clark asked that the proposal be denied.

Alan Parslow, Dartmouth reaffirmed points made about the impact on Lake Banook's paddling course. They were concerned that only a simulation wind test was conducted, suggesting that the developer pay for an expert to complete a wind tunnel test before moving forward. They asked Community Council to turn down the proposal.

Liz Cummings, Dartmouth did not support the proposed development. They commented on the neighbourhood needing infrastructure upgrades from Nova Scotia Power in order to accommodate the development. Cummings also spoke to the impact the development would have on traffic.

Jan McCarthy, Dartmouth questioned whether there was a need for more development in this area. They provided examples of numerous vacancies in both apartments and condos in the area, along with other high rise proposals and developments happening in the community.

Bill Rothwell, Glenwood Avenue saw similarities between this proposal, at 90 units with commercial space, and the developer's previous proposal for 95 units with no commercial. Rothwell commented on traffic and parking issues and asked members to vote against the proposal.

Heather Jodrey, Dartmouth spoke respecting the impact on property values, vacancy rates, and the lack of cohesiveness. Jodrey supported a five to six storey development and agreed that the developer should pay for studies needed.

Michael Creighton, Dartmouth supported the development and asked members to support the proposal.

Tash Armention, Creighton Street supported high density in cities, but that it needs to be done in a smart way. They explained that the proposal needs to be scaled down in order for it to add to a liveable neighbourhood and urged members to vote against the development.

David Jones, Dartmouth reaffirmed how the development does not fit with the resident`s vision for the community.

Karen Pom, Dartmouth commented on Lake Banook`s beauty and the need to protect it.

Shelly Hills, Dartmouth spoke to the digression and erosion around Lake Banook over the years because of numerous developments around the lake. They encouraged the developer and future developers to put a percentage of their funds into protecting the lake. Hills noted that Lake Banook is one of the cleanest lakes for paddling and swimming.

Walter Forwarder, Dartmouth pointed out that on their way to the hearing they had a near miss at Prince Albert Road intersection. Forwarder supported development but could not support nine-storeys on this site. They suggested that adding traffic lights would only create congestion during rush hour. They urged members to turn down the proposal.

John Ross, Lakeview Point Road echoed concerns regarding density and height and the development not fitting in with the surrounding neighbourhood. Ross reaffirmed that residents are not opposed to development if it is the right size for the area, suggesting six storeys could work economically for the developer.

Warren Wesson, King Street commented on how important Lake Banook is to the community. Wesson suggested that Dartmouth cannot develop using the same plan as Halifax because of the number of lakes the community has.

Donna Christensen, Dartmouth recognized the proposal`s beautiful design, but could not support the height and width, and the impact it would have on the neighbourhood. They asked Community Council to protect the lake and residential neighbourhood.

Kevin Riles was invited to come forward and responded to points and questions raised by the speakers. Riles appreciated the concerns around traffic, explaining that they followed due process and had done three traffic studies, including a collision study through HRM Transportation and Public Works. Rowan Williams Davies & Irwin Inc. (RWDI), who completed the wind study, have expert knowledge of wind around paddling courses and lakes. RWDI`s advice was that the development would not have an affect on the Lake Banook. Riles provided assurance that the building`s design would be upheld through the development agreement process. They explained that if the development was done as-of-right, the site could have a hotel or major commercial development and in their view, would not be ideal for the community. They added that as-of-right development does not require a development agreement.

In response to points of clarification raised by the Community Council, the following was noted:

- The wind engineering study completed by RWDI looked at wind in relation to 15 storeys. The Dartmouth MPS does not require the developer to complete or provide a wind study. The applicant completed this as an extra exercise to demonstrate and alleviate concerns
- The application process for rezoning can be made at any time by a property owner or developer for Council consideration. There is no limit on the number of applications that can be submitted.
- A copy of RWDI`s wind engineering study conducted for 15 storeys was submitted to planning, but was not included in the September 29, 2017 staff report as it did not match the application for a nine-storey proposal. Planning supported the study as it concluded that the distance from the proposal to the closest shoreline of Lake Banook was too far to have any impact on the paddling/canoe course.

- The solicitor advised that there would be potential opportunity for both the applicant and community to appeal the decision of Case 20269 to the Nova Scotia Utility and Review Board.

In response to comments made by the public, and prior to the public hearing closing, the Applicant advised that they would be willing to redesign the building and remove one full floor; proposing seven storeys plus penthouse, reducing the number of units from 90 to 75.

The Chair called three times for any further speakers, there being none it was MOVED by Councillor Mancini, seconded by Councillor Nicoll

THAT the public hearing be closed.

MOTION PUT AND PASSED.

MOVED by Councillor Austin, seconded by Councillor Mancini

THAT Harbour East-Marine Drive Community Council adopt the amendment to Schedule A of the Dartmouth Land Use Bylaw, as set out in Attachment A of the staff report dated September 29, 2017.

Councillor Austin recognized traffic issues at Prince Albert Road, noting that a review was being done to look at the fundamental design of the road. They explained that the addition of 90 units would not cause increased traffic as traffic flow from those units would be staggered over a wide period of time. Councillor Austin recognized the lack of sidewalks on Glenwood Avenue and agreed that there would be more on-street parking from the development. The Councillor questioned why a detailed wind analysis was not done for the nine-storey proposal, based on how important the lake is to the community, but did not see a concern based on the distance between the two. Where Councillor Austin did see an issue, and agreed with residents, was on the compatibility component. Councillor Austin sought advice from the solicitor on deferring the matter for a supplementary staff report.

Community Council recessed at 9:20 p.m. and reconvened at 9:30 p.m.

MOVED by Councillor Austin, seconded by Councillor Nicoll

THAT Harbour East-Marine Drive Community Council defer consideration of this matter pending a supplementary staff report discussing a six (6) storey proposal with an appropriate transition to surrounding low-rise neighbourhood.

The solicitor explained that a new application made by the developer to reduce the proposal from eight storeys plus a pent house to six storeys with an option for a penthouse would be a substantive change and require new first reading and public hearing. If the developer chooses not to go with this approach, the Community Council would proceed with the current proposal and decide whether to adopt the amendments to the Dartmouth Land Use By-law before them.

Staff estimated that the supplementary report would be back to Community Council for their January, 2018 meeting.

MOTION TO DEFER PUT AND PASSED.

Community Council recessed at 9:35 p.m. and reconvened at 9:37 p.m.

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

This matter was addressed earlier in the meeting, see page 2.

11.2 Petitions

11.2.1 Councillor Austin

This matter was addressed earlier in the meeting, see page 2.

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS

13.1 STAFF

13.1.1 Proposed 2018 Meeting Schedule

The following was before the Community Council:

- A staff report dated November 16, 2017

MOVED by Councillor Mancini, seconded by Councillor Nicoll

THAT Harbour East-Marine Drive Community Council approve the proposed 2018 meeting schedule as outlined in Attachment 1 of the staff report dated November 16, 2017.

Upon review, members agreed to reschedule their December 6th meeting to December 13th, to avoid conflicts with events taking place on the anniversary of the Halifax Explosion.

MOTION AS AMENDED PUT AND PASSED.

14. MOTIONS – NONE

15. IN CAMERA (IN PRIVATE)

Council may rise and go into a private In Camera session, in accordance with Section 19 of the Halifax Regional Municipality Charter, for the purpose of dealing with the following:

15.1 Personnel Matter

Citizen and Councillor appointments to boards and committees in keeping with the Public Appointment Policy adopted by Regional Council in August 2011, to be found at <https://www.halifax.ca/city-hall/boards-committees-commissions/volunteer-boards-committees/public-appointment-policy>

15.1.1 Citizen Appointments to Shubencadie Canal Commission – *Private and Confidential Report*

This matter was dealt with later in the meeting, see page 11.

16. ADDED ITEMS – NONE

17. NOTICES OF MOTION – NONE

18. PUBLIC PARTICIPATION

A resident extended seasons greetings to Community Council members.

Councillor Karsten turned the meeting over the Legislative Assistant at this time.

19. ELECTION OF CHAIR AND VICE CHAIR

The Legislative Assistant called for nominations for the position of Chair of Harbour East-Marine Drive Community Council.

MOVED by Councillor Karsten, seconded by Councillor Nicoll

THAT Councillor Mancini be nominated as Chair of Harbour East-Marine Drive Community Council.

There being no further nominations, Councillor Mancini was declared Chair for 2018.

MOTION PUT AND PASSED.

The Legislative Assistant turned the meeting over to Councillor Mancini and took their seat.

Councillor Mancini called for nominations for the position of Vice Chair of Harbour East-Marine Drive Community Council.

MOVED by Councillor Nicoll, seconded by Councillor Karsten

THAT Councillor Austin be nominated as Vice Chair of Harbour East-Marine Drive Community Council.

There being no further nominations, Councillor Austin was declared Vice Chair for 2018.

MOTION PUT AND PASSED.

MOVED by Councillor Hendsbee, seconded by Councillor Nicoll

To convene into In Camera (In Private) to deal with Item 15.1.1.

MOTION PUT AND PASSED.

Community Council convened into In Camera (In Private) 9:42 p.m.
Community Council reconvened into public session at 9:52 p.m.

The In Camera (In Private) matter (Item 15.1.1) was ratified at this time.

15.1 Personnel Matter

Citizen and Councillor appointments to boards and committees in keeping with the Public Appointment Policy adopted by Regional Council in August 2011, to be found at <https://www.halifax.ca/city-hall/boards-committees-commissions/volunteer-boards-committees/public-appointment-policy>

15.1.1 Citizen Appointments to Shubenacadie Canal Commission – *Private and Confidential Report*

This matter was dealt with In Camera (In Private) and ratified as follows:

MOVED by Councillor Nicoll, seconded by Councillor Karsten

THAT Harbour East-Marine Drive Community Council:

- 1. Approved the citizen appointments to the Shubenacadie Canal Commission made during the In Camera (In Private) session;**
- 2. That the citizen appointments be released to the public following ratification and notification of the successful candidates; and**
- 3. That the private and confidential staff report dated November 23, 2017 not be released to the public.**

MOTION PUT AND PASSED.

**20. DATE OF NEXT MEETING – January 4, 2018, 6:00 p.m. HEMDCC Meeting Space Main Floor,
Alderney Gate 60 Alderney Drive, Dartmouth**

21. ADJOURNMENT

The meeting was adjourned at 9:53 p.m.

Krista Vining
Legislative Assistant