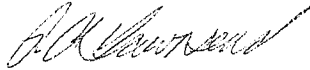


**Harbour East Community Council**  
**December 8, 2011**

**TO:** Chair and Members of Harbour East Community Council

**SUBMITTED BY:**



Phil Townsend, Director, Planning and Infrastructure

**DATE:** November 18, 2011

**SUBJECT:** **Case 16687: MPS/LUB Amendments and Development Agreement for  
Portland Street, Dartmouth**

---

**ORIGIN**

An application by Michael Napier Architects, for lands of Harbourvista Apartments Ltd., to amend the Downtown Dartmouth Municipal Planning Strategy and Land Use By-Law that recognizes existing zoning and to enter into a development agreement for a four storey, 69 unit apartment building that extends over 224, 226 and 228 Portland Street.

On October 4, 2011, Halifax Regional Council approved the amendments to the Downtown Dartmouth MPS and LUB. The amendments have now come into effect pursuant to the HRM Charter.

**RECOMMENDATION**

It is recommended that Harbour East Community Council:

1. Approve the proposed development agreement for Portland Street as set out in Attachment C of the June 22, 2011, staff report; and
2. Require the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

## **BACKGROUND/DISCUSSION**

On October 4, 2011, Halifax Regional Council and Harbour East Community Council (HECC) held a Joint Public Hearing to consider amendments to the Downtown Dartmouth MPS and LUB and a proposed development agreement for a four storey, 69 unit apartment building that extends over 224, 226 and 228 Portland Street.

Following the Joint Public hearing, Regional Council approved the following amendments to the Downtown Dartmouth MPS and LUB:

Redesignation of the following properties from Downtown Neighbourhood to Downtown Business District:

- 222 Portland Street;
- rear portion of 226 Portland Street; and
- rear portion of 228 Portland Street.

Rezoning of the following properties from Downtown Neighbourhood to Downtown Business District:

- rear portion of 226 Portland Street;
- rear portion of 228 Portland Street; and
- parcel contiguous to the rear of 226 and 228 Portland Street.

The MPS amendments were reviewed by Service Nova Scotia and Municipal Relations and notice of their adoption has been advertised pursuant with the requirements of the HRM Charter. HECC may now consider the development agreement which was discussed at the Joint Public hearing, but could not be decided upon until the MPS and LUB amendments came into effect. The proposed agreement allows for:

- 4 storey 69 unit apartment building;
- Second storey stepback, materials and architectural detailing to address compatibility;
- 142 dwelling units per acre density;
- Underground parking ratio of approximately 1:0.71; and
- Non-substantive amendments to allow changes in commencement and completion time, changes in the number of two bedroom units permitted and changes to the sheathing materials of the building.

## **Conclusion**

Staff is of the opinion that the proposed development agreement is consistent with the intent of the Downtown Dartmouth MPS, including the amendments adopted by Regional Council on October 4, 2011, and recommend that HECC approve the proposed development agreement set out in Attachment C of the June 22, 2011, staff report.

### **BUDGET IMPLICATIONS**

There are no budget implications. The Developer will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement. The administration of the Agreement can be carried out within the proposed 2011/12 budget with existing resources.

### **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

### **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was information sharing, achieved through the HRM Website, responses to inquiries, as well as an information/notification sheet that was sent to property owners in the general area of the site giving notice of the Public Information Meeting.

Should Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area (as shown on Map 2) will be notified.

The proposed development agreement will potentially impact local residents and property owners on Portland Street, Maitland Street and adjacent residential uses.

### **ALTERNATIVES**

1. Council may choose to approve the proposed development agreement. This is the recommendation of staff for reasons set out in this report.
2. Council may choose to approve the proposed development agreement subject to changes. This could result in a requirement for an additional Public Hearing.
3. Council may choose to refuse the proposed development agreement. A decision to refuse approval of a development agreement must be based on a conflict with MPS policies.

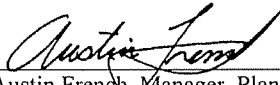
**ATTACHMENTS**

None

---

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Darrell Joudrey, Planner I, 490-4181

Report Approved by:   
Austin French, Manager, Planning Services, 490-6717

---