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**Item No. 8.1 (i)**  
**Harbour East – Marine Drive Community Council**  
**August 3, 2017**

**TO:** Chair and Members of the Harbour East – Marine Drive Community Council

ORIGINAL SIGNED

**SUBMITTED BY:**

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Bob Bjerke, Chief Planner and Director, Planning and Development

**DATE:** June 21, 2017

**SUBJECT:** **Case 19626: Development Agreement for Multiple Unit Residential Dwelling and Commercial Development at 836 and 842 Portland Street, Dartmouth**

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**SUPPLEMENTARY INFORMATION REPORT**

**ORIGIN**

- Application by W.M Fares Architects.
- December 6, 2016, joint public hearing of Regional Council and HEMDCC to consider amendments to the Dartmouth Municipal Planning Strategy and Dartmouth Land Use By-law and a development agreement to allow for consideration of mixed use development at 836 and 842 Portland Street, Dartmouth. Regional Council deferred decision on the MPS & LUB amendments pending a supplementary report to respond to questions of Council.
- March 21, 2017 Regional Council approval of the proposed amendments to the Dartmouth Municipal Planning Strategy and Land Use By-law, following the tabling of a supplementary staff report dated February 10, 2017.
- June 3, 2017 coming into effect date of MPS and LUB amendments.
- June 8, 2017 motion of Harbour East-Marine Drive Community Council for a supplementary staff report regarding the implications of removing the proposed right-in driveway access located along Portland Street.

**LEGISLATIVE AUTHORITY**

Refer to June 1, 2017 staff report.

## **BACKGROUND / DISCUSSION**

On June 8, 2017, Harbour East-Marine Drive Community Council (HEMDCC) tabled a supplementary staff report dated June 1, 2017. The report recommended that HEMDCC approve the development agreement associated with Case 19626, to permit two commercial buildings and a multiple unit residential dwelling at 836 and 842 Portland Street, Dartmouth. HEMDCC did not make a decision concerning the proposed development agreement but, instead, requested a supplementary report advising on the potential removal of the proposed driveway access fronting Portland Street. During their discussion on the matter, Council members expressed concern with the proposed driveway access related to safety and vehicular circulation.

Staff have reviewed the item and advise that the proposed development agreement, including the proposed right-in driveway access fronting Portland Street, is consistent with MPS policy. However, if Council were to decide that it is appropriate to remove this driveway access, with all other aspects of the proposed development to remain unchanged, then this would also be consistent with MPS policy and no additional public hearing is necessary. Staff's review of the matter confirmed that there is no technical reason whereby the driveway access must be retained to serve the proposed development. Staff have also discussed the possibility of the removal of the driveway with the applicant and advise that they are in agreement with such a change.

Should Community Council decide to approve the development agreement while requiring removal of the right-in driveway access from Portland Street, the following recommendation, instead of that provided in recommendation #1 of the June 1, 2017 staff report, would affect that change to the proposal:

*That Harbour East-Marine Drive Community Council approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A of this report, to permit two commercial buildings and a multiple unit residential dwelling at 836 and 842 Portland Street, Dartmouth, with the additional provision that vehicle access shall not be permitted along Portland Street.*

### **Discharge Agreement**

At the June 8, 2017 meeting, HEMDCC also tabled a staff memorandum which identified items for correction in the Recommendation section of the supplementary staff report dated June 1, 2017. As part of the earlier staff recommendation report concerning the MPS and LUB amendments, dated August 16, 2016, Council was presented with a recommendation and information pertaining to the discharge of an existing development agreement from the subject site. The June 1, 2017 staff report, however, did not carry forward the necessary recommendations to discharge the existing development agreement. Accordingly, those recommendations are included in this report as well as the proposed discharging agreement in Attachment B.

## **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, letters mailed to property owners within the notification area, a public information meeting held on June 23, 2015, and a public hearing held on December 6, 2016.

## **FINANCIAL IMPLICATIONS**

There are no financial implications. The applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this development agreement. The administration of the development agreement can be carried out within the approved 2017/2018 C310 Urban and Rural Planning Applications budget and with existing resources.

## **RISK CONSIDERATION**

There are no significant risks associated with this report. This application may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed development agreement are contained within the Discussion section of this report.

## **ENVIRONMENTAL IMPLICATIONS**

No additional concerns were identified beyond those raised in the staff report dated August 16, 2016.

## **ATTACHMENTS**

Other Staff Reports Available online:

Original Staff Report (August 16, 2016): <https://www.halifax.ca/sites/default/files/documents/city-hall/community-councils/160908hemdccitem13.1.3.pdf>

Supplementary Report (February 10, 2017): <http://legacycontent.halifax.ca/council/agendasc/documents/170321ca91.pdf>

Supplementary Report (June 1, 2017): <https://www.halifax.ca/sites/default/files/documents/city-hall/community-councils/170608hemdcc16.1rpt.pdf>

Staff Memorandum (June 6, 2017): <https://www.halifax.ca/sites/default/files/documents/city-hall/community-councils/170608hemdcc16.1memo.pdf>

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A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

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